

MESA POLICE Department Policy Manual	<h1>Liability Protection</h1>	DPM 1.2.90 Effective Date 01/04/2013
Approved by: Chief of Police	Chapter: Personnel Functions	Page: 1 of 1

1. PURPOSE

This policy provides Mesa Police Department (MPD) members with the City of Mesa (COM) liability protection guidelines. [\[ALEAP 2.2\]](#) [\[ALEAP 10.4D\]](#)

2. CITY LIABILITY PROTECTION

- A. City Attorney's Office (or private attorney retained by COM)
 - 1. Defend MPD member in a court action brought against member for an act committed in the lawful performance of responsibilities as a member for and on behalf of the COM.
- B. City of Mesa
 - 1. Self-insured to a certain limit.
 - 2. Excess coverage for additional exposure.
- C. Members Represented for Incidents Involving Following Allegations
 - 1. False arrest, detention, imprisonment, and malicious prosecution.
 - 2. Libel, slander, defamation, or violation of right to privacy.
 - 3. Wrongful entry/eviction or any other invasion of right to privacy occupancy.
 - 4. Unreasonable force.
 - 5. Motor vehicle accidents.
 - 6. Violation of civil rights.
- D. Punitive Damages
 - 1. Depending on the circumstances of each case, COM defends actions against Department members for punitive damages.
 - 2. Damages are applicable where there is reckless indifference to interests of others, and are imposed as penalty for gross, wanton, and culpable acts.
 - 3. If a member is performing duties in reasonable/responsible manner, on or off duty, no basis for punitive damages would exist and COM would defend the action.
 - 4. If investigation makes it apparent that the member committed intentional/wanton malicious acts, COM could elect not to defend member.
- E. Reserves/Volunteers
 - 1. Liability protection provided when performing duties of regular members.
 - 2. Representation is limited to same restrictions as regular members.