

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 37

December 7, 2010

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON DECEMBER 7, 2010

SUBJECT: EMPLOYEE'S DUTY TO COOPERATE WITH INVESTIGATIONS RELATING TO CIVIL LITIGATION AGAINST THE CITY OF LOS ANGELES OR THE DEPARTMENT - ESTABLISHED

PURPOSE: This Order establishes the duty of all Department employees to cooperate with investigations and disclose facts related to claims for damages or civil litigations in which the City of Los Angeles (City) or the Department is a defendant.

PROCEDURE: EMPLOYEE'S DUTY TO COOPERATE WITH INVESTIGATIONS RELATING TO CIVIL LITIGATION AGAINST THE CITY OF LOS ANGELES OR THE DEPARTMENT - ESTABLISHED. Department Manual Section 1/210.48, *Employee's Duty to Cooperate with Investigations Relating to Civil Litigation Against the City of Los Angeles or the Department*, has been established. An employee who has knowledge of facts involving claims for damages or civil litigations in which the City or the Department is a defendant shall:

- * Cooperate with the City's legal representatives, which may include attorneys from the City Attorney's Office or outside counsel hired by the City;
- * Cooperate with investigators from the City assigned to claims or civil litigations, which may include, but is not limited to, Risk Management Division or outside private investigators hired by the City's legal representatives; and,
- * Disclose facts of the case to investigators from the City and/or the City's legal representatives.

A Department employee's refusal to cooperate with investigations or refusal to disclose known facts is considered neglect of duty and/or insubordination and may result in disciplinary action up to and including termination.

Note: Nothing in this Order is intended to violate an employee's constitutional or statutory rights (e.g., right against self-incrimination) or otherwise require the disclosure of privileged communications. Any statement made by an employee in compliance with this Order is the confidential work product of the City's legal representatives. The Department will take appropriate action to ensure that the City's legal representatives cooperate with Department employees and their legal representatives and answer their questions responsively.

December 7, 2010

AMENDMENT: This Order adds Section 1/210.48 to the Department Manual.

MONITORING RESPONSIBILITY: The Commanding Officer, Risk Management Division, shall have monitoring responsibility for this directive.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

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OFFICE OF THE CHIEF OF POLICE

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NOTICE
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RECEIVED February 16, 2005
MAR 09 2005
EMPLOYEE
RELATIONS GROUP

TO: All Department Personnel

FROM: Chief of Police


SUBJECT: DUTY STATUS FOR EMPLOYEES SUBPOENAED AS A WITNESS IN A CIVIL CASE

Employees receiving a civil subpoena by a court or administrative body to appear as a witness during a scheduled work period shall receive regular pay for such appearance. Employees shall ensure that when they receive a civil subpoena, the appropriate witness fee accompanies it. If the witness fee does not accompany the civil subpoena, the employee shall immediately notify a supervisor for guidance. Following participation in a civil proceeding the employee shall complete a Declaration of Receipt/Expenditure of Funds, Form 15.24, using the information available on the subpoena for each day of scheduled attendance. The use of City transportation is permitted or the employee can use a personal vehicle to attend the hearing or appearance. Employees are entitled to mileage and parking costs and these transportation costs are to be included on the Declaration of Receipt/Expenditure of Funds, Form 15.24. Department Manual Section 3/780 et. seq. sets forth all the procedures to be followed when employees receive civil subpoenas.

An employee who is a party to civil litigation (who does not fall within Government Code Section 995 as a defendant employee) or who is an expert witness, is not authorized to appear in a hearing, court, or to make an appearance while on-duty. All such appearances must occur while the employee is in an off-duty status. Such employees shall not use Department vehicles for transportation to a hearing, appearance, or court. Neither shall the employee use Department equipment, including but not limited to telephones, computers, and Department facilities for the preparation or furtherance of the civil litigation.

Officers, employees and supervisors may reference Los Angeles Administrative Code (LAAC) Section 4.111.1 *Payment of Salary When Subpoenaed as a Witness* as the authority for this notice.

Any questions regarding this Notice may be directed to the Employee Relations Group at (213) 485-6552.


WILLIAM J. BRATTON
Chief of Police

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