


DEPARTMENT OF CORRECTION 	POLICY MANUAL	POLICY NUMBER: 106	PAGE NUMBER: 1 of 3
		SUBJECT: Legal Actions Initiated Against Personnel	Adopted: 12-1982 Reviewed: 05-01-03 Revised: 05-30-03

01.00.00. POLICY OF THE DEPARTMENT

It is the policy of the Board of Correction that the Director, Department of Correction, shall make provisions for legal services to any current or former Department employee named as a defendant or respondent in a civil legal action stemming from the performance of correctional duties where it has been determined by the Office of the Idaho Attorney General that the employee was acting within the scope and course of employment. In such cases, these individuals will be represented by the Deputy Attorneys General assigned to the Department of Correction or by any other attorney properly appointed by the Attorney General for that purpose.

Except where stated otherwise herein, this policy applies only to cases involving litigation that is related to the performance of the correctional duties of a current or former employee, not to legal matters that are of a personal nature, such as individual family law matters, contract disputes, automobile claims, and so forth.

02.00.00. TABLE OF CONTENTS

01.00.00. POLICY OF THE DEPARTMENT

02.00.00. TABLE OF CONTENTS

03.00.00. REFERENCES

04.00.00. DEFINITIONS

05.00.00. PROCEDURE

05.01.00. Responsibility Of Employee Being Sued

05.02.00. Responsibility Of The Deputy Attorney General

05.03.00. Service Of Summonses, Complaints, And Subpoenas

03.00.00. REFERENCES

Idaho Code Section 67-1401, 6-901 et. seq.

IDAPA 06.01.01, Rules Of The Board Of Correction, Section 106, Service Of Process On Department Employees.

POLICY NUMBER: 106	SUBJECT: Legal Actions Initiated Against Personnel	PAGE NUMBER: 2 of 3
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Standards For Adult Correctional Institutions, Third Edition, January, 1990, Standard number 3-4048.

04.00.00. DEFINITIONS

Board. The state Board of Correction.

Department. The state Department of Correction.

Director. The director of the Department of Correction.

Offender. A person under the legal care, custody, supervision or authority of the Board including a person within or without the state pursuant to agreement with another state or a contractor.

05.00.00. PROCEDURE

05.01.00. Responsibility Of Employee Being Sued

Whenever a lawsuit is initiated against the Department, or any personnel thereof, and an employee is served with a summons and complaint or other legal documents related to that case, all papers are to be forwarded immediately to the office of the Director.

The papers will be referred to the lead Deputy Attorney General assigned to the Department.

The employee shall note upon the face of the document the time, date and name of the person serving the papers.

05.02.00. Responsibility Of The Deputy Attorney General

The lead Deputy Attorney General assigned to the case shall be responsible for arranging for the defense of all litigation against the Department and its employees in cases that qualify for legal assistance by the Office of the Attorney General.

Any employee sued who is determined not to have been acting during and within the scope of employment with the Department, will be so advised and will not be represented by the Office of the Attorney General.

05.03.00. Service Of Summonses, Complaints, And Subpoenas

Staff members approached by offenders wishing to serve a summons and complaint or a subpoena should refer the offender to the Deputy Attorneys General for the Department.

POLICY NUMBER: 106	SUBJECT: Legal Actions Initiated Against Personnel	PAGE NUMBER: 3 of 3
---------------------------	--------------------------------------------------------------	-------------------------------

An offender shall neither attempt, nor cause another offender acting on his behalf to attempt to personally serve the Department, the Board of Correction, the Idaho Commission of Pardons and Parole, or their employees, with any legal documents.

Service on the Department, the Board of Correction, the Idaho Commission of Pardons and Parole, or their employees, by an offender or by any qualified individual desiring to provide service e.g., a process server, shall be made upon a Deputy Attorney General assigned to the Department and in the manner and form required by state and federal statutes and rules of procedure.

Staff members being asked by a process server to accept service of legal documents for the Department, the Board of Correction, or the Commission of Pardons and Parole, or their employees, should decline to do so and should immediately contact the Deputy Attorneys General for the Department to arrange for proper acceptance of service.

When a staff member is contacted by a process server desiring to serve legal documents upon an employee at his place of work, and the documents are related to a case that is entirely of a personal nature to that employee, e.g., divorce, child support modification, etc., the process server should be advised to arrange for service of the documents at a time and location other than during work hours at the employee's place of work.

Director, Department of Correction

Date