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Demoted EPA sergeant wins reinstatement

by Don Kazak

East Palo Alto Police Officer Tracey Frey won a court battle Tuesday to have the city reinstate him to his former rank of sergeant.

The city will have 60 days to appeal that decision if it chooses to.

Frey was demoted last year after two years of legal difficulties and hearings with the city. He was initially reprimanded in 2004 for allegations that he violated department procedures and lied during an internal affairs investigation. He was suspended for 40 hours by former Police Chief Wesley Bowling but could have been fired.

Interim Chief Steve Belcher added new allegations against Frey in 2004, leading to two years of arbitration which led to his demotion.

Frey then sued the city to win back his sergeant's position.

San Mateo County Superior Court Judge Craig Parsons ruled in Frey's favor on Tuesday, ordering the city to pay an estimated \$50,000 in legal fees to Frey and ordering the city to pay a \$25,000 penalty for retaliatory conduct, Frey's attorney Alison Berry Wilkinson said.

Frey has continued to work for the city as a police officer although he is currently on medical leave for work-related injuries, Wilkinson said.

The city will receive a report in a few days from an outside counsel who handled the litigation for the city, City Attorney Michael Lawson said, and then decide whether to appeal Tuesday's ruling.

"All we're really talking about is rank and any differential in back pay," Lawson said, since Frey is still a police officer working for the city.