Station Order 17-028: Court Liaison Plan

PURPOSE:

The purpose of this directive is to establish a court liaison plan which will:

- Provide an effective method of serving subpoenas upon unit personnel.
- Ensure the prompt court appearance of subpoenaed personnel.
- Ensure the testimony of unit personnel is professional and credible.
- Provide for the proper management and verification of court overtime.
- Hold each responsible employee accountable for any noncompliance.

It is intended that this directive supplement, rather than replace, existing Department policies and procedures with respect to subpoenas and court appearances. A broad overview of Department policy is provided, with key points reinforced or clarified. It also provides additional direction where needed, and formalizes other procedures that have been observed as a matter of custom. Because this document is intended to serve as a primary source of direction for court related issues, a significant part is duplicated from other sources. If any part of this directive is found to be in conflict with any Region or Department policy, or MOU, that conflict will be resolved by observing the latter.

POLICY:

GENERAL RESPONSIBILITIES

COURT LIAISON LIEUTENANT

The Court Liaison Lieutenant is 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 is responsible for ensuring that all unit personnel comply with the provisions of this directive, as well as any and all related Department policy.

COURT LIAISON SERGEANT

The Court Liaison Sergeant is responsible for actively supervising the unit's court liaison operation and for ensuring compliance with this directive and all related policy. The sergeant will directly supervise the daily activities of the court liaison staff, and available for liaison purposes Monday through Friday, from 0830 to 1630 hours. Additionally, it is the responsibility of the Court Liaison Sergeant to:

A.Oversee the activities of station personnel with respect to all court appearances.

B.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 will 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.

C.Regularly monitor daily court appearances to:

1. Ensure subpoena compliance and verify attendance,

2. Ensure compliance with Department policy regarding dress and grooming standards,

3. Audit the testimony of unit personnel to ensure that it is credible and professional.

Any problems encountered in this area will be documented and followed up on, and reflected in the Monthly Court Liaison Report. Any training related issues will be promptly communicated, through channels, to the training staff.

D. Approve all court overtime and ensure that the subpoena compensation system is effectively administered. Any discrepancies in the reporting of court overtime will be identified and appropriate corrective action taken.

E. Ensure that station personnel receive training regarding court appearance standards and expectations, and ensure that each member is aware of his/her responsibilities as specified in this plan.

F. Assist the Court Liaison Lieutenant with the preparation of the Monthly Court Liaison Report.

G. Ensure that the following systems are being maintained and properly utilized:

1. Contact log,

2. Log for nonappearance of employee witnesses,

3. District Attorney complaint process,

4. Subpoena tracking system,

5. Compile, print, and post the five-day court list,

6. Verify and acknowledge the service of the five-day.

H. Be familiar with all court procedures and initiate or recommend changes when appropriate.

PATROL SERGEANTS

Patrol Sergeants are responsible for reviewing the content of all reports and ensuring that only those deputies essential for case prosecution are included in the report.

COURT DEPUTIES AND INVESTIGATORS

Court deputies and investigators are responsible for requesting subpoenas for only the minimum number of deputies required to testify. Investigating officers in charge of a case are responsible for ensuring that prosecution witnesses are subpoenaed and served, and aware of their required court appearance.

COURT LIAISON OFFICER

The station Court Liaison Officer (C.L.O.) is responsible for:

A . Subpoena Control:

1. Receiving and processing all incoming subpoenas, and documenting a trail of possession and service,
2. Ensuring service of subpoenas to station personnel,
3. Coordinating subpoena service for civilian witnesses,
4. Receiving, record, and file all subpoena acknowledgments,
5. Maintaining the subpoena control ledger or automated system,
6. Posting and distribution of the court appearance list on a daily basis.

B. Coordination of on-call court cases between the courts and station personnel:

1.Maintaining the on-call control log,

2.Making frequent checks throughout the day to ascertain the status of all on-call cases,

3.Promptly notifying station personnel when they are no longer on-call.

C. Maintenance of the Court Liaison Log.

The Court Liaison Log 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 nonappearance of personnel in any case wherein a subpoena has been issued. *(The Court Liaison Sergeant who will conduct an inquiry in each such case, and document his findings and report to the Court Liaison Lieutenant as appropriate. A recap of all such entries who will be included in the Monthly Activity Report.)*
- Any inquiries or reports of problems from the District Attorney's Office. *(All such inquiries and problems will be followed-up by the Court Liaison Sergeant, who will communicate the outcome to the District Attorney's Office, when appropriate. A recap of all such entries will be included in the Monthly Activity Report.)*

D. Assisting in resolving conflicts when personnel are subpoenaed to appear during regularly scheduled vacations.

E. Being familiar with the contents of this directive and sections 3-01/050.95 and 5-07/250.00 et. seq. of the Manual of Policy and Procedures, relating to court cases, court appearances, and the reporting of court overtime.

F. Promptly notifying the Court Liaison Sergeant or, in his/her absence, the Watch Commander of any problems, difficulties, or conflicts.

G. Reviewing all overtime slips for accuracy and forwarding them to the Court Liaison Sergeant for final approval.

STATION PERSONNEL

Station personnel are responsible for:

A Checking their mailboxes at the beginning and end of each shift and reading any notifications related to court appearances.

B. Receiving and immediately acknowledging all subpoenas issued to them.

C. Promptly notifying the C.L.O. of any subpoenas received from any source other than the C.L.O.

D. Notifying the C.L.O. as soon as possible whenever a case is trailed or continued.

E. Punctual compliance with all subpoenas and any subsequent oral instructions from the judicial officer having jurisdiction of the case.

F. Ensuring that any and all necessary evidence are delivered to court for their case.

G. Being thoroughly familiar with their case and testifying in a professional, credible manner.

H. Notifying the training staff and the Court Liaison Sergeant without delay whenever any training conflicts with a scheduled court appearance.

I. Personally contacting the handling Deputy District Attorney regarding any inability to comply with a subpoena or any request for a variance (e.g., being placed "on-call.") The employee must advise the Court Liaison Sergeant and provide the name of the handling Deputy District Attorney who was notified, as well as the case name and number.

J. Notifying the Court Liaison Officer, via memorandum, at least two weeks in advance of any changes or variances in any regularly scheduled vacation (e.g., additional "F" days, swaps, etc., which would alter the days of the absence.) The memo will include starting and ending dates of the scheduled absence.

K. Immediately notifying the Court Liaison Officer whenever the status of a case has been changed from "MUST APPEAR" to "ON-CALL," or vice versa, and for providing the C.L.O. with the name and title of the person authorizing the change.

Note: If a subpoena is issued by a private attorney, permission to be excused or placed on-call must be obtained by that private attorney, NOT A DEPUTY DISTRICT ATIORNEY.

L. Be familiar with the contents of this directive and sections 3-01/050.95 and 5-

07/250.00 et. seq. of the Manual of Policy and Procedures, relating to court cases, court appearances, and the reporting of court overtime.

M. Ensuring that when issuing a routine traffic citation, only one deputy's name appears on the citation.

Note: When making notifications to, or communicating with the C.L.O., the preferred methods are E-mail, phone call, memorandum, or personal contact. Do not rely on voice mail without follow up and do not write messages on, or attach them to; overtime slips unless the message pertains to that overtime slip.

SUBPOENA PROCESSING, SERVICE, AND ACKNOWLEDGMENT

The C.L.O. must time stamp all incoming subpoenas upon receipt.

When subpoenas are received by the C.L.O., the C.L.O. will determine if there is sufficient time to effect service and if there is sufficient time for personnel to comply with the subpoena. In making this determination, the C.L.O. is guided by the provisions of Penal Code section 1328.

If there is insufficient time for service and/or compliance, the C.L.O. will return the subpoena to the issuer with the reason for non-service. If this becomes necessary, the following steps will be taken:

A. The C.L.O. immediately notifies the Court Liaison Sergeant, who will make the final determination regarding acceptance or refusal.

B. Immediate notification will be made to the investigating officer if one is assigned and known.

C. Immediate notification will be made to the issuer.

D. Written documentation will be made in the form of a log of any such subpoena received and what steps were taken. Any subpoena received less than five (5) court-days prior to the hearing date must also be logged, whether served or not served.

If there is sufficient time for compliance; the C.L.O. will attach an acknowledgment slip to the subpoena and place it in the mailbox of the person being subpoenaed.

If the employee has transferred, the C.L.O. will correct the address, if known, and return the subpoena to the

issuer. The C.L.O. will also make every effort to notify the C.L.O. or supervisor at the employee's new unit of assignment and forward a copy of the subpoena to the new unit.

If unable to serve a subpoena, the C.L.O. will notify the Court Deputy or the investigating officer, as appropriate.

Station personnel receiving a subpoena must immediately sign the attached acknowledgment slip and place it in the C.L.O.'s mail tray in the assembly room. Acknowledgment slips not returned within five business days of the appearance date will be forwarded to the employee's supervisor or Watch Commander who will ensure that personal service is made by a supervisor.

COURT APPEARANCES

Personnel who receive a "Must Appear" subpoena, must appear at the designated time and place, adequately prepared to testify, unless excused by the handling Deputy District Attorney *personally* or *via* a member of the Court Liaison staff.

All subpoenas shall be considered "MUST APPEAR" unless specific instructions are given for "ON-CALL" status. If there is ever any doubt, it must be treated as a "MUST APPEAR."

Personnel who are unable to comply with a subpoena because of an illness or personal emergency must:

A. Notify the assigned Deputy District Attorney prior to the time the case is called. This notification is the personal responsibility of the person subpoenaed, not that of the Court Liaison Officer.

B. Notify the Court Liaison Sergeant, providing the name of the Deputy District Attorney notified, as well as the case name and number.

If personnel are unable to comply with either of the above, they must communicate the required information to the on-duty Watch Commander, who will take the necessary steps to ensure these notifications are made. Scheduled court appearances must always be given priority over training, ROO's, or other scheduled time off.

Note: Although a scheduled vacation technically cannot supersede a subpoena, the courts are generally flexible with law enforcement, provided that they have been given sufficient notice of vacation dates.

When preparing complaint reports, deputies must list their vacation dates at the bottom of the face page, between their name and I.D. number. When additional deputies are referred to in the body of the report, their vacation dates must also be listed.

Example: John Smith (vac. 6/95) #123456

Sergeants approving reports must ensure that vacation dates are included. If there is no scheduled vacation pending, write "(vac. none)" or "(vac. 0)."

Whenever personnel receive multiple subpoenas for the same date with conflicting appearance times they must notify the C.L.O. and the appropriate Deputy District Attorney(s) regarding their priority of appearance(s), and be guided by the following:

- Federal Court has priority over
- State Court. Juvenile cases have priority over adult cases.
- Felony cases have priority over misdemeanor cases.
- Misdemeanor cases have priority over infractions (most traffic cases.)

Whenever subpoenaed personnel encounter any conflicts regarding court appearances, it is their responsibility to ensure that the conflict gets resolved. This may mean contacting the training office to have training rescheduled, or contacting the District Attorney's office when two Superior Court cases conflict, etc. When in doubt, the Court Liaison Sergeant, or other supervisor should be consulted.

Reminder! It is still the responsibility of the subpoenaed person to ensure that the conflict is appropriately resolved.

Whenever a case is continued or a deputy receives other oral instructions from the court regarding any court appearance, the deputy must communicate that information to the C.L.O. without delay. The C.L.O. will then update the daily court appearance list with this information.

Court Appearances While Assigned to Field Duty

Frequently our responsibilities in the field and our obligation to appear in court are competing for the same time slot. Similarly, the desk's need to effectively manage field resources often conflicts with a field deputy's responsibility for being in court. However, by observing the following simple procedures, both field and desk personnel can fulfill their responsibilities with minimal disruptions to operations.

When a deputy has a court appearance on a particular day he must, at the beginning of his/her shift, give the desk advance notice by means of an MDT message (e.g., "FYI, I have court in Pasadena at 0830.") When ready to leave his/her area to go to court, the deputy must enter an "obs" in the MDT to reflect the court appearance.

If any question arises on behalf of the desk or the field deputy as to whether the deputy will proceed to court or remain in the field, the watch deputy must immediately notify the watch commander, who will make that determination. Only a serious emergency or very compelling circumstances should prevent a deputy from attending court.

Any time an on-duty deputy is delayed or prevented from attending court because of field conditions, the watch commander shall personally notify the Deputy District Attorney handling the case and explain why the deputy cannot be in court. This shall then be documented in the Watch Commander's Summary Report.

ON-CALL STATUS

Personnel receiving an "on-call" subpoena, or who have been placed "on-call," shall:

- Ensure that the C.L.O. is aware of their "on-call" status.
- Ensure that the C.L.O. has a phone number where the person "on-call" will be immediately available.
- Appear promptly and be adequately prepared to testify when called.

All requests for "on-call" status shall be made by the person subpoenaed, NOT THE C.L.O., directly to whomever issued the subpoena, usually the District Attorney's office. If granted "on-call" status, the following information shall be provided to the C.L.O. prior to 1600 hours on the last court day prior to the specified appearance date:

1. Name of Deputy District Attorney granting "on-call" status,
2. Case information,
3. ETA to court (must be one hour or less),
4. Telephone number where "on-call" personnel can be reached.

Personnel desiring to use pagers or answering machines may do so, provided that they're contact the C.L.O. within fifteen minutes of a page or answering machine message to confirm receipt of the message. Remember, when on-call personnel are REQUIRED to be available by phone. This means that it is up to those "on call" to keep their line clear and make sure that their equipment works.

Bottom Line: *It is the responsibility of the person "on-call" to make sure that the C.L.O. can reach them while they are "on-call."*

When the C.L.O. is notified of the above information, the C.L.O. will enter it in the On Call Control Log. Subpoenas issued initially as "on-call" will automatically be entered in the On-Call Control Log by the C.L.O. The C.L.O. will then track the status of "on-call" cases as described in section 5-07/270.10 MPP. When the status of a case changes, the C.L.O. will notify the concerned personnel at once. Unless notified sooner, personnel shall contact the C.L.O. by 1200 hours on the court date to be advised of case status. The C.L.O. will also notify "on-call" personnel by the end of the court day, whether to remain on-call the following day.

Reminder: Requests for "on-call" compensation may not be considered for any personnel not on the On-Call Control Log. Therefore, it is important that the C.L.O. be promptly advised of any status changes.

"On-call" cases frequently trail for up to ten days. However, personnel shall not automatically consider themselves "on-call" for ten days unless specifically instructed to do so by the C.L.O. or the District Attorney. If so instructed directly by the District Attorney, this information must be provided to the C.L.O. by 1600 hours, if possible.

Important! Requests for "on-call" compensation may not be approved when case information is not provided to the C.L.O. as required in MPP section 5-07/270.05 as listed above.

When no longer "on-call," personnel will be so advised by the C.L.O. Should any personnel be advised by any other source, they shall immediately relay this information to the C.L.O.

Exception: Deputies having worked the previous EM, or PM overlap shift, who wish not to be contacted unless needed for court, must leave a memo for the C.L.O. requesting same. However, deputies who avail themselves of this option must still contact the C.L.O. prior to 1600 hours to obtain case disposition information.

COURT OVERTIME PAY

MUST APPEAR

For each court appearance resulting from a subpoena, all personnel from the rank of Deputy through Lieutenant are eligible for a minimum of three hours overtime, which ***includes*** compensation for all travel and evidence pick up. Additionally, overtime shall be granted for all time actually spent in court that exceeds two (2) hours. No additional overtime shall be granted for subpoenas that overlap or coincide in reporting times, nor for court appearances that occur as an extension of regular duty time.

Upon arrival at court and upon leaving, personnel shall legibly time stamp their subpoena in the Court Clerk's office or the Court Services office (formerly the Marshal's Office.) Because each of our local courts has at least two time stamps, signatures by the Deputy District Attorney or other official will not be accepted. Only a time stamp "IN" and a time stamp "OUT" will be accepted to verify court appearance times. A single time

stamp will only qualify you for "minimum" overtime. If, for any reason, there is no time stamp available at a particular location, attach a note explaining same to any overtime slip submitted.

ON-CALL

A minimum of two hours half-time compensation, including travel to court, will be granted to an employee who receives an "on-call" subpoena provided the "on-call" status is not canceled prior to the date of the subpoena. However, additional compensation will not be granted for "on-call" subpoenas which are issued for the same or overlapping time periods as "must appear" subpoenas.

TIME INCREMENTS

All overtime shall be earned, credited, and paid in fifteen (15) minute increments. Personnel submitting an Overtime Worked Report shall do so no later than the end of their next scheduled shift. Late reporting of overtime will not affect payment for the time worked, but may *delay* payment and will be in violation of this directive (Refer to Station Order 10/04.)

ATTIRE

Regardless of regular assignments, station personnel appearing before the courts shall dress either in full class-A uniform, or appropriate business attire. Under no circumstances shall personnel appear before the court wearing jeans, sport shirts, knit shirts, or raid jackets.

MONTHLY REPORT

The Court Liaison Lieutenant shall submit a monthly activity report to the unit commander which shall minimally include:

1. Monthly overtime expenditures ("on-call," "must appear," and combined total cost),
2. A synopsis and status of any District Attorney inquiries and/or complaints,
3. Court audits conducted and documentation of any issues that arise from the audits,
4. Training issues and training provided (including trainee orientation,)
5. Court liaison staffing and personnel issues,
6. Subpoena compliance issues (court attendance & punctuality, etc.),
7. Contacts and meetings attended,
8. Noteworthy cases (high profile or causing an unusual amount of overtime.)

The report shall identify the people contacted during the inquires 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 one year.