

Bond Case Briefs

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Denning v. Johnson County

Supreme Court of Kansas - July 11, 2014 - P.3d - 2014 WL 3377250

County sheriff appealed decision of County Sheriff's Civil Service Board (CSB), which reversed sheriff's decision to terminate deputy for violation of department's truthfulness policy. The District Court reversed decision of CSB and remanded matter to CSB for further proceedings. Deputy appealed, and the Court of Appeals dismissed appeal for lack of final order. On remand, the CSB upheld sheriff's decision to terminate deputy. Deputy appealed, and the District Court affirmed. Deputy appealed, and the Court of Appeals affirmed. Review was granted.

The Supreme Court of Kansas held that:

- CSB had authority to review sheriff's decision to terminate deputy;
- CSB's authority to review sheriff's decision to terminate deputy for reasonableness was not limited to determination whether deputy was terminated for reasons of race, religion, or politics; and
- CSB exceeded its statutory authority to review sheriff's decision to terminate deputy for reasonableness when it substituted its own judgment for that of sheriff based on its own review of evidence.