

Legal Plan Policy



General Plan Benefits

- A. On Duty & Off Duty Criminal (except where the FOP is the victim)
- B. On Duty Civil (Civil defense of critical incidents where agency does not indemnify)
- C. Administrative (Department/POST Action)
- D. Local Lodge support where membership in legal plan meets 80%.

On Duty & Off Duty Criminal

Legal coverage for any criminal offense where a conviction of the offense will most likely result in termination/discipline from POST. This does not include most traffic offenses, unless it is determined that the traffic offense rises to the level mentioned above. Off duty coverage is also limited to incidents that occur within the State of Utah.

On Duty Civil

This is coverage ONLY in critical incident cases where the employing agency refuses to cover the member for allegations arising from an officers use of arrest powers and use of force on the job. Off Duty civil is not covered under this plan, or under the Hylant plan.

Administrative

This is coverage for any administrative action within the department, *where the results of the action will likely result in time off without pay, up to termination*. It also covers all POST investigations and hearings, up through the POST Council Hearing. Depending on the circumstance, it may also cover appeals through the district court.

Local Lodge Support

This is legal assistance for any participating local lodge, which has at least 80% of their active members participating in this legal plan. This includes letters to agencies, courts, attorneys, and corporations on behalf of the local lodge. Also included is assistance in contracts and other labor issues that affect the local lodge as a whole. In cases where legal action is needed against an agency, the FOP's General Counsel will evaluate the case for potential conflicts. For local lodges that have, as their active membership, 75% of the department enrolled as FOP members, the initial "complaint" is covered under this plan. Normal costs of a complaint can reach as high as \$20,000. Costs incurred after this initial complaint will be on a contingency basis in an agreement with the attorney and the affected lodge.

"BLUE ON BLUE"

This plan is an individual plan for the Criminal, Civil, and Administrative portions. The Local Lodge Support is a Lodge Plan. Therefore, legal action against a lodge, or actions that could include legal or administrative action *against* FOP members, will not be covered under this plan. In order to be covered, the local lodge must support the action because of its potential impact on the lodge as a whole.

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Employment issues, such as Workers Comp, Hostile Work Environment, Sexual Harassment, and other related issues are not covered unless the local lodge as a whole endorses the action for the benefit of the entire lodge. Local lodge presidents will be trained and educated on what action constitutes related issues and issues outside of the plan may be referred to employment council on a referral basis. By a subordinate lodge endorsing a case listed above, they waive all ability to seek a defense position should any other member be implicated. Caution should be taken by subordinate lodges in this area.

WAGE REIMBURSEMENT

If a member, who was covered under the legal plan at the time of the incident, accepts responsibility for the actions claimed and receives time off without pay may be entitled to reimbursement of those hours off, up to \$500. In order to claim this benefit, the member must provide documentation of the discipline indicating the total hours off, as well as their wages at the time the discipline was handed down. This must be submitted to the Utah State Lodge within 60 days of the date on the disciplinary form from the agency. Also, the member cannot have used the services of the plan attorney at any point in the investigation. This benefit is available to members one time per fiscal year (July-June).

COVERAGE

This plan will cover any incident that occurs after the member signs up and is approved as an FOP member by the Utah State Secretary. **It will not cover incidents before.** In this way, we reduce the financial liability to the lodge by someone getting in trouble, and then joining the legal plan. Documentation will need to be provided to the attorney as to the “date of incident” or other agency documentation of the investigation will be needed at some point. The member will need to inform the attorney the date of incident. Coverage under this plan is only in affect as long as the member belongs to the FOP. At any point that the member terminates their membership, or they are expelled from the Order, their coverage is null and void from that time.

Conflict cases - In the event of a legal conflict, such to be determined by General Counsel of the Utah State FOP, and in accordance with the Utah Rules of Professional Conduct, a panel of conflict attorneys, deemed to be competent and familiar with FOP procedures, shall be established by General Counsel for the purpose of handling such conflicts. Members notified that they must use conflict counsel, must select an attorney not affiliated with the law firm of General Counsel. Any member notified that they must select conflict counsel, who chooses to utilize an attorney not on the conflict panel, does so at their own expense.

***When the Utah State Lodge or a subordinate lodge is the victim in any activity (criminal or administrative) committed by an FOP member, the member shall not be covered under this plan and will be responsible for their own legal fees. Additionally, if a plan member is involved in a case of corruption, this plan will only cover up to \$2500 in criminal and \$1500 in administrative coverage. Civil cases in this area will not be covered. Corruption shall be defined as -**pattern of conduct (not to include single allegations, or allegations that a reasonable member would not believe qualifies as a pattern of corruption) as it relates to** allegations of bribery, theft, misuse of public monies. Additionally defined as a specific form of police misconduct designed to obtain significant financial benefits, other serious personal gain, or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest, or to unfairly aid the career of the member. The member may appeal this designation to the Legal Plan Advisory Committee and ultimately to the Utah State FOP Board of Trustees.*