00-006 Court Appearance Policy

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

COURT APPEARANCE POLICY

Purpose

The purpose of this order is to provide for the establishment of a unit-level plan which will ensure:

- Proper management of overtime related to court appearances;
- Strict compliance with subpoenas;
- Professional testimony and dress code;
- Standardized court liaison practices and procedures;
- Accountability for any non-compliance with unit or Department court policies.

The following procedures supplement Department policy stated in the Manual of Policy and Procedures with respect to subpoenas and court appearances. They shall apply to all Field Operations patrol stations, Special Enforcement Bureau, Transit Services Bureau and Safe Streets Bureau.

Court Liaison Plan

All patrol stations and bureaus listed above shall establish a court liaison plan in the form of a unit order, as specified in MPP 5-07/250.00. While conforming to Department policies governing court liaison and service functions, the unit plan shall recognize the unique circumstances and needs of the unit's local courts, District Attorney's offices and Public Defender's offices.

The plan shall emphasize the importance of court appearance by unit personnel, and shall include provisions which will:

- Ensure an effective and timely means of serving subpoenas to unit personnel;
- Ensure that a signed proof-of-service is returned to, and maintained by, the unit's court liaison staff;
- Ensure the automated subpoena tracking system, maintained by Data Systems
- Bureau, is used to track the receipt and service status of subpoenas for station personnel;
- Ensure that subpoenas received at the station are updated in the tracking system within one court day after receipt. This system may also be used to generate a blank proof of service for each subpoena;
- Ensure that proofs of service are returned to the court liaison staff after service, with the concerned deputy's signature affixed, and then updated in the tracking system;
- Provide for the daily posting of a list of all currently subpoenaed employees for the following five court days. The list shall be posted in a conspicuous location where it can be viewed by all personnel;

- Ensure that the tracking system is queried each business day to produce a list of subpoenaed employees without a proof of service on file for cases scheduled within the following five court days. Any deputy not having a proof of service on file shall be personally contacted and served or notified by the court liaison sergeant, or the on-duty watch commander. Subpoenas requiring service in this manner shall be documented by an entry in the Watch Commander's Summary Report;
- Ensure that subpoenaed personnel fully comply with all instructions on any subpoena served to them, including appearing at the specified time and date, with all required evidence;
- Ensure that unit personnel adhere to Department dress and grooming standards when appearing before any court;
- Hold each employee accountable for any non-compliance with either unit or Department court appearance policies;
- Provide for supervision and training of station personnel regarding court appearance standards and expectations specified in unit and Department policies,
- Ensure the testimony of unit personnel is professional and credible;
- Provide strict controls for managing and verifying court-generated overtime;
- Require that a Court Liaison Log be established and maintained which will provide a record of the following;
    - Communications to and from the District Attorney's Office regarding changes in case information (e.g. rescheduled cases, cancellations, status changes from "must appear" to "on-call," witness unavailability, etc.) as well as any notifications to or from subpoenaed employees regarding those changes,
    - Reports or inquiries regarding the non-appearance of personnel in any case wherein a subpoena has been issued. The court liaison sergeant shall conduct an inquiry in each such case, and shall document his findings. A recap of all such entries shall be included in the Monthly Activity Report,
    - Any inquiries or reports of problems from the District Attorney's Office. All such inquires and problems shall require follow up by the court liaison sergeant, who shall communicate the outcome to the District Attorney's Office, when appropriate. A recap of all such entries shall be included in the Monthly Activity Report.

The unit commander shall appoint a court liaison lieutenant, as specified in MPP 5-07/250.00. Whether a collateral or full-time assignment, the lieutenant shall be responsible for managing the unit's court liaison operation. In addition to the duties specified elsewhere, the lieutenant shall:

- Be responsible for the ongoing management of the court liaison operation, and for overseeing the daily performance of the court liaison sergeant and staff. The lieutenant shall be responsible for ensuring that all unit personnel comply with the provisions of this directive, as well as any and all related Departmental policy;
- Ensure that patrol sergeants are trained to scrutinize crime reports in an effort to minimize the number of personnel who may be required to testify;
- Submit a monthly activity report to his unit commander which shall minimally include:
    - Monthly overtime expenditures (on-call, "must appear" and combined total),
    - A synopsis and status of any district attorney inquiries and/or complaints,
    - Court audits conducted and documentation of issues that arose from them,
    - Training issues and training provided (including trainee orientation),
    - Court liaison staffing and personnel issues,

- Subpoena compliance issues (court attendance & punctuality, etc.),
- Contacts and meetings attended,
- Noteworthy cases (high profile or causing an unusual amount of overtime).

The report shall identify the people contacted during the inquiries and audits, and shall indicate the action taken to resolve problems and complaints. Monthly reports shall be retained by the unit for a period of at least two years.

The unit commander shall appoint a court liaison sergeant, as specified in MPP section 5-07/250.00. Whether a collateral or full-time assignment, the court liaison sergeant shall be directly responsible for actively supervising the unit's court liaison operation, and for ensuring compliance with this directive and all related policy. The sergeant shall directly supervise the daily activities of the court liaison staff, and shall be available for liaison purposes Monday through Friday, from 0830 to 1630 hours. Additionally, it shall be the responsibility of the court liaison sergeant to:

- Oversee the activities of station personnel with respect to all court appearances;
- Establish and maintain effective liaison with key personnel in the courts, including judicial officers, members of the District Attorney's Office, and members of the Public Defender's Office. The sergeant shall meet at frequent intervals with head deputy district attorneys, identifying and resolving any actual or potential problems related to court appearances and/or credibility of testimony;
- Regularly monitor daily court appearances to (1) ensure subpoena compliance and verify attendance and (2) audit the testimony of unit personnel to ensure that it is credible and professional. Any problems encountered in this area shall be documented and followed up on, and shall be reflected in the Monthly Court Liaison Report. Any training related issues will be promptly communicated, through channels, to the training staff;
- Approve all court overtime and ensure that the subpoena compensation system is effectively administered. Any discrepancies in the reporting of court overtime shall be identified and appropriate corrective action taken;
- Ensure that station personnel receive training regarding court appearance standards and expectations, and ensure that each member is aware of their responsibilities as specified in this plan;
- Assist the court liaison lieutenant with the preparation of the Monthly Court Liaison Report;
- Ensure that the following systems are being maintained and properly utilized;
  - Court Liaison Log,
  - Subpoena tracking system,
  - Compiling, printing and posting of the five-day court list,
  - Five-day list for verification of service & acknowledgment,
- Be familiar with all court procedures and initiate or recommend changes when appropriate.

Each member of the court liaison staff shall be familiar with their individual responsibilities as stated in MPP sections 5-07/250.00 and 5-07/270.00, et seq, as well as the responsibilities of any subordinate personnel.

Safe Streets Bureau and Other Specialized Units

All patrol stations hosting Safe Streets Bureau personnel shall provide court liaison services to them through the station's court liaison staff. Safe Streets Bureau personnel assigned as such shall adhere to the Court

Liaison Plan of their host station. All subpoenas for hosted SSB personnel shall be routed to the court liaison officer (CLO) of the host station for processing and tracking.

On-call cases shall be monitored by the host CLO and, if on-call compensation is involved, the CLO shall certify the on-call times by signing the Overtime Worked Report (SH-R-251) in the space labeled “Supervisor Pre-Approving O.T. and Briefing.” The slip shall then be forwarded to the SSB team sergeant for final approval (Ref. MPP sections 5-07/270.10 and 3-02/300.05).

The station court liaison sergeant and the SSB sergeant shall work closely together to ensure that SSB personnel receive their subpoenas in a timely manner, that they fully comply with subpoenas served to them, and that all court overtime is properly managed and verified. The SSB sergeant shall ensure that the host CLO is provided with all necessary rosters, phone numbers, vacation schedules, training schedules and information regarding extended I.O.D.’s.

When specialized units other than Safe Streets Bureau (e.g. NORSAT, Narcotics Bureau, etc) are housed at a patrol station, that station may, by mutual agreement with the other unit, provide court liaison services to the hosted unit. In all such cases, both units shall adhere to the same policies set forth for Safe Streets Bureau.

Questions regarding court appearance and court overtime policy may be directed to the Field Operations Support Services unit at [REDACTED TEXT]