



3-40 **CIVIL LITIGATION PROCESS**

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

None

B. Form(s)

PD 1108 Chief's Employee Retention File Index

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

3-40-1 **Purpose**

The purpose of this policy is to outline the process for Albuquerque Police Department (Department) personnel when they are involved in a civil suit. ~~---~~

3-40-2 ~~4~~ **Policy**

It is the policy of the Albuquerque Police Department (Department), through the City of Albuquerque Risk Management Division, to designate private contractors to conduct investigations involving civil suits filed against the Department and its personnel.

3-40-3 ~~2~~ **Rules**

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A. Notification Responsibility Regarding Pending Civil Action

1. Department personnel shall:

- a. Within twenty-four (24) hours, inform their Deputy Chief and the Tort Claims Manager in the City of Albuquerque Risk Management Division. ~~It shall be the responsibility of all personnel when served with an official instrument from a court of law naming them as a party, defendant, or co-defendant in any action resulting from their official duties, to inform their deputy chief and the Tort~~



~~Claims Manager in the Risk Management Division of the court action within twenty four (24) hours of such service; and,~~

b. ~~Personnel will~~ Notify their chain of command before contacting their ~~Deputy Chief, Deputy Director,~~ or area commander.

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B. Duty of Personnel to Cooperate with Investigators

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1. ~~Department p~~ Personnel named or involved in suits resulting from their official acts ~~will~~ shall fully cooperate ~~fully~~ with the City Attorney or ~~his/her~~ their designated counsel and with investigators appointed to represent the ~~Police Department or the City or the Department of Albuquerque.~~
2. If community members ask Department personnel ~~are asked any questions by citizens~~ concerning civil suits against the City or Department, they ~~will~~ shall refer them to the City's Risk Management Division.
3. Periodically, different firms and individuals ~~will~~ will contract with the Office of the City Attorney's Office to conduct investigations. ~~Department p~~ Personnel ~~should~~ shall contact the Office of the City Attorney's Office to confirm the authority of an investigator to conduct investigations into any given case.
4. The Internal Affairs Professional Standard (IAPS) Division shall grant ~~Contracted~~ investigators who are authorized to represent the Office of the City Attorney's Office ~~will~~ shall be granted access to Internal Affairs files.
 - a. ~~These~~ The investigators may read the files and make notes. They may have copies of the Chief's Employee Retention File Index Form (PD #1108) and the initial complaint made by a ~~citizen~~ community member.
 - 4.b. ~~The contracted~~ investigators ~~will~~ shall not be permitted to make copies or tape recordings of any other documents or materials in Internal Affairs files.