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## **East Palo Alto police sergeant sues police department, city**

Sgt. Ronald Rhodes claims the city and police department violated a settlement agreement filed in 2013

by Elena Kadvany

An East Palo Alto police sergeant who reported another officer's March 2012 misconduct – a racial slur in reference to then-police chief Ronald Davis, posted on Facebook – is suing the police department and city for breaching a contract filed after the conflict.

Sgt. Ronald Rhodes, who has worked at the police department since 1985, filed the lawsuit in San Mateo County Superior Court on Feb. 24.

The March 2012 incident involved an unnamed officer who at the time was placed on administrative leave and eventually fired. The lawsuit alleges that after Rhodes made a copy of the Facebook post and gave it to his higher-ups, he "became the target of series of complaints by the friends and supporters of the individual that was terminated." The police department launched a series of internal investigations as a result.

At the conclusion of one of those investigations, in January 2013, Davis issued Rhodes a notice of intent to discipline, according to the lawsuit. At a pre-disciplinary conference held on April 2, Rhodes and the police department entered into a handwritten settlement agreement to essentially close the door on any future investigations or allegations by both parties.

Over the coming months, the settlement was negotiated, revised and eventually finalized, with Davis signing it in July and Rhodes in November.

In August, an internal investigator hired by the city and police department contacted Rhodes and requested that he participate in an internal investigation relating to unspecified allegations of misconduct, according to the lawsuit. Rhodes' lawyer told the investigator, Camille Hamilton Pating of Meyers Nave law firm in Oakland, that the scope of the investigation was a breach of his contract with the city and police department. Rhodes also notified Paul Coble of Jones & Mayer, the attorney who drafted and approved the settlement agreement, objecting to the investigation.

The city and police department decided to continue with the investigation and on Oct. 31, issued Rhodes a notice of intent to discipline. The lawsuit does not name the allegations Hamilton Pating investigated and Rhode's lawyer, Alison Berry Wilkinson, denied to name them, citing her client's confidentiality.

A second notice of intent to discipline was also issued on Dec. 4 for a separate set of allegations, also stemming from Hamilton Pating's investigation.

In January of this year, the city countered with the defense that the settlement agreement was not enforceable because it was not approved by the city manager. Wilkinson said that until January, "at no point in time was there any mention that city manager needed to be involved in the process, should be

involved or that her approval in any way, shape or form was required."

Wilkinson said she has negotiated two prior settlement agreements with the City of East Palo Alto and neither required the city manager's approval to be completed.

"It's never been a part of the process before," she said.

The lawsuit cites a chapter in the city's municipal code that establishes a personnel system that is "directly overseen" by the city manager, but the city manager can delegate his or her authority "to any other officer or employee of the city." Another personnel rule does state that "The approval of the city manager shall be required before a disciplinary action becomes final," but also allows the city manager to delegate this responsibility to another person.

Wilkinson said the city and police department have not yet responded to the Feb. 24 lawsuit; they have 30 days to do so.

The city did not return requests for comment.