

***Please Note: This is a working draft of Directive 220.40. This is proposed language and the Bureau has not implemented any changes at this time.**

220.40, Lawsuits and Claims

2nd Universal Review: 09/01/17-09/21/17(clean view) (*This date has been extended from 09/15/17)*

Policy:

1. This directive establishes the procedures for Bureau members who become involved in a lawsuit or civil suit against the member or the City.

Procedure:

1. Lawsuits and Claims Against a Member or the City.
 - 1.1. Member Responsibilities.
 - 1.1.1. Members who receive a complaint, claim, summons, or any other document that appears to be associated with a lawsuit against the member or the City, shall immediately inform the City Attorney's Office Manager or the City Attorney Litigation Chief Deputy, that a complaint, claim, summons, or other document that appears to be associated with a lawsuit has been received.
 - 1.1.1.1. If members experience difficulty in making contact with either of the above, they may ask for assistance through their chain of command.
 - 1.1.2. Once contact has occurred, members may be directed to provide original documentation (e.g., summons, legal documents, etc.) to the City Attorney's Office, and copies of any documentation to the City's Risk Management Division, Police Liability Management, and their supervisor.
 - 1.1.2.1. Members shall also retain a copy of the original documentation for their personal files.
 2. Coordination of Member Receipt of Service.
 - 2.1. While members will not be called in from patrol or operations in the field to receive service of civil summons and civil complaints, process servers will not be denied access to members.
 - 2.2. If a member is unavailable when a process server attempts delivery to a Responsibility Unit (RU), the front desk contact shall provide the process server with the next ten dates a member is expected to report for duty.
 - 2.3. The RU Manager or a designee may invite process servers to be present at the beginning of a member's shift, at which time the member shall accept service.
 - 2.4. Members may call the City Attorney's Office to have a City Attorney accept service for the member.
 3. Filing Claims.
 - 3.1. Members filing claims against the City for any loss, damage, or destruction of personal property should contact City Risk Management.
 - 3.2. Members should be prepared to present a police report or supervisor's memorandum describing the incident, in addition to a copy of the estimate or bill for repair or replacement.

4. Public Claims.

4.1. Because all persons have the right to file a claim with the City, members shall refer interested persons to City Risk Management. Members shall not:

4.1.1. Inform the person that the City will award compensation for their injury or loss.

4.1.2. Discuss the facts of any potential liability.

4.1.3. Admit fault.

4.2. When a member becomes aware of any significant potential for a claim or lawsuit, they shall initiate a report or memorandum and include the details of the incident, the names of all involved officers and other witnesses, and forward a copy to City Risk Management.

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220.40, Lawsuits and Claims

2nd Universal Review: 09/01/17-09/21/17*(redline markup view)(*This date has been extended from 09/15/17)

Policy:

1. This directive establishes the procedures for Bureau members who become involved in a lawsuit or civil suit against the member or the City.

Procedure:

1. Member Responsibilities: Lawsuits and Claims Against a Member or the City.

1.1. Member Responsibilities.

1.1.1. Members who receive a complaint, claim, summons, or any other document that ~~seems appears to be~~ associated with a lawsuit against the member or the City—~~whether it appears legitimate or not—will~~ City, shall respond as if personal service has occurred. ~~The member shall~~ immediately inform the City Attorney's Office Manager, ~~the Police Legal Advisor,~~ or the City Attorney Litigation Chief Deputy, ~~at 503-823-4047,~~ that a complaint, claim, summons or other document that appears to be associated with a lawsuit has been received.

1.1.1.1. Should If members experience difficulty in making contact with ~~the City Attorney's Office Manager, the Police Legal Advisor, or the City Attorney Litigation Chief Deputy~~ any of the aforementioned contact ~~either of the above,~~ they may ask for assistance through their chain of command.

1.1.2. Once contact has occurred, members may be directed to provide original documentation (e.g., summons, legal documents, etc.) to the City Attorney's Office, and copies of any documentation to the City's Risk Management Division, Police Liability Management, and their supervisor.

~~1.1.2.1.~~ 1.1.2.1. Members ~~should keep~~ shall also retain a copy of the original documentation for their personal files ~~as well.~~

2. Supervisor Responsibilities: Coordination of Member Receipt of Service.

~~1.2.~~

~~1.2.1. In their effort to serve lawsuits, process servers often seek to have in-person contact with members at work, at home, or elsewhere.~~

~~1.3.2.1.~~ 1.3.2.1. While members will not be called in from their patrol or operations in the field tour of duty to receive service of civil summons and civil complaints, process servers will not be denied access to members.

~~1.4.2.2.~~ 1.4.2.2. ~~When If a~~ members ~~is are not at work or not un~~available when a process servers ~~come attempts delivery to~~ delivery to a Responsibility Unit (RU) front desk, the ~~Responsibility Unit~~ front desk contact will shall provide the process server with s the next ten ~~(10)~~ dates a member is expected to report for duty.

~~1.5.2.3.~~ 1.5.2.3. The RU Manager or a designee may invite process s Servers will be invited to be present at the beginning of a member's shift, at which time the member will shall accept service.

~~1.6.2.4.~~ ~~To avoid contact by process servers at work, at home, or elsewhere,~~ Mmembers may call the City Attorney's Office to have a City Attorney accept service for the member.

~~2.3.~~ Member Responsibilities: Filing Claims.

~~2.1.3.1.~~ Members filing claims against the City for any loss, damage, or destruction of personal property ~~will~~ should contact City Risk Management.

~~2.2.3.2.~~ Members should be prepared to present a police report or supervisor's memorandum describing the incident, in addition to a copy of the estimate or bill for repair or replacement.

~~3.4.~~ Public Claims:

~~3.1.4.1.~~ Because all persons have the right to file a claim with the City, members ~~will~~ shall refer interested persons to City Risk Management. Members ~~will~~ shall not:

~~3.1.1.4.1.1.~~ Inform the person that the City will ~~award~~ compensate ~~compensation~~ him/her for ~~his/her~~ their injury or loss.

~~3.1.2.4.1.2.~~ Discuss the facts of any potential liability.

~~3.1.3.4.1.3.~~ Admit fault.

~~3.2.4.2.~~ When a member becomes aware of any significant potential for a claim or lawsuit, ~~he/she will~~ they shall initiate a report or memorandum and include the details of the incident, the names of all involved officers and other witnesses, and forward a copy to City Risk Management.