

General Order

Houston Police Department



ISSUE DATE:

June 7, 2013

NO.

200-02

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-02, dated March 6, 2006

SUBJECT: EMPLOYEES FACING LEGAL ACTION

POLICY

Employees notified of any civil or criminal action pending against them as a result of their employment with the City of Houston, shall immediately inform the Chief of Police in writing. Employees shall also notify the Chief of Police in writing of any pending criminal action against them that is not a result of their employment with the City of Houston.

Officers shall notify the Chief of Police in writing of any civil action that arises from their actions at any extra employment or while taking action in their capacity as a peace officer.

This General Order applies to all employees.

1 PROCEDURES

When employees are notified that a civil or criminal action is pending against them as described in the above *Policy* statement, they shall notify the Chief of Police in writing. The employee's original letter along with copies of all documentation shall be immediately sent to the Chief of Police through the employee's chain of command.

A copy of the employee's letter along with the originals of any papers served on the employee shall be immediately hand delivered to the department's Legal Services. The employee should keep back-up copies of all papers.

The Chief of Police shall notify the City of Houston Legal Department so a response can be made within 20 *calendar* days, as required by law. Only the Chief of Police shall forward requests for representation or legal documents to the City Legal Department.

2 PENDING CRIMINAL INVESTIGATION

Employees who become aware they are under investigation for any criminal matter by any lawfully authorized agency other than the department's Internal Affairs shall immediately notify the Chief of Police in writing.

Employees charged with a crime shall monitor the status of their criminal charges and immediately notify Internal Affairs if there are any changes. Employees who are *relieved of duty* shall follow the procedures as outlined in General Order 200-03, **Investigation of Employee Misconduct**.

3 LEGAL REPRESENTATION IN CIVIL ACTIONS

Employees involved in civil actions resulting from their employment with the City, have the right to representation by the City Legal Department or an attorney of their choice.

Employees shall inform the Chief of Police of their choice of legal counsel in their notification letter. Employees shall use the *Notice of Legal Action* correspondence letter (available on the department's Intranet Portal) as an example of the written notification to the Chief of Police.

Employees shall include the following information in their notification letter to the Chief of Police: date, time, and method by which they were served; their shift, current assignment, regular days off, office telephone number, and department issued cellular telephone number; and an affirmative statement requesting City Legal Department representation or a statement that they will retain their own legal counsel and will not use the City Legal Department. Employees

shall submit copies of the citation and citation page with the notification letter.

Employees receiving traffic citations shall immediately notify their assistant chief in writing via their chain of command and forward a copy of the citation with the correspondence.

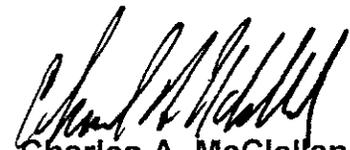
4 NOTICE OF ARREST OR CITATION

Employees who are the subject of an arrest action shall immediately notify the Command Center of their location and the charge. Employees shall notify the Chief of Police in writing upon their release from custody.

5 RELATED GENERAL ORDERS

200-03, Investigation of Employee Misconduct

200-11, Employee Integrity Program



Charles A. McClelland, Jr.
Chief of Police