



New Bedford Police General Order

Subject COURT APPEARANCES	General Order Number 3-17
Date of Issue 05/07/00	Effective Date 07/14/20
Re-evaluation Date 07/14/21	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amends
C.A.L.E.A.	Cross references

The purpose of this General Order is to provide guidelines for the methods of recording information regarding payment of overtime for court appearances, as well as attendance and appearance at court sessions.

I. COMPLAINT ISSUANCE AND ARREST REPORTS

The Court Liaison Officer, or other such officer as may be designated by the Chief of Police, or the Deputy Chief of Police, will sign *all* complaints, where they are satisfied that sufficient facts exist to justify the issuance of a complaint against persons who have been arrested without a warrant. In all cases when an arrest is made without a warrant, the arresting officer shall complete an arrest report forthwith and certainly prior to the end of their tour of duty.

In the case of an officer who is injured on duty (in the course of effecting the arrest) and cannot complete the arrest report, the Commanding Officer or his/her designee shall gather the facts pertinent to the arrest, including but not limited to, a statement from the officer (to the extent possible), and any other information relevant to the case. If another officer witnessed the arrest, then the Commanding Officer shall direct that officer to submit the arrest report. If no other officer witnessed the arrest, than the report shall be completed by a supervisory officer relying upon the information obtainable from the arresting officer and any other witnesses or evidence that may exist.

The complaint application form shall contain sufficient facts to support the signing of the complaint by the Court Liaison officer. If, as a result of the complexity of the case, number of charges, or the time of the arrest, the report cannot be completed by 8:00 A.M., the arresting officer shall immediately inform his/her supervisor. The supervisor shall be responsible for immediately notifying the Court Liaison officer and be guided by instructions from the Court Liaison Officer.

In the event that an arrest report cannot be completed prior to the end of the tour of duty, then only the arresting officer will be required to remain and complete the arrest report. In the event that the circumstances of a particular investigation require that supplemental reports be completed immediately, then the Commanding Officer shall make that determination and ensure that the involved officers submit the necessary reports.

II. COURT APPEARANCES

In all cases, where an officer is required to appear in court, either on arraignment or as a witness on a continued case, he/she shall report to the Court Liaison officer in the District Court no later than 8:30 A.M., unless a different time is specified.

In the Superior Court or Grand Jury, officers shall report at 9:00AM unless otherwise notified. In the absence of the Court Liaison officer, Officers shall remain in court unless authorized to leave by the Prosecuting Assistant District Attorney. In the case of appearance as a witness at a hearing or trial before the Licensing Board, Housing Court or Traffic Commission, officers may leave at the direction of a supervisory departmental member. In the absence of a Court Liaison officer or a Supervisor, officers may leave at the direction of the Board Chairperson or Prosecuting officer.

Officers should arrive at scheduled court appearance prepared and ready to testify with copies of the case report and or any relevant evidence which was requested by either the District Attorney's office or our Court Liaison representative.

Should circumstances beyond the control of the officer occur that prevent him/her from appearing in court or a scheduled hearing, it is the responsibility of the officer to immediately notify the Court Liaison officer and the officer's Commanding officer of his/her inability to appear and the reason for the absence.

Officers who request an absence from court shall submit email notification to their Platoon or Bureau Commander(s). The notification shall be made at least *14 days* in advance and shall outline the reason(s) for the requested absence (*i.e Vacation, Family Sick Leave ect.*). Once approved, the Platoon or Bureau commander will forward a copy of the request to the following:

- Officers District Commander
- Court Liaison officer(s)
- Traffic Unit Commander
- Detective Division Commander

III. COURT OVERTIME AND PAYMENT

All department members reporting to the Third District Court shall be required to report to the Court Liaison office and have their time of arrival recorded on their overtime slip by the Court Liaison officer utilizing the time clock at his/her desk.

In the event that the Court Liaison officer is not at his/her desk, then the individual officer is responsible to record the time of their arrival on the overtime slip by use of the time clock. At no time should officers be completing a slip or utilizing the time clock for another officer.

Officers who are summoned to appear in Fall River court proceedings, will record both their starting and ending time by utilizing a department purchased time clock which is located in the District Attorney's office in the Fall River Court complex.

Officers shall complete the information required on the Court Overtime Request (blue) slip and sign it. The Court Overtime Request Form (Blue Slip) shall be utilized for appearance at any court including:

- Juvenile Court
- District Court and 6-Man Jury
- Superior Court or Grand Jury
- Federal District Court
- Housing Court
- Any hearing of the Licensing Board or Traffic Commission

The Court Liaison officer will retain the overtime slip until such time as the individual officer's case has been disposed of and the officer has been authorized to leave the court. At that time, the Court Liaison officer shall record the time of departure by use of the time clock and sign the overtime slip. At that time individuals shall declare their choice of payment or accrual of compensatory time and return the overtime slip to the Court Liaison Officer. The Court Liaison officer will be responsible for entering the Court Overtime slip(s) into IMC.

The Court Liaison officer shall be responsible for maintaining a daily report detailing the officers summonsed and date, and case appearing on. Officer arrival and departure times will be documented on the blue slips and will be available for inquiries by the Commanding Officer of the Administrative Services Division.

At the close of the Court business for the day in the District and Superior Court, the Court Liaison officer shall be responsible for transporting that day's court overtime slips to the Administrative Services Division for processing. In the event that an individual appears at a court other than the Third District Court, and the Court Liaison officer is not available, then the court overtime slip shall be forwarded to the Court Liaisons office at the start of his or her next tour of duty. The Court Overtime Request Slip shall have a copy of the court notification, summons, or letter from an attorney requiring the officer's appearance attached. No slip will be submitted for payment without this documentation attached. The Court Liaison officer shall be responsible for forwarding the Court Overtime Request Slip to the Administrative Services Division prior to the end of that tour of duty.

Individuals opting for payment shall receive compensation for overtime earned in the check representing that particular pay period. Individuals opting to accrue compensatory time will have their slips returned to their respective division commanders once the Administrative Services Division has completed the compilation of data from the slip.

The Court Liaison officer shall be responsible for completing a daily report detailing the officers summonsed and date, arrival and departure times, and case appearing on. The report shall be submitted to the Commanding Officer of the Administrative Services Division.

IV. COURT NOTIFICATIONS

A. Whenever an officer is scheduled to appear as a witness in a criminal matter in District Court, Grand Jury, Superior Court and Housing Court, notifications will be made by the Court Liaison office via the department email account.

- Notifications of appearances before a hearing of the Licensing Board shall be administered by the Commanding Officer of the Detective Division or his/her designee.
- Notifications of appearances before the Traffic Commission shall be administered by the Commanding Officer of the Traffic Unit.

Each officer who has court on a particular date shall be notified via email by the Court Liaison officer. The subject line shall be entered as the identifying court location, the Date and Time of the appearance. The email shall include the defendant's name, court docket number, report number and all officers assigned to the particular case, as well as, any information pertaining to required evidence. All reasonable steps shall be taken to ensure that officers are provided with as much advance notice of scheduled court dates as possible. In instances where short term or immediate notice is required the Court Liaison shall take the necessary steps to ensure that officers are notified.

In the event that any of the summonsed officers are not anticipated to return to duty (vacation, IOD, days-off, etc.) prior to the court date then the Liaison officer or his/her designee shall take steps to ensure that officers are notified of the court date by telephone.

The Court Liaison officer or his/her designee shall also be responsible for reviewing the department's email account to determine which of the summonsed officers have accessed their account and read the court notification memo. In the event that officers have not read the notification seventy-two (72) hours prior to the court date, the liaison officer or his/her designee shall take all steps necessary to ensure that the officer is notified forthwith.

Failure to comply with the requirements of Directive #94-50 (Departmental Electronic Memo Account) may result in disciplinary action up to, and including, termination.

Standard notifications made through memo shall be documented by printing out the notification memo and the accompanying review data, showing the time and date the memo was read by the summonsed officer.

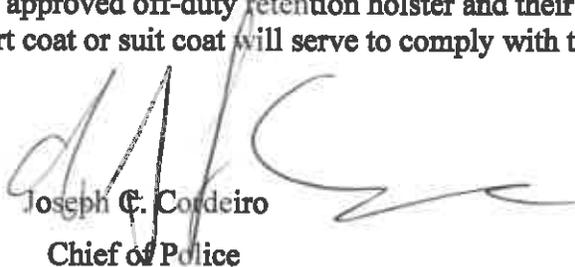
For those officers who are notified by means other than the memo account, the details of the notification shall be entered onto the notification memo in the appropriate location of the review data noting the time, date, method of notification, and Employee number of the individual notifying the summonsed officer.

B. All notifications concerning cancellations shall be made by the appropriate office overseeing the preceding (*ex. Court Liaison officer, Traffic Commander, Detectives Commander*) That office will be responsible for ensuring that officers are notified of cancellations occurring within twenty-four (24) hour or less of the scheduled start of the court session. All reasonable steps shall be taken to ensure that officers are provided with as much advance notice of cancellations as is possible.

V. APPEARANCE

A. All members of this department shall wear proper attire while attending court. Uniforms are not to be worn while attending Superior Court or the Grand Jury. While on-duty, uniform consistent with the dress of the season may be worn while attending Third District Court. Off- Duty male officers attending Third District Court shall be required to wear a shirt with tie, and appropriate slacks. Off-duty female officers shall be required to dress in a neat and professional manner. Jeans and/or short pants are not considered appropriate attire for court.

B. Officers appearing at any court, hearing of the Licensing Board or Traffic Commission, or any other forum listed in Article X of the collective bargaining agreement shall carry, in a concealed manner, their department issued firearm in a department issued or approved off-duty retention holster and their department issued handcuffs. The wearing of a sport coat or suit coat will serve to comply with the concealed carry requirement.


Joseph C. Cordeiro
Chief of Police

CC: All Divisions, Units and Bureaus