11-04 COURT PROCEDURES â€" GUIDELINES AND RESPONSIBILITIES

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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 20, 2011

FILE NO.



FROM: EDDIE RIVERO, ACTING CAPTAIN
CARSON STATION

TO: ALL PERSONNEL
CARSON STATION

SUBJECT: **CARSON STATION MANAGEMENT DIRECTIVE 11-04**

COURT PROCEDURES — GUIDELINES AND RESPONSIBILITIES

Purpose of Directive:

The purpose of this directive is to establish procedural guidelines and responsibilities with regard to court appearances, the Electronic Subpoena (E-Subpoena) system, and evidence handling procedures.

Scope of Directive:

This directive applies to all station personnel directed to court by order of subpoena. This directive is effective immediately.

Directive:

I. ACCOUNTABILITY

Court Liaison Lieutenant

The Detective Bureau Lieutenant has the collateral responsibility for managing the station's court operations. He/she will actively monitor and audit all aspects of court procedures; including appearances, overtime expenditures, and personnel complaints.

Court Liaison Sergeant

The Court Liaison Sergeant has the full time responsibility for supervising station personnel involved in court operations; including compliance with all Department and unit policies. He/she will maintain a liaison with the local court officials, the District Attorney's Office, and station personnel. He/she will be responsible for ensuring accuracy, completeness, and appropriate documentation of all court-related overtime expenditures. He/she will conduct immediate supervisory inquiries regarding personnel who arrive late or do not appear in court, and any other court-related complaints. He/she shall periodically observe deputies/employees during courtroom testimony and, if necessary, provide counseling and training for improvement.

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Court Liaison Officer

The Court Liaison Officer may be sworn or non-sworn and shall be responsible for subpoena control. Subpoenas may be received daily form the courts, delivered to the station, or received through the mail. The Court Liaison Officer shall oversee the eSubpoena system, and record and track all subpoenas and court documents relating to Carson Station field operations, including Subpoena Duces Tecum requests. He/She shall be responsible for maintaining telephone coordination, with the District Attorney's Office's Witness Coordinator each court day, and for completing the "on-call" court overtime slips.

Patrol Sergeants

Sergeants shall review the content of all arrest reports to ensure that only deputies essential for prosecution are written into the report.

The last paragraph of a report should state the name of the deputy(ies) who can testify to all of the facts. When possible in routine misdemeanor arrests, the arresting officer shall conduct witness searches, tests, or interviews so only he/she needs to be subpoenaed to testify (MPP section 3-02/290.10).

II. UNIT SUBPOENA PROCEDURES

eSubpoenas

To ensure proper protocol is followed regarding acknowledgement of subpoenas, court appearances, and the submission of related overtime, the following procedures shall be adhered to:

- When you receive an eSubpoena, you shall click "I ACKNOWLEDGE." This immediately notifies the District Attorney's Office that you are aware of your subpoena and will appear in court. The employee will be considered personally served via e-mail when the eSubpoena appears in their inbox. If, for any reason, an employee is unable to access their Department e-mail account during a workday, the employee shall contact the Court Liaison Officer or supervisor to ensure they are served with subpoenas that have been sent to their Department e-mail account.
- You must appear in court as directed, on time and properly attired.
- Time stamp your subpoena with your arrival and departure times. If the time stamp is inoperable or otherwise unavailable, have the deputy district attorney sign you in and out. If your case is continued, or if you are ordered back the following day, notify the Court Liaison Officer. A new subpoena may not be issued.

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If this occurs, make a copy of your current subpoena and have the deputy district attorney initial the date and time that you must next appear in court. An overtime slip without a time-stamped subpoena cannot be processed.

- Submit your court overtime in a timely fashion. It is considered late if it is submitted the week after the overtime is worked.

  Ensure the overtime slip is filled out completely, with the name of the defendant and court case number on the explanation side, as well as on the Adjusted Daily Time Card. All court overtime slips are to be submitted only to the Court Liaison Sergeant.

There is a tray for this purpose on the door of the Emergency Operations Office, located at the east end of the Detective Bureau hallway.

Traffic, Public Defender, Department of Motor Vehicles, and Civil subpoenas are still received via U.S. and County Mail. They shall be placed in the employee's mailbox for service. It is the employee's responsibility to check their mailbox at least once during each work day.

Subpoenas received less than five days prior to the court date may not be accepted or served.

Failure to Appear / No Acknowledgement

Deputies/Employees who fail to appear in court and have not been excused by the District Attorney's Office will be listed on a "no-show" log maintained by the District Attorney's Office. When necessary, the District Attorney's Office will notify the Court Liaison Sergeant of any developing patterns of "no-shows." The Court Liaison Sergeant will investigate all complaints from the District Attorney's Office. The results of this inquiry will be reported to the Supervising Deputy District Attorney and to the Carson Station Unit Commander. Employees failing to appear in court are subject to disciplinary action and may be subject to contempt of court proceedings.

The Court Liaison Officer also monitors all "no acks" through the eSubpoena system. The eSubpoena system allows two days for you to acknowledge your subpoena. Per Department Policy, you are to check your e-mail at least once during each work day (MPP 3-07/210.20). If you do not acknowledge an "on call" subpoena prior to the court date, you cannot be compensated.

If you are subpoenaed to court, you are expected to be there. If you will be unable to appear, you must notify the Compton Court Witness Coordinator at (310) 605-7506 as soon as you are aware of your unavailability. In addition, if you have any concerns regarding your subpoena, or if you need to speak directly with the deputy district attorney handling your case, call their office for assistance.

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III. EVIDENCE (PICK UP, DELIVER, AND RETURN)

When ordered by the Court or District Attorney's Office to bring evidence to court in connection with a case that the employee is appearing on, the following procedures shall be followed:

The evidence can be picked up from the station's Property Custodian. The Property Custodian is available from 0600-1500 hours, Monday-Thursday, and from 0600-1400 hours, every other Friday. Narcotics evidence can be obtained from a member of the station's Narcotics crew each weekday prior to going to court. If the court does not keep the evidence, the deputy shall return it to the Property Custodian or Narcotics Bureau detective the same day. Unless relieved of the evidence, employees shall keep the evidence in their immediate possession to maintain the chain of custody. Under no circumstances shall a deputy keep evidence in his/her possession overnight or longer than necessary to transport to or from court. If returned after normal business hours, evidence, with appropriate form attached, can be secured in the "inside" evidence locker (weapons in the weapons locker, narcotics in the secured narcotics receptacle, and other miscellaneous evidence items on the shelves).

Evidence held at the station for over 90 days is generally transferred to Central Property. If it is necessary to order evidence held at Central Property, it shall be ordered via the station's Property Custodian. The property will be forwarded to Carson Station a minimum of five days prior to the court date.

Narcotics evidence can only be released by a Narcotics Bureau detective, not the Property Custodian. If it is known that Narcotics Bureau detectives will not be available to release evidence the day of the court appearance, it is the deputy's responsibility to make prior arrangements to have the narcotics evidence secured in the Watch Commander's safe the day before court. Narcotics personnel shall complete and attach a SH-CR-599 and have the Watch Commander secure the evidence in the safe for the testifying deputy to pick up the following day.

To ensure narcotics evidence is available for court, deputies shall submit a copy of the subpoena, clearly marked "Need Evidence" on the face. This copy shall be directed to the station Narcotics Office three to five days prior to the court date.

Employees picking up evidence at the station shall have the Watch Sergeant sign the face of their subpoena, indicating that evidence was picked up. When more than one deputy is subpoenaed for a case, only one may be compensated for evidence pick-up.

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IV. ON-CALL COURT STATUS

The Court Liaison Officer CANNOT modify a subpoena from "Must Appear" to "On-Call" status. This must be done by a deputy district attorney.

The Court Liaison Officer will notify the employee when to respond to court. When notified, the employee shall respond to court without delay. If, for any reason, the employee is not capable of responding to an "on-call" subpoena, the Court Liaison Sergeant or Watch Sergeant shall be notified immediately and the appropriate deputy district attorney shall be contacted. Personnel who fail to respond to an "on-call" subpoena may be subject to disciplinary action and contempt of court proceedings.

If an employee's case is continued, or if he is placed "on-call" verbally by the court, the employee shall notify the Court Liaison Officer so the new court date can be recorded on the court list. A continuance carries the same weight as a subpoena.

It is the employee's responsibility to inform the Court Liaison Officer if he/she learns of a change of on-call status from the court.

V. APPEARANCE BEFORE, OR QUESTIONING BY, ANY GRAND JURY, GOVERNMENTAL AGENCY, BOARD, OR COMMITTEE

It is the employee's responsibility to immediately notify the Unit Commander when ordered to appear before any Grand Jury or to offer any testimony before a governmental agency, board, or committee. If a verbal request is made directly to the employee, the requestor shall be referred to the Unit Commander.

Any employee who is contacted by any governmental agency conducting an investigation into possible civil rights violations, which could involve this Department or its members in any litigation or criminal charges, shall not submit to any questions or disclose any information until appropriate Departmental units are consulted and/or notified. Employees shall direct the representative of any inquiring agency to contact the Internal Affairs Bureau for interview arrangements.

VI. ACCEPTANCE OF OTHER SUBPOENAS

Civil Subpoenas/Process

Subpoenas involving civil litigation against Carson Station personnel or the Department shall only be accepted at the Station by the Watch Commander or Watch Sergeant, or by the Watch Deputy in their absence. The accepted civil process shall be forwarded to the Operations Office.

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Subpoenas or civil process for small claims or other civil actions, wherein the County of Los Angeles and the Sheriff's Department is not party to

the action, may also be accepted (substitute service) for a station

employee by the Watch Commander, Watch Sergeant, or Watch Deputy. The subpoena or civil process shall be forwarded to the Court Liaison Officer to be recorded and given to the appropriate employee.

Lawsuits or claims naming the Sheriff, Undersheriff, Assistant Sheriff, or the Department shall only be accepted by the Civil Litigation Unit, Risk Management Bureau.

Subpoena Duces Tecum (SDT) Criminal Cases

The Court Liaison Officer will accept and process all Subpoena Duces Tecum requests that are received at the station. He/she shall be responsible for ensuring that any required fees are paid or deposited prior to accepting the request.

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