

DEPARTMENT GENERAL ORDER 06-05

OFFICE of the CHIEF OF POLICE
AMENDS/REPLACES: SOP 300.26.00

DATE: June 12, 2006

LAWSUITS

I. PURPOSE.

Department personnel are not immune to civil litigation, nor are they precluded from initiating a civil lawsuit resulting from their private life, or in regard to their employment as a law enforcement officer. However, department employees will be expected to adhere to the following guidelines in relation to CEO notification, etc.

II. BEING NAMED A RESPONDENT.

It shall be the responsibility of any officer or department employee to inform the Chief of Police when the employee is served with an official instrument from a court of law naming him or her as the defendant or co-defendant in any civil or criminal action resulting from either his official duties or personal life.

Sworn and/or non-sworn employees named or involved in litigation resulting from their official acts will cooperate fully with the City Attorney or other designated counsel. They will also cooperate with internal or external investigators appointed to represent the Police Department or the City of Clayton.

The information gathered during a civil litigation investigation involving the City will adhere to the attorney/client privilege and shall be considered confidential in nature. Such information will not be available for general review excepting the City Attorney, Chief of Police, department investigators, and any other city official to whom disclosure shall be deemed pertinent to an effective defense.

However, should an officer or other department employee be named a co-respondent along with the City or department, nothing in the above will prevent an officer from retaining his/her own legal counsel.

III. INITIATING A CIVIL SUIT.

Any employee who initiates a civil suit, or who intends to file a civil suit, shall enjoy the full latitude afforded to other citizens to do so. The costs to prosecute such private lawsuits will be the sole responsibility of the employee(s) who initiates the suit.

IV. NOTIFICATION OF CHIEF OF POLICE.

The Chief of Police shall be notified whenever a department employee is named as a respondent in a civil suit, or who files, or intends to file a civil suit. Such notification will follow the established chain of command and will be made in the most timely manner possible.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld

CALEA Reference: 11.4.5