



CHAPTER # 2 LEGAL ADVICE AND LIABILITY INSURANCE	POLICY # 2.1 LEGAL ADVICE AND LIABILITY INSURANCE
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
Date Implemented: 11/01/2019	Review Date:

POLICY

LEGAL ADVICE

The Department has the availability of general legal advice through the city attorney and/or, when necessary, privately retained counsel.

The purpose of this policy is to set forth procedures in obtaining legal advice when dealing with unforeseen matters or circumstances not dealt with daily.

General counsel

The city attorney is available to provide general legal advice to the Chief of Police.

Personnel proceedings

The city attorney will provide advice and counsel to the Chief of Police in personnel proceedings arising out of the execution of the Chief's duties.

The Chief of Police, at his discretion, may also contract with outside legal counsel.

Criminal investigations

Officers of the Department will refer the following to prosecutors with the Jefferson County Commonwealth Attorney's Office:

- Any questions regarding an ongoing active felony criminal case.
- Any questions regarding the development of felony criminal cases.

Unauthorized counsel

It is the policy of the Department that no individual employee, regardless of rank, is authorized to communicate with or solicit a written or oral opinion from any outside source relating to such matters as policy, budget, planning, or any other purely administrative matter. Any question of this nature will be directed through the appropriate

chain of command to the Chief of Police who will answer such questions or request an opinion from the city attorney and/or the Attorney General of the Commonwealth of Kentucky.

The Chief of Police may delegate to members of his command staff the authority to seek an opinion of this nature from the city attorney and/or the Attorney General of the Commonwealth of Kentucky but will be done with prior written approval of the Chief of Police. However, nothing in this section will prohibit or deny any member of the Department from reporting any actual or reasonably suspected illegal activity within the Department to the appropriate outside agency.

LIABILITY INSURANCE

A liability protection insurance program covers the Department and its employees. The liability protection program covers and protects employees of the Department from liabilities arising from negligent acts or omissions, which lead to future legal civil action. The policy does not cover employees who commit intentional acts from which future civil actions arise. A detailed description of this liability insurance policy is available by making a request, through channels, to the Chief of Police.