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EMPLOYMENT - UTAH

Phillips v. South Jordan City

Court of Appeals of Utah - July 26, 2013 - P.3d - 2013 UT App 183

Former police officer sought review of city appeal board's decision to affirm police chief's termination of officer's employment.

The Court of Appeals held that:

- Officer's conduct in responding to a dispatch in excess of 100 mph, through six intersections, failed to demonstrate "due regard for the safety of all persons" as required by police department general order;
- Officer's conduct violated applicable emergency vehicle operation (EVO) policies;
- Termination of employment was not disproportionate discipline; and
- Officer failed to establish that his discipline was improperly inconsistent with sanctions imposed on other officers.

Evidence supported finding that police officer, responding to a dispatch involving a request to assist with a possible fugitive, violated police department general order by his conduct in driving through six intersections at speeds over 100 mph, reaching a top speed of 121 mph, and in shutting down his emergency equipment before passing a vehicle on the right. Officer failed to limit his speed with regard to reaction time, stopping distance, vehicle capabilities, and the possibility of unknown and unforeseen circumstances, thus failing to conduct himself with "due regard for the safety of all persons" as required.

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