

IDAHO STATE POLICE PROCEDURE

03.20 TORT CLAIMS

A. General

Tort claims are written demands to recover money damages from a governmental entity or its employee as compensation for negligence, wrongful acts or omissions when acting within the course or scope of employment.

Law enforcement is rife with opportunities for tort claims, particularly against commissioned officers, making adherence to training, ISP [Conduct Expectations](#) and procedures essential for your protection.

This procedure applies to tort claims arising from law enforcement actions other than vehicle crashes. Guidance on tort claims resulting from vehicle crashes is found in ISP procedure [02.12 Use of State Vehicles/Fleet Management](#) section N. Tort Claims Arising from Vehicle Crashes.

B. Law Enforcement Activities and Tort Claims

1. When a tort claim is anticipated as the result of a law enforcement action (not a fleet crash), the officer or supervisor:
 - a. immediately notifies the ISP Legal Services Office (ISP Legal);
 - b. provides all information regarding the incident to ISP Legal; and
 - c. discloses information concerning the incident only in accordance with ISP Legal.
2. ISP Legal contacts the State Insurance Fund's Office of Risk Management (Risk Management) and maintains a file on the potential claim.
3. ISP Legal is the single point of contact to Risk Management for non-crash related tort claims.

C. Any release of information is coordinated through ISP Legal.