

PSF-1.01 - Lawsuits & Claims Against the City & Police Bureau Members

LAWSUITS & CLAIMS AGAINST THE CITY AND POLICE BUREAU MEMBERS

Administrative Rules Adopted by Police Bureau Pursuant to Rule-Making Authority

ARB-PSF-1.01

Section 1 - Procedure

Civil Summons and Civil Complaints

Member Responsibilities

- a. Treat civil summons and civil complaints as official notice or documentation that a lawsuit has been filed and a response is mandated through the court by the City Attorney's Office within a specified period of time (usually 20 or 30 days). These notices are not served via PPDS.
- b. Civil process servers are required to effect personal service of civil summons and complaints and only the person named to be served can accept service. Exception: The City's Attorney representing the member, and only with the authorization of that member, may accept service.
- c. Members will not be called in from their tour of duty to receive service of civil summons and complaints. However, process servers will not be denied access to members. The member's shift times, days off and vacation dates will be provided to the server. The server will be invited to be present at the beginning or end of the member's shift, at which time the member will accept service.
- d. Members who receive work related civil summons and complaints will:
 1. Within 24 hours of receipt of a civil summons and complaint, attach a memorandum listing date, time, manner of service (postal delivery, served personally, found in precinct mailbox, etc.), member's Bureau I.D. number and forward the original document to the City Attorney's Office after making copies to be forwarded to his/her supervisor, the Police Liability manager and to Risk Management. The member should retain a copy for his/her personal file. If a member is named and served in a lawsuit and does not notify the City Attorney's Office of the service, the City Attorney's Office will not be alerted to file an answer on the member's behalf. If no answer is filed, the plaintiff may obtain a default judgment against the member.
 2. Cooperate fully with the City Attorney, Risk Management and the Police Liability manager in defense against the lawsuit.
 3. Request the City Attorney notify the Court Coordinator of all the dates and times of required appearances.

Members

Members filing claims against the City for any loss, damage or destruction of personal property will contact Risk Management. Risk Management will forward a claim form to the requesting member. When completed, the form, along with a copy of the police report or supervisor's memo describing the incident and a copy of the estimate or bill for repair or replacement, will be sent to Risk Management. The member will forward a copy of all documents to the Police Liability manager. Upon receipt of the reports, Risk Management will either handle the claim or forward it to the City Claims Committee. When filing claims, members may use their respective unit or division address.

Members of the Public

All persons have the right to file a claim with the City. If a person wants to file a claim, members will:

- a. Refer the person to Risk Management.
- b. Refrain from informing the person that the City will compensate him/her for his/her injury or loss.
- c. Refrain from discussing the facts of any potential liability.
- d. Refrain from admitting fault.

When a member becomes aware of any potential for a claim or lawsuit, (s)he will 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 the Police Liability manager.

HISTORY

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