



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



## 240.02 RECEIPT OF LEGAL DOCUMENTS 10-04-12

### PURPOSE

The purpose of this order is to establish procedures for processing legal documents.

### POLICY

It shall be the policy of the Sacramento Police Department to receive and comply with properly served legal documents.

### PROCEDURE

#### A. GENERAL

1. The Court Liaison Unit (CLU) shall act as a limited authorized agent for the receipt of legal documents on behalf of employees.
2. The CLU shall process all documents received for Department employees and forward them to the employee's appropriate work stations where they normally receive their mail.
3. When an employee has been personally served with legal process in any case arising out of their employment, a copy of such documentation shall immediately be forwarded to the CLU for administrative processing.
4. Process servers attempting to serve legal documents to employees shall be directed to the CLU.
  - a. CLU personnel shall review the documents to determine whether they result from the employee's official capacity with the City or if the documents are being received as substituted service.
  - b. Per California Code of Civil Procedure 415.20, if the documents do not result from the employee's duties in their official capacity, the CLU's receipt shall constitute as substitute service. The CLU shall forward the legal documents, through the individual's immediate supervisor, to the employee in a confidential envelope.
5. Employees not working because of injured-on-duty status or other leave shall be notified by the CLU via telephone of legal documents served.
6. Employees shall respond to litigation appearance requests initiated by the City Attorney's Office or outside legal counsel representing the City Attorney's Office.

#### B. CIVIL/ADMINISTRATIVE PROCEEDINGS

1. Summons and Complaints
  - a. Receipt of summons and complaints by the CLU shall constitute personal service of employees sued in their official capacity pursuant to California Code of Civil Procedure 416.90.
  - b. When an employee is named as the defendant in an action arising out of their assigned work for the City, or when the City is named as a defendant, electronic copies of the documents shall be immediately forwarded to the City Attorney's Office, the SPOA, the PSU, the OOC and any other involved parties.
2. Subpoenas for Personal Appearance
  - a. The CLU shall accept civil subpoenas for employees when the circumstances of the case arise from duties within their official working capacity.
  - b. When the City of Sacramento is named as the defendant or the subpoena results from an employee's duties in his/her official capacity, a copy of the subpoena shall be forwarded electronically to the City Attorney's Office by the CLU immediately.
  - c. When the City Attorney's Office authorizes a specific response, the CLU shall coordinate the response with the Captain, Office of the Chief (OOC).
  - d. The CLU shall verify that mandatory fees have been placed on deposit with the City Department of Finance, in compliance with Section 68097.2 of the California Government Code, when accepting subpoenas for personnel to appear in legal proceedings, when the City or its employees are not parties in the legal proceedings.
  - e. Department personnel shall comply with subpoena requests.



# SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



3. Miscellaneous
  - a. Employees shall not accept or agree to accept anything as payment or settlement for personal injury incurred in the line of duty without first notifying the City Attorney's Office or the City Manager's Office, through the Governmental Affairs Unit (GAU).
  - b. Employees shall notify the City Attorney's Office or the City Manager's Office, through the GAU, when instituting any civil action arising out of their official duties as required by Labor Code § 3853.

## C. CRIMINAL PROCEEDINGS

1. The CLU shall accept service of criminal subpoenas pursuant to Penal Code (PC) § 1328 by receiving one (1) copy of the subpoena.
2. The CLU may refuse service of the subpoena when:
  - a. there is insufficient time to contact the employee for compliance with the subpoena (i.e., employee is on vacation, etc.) and the CLU shall notify the process server of that fact; or
  - b. there are less than five (5) working days prior to the hearing and the CLU is reasonably certain that service cannot be completed prior to the hearing.
3. If the party serving the subpoena insists upon service despite the CLU's refusal, the CLU shall request assistance from the City Attorney's Office.
4. If the CLU accepts a subpoena and subsequently determines that service will not be completed with a reasonable amount of time for the employee to comply with the subpoena, the CLU shall notify the server no less than 48 hours prior to the hearing date.