Station Order 010 - Court Liaison Plan

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 the directive supplement, rather than replace, existing departmental policies and procedures with respect to subpoenas and court appearances. A broad overview of departmental 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 observing the latter.

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 departmental 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 policy. The sergeant shall directly supervise the daily activities of the court liaison staff and shall be available for liaison purposes. Additionally, it shall be 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 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.
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 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.

D. 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.
E. Ensure that station personnel receive training regarding court appearance standards and expectations, and ensure that each member is aware of his or 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 non-appearance of employee witnesses.
    3. District Attorney complaint process.
    4. Subpoena tracking system.
    5. Compiling, printing, and posting of the five-day court list.
    6. Five-day list for verification of service and acknowledgment.
H. Be familiar with all court procedures and initiate or recommend changes when appropriate.

E.M. 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.

Patrol Sergeants

Sergeants shall review the content of all arrest reports to ensure that only patrol deputies who are essential for case prosecutions are subpoenaed. Where possible, in routine misdemeanor arrests, the arresting officer shall conduct or witness the searches, tests, or interviews so that only he/she need be subpoenaed to testify in court (3-01/280.10).

Subpoenas and Acknowledgment Forms will be maintained in a three-ring binder (Subpoena Binder) in the watch sergeant's office. Patrol sergeants shall be responsible for bringing the Subpoena Binder to shift briefings and checking the folder for subpoenas to be issued to deputies in attendance at that briefing. If a deputy in attendance has a subpoena in the folder, the sergeant shall serve the deputy and ensure that the

deputy receiving the subpoena signs and dates the Subpoena Acknowledgment Form. The sergeant shall ensure the return of the signed Acknowledgment Form, prior to the end of briefing, and complete the form by signing the "Subpoena Served By" blank, including employee number. The completed Subpoena Acknowledgment Form is then to be put in the space provided in the Subpoena Binder for collection by the Court Liaison Officer.

Note: Deputies shall not self serve from the Subpoena Binder. A sergeant, or acting sergeant, shall affect service.

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 and 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, including entering all subpoenas received in the Subpoena Tracking System listing the required information.
   2. The Court Liaison Officer will separate the subpoenas and file a copy in a permanent file and the original copy, along with the Subpoena Acknowledgment Form, alphabetically, by shift, in the Subpoena Binder for the field sergeant to take to briefing.
   3. Coordinating subpoena service for civilian witnesses.
   4. Receiving, recording, and filing all subpoena acknowledgments.
   5. Maintaining the automated Subpoena Tracking System.
   6. Posting and distribution of the "Daily Court Appearance List" on a daily basis. Faxing copies of lists to witness coordinators to show acknowledgments.

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. Call the day before to verify the current case status.
   3. Promptly notifying station personnel when they are no longer on-call. It is the deputy's responsibility to check at 1200 hours to verify on-call status.

C. Maintenance of the Court Liaison Log

   A court liaison log shall be established and maintained which will provide a record 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 findings and report to the Court Liaison Lieutenant as appropriate. A recap of all such entries shall be included in the Monthly Activity Report.
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. A recap of all such entries shall 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 or 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.

H. The day before each court date, the Court Liaison Officer will review the court register to ensure that all subpoenas have been acknowledged. Subpoenas not acknowledged will be brought to the attention of the on-duty Watch Commander to be passed on to the early morning Watch Commander so that a phone call can be made to the appropriate deputy at home between 0500 and 0600 hours on the day of the subpoena.

Station Personnel

Station personnel shall be responsible for:

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

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

   Note: "Special Assignment Deputies" (La Puente/Industry SAOs, Asian Crime, YAL, VIDA, Crim Prevention, Town Sheriffs, etc.), shall daily check with the Watch Sergeant for any unserved subpoenas.

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 Court

Liaison Officer. After hours, the subpoena register will be returned to the Watch Sergeant's office.

D. Promptly notifying the Court Liaison officer of any subpoenas received from any source other than the CLO.

E. Notifying the CLO**as soon as possible** whenever a case is trailed or continued. If after 1630 hours, leave a message on the Court Liaison voice mail line, (626) 934-3017.

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

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

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

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

J. 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 Sergeant and provide 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, permission to be excused or placed on-call must be obtained from that private attorney, NOT A DEPUTY DISTRICT ATTORNEY.

J. Notifying the Court Liaison officer, 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.

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 CLO with the name and title of th person authorizing the change.

L. Shall be familiar with the contents of this direction 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 when possible.

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.

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 unforseen 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 the deputy's appearance in court; however, if the deputy is unavailable, the subpoena will be returned to the court by the Court Liaison Officer, notifying the court 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 this 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.
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 hearing date shall also be logged, whether served or not served.

If there is sufficient time for compliance, the CLO shall attach an acknowledgment slip to the subpoena and place it in the Subpoena Binder for service by shift patrol sergeants to the person 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, as appropriate.

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

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

The day before each court date, the Court Liaison Officer will review the court register to ensure that all subpoenas have been acknowledged. Subpoenas not acknowledged will be brought to the attention of the on-duty Watch Commander to be passed on to the early morning Watch Commander so that a phone call can be made to the appropriate deputy at home between 0500 and 0600 hours on the day of the subpoena.

COURT APPEARANCES

Must Appear

A. 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.*

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

C. Personnel shall make their presence known to the assigned Deputy District Attorney, or person in charge, upon arrival in the courtroom or designated location.

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

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

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, not that of the Court Liaison officer.

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

3. 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.

F. Scheduled court appearances shall always be given priority over training, RDOs, or other scheduled time off.

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.

2. Therefore, when preparing complaint reports, deputies shall 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 shall also be listed.

   Example: John Smith (vac. 6/05) #123456

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

G. 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. 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).

H. 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 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.

I. Whenever a case is trailed or 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.

J. 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.

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, he shall, at the beginning of his/hr shift, give the desk advance notice by means of an MDT message (e.g., "FYI, I have court in Pasadena at 0830.")
B. 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.
C. 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.
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

A. All requests for 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:
   1. Name of Deputy D.A. granting on-call status.
   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 on-call will be immediately available. Personnel desiring to use pagers or answering machines may do so, provided that they re-contact the CLO within 15 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. **It is the responsibility of the person on-call to make sure that the CLO can reach them while they are on-call.**
   2. Maintain a response time of one hour or less.
   3. Be adequately prepared to testify when called.

C. Deputies advised in court that their case is being trailed, etc., and/or placed on-call by the District Attorney must provide the Court Liaison Officer with the required status change information immediately.

D. On the date of the court case, deputies must contact the Court Liaison Officer by 1200 hours to be advised of the case status. If the court case is still pending, the deputy will remain on-call until notified otherwise by the Court Liaison Officer 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 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. Deputies having worked the previous EM or PM overlap shift who wish not to be contacted unless needed for court must leave a memo, or e-mail, for the CLO advising of the request. The deputy need not call the Court Liaison officer at 1200 hours. The Court Liaison Officer will generate a disposition slip and return it to the concerned deputy. However, deputies who avail themselves of this option must still contact the CLO prior to 1600 hours to obtain case disposition information.

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 MPP Section 5-07/270.05 (as listed above). Therefore, it is important that the CLO be promptly advised of any status changes.

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

Court Liaison Officer Procedures

A. 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.

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

C. The CLO shall track the status of on-call cases as described in Section 5-07/270.10 MPP, including 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.

D. Unless notified sooner, personnel shall contact the CLO by 1200 hours on the court date to be advised of case status. The CLO will also notify on-call personnel by the end of the court day, whether to remain on-call the following day.

ACCOUNTABILITY

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

A. **Court Liaison Officer:** 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 Court Liaison Officer shall attempt to ascertain whether there was a valid reason (e.g., conflicting subpoenas, vacation, emergencies, etc.). Where no valid reason can be ascertained, the Court Liaison Officer shall prepare a notification and submit it to the Court Liaison Sergeant for follow up.
B. **Court Liaison Sergeant:** When a notification is received from the Court Liaison Officer 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 will comply with the request.

Narcotics

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

B. Copies of narcotics evidence may be picked up from the Narcotics Bureau daily, beginning at 0800 hours.

Regular Evidence

Regular evidence must be requested from the station property custodian beginning at 0700 daily. If property is over 90 days old, the evidence must be requested at least three 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 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 memo explaining same 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
    - i.e., Testified
    - Time on stand (i.e., 20 minutes)

2. Conference time with District Attorney (if any)
3. Witness pickup (if applicable)
4. **Time-stamped subpoena attached**

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.

MONTHLY REPORT

The lieutenant shall submit a monthly activity report to his captain which shall minimally include:

- Monthly overtime expenditures (on-call, “must appear,” and combined total cost),
- A synopsis and status of any district attorney inquiries and/or complaints, court audits conducted, and documentation of any issues that arise from the audits,
- Training issues and training provided (including trainee orientation),
- Court liaison staffing and personnel issues,
- Subpoena compliance issues (court attendance and 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 one year.