

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 3.13
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<b>Representation by City Attorney</b>		



## I. Policy Statements

- A. Defense will be provided by the Columbus City Attorney's Office for an employee in any civil action to recover damages for injury, death, or loss to persons or property allegedly caused by an act or omission of the employee, provided the act or omission occurred or is alleged to have occurred while the employee was acting in good faith and not manifestly outside the scope of the employee's employment or official responsibilities.
- B. In order for the City Attorney's Office to provide representation, a written request must be received from the involved personnel.
- C. Personnel who are represented by the City Attorney's Office may also retain private legal counsel to assist in defending a civil or criminal action. Private legal counsel will be at the involved personnel's personal expense.

## II. Procedures

- A. Division Personnel Named as a Defendant in a Civil Action
  1. Immediately provide written notification directly to the Legal Advisor's Office.
    - a. Refer to the lawsuit by name, e.g., Smith v. City.
    - b. Attach a copy of all papers served, **including envelopes within which any legal papers were contained.**
    - c. If desired, request City Attorney representation.
    - d. If requesting representation by the City Attorney, **assist the City Attorney in identifying and obtaining relevant records and reports detailing the incident which forms the basis for the lawsuit.**
    - e. Advise if private legal counsel will be retained.
    - f. Include the best time during normal business hours to be contacted in the event additional information is needed.
  2. Send a short notification letter up the chain of command advising that a legal action has commenced, the Legal Advisor's Office has been notified directly, and if legal representation by the City Attorney's Office is requested. Do not include details of the incident.
- B. Legal Advisor's Office
  1. Notify the City Attorney's Office of all lawsuits involving Division personnel.
  2. Immediately notify personnel who will not be represented by the City Attorney's Office. Personnel may assume City Attorney representation unless notified otherwise.
  3. Upon request, provide the Chief of Police with the appropriate information concerning Division or employee-related lawsuits.