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Civil Summons and Complaint
(Re-issue DB 14-270)

This bulletin reminds members of the procedure to follow when served with a civil summons and complaint where the member is named as a defendant for conduct in the course and scope of his or her employment with the Department.

Promptly upon service, the member shall prepare a memorandum specifying the name of the case, the court and case number, and the date, time and method of service. If the member requests representation by the City Attorney's Office, the member shall include that request in the memorandum. The member shall type "Confidential Attorney-Client Privileged Communication" on the top of the memorandum.


The member shall forward the memorandum, summons and complaint to the Legal Division by the end of watch on the date the member is served.

The requirement to provide prompt notice of service of a civil summons and complaint applies when a member is off duty; on vacation, disability, sick, military or other leave; or on suspension. If a member is served with a summons and complaint while away from work, the member shall call his or her supervisor and provide the required information promptly after service. The supervisor **shall** prepare the memorandum regarding the service and submit it to the Legal Division, with a copy of the summons and complaint if possible, no later than the end of watch.

If personnel at a station/unit accept service of a summons and complaint on behalf of an unavailable or absent member, the person receiving the summons and complaint shall prepare the memorandum required under this bulletin and forward all materials to the Legal Division, and retain a copy for the member served.

It is essential that members provide notice as soon as they receive a civil summons and complaint, even if the member does not believe the service was proper. Failure to give this notice promptly may jeopardize the ability of the City Attorney's Office to take certain actions in the case to protect the member's interests, e.g., remove the case to federal court or to timely respond to the complaint on the member's behalf.

Members may contact the Legal Division with any questions at (415) 837-7394.


WILLIAM SCOTT
Chief of Police

Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.