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EA21

**CIVIL ACTIONS**

EA21

Effective Date: 05 August 1997  
Last Reviewed/Revised Date: 21 September 2020\*

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**POLICY**

1. Employees of the Delta Police Department (Department) shall not institute any civil proceeding arising from their duties without first notifying the Deputy Chief or delegate.
2. Any employee of the Department who has civil proceedings commenced against them as a result of their duties shall immediately notify the Deputy Chief, or delegate.
3. Members subject to civil proceeding shall receive legal representation in accordance with the Collective Agreement.
4. Police staff subject to civil proceedings shall receive legal representation in accordance with Delta Municipal Officials Indemnification Bylaw No. 6288, 2004 and Section 287.2 of the *Local Government Act*.

**REASON FOR POLICY**

5. To provide the Department with initial notification of civil proceeding involving employees engaged in Department duties.
6. To ensure Department employees receive legal representation when they are subject to a civil proceeding as a consequence of their Department duties.

**RELATED POLICIES**

EC11 – Conflict of Interest  
EC51 – Correspondence

**PROCEDURES**

7. An employee who is a party to a civil proceeding arising out of their employment with the Department may not access related Department records for purposes of the civil proceedings, and may not disclose such

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EA21

Civil Actions

EA21



- records to their legal representative or anyone else, unless approved by the Deputy Chief or delegate.
8. If the disclosure of records is approved, it shall be undertaken by the Information & Privacy Coordinator, who shall retain a copy of all records disclosed, unless directed otherwise by the Deputy Chief delegate.
  9. The Professional Standards Section shall monitor the civil proceeding and report to the Deputy Chief as directed.
  10. As a result of Department duties, employees shall not:
    - a) secure or supply any information about any proposed or ongoing civil action as it relates to police duties or operation without approval of the Deputy Chief or delegate;
    - b) serve any civil processes;
    - c) become involved in civil suits or disputes, other than to prevent breaches of the peace;
    - d) use their position as a means of coercing persons with whom they are personally involved in civil matters; or
    - e) furnish information regarding personal or business reputations, criminal records, the merits of merchandise or any other information that suggests the Department either endorses or opposes any person, group or business.

\*Revised Dates:  
15 October 2012  
16 December 2014