

	Section 900 – Administration / Organization		Procedure & Instruction	
	<h2>Legal Affairs</h2>		Number	900-36
			Version	1.1
			Dated	07/17/07
			Page	1 of 4
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Purpose

This document establishes guidelines for legal service to include requests of the MOA Legal Department, receipt of summons and subpoenas upon AFD members, subpoenas of AFD documents and records, depositions, and for participation in legal interviews relating to the Department’s operations.

Policy

It is the policy of the Anchorage Fire Department to:

- a) facilitate the timely delivery of subpoenas
- b) respond in a timely fashion to subpoenas and requests for documents
- c) allow employees to participate in approved legal interviews associated with department activities that are requested from outside entities

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Procedure & Instruction

1.0 Incidents Involving MOA Litigation

1.1 Any AFD member who has any reason whatsoever to believe that the Municipality is, or might be made a party to, litigation concerning any action involving the AFD shall notify his or her supervisor who shall contact the AFD Chief Liaison.

1.1.1 The following sections of this P&I apply to those instances where the services or information being requested or subpoenaed involve litigation.

2.0 Subpoenas to Personnel

2.1 This section applies to subpoenas requiring AFD personnel to appear at trial and/or for deposition.

2.2 Subpoenas will not be accepted by any Fire Department employee other than the person named in the subpoena. The subpoena must be delivered in person or received by registered or certified mail. If sent by mail, only the person to whom the subpoena is addressed will sign for the subpoena. Any other delivery results in an invalid subpoena. The member must endorse the check that accompanies the subpoena over to the Municipality.

2.3 All persons seeking personnel for service of subpoenas will be referred to a Battalion Chief.

2.4 Battalion Chiefs will assist the person seeking to serve the subpoena by releasing specific contact information.

2.4.1 Information that may be released:

- a) The workplace of the person(s) named on the subpoena and their work phone number.
- b) The next scheduled work day or period of the person(s) named on the subpoena

2.4.2 No personal phone numbers or other personal contact information will be released. If the hearing date is before the department member returns to work, the Liaison Chief or Command Staff member may elect to contact the employee at home and ask the employee to call the person attempting to serve the subpoena.

2.5 Subpoenas must be delivered in person or by registered or certified mail. Delivery by fax is not sufficient and no response shall be made to faxed subpoenas.

2.6 Subpoenas may direct the member to bring the associated run reports or other documents with them. Members must contact EMS Records for official copies of EMS run reports or Data Systems for official copies of ANFIRS reports. The member must fax a copy of a valid subpoena to Records or Data Systems.

2.7 Members are reminded that subpoenas are orders issued by a court to appear and/or produce documents. Failure to comply with a subpoena may subject a person to court ordered sanctions.

3.0 Subpoenas for Fire Department documents

- 3.1 This section applies to Department records subpoenaed separately from personnel.
- 3.2 Subpoenas for department records will be served at Anchorage Fire Department Administration (1301 E. 80th Ave), and forwarded to the appropriate records custodian(s).
- 3.3 The Billing Clerk will produce EMS records and the Data Systems Fire Office Assistant will produce all non EMS records.
- 3.4 Subpoenas of records may require an accompanying appearance by the records custodian to attest that the records are official department records.

4.0 Requests for Legal Interviews of Personnel

- 4.1 This section applies to interviews that do not involve a subpoena but are being requested to gain information on events involving to the member's performance of their duties and there is litigation or potential litigation.
- 4.2 This section does not apply to events that are required to be reported by law.
- 4.3 All personnel are required to direct such requests for legal interviews to the Liaison Chief and shall not participate without receiving his explicit approval.
- 4.4 When such events involve EMS responses approval for participation will require:
 - 4.4.1 Confirmation of a HIPAA compliant records release on file with EMS Records
 - 4.4.2 Review of the EPCR and approval by the EMS Chief or a CMO
- 4.5 Members and their chain of command will receive notification of approval to participate from the Liaison Chief. When such interviews relate to EMS responses the member's CMO may elect or be requested to accompany the member. When such interviews relate to other operations responses the member's BC may elect or be requested to accompany the member
- 4.6 Legal interviews may occur telephonically or in person after compliance with the procedures set forth in this section 4.

5.0 Releasing Requested Fire Department Information and Documentation

- 5.1 This section shall apply to department information, documents and records that are requested from an agency or entity outside the Municipality of Anchorage, as part of a requested legal interview.
- 5.2 Releases of requested department records shall be done in accordance with P&I 900-21 Incident Reporting
 - 5.2.1 All requests for EMS reports will be directed to EMS Records through the Contract Administrator.
 - 5.2.2 All requests for non-EMS incident information or photographs must be received in writing and directed to Data Systems Department, using the incident request form.
 - 5.2.3 All external requests for dispatch records will be routed through the Liaison Chief.

- 5.3 Members will not discuss or release any patient information or patient care issues during a legal interview without written confirmation of an official release of the involved patient care records.
- 5.3.1 Members may discuss confidential patient information protected under HIPAA in the setting of a properly released patient care record provided they have first obtained a written confirmation of release.
- 5.3.2 Questions on patient confidentiality issues will be referred to the HIPAA Compliance Officer.
- 5.4 Confidentiality is maintained on all arson and investigation related information unless a subpoena is received, or permission is given by the Investigator or Fire Marshall.

6.0 MOA Legal Service

- 6.1 Requests for MOA Legal Service, (RFLS), shall be made in compliance with the instructions on the "Request for Legal Services" form provided by the Municipal Attorney's office. All RFLS shall be coordinated at the Division/Assistant Chief level. The respective Division/Assistant Chief shall inform the Liaison Chief on all AFD, RFLS - within 24 hours of the request.

7.0 Version History

Supersedes:		
P&I		
Memo		
Revisions:		
Date:	Version #	Changes
06/15/06	1.0	> New
07/17/07	1.1	<ul style="list-style-type: none"> ➤ Renamed from "Subpoenas" to "Legal Affairs" ➤ Updated Purpose statement to include legal requests, summons, and depositions; changed "employees" to "members" ➤ Section 1 rewritten to include all AFD legal matters ➤ Updated language throughout to align with organizational restructure: <ul style="list-style-type: none"> ➤ 2.3, 2.4 Deleted CMO ➤ 2.4.2 Replaced "Chief" with "Liaison Chief or Command Staff member" ➤ 3.2 Clarified Administration physical address ➤ 3.3 Changed title to Billing Clerk, and "ANFIRS" to "non-EMS" ➤ 5.2.1 Changed "EMS Chief or designee" to "EMS Records..." ➤ 5.2.3 New ➤ 5.4 Changed "Deputy Fire Marshall or DC of Fire Prevention" to "Fire Marshall" ➤ 2.2 Replaced "anyone" with "any Fire Department employee"; added "Any other delivery results in an invalid subpoena"; reworded for clarity in final sentence re: check endorsement. ➤ 2.6 Specified "valid" subpoena ➤ 4.1-4.5: Rewritten in entirety ➤ 5.1 Clarified "outside MOA" ➤ 5.3 & 5.3.1 minor fixes for consistent phrasing, meaning not changed ➤ Section 6 New