

Two Lauderhill officers, city sued over rape allegation



Lauderhill police officers Franklin Hartley, left, and Thomas Merenda are on unpaid administrative leave. (BSO, Courtesy / June 26, 2014)

By **Tonya Alanez**, Sun Sentinel

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LAUDERHILL —

An alleged 4 a.m. rape at the hands of an on-duty **Lauderhill** police officer is the premise of a newly filed federal lawsuit that accuses his department of routinely failing to investigate misconduct or discipline rogue cops.

The officer, Franklin Hartley, 34, and an alleged accomplice, Officer Thomas Merenda, 36, already are facing criminal charges over the alleged May 2012 incident behind a closed tire shop.

Now, Hartley, Merenda and the city of Lauderhill are being sued in federal court in Fort Lauderdale.

The lawsuit, filed Wednesday on behalf of Jane Doe 1 and Jane Doe 2, seeks compensatory and punitive damages for assault and battery, sexual battery, false imprisonment, intentional infliction of emotional distress and negligence.

Greg Lauer and Brad Cohen, the lawyers representing the women, who were 29 and 31 at the time of the alleged assault, fear others also may have been victimized.

"I believe 100 percent this was not the first times these cops have done this," Lauer said. "There's no way this was just a one-time crime of opportunity."

Lauderhill Mayor Richard Kaplan declined to comment on specific accusations but said laying out a breadth of allegations is how you build a lawsuit.

"It doesn't mean any of it is true," Kaplan said. "The key point is you have to prove your case and that comes down the road, and we haven't even come close to that."

Lauderhill's city attorney declined to comment. He referred questions to a lawyer the city has hired to fight the suit. That lawyer declined to comment.

According to the lawsuit, the women had drinks at the Vegas Cabaret strip club on University Drive in Lauderhill and left when it closed at 4 a.m. Within minutes, Hartley pulled them over in a Taco Bell drive-through in Tamarac.

After taking the driver's vehicle registration and insurance documents, the lawsuit says Hartley ordered the women to follow him and led them to the back of a closed tire shop at 7300 West Commercial Blvd. Moments later, Merenda showed up in his patrol car.

Hartley took Jane Doe 1 to the front of his vehicle and under threat of arrest ordered her to perform oral sex and then raped her, the lawsuit says.

Merenda, according to the suit, remained with the driver at the rear of his vehicle and "engaged her in [bizarre] conversations about his family, wife and marital problems."

After the rape, the suit alleges that the officers swapped women and fondled their breasts and genitalia.

GPS data shows that both patrol cars remained at the location for more than 90 minutes, according to the suit.

The officers released the women at 6 a.m., returned to the police station and ended their shifts at 6:30 a.m.

The city in November settled another federal case involving Hartley and Merenda, who are on unpaid administrative leave.

In that case, a man claimed false arrest, threats of violence and being called anti-semitic slurs during a March 2012 encounter with Hartley and Merenda, the suit says.

The city negotiated a \$75,000 settlement and the officers were never disciplined, the lawsuit says.

The suit goes on to list four problematic officers, in addition to Hartley and Merenda, and the city's alleged tendency to downplay, excuse or justify misconduct.

The Lauderhill Police Department nurtures a culture of impunity by habitually turning a blind eye to allegations of misconduct and "hires violent and dangerous individuals as police officers," the lawsuit says.

"[The city] failed to institute a meaningful investigation/disciplinary system which held officers accountable for their misconduct," the lawsuit says. "Defendant Hartley knew that other officers within the defendant city had gotten away with preying on members of the opposite sex in the community he served and he knew there was no meaningful discipline for it."

Before the alleged rape incident, Hartley had served five years as a cop, and Merenda had served 11.

Criminal charges were filed in August 2013. Hartley and Merenda have pleaded not guilty to charges of unlawful compensation, a felony punishable by up to 15 years in prison and misdemeanor battery, which carries a maximum penalty of 60 days in jail.

The criminal case also accuses the officers of coercing Jane Doe 2 to punch Merenda in the genitals to satisfy his alleged fetish for pain.

"The entire case is plain nuts," Merenda's criminal defense attorney, Eric Schwartzreich, said. "My client is criminally charged with unlawful compensation, saying he received a benefit by being struck in the family jewels. That is not a real benefit or a legal benefit. I imagine it hurts."

Hartley's criminal defense attorney, David Sobel, declined to comment for this article.

Lauer said he chose not to include the testicle-punching allegation in the federal lawsuit, because it drew away from the seriousness of the rape and created fodder to make light of a "horrible, violent, disgusting crime."

A month after the rape, Jane Doe 1 discovered that she was pregnant, the federal suit says.

Fearing that the child was Hartley's, she terminated the pregnancy, suffered complications and had to undergo a second abortion, the lawsuit says.

Ultimately, DNA collected from the fetal remains did not match Hartley's, according to an exhibit filed with the lawsuit.

The ordeal caused the women to suffer "severe physical, mental and emotional injuries," the lawsuit says, including "great pain of mind and body, shock, emotional distress, physical manifestations or emotional distress, embarrassment, loss of self esteem, disgrace, humiliation, and loss of enjoyment of life."

GPS data, surveillance videos, recorded radio transmissions, cellphone records and text messages corroborate the allegations, the lawsuit says. GPS data also shows that both officers have spent extended periods of time at the tire shop location in the past, the lawsuit says.

A search warrant of the officers' patrol cars turned up more than 6 grams of marijuana in Hartley's vehicle and a box of condoms in Merenda's car, the suit says.

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