

Germantown Police Department

Policies and Procedures

Number: 6-3
Effective Date: January 1, 2003
Subject: Cases Against Officers or Officer Commencing Suit
Previous Revisions:

I. PURPOSE

The purpose of this policy is to establish guidelines for officers named as defendants in a civil suit arising out of their employment or who commence a suit against another party based on actions arising from their employment.

II. POLICY

It is the policy of the Germantown Police Department that officers who are named as defendants in a civil suit arising out of their employment or who commence a suit against another party based on actions arising from their employment should immediately notify the City of Germantown about such matters.

III. CASES AGAINST OFFICERS

When an officer is sued in connection with his/her police duties, the officer should do the following:

- A. Accept service on the complaint from the Deputy or Marshal process server. Only the officer named in the complaint/lawsuit shall accept service of the complaint/lawsuit. No other Germantown Police Department employee shall accept service of another's complaint/lawsuit.
- B. Note the date and time of service on the front page of the complaint.
- C. Take or send the complaint to the Legal Advisor's Office (through the Chain of Command) as soon as possible. Time is of the essence in these cases because a written answer must be filed with the Court.

These lawsuits are forwarded to the City Attorney's Office. The City Attorney will decide if the City intends to represent the officer and will notify the officer accordingly.

If the City notifies the officer it does not intend to represent him/her and the officer wishes to obtain legal counsel, the officer should contact his/her attorney immediately.

If the City notifies the officer that the City does intend to represent him/her, the officer should not discuss the case with any insurance company or opposing attorney, or give any statements without notifying the City Attorney's Office. Officers will not be paid overtime for court appearances or conferences with the City Attorney or Legal Advisor's Office when the City is defending that officer in such a case, nor will

an officer be paid overtime for appearances at the Legal Advisor's Office or City Attorney's Office to receive service of process when the suit is directed against him/her. Time spent in these activities is primarily for the benefit of the officer.

IV. OFFICER COMMENCING SUIT

When an officer of this Department decides to file suit against any person or company, and the suit arose out of the officer's official duties or is a personal injury suit, the officer shall notify the Chief of Police. Such suits (Assault & Battery, Slander, etc.) will always involve police reports, tapes, etc., and the Department needs to be on notice of the pending litigation.

Once the lawsuit is settled in any manner, the officer must also notify the Legal Advisor's Office of the settlement. The City is entitled to a reimbursement for any salary loss, medical expense, or equipment damage.

V. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.