



AC45

CIVIL ACTION

AC45

Effective Date: 05 August 1997
Revised Date: 09 December 2014
Last Reviewed Date: 1 February 2019

POLICY

1. Employees of the Delta Police Department (“Department”) shall not institute any civil proceeding arising from their duties without first notifying the Deputy Chief of Administration, or delegate.
2. Any employee of the Department who has civil proceedings commenced against them as a result of their duties shall immediately notify the Deputy Chief of Administration, or delegate.
3. Members subject to civil proceeding shall receive legal representation in accordance with the Collective Agreement.
4. Police staff subject to civil proceedings shall receive legal representation in accordance with Delta Municipal Officials Indemnification Bylaw No. 6288, 2004 and Section 287.2 of the *Local Government Act*.

REASON FOR POLICY

5. To provide the Department with initial notification of civil proceeding involving employees engaged in Department duties.
6. To ensure Department employees receive legal representation when they are subject to a civil proceeding as a consequence of their Department duties.

RELATED POLICY

AE19 – Correspondence

PROCEDURES

7. An employee who is a party to a civil proceeding arising out of their employment with the Department, may not access related Department



- records for purposes of the civil proceedings, and may not disclose such records to their legal representative or anyone else, unless approved by the Deputy Chief Constable of Administration or delegate.
8. Where the disclosure of records is approved, it shall be undertaken by the Information and Privacy Coordinator, who will retain a copy of all records disclosed, unless directed otherwise by the Deputy Chief Constable of Administration or delegate.
 9. The Professional Standards Section shall monitor the civil proceeding and report to the Deputy Chief Constable of Administration or delegate, as directed.
 10. As a result of Department duties, employees shall not:
 - a) secure or supply any information about any proposed or ongoing civil action as it relates to police duties or operation without approval of the Deputy Chief of Administration, or delegate;
 - b) serve any civil processes;
 - c) become involved in civil suits or disputes, other than to prevent breaches of the peace;
 - d) use their position as a means of coercing persons with whom they are personally involved in civil matters; or
 - e) furnish information regarding personal or business reputations, criminal records, the merits of merchandise or any other information that suggests the Department either endorses or opposes any person, group or business.

(See Policy **AE19 – Correspondence** for policy on provision of personal references for employees of the Department.)