

ESTABLISHED THAT THE DEFENSE OF IMMUNITY IS AVAILABLE TO THE OFFICER OR EMPLOYEE, THE COUNTY IS LIABLE TO THE OFFICER OR EMPLOYEE FOR REASONABLE EXPENSES IN PROSECUTING HIS OWN DEFENSE, INCLUDING COURT COSTS AND ATTORNEYS' FEES. THESE EXPENSES SHALL BE PAID WITH THE APPROVAL OF THE COUNTY ATTORNEY BY THE AGENCY, BOARD, COMMISSION, OR DEPARTMENT BY WHICH THE OFFICER OR EMPLOYEE WAS EMPLOYED AT THE TIME THE ACT OR OMISSION COMPLAINED OF IN THE ACTION OCCURRED. THIS SECTION IS NOT APPLICABLE IF THE EXPENSES ARE REIMBURSED TO THE OFFICER OR EMPLOYEE PURSUANT TO THE PROVISIONS OF § 3-75 OF THIS ARTICLE. THE DECISION OF THE COUNTY ATTORNEY NOT TO DEFEND AN OFFICER OR EMPLOYEE IS NOT ADMISSIBLE AS EVIDENCE IN ANY LEGAL ACTION OR SPECIAL PROCEEDING AND NO REFERENCE THERETO MAY BE MADE IN ANY TRIAL OR HEARING. IN ANY ACTION OR PROCEEDING AGAINST AN OFFICER OR EMPLOYEE THAT RESULTS IN A FINAL JUDGMENT OR OTHER DISPOSITION, THE COURT OR JURY SHALL RETURN A SPECIAL VERDICT IN THE FORM OF WRITTEN FINDINGS WHICH DETERMINE (1 IF THE OFFICER OR EMPLOYEE WAS ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT; (2) IF THE ALLEGED ACT OR OMISSION BY THE OFFICER OR EMPLOYEE WAS MALICIOUS OR GROSSLY NEGLIGENT; (3) IF THE DEFENSE OF IMMUNITY IS AVAILABLE TO THE OFFICER OR EMPLOYEE.

3-72.

ANY AND ALL INFORMATION OBTAINED BY THE COUNTY ATTORNEY BY VIRTUE OF THE PROVISIONS OF §§ 3-69 THROUGH 3-76, SHALL BE CONSIDERED CONFIDENTIAL AND SHALL NOT BE ADMISSIBLE AS EVIDENCE IN ANY LEGAL ACTION OR SPECIAL PROCEEDING, AND NO REFERENCE THERETO MAY BE MADE IN ANY TRIAL OR HEARING.

3-73.

THE COUNTY ATTORNEY MAY EMPLOY SPECIAL COUNSEL WHOSE COMPENSATION SHALL BE FIXED BY THE COUNTY ATTORNEY AND APPROVED BY THE COUNTY COMMISSIONERS, IF HE DETERMINES THAT IT IS IMPRACTICABLE OR UNECONOMICAL FOR SUCH LEGAL SERVICE TO BE RENDERED BY HIM OR ONE OF HIS ASSISTANTS.

THE COMPENSATION FOR SPECIAL COUNSEL SHALL BE PAID OUT OF THE FUNDS APPROPRIATED FOR THE ADMINISTRATION OF THE AGENCY, BOARD, COMMISSION, OR DEPARTMENT EMPLOYING THE OFFICERS AND EMPLOYEES DEFENDED.

3-74.

THE COUNTY ATTORNEY, PRIOR TO THE DEFENSE OF AN OFFICER OR EMPLOYEE, SHALL REQUIRE THE OFFICER OR EMPLOYEE TO ENTER INTO AN AGREEMENT WHICH PROVIDES, AMONG OTHER THINGS:

(1) THE COUNTY ATTORNEY, IF HE DETERMINES IT APPROPRIATE, MAY REQUIRE THE OFFICER OR EMPLOYEE TO REIMBURSE THE COUNTY FOR ALL EXPENSES, INCLUDING COURT COSTS AND REASONABLE ATTORNEYS' FEES, IF IT IS JUDICIALLY DETERMINED THAT THE INJURIES COMPLAINED OF DID NOT ARISE OUT OF AN ACT OR OMISSION OF THE OFFICER OR EMPLOYEE OCCURRING DURING THE PERFORMANCE OF HIS DUTIES AND WITHIN THE SCOPE OF