

# **Bond Case Briefs**

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## **EMPLOYMENT - UTAH**

### **Perez v. South Jordan City**

**Court of Appeals of Utah - February 6, 2014 - P.3d - 753 Utah Adv. Rep. 35 - 2014 UT App 31**

Police officer sought review of decision of city appeal board upholding termination of his employment based on his involvement in high-speed chase and other actions that had previously resulted in formal discipline. The Court of Appeals dismissed appeal as untimely. Upon grant of certiorari, the Supreme Court of Utah reversed.

On remand, the Court of Appeals held that:

- Board of appeal did not abuse its discretion in determining that police officer was engaged in vehicle “pursuit,” as opposed to “normal patrolling activities,” such that officer violated state law and departmental policy by failing to activate his camera, lights, and siren during chase;
- Fact that city police department’s “pursuit review committee” did not describe officer’s conduct as pursuit did not preclude board of appeal from finding that officer was involved in pursuit;
- Officer’s testimony that he was trained that “pursuit” referred only to driving directly behind a vehicle that is trying to flee did not preclude city board of appeal from finding that officer, who drove parallel to fleeing vehicle on another street, was involved in pursuit;
- Officer failed to demonstrate that termination of his employment was disproportionate or inconsistent with sanctions imposed against similarly situated employees; and
- Board of appeal did not improperly consider evidence that had been purged from officer’s disciplinary history in upholding officer’s termination.