



Sheridan Police Department
Policies and Procedures
7.4
Chapter 7 – Employee Welfare
Section 4 – Employee Liability

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Signature:

In today's litigious society, police departments and their employees are exposed to a myriad of lawsuits arising from their actions or inactions. Appropriate policy and adequate training are vital to reducing liability.

7.4.1 Liability Claims

- A. Liability claims against the department and employees are governed by the Wyoming Governmental Claims Act, Wyoming Statutes 1-39-101 through 1-39-121.
- B. The department and its employees while acting within the scope of their duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112. These exceptions include:
 - 1. A governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation of any motor vehicle;
 - 2. A governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation or maintenance of any building;
 - 3. A governmental entity is liable for damages resulting from tortious conduct of peace officers while acting within the scope of their duties.
- C. When liability is alleged against a department employee, and it is determined the employee was acting within the scope of his or her duty, whether or not alleged to have been committed maliciously or fraudulently, the department shall provide a defense at its expense.
- D. The department shall assume and pay a judgment entered under the Wyoming Governmental Claims Act against any of its employees, provided the act or omission upon which the claim is based has been determined by a court or jury to be within the public employee's scope of duties.
- E. Any employee who becomes officially aware that he/she will be, or is, named as a respondent/defendant in a civil suit growing out of the employee acting in an official capacity, whether on or off-duty, will use the chain of command to immediately notify the Chief of Police in writing.
- F. Any employee who is served with a subpoena or other legal process relating to business, operations, policies, or procedures of the department will use the chain of command to immediately notify the Chief of Police. This requirement does not apply to subpoenas relating to the prosecution of a criminal case.
- G. Employees shall not seek, sue or solicit, nor shall they accept from any person, any money or other compensation for damage sustained or expenses incurred by them in the line of duty

without first notifying the Chief of Police in writing, including in the notification, the exact amount of compensation necessary for such damages or expenses incurred.

7.4.2 Police Officer Liability Claims

- A. The risk management section of the State of Wyoming Department of Administration and Information, General Services Division, processes claims for all certified Wyoming peace officers.
- B. The risk management section processes, investigates, evaluates, negotiates and settles or denies claims filed against Wyoming peace officers.
- C. The risk management section administers the state self-insurance program. The self-insurance program insures local government peace officers and others.
- D. Wyoming Attorney General's Tort Litigation Division defends civil lawsuits against all state and local peace officers.