

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



I. Policy Statements

- A. ***Pursuant to Ohio Revised Code 2744.07(A)(1)***, 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.
- B. ***Pursuant to Ohio Revised Code 2744.07(A)(2)***, the City Attorney's Office does not have a duty to provide defense to Division personnel in a civil action in the following circumstances:
1. The act or omission occurred while the employee was ***not*** acting in good faith.
 2. ***The act or omission occurred while the employee was acting manifestly outside the scope of the employee's employment or official responsibilities.***
 3. ***The civil action or proceeding is commenced by or on behalf of a political subdivision.***
- C. In order for the City Attorney's Office to provide representation, a written request must be received from the involved personnel.
- D. 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, for example, "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, and agree to assist the City Attorney.
 - d. Advise if private legal counsel will be retained.
 - e. Include the best time during normal business hours to be contacted in the event additional information is needed.

B. Legal Advisor's Office

1. Notify the City Attorney's Office and the Chief of Police 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.