

**OFFICE OF CONSTITUTIONAL POLICING AND POLICY**

**NOTICE**  
1.14

June 7, 2018

**TO:** All Department Personnel

**FROM:** Director, Office of Constitutional Policing and Policy

**SUBJECT:** ACCEPTANCE OF SUMMONS AND COMPLAINT BY MAIL OR PROCESS SERVER

This Notice serves as a reminder that all Summons and Complaint documents received by mail or process server shall be processed immediately by the receiving Area or division, regardless of the named employee's assignment. The receiving entity shall ensure that the named employee is provided with the Summons and Complaint and ordered to contact Legal Affairs Division (LAD) within two business days. For additional related information, please review Department Manual Section 3/782.10 (attached).

The United States (U.S.) Marshals Service is tasked with serving civil suit documents for inmates suing the City in Pro Per. The documents may be served in person by a Deputy U.S. Marshal or by mail from the U.S. Marshals Service. In either case, the receiving employee shall ensure that the named employee is provided with the documents without delay and ordered to contact LAD within two business days. If the named employee is not available due to illness, separation from the Department, or vacation, the receiving employee shall contact LAD by the next business day.

Should you have questions regarding this matter, please contact Legal Affairs Division, at (213) 978-8300.

APPROVED:



ARIF ALIKHAN, Director  
Office of Constitutional Policing and Policy



SEAN W. MALINOWSKI, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

Attachment

DISTRIBUTION "D"

## Department Manual Section 3/782

### 782. CIVIL SUITS.

#### 782.10 ACCEPTANCE OF SUMMONS AND COMPLAINT.

**Officer's Responsibility.** Area and division desk officers or Department employees who are contacted by a process server, an attorney, a marshal, or any person serving a Summons and Complaint to a Department employee, or who receive a Summons and Complaint via mail for a Department employee, must immediately notify a supervisor.

**Supervisor's Responsibility.** When notified that a process server is present at a Department facility for the purpose of serving a Summons and Complaint to a Department employee, the supervisor must meet with the process server and verify that the employee is currently assigned to the Area, division, section or unit.

**Note:** When the employee to be served is not assigned to the Command, the process server must be advised where the employee is currently assigned. If requested, the server will be provided the address and telephone number of the employee's current work location and directed to serve the employee at the location. In cases when an employee's work location cannot be determined, or the process server leaves a Summons and Complaint for an employee not assigned to the Area, the supervisor must immediately forward an Employee's Report, Form 15.07.00 documenting the circumstances of the service and the document to the Civil Investigation Section, Legal Affairs Division (LAD).

**Employee On-Duty.** When an employee to be served is on duty, the supervisor will:

- Ensure that the employee accepts the Summons and Complaint with minimal delay;
- Record the Summons and Complaint on the officer Subpoena Record, Form 15.29.00; and,
- When the Summons and Complaint is a result of activities occurring during the employee's course and scope of City employment, direct the served employee to comply with Department Manual Sections 3/782.30, 3/784.40 and complete a Form 15.07.00. The supervisor must advise the employee to hand carry the 15.7 and Summons and Complaint to the Civil Investigation Section, LAD within two business days.

**Employee Off-Duty.** If the employee is off-duty, the supervisor must inform the process server when and where the off-duty employee will be available to accept the Summons and Complaint. The process server should only be told the expected date of return of the employee and will not be informed of his/her current employment status or the circumstances regarding the employee's absence, or unavailability. **Under no circumstances should an employee's home address or other personal information be given to the process server.**

When a process server insists on leaving the Summons and Complaint, the supervisor must accept the documents. The supervisor may sign or initial a document that only acknowledges

receipt. In those instances, they must make a copy of the signed receipt and attach it to the Summons and Complaint.

**Note:** Acceptance of a Summons and Complaint by anyone other than the named employee is not considered "service" to an employee. The supervisor must inform the process server that they are not the designated agent of the employee to accept service and must not sign or initial any document stating they are the designated agent to accept service.

A supervisor accepting a Summons and Complaint by mail or by other means for an off-duty employee must:

- Request that the process server leave a complete Summons and Complaint for each employee for whom the person is attempting service and ensure that the process server has marked, highlighted or otherwise identified the individual employee on each Summons and Complaint;
- Record it on the Officer Subpoena Record, Form 15.29.00;
- Deliver the Summons and Complaint to the named employee as soon as practicable;
- When the employee will not be available for acceptance of the Summons and Complaint within 10 days, and the lawsuit is a result of the employee's official duties, the supervisor must complete an Employee's Report, Form 15.07.00, document the date, time received, and the circumstances explaining the employee's absence as well as the circumstances of the attempted service. The 15.7 must be hand delivered to the Civil Investigation Section, LAD; and,

**Note:** If the Summons and Complaint was received via mail, the envelope in which it was received, must be forwarded with the 15.07.00 to the officer in charge, Civil Investigation Section, LAD.

- When the employee will not be available for acceptance of the Summons and Complaint within 10 days and the process resulted from a personal matter involving the employee, the supervisor must:
  - Immediately notify the serving attorney of the employee's absence and estimated time of return to duty; and,
  - Document the receipt of the Summons and Complaint in the Sergeant's Daily Report, Form 15.48.00, and immediately forward the document to the employee's residence via certified United States mail. **Department employees must not release any personal information, including an employee's home address or telephone number, to any process server without the employee's consent.**

**782.25 NOTIFICATION OF PENDING CIVIL TRIALS.** Upon notification from the Civil Division, Office of the City Attorney, of a civil trial date of an employee, the commanding officer shall meet with the involved employee to provide support, as necessary.

**Note:** This applies only to those summons and complaints in which a Department employee is named due to circumstances arising from duty performance as a City employee.



**782.30 PROCEDURE WHEN SUED.** When an employee is served with a Summons and Complaint resulting from activities within the course and scope of City employment, the employee must within two (2) business days of service complete a Form 15.07.00 (Manual Section 3/782.40). The completed Form 15.07.00 and the Summons and Complaint must be hand-carried to the Civil Investigation Section, Legal Affairs Division.

**Note:** The form 15.07.00 is **in addition** to any previously completed reports regarding the incident. No copies of this report will be made, and the report must not be approved by a Department supervisor.

**782.40 COMPLETING REQUIRED REPORTS.** All reports will have the words *"Confidential-This report is for the confidential use of the City Attorney in the performance of his duty as attorney for the City of Los Angeles"* typed conspicuously on the face of each page.

The Form 15.07.00 completed by the employee will be addressed to the City Attorney and contain:

- A statement requesting that the City Attorney represent him in the matter;
- The date, time, exact address, and the city where the summons and complaint was served upon the employee;
- The identity and occupation of the person who served the complaint;
- A detailed account of the incident, including the complete names and addresses of all parties and possible witnesses;
- Name, watch, and location of assignment of investigating officers;
- Name of plaintiff(s); and,
- Case number.

**Note:** No copies of this report will be made, and the report must not be approved by a Department supervisor.