

TITLE 45 Towns and cities

CHAPTER 45-15 Actions by and Against Towns

SECTION 45-15-16

§ 45-15-16 Indemnity of public officials, employees, or elected officials. – Any town or city council or any fire district may, by ordinance or otherwise, indemnify any and all police officers, firefighters, elected or appointed fire district officials, public employees, fire district employees, officials, members of boards, agencies and commissions appointed by town councils or any fire district or by any other person exercising appointing authority delegated to them by the town council; whether or not the police officers, firefighters, elected or appointed fire district officials, employees, officials, or members are paid, from all loss, cost, expense, and damage, including legal fees and court costs, if any, arising out of any claim, action, compromise, settlement, or judgment by reason of any intentional tort or by reason of any alleged error or misstatement or action or omission, or neglect or violation of the rights of any person under any federal or state law, including misfeasance, malfeasance, or nonfeasance or any act, omission, or neglect contrary to any federal or state law which imposes personal liability on any police officers, firefighters, elected or appointed fire district official, employee, official, or member, if the elected or appointed fire district official, employee, official, or member, at the time of the intentional tort or act, omission or neglect, was acting within the scope of his or her official duties or employment. The town council or any fire district may decline to indemnify any elected or appointed fire district official, employee, official, or member for any misstatement, error, act, omission, or neglect if it resulted from willful, wanton, or malicious conduct on the part of the police officers, firefighters, elected or appointed fire district official, employee, official, or member.

The indemnity may be provided by the city or town council or any fire district on a case by case basis or by ordinance of general application. Any ordinance or agreement to indemnify may include, among other things, the provision of legal counsel at the expense of the city or town and/or the reimbursement for attorneys' fees and other expenses incurred in connection with the conduct of the defense, including payment of the judgment. Any city or town council or any fire district may establish a fund into which it may deposit monies appropriated, from time to time, and the fund may be used to defer the costs incurred by any city or town in carrying out the purposes of this section. The amounts contained in that fund at the

end of any fiscal year may be carried forward to subsequent fiscal years without any reappropriation except as otherwise may be specifically provided by the ordinance creating that fund or funds. City or town councils are specifically authorized to extend the indemnity contained in this section to members of the school committee and any other person employed by the school department of any city or town and any person appointed to any board, agency, or commission by the school committee, whether or not the person is compensated for his or her services.