



Seattle Police Department Policy Manual



5.010 – Civil Actions

Effective Date: 05/01/2020

I. Definition

Civil action: Civil law deals with matters involving harm to an individual or other private party, such as a business. Such cases are usually initiated by a private party (plaintiff) and decided by a judge based upon the “preponderance of the evidence” standard, where the plaintiff most likely requests money for damages or an injunction to prevent recurring harm in the future.

For Example: Civil cases include temporary restraining orders, landlord/tenant issues, defamation, battery, medical malpractice, fraud, not paying in full or on time, failing to deliver goods sold or promised.

II. Citizen Claims for Reimbursement

A. Although citizens may file a claim with the City for reimbursement for any damages or expenses that result from police action, officers cannot obligate, and should not suggest, that the City or the Department will pay such claims. Legally, the City is usually not obligated to reimburse citizens for all damages or expenses that result from police action (e.g. the service of a search warrant where force is used to gain entry).

1. Officers shall not promise citizens that they will be reimbursed if they file a claim.

B. If a citizen requests information regarding reimbursement for damages, officers should inform them that they may apply for reimbursement by filing a claim with the Claims Division of the City’s Law Department. Citizens may pick up a claim form at the Seattle Municipal Building, Clerk’s Office, 600 Fourth Avenue - Room #104, or they may call 684-8213, and a form will be mailed to them.

III. Involvement/Participation in Civil Actions - Generally

A. No employee shall volunteer to aid any private party in any manner in a civil action, and no employee shall participate in

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any manner in a civil action except as provided by Department policy and due process of law.

B. No employee, except the Chief of Police as the custodian of Department records or an employee specifically designated by the Chief of Police (e.g., Records, Evidence and Identification Section Director, Department Legal Advisors), shall provide to any person or authority outside the Department, related to a civil action, any Department records, reports, documents, or other materials, or copies thereof, completed by an employee in the performance of official duties.

C. No employee shall confer or consult with any person outside the Department or participate in any activity or proceeding related to a civil action, except in response to a subpoena or at the request of a Department Legal Advisor, City Attorney, or private attorney representing the City.

IV. Compensation for Appearances in Civil Actions

A. An employee who makes an authorized appearance (e.g., interview, conference, deposition, judicial proceeding) related to a civil action shall be compensated by the Department in accordance with applicable compensation provisions for duty-related activities.

B. No employee shall solicit or receive, directly or indirectly, any other fees or compensation (e.g., witness fees, expert witness fees, consultation fees) for any appearance, participation, or other activity related to a civil action.

V. Supervisory Notification and Scheduling

A. Whenever an employee receives a subpoena or request from a Department Legal Advisor, City Attorney, or private attorney representing the City to appear or participate in an activity related to a civil action, the employee shall inform their immediate supervisor of the subpoena or request, the nature of the employee's involvement (e.g., appearance at trial, deposition), and the anticipated date and time of the appearance.

B. Whenever possible, consideration should be given to scheduling appearances and activities related to private civil actions (a civil action where the City, State, or some other government agency is not a party to the action) outside the

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employee's normal duty hours if an on-duty appearance would affect the operation of the employee's unit of assignment.

VI. Overtime Requests

A. An employee who makes an off-duty appearance related to a civil action shall submit an Overtime Request (form 1.33) in order to receive compensation for the appearance. Employees shall indicate on the request:

1. That the appearance or activity was related to a civil action,
2. Names of the parties involved in the civil action and who requested the employee's appearance,
3. The nature of the appearance (e.g., trial, deposition, interview).

B. The Overtime Request shall be routed and reviewed according to standard court time/Overtime Request routing and review procedures.

VII. Fiscal Unit Notification

A. In all cases where an employee makes a civil action related appearance (e.g., interview, conference, deposition, judicial proceeding), on-duty or off-duty, at the request of a private party (a party other than the City, Department, or other government agency), the Fiscal, Property and Fleet Management Section will collect fees from the private party. In order to facilitate billing by the Fiscal Unit, such employee appearances shall be reported as follows:

1. The employee who makes an appearance, on- or off-duty related, shall complete a Memorandum (form 1.11) addressed to the Fiscal, Property and Fleet Management Section, indicating the following:
 - a. Name, address, and business phone number of the attorney(s) representing the party who requested the employee's appearance,
 - b. The date, hours, location, nature of the appearance (e.g., conference, deposition, trial), any time spent in preparation for the appearance, and whether the appearance occurred during the employee's on-duty or off-duty hours, and a brief description of the nature of the civil action (e.g., civil lawsuit, insurance claim) and the incident and employee

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activity related to the civil action (e.g., vehicle accident investigation, Report Number),

- c. The employee shall attach to the Memorandum a copy of any subpoena the employee received and in the case of off-duty appearances, a copy of the Overtime Request completed by the employee.
2. In the event an employee receives any fees or compensation for a civil appearance, the employee shall forward the fees or compensation to the Fiscal, Property and Fleet Management Section with the Memorandum, and
 - a. Any checks received by an employee shall be endorsed "payable to the City of Seattle" and shall be signed by the employee.
3. The Memorandum with attachments shall be forwarded for review through the employee's chain of command. Each supervisor shall initial and date the Memorandum to acknowledge review. The Section/Precinct Captain shall then forward the Memorandum, with attachments, to the Director of the Fiscal, Property and Fleet Management Section.