

COURT OF APPEALS EXERCISES JURISDICTION OVER APPEAL FROM SUPERIOR COURT'S DECISION UPHOLDING POLICE SERGEANT TERMINATION AND AFFIRMS TERMINATION

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Stant v. City of Maricopa Emp. Merit Bd.

Arizona Ct. Appeals, Div. Two, February, 25, 2014

Authored by the [JSH Appellate Team](#)

The Chief of the City of Maricopa Police Department terminated a police sergeant for refusing to cooperate with an internal affairs investigation of a police officer whom the sergeant directly supervised. The sergeant refused to answer questions when he was interviewed about his knowledge of the officer's actions. This violated a department operations order requiring an officer who is a witness to misconduct to cooperate with the administrative investigation.

The sergeant appealed his termination to the City of Maricopa Employee Merit Board. After conducting an evidentiary hearing, the board concluded the sergeant had violated department policy. The board also concluded the termination was appropriate and done in good faith for cause. The city upheld the termination, and the sergeant sought review in the Maricopa County Superior Court by seeking a writ of certiorari pursuant to A.R.S. § 38-1004. The superior court determined that the record supported the termination. The sergeant filed a timely notice of appeal to the Arizona Court of Appeals.

The court of appeals first examined its jurisdiction over the appeal. The court held it had jurisdiction under A.R.S. § 12-2007, which allows an appeal from a superior court's judgment under Arizona's general certiorari statutes. The court also had jurisdiction because the proceeding was one "permitted by law to be appealed from the superior court" under A.R.S. § 12-120.21(A)(1).

On the merits, the court of appeals applied the standard of review required by the governing rule, which was whether the department's action was taken "in good faith for cause" under Maricopa Personnel Policy § 2.3.5(a). The court held the evidence supported a conclusion that the department's action was taken "in good faith for cause," giving deference to the department's reasonable interpretation of its own regulations. Among other reasons, the sergeant testified that he was familiar with the department order and knew he had a duty to cooperate with investigations during his interview.