

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 544-S

REFERENCE STANDARDS: 22.1.1e & f

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SUBJECT: Court Appearance Procedure

PURPOSE: To establish requirements for attendance and compensation for court appearances.

## I. ON DUTY COURT APPEARANCES

### A. Cook County

1. Pre-assigned key dates:
  - a. The Court Services Coordinator (CSC) annually assigns personnel to their individual Court Keys in accordance to their current schedule of assignment.
  - b. The CSC will post a Weekly Court Appearance Roster.
  - c. Appearance will only be required if your name appears on the roster.
2. Other assigned dates:
  - a. Personnel may be required to appear in court on other than pre-assigned dates, but only when:
    - 1) In response to a subpoena;
    - 2) Set or continued by the court;
    - 3) At the direction of the CSC or designee.
  - b. If an officer erroneously assigns a court date, it will be the responsibility of the officer to re-schedule it or he/she will be subject to disciplinary action.

### B. DuPage County

1. Pre-assigned field court date:
  - a. The CSC will post a Weekly Court Appearance Roster.
  - b. Appearance will only be required if your name appears on the roster.
2. Other assigned dates:
  - a. Personnel may be required to appear in court on other than field court dates, but only when:
    - 1) In response to a subpoena;
    - 2) In response to a Notice of Trial (NOT);
    - 3) In compliance with the latest directive issued by the Circuit Clerk's office;

- 4) At the direction of the CSC or designee.
- b. If an officer erroneously assigns a court date, it will be the responsibility of the officer to re-schedule it or he/she will be subject to disciplinary action.

C. Transportation

1. Those persons assigned to patrol function will use their assigned vehicles.
2. All other on-duty personnel will be assigned a vehicle by a supervisor.

D. Overtime Compensation (22.1.1e & f)

1. If the court call exceeds the scheduled tour of duty, they will be compensated in accordance with the Village of Hanover Park Employee Handbook policies and current labor contract.

E. Reporting for Court Duty

1. Personnel will notify DuComm of leaving from and returning to the Village for the purpose of court.
2. When the CSC is present, the personnel will report to him/her on arrival and departure.

F. Case Files and Related Evidence

1. The CSC or designee will transport all case files to the Rolling Meadows facility.
  - a. The case officer shall be responsible for transporting evidence of the arrest should it be needed.
2. The case officer will be responsible for transporting the case files and evidence to any other court location.

## II. OFF DUTY COURT APPEARANCES

A. Cook County

1. Pre-assigned key dates:
  - a. The CSC will post a Weekly Court Appearance Roster.
  - b. Appearance will only be required if your name appears on the roster.
2. Other assigned dates:
  - a. Personnel may be required to appear in court on other than pre-assigned dates, but only when:
    - 1) In response to a subpoena;
    - 2) Set or continued by the court;

- 3) At the direction of the CSC or designee.
- b. If an officer erroneously assigns a court date, it will be the responsibility of the officer to re-schedule it or he/she will be subject to disciplinary action.

**B. DuPage County**

1. Pre-assigned field court date:
  - a. The CSC will post a Weekly Court Appearance Roster.
  - b. Appearance will only be required if your name appears on the roster.
2. Other assigned dates:
  - a. Personnel may be required to appear in court on other than field court dates, but only when:
    - 1) In response to a subpoena;
    - 2) In response to a Notice of Trial;
    - 3) In compliance with the latest directive issued by the Circuit Clerk's office;
    - 4) At the direction of the CSC or designee.
  - b. If an officer erroneously assigns a court date, it will be the responsibility of the officer to re-schedule it or he/she will be subject to disciplinary action.
3. Notice of Trial (NOT) Procedure:
  - a. Personnel receiving a Notice of Trial will follow the procedure established by the DuPage County States Attorney's Office and will register with the DuPage County States Attorney's Office for the case listed on the NOT as soon as possible.
  - b. If personnel receive multiple Notices of Trial for the same date, the procedure in 3. a. will be followed for each one.
  - c. If personnel are not available on the date of the trial, they are required to contact the DuPage County States Attorney's Office immediately in compliance with the NOT procedure.
  - d. The CSC will be notified by email immediately when personnel have made notification with the DuPage County States Attorney's Office that they will not be available to appear for an NOT. The email will specifically state the reason why personnel will be unable to appear for the NOT.
  - e. Personnel who have registered a NOT with the DuPage County States Attorney's Office will make themselves available between 11am and 1 pm on the date of the trial listed on the NOT.
  - f. If the DuPage County States Attorney's Office makes notification to the department that personnel are needed to appear in court for an NOT, an on-duty records clerk assigned to the front desk will then notify the personnel assigned on the Notices of Trial needed for the case to appear in court. The records clerk that made the notification will document that

notification was made in the DuPage Court Notification Binder located at the front desk.

- g. Personnel that are scheduled to be on call but did not get notified to appear in court related to an NOT, shall be required to complete a court mileage request form and turn it into the CSC on the personnel's next scheduled work day.

C. Transportation

1. Personnel will be required to provide their own transportation to and from court.
2. Personnel will be reimbursed for using their personal vehicle to travel to and from Rolling Meadows and Wheaton court locations and shall receive a travel allowance provided the court mileage request form has been completed.
3. An off-duty officer may ride to or from the court location with an on-duty officer, if there is no conflict with the on-duty officer's responsibilities.
4. A court mileage request form will be forwarded to the CSC every time the employee's personal vehicle is used.

D. Overtime Compensation (22.1.1e & f)

1. Rates of overtime compensation for court appearances are to follow the guidelines established in the Village of Hanover Park Employee Handbook as well as the current labor contract.
2. Overtime ends with the conclusion of the officer's last case and when they are released by the C.S.C.
3. When an officer is required to report to the police department prior to traveling to court, court time shall be calculated starting from the time the officer arrives at the police department and extends to the time of return to the police department, which shall include the travel time. No intermediate time, including meal breaks, shall be compensated.
4. To be compensated for the NOT pursuant to the guidelines established in the Village of Hanover Park Employee Handbook as well as current labor agreements, personnel will be required to complete a court mileage reimbursement form when they were not notified to appear in court.
5. Personnel shall only be paid for the Notices of Trial that have been registered with the DuPage County States Attorney's Office pursuant to the established protocol.
6. Personnel that receive multiple Notices of Trial for the same date will only be compensated for one of them.

E. Meal Reimbursement

1. If your presence in court is required before and after recess for lunch; and
2. The total time you are required in court is a minimum of four hours, you will be reimbursed for actual expense in accord with the Village policy.

III. COURT CONFLICTS

- A. When personnel are required to attend two different court jurisdictions on the same date, the officer will notify the CSC as soon as possible but not less than 48 hours prior to the court date.
1. The CSC will review the files of both jurisdictions to determine which court appearance will take precedence.
  2. The CSC will notify the State's Attorney's office of the officer's non-appearance.
- B. When an officer has a conflict within the same jurisdiction, the officer will notify the CSC and attempt to arrange to proceed with both cases.
- C. When an officer is assigned an "off key" court date in the Third District of the Cook County Court, the CSC will notify the personnel by posting the information and informing the officer. The officer will be required to transport the case files and evidence themselves, unless otherwise directed.

IV. OTHER COURT APPEARANCE RESPONSIBILITIES

- A. Only the arresting officer on whose court date the case is set will appear unless approved by the CSC
- B. Officers will not set cases for scheduled absences, vacation, military leave, or training. In cases of illness, the officer will be responsible for directing someone to notify the C.S.C. or to make that notification personally.
1. The officer will notify the CSC in writing, at the earliest time possible, when these absences are known in advance.
  2. In cases of illness, the CSC will attempt to reschedule the cases.
  3. In no instances shall training take precedence over court appearances without permission of the Deputy Chief of Support Services or designee.
  4. Supervisors will make every effort to avoid unscheduled vacation/comp time requests that will conflict with the officer's court appearance.

C. Witness Fees

1. When an officer receives a witness fee and the officer is required to appear while on duty, the officer will remit the fee to the Village.
2. When the officer receives a witness fee and the officer is off duty, the officer may retain the fee to cover his/her expenses.

D. Bond Hearings

1. DuPage County - The day shift supervisor, (0600 – 1800), will be responsible for the transportation of prisoners to bond court.
2. Cook County -The night shift supervisor, (1800 – 0600), will be responsible for the transportation of prisoners to bond court.
3. The personnel that transport prisoners to Cook County bond hearings will follow the following procedure after dropping off the prisoners with Cook County court detention intake personnel:
  - a. Proceed to the clerk's office to file the appropriate paperwork to get the prisoner on the call in the bond hearing room.
  - b. Go to either room 108, the misdemeanor/felony bond hearing room, or room 207, the domestic violence room and provide the appropriate paperwork for the prisoner(s) to the assistant states attorney.
  - c. If the CSC is scheduled to attend court, the transporting officer will locate the CSC prior to leaving and give the prisoner(s) case files to him or her. The transporting officer will not be required to stay at the bond hearing and can return to the Village.
  - d. If the CSC is not scheduled to be in court, the transporting officer will not be required to attend the bond hearing. The officer will return to the police department and give the case jacket(s) for the prisoner(s) transported to bond court to the CSC.
  - e. In major cases and those deemed necessary by a supervisor or an assistant states attorney, an officer may be required to attend a bond hearing. In those cases, sworn personnel will be required to attend the bond hearing when their specialized knowledge of the case is necessary for the proceedings. Personnel attending the bond hearing will be responsible for documenting the appropriate information regarding the hearing and subsequently returning the case file to the CSC upon return to the police department.
4. The CSC will be responsible for obtaining all bond information for prisoners transported to bond court in Cook County. When the CSC is in Rolling Meadows for the regular court call, he/she will be responsible for getting the bond information for each prisoner transported to bond court on that date before leaving the court house. The CSC will document the appropriate information regarding the bond that was set for the prisoner on the prisoner's case jacket. The CSC will

also document the bond information in a Field Based Reporting (FBR) supplementary report as soon as practicably possible. If the CSC is not scheduled to be in Rolling Meadows and prisoners are taken to bond court, the CSC will either call the clerk in the appropriate bond call room, (108 for misdemeanor/felony or 208 for domestic violence), or check the status of the case by accessing the Cook County Circuit Clerk's electronic records system to determine the bond amount that was set by the Judge. The CSC will then document the information for the prisoner on his/her case jacket on the same day. The CSC will also document the bond court disposition in a Field Based Reporting (FBR) supplementary report as soon as practicably possible.

a. If the CSC is advised by the Circuit Clerks Office or he/she determines that after checking the Circuit Clerks electronic data base that a prisoner(s) taken to bond court for domestic battery cases, order of protection violations, violation of bail bonds related to domestic battery and order of protection violation cases or any other case deemed appropriate, has had the charges dismissed in bond court, he/she shall do the following:

- 1) Immediately notify the Support Services Sergeant or Support Services Deputy Chief, if the Support Services Sergeant is not available, that the prisoner's charges were dismissed in bond court.
- 2) Immediately contact the on-duty supervisor or ATL and advise him/her of the fact that the prisoner's charges were dismissed in bond court.
- 3) Send an email to all of Operationals Lieutenants, Sergeants, and ATLs that the prisoner's case was dismissed in bond court.
- 4) The CSC will then document the disposition of the prisoner's bond court appearance on the case jacket and will also complete a Field Based Reporting (FBR) supplementary report documenting that the case was dismissed in bond court.
- 5) The CSC will document at the minimum the following information in the supplementary report:
  - a) Date and time of bond call as well as the bond court room number.
  - b) Name of the bond court judge.
  - c) Name of the State's Attorney in bond court.
  - d) Disposition of the matter in bond court, (i.e. dismissed due to no probable cause, stricken on leave, or any other reason given for dismissal).
  - e) Any condition of bail.

5. Weekend bond hearings in Cook County

a. Prisoners that require transport to a bond hearing in Cook County on the weekend will not be transported to the Rolling Meadows Court House. Officers will transport prisoners to the Maybrook Court House in Maywood and will follow the following procedure:

- 1) Police desk personnel will contact the Central Bond Court at the Cook County Court House prior to 4:00 a.m. and let them know how many prisoners will be going to bond court.

- 2) Prior to transporting the prisoner(s) to the Maybrook Court House, the transporting officer(s) will ensure that they have the appropriate paperwork for the prisoner(s) to give to the Cook County Sheriff intake personnel.
  - 3) Officers will be required to have the prisoners for weekend bond court, (Saturday and Sunday), at the Maybrook Court House by 4:30 a.m.
  - 4) Upon arrival at Maybrook, the transporting officer will provide the intake personnel all of the prisoner's court paperwork and then turn the prisoner(s) over to them.
  - 5) After the intake personnel have taken the prisoner into custody and have confirmed that they have the appropriate paperwork for the prisoner, the transporting officer can return to the Village.
- b. If the transporting officer arrives late at Maybrook and the Sheriff's intake personnel will not take the prisoner, the prisoner will be transported to the Cook County Court House at 26<sup>th</sup> and California in Chicago. The following will then be done when a prisoner is transported to the court house:
- 1) The transporting officer will contact their supervisor and advise him/her of the situation. Arrangements will be made by the police desk personnel to call the Central Bond Court and advise them that a prisoner is being transported for a bond hearing.
  - 2) Cook County requires the prisoner to be at the court house between 6:00-7:30 a.m., after which the transporting officer will proceed to the court house.
  - 3) The officer will then proceed to the gate on the S/W corner of 26<sup>th</sup> and California and proceed to the court house garage.
  - 4) Upon arrival at the court house, the transporting officer will provide the intake personnel all of the prisoner's court paperwork and then turn the prisoner over to them.
  - 5) After the intake personnel have taken the prisoner into custody and have confirmed that they have the appropriate paperwork for the prisoner, the transporting officer can return to the Village.
- c. If a prisoner is going to be transported directly to the Cook County Court House for a bond hearing the following will be done:
- 1) Police desk personnel will contact the Central Bond Court at the Cook County Court House prior to 4:00 a.m., and let them know how many prisoners will be going to bond court.
  - 2) Prior to transporting the prisoner to the court house, the transporting officer(s) will ensure that they have the appropriate paperwork for the prisoner(s) to give to the Cook County Sheriff intake personnel.
  - 3) Officers will be required to have the prisoners for weekend bond court, (Saturday and Sunday), at the court house between 6:00-7:30 a.m.



- 4) Upon arrival at the court house, the transporting officer will provide the intake personnel with all of the prisoner's court paperwork and then turn the prisoner over to them.
- 5) After the intake personnel have taken the prisoner into custody and have confirmed that they have the appropriate paperwork for the prisoner, the transporting officer can return to the Village.

E. Court Attire

1. Officers appearing court while on duty will wear the uniform of the day.
2. Officers appearing in court off-duty, or in the case of Investigators or administrative personnel, may wear either uniform of the day or appropriate business attire.

F. Court Conduct

1. It is expected that when officers are attending court they not be distracted by outside influences.
2. At no time should an officer bring a child to court without prior permission from the Deputy Chief of Operations.
  - a. Not having childcare will not be grounds for granting permission.
  - b. Not having child care will not be a valid excuse for missing court.

V. SUPPLEMENTAL COURT ACTION

- A. When a complainant/victim has been notified to appear in court for the purpose of signing a criminal complaint and fails to appear, the following shall be done:
  1. A follow-up report shall be completed and included in the case report file on the date of the set court appearance that indicates the failure to appear on the part of the complainant/victim.
    - a. The report is to be completed by the investigating officer if that officer is present in court, or
    - b. The Court Services Coordinator shall be responsible for completing this report if the officer is not present.
  2. Upon return of the case file by the CSC to the Records unit, clerical personnel shall ensure that the updated information has been processed and entered into the records management system.
- B. The CSC shall be responsible for arranging a convenient date and time for the complainant/victim to appear in the Rolling Meadows court facility for the purpose of signing a criminal complaint when an immediate arrest had not been made.