

Bond Case Briefs

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PUBLIC EMPLOYMENT - TEXAS

Colorado County v. Staff

Supreme Court of Texas - February 3, 2017 - S.W.3d - 2017 WL 461363

Terminated deputy sheriff brought action against sheriff and county, alleging that the county sheriff's department violated statutes by terminating his employment without obtaining and giving him a copy of signed complaint and without allowing him an opportunity to respond to the allegations before he was disciplined.

The District Court entered summary judgment in favor of sheriff. Former deputy sheriff appealed. The Houston Court of Appeals reversed. Sheriff filed petition for review, which the Supreme Court granted.

The Supreme Court of Texas held that:

- Statutes, requiring complaints against peace officers to be in writing, signed by the person making the complaint, and submitted to the officer, were applicable to sheriff's termination of deputy sheriff if termination was based on complaint of misconduct, even though deputy's employment was terminable at will;
- As matter of first impression, phrase "person making the complaint" under statute, requiring complaint against peace officer to be signed by person making the complaint, was not limited to the victim of the alleged misconduct, abrogating *Guthery v. Taylor*, 112 S.W.3d 715; and
- Even if deputy sheriff's termination for cause was based on complaint, disciplinary process culminating in deputy sheriff's removal from his position for county sheriff's office complied with statutory procedural requirements for disciplining peace officers based on complaint.