

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 04/04/2017	Supersedes Policy Dated: 10/15/2014	Rescinds:	SOG Number:
Accreditation Index: 11.3.3, 22.1.3			204.4
Part Title: Personnel		Chapter Title: Compensation, Benefits, and Working Conditions	
Chief of Police:			

Legal Assistance and Liability

I Policy

The policy of the City of Springfield with respect to the defense and indemnity of its employees is as set out in General Ordinance No. 5052, enacted February 5, 2001. This ordinance states as follows:

Section 2-93. Indemnity of City officers and employees.

The City of Springfield may defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty. The provisions of this section do not apply in case of malfeasance in office or willful or wanton neglect of duty.

The procedures and statements set out herein are not intended to in any way modify or change the provisions of the above-referenced ordinance. In the event of any conflict between the terms of this policy and those of the ordinance, the ordinance shall control. ¹

II Definitions

III Procedure

1 GENERALLY

1.1 Scope

1.1.1 The scope of the City's policy shall be as described in the preceding

¹ Policy Statement revised, ordinance reference corrected, per Policy Change Order 17-011.

SOG 204.4

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Section I. Policy, above. The obligations and provisions of this Guideline contained herein shall apply to regular commissioned police officers commissioned and acting pursuant to applicable state law and local ordinance.

- 1.1.2 Upon official service or notification of imminent or threatened legal action or legal demand as a result of status as a law enforcement employee or in any way naming the City of Springfield, the named employee shall notify the Office of Chief of Police and the City Attorney's Office, and shall supply a copy of the summons, subpoena, correspondence and/or all other documents relevant to the action to both offices no later than the next business day following service or notification. (CALEA 11.3.3) ²
- 1.1.3 Such served employee shall be responsible for adhering to the orders of the subpoena or other direction by the court.

2 LEGAL ASSISTANCE

- 2.1 When a Police Department employee is the subject of a criminal proceeding, if he chooses to have an attorney, he shall be represented by an attorney employed and paid by the employee, or one appointed to represent the employee by the court.
- 2.2 In civil liability situations arising out of the operation of a City-owned or leased vehicle by a Police department employee, the City may tender the defense of the matter to its vehicle insurance carrier, for defense and indemnity pursuant to the terms of the City's vehicle insurance policy. The employee shall cooperate fully with the insurer and its designated defense counsel in the defense of the matter, in the same manner as described in Paragraph 2.4 herein.
- 2.3 In other situations in which a Police Department employee is sued in a civil action for acts done in the performance of official duties, the City may choose to defend the employee by the City Attorney's office or by other appropriate legal counsel as may be approved and hired by the City, provided that the hiring of such outside counsel is approved by the City Council.
- 2.4 Decisions regarding the defense of employees are made on a case by case basis, depending upon the facts of each situation, and are at the discretion of the City. As a condition of such representation by the City or its outside counsel, the employee shall cooperate fully in the defense of the claim, shall follow counsel's legal advice with respect to the claim, and shall take no action detrimental to the interests of the City in the defense of the matter.

IV Attachments

2 Section 1.1.2 revised, 5th Edition removed from CALEA standard reference, per Policy Change Order 17-011.