


*** MEMORANDUM ***

To: Region Presidents
From: Daren J. Rylewicz, General Counsel 
Date: November 28, 2017
Re: Criminal Attorney Gun Discharge Program

As you know, there is a program to provide legal services to all our CSEA members who carry firearms as part of their job requirements, for certain job-related incidents requiring legal counsel. There are times during the course of an employee's duties when physical force, including the discharge of a firearm, may be used to affect arrests. Sometimes these events come into question by others, including the District Attorney's office covering the county in which the incident occurs. If such an investigation should arise, our Legal Assistance Program will now be able to provide expert legal representation. As part of our Legal Assistance Program, CSEA-provided representation to a CSEA member involved in the use of force will be available 24 hours a day, seven days a week. The program works as follows:

[1] An attorney will be available by telephone at any time to speak with a union representative, or the responding officials regarding a use of physical force incident, to bring the matter to a successful resolution. If deemed necessary by that attorney, such consultation may also include the attorney's personal appearance in response to an incident. Representation will also cover the District Attorney's investigation and/or a Grand Jury appearance relating to any such incident. There is no cost to the member for representation in these situations.

[2] If criminal charges are issued, representation under the CSEA Legal Assistance Program will cease. However, the CSEA assigned attorney is permitted to continue representing the member, at the member's request, with the costs of such continued representation being [a] agreed to in writing between member and the attorney; and [b] paid for by the member. CSEA will not be responsible for any costs associated with attorney representation in situations not related to the performance of the member's official duties.

Should you have any questions or comments regarding this program, please feel free to contact us at 1-800-342-4146 extension 1443. We welcome your feedback and ideas.

Attachment

cc: Cabinet
Region Directors
Deputy Directors of State Operations
Region Office Managers (for distribution to LRS staff)

CSEA Legal Assistance Gun Discharge Attorneys

Regions 1, 2, and 3

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