Station Order 10/14.00 COURT LIAISON PLAN

PURPOSE OF THE ORDER:

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 non-compliance

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 shall be resolved by adhering to the MOU.

POLICY

General Responsibilities

Court Liaison Lieutenant

The court liaison 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 Department policy.

Court Liaison Sergeant

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 Department policy. The sergeant shall directly supervise the daily activities of the court liaison staff and shall be available for court liaison purposes.

Additionally, it shall be the responsibility of the court liaison sergeant to:

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

1.

2. 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.

1.

3. Regularly monitor daily court appearances to:

1.

1.

1. Ensure subpoena compliance and verify attendance;

1.

1.

2. ensure compliance with Department policy regarding dress and grooming standards; and

1.

1.

3. 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. Any training-related issues will be promptly communicated, through channels, to the training staff.

D. 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.

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

1. Court appearance calendar

2. Log for non-appearance of employee witnesses

3. District attorney complaint process

4. Subpoena tracking system

5. eSubpoena tracking system

6. Compiling, printing, and posting of the five-day court list (usually two weeks in advance)

7. Five-day list for verification of service and acknowledgment

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

Early Morning Watch Commander

The early morning watch commander will call all personnel who have failed to acknowledge receipt of a subpoena for that day. These calls should occur between 0500 and 0600 hours.

Watch Sergeant

All sergeants shall review the content of all arrest reports to ensure that only patrol deputies who are essential for case prosecutions are subpoenaed. When possible, in routine misdemeanor arrests, the arresting officer shall conduct or witness the searches, tests, or interviews so that only he/she is subpoenaed to testify in court.

Subpoenas and Subpoena Acknowledgment Forms shall be maintained in a three-ring binder (subpoena binder) in the briefing room. During shift briefings, patrol sergeants shall be responsible for ensuring that subpoenas located in the subpoena binder are served to the appropriate deputy personnel in attendance. The patrol sergeant shall serve the deputy and ensure that the deputy receiving the subpoena signs and dates the Subpoena Acknowledgment Form. The patrol sergeant shall ensure that the signed Subpoena Acknowledgment Form is turned in prior to the end of briefing. The patrol sergeant shall complete the form by signing on the “Subpoena Served By” line and shall include his/her employee number. The completed Subpoena Acknowledgment Form shall then be placed in the subpoena binder for collection by the Court Liaison Officer.

Note: **Deputy personnel shall not self-serve from the subpoena binder. A sergeant or acting sergeant shall affect service.**

Scheduling/Training Sergeant

The scheduling/training sergeant shall 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.

Court Deputies and Investigators

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

Court Liaison Officer

The station court liaison officer (CLO) shall be responsible for:

A. Subpoena control:

1. Receiving and processing all incoming subpoenas and documenting a trail of possession and service and entering all subpoenas received in the Subpoena Tracking System listing the required information;

2. Filing copies of the subpoena in a permanent file. The original copy, along with the Subpoena Acknowledgment Form, shall be filed alphabetically and by shift in the subpoena binder located in the briefing room;

3. Coordinating subpoena service for civilian witnesses;

4. Receiving, recording, and filing all Subpoena Acknowledgment Forms;

5. Maintaining the automated subpoena tracking system; and

6. Posting and distributing the “Daily Court Appearance” list on a daily basis.

B. The coordination of on-call court cases between the courts and station personnel and shall include:

1. Maintaining the on-call control log; and

1.

2. Making frequent checks throughout the day to ascertain the status of all on-call cases and calling the day before to verify the current case status.

(**NOTE**: It is station personnel’s responsibility to contact the CLO at 1200 hours to verify on-call status.)

C. The maintenance of the court liaison log.

A court liaison log shall be established and maintained, which will provide a record and documentation of the following:

1. 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;

2. 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/her findings and report to the court liaison lieutenant as appropriate; and

3. Any inquiries or reports of problems from the District Attorney's Office.

All such inquiries and problems shall require follow up by the court liaison sergeant, who shall communicate the outcome to the District Attorney's Office when appropriate.

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 Manual of Policy and Procedures, Sections 3-01/050.95 and 5-07/250.00, relating to court cases and 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 scheduling and training sergeant for final approval.

H. The day before each court date, the CLO will review the court register to ensure that all subpoenas have been acknowledged. **Subpoenas that are not acknowledged shall be brought to the attention of the on-duty watch commander who shall forward the information to the early morning watch commander. The early morning watch commander shall call the appropriate employee at home between 0500 and 0600 hours on the day the subpoena is in effect.**

Station Personnel

Station personnel shall be responsible for:

A. Checking their mailboxes at the beginning and at the end of each shift and reading notifications related to court appearances. Personnel shall check their e-mail at the beginning and at the end of their shift when on duty;

B. Receiving and immediately acknowledging all subpoenas issued to them. Upon receiving an eSubpoena, employees shall immediately open and acknowledge receipt of the electronic subpoena by clicking the appropriate “ACKNOWLEDGE” hyperlink (FOD 10-02);

C. Routinely checking the “Daily Court Appearance” list to determine if any subpoenas are pending. During court liaison business hours, the subpoena register will remain in the possession of the CLO. The court list is printed and posted in the briefing room two weeks in advance for all affected personnel and functions as a reminder of all pending court appearances;

4. Promptly notifying the CLO of any subpoenas received from any source other than the CLO;

5. Notifying the CLO, **as soon as possible,** whenever a case is trailed or continued. After 1630 hours, call the CLO at (909) 450-2732 and leave a voicemail message;

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

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

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

1. Immediately notifying the training staff, CLO and the court liaison sergeant whenever any training conflicts with a scheduled court appearance;

10. 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 CLO and court liaison sergeant providing them the name of the handling deputy district attorney who authorized the change, as well as the case name and number;

(NOTE: If a subpoena is issued by a private attorney or deputy public defender, permission to be excused or placed on-call must be obtained from that attorney, **NOT A DEPUTY DISTRICT ATTORNEY.)**

11. Notifying the CLO via memorandum or e-mail, **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 or e-mail will include starting and ending dates of the scheduled

absence;

50. Immediately notifying the CLO 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;

1000. Being familiar with the contents of this directive and Manual of Policy and Procedures, Sections 3-01/050.95 and 5-07/250.00, relating to court cases, court appearances, and the reporting of court overtime; and

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

(NOTE: When making notifications to or communicating with the CLO, 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.)

SUBPOENA PROCESSING, SERVICE, AND ACKNOWLEDGMENT

It will be the policy of this command to guarantee the appearance of all subpoenaed personnel when such subpoenas are received at least five days prior to the appearance date (barring scheduled vacations or unforeseen circumstances).

Subpoenas received less than five days prior to the appearance date will be handled on a case-by-case basis, and every effort will be made to ensure personnel's appearance in court; however, if the employee is unavailable, the subpoena will be returned to the court by the CLO and the court shall be notified that we were unable to make a timely service.

The CLO shall time stamp all incoming subpoenas upon receipt, if possible.

When subpoenas are received by the CLO, the CLO shall 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 CLO shall be guided by the provisions of Penal Code Section 1328. If there is insufficient time for service and/or compliance, the CLO shall return the subpoena to the issuer with the reason for non-service. If it becomes necessary, the following steps shall be taken:

A. The CLO shall immediately notify the court liaison sergeant who will make the final determination regarding acceptance or refusal;

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

C. Immediate notification shall be made to the issuer; and

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

If there is sufficient time for compliance, the CLO shall attach a Subpoena Acknowledgment Form to the subpoena and place it in the subpoena binder for service by shift patrol sergeants to the employee being subpoenaed.

If the employee has transferred, the CLO shall correct the address, if known, and return the subpoena to the issuer. The CLO shall also make every effort to notify the CLO 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 CLO shall notify the court deputy, witness coordinator, or the investigating officer, whichever applies.

Station personnel receiving a subpoena shall immediately sign the attached Subpoena Acknowledgment Form and return it to the issuing sergeant or CLO.

Subpoena Acknowledgment Forms not returned within five business days of issuance or appearance date shall be forwarded to the employee's supervisor or watch commander who will ensure that personal service is affected.

The day before each court date, the CLO shall review the court register to ensure that all subpoenas have been acknowledged. Subpoenas not acknowledged shall be brought to the attention of the on-duty watch commander who shall forward the information to the early morning watch commander. The early morning watch commander shall call the appropriate employee at home between 0500 and 0600 hours on the day the subpoena is in effect.

COURT APPEARANCES

Must Appear

1. Personnel who received 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.*

2. Personnel shall allow sufficient time to time-stamp in and arrive at the designated place prior to the designated appearance time.

3. Personnel shall make their presence known to the assigned deputy district attorney or person in charge upon arrival in the courtroom or designated location.

4. All subpoenas shall be considered MUST APPEAR unless specific instructions are given for ON-CALL status. If there is ever any doubt, confirm the status with the CLO.

5. Personnel who are unable to comply with a subpoena because of an illness or personal emergency shall:
    1.
        1. Notify the assigned deputy district attorney prior to the time the case is called. This notification is the personal responsibility of the person subpoenaed and not the responsibility of the CLO.

Notify the CLO and court liaison sergeant providing the name of the deputy district attorney notified, as well as the case name and number.

1.
    1.
        2. 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 that these notifications are made.

6. Scheduled court appearances shall always be given priority over training, RDO's, or other scheduled time off.

1.
    1.
        1. **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.

1.
    1.
        2. Therefore, when preparing complaint reports, deputy personnel shall list their vacation dates at the bottom of the face page, between their name and I.D. number. When additional deputy personnel are referred to in the body of the report, their vacation dates shall also be listed. Example: John Smith (vac. 6/05) #123456

3. Sergeants approving reports shall ensure that vacation dates are included. If there is no scheduled vacation pending, write “vac. none” or “vac. 0.”

7. 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:

1.
    1.
        1. Federal Court shall have priority over State Court
        2. Juvenile cases shall have priority over adult cases
        3. Felony cases shall have priority over misdemeanor cases
        4. Misdemeanor cases have priority over infractions (most traffic cases)

8. Whenever subpoenaed personnel encounter <u>any</u> conflicts regarding court appearances, it is <u>their</u> responsibility to ensure that the conflict gets resolved. This may mean contacting the station’s Training and Scheduling 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. Remember, it is still the responsibility of the subpoenaed person to ensure that the conflict is appropriately resolved.

1. Whenever a case is trailed or continued or an employee receives other oral instructions from the court regarding any court appearance, the employee shall communicate that information to the CLO without delay. The CLO shall then update the Daily Court Appearance list with this information.

10. Personnel appearing in response to a subpoena during a time other than their regular working hours, shall time-stamp in on their subpoena upon arrival to the subpoenaed destination and, after excused, time-stamp out prior to leaving the location.

11. DMV Telephonic Hearing

Employees who are subpoenaed for a DMV Telephonic Hearing that is scheduled during the employee's working hours, shall utilize a Department telephone to call the DMV at the scheduled time and receive no additional compensation.

Employees who are subpoenaed for a DMV Telephonic Hearing that is scheduled at a time when the employee is off duty, shall receive **one hour** of overtime or actual time spent beyond one hour (whichever is more) for a completed call based on their hourly rate, as defined by the Los Angeles County Code, for their classification.

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 disruption to operations:

A. When a deputy has a court appearance on a particular day, at the beginning of his/her shift, the deputy shall give the desk advance notice by means of an MDT message (e.g., "FYI, I have court in Pomona at 0830.");

B. 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;

1.

3. If a question arises on behalf of desk personnel 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; and

D. 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

Station Personnel Procedures

1. All requests for on-call status shall be made by the person subpoenaed (NOT THE CLO) directly to whomever issued the subpoena, which is 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:

1.

1.

1.

1. Name of deputy district attorney granting on-call status. Sometimes the witness coordinator at the concerned court will speak to the district attorney and secure permission for the employee to be placed on-call; and

2. case information.

B. Personnel receiving an on-call subpoena or who have been placed on-call shall:

1. Ensure that the CLO has a **phone number** where the person who is on-call will be immediately available. Personnel desiring to use answering machines may do so, provided that they respond to the CLO within 15 minutes of an answering machine message to confirm receipt of the message. When on-call personnel are **REQUIRED** to be available by phone, they shall keep their line clear and shall ensure that their equipment works. **It is the responsibility of the person who is on-call to make sure the CLO can reach them while they are on-call;**

2. Maintain a response time of one hour or less; and

3. Be adequately prepared to testify when called.

C. An employee who is advised in court that their case is being trailed, etc., and/or placed on-call by the district attorney must provide the CLO with the required status change information immediately.

D. On the date of the court case, the employee must contact the CLO by 1200 hours to be advised of the case status. If the court case is still pending, the employee will remain on-call until notified otherwise by the CLO or appropriate unit supervisor or at the end of the court day (1530 hours).

E. **On-call cases frequently trail for up to 10 days. However, personnel shall not automatically consider themselves on-call for 10 consecutive days unless specifically instructed to do so by the CLO or the district attorney.** If so instructed directly by the district attorney or the court, this information must be provided to the CLO without delay.

F. Employees who have worked the previous EM or PM overlap shift and who wish not to be contacted unless needed for court, must give a memo or send an e-mail to the CLO advising him/her of their request. The employee need not call the CLO at 1200 hours. The CLO will update the case via eSubpoena, advising the employee of the status of the case.

G. **Requests for on-call compensation may not be approved for any personnel not on the On-Call Control Log when case information is not provided to the CLO as required in Manual of Policy and Procedures, Section 5-07/270.05 (as listed above). Therefore, it is important that the CLO be promptly advised of any status changes.**

H. Employees shall prepare on-call overtime slips indicating the starting time, ending time, court case number, court, and defendant, and submit them to the CLO for processing and approval.

Court Liaison Officer Procedures

1. When the CLO is notified of changes in the status of an on-call subpoena, the CLO will enter it in the On-call Control Log.

2. Subpoenas issued initially as “on-call” will automatically be entered in the On-call Control Log by the CLO.

3. The CLO shall track the status of on-call cases as described in Manual of Policy and Procedures, Section 5-07/270.10, which includes contacting the District Attorney’s Office by 1200 hours to determine the status of on-call cases. When the status of a case changes, the CLO will notify the concerned personnel at once.

4. If there is a change in status, i.e. the case is continued to another day, personnel will be subpoenaed, case dismissed, etc., the CLO will make updates electronically via eSubpoena so it is pertinent that personnel check their E-Mail. If personnel are on their RDO or on vacation, the CLO will contact them by phone. It is the employee’s responsibility to insure the station has their most current phone number(s).

ACCOUNTABILITY

All personnel will be held responsible for appearing in court in response to subpoenas.

Court Liaison Officer (CLO)

In all instances when a court provides notice that one of our personnel failed to respond, was late, or when he/she could not be reached while on an on-call status, the CLO shall attempt to ascertain whether there was a valid reason (e.g., conflicting subpoenas, vacation, emergencies, etc.). If no valid reason is ascertained, the CLO shall prepare a notification and submit it to the court liaison sergeant for follow-up.

Court Liaison Sergeant

When a notification is received from the CLO regarding an attendance problem, the court liaison sergeant shall conduct an inquiry to ascertain the circumstances. If no valid reason is presented, the court liaison sergeant shall take appropriate action (e.g., notation in the Performance Log, counseling, unit-level investigation, etc.).

EVIDENCE PICKUP AND RETURN

When ordered by the court or the District Attorney’s Office to bring evidence to court, the handling deputy shall comply with the request.

Narcotics

1. Personnel who need copies of narcotic evidence for a court appearance shall notify the Narcotics Bureau not less than two court days prior to the appearance date.

2. Copies of narcotic evidence may be picked up from the Narcotics Bureau during regular business hours, beginning at 0800 hours.

Regular Evidence

Regular evidence must be requested from the station property custodian during regular business hours, beginning at 0730. **If property is over 90 days old, the evidence must be requested at least three business days prior to the court date.** Evidence returned after duty hours of the property custodian shall be placed in the interim station evidence locker.

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 pickup. Additionally, overtime shall be granted for all time actually spent in court that exceeds two hours. No additional overtime shall be granted for subpoenas that overlap or coincide in reporting times. **"Court overtime minimum" does not apply for court appearances that occur as an extension of regular duty time.**

Upon arrival at and upon leaving court, 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 usually not be accepted. A time stamp “IN” and a time stamp “OUT” is an accepted manner 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 memo explaining the unavailability of a time stamp to any overtime slip submitted.

Include the name of the deputy district attorney, or the person you reported to, in the memo.

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 15-minute increments.

Overtime Worked Report (Court)

Overtime slips shall contain the following information for statistical reporting:

1. Testimony: i.e., Did not testify/Testified

2. Conference time with district attorney (if any)

3. Witness pickup (if applicable)

4. **Time-stamped subpoena attached**

5. Statement - “This arrest/citation was in the unincorporated area of

_____. If the arrest/citation was in the city, write city of San Dimas.

Insure the RD matches the location of the arrest/citation. Complete the Adjusted Daily Timesheet and submit.

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.