

Bond Case Briefs

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EMPLOYMENT - UTAH

Nelson v. City of Orem

Supreme Court of Utah - August 19, 2013 - P.3d - 2013 UT 53

Police officer was terminated from his position with the Orem City Police Department after using excessive force during a booking at Orem City Jail. Both the Orem City Employee Appeals Board and the court of appeals upheld Officer Nelson's termination. Police officer sought review of decision of the city employee appeals board that upheld city's decision to terminate his employment.

The Supreme Court of Utah held that:

- Abuse of discretion was appropriate standard for appellate court to review Appeals Board's determination that officer's termination was not inconsistent with prior sanctions under police department's excessive force policy;
- Appeals Board did not abuse its discretion when it found that police officer's termination for use of excessive force was not inconsistent with prior sanctions under police department's excessive force policy; and
- Any error in Appeals Board's relying on police department's expert, to whom police officer had allegedly revealed confidential information, was harmless.