



## California Exposition and State Fair Police Department

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### DEPARTMENTAL GENERAL ORDER

**ORDER № 800.400**

Mar. 2019 (Revised)

08/01/2006 (New)

### CIVIL ACTIONS

#### 800.401 PURPOSE

- A. It is the purpose of this Order to establish practices for the defense of the California Exposition & State Fair (Police Department), and its employees from civil action.

#### 800.402 POLICY

- A. Police department employees shall be guided by the provisions of this Order with handling civil actions and claims.

#### 800.403 NOTICE OF CLAIMS OR CIVIL ACTIONS

- A. Whenever a claim for damages or a civil action filed against the California Exposition & State Fair (Police Department) is received, the Chief of Police will notify the General Manager and the Deputy General Manager of Administration.
- B. Whenever a claim for damages or a civil action filed against the California Exposition & State Fair (Police Department) is received, the Chief of Police will arrange to preserve any reports (police/arrest/casualty/etc.), physical evidence, any available surveillance video, and other available supporting documents.
- C. Whenever a claim for damages or a civil action filed against the California Exposition & State Fair (Police Department) is received, the Chief of Police will evaluate to determine if an internal affairs investigation should be conducted of the involved employee(s).

#### 800.404 SERVICE OF CLAIMS OR CIVIL ACTIONS

- A. No police department employee shall accept service of any claim, summons, civil complaint, writ, or other legal documents for service on the State of California, the California Exposition & State Fair, the police department, or the Chief of Police as a defendant or witness.

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*The mission of the California Exposition & State Fair Police is to:  
Provide for the safety and security of visitors, employees, and stakeholders; keep order and  
preserve the peace; and support the economic well-being of the California Exposition & State Fair.*

- B. Any attempted service of any claim for damages or civil action shall be referred to the California Office of the Attorney General for processing.
  
- C. Documents which an employee is also named. Police department employees may accept service of legal documents resulting from their official acts within the course and scope of their employment which are directed to them personally and in which the State of California, California Exposition & State Fair, or the Chief of Police are named as individual defendants. Supervisors may also accept service of documents on behalf of police department employees.

**800.405 SERVICE OF SUMMONS AND COMPLAINT**

- A. Proper Service. Pursuant to Government Code § 955.4, proper service of the summons and civil complaint on the police department is affected by service on the California Office of the Attorney General.
  
- B. Reporting Receipt of Summons and Complaint. In every instance in which an employee is served a summons and complaint, immediate notification to the California Office of the Attorney General shall be made. This is critical to the defense of a case. When more than one employee is served in the same case, each service shall be reported. A summons and complaint requires a response to the court by the California Office of the Attorney General for each individual served. Failure to report can result in a default judgment for which an employee can be made personally liable for monetary damages. The Chief of Police or designee shall ensure the information is transmitted to the California Office of the Attorney General.

**800.406 DEFENSE OF EMPLOYEES – CRIMINAL CHARGES**

Authority. Government Code § 995.8 provides that a state agency is not required, but may provide for the defense of an employee in a criminal action.

- A. Outside Agency Investigations. The California Office of the Attorney General shall be notified immediately whenever a criminal investigation into the possible misconduct of a departmental employee is being conducted by local agencies or the Federal Bureau of Investigation. Immediate notification will allow sufficient time for processing requests for legal counsel should such a request be received.
  
- B. Approval. A request from a police department employee for legal defense in a criminal matter requires approval by the California Exposition & State Fair’s General Manager. Pursuant to Government Code § 995.8, agency approval is based on the following criteria:
  - 1. The act or omission involving the employee occurred within the course and scope of employment.
  - 2. The employee acted (or failed to act) in good faith, without malice and in the apparent interest of the agency.
  - 3. Providing defense is in the best interest of the agency.

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- C. Procedures. Requests for criminal defense by an employee through the Chief of Police shall be directed to the General Manager. Requests shall be in writing, contain a recommendation from the Chief of Police and include sufficient facts to evaluate whether Government Code § 995.8 criteria has been met. Government Code § 995.2 mandates the employee requesting defense shall be notified within 20 days whether or not the agency will provide defense. In the event that the agency denies a request for defense, the employee must also be informed as to the reason(s) for the denial.
- D. Representation. It is a conflict of interest for the California Office of the Attorney General to provide legal representation in a criminal matter. Therefore, where defense for an employee is approved, the General Manager will arrange to contract with outside counsel. Outside counsel is normally chosen by the involved employee. However, such choice shall have the concurrence of the agency.
- E. Emergency Situations. Where time constraints preclude written transactions or completion of a contract, the General Manager may handle requests immediately by telephone, seek verbal approval for representation and notify the Chief of Police of the decision and procedures to follow. Such telephone contacts require written follow-up in order to document the request and process the necessary paperwork.