Court Liaison Expectations

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From: MICHELLE MILLER TO: ALL PERSONNEL
NORWALK STATION NORWALK STATION

Station personnel shall be responsible for:

Checking their mailboxes at the beginning and end of each shift and reading any notifications related to court appearances. This includes sheriff email account.

Receiving and immediately acknowledging all subpoenas issued to them.

Promptly notifying the court liaison officer of any subpoenas received from any source other than the CLO.

Notifying the CLO as soon as possible whenever a case is trailed or continued.

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

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

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

Notifying the training staff and the court liaison officer without delay whenever any training conflicts with a scheduled court appearance.

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 shall then advise the Court Liaison Officer and provide the name of the handling deputy district attorney who was notified, as well as the case name and number.

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.

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 CLO 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 ATTORNEY.

Shall 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.

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 court liaison officer, 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.

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 shall be treated as a MUST APPEAR.

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

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 Officer, 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 shall 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 shall always be given priority over training, RDO's, or other scheduled time off.

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

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

- Federal Court shall have priority over State Court.
- Juvenile cases shall have priority over adult cases.
- Felony cases shall 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 D.A.'s office when a two superior court cases conflict, etc. When in doubt, the Court Liaison Sergeant, or other supervisor should be consulted. Remember, 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 shall communicate that information to the CLO without delay. The CLO shall 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 shall, 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") and by memo to the CLO. Then, when ready to leave his/her area to go to court, the deputy shall enter an "obs" in the MDT to reflect the court appearance. The deputy shall use 924C as the appropriate radio code, not 10-7.

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 shall 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 or the CLO 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 CLO is aware of their on-call status.
- Ensure that the CLO 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 a change from must appear to on-call status shall be made by the person subpoenaed (NOT THE CLO) 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 CLO prior to 1600 hours on the last court day prior to the specified appearance date:

- Name of Deputy D.A. granting on-call status.
- Case information
- ETA to court (must be one hour or less).
- 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 CLO 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 CLO can reach them while they are on-call.

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 CLO be promptly advised of any status changes.

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

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 CLO requesting same. However, deputies who avail themselves of this option must still contact the CLO 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. 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.

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.