

 NORFOLK <i>Department of Police</i>	Administrative General Order – ADM 240: City Attorney Representation		
	Office of Preparation: Strategic Management Division (mar)		
	CALEA:	22.2.2	
	VLEPSC:	None	
LEGAL REVIEW DATE:	May 1, 2015	PRESCRIBED DATE:	May 12, 2015
City Attorney:	<i>Wayne Singer</i>	City Manager/Director of Public Safety:	<i>Marcus [Signature]</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose:

The purpose of this order is to provide Department policy and procedures for employees who seek legal representation from the City Attorney's Office.

Policy:

Employees who have civil legal proceedings served against them, which arise from their duties while employed with the City, must meet and follow the procedures contained within the Norfolk City Code and this order.

Supersedes:

Any previously issued directive conflicting with this order

Order Contents:

- I. Controlling Authorities
- II. Legal Representation
- III. Responsibilities of Employees Seeking Legal Representation

I. Controlling Authorities

In the event of any conflict between the City Code and this order, the City Code provision shall control.

II. Legal Representation (CALEA 22.2.2)

- A. Norfolk City Code, Section 2-155, Defense by city attorney of city council, officers and employees, and members of boards and commissions appointed by council; costs and expenses therefor, provides for the defense of City employees by the City, acting by and through the City Attorney, in any civil legal proceeding instituted against the employee, including claims and litigation, when such proceeding arises out of and by virtue of any actions in furtherance of their duties undertaken during the term of their employment.
- B. All judgments, claim settlements, costs and expenses of defense shall be paid by the City provided the claim(s) resulted from actions which:
1. Were done in good faith,
 2. Were done in the reasonable belief that such actions were in the furtherance of the official practices and policies of the City,
 3. Were within the scope of authority of the person so acting,
 4. Were within the course of employment of the person so acting, and
 5. Were not willful, malicious, or wanton.
- C. Payments shall not be made by the City for punitive or exemplary damages, fines, or penalties.

III. Responsibilities of Employees Seeking Legal Representation

- A. Duty to defend or pay costs and expenses are conditioned upon:
1. The prompt reporting by the employee involved in the accident or incident which may result in the assertion of a claim or suit and full cooperation of the employee during the investigation.
 - a. An employee who receives written notice of a civil suit arising from the performance of his/her duties with the City shall immediately contact his/her commanding officer.

- b. The employee may be required to give a verbal account of the accident or incident and/or complete additional paperwork.
 2. Truthful reporting, including all known facts, by the employee.
 3. Request City legal representation by the close of the next business day, due to time restrictions. An employee who receives written notice of a civil suit or demand or notice of claim arising from the performance of his/her duties with the City and wishes the City to provide legal representation shall:
 - a. Prepare a written request for City legal representation on interdepartmental memo, including the date of service of the civil suit, the manner in which the employee received notice (i.e., in person, tacked on door, etc.), and a statement specifically requesting representation by the City Attorney. A sample letter of request is provided in the attachment.
 - b. Hand deliver the written request for City defense, including a copy of any legal document such as summons, complaint, process, notice demand or pleading, to the City Attorney.
 - c. Provide a copy of the written request for City legal representation and served legal document(s) to his/her commanding officer. The employee's commanding officer shall forward a report with all facts pertaining to the action in question to the Chief of Police.
 4. Good faith cooperation of the employee during the defense and any appeal process.
- B. The employee's request and/or acceptance of City's representation shall constitute consent for the City Attorney to resolve the matter, by compromise settlement, without any further authorization from the employee.
- C. Failure to follow these procedures may jeopardize the employee's right to have representation provided by the City, and could result in costs and judgments being levied against them.

Related Documents:

1. G.O. OPR-310: Accident Investigation
2. Police Officer's Manual (Article II, Section 27)

Attachment:

Sample Letter of Request for Representation in a Civil Case



NORFOLK

Inter Departmental Memorandum

TO: City Attorney

FROM: (Employee Name)

COPIES TO: Chief of Police via Chain of Command

SUBJECT: Request for Representation in Civil Case

DATE: (Date)

SAMPLE LETTER

Pursuant to Norfolk City code, Section 2-155, I request that the City Attorney provide a lawyer to defend me against the attached,

[process in the civil lawsuit named _____, served on me in person *or* left at my home/work address on _____, 20__].

or

[demand or notice of claim letter from _____, received by me in person *or* left at my home/work address on _____, 20__].

My contact information follows:

[Name]

[Home Address]

[Email Address]

[Phone number(s)]

Your assistance will be appreciated.

Attachment(s)