

**PRINCE WILLIAM COUNTY POLICE DEPARTMENT
MANUAL OF GENERAL ORDERS**

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**OFFICE OF PROFESSIONAL STANDARDS: INVESTIGATIONS IN
ANTICIPATION OF LITIGATION**

It is not always possible to know in advance what circumstances may give rise to litigation. However, the Department has been very sensitive to those circumstances in which there is some possibility, even if remote, that the Department or the member might be sued. When there is the risk of litigation, it becomes necessary for the County to act appropriately to protect its interests by maintaining the confidentiality of all investigations prepared in anticipation of litigation.

Therefore, the Office of Professional Standards is responsible for carrying out the following policy:

- A. In any circumstance in which the Department has reason to believe that a member, or the Department itself, may be subject to litigation as a consequence of any event, the Department, by memorandum from the Chief of Police or designee, will formally notify the County Attorney's Office *and County Executive* in writing of the possibility. The Department is to liberally construe this requirement in favor of reporting where any doubt exists.
- B. Once such notice has been provided, the County Attorney is to be the direct addressee or a copied recipient of all investigative reports conducted by any member or agent of the Department with respect to the incident giving rise to the report, including interviews with witnesses, and the personnel involved.

All such investigative reports with respect to the civil aspects of any case should be prepared as if they were prepared at the express direction of the County Attorney to assist in the defense of any possible action. This will apply to all reports except those reports prepared as part of a criminal investigation. The County Attorney has no customary need of access to criminal reports, except in extraordinary circumstances, and where permitted by law.

- C. The County Attorney may occasionally request the Chief of Police to provide direct investigative assistance in anticipation of, or preparation for, litigation. The Chief may provide such assistance, which can be spared, for the purpose.
- D. The County Attorney will be responsible for notifying the Division of Risk and Wellness Services of potential claims at the appropriate time.
- E. The purpose of this policy is to assure early notice to the County Executive, County Attorney and insurance carriers of possible action against the County or its agents, provide a framework for orderly investigation into incidents giving rise to such action, and to insure, to the greatest extent lawfully possible, the confidentiality of investigative reports necessary to the defense of the Department and its personnel.