

<b>Policy Name:</b>	<b>COURT PROCESSES MANAGEMENT</b>		
<b>Policy #:</b>	AD 5.1	<b>Last Updated:</b>	2022-03-03
<b>Issued By:</b>	SUPPORT SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
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**RELATED POLICIES**

*AD 9.9 Legal Advice to Members*

*AD 9.10 Legal Processes (Subpoenas / Summonses / Warrants of Arrest)*

*AD 9.18 Security and Confidentiality of Records and Information*

**1. PURPOSE**

- 1.1. To ensure that Surrey Police Service (SPS) Members understand their obligations when attending court.
- 1.2. To ensure Members follow court attendance and denotification processes.
- 1.3. To provide Members guidance in relation to giving evidence in civil matters.

**2. SCOPE**

- 2.1. This policy applies to all Members.

**3. POLICY**

- 3.1. A Member’s receipt of a Law Enforcement Notification (LEN) form as used by Crown Counsel or Traffic Dispute Notification shall be deemed a Member’s official notification to attend court (Court Notifications may be in electronic form or hard copy).

- 3.2. Members must respond (either electronically or by hardcopy) to all LEN forms within 14 days of receipt.
- 3.3. Claims for compensation to attend court will be processed as per the Collective Agreement.
- 3.4. Members must attend court dressed in uniform or civilian business attire.
- 3.5. Members who receive a LEN or Traffic Dispute Notification for a date when they are on scheduled Annual Vacation must notify the Crown Liaison Unit (CLU) as soon as practicable.
- 3.6. A Member's court attendance while on Annual Leave must be approved by the CLU Supervisor.
- 3.7. Members who receive a civil court subpoena will bring it to the immediate attention of CLU.
- 3.8. Members compelled to attend any other court, judicial inquiry or administrative tribunal hearing while off duty will be compensated in accordance with the Collective Agreement.
- 3.9. Compensation for pre-trial Crown Counsel or other lawyer Interviews will be in accordance with the Collective Agreement.

#### **4. PROCEDURE**

##### **Court Notification (LEN)**

- 4.1. CLU is responsible for processing all British Columbia Law Enforcement Notifications (LEN) and for resolving court scheduling conflicts.
- 4.2. When a Member is required for Court, CLU will email, or forward a hard copy of, the LEN to the Member.
- 4.3. The Member will sign the LEN electronically (or hardcopy) after ensuring they have evidence to give in that case and return the signed form to CLU.
- 4.4. If the Member has no evidence to give, they will sign the form and state "No evidence" in the area marked "Remarks from Law Enforcement Member". The Member will then forward to CLU.
- 4.5. In Traffic Hearing cases only, the Member will not be required to attend court if they have marked the LEN "No Evidence". In all other cases, even if the Member believes they have "No Evidence" the Member will attend Court unless they are de-notified by Crown Counsel or CLU.

#### **Court Attendance While on Annual Leave**

- 4.6. A Member who receives a LEN which falls during their scheduled Annual Leave must immediately notify CLU through their Supervisor and forward a copy of the LEN along with a copy of the Member's Annual Leave indicated on the LEN. The Supervisor will inform CLU of the court conflict as soon as practicable.
- 4.7. CLU will be responsible for re-scheduling the Member's attendance to a date outside of the Member's period of Annual Leave.
- 4.8. A Member must not attend court while on Annual Leave unless the attendance is approved by the CLU Supervisor.
- 4.9. Members must not personally approach a trial prosecutor to make alternative arrangements for court attendance.

#### **Court Attendance During Scheduled Training**

- 4.10. A Member who receives a LEN that conflicts with a scheduled training course must immediately notify their Supervisor.
- 4.11. The Member's Supervisor will make recommendations to the Member's Inspector, who will be responsible for making representation, if appropriate, to the CLU Supervisor to request the court appearance be re-scheduled.

#### **Court Attendance While Sick or on Worksafe BC Leave**

- 4.12. Members are not compelled to attend court while on short-term or long-term sick leave or if the Member is off work as a result of a Worksafe BC claim.
- 4.13. If a Member does attend court while on sick leave or WorkSafe BC leave, the Member's Supervisor will ensure the Member's time entry shows "on duty" for that day.

#### **Maternity/ Parental Leave or Leave of Absence**

- 4.14. Members anticipating commencement of Maternity / Parental Leave or a Leave of Absence, must forward their leave request through their Supervisor to the Inspector, Employee Services Section (ESS).
- 4.15. When Maternity / Parental Leave or Leave of Absence dates are approved, the Inspector, ESS or designate must notify the CLU Supervisor as soon as practicable to block off court during their absence.
- 4.16. Any Member who receives a LEN date that will occur during Maternity / Parental Leave or a Leave of Absence the Member must immediately notify, through their chain of command, the CLU

Supervisor by submitting the LEN with the Member's approved leave dates indicated on the notification form.

### **Court Conflict**

4.17. Members receiving two (2) or more LEN forms for same trial dates must:

- i. immediately notify each trial prosecutor of the conflicting court location; and
- ii. attend court as directed by the trial prosecutors.

4.18. If it appears that a trial may continue into conflicting court commitment, the involved Member must immediately notify the trial prosecutors involved in the conflict. The trial prosecutors will be responsible for co-ordinating the Member's attendance at both court cases.

### **Court Denotification Form**

4.19. Members receiving a Court Denotification form will acknowledge receipt by signing the form and responding to the CLU via email within 14 days of receipt of denotification.

### **Civil Court Processes**

4.20. Members served a Subpoena for civil court shall immediately inform their Supervisor, CLU, and consult SPS General Counsel, Legal Services.

4.21. Members must not testify, or produce records, in relation to civil claims involving SPS unless legally Subpoenaed. Where the SPS is a party to civil litigation, the SPS General Counsel, Legal Services will act as the SPS Liaison.

4.22. Members may consult the SPS General Counsel, Legal Services if Subpoenaed to give evidence in a civil claim relating to an SPS matter (see AD 9.9 *Legal Advice to Members*). Members will not require legal counsel to represent them in court while under Subpoena, unless the Member faces jeopardy in a criminal trial, civil proceeding and other administrative tribunal proceedings.

4.23. Members may receive requests to be interviewed by lawyers, insurance adjusters or private investigators for the purpose of determining what information, if any, they are able to provide in relation to SPS incidents that have resulted in civil action. When such a request is received, Members must inform the requesting party to contact the Manager, Information and Privacy Unit in writing (see AD 9.18 *Security and Confidentiality of Records and Information*).

## **APPENDIX A: DEFINITIONS**

“CLU” means Crown Liaison Unit.

“LEN” means Law Enforcement Notification issued by Provincial and Federal Crown.

“Member” means a Sworn Police Officer appointed by the Surrey Police Board.

“NCO” means Sergeant or Staff Sergeant or a Member acting in the rank.

“Supervisor” means Sergeant or Staff Sergeant, or person acting in that role, having the responsibility for first level supervision of employees under their direction or the designated civilian having first level supervision of employees under their direction.

**APPENDIX B: REFERENCES**