

# Public policy interest may prevent reinstatement of rogue police officers

When Minnesota public employees are reinstated following arbitration of a disciplinary case, the employer may still move to prevent reinstatement under the concept of public policy interest.

That's especially true for law enforcement employees accused of using excessive force.

**Recent case:** Nathan was an officer in the Richfield Police Department. He had been disciplined and warned several times about his temper and the use of excess force on the job.

While responding to a call, his cruiser was almost hit by two vehicles coming around the corner. With dash camera filming, he approached the drivers and got into an argument about their driving. It ended with Nathan pushing one driver.

Nathan never reported the incident, but a witness filmed the altercation and the press picked it up. Nathan was fired.

He sought reinstatement, and an arbitrator ordered the police department take him back.

The police department went to court, seeking a court order preventing reinstatement. It argued that there is a strong public policy interest in opposing excessive use of force by police officers, which in this case overrode the arbitrator's decision.

The court agreed and blocked reinstatement. (*Richfield v. Law Enforcement Labor Services*, Court of Appeals of Minnesota, 2018)

**Final note:** The court noted that it was reluctant to interfere with an arbitrator's decision, but that it was mindful of the problem of excess police force. It noted that Nathan had been warned and disciplined many times about his temper.