

WEST PALM BEACH POLICE DEPARTMENT

II-22 COURT RELATED RESPONSIBILITIES

EFFECTIVE: 06/15/2005

CALEA Standards: 46.1.3

CFA Standards: N/A

I. POLICY: Members of the West Palm Beach Police Department subpoenaed for court and court related matters will attend at the time and place prescribed. Prior to giving testimony, members will review reports and evidence for cases summoned. All members will dress appropriately and testify in a professional and knowledgeable manner.

II. DEFINITIONS:

A. Subpoena - A written command to appear before a judicial, administrative or legislative body having the power and authority to summon witnesses. Included in this definition is the standard notice to appear used by the 15th Judicial Circuit, State of Florida in and for Palm Beach County.

B. Court Liaison - A member authorized to verify court appearances and to maintain administrative control over the member's court responsibilities. The member designated by the Chief of Police to accept service of criminal witness subpoenas per F.S.S. 48.031.

C. City Hearing: - Any interview, consultation, official investigation, inquiry, examination, review, or probe administered by the West Palm Beach City Attorney's Office or before a hearing officer as set forth in City Code.

III. RESPONSIBILITIES:

A. Members will pursue the prosecution of all court cases until final disposition.

B. When working scheduled hours, members will check for subpoenas on a daily basis.

1. Upon receiving a subpoena, members will contact the issuing authority and provide a contact number where they can be reached during the hours 08:00 to 17:30 hours.

- a. Members will provide current work schedule(s) including dates of anticipated vacation(s) or leave
- b. Members will document the date and time the issuing authority was notified and to whom the information was provided.

2. Members on extended leave status (FMLA, DDL, etc.) will make weekly contact with their supervisor to ensure subpoenas have not been issued in their name.

C. Members will attend court, depositions, filing appointments, and City hearings at scheduled times.

1. While on-duty, members will contact their immediate supervisor to make notification of any situation that may cause them to be late for or miss a Court or City hearing.

2. While off-duty, members will contact the Court Liaison (Appendix E) to make notification of any situation that may cause them to be late for or miss a Court or City hearing.

3. Due to illness, members unable to attend a scheduled court, deposition or other legal proceeding must notify the Court Liaison and the Court Division that scheduled the appearance.

a. In the event that contact with the Court Liaison cannot be accomplished then the on-duty Shift Commander will be notified. The Shift Commander will then notify the Court Liaison via phone and email or memo to provide the Court Liaison with the following:

1. Reason for absence,
2. Court Division and Attorney to include contact number,

3. Court, Deposition or Hearing Date.

b. The court liaison will verify the appropriate court or attorney has been notified and provide the member's supervisor a written copy of the email or memo to be placed into the member's platoon file.

D. Prior to attending court or deposition, members will review all facts surrounding their involvement in the case to ensure that testimony will be presented in a clear, concise, and professional manner.

1. If the member is informed that he or she is a party to a civil action arising out of departmental employment, he or she will immediately notify his or her supervisor and the City Attorneys office.

E. Members will dress appropriately. Appearance in court before a judge, magistrate, and/or jury requires more formal dress than appearances for depositions, case filings, traffic court, etc.

1. Male employees may wear the standard authorized uniform or coat and tie for Circuit Court or higher courtroom appearances. A uniform or dress slacks and sport shirt may be worn for all other appearances.

2. Female employees may wear the standard authorized uniform, a suit, pants suit, dress, or slacks and a blazer.

F. Juvenile 21 Day Trials:

1. Due to the speed at which Juvenile Detention Hearings occur, members are required to attend any Juvenile Detention Hearing or Trial upon notification from the Court Liaison or a Court Officer, with or without an issued subpoena.

G. Filing Requirements:

1. Cases will to be filed in accordance with the guidelines for case filings established by the State Attorneys Office (Appendix E).

2. Members filing a case "in-person" that would not normally require a filing appointment must obtain prior approval from a supervisor.

3. When appropriate, members will schedule all filing appointments during on-duty hours.

IV. COURT VIOLATIONS WARRANTING DISCIPLINARY ACTION:

A. Court attendance is monitored by supervisors. Members found to be late or absent from court related activities or found to have violated traffic courtroom rules as outlined by the 15th Judicial circuit (Appendix B) will be reported in writing to the appropriate Division Commander as soon as possible.

B. The Court Liaison will maintain records of all members who were late or did not attend court related matters and did not provide sufficient reason not to attend.

1. The Court Liaison will notify the appropriate Division Commander in writing regarding missed court or tardiness by the member to any court related matter. Notification will be accomplished prior to the end of the duty day.

a. The State Attorney's Office subpoena attendance log for trials, hearings and depositions will be forwarded by the Court Liaison to the Chief of Police or designee weekly.

C. Disciplinary action related to a member=s court related responsibilities will be consistent and progressive.

1. Members not filing a case within the ten (10) day period are subject to a Letter of Reprimand. Additional violations will subject the officer to discipline in accordance with S.O.P. I-9.

2. Members late or missing a City Hearing, Court or any Court related matter without prior notification to the appropriate Court or Attorney, Court Liaison or an On-Duty Shift Commander or;

3. Members not providing the issuing authority of a contact number(s) and their work schedules upon receipt of a subpoena will receive a Letter of Reprimand for the first offense.

- a. A second offense within a one year period will result in a one day suspension.
- b. Additional violations within the same 12 month period will result in progressive levels of discipline.

D. Members who have completed participation in any court related activity will leave the facility. On-duty members are to go back into service as soon as possible.

V. CANCELLATIONS, CONTINUANCE, PLEAS, DISMISSALS:

A. Members receiving notices of cancellation, continuance, plea, dismissal, etc., will obtain the name and telephone number of the canceling authority and retain the information for his or her records.

- 1. The information will be retained for a period of four (4) weeks after the date of notification or the scheduled appearance date, whichever is later, for pleas, dismissals, or other final disposition actions.
- 2. Continuances, cancellations, or other actions requiring the member to be re-subpoenaed or to appear at a later date will require the information be retained until a new subpoena is issued or final disposition is reached.
- 3. Members needing to reschedule Traffic Court will complete a "Request for Excuse from Subpoena" as directed by the 15th Judicial Circuit. (Appendix C)

VI. VACATION NOTICES:

A. Members anticipating vacation, attending school or leaves of absence will notify the court liaison not later than 21 days prior to the anticipated start of the leave.

B. Members will notify the court liaison immediately when leave is requested and granted, but was not anticipated 21 days in advance.

C. In the event the case is not continued or postponed, the subpoenaed member is required by law to honor the subpoena.

D. The Court Liaison maintains an accurate and up to date calendar of all member's approved vacation, leave or scheduled training. This calendar will be provided to the State Attorney's office on the 1st day of each month.

- 1. Any calendar revisions occurring within the month, the Court Liaison will immediately be forwarded to the State Attorney's Office.

VII. SUBMISSION OF OVERTIME SLIPS:

A. When attending a court related matter in an off-duty capacity, members will complete an overtime slip and place it in the designated drop point for his or her division.

B. After turning in the overtime slip, members will fill out the ACourt Overtime Log@ (Appendix A) that is next to the drop point.

C. Members will not be compensated for court overtime until the overtime slip is turned in and the Court Overtime Log is completed.

D. The court liaison is responsible for verifying the entries made on the Court Overtime Log and comparing the accuracy of the Court Overtime Log to each overtime slip submitted.

E. The court liaison is responsible to notify the appropriate Division Commander or supervisor of discrepancies found and/or when incomplete information is submitted.

F. Any member falsifying overtime slips and/or mileage affidavits and/or subpoena fee forms will be subject to discipline up to and including termination and criminal prosecution.

VIII. SUBPOENA FEES:

A. Unless the member is on overtime status, any member receiving payment as compensation for attending a court appearance, deposition, hearing or trial is prohibited from accepting such payment. Upon receipt the member shall return such payment to the issuer.

X. REFERENCES:

- F.S.S. 48.031 Service of process generally; service of witness subpoenas.
- Rules and Regulations 10-2, 10-3, 10-4, 10-6, Ch. 11.
- SOP # I-9 Disciplinary Procedures.
- SOP # II-20 Uniform and Plain Clothes Attire.
- SOP # III-1 Arrest Procedures.
- SOP # IV-22 Internal Affairs Function.

Delsa R. Bush, Chief of Police

Original issue: 10/18/91
Revised: 06/15/2005
I.D. # 1491

History: SOP # changed to II-22 on 01/01/2005
Old SOP: # 5.050.011
Revision Dates: 11/01/98, 03/01/99, 12/15/1999, 03/15/2002, 05/30/2002, 01/01/2005, 06/15/2005


Job Title Task Files: Court Liaison

Appendix B



15th Judicial Circuit Memorandum

To: All Palm Beach County Law Enforcement Agencies
Liaison Officers

From: Howard H. Harrison, Senior Judge 
Traffic Magistrate Program Coordinator

Subject: Courtroom Rules

Date: May 22, 2002

Please advise your officers that the following rules will be put in place for all traffic infraction hearings being held before traffic hearing officers:

- (1) NO ONE, including law enforcement officers is to go beyond the railing inside the courtroom, unless asked to do so by the bailiff, traffic hearing officer, or the clerk of the court.
- (2) ALL MEMBERS OF THE AUDIENCE, including law enforcement officers, will remain seated while court is in session.
- (3) ALL MEMBERS OF THE AUDIENCE, including law enforcement officers, will refrain from having conversations with others in the courtroom. Conversations should be held outside the courtroom.
- (4) ALL BAILIFF'S have been instructed to see that these rules are followed and to remove any person who refuses to comply.

The above listed rules will be instituted beginning June, 2002. Your cooperation in assisting the court with compliance would be greatly appreciated.

Please call me at (561) 379-2654, should you have any questions regarding the above.

Appendix C

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| In the County Court of the 15 th Judicial Circuit, in and For Palm Beach County (Traffic Division) vs. _____ Defendant | CLOCK IN |
| | CASE NUMBER |

REQUEST FOR EXCUSE FROM SUBPOENA

_____ Received a subpoena for a court appearance on
Name of Witness/Officer

_____ which is scheduled for _____.
Date of court appearance

The above named witness is unable to appear at the scheduled date and time because

- is on vacation from _____ through _____,
- other:

and respectfully requests that the court excuse his/her appearance.

Witness/Officer:

ORDER ON REQUEST FOR EXCUSE FROM SUBPOENA

The Witness=s / Officer=s request is hereby: Granted Denied

- This case shall be reset, state continuance granted and all parties notified.
- This case shall be dismissed and all parties notified. (I.e. speedy, no witness)
- This case shall proceed as scheduled.

_____ Hearing Officer/Judge: _____

Appendix D

COURT LIAISON DUTIES:

- A. Maintain an accurate list of all members, their contact phone numbers, shift assignments and scheduled leave, vacation or training.
- B. Notify all members of scheduled court appearances, changes in depositions or other relevant court schedules. Facilitate emergency contact of members whose appearance is required in court.
- C. Accept and distribute subpoenas served on members of the department.
- D. Monitor all court hearings, trials, and depositions. In conjunction with the State Attorney's Office maintain records of all missed court appearances and forward this list to the Chief of Police or designee on a weekly basis.
- E. Maintain record of all court related overtime. Monitor court related overtime to ensure overtime is not being used to perform court related functions which could occur in on duty status.
- F. File all cases with the State Attorneys Office which do not require filing appointments as detailed in the Filing Requirements memorandum (Appendix E) from the State Attorneys Office.
- G. Perform all additional duties as assigned by the Chief of Police or designee.

Court Liaison Phone Numbers:

| | |
|-------------------------|--------------|
| HQ Office: | 561-653-2807 |
| State Attorney's Office | 561-355-7184 |
| Pager: | 561-936-7727 |

Appendix E

TO: ALL AGENCIES
FROM: SAO-OFFICER INTAKE
RE: FILING REQUIREMENTS

JANUARY 13, 2004

POST THE FOLLOWING: IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT OFFICER INTAKE @ 355-7170.

I. ARREST CASES THAT DO NOT REQUIRE FILING APPOINTMENTS:

- 1) THIRD DEGREE FELONIES NOT INVOLVING THE USE OF A FIREARM
- 2) GRAND THEFT/GRAND RETAIL THEFT
- 3) **GRAND THEFT AUTO**
- 4) CARRYING A CONCEALED FIREARM/JWEAPON
- 5) SALE, POSSESSION, PURCHASE AND TRAFFICKING OF DRUGS
- 6) ALL DOMESTIC CASES
- 7) CRIMES AGAINST CHILDREN/ELDERLY
- 8) SEXUAL BATTERY
- 9) DEALING IN STOLEN PROPERTY
- 10) FELONY DUSII)UI
- 11) FORGERY, FRAUD, **SCHEME TO DEFRAUD**

II. **ARREST CASES THAT DO** REQUIRE FILING APPOINTMENTS:

- 1) ALL 1~ ANJ) 2~ **DEGREE FELONIES (EXCEPT AS STATED ABOVE)**
- 2) ALL RESIDENTIAL BURGLARY (OCCUPIED & UNOCCUPIED)
- 3) OCCUPIED BURGLARY STRUCTURE/CONVEYANCE
- 4) AGGRAVATED BATTERY (NON-DOMESTIC)
- 5) AGGRAVATED ASSAULT/AGGRAVATED BATTERY ON POLICE OFFICER
- 6) ANY CRIME THAT INVOLVES THE USE OF A FIREARM (NON-DOMESTIC)
- 7) SALE OF DRUGS W/IN 1000FF OF CHURCH/SCHOOIJDAYCAREIHOUSING FACILITY/CONVENIENCE STORE
- 8) POSSESSION OF A FIREARM BY A CONVICTED FELON
- 9) THROWING DEADLY MISSILE INTO AN OCCUPIED CONVEYANCE.
- 10) THROWING DEADLY MISSILE INTO AN UNOCCUPIED/OCCUPIED BUIIJ)ING, RESIDENCE OR STRUCTURE.
- 11) ALL ROBBERY CASES

III. ALL CAR JACKING CASES REQUIRE A FILING APPOINTMENT, PLEASE CONTACT KIM IN THE AUTO THEFT UNIT TO MAKE APPOINTMENT @ 355-7243.

IV.

IV. WARRANT/CAPIAS REQUESTS DO NOT REQUIRE FILING APPOINTMENTS UNLESS SPECIFICALLY REQUESTED BY THE ASSIGNED FILING PROSECUTOR.

V. ALL WEED & SEED CASES SHOULD BE FILED THROUGH COMBAT, PLEASE CONTACT KAREN @ 355-7376 OR EVA @ 355-7378.

PLEASE BE ADVISED THAT THE LIMIT FOR A FILING APPOINTMENT IS 3 CASES PER OFFICER. THANK YOU FOR YOUR COOPERATION.