

Summary: Rocky **Balada**, who was demoted for abusing overtime, wants \$22 million, claiming civil rights violations and defamation

Rocky **Balada**, who was demoted from Portland police sergeant to officer after he was identified as a ringleader of overtime abuses at Central Precinct, has filed a \$22 million federal lawsuit against the city, Police Chief Mark Kroeker and Mayor Vera Katz, accusing them of defaming him and violating his civil rights.

In the suit, filed in U.S. District Court in Portland, **Balada** alleges that the Portland Police Bureau demoted him without just cause or due process and that allegations he received overtime pay he was not entitled to are false.

Katz, who also serves as police commissioner, said Friday that she could not comment on the lawsuit. The city attorney's office said it had not seen the suit and also could not comment.

The bureau identified **Balada**, 47, as one of the sergeants who supervised Operation North Star, undercover drug operations in Old Town and downtown Portland in which the bureau found overtime pay routinely was abused. The internal police investigation discovered that 30 officers misused an estimated \$165,000 in federal grant money between June 1997 and March 1999. A criminal investigation continues.

The bureau found that the officers, often at the direction of their supervisors, put in for overtime they did not work or went home before their shifts ended and filed time slips as though they had worked a full shift.

Balada's suit contends that the practice of allowing officers to head home before their shifts officially ended or come in late and still receive pay for the time that they were not at work was a widely accepted practice in the bureau.

"Successive chiefs of police who have risen through the ranks, virtually every commanding officer who has risen through the ranks, and virtually every supervisor for the past 40 years have participated in the utilization of 'cuff time' and 'short nights' and have approved it, acquiesced in it, used it as a reward, and have been the recipients and beneficiaries of the practice," the suit says.

During the police investigation, **Balada** was transferred May 26, 1999, from Central Precinct to East Precinct. But **Balada**, a 19-year bureau veteran, has been out of work since filing a stress-related disability claim July 13 that is still pending before the Portland Fire and Police Retirement and Disability Fund's board of trustees. His lawyer said **Balada** has been using his sick time and vacation time.

Another supervisor of Operation North Star, Sgt. Richard Barton, was fired April 6. The Portland police pension fund approved a stress-related disability claim for Barton three weeks before his

firing, meaning he will continue to collect a \$1,703 stress-related disability check every two weeks until he recovers from post-traumatic stress disorder.

Balada was informed of his demotion for "unsatisfactory performance" June 1.

"He was demoted the first of June -- that was sort of the triggering point," **Balada's** lawyer, Victor Calzaretta, said of the timing of the federal suit.

Also included in **Balada's** suit are allegations that the bureau failed to investigate accusations reportedly voiced by other officers that **Balada** had acted cowardly in the arrest of a suspect in June 1999. **Balada** said he learned of the accusations from East Precinct Cmdr. Richard Rictor and demanded an investigation into the remarks, claiming it has left him with a "stigma," the suit said.

Balada also contends that his demotion represents a "continuing pattern of unwarranted discipline against racial minorities" in the police bureau.

In 1993, **Balada**, a native of Hawaii, filed a separate \$1.1 million federal suit against former Mayor Bud Clark, then-Chief Tom Potter and other police administrators, accusing them of engaging in racism and a plot to oust him from the bureau. He said the bureau declined to use him as a field training officer and decertified him as a firearms instructor. The city settled that suit, paying **Balada** \$34,000.

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