

## ILLINOIS STATE POLICE DIRECTIVE ADM-018, REQUEST FOR LEGAL REPRESENTATION

<b>RESCINDS:</b> ADM-018, 2010-073, revised 08-23-2010.	<b>REVISED:</b> 09-09-2013 <b>2013-062</b>
<b>RELATED DOCUMENTS:</b> OPS-006, OPS-007, ROC-002	<b>RELATED CALEA STANDARDS:</b> 22.2.2, 22.2.7

### I. POLICY

The Illinois State Police (ISP) will:

- I.A. Require employees to inform their chain-of-command and the Chief Legal Counsel when the employees receive notice they have been, or will be, named as defendants in civil lawsuits arising out of acts or omissions occurring within the scope of employment.
- I.B. Aid employees in obtaining legal representation through the Illinois Attorney General's Office when so authorized by statute and upon request of the employees.

### II. AUTHORITY

- II.A. 5 ILCS 350/2, "Representation and indemnification of State employees"
- II.B. 20 ILCS 405/405-105, "Fidelity, surety, property and casualty insurance"

### III. PROCEDURES

- III.A. Employees who are served with complaints will notify their supervisor before the close of business on the day of service, or if after normal business hours, before the close of business the day following service.
- III.B. The employee has three business days after receipt of the complaint to decide whether to request representation by the Illinois Attorney General's Office and indemnification by the state of Illinois. Terms and conditions with respect to representation and indemnification can be found at 5 ILCS 350/2 and 20 ILCS 405/405-105.
- III.C. The employee's supervisor will ascertain if the employee desires representation by the Illinois Attorney General's Office and indemnification by the state of Illinois.
  - III.C.1. If the employee desires representation and indemnification from the state of Illinois, the employee will prepare a letter requesting representation (contact the Legal Office for a sample recommended letter).
    - III.C.1.a. The employee named in the complaint will sign the letter and make two copies of the letter, summons, and the complaint.
      - III.C.1.a.1) The original letter requesting representation, the original summons, and the original complaint will be sent directly to the Legal Office in Springfield.
      - III.C.1.a.2) One copy of the letter requesting representation, a copy of the summons, and a copy of the complaint will be forwarded through the employee's chain-of-command to his/her Colonel.
    - III.C.1.b. The Legal Office will forward the original request letter, the summons, and complaint to the Illinois Attorney General's Office within 15 days from the receipt of the summons and complaint by the employee.
    - III.C.1.c. The Legal Office will assist the employee in all matters relating to the litigation and will monitor the representation provided by the Illinois Attorney General's Office.
  - III.C.2. If the employee does not want to request representation from the Illinois Attorney General's Office and indemnification by the state of Illinois:

III.C.2.a. The supervisor will document the employee's decision in a memorandum and forward the original copy to the Chief Legal Counsel. A copy of the memorandum will be forwarded through the chain-of-command to the employee's Colonel.

III.C.2.b. Employees may engage counsel of their own choice and at their own expense.

III.D. Employees who receive legal representation by the state of Illinois will advise the Legal Office, or their assigned ISP attorney, of any requests for information, production of documents, depositions, court dates, or other communication received from the Illinois Attorney General's Office.

**NOTE:** To assist in understanding the consequences, an employee may contact the ISP Legal Office to obtain additional information concerning state-provided representation and indemnification.

| Indicates new or revised items.

**-End of Directive-**