

Procedure

11.3

EFFECTIVE
DATE
9-1-00

Eugene Police Department



Court Liaison

11.3.1 PURPOSE AND SCOPE

This policy deals with the Court Liaison function in the department. Refer to *Procedure 3.41 – Court Appearances* for employee responsibilities regarding subpoenas and court appearances.

PART I - Responsibilities and Procedures for All Personnel

- A. General duties
- B. Officer subpoenas
- C. Civil subpoenas
- D. In-custody arraignments (Municipal Court)
- E. Overtime compensation
- F. False alarm ordinance

11.3.2 RESPONSIBILITIES AND PROCEDURES ALL PERSONNEL

A. General Duties

1. Ensure that cases are presented to the District Attorney or City Attorney in a timely manner.
2. Sign complaints and other processes necessary to file charges brought by the department.
3. Work with department personnel and prosecutors to ensure effective management of cases presented for prosecution.
4. Monitor attendance and overtime compensation of officers who attend court proceedings in response to subpoenas.

B. Officer subpoenas

1. *ORS 44.552 and 136.595* govern service of subpoenas to police officers through the department.
2. Enter any subpoena received into the computerized subpoena file. In instances where an officer receives subpoena(s) directly from a prosecutor,

notify Court Liaison so that subpoena can be tracked. Return the subpoena via the Court Liaison Office.

3. Route the subpoena to the officer.
4. If you receive "rush" Grand Jury subpoenas, or other rush subpoenas from the D. A. or City Prosecutor, review the officer's schedule. If necessary, attempt to notify the employee by phone, and stamp "RUSH" on the subpoena prior to routing it to the employee.
5. If the employee cannot be contacted, inform the prosecutor.
6. When you receive the signed copy from the officer, log the service date in the computerized file, and return the subpoena to the issuing court or attorney's office.
7. Maintain copies of all the forms necessary for officers to subpoena witnesses. The officer will complete the "Roster of Subpoenaed Persons" form and give it to you. Officers will also return the Service Log form or the 'return' portion of the subpoena to you after attempting to serve, or serving, a subpoena.
8. You will receive "Schedule Change Forms" from officers who will be unavailable for court for extended periods of time, or whose schedule has changed. Make appropriate entries in the subpoena file and send copies to the Municipal Court and the District Attorney's Office. If you receive subpoenas for officers who have schedule change forms on file, accept the subpoena and forward it to the officer anyway. As you are able, assist the officer in obtaining a continuance or being excused from the case.
9. If officers have schedule conflicts with subpoenas that have already been issued by the Municipal Court, they may complete the "Request for Continuance" form. Send the form to the court. The judge will send his decision to you. Notify the officer of the decision. (Officers must handle conflicts regarding Circuit Court subpoenas by making arrangements directly with the deputy District Attorney assigned to handle the specific case.)

C. Civil subpoenas

1. If the city, department, or department members are named as defendants, indicate the date/time of acceptance on the upper right corner of the front page. Route a copy to the Internal Affairs Coordinator.
2. Forward any witness fee check to the employee. After the employee appears, deliver the endorsed check to the Financial Services Unit. (If the officer did not appear, return the unendorsed check to the issuing law firm.)

D. Subpoenas for non-police witnesses

1. You will usually receive the subpoenas from the Prosecutor's office unless an officer has obtained them.

2. Log them in the computer under the assigned officer's name.
3. Normally these subpoenas will be served by the Department's contract subpoena server.
4. A "Subpoena Service Log" should be attached to any subpoena.

E. In-custody arraignments (Municipal Court)

1. Attend in-custody arraignments at the jail. Arrive at the jail at the appropriate time and obtain the keys from Central Control.
2. You are responsible for all prisoner movement for attorney conferences or arraignments.
3. You are responsible for the security of the courtroom and all persons there. Judges require that you remain standing and alert at all times.
4. You may have to provide writing implements and space to work for prisoners who need to complete paperwork. Ensure that all items are returned intact. Report any problems to jail personnel before transferring the prisoner to any other part of the facility.
5. A "cheat sheet" which describes in-custody arraignment duties and responsibilities is available from Court Liaison or the Patrol Scheduling Sergeant.
6. By agreement with Municipal Court, if there are 12 or more prisoners to be arraigned, a second officer must assist the Court Liaison officer or his/her designee to provide increased security.

F. Overtime compensation

Review requests submitted for overtime compensation related to court appearances for accuracy, and forward to the Court Liaison Supervisor for approval.

G. False alarm ordinance

Perform any assigned responsibilities related to monitoring and enforcement of the false alarm ordinance.