


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 5.03</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: CIVIL LITIGATION</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> Civil Litigation Criminal Procedure/Process 	<p>State Certification Standards:</p>		

Special Instructions:

PURPOSE

The purpose of this General Order is to prescribe the policies and procedures regarding civil litigation involving Rabun County Sheriff's Office employees.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office that all employees of the Rabun County Sheriff's Office notify the Sheriff of Rabun County through their chain of command as soon as they are aware that civil action is being taken against them. This is to include civil litigation involving Rabun County Sheriff's Office employees who are acting in their official capacity as county employees and/or civil litigation unrelated to their employment with Rabun County.

DISCUSSION

With increasing frequency, persons and officers at all levels of local, state, and federal government are being held individually liable for their actions. Whether this arises as a direct result of an action taken as an employee of the Rabun County Sheriff's Office or as a result of an incident occurring outside the scope of employment, the civil action will impact the employee and the Rabun County Sheriff's Office. To effectively manage the impact of the civil litigation, employees need to advise the department as soon as possible.

I. CIVIL LITIGATION RESULTING FROM OFFICIAL ACTION

- A. All civil process (subpoena, notice of lawsuit, complaint or summons) shall be served on the employee named on the process. If only the county is named on the process, the server shall be informed that the service may only be made to the County Administrator.
- B. Any employee who receives a civil process to appear as a defendant or witness in any action relating to any circumstances resulting from their employment with the Rabun County Sheriff's Office shall forward a copy of the process through their chain of command to their Division Commander on the first working day following such service.
- C. Any available reports or documentation relating to the incident shall be provided to the Division Commander with the copy of the process.
- D. The Division Commander shall review all documentation and obtain any relevant documents that are not included. Once the file is complete, the Division Commander shall deliver it to the Sheriff or his designee(s) for review.
- E. If the Sheriff or his designee(s) determines that there is a need for an internal investigation, then the proper procedures will be started for the internal investigation.

II. PROCEDURE WHEN CIVIL LITIGATION IS POSSIBLE

- A. When an employee has reason to believe that he or she may be the subject of a civil litigation due to circumstances arising from their employment with the Rabun County Sheriff's Office, but have not been served a civil process, then the employee shall provide a written notification to their supervisor.
- B. This notification should outline the actions of the employee in the questioned incident, any paperwork that may be available, and the reason(s) why the employee believes that a civil litigation may result.
- C. The supervisor will then forward the written notification and all related paperwork to the appropriate Division Commander who shall notify the Sheriff or his designee(s).

III. RESPONSE TO SUBPOENAS AND OTHER LEGAL REQUESTS

- A. All requests for or subpoenas for any records of the Rabun County Sheriff's Office, any reports or notes involved in any case will be complied with in accordance to appropriate statute law and as directed by the County Attorney of record in the matter.
- B. All requests for subpoenas for personnel records, internal investigation files, citizen complaints, training records, review board results, or any other internal documents will be submitted to the Sheriff or his designee(s) for review by the County Attorney of record before these documents are produced.

IV. CIVIL LITIGATION NOT ARISING FROM OFFICIAL ACTIONS AS AN EMPLOYEE

If any employee has reason to believe that he or she may be the subject of civil litigation due to any circumstances NOT arising from the performance of their duties as an employee of the Rabun County Sheriff's Office, but which may have an effect or adversely affect the Rabun County Sheriff's Office, then the employee shall immediately provide their supervisor with notification of this fact who will forward the notification through the chain of command to the Sheriff.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County