

FILED

JUN 30 1978

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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE MATTER OF
RONALD W. JOSLYN,

Appellee,

vs.

CIVIL SERVICE COMMISSION
OF CITY OF CEDAR FALLS,

Appellant.

Filed June 30, 1978

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2-60907

Appeal from Black Hawk District Court - Roger F. Peterson, Judge.

Respondent civil service commission appeals trial court ruling reinstating
police officer to rank of lieutenant. - Affirmed.

Judd E. Truax, Cedar Falls, for Appellant.

An C. Bergstrom, Cedar Falls, for Appellee.

Heard by Albee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

The Civil Service Commission of the City of Cedar Falls appeals the trial court's ruling reinstating Ronald W. Joslyn to the rank of lieutenant in the Cedar Falls Police Department. We affirm.

Our review is de novo. *Millsap v. Cedar Rapids Civil Service Commission*, 249 N.W.2d 679, 683 (Iowa 1977). The written and unwritten rules of the Cedar Falls Police Department gave the authority to an officer to respond to another police agency's request for assistance outside the Cedar Falls community if the request involved "a life-death situation or an urgent need for assistance." The record establishes no like policy developed to deal with citizen-initiated pleas for help. In the absence of a specific code of police conduct designed to deal with such contingencies, we find it was reasonable for Lieutenant Joslyn to respond to the life-death urgings of the private citizen in the manner allowed if the request had been relayed by another police agency. We do find that under the total circumstances confronting Lieutenant Joslyn that it was reasonable to conclude the call presented "a life-death situation or an urgent need for assistance."

We need not decide whether the trial court's supplemental order entered after notice of appeal was filed was a correction contemplated by rule 10(d), Rules of Appellate Procedure. As the Commission acknowledges, our de novo review requires that this court make its own findings of fact and conclusions of law. As the trial court indicated at the pre-trial hearing Joslyn had the burden of proof at trial. Our review has proceeded with this burden on Joslyn. We hold Joslyn proved that there was no established policy for dealing with citizen-initiated requests for police assistance and that in the absence of such policy, he reasonably responded to the wife-at-gunpoint plea in the manner prescribed for life-death situation assistance requests received from other police agencies.

Accordingly, we affirm the trial court's order Joslyn be reinstated to the rank of lieutenant.

AFFIRMED.