

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject
Courts and Hearings

Topic	Series	Number
PCA	701	01
Effective Date		
December 31, 2008		

- Replaces:**
General Order 701.01 (Courts and Hearings), Effective date July 25, 1991
- Rescinds:**
SO-03-10 (Papering Reform), Dated August 27, 2003
SO-02-21 (Pilot Programs for Scheduling of Misdemeanor Trials), Dated August 26, 2002
SO-02-06 (Citation Release Processing), Part III.D.2., Dated February 25, 2002
Special Order 94-19 (Carrying of Firearms in the Circuit Court for P.G. County, MD), Dated August 10, 1994
Special Order 84-36 (Removal of Prisoners from the Superior Court Cellblock), Dated July 16, 1984
TT 03-032-07 (Log Numbers from CLD), Dated March 13, 2007
TT 10-033-07 (Amended Procedures for Staggered Papering Hours), Dated October 10, 2007
TT 10-092-07 (Log Numbers for Domestic Violence Cases), Dated October 20, 2007
TT 11-029-07 (No Papering Citations on Mondays), Dated November 5, 2007
TT 11-028-07 (Requesting Log Numbers When Excused from Court), Dated November 6, 2007
TT 11-091-07 (PD Form 81C (Property Record)), Dated November 16, 2007
TT 01-036-08, [Republished Office of Attorney General (OAG) Juvenile Papering], Dated January 8, 2008
TT 01-084-08 (PEP), Dated February 1, 2008
TT 02-046-08 (CLD), Dated February 13, 2008
TT 03-018-08 (Changes to General Order 701.1), Dated March 7, 2008
TT 03-064-08 (PEP Arrest Packages), Dated March 17, 2008
TT 03-067-08 (PEP), Dated March 17, 2008

I. Background.....	Page 1	V. Regulations.....	Page 3
II. Policy.....	Page 2	VI. Procedural Guidelines.....	Page 5
III. Definitions.....	Page 2	VII. Cross References.....	Page 32
IV. Rule.....	Page 3	VIII. Attachments.....	Page 33

I. BACKGROUND

The Metropolitan Police Department recognizes the importance of members fully carrying out their duties and responsibilities as related to judicial and administrative hearings and proceedings. The purpose of this general order is to establish the policies and procedures to be adhered to by members in connection with court and hearings.

II. POLICY

The policy of the Metropolitan Police Department is to require that members appear at various court proceedings as needed, with the necessary witness(es), evidence, records, and other material; and, when applicable, be prepared to testify. Appearances in court shall be considered a duty assignment; members shall remain at such duty assignment until properly relieved of duty.

III. DEFINITIONS

When used in this directive, the following terms shall have the meaning designated:

- 1. Citizens Complaint Center – Agency staffed by the United States Attorneys Office (USAO) and the Office of the Attorney General for the District of Columbia (OAG). This is the location where an individual may appear for a hearing in an effort to resolve a criminal matter where an arrest might not be the best alternative, pursue a warrant, and/or obtain a Temporary Protection Order (TPO) or Civil Protection Order (CPO).**
- 2. Commitment Order – Court document signed by a Judge, which permits the Metropolitan Police Department (MPD) to end a guard detail on a prisoner who is hospitalized in order for the D.C. Department of Corrections (DOC) to take custody of the prisoner.**
- 3. Court Duty – Attendance by a member in his/her official capacity, excluding appearance as a defendant, at court, or at a quasi-judicial hearing.**
- 4. Court Key Day – Assigned day each week that has been designated or set aside for a member to handle pre-identified court matters.**
- 5. Court Papering – Initial presentation of a member's case to the prosecuting attorney.**
- 6. Motion Hearing – Proceeding that generally occurs prior to trial before the trial judge for the purpose of determining the admissibility of evidence.**
- 7. Papering Elimination Project (PEP) – Process designed with the ultimate goal of eliminating the need for members to appear for the prosecutorial review of arrest paperwork. The PEP applies to all adult felony and misdemeanor arrests with the exception of any domestic violence case and any firearms case, whether the charge is prosecuted by the USAO or the OAG.**

8. **Preliminary Hearing – Formal hearing at which a U.S. Magistrate, a Commissioner, or a Judge decides whether there is probable cause to believe that the charged offense occurred, that the defendant committed the charged offense, and that the offense occurred in the District of Columbia.**
9. **Trial – Formal examination of the merits of a case after the examination of pertinent facts and circumstances. In most criminal cases, a trial requires the presence of all essential witnesses.**
10. **Witness Conference – Meeting with the prosecuting attorney for the purpose of case and witness preparation.**

IV. RULE

Court Appearance Notification System (CANS) notices are issued under the authority of the Chief of Police and are direct orders from the Chief of Police. Members who fail to honor a CANS notice are subject to contempt proceedings before the court and/or MPD discipline. As in the case of a subpoena, a CANS notice cannot be refused or ignored.

V. REGULATIONS

- A. Situations that arise that are not covered by the provisions of this general order shall be brought to the attention of an official of the Court Liaison Division (CLD) for resolution.
- B. Unless otherwise indicated in this general order, members attending court proceedings shall check in and out at the CLD and shall complete a PD Form 140 (Court Attendance Record).
- C. When attending court proceedings, whether in uniform or civilian attire, members shall comply with GO-PER-110.11 (Uniforms and Equipment). Members will not be allowed to check into court if they are not appropriately attired. (CALEA 26.1.1)
- D. Upon entering any court building other than the D.C. Superior Court, members shall be guided by the security regulations established for that building, or the instructions of the Court Security Officer on duty.
- E. Members shall request property/evidence needed for court in accordance with the provisions of General Order 601.1 (Recording, Handling and Disposition of Property Coming into the Custody of the Department).
- F. Members who experience difficulty in having a case papered, and believe the case merits papering, shall promptly contact the Intake Sergeant in the Papering Office, or an official of the CLD, for assistance and guidance.

- G. Members waiting for trials to be called, after checking in, shall promptly respond to the appropriate witness room or prosecuting attorney's office and remain there until their case is called.
- H. Other than as directed by an official of the court or the MPD, when members are required to leave court at any time after checking in, the member shall notify the liaison officer or administrative assistant in the respective witness room or prosecuting attorney's office to advise of the member's destination and estimated time of return.
- I. The sign-out sheet located in the USAO misdemeanor witness room shall be completed by members who leave to handle other duty-related matters.
- J. Members shall have each prosecuting attorney, or appropriate agency representative, complete the applicable portions of the PD Form 140 or PD Form 140-A (Traffic Court Attendance Record) at the conclusion of their business. False or unauthorized signatures, and/or deliberately inaccurate recording of time(s) on a PD Form 140 or 140-A, shall be viewed as serious infractions and may subject members to disciplinary action and/or criminal sanctions.
- K. A member's court key day(s) shall NOT be scheduled on the member's day(s) off.**
- L. Except for members working the midnight tour of duty, court cases and duty-related activities generally shall be scheduled during the member's tour of duty. Exceptions shall be brought to the attention of the CLD.**
- M. Members shall be accountable for appearing at their scheduled D.C. Department of Motor Vehicle, Bureau of Traffic Adjudication (DMV/BTA), Preliminary Hearings and D.C. Misdemeanor and Traffic Community Court (DCMTCC) proceedings in accordance with their scheduled court key day(s).**
- N. Members who have a court schedule conflict or a sick or emergency leave situation, or who require additional information pertaining to a CANS notice (e.g., court date, attorney's name) shall follow the procedures established in GO-PCA-701.06 (Court Appearance Notifications).
- O. Members shall immediately notify an official of the CLD when the member will be late for, or unable to attend, a scheduled proceeding or hearing. If the CLD official is not available, notification shall be made to an official of the member's assigned element.**
 - 1. Log numbers shall be issued by the CLD personnel as confirmation of notification.**
 - 2. When members are unable, or unavailable, to make the notification to the CLD, the element/unit official who was notified shall be responsible for notifying a CLD official.**

VI. PROCEDURAL GUIDELINES

- A. The Court System of the District of Columbia is composed of the following:
 - 1. D.C. Superior Court;
 - 2. D. C. Court of Appeals;
 - 3. United States District Court for the District of Columbia; and
 - 4. United States Court of Appeals for the District of Columbia Circuit.
- B. Members primarily interact with the D.C. Superior Court and the U. S. District Court, as well as with the various administrative agencies associated with these courts.
- C. The D.C. Superior Court has jurisdiction over all criminal cases (felonies and misdemeanors) arising under the D.C. Official Code and D.C. Municipal Regulations (DCMR), major traffic offenses which are criminalized, and all juvenile matters. D.C. Superior Court convictions are appealable to the District of Columbia Court of Appeals.
- D. The U.S. District Court handles federal jurisdiction cases, which arise primarily from violations of Title 18 (Crimes and Criminal Procedure) of the United States Code. U.S. District Court convictions are appealable to the U.S. Court of Appeals for the District of Columbia Circuit.
- E. In some instances a violation of the U.S. Code is also a violation of the D.C. Official Code. If concurrent jurisdiction exists, a determination will be made by the Grand Jury Section, USAO, as to whether the case will proceed in the U.S. District Court or the D.C. Superior Court.
- F. Reporting Court Appearances [Attachment A (Times Required to be Present in Court)]
 - 1. Members appearing for court, traffic, or other municipal agency hearings; lineup; or MPD administrative hearings shall:
 - a. Report early enough to complete a PD Form 140 and be checked in by the scheduled appearance time; and
 - b. Personally submit their own PD Form 140 for time stamping when arriving and departing.
 - 2. Members checking into court for first appearances in multiple traffic cases or mass arrest cases may complete a PD Form 140-A in lieu of a PD Form 140 and shall process the PD Form 140-A in the same manner as the PD Form 140.

3. Members shall not be permitted to check in at the CLD for U.S. District Court or the D.C. Superior Court for criminal trials, grand jury matters, or witness conferences unless they have:
 - a. Received a CANS notice;
 - b. Received a subpoena;
 - c. Been instructed to appear by a CLD official;
 - d. Been notified by their unit official that their attendance has been requested by a CLD official;
 - e. Received notification that the case is in trial and continuing from day to day; or
 - f. Received notification from a member of the CLD, when checking in or out of court, that there are additional matters pending that need to be handled by the member.
4. If a prosecuting attorney should personally contact a member and request the member's appearance for a U.S. District Court or a D.C. Superior Court criminal trial, grand jury, or witness conference, the member shall advise the attorney to promptly file a Court Notification Form (CNF) with a CLD official or with the Witness Assistance Unit in the USAO.
 - a. If the requested date of appearance is within three (3) days, the CLD will not send the message to the member's unit via computer. The CNF will be retained within the CLD for the member so that his/her appearance can be authorized.
 - b. To ensure that the CNF has been filed, members shall contact the CLD prior to honoring the attorney's request to appear.
 - c. Members failing to contact the CLD, or who find that no CNF has been filed, will not be allowed to check in until the responsible attorney or member of the attorney's staff has personally delivered the CNF to a CLD official.
5. All grand jury hearings and witness conferences in adult cases will be held at the USAO. Members scheduled to appear for any of these type proceedings shall:
 - a. Check in with the CLD first and then check in with a CLD official in the Grand Jury Section or the CLD official in the Felony Trial Section, or both, as appropriate;
 - b. Respond to the appropriate location where the hearing/witness conference is scheduled to be conducted;

- c. Under no circumstances, wait more than three (3) hours from the scheduled arrival time for the attorney without prior approval from the CLD Commander or his/her designee; and
 - d. When leaving a prosecuting attorney's office for any reason (e.g., responding to D.C. Superior Court to paper a case or to testify in a court hearing), advise the attorney or the attorney's staff as to the location to which responding and anticipated time of return.
6. Members scheduled to appear for the proceedings listed below, and who have no other court commitments on the same day, shall report directly to the required location and complete a PD Form 140:
- a. Line-up;
 - b. Adverse Action and Trial Board hearings; and
 - c. Administrative hearings, including, but not limited to:
 - (1) Alcoholic Beverage Control (ABC) Board;
 - (2) Citizens Complaint Center; and
 - (3) Parole Board.**

NOTE: Members are reminded that they are not required to check in or out at Court Liaison Division when their only court commitment is a Parole Hearing. The member shall respond directly to the Correctional Treatment Facility (CTF) located on the grounds of the DC Jail and check in with one of the Case Services Assistants. The PD 140 (Court Appearance Worksheet) and PD 267 have been made available to the CTF for members to check in and out when attending Parole Hearings. Upon completing their Parole Hearing(s) members shall ensure that they are signed out by CTF staff. In turn CTF staff will ensure that copies of necessary paperwork are faxed to the Court Liaison Division. Members are advised to contact a Court Liaison Division (CLD) official for clarification or guidance in this matter.

7. Certain administrative or investigative functions do not, in and of themselves, constitute court appearances within the legislative intent of **DC Official Code § 5-1304 (Basic workweek established; overtime; special assignments; court duty)** [Attachment B (Administrative and Investigative Court-Related Functions)]. Therefore, when responding to court to handle such matters, members are not required to check in with the CLD unless they are directed to do so by their element supervisor.
- a. Members designated as the "lead officer" shall handle the court-related administrative and investigative functions identified in Attachment B.
 - b. Whenever possible, lead officers shall schedule court-related administrative and investigative functions during their on-duty time **and/or court key day.**
 - c. Lead officers who handle court-related administrative and/or investigative functions while in an off-duty status shall:
 - (1) Not receive any compensation unless the compensation is approved by the official in charge of their element prior to responding to court; and

- (2) Normally perform such work on a day designated by that official, which shall be a regularly scheduled work day of the member.
- d. Lead officers involved in cases which require the handling of court-related administrative and/or investigative functions on their day-off shall receive advance authorization from their Commanding Official in order to be compensated.
- e. Off-duty lead officers checking into court to perform court-related administrative and/or investigative functions shall place a zero (0) in the block requesting the "Appearance Number" on the PD Form 140 and the name of the approving official **from his/her unit** in the "Remarks" section of the Form.
- f. Lead officers earning compensation (monetary compensation or compensatory time) as a result of a previously approved court-related administrative or investigative appearance shall complete a Standard Form (SF) 1130 (Time and Attendance Report) for each such appearance.
 - (1) The SF 1130 shall contain a justification for the work performed while the member was off duty and the signature of the official who authorized the member to perform and be compensated for handling the court-related administrative and/or investigative function while off duty.
 - (2) A copy of the member's PD Form 140 shall be attached to the SF 1130 if the member checked in with the CLD.

G. Initial and Subsequent Court Appearances

1. **Members shall schedule initial and subsequent court appearances in accordance with GO-PCA-701.06 and related MPD directives.**
2. **When criminal cases are prepared for the initial court appearance, the member shall furnish the Assistant United States Attorney (AUSA) or the Assistant Attorney General (AAG) preparing the case with their assigned court key day and a projected schedule indicating the member's next tours of duty in which the member will be available for appearance in court.**
3. **Procedures for the processing of criminal cases in court, which also involve a member's use of serious or deadly force, shall be in accordance with the guidelines set forth in GO-RAR-901.01 (Handling of Service Weapons).**

4. In adult “lock-up” cases, the prisoner will be presented/arraigned on the next court business day. Members shall not remain in court for this proceeding unless specifically instructed to be present by an official of the CLD.

NOTE: Court is closed on Sunday.

5. Citation release cases shall be papered within seven (7) business days (Tuesday through Thursday only) from the date of the defendant’s arrest in accordance with the member’s court key day.
 - a. Members shall not paper a citation release case on the day the defendant is due to appear in court.
 - b. Citation release shall be offered to eligible defendants prior to being considered for bond release in accordance with GO-PCA-502.06 (Citation Release Program).

NOTE: If there is a co-defendant who remains incarcerated, the defendant who is released on citation will be required to come to court and be presented/arraigned along with the detained co-defendant on the next day court is in session. The citation release case should be papered at the same time that the case is papered for the incarcerated co-defendant.

6. For all arrests (e.g., lock-up, bond, and citation cases), whether or not the case currently falls under the PEP, members shall:
 - a. Submit a complete arrest package. The package shall include all forms normally required for an arrest as outlined in Attachment C (Guidelines for Papering and Preparation of Criminal Cases in D.C. Superior Court); and
 - b. Complete his/her arrest paperwork in the PEP Arrest Package website located on the main MPDC Intranet page [Attachment D (Instructions for Papering Elimination Project (PEP) Arrest Packages)];
 - c. Complete the appropriate *Gerstein* for the arrest:
 - (1) Three (3) *Gerstein* statements shall be prepared; and
 - (2) In cases that involve both D.C. Superior Court and U.S. District Court charges, one (1) *Gerstein* shall be prepared for each court.
 - d. Sign each *Gerstein* in the presence of a Civil Service Sergeant, Lieutenant or Captain, who shall then countersign each *Gerstein* as a witness;

NOTE: Once signed, *Gerstein* statements shall not be photocopied. Members shall submit only three (3) *Gerstein* statements with original signatures.

7. **Members who obtain an arrest warrant that falls under the PEP shall:**
 - a. **Follow the procedures outlined in Part VI.G.6 above; and**
 - b. **Store the complete PEP package in the District arrest warrant file until an arrest is made.**

8. **In bond cases, the arrestee's appearance date shall be scheduled fourteen (14) calendar days from the date of the arrest (e.g., if the arrest occurs on Tuesday, the appearance date is scheduled for Tuesday, two (2) weeks following the arrest).**
 - a. **When an arrest occurs on a member's court key day or on Saturday or Sunday, the court appearance date for the arrestee shall be projected and scheduled two (2) weeks from the date of the arrest on the member's court key day.**
 - b. **Members shall appear to paper the case on their next scheduled court key day.**

NOTE: If there is a co-defendant who remains incarcerated, the defendant who is released on bond will be required to come to court and be presented/arraigned along with the detained co-defendant on the next day court is in session. The bond case should be papered at the same time that the case is papered for the incarcerated co-defendant.

 - c. **Members shall advise defendants who are released on bond of the date, time and location of their scheduled court appearance.**

9. **To expedite the receipt of disposition information for trials and hearings, members shall:**
 - a. **Proceed to the appropriate witness room, or prosecuting attorney's office, and sign-in after checking in at the CLD;**
 - b. **When handling multiple cases, and unable to report to each waiting attorney, contact each attorney to advise each of their status, location, and estimated time of arrival;**
 - c. **While awaiting case dispositions, check-in with the appropriate prosecuting attorney(s), the attorney's staff, or**

- a **CLD official, at least hourly, as to the status of pending cases;**
- d. **When required to attend multiple court proceedings, immediately check for all available dispositions of pending cases after attending each proceeding. If a trial, or hearing, is disposed of while a member is attending a different court proceeding, the disposition time for the unattended trial, or hearing, shall be the member's check-out time; and**
- e. **Check out as soon as possible with the prosecuting attorney, or the appropriate staff member of the prosecuting attorney, in the witness room after concluding business with one (1) prosecuting attorney and then learning of the disposition of another case. If no one is available, members shall check out with an official of the CLD.**
10. Compensation for court appearances shall end fifteen (15) minutes after the disposition of the final proceeding, unless a legitimate extension request is made.
- a. An extension request shall be made by the prosecuting attorney immediately following the disposition of the case.
- b. All extension requests shall require the approval of a CLD official.
- c. Each member's status will be evaluated on an individual basis.
11. **Prosecutors cannot excuse members from an appearance required by a CANS Notice without sending a "Do Not Appear" notice through the CLD. Members who are informed, or learn, they are not needed, shall notify a CLD official to obtain log numbers.**
- a. **Members who have been excused from a court commitment shall immediately notify the CLD, but no later than 1600 hours the day of their court commitment, in person, by telephone, or by using the following email address: Court.Liaison@dc.gov.**
- b. **Members shall provide the following information:**
- (1) **Name, element, and Computer-Aided Dispatch (CAD) Number;**
- (2) **Date and type of proceeding;**
- (3) **Attorney's name and contact number;**

- (4) Member's call-back number; and
 - (5) Justification for log numbers (e.g., excused).
 - c. Notification shall be made and log numbers obtained, even when an attorney has indicated that a "Do Not Appear" notice shall be forwarded to the CLD.
12. For all domestic violence (DV) cases, prior to obtaining log numbers from the CLD, members must first obtain a DV Log Number from the AUSA who has excused them from their court appearance.
 - a. When requesting to be excused prior to the trial date, members shall contact the AUSA and be prepared to explain their role in the case and why they need to be excused.
 - (1) After evaluating the case and the need for the member's presence, the AUSA will inform the member if he/she will be excused from the court appearance.
 - (2) If the member is excused, the member will immediately be provided with DV Log Numbers and a "Do Not Appear" notice will be submitted for the member by the AUSA.
 - (3) Members shall then follow procedures outlined in Part VI.G.11 of this order.
 - b. Members may be excused on the date of a trial for only emergency reasons. Members must be excused by the AUSA handling the case in court that day, who may not be the same AUSA who submitted the CANS Notice.
 - (1) If a member is unable to speak to the DV AUSA who submitted the CANS Notice prior to 0815 hours in AUSA's office, the member shall call the Misdemeanor Witness Room prior to 0920 hours and ask to speak with a DV AUSA.

NOTE: Leaving a message on the assigned DV AUSA's voicemail will not be sufficient for excusing a member.
 - (2) The member shall provide the DV AUSA with the case name, case number and trial date; explain the

15. A member's first instance of an unjustified lateness or no-show for a court commitment, or administrative hearing, within a twelve (12) month period, shall result in a recommendation to the Commanding Official for corrective action. Subsequent instances of unjustified lateness or no-shows shall subject the member to progressive discipline, up to and including a recommendation to the **Commander/Director, Human Resources Management Division**, that the member be cited for adverse action.

H. Court Regulations for Carrying Firearms

1. D.C. Superior Court Firearms Regulations

- a. No firearm shall be brought into a courtroom, hearing room, administrative office, room, or hall of the D.C. Superior Court, except by a sworn law enforcement officer.
- b. Any firearm to be offered for admission into evidence shall be cleared by the assigned Deputy U.S. Marshal (DUSM).
- c. No firearm is to be demonstrated in a courtroom, hearing room, or any other room by anyone but a DUSM, contingent upon approval of the presiding Judge.
- d. When a member of the MPD is required to relinquish custody of an evidentiary firearm for court demonstration purposes, the member shall ensure that the transfer of custody is documented on a PD Form 81 (Property Record) that accompanies the firearm (General Order 601.01.). (CALEA 83.3.2.c-d)
- e. Firearms to be examined by a deliberating jury must be brought into the jury room by a DUSM and examined in the presence of the DUSM.
- f. Any Judge or Hearing Commissioner may, without motion, or upon motion of a party, or upon a request of the U.S. Marshal, prohibit all law enforcement officers, other than any assigned DUSM, from bringing their firearms into the courtroom, when such prohibition is reasonably required to ensure security during the hearing of the given matter.
- g. Members shall not carry their service weapon into any courtroom, hearing, or other room during proceedings in which they have a personal interest. Members are to secure their firearm prior to responding to court, or they may use a lock box located in the CLD while attending to personal matters in court. A personal interest shall be deemed to exist when the member is a party in his/her personal capacity, and when the member is a relative or

close personal friend of any party, or in any other case where such a relationship is found to exist at the discretion of the presiding Judge.

- 2. Circuit Court for Prince George's County Firearms Regulations (CALEA 26.1.1)**
 - a. When attending the Circuit Court for Prince George's County, Maryland, and the Fifth District Court of Maryland for Prince George's County, members who do not have original jurisdiction within Prince George's County may be armed within the Prince George's County Court House only if they are on official police business.**
 - b. Members not in uniform are prohibited from bringing, or attempting to bring, a weapon into the Prince George's County Court House, even if they are on official police business. The members shall report to the Commissioner's entrance to secure their weapons in a locker prior to conducting court business.**
 - c. Members are advised that violations of this policy may result in immediate presentment to the Prince George's County Administrative Judge for contempt of court proceedings.**

I. Requirements When Papering Criminal Cases

- 1. The PD Form 163 (Prosecution Report) with the defendant's thumbprint and CD-2063 (Citation to Appear in Court) shall be presented to the papering attorney prior to papering any case.**
- 2. When reporting to paper a case, the papering member shall bring all necessary police reports, notes, witness statements, lab numbers, **prosecutor's copy of tape recorded statements (when applicable)** and evidence that may be helpful at the papering stage [Attachment C and Attachment E (Guidelines for Papering and Preparation of Juvenile Cases in D.C. Superior Court)].**
- 3. In every instance when property has been placed on the unit Property Book as evidence or suspected proceeds of a crime, members shall include a copy of the PD Form 81 (Property Record) with the arrest paperwork (General Order 601.1).**
 - a. Upon checking into court for papering, members shall obtain a PD Form 81C (Property Release Form). The PD Form 81C shall be attached to the members' PD Forms 140.**
 - b. For cases that have been no-papered, members shall ensure the PD Form 81C has been completed and signed**

by the screening AUSA/AAG and the disposition is annotated on the PD Forms 140.

- c. PD Forms 140 and PD Forms 81C shall be reviewed by a CLD staff member prior to check-out.**
 - d. Members shall take the completed PD Forms 81C to the Court Property Control Office to be surrendered during normal business hours.**
 - e. After business hours, members shall place properly signed PD Forms 140, along with any related PD Forms 81C, in the CLD drop box.**
- 4. Members shall notify a CLD official in every instance where a case involving a hospitalized prisoner is being papered. When the case against the prisoner has been papered, the papering member shall notify a CLD official and an official of his/her command prior to checking out of court.**
 - 5. When papering a case, members shall ensure that the papering attorney is notified of his/her court key day.**

J. Prosecution of Adult Criminal Cases

1. It is the responsibility of the **arresting** member to present the case for papering, or to ensure that another member who is equally familiar with the case, accepts responsibility to present the case at papering.
2. The papering member shall be designated as the “lead officer” for those court-related administrative or investigative functions identified in Attachment B, except in those cases handled by the Criminal Investigations Division (CID), where the CID Commanding Official or designee shall be responsible for ensuring that a “lead officer” is designated for each case.
3. In warrant situations where the arresting member did not obtain the warrant, members shall adhere to the requirements established in General Order 702.1 (Arrest and Bench Warrants).
4. Under no circumstances shall a member paper another member’s case because the member was on the scene and/or was also required to appear in court on an unrelated matter.
5. Members shall not appear at Presentment/Arrestment, Status Hearings, and Sentencing unless authorized by an official of the CLD and a CANS Notice has been submitted.
6. Preliminary Hearings

- a. The preliminary hearing date is set by the court at presentment. Members **shall not** depend on the CANS Notice, or teletype, to be advised of the member's preliminary hearing date.
- b. **Members shall notify the papering attorney of their court key day to ensure the preliminary hearing date is scheduled for the court key day.**
 - (1) **The preliminary hearing will be scheduled within ten (10) days (including Saturday, Sundays, and holidays) of presentment on lock-up and bond cases, excluding Serial/Career Criminal Investigations Unit cases, which are held within five (5) days.**
 - (2) **On all other cases, the preliminary hearing will be set within twenty (20) days.**
 - (3) It shall be the responsibility of the **arresting** member to obtain the preliminary hearing date and to handle the hearing.

7. Grand Jury

- a. Most felony cases that do not involve drugs move from presentment to preliminary hearing where they are bound over to the Grand Jury.
- b. The initial Grand Jury date is selected by the papering member and attorney at papering **and shall be scheduled on the member's court key day.**
 - (1) **In PEP cases, the initial Grand Jury date will be requested by the affiant by noting the desired date on the district review form. This date will be subject to review by the screening AUSA.**
 - (2) **It shall be the responsibility of the affiant to obtain the Grand Jury date and to handle the Grand Jury.**
- c. **Grand Jury proceedings are scheduled for Monday through Friday, between 0830 and 1700 hours, with the exception of the Rapid Indictment Program (RIP) cases, which are presented to the Grand Jury by the member immediately after papering. Members shall advise the requesting AUSA that prior approval must be obtained from the Commander, CLD for:**
 - (1) **Any time before 0830 hours or after 1700 hours;**

(2) **Any alternate days other than the member's assigned court key day; and**

(3) **Any Saturday appearance.**

d. **It is the arresting member's responsibility to either handle the Grand Jury or ensure that it is handled.**

e. Prior approval is not needed for a Grand Jury original investigation when the member has been served with a CANS Notice, unless the court date is scheduled on the member's day off.

(1) If a Grand Jury original has been scheduled on a member's day off, the member shall immediately bring the situation to the attention of an official of his/her element who shall attempt to have the appearance rescheduled to the member's duty day.

(2) When checking into court, the member shall note the name of the member's official who approved the appearance during an off-duty time in the "Remarks" section of the PD Form 140.

8. **Witness Conferences**

a. **Members shall make every effort to set witness conferences during on-duty hours by providing prosecuting attorneys with their assigned court key day.**

b. **If a prosecuting attorney schedules a witness conference for a court day other than the member's scheduled court key day, the member shall immediately notify the CLD, or an element official, to ensure the conference is rescheduled for his/her court key day.**

c. Witness conferences shall be authorized in accordance with Part VI.F.3 of this order.

9. **Trials**

a. Members shall report to the prosecuting attorney's office, witness room, or proper court room on the appropriate date and scheduled time.

b. Members shall ensure all documents, and/or applicable articles of evidence required for the trial, are supplied.

K. **Arrests Made in the Course of Outside Employment (CALEA 22.3.4-b)**

1. **Members who engage in outside employment, and make arrests in the course of outside employment, shall be governed by GO-PER-201.17 (Outside Employment) regarding reporting and arrest procedures.**
2. **When members engaged in police-related outside employment make an arrest in the course of their work, they shall clearly print the words “OUTSIDE EMPLOYMENT” at the top of the PD Form 251(Incident Based Event Report), PD Form 163 (Prosecution Report) and all other required reporting forms. (CALEA 82.2.1-a-b-c)**
3. **Members shall be responsible for all court appearances required in conjunction with the arrest, and shall be responsible for complying with the provisions of this order. When checking into court, members shall report to the CLD and prepare a PD Form 140. When completing the block that reflects duty status, the member shall check the block “Off-Duty”, and print “OUTSIDE EMPLOYMENT” at the top of the PD Form 140.**
4. **Members shall not be compensated by the MPD for court appearances made in conjunction with arrests in the course of outside employment. Members may not appear in court or otherwise engage in activity in conjunction with such arrests while on duty. While on-duty at MPD, members shall be required to use annual leave or compensatory time off (CTO) for such appearances and/or activities. (CALEA 22.2.1-d)**
5. **If a member is required in court pursuant to an arrest made in the course of outside employment, he/she must be granted leave to answer subpoenas, summonses, or to comply with the provisions of this order.**

L. Administrative Hearings

1. Bureau of Traffic Adjudication (BTA)
 - a. BTA conducts hearings for non-criminal minor traffic offenses, to include minor civil notices of infraction (NOI) issued for violations of DCMR Title 15A (Taxicabs and Vehicles for Hire).
 - b. **On a daily basis**, members shall check the traffic printouts posted in their elements for upcoming BTA hearings.
 - c. Members scheduled to attend a BTA hearing, who have no other court commitments on the same day, shall:
 - (1) Report directly to BTA, prepare a PD Form 140-A, and sign in with the scheduling clerk;

- (2) Remain in the prescribed area set aside for police officers while waiting for cases to be called;
 - (3) Be guided by the instructions of the **scheduling clerk** with regard to hearing room locations and procedures to follow when defendants fail to appear;
 - (4) Sign out with the scheduling clerk upon completion of all BTA hearings; and
 - (5) Leave the white copy of the PD Form 140-A with the BTA scheduling clerk, and return to their unit when still on duty.
 - d. Members scheduled to attend a BTA hearing who have another court commitment on the same day shall check in at the CLD and be guided by the directions of a CLD official regarding the BTA hearing.
 - e. When a DMV/BTA hearing is scheduled for an NOI that resulted from an accident, members shall bring a copy of the PD Form 10 (Traffic Crash Report) to the hearing.
2. D.C. Department of Motor Vehicles (DMV) Permit Control Section
 - a. The DMV Permit Control Section conducts hearings with regard to permit and driving privileges.
 - b. Members who are notified of DMV Permit Control hearings via a CANS Notice, shall check in at the CLD or BTA with a scheduling clerk or BTA official, complete a PD Form 140-A, and check out at the CLD/BTA.**
3. **Department of Mental Health**
 - a. **The Department of Mental Health** holds mental health hearings when a member initiates an action, or assists in handling an incident involving an actual, or suspected, mentally ill person, and that person is contesting involuntary commitment and treatment. Generally, these hearings and trials are conducted in the D.C. Superior Court.
 - b. St. Elizabeth's Hospital mental competency hearings and trials are also conducted in the D.C. Superior Court.
 - c. Members shall follow the procedures established in GO-OPS-308.04 (Processing of Suspected Mentally Disturbed Persons).
4. Other Administrative Hearings

- a. Members who are required to attend other administrative hearings related to their official duties shall:
 - (1) Not be required to check in at the CLD;
 - (2) Turn in a completed PD Form 140 to the time and attendance clerk in their unit following the completion of their responsibilities; and
 - (3) Ensure that their time of arrival and departure are noted on the PD Form 140.
 - b. Most agencies that conduct hearings have a time-date stamp machine, which shall be used by members. If a machine is not available, members shall have their entry and departure times signed by the agency receptionist.
5. Citizens Complaint Center Hearings
- a. Members may refer citizens to the Citizens Complaint Center as appropriate and also have the authority to schedule hearings with the Citizens Complaint Center. When members schedule hearings, the members shall appear with the complainant(s) and/or respondent(s) at the time(s) scheduled.
 - b. The PD Form 30 (Notice to Appear) shall be completed and shall include the times of operation of the Citizens Complaint Center [Attachment F (Citizens Complaint Center Hours of Operation)].
- M. Criminal traffic cases and DCMR violations are handled by the OAG. In such cases, members shall follow the procedures outlined for misdemeanor cases, retain the original PD Form 61-D (Violation Citation) in traffic cases, and obtain traffic records from the DMV that are to be included at papering.
- N. Witnesses (CALEA 55.2.5)
1. Members reporting to court to paper a new case shall ensure that all witnesses are notified and available (Attachments C and D). Members are additionally responsible for notifying complainants and witnesses of the proper location, time, and date their presence is required.
 2. If the case is set for a misdemeanor trial, members shall:
 - a. Contact all witnesses for the government three (3) days preceding the court date;
 - b. Request that the witnesses report to the Witness Room, Criminal Division, D.C. Superior Court, no later than 0900 hours on the court date; and

- c. Confirm their appearance, or notify the prosecutor, when witnesses do not appear.
 3. In those cases where a witness has requested to be placed on standby, or the prosecuting attorney has requested that a witness be placed on standby, the member handling the case shall:
 - a. Contact the witness three (3) days prior to the trial date to confirm the availability of the witness on the court date; and
 - b. Obtain a means of communicating with the witness should the appearance of the witness be required.
 4. After checking in and obtaining the calendar number in U.S. misdemeanor cases, or courtroom number in felony and OAG cases, members shall:
 - a. Check to see if all witnesses are present in the witness lounge or office;
 - b. Make every attempt to contact each witness by telephone, or other means, if any witness is not present by 0900 hours;
 - c. Confirm the availability of witnesses on standby; and
 - d. Apprise the prosecuting attorney of the status of the witnesses and be guided by the attorney's instructions.
- O. Witness Fees
 1. When members are called upon to testify as witnesses in private litigation arising from their official capacity, the members shall request the authorized witness fee for each appearance (regardless of whether testimony is given). The authorized witness fee will include the authorized allowance for travel and subsistence expenses.
 2. Members who testify while off duty as a result of actions arising from their official capacity shall turn in all witness fees to their **district manager/administrative sergeant** in exchange for time and one-half pay or may submit a PD Form 267 (Request for Compensatory Time) to request compensatory time.
 3. When members testify in civil litigation in a non-official capacity, while in an off-duty status, the members shall appear in civilian attire.
- P. Summonses/Subpoenas
 1. Members who receive a summons or subpoena shall report to the appropriate location at the time specified in the court document.

2. When members intend to testify for the defense in any criminal case before the court, or in an administrative hearing, or are questioned by the defense about the merits of a matter before the court or agency:
 - a. The members shall immediately advise the AUSA/AAG prosecuting the case that they discussed the case with the defense attorney, or a defense investigator, so as to prevent any possible surprise or inadequate trial preparation; and
 - b. It is each member's choice whether the member wants to discuss the case with a defense attorney or defense investigator. The member is not under any obligation to speak with the defense attorney and is not restricted in the exercise of free choice.

Q. Removal of Prisoners from the U.S. Marshal's Cellblock at D.C. Superior Court

1. **Members shall not remove prisoners from the custody of the Deputy U.S. Marshal assigned to D.C. Superior Court Cellblock unless authorized to do so by a Court Order.**
2. **All requests for escort services by attorneys shall be directed or referred to an official of the CLD or to the MPD Office of General Counsel (OGC).**

R. Roles and Responsibilities for Special Assignment Personnel

1. **Station Clerks/Cellblock Technicians shall:**
 - a. **Ensure that all arrest paperwork is sent directly to CLD on a transmittal:**
 - (1) **During times when the CLD is closed, all paperwork shall be forwarded to the Central Cellblock prior to the end of the tour of duty. Under no circumstances shall paperwork be held at any district station house until the CLD opens.**
 - (2) **All cases shall be divided and recorded on the transmittal in the following manner:**
 - (a) **Bond cases;**
 - (b) **Citation cases; and**
 - (c) **Lock-ups.**

NOTE: Elect-to-forfeit cases do not need to be recorded on the transmittal.

b. Prior to accepting a PEP arrest package:

- (1) Ensure that it has been reviewed and approved by the Watch Commander (PEP arrest packages that have not been reviewed shall be returned for correction);**
- (2) Ensure that all reports checked off on the front of the review sheet are actually included in the package (incomplete packages shall be returned for correction);**
- (4) Attach the original PD Form 163 to the top of the package;**
- (5) Attach bond or citation paperwork, if applicable, to the bottom of the package; and**

NOTE: These documents should be surely attached so that the documents do not get lost or separated during transport.

- (6) Forward the complete PEP package to the CLD without delay. If the CLD is closed, the complete package shall be forwarded to the CCB.**

c. Accept the packet of arrest paperwork from any member of Narcotics and Special Investigations Division (NSID) and:

- (1) Attach the original PD Form 163 (Prosecution Report); and**
- (2) Ensure the paperwork is forwarded to the CLD no later than 0600 hours.**

2. Central Cellblock personnel shall deliver PEP arrest packages to CLD each business day.

3. Court Liaison Division front counter personnel shall:

- a. Record the arrival and departure of all members having business in each court;**
- b. Record the names of members who have changes in their court commitments;**
- c. Record the names of members carried in a standby status;**

- d. Validate the court appearance recorded on the original copy of each member's PD Form 140 or PD Form 140-A prior to forwarding the Form to the time and attendance clerk at the member's element;
 - e. **Notify the CLD Intake official when a member is responding to paper a hospital case;**
 - f. **Upon being notified that a member has a hospital case and the CLD has not received the arrest paperwork, notify an official of the CLD;**
 - g. **If a hospitalized prisoner has been included on the lock-up list and the member has failed to report and paper the case, notify the Watch Commander of the member's element that the member has failed to report for papering and document all notification efforts; and**
 - h. **Review all PD Forms 140 and attached PD Forms 81C and:**
 - (1) **Ensure each PD Form 81C contains a property control number, the item number, and a brief description of the property; and**
 - (2) **Forward all PD Forms 81C to the Court Property Control Office.**
3. **Serial/Career Criminal Investigative Unit and Major Narcotics Investigation Branch Personnel shall:**
- a. Each morning, review the police paperwork prepared in connection with the D.C. Superior Court's lock-up list and identify those defendants who qualify for career criminal or career narcotic status; and
 - b. Assist the arresting member(s) handling the case in court with the gathering of evidence, the identification and location of potential witnesses, and in other ways as needed to strengthen the pre-indictment investigation.
4. Time and attendance clerks shall:
- a. Review all PD Forms 140 to ensure that:
 - (1) When "zero (0) appearance" is noted on the PD Form 140, members are compensated for attending court only when a SF 1130, signed by the authorizing official, accompanies the PD Form 140;

- (2) **The CLD Report Administration and Audit Processing (RAAP) Unit** has reviewed each PD Form 140 as evidenced by the monitor's stamp on the lower portion of the form [A PD Form 140 lacking this validation will not be acted upon without approval of the Commander, CLD.]; and
 - (3) Appearance dates, continuance dates, and other information indicated by the member are accurate.
 - b. Review the prior court attendance slips to ensure that a properly prepared form is on file each time a member attends court in a second or subsequent appearance other than while working his/her tour of duty;
 - c. Report discrepancies in any PD Form 140 to the member's immediate supervisor for review and appropriate action; and
 - d. Contact a CLD official when patterns of questionable court appearances are noted.
 5. Element case monitors shall:
 - a. Review the element's CANS Notice file and randomly select a minimum of five (5) cases to monitor each business day;
 - b. Ensure that three (3) of the selected cases are witness conferences or grand jury appearances;
 - c. Check with each member and/or the prosecuting attorney who has the case to ascertain the status; and
 - d. Notify a CLD official when the member is no longer needed at court. That official will then sign the member out of court if the attorney has not already done so.
 6. **CANS coordinators shall submit to the CLD an:**
 - a. **Updated schedule reflecting any changes to a member's status (e.g., days off, transfers, details and retirements) by the tenth (10th) day of each month; and**
 - b. **Updated yearly calendar of court key days for members assigned to their elements by December 10 of each year.**
- S. Roles and Responsibilities for Supervisory Personnel
1. Element supervisors shall:

- a. Investigate non-compliance with court procedures and irregular actions noted in the court appearance of members under their supervision;
 - (1) A complete investigation shall be conducted to determine why a member failed to comply with the procedures established in this general order.
 - (2) A written investigative report shall be submitted to the official in charge of the element.
- b. Ensure members schedule administrative and investigative court-related functions during their on-duty time, or for a time during a scheduled workday, if an on-duty time is not possible;
- c. **For PEP arrests, witness and countersign each of the three (3) original *Gerstein* statements by:**

NOTE: Master Patrol Officers or Acting Sergeants are prohibited from signing these *Gerstein* statements as the witnessing official;

- (1) Ensuring the appropriate *Gerstein* is completed;
 - (2) Affixing his/her name, initials, CAD number and date reviewed;
 - (3) Conducting a thorough review of all paperwork to ensure accuracy and completeness;
 - (4) Signing any reports requiring his/her signature;
 - (5) Ensuring all documents necessary to paper the case are included in the PEP package and checked off on the front of the review sheet; and
 - (6) Ensuring the PEP package is submitted to the Watch Commander for final approval;
- d. When approving the PD Form 140 for a member requested to handle administrative or investigative court-related functions, initial the member's SF 1130 in the "Remarks" column prior to the member responding to court, so that the member may be compensated for the off-duty time;
 - e. Check a member's court commitments prior to authorizing leave; and

- f. Not approve leave that conflicts with a pending court date, unless the member can demonstrate that the member has resolved the conflict with the prosecuting attorney.

2. District Managers shall:

- a. Ensure that the BTA print-out, and **Grand Jury and Preliminary Hearing lists are posted** in the roll call room within twenty-four (24) hours of any updated changes. The current duty status shall be noted next to each member's name on the element's daily list;

NOTE: Grand Jury and preliminary hearing lists may be obtained by accessing Court.papering@dc.gov.

- b. Maintain the current roster of names, addresses, and telephone numbers of members assigned to their element, and provide the list to the CLD semi-annually;
- c. Contact the elements of those individuals who are former members, but whose names appear on the BTA printout;
- d. Keep the CLD informed of any changes of court notification personnel;
- e. Upon receipt of monies paid in witness fees to members, advise the members to consult General Order 206.1 (Time and Attendance) for compensation, and ensure that a PD Form 196 A (Payer's Receipt) is completed, which should include, at a minimum the:
 - (1) Member's name;
 - (2) Name of the court(s) attended;
 - (3) Date(s) of appearance(s); and
 - (4) Name(s) of the principals involved in the case;
- f. Ensure the witness fee check is endorsed by the member;
- g. Ensure the member is provided a copy of the PD Form 196A for his/her records. The PD Form 196A documents the member's attendance in civil court and is the receipt for the witness fee that is turned over to the MPD for deposit; and
- h. Ensure the witness fee is turned over to the D.C. Treasurer in accordance with GO-OMA-404.01 (Deposits with the D.C. Treasurer).

3. **Watch Commanders shall review and, if appropriate, approve PEP arrest packages. The Watch Commanders shall:**
 - a. **Ensure the appropriate *Gerstein* is completed;**
 - b. **Affix his/her name, initials, CAD number, and date reviewed to the front of the review sheet;**
 - c. **Sign any report requiring his/her signature;**
 - d. **Conduct a thorough review of all paperwork to ensure accuracy and completeness; and**
 - e. **Ensure all documents necessary to paper the case are included in the PEP package and checked off on the front of the review sheet.**

4. **Commanding Officials shall:**
 - a. **Assign a court key day for sworn and appropriate civilian members of their command;**

NOTE: A court key day is the same day each week, (e.g., every Monday).
 - b. **Not schedule any member's court key day on his/her day off;**
 - c. **If possible, assign officers who generally work together the same court key day;**
 - d. **Not assign more than twenty percent (20%) of the total number of personnel within his/her command for court on any given day;**
 - e. **For BTA appearances only, schedule members as follows:**
 - (1) **Members working the midnight and power shift tours of duty shall be scheduled between 0730 and 0830 hours;**
 - (2) **Members working the daywork tour of duty shall be scheduled for daywork hours (e.g., 1000 hours); and**
 - (3) **Members working the evening tour of duty shall be scheduled for evening hours (e.g., 1300 hours).**
 - f. **Schedule members who write more than twenty (20) citations per month a second court key day (and time, if appropriate) following the guidelines listed above;**

- g. **Ensure members appear for their scheduled court proceedings and hearings or that proper notification is made if a member cannot attend;**
- h. **Ensure a list of assigned court key days is maintained in the element's Station Clerk office;**
- i. Upon receipt of case review reports, ensure that any corrective action is completed and the necessary returns are made within the timeframe specified in the report;
- j. Arrange for the necessary instruction, and notify the CLD, in writing, of the steps taken and the date such instruction was completed, when the need for instruction of all members within an organizational element is indicated by a court case review report;
- k. Designate a daywork sergeant as the element's case monitor to monitor activities of a select number of members who check into court;
- l. Ensure that all witness fees received by members testifying in civil litigation, are turned over to the D.C. Treasurer in accordance with GO-OMA-404.01;
- m. Maintain control over requests for members to respond to court for administrative and investigative court-related activities on their off-duty time or day-off;
- n. Review investigative reports involving members who have failed to comply with the procedures established in this order, and/or related court orders and procedures. The report(s), with recommendations, shall be forwarded through channels to the **Assistant Chief, Internal Affairs Bureau (IAB); and**
- o. **Forward, to the IAB,** copies of all reports requesting that a matter be referred to the USAO.

4. **CLD Officials shall:**

- a. Monitor members checked into court to ensure they are complying with the provisions of this order and other applicable court procedures;
- b. **Determine whether a member shall be excused based on the criteria established in GO-PCA-701.06, issuing log numbers when applicable;**

NOTE: To ensure the safety of members who are recognized as "undercover officers" in their assigned

element, the CLD may need to contact an official from the element for verification.

- c. Visit courts and offices to observe the manner in which cases are presented for trial and the appearance of members while in court buildings;
- d. Review all PD Forms 163 and case jackets prior to their presentation to prosecutors for papering;
- e. **For cases involving hospitalized prisoners:**
 - (1) **Contact the Central Cellblock supervisor and ascertain whether a member of the Central Cellblock has been dispatched to fingerprint and photograph the prisoner, the prisoner has been properly identified, the prisoner has been included on the lock-up list, and the nature of any delay with regard to having the prisoner properly identified;**
 - (2) **When necessary, contact the arresting officer's element Watch Commander and have the officer immediately respond to the CLD to paper the hospital case;**
 - (3) **Once a hospital case has been papered, ensure that the case is presented as a "HOSPITAL CASE" and request a Commitment Order;**
 - (4) **Once the Commitment Order has been obtained, notify the DOC that the prisoner shall be remanded to their custody;**
 - (5) **Notify the Watch Commander of the arresting officer's element that the Commitment Order has been obtained; and**
 - (6) **Obtain and fax a copy of the Commitment Order to the arresting officer's element Watch Commander;**
- f. Determine if proper procedures are followed and applicable forms are correctly prepared;
- g. Monitor for any inadequacies or improper actions by members presenting cases;
- h. Determine the basic cause(s) of existing problems or deficiencies on the part of prosecution personnel or members;

- i. Bring to the attention of members any deficiencies noted in individual reports or case jackets; and
 - j. Identify patterns of errors by MPD elements, and notify the Commanding Official/Director, in writing, indicating the types of errors and/or discrepancies.
5. The Commander, CLD, shall:
 - a. Provide liaison between the courts, the USAO, the OAG, other criminal justice agencies, and the MPD;
 - b. Identify problems in the court system that impact MPD members in order to take actions to develop solutions to the problems;
 - c. Ensure that CLD officials monitor members checked into court to make certain that they are complying with the provisions of this general order and other applicable court procedures;
 - d. Identify patterns of errors and deficiencies in reports or case jackets submitted by members and notify the member's element concerning these areas or deficiencies; and
 - e. Identify and resolve any problems that arise because of activities related to **non**-compliance with this order.
6. The Director, Audit and Compliance Unit, shall ensure that auditors periodically:
 - a. Inspect PD Forms 140 on a random basis to determine the number of multiple appearances by a member in a single case;
 - b. Compare the PD Forms 163 with the CANS Notices to confirm the actual involvement of members in a case; and
 - c. Assist the CLD in monitoring the activities of members attending court, particularly Witness Conferences and Grand Jury appearances.

VII. CROSS REFERENCES

- A. GO-PER-110.11 (Uniforms and Equipment)
- B. GO-PER-201.17 (Outside Employment)
- C. General Order 206.1 (Time and Attendance)
- D. GO-OPS-308.04 (Processing of Suspected Mentally Disturbed Persons)
- E. GO-OMA-404.01 (Deposits with the D.C. Treasurer)

- F. GO-PCA-502.06 (Citation Release Program)
- G. General Order 601.1 (Recording, Handling and Disposition of Property Coming Into the Custody of the Department)
- H. GO-PCA-701.03 (Handling Assaults on Police Officers)
- I. GO-PCA-701.06 (Court Appearance Notifications)
- J. General Order 702.1 (Arrest and Bench Warrants)
- K. General Order 702.3 (Vice Search Warrants)
- L. GO-RAR-901.01 (Handling of Service Weapons)

VIII. ATTACHMENTS

- 1. Attachment A: Times Required to be Present in Court
- 2. Attachment B: Administrative and Investigative Court-Related Functions
- 3. Attachment C: Guidelines for Papering and Preparation of Criminal Cases in Superior Court
- 4. Attachment D: Instructions for Papering Elimination Project (PEP) Arrest Packages
- 5. Attachment E: Guidelines for Papering and Preparation of Juvenile Cases in D.C. Superior Court
- 6. Attachment F: Citizens Complaint Center Hours of Operation



Cathy L. Lanier
Chief of Police

TIMES REQUIRED TO BE PRESENT IN COURT

Listed below are the scheduled reporting times for members when responding to courts and hearings. Members are reminded that they must be checked in by the scheduled reporting time and that compensation will stop at 1800 hours unless otherwise authorized by a Court Liaison Division (CLD) official.

After checking in at the CLD, members shall respond immediately to the appropriate location.

NOTE: Members are required to check in for weapons test firing at 0730 hours.

U.S. DISTRICT COURT

- Magistrate Hearing.....0900 hours
- Grand Jury and
Witness Conferences.....0900 hours
- Lock-up Cases.....0900 hours
- All Trials.....0900 hours
[Unless altered by a CANS notice or Subpoena]

NOTE: Check-in times earlier than 0900 hours or check-out times later than 1800 hours must be approved by a CLD official.

D.C. SUPERIOR COURT

- All Adult Trials [U.S. Attorneys Office (USAO) and Office of the Attorney General (OAG)/Jury/Non-Jury]0845 hours
- All Juvenile Trials.....0800 hours
- OAG Adult Lock-up Cases.....0800 hours
- USAO Lock-up Cases (Members will be allowed to check-in for papering prior to the designated check-in time only if the arrestee has a lock-up number):
- Members working the midnight or day work tour of duty.....0800 hours

Members working the evening tour of duty.....1000 hours
Members working the powershift tour of duty.....1200 hours

NOTE: It is the sole responsibility of the member to contact his/her element to ascertain if his/her arrestee has a lock-up number prior to responding to the CLD for check in.

Staggered check-in hours are suspended on Saturdays and legal holidays.
The reporting time for papering is:0800 hours

Bond Cases.....800 hours
Juvenile Lock-up Cases.....0800 hours
Juvenile Release Cases/Obtaining Custody Orders.....Various
Preliminary Hearings.....0800 hours
Grand Jury and Witness Conferences.....0900 hours

ADMINISTRATIVE AND INVESTIGATIVE

COURT-RELATED FUNCTIONS

Following is a partial list of administrative and investigative court-related functions which do not constitute court appearances within the legislative intent of D.C. Official Code § 5-1304 (Basic workweek established; overtime; special assignments; court duty).

If circumstances arise that cause doubt as to how an appearance should be classified, members shall confer with an official of the Court Liaison Division before completing a PD Form 140 (Court Attendance Record.).

1. Service of subpoenas;
2. Transporting witnesses to and/or from court;
3. Preparing case jackets for prosecutors (excluding the initial papering procedure);
4. Contacting witnesses for informational or investigative purposes;
5. Picking up and delivering photographs or other evidentiary material to the prosecutor's office;
6. Performing additional investigative work on a case at the request of the prosecutor;
7. Obtaining a handwriting or voice exemplar for a suspect/defendant;
8. Transcribing tapes and/or comparing tapes to a voice exemplar;
9. Arranging for a weapon (evidence) to be test-fired;
10. Obtaining a property release from the prosecutor;
11. Obtaining blood orders;
12. Transporting/accompanying the prosecutor to a crime scene for pre-trial purposes;
13. Obtaining booking orders and/or processing a prisoner at the Central Cell Block as a result of a booking order by the court.

14. Consulting with prosecutors pre-arrest and/or prior to hearings;
 15. Obtaining or returning arrest warrants and/or custody orders;
 16. Testifying before a grand jury for the purpose of obtaining a grand jury directive for rulings concerning telephone records, lineup orders, handwriting samples, or subpoenas for hostile witnesses;
 17. Obtaining or returning search warrants;
 18. Assisting in a grand jury original investigation; and
 19. Appearing before any grand jury in which no testimony is presented and which is used for the purpose of contacting witnesses for information and/or additional investigative work on a case.
-

GUIDELINES FOR PAPERING AND PREPARATION OF

CRIMINAL CASES IN D.C. SUPERIOR COURT

**U.S. ATTORNEY'S OFFICE
GRAND JURY INTAKE SECTION**

The U.S. Attorney's Office (USAO), Grand Jury Intake Section, has established the following guidelines for papering and preparing criminal cases in D.C. Superior Court.

A. Document Requirements for Papering Cases

Members shall present the following documents, and other evidence, at the time cases are presented for papering:

1. PD Form 163 (Prosecution Report);
2. PD Form 251 (Incident-Based Event Report);
3. PD Form 252 (Supplemental Report);
4. Investigative Reports [e.g., PD Form 123 (Report of Investigation), PD Form 854 (Investigative File Report)];
5. PD Form 47 (Rights Card);
6. PD Form 118 (Defendant/Suspect Statement) and PD Form 119 (Complainant/Witness Statement);
7. Copies of arrest warrant and affidavit;
8. Copies of search warrant, affidavit and return slip;
9. Photo-array materials and related reports;
10. Crime scene examination reports;
11. PD Form 32 (Certificate of Record/No Record of Firearm Registration);

r

12. PD Form 36 (Certificate of No Record of a License to Carry a Pistol);
13. CD Form 2063 (Citation to Appear or Bond Receipt);
14. PD Form 313 (Arrestee Injury or Illness Report and Request for Examination and Treatment);
15. PD Form 81 (Property Record);
16. PD Form 106 (Lookout Information);
17. PD Form 42 (Injury or Illness Report);
18. PD Form 43 (Report of Damage to or Loss of District Government Property);
19. UN Form 85-A (Narcotic Buy Card);
20. UN Form 298-A (Undercover Officer's Report);
21. Notes taken by all members involved in the case;
22. Information relative to the complainant(s), witness(es), and victim(s) [e.g., name(s), address(es), and telephone number(s)]; and
23. Communications information related to the receipt and dispatch of the assignment, if applicable.

B. Witness and Special Requirements for Papering Cases

Listed below are the witness and special requirements for papering cases that are commonly prepared for court presentation. The listed witnesses must be present at papering unless there is a justified reason for the absence.

1. Arson:
 - a. Primary investigating member;
 - b. Fire Marshal; and
 - c. Copies of the investigative report.
2. Assault (e.g., ADW, AWIK, and Mayhem);

- a. Arresting member; and
 - b. Victim (unless hospitalized).
3. Assault on a Police Officer:
- NOTE: See GO-PCA-701.3 (Handling Assaults on Police Officers) for specific instructions.
4. Assault and Threats To Do Bodily Harm:
- a. Arresting member (if a warrant arrest, member who obtained the warrant); and
 - b. Victim (unless hospitalized).
5. Bribery, Blackmail, and Extortion:
- Primary investigating member.
6. Burglary:
- Primary investigating member.
7. Cruelty to Animals:
- a. Arresting member;
 - b. Washington Humane Society official; and
 - c. Copies of the investigative report.
8. Cruelty to Children:
- a. Arresting member;
 - b. Defendant's spouse;
 - c. Identity of physician who examined the child; and
 - d. Information relating to Youth Investigative Branch involvement and previous court status of the case.

9. Destruction of Property:
Arresting member.
10. Drug Offenses:
 - a. Arresting or primary investigating member;
 - b. Related documents; and

NOTE: See General Order 702.3 (Vice Search Warrants) for specific instructions.
 - c. Information pertinent to vehicle occupants, if applicable.
11. Embezzlement:
Primary investigating member.
12. Escapes and Prison Breach:
No member required.
13. False Pretenses, Forgery/Uttering, and Bad Checks:
 - a. Primary investigating member; and
 - b. Questioned document.
14. Gambling:
Primary investigating member.
15. Homicide:
 - a. Primary investigating member; and
 - b. Copies of the homicide case history file.
16. Kidnapping:

If a sex-related case, same as for Item 19 below. For all other cases, same as Item 20 below.

17. Obstructing Justice:
Primary investigating member.
18. Pandering and Procuring:
Primary investigating member.
19. Rape, Sodomy, Carnal Knowledge, and Indecent Liberties:
 - a. Primary investigating member;
 - b. Copies of case history file; and
 - c. Information related to past offenses and current suspected offenses committed by the defendant.
20. Robbery:
 - a. Primary investigating member; and
 - b. Copies of case history file.
21. Shoplifting:
 - a. Arresting member; or
 - b. Store security officer, if a special police officer.
22. Soliciting for Prostitution or Lewd and Immoral Purposes:
Primary investigating member.
23. Theft, Receiving Stolen Property, and Tampering:
Arresting member.
24. Unauthorized Use of a Vehicle:
 - a. Arresting member;
 - b. Owner of vehicle, if acquainted with the defendant; and
 - c. Information related to rental vehicles, if applicable.

25. Unlawful Entry:
Arresting member.
 26. Warrant Cases:
Member obtaining warrant.
 27. Weapons cases (e.g., CDW, and PPW):
 - a. Arresting/seizing member; and
 - b. Information related to vehicle, if applicable.
-

INSTRUCTIONS FOR PAPERING ELIMINATION PROJECT (PEP)

ARREST PACKAGES

- A. Papering Elimination Project (PEP) cases include all adult arrests, with the exception of juvenile cases, firearms cases, and domestic violence cases, and the following charges:
1. Aggravated assault;
 2. Arson;
 3. Acts of Terrorism;
 4. Assault on a Police Officer (APO) (All cases);
 5. Assault with a Dangerous Weapon (ADW);
 6. Assault with Intent to Kill (AWIK);
 7. Assault with Intent to Commit Any Offense (e.g. Robbery);
 8. Burglary;
 9. Carjacking;
 10. Cruelty to Children;
 11. Domestic Violence (Misdemeanor or Felony);
 12. Extortion or Blackmail;
 13. Gang Recruitment;
 14. Kidnapping;
 15. Malicious Disfigurement;
 16. Manslaughter;
 17. Manufacturing, Using or Possessing a Weapon of Mass Destruction;
 18. Mayhem;

19. Murder;
20. Robbery;
21. Sex Abuse Charges (Including Child Sex Abuse); and
22. Including:
 - (a) Committing these offenses "While Armed";
 - *b) Any "Attempt or Conspiracy to Commit" any of these offenses;
 - (c) Any Federal charges; and/or
 - (d) Any co-defendant cases where one of the defendants is charged with any of these offenses.

B. PEP Arrest Package paperwork shall be prepared in the following order:

1. United States Attorney Arrest Cases:
 - a. District Review Sheet (Original);
 - b. PD Form 168 (Court Case Review Form) (Original);
 - c. PD Form 163 (Prosecution Report) (Original with fingerprint);
 - d. PD Form 251 (Incident-Based Event Report) (Copy);
 - e. PD Forms 252/252B (Supplemental Report) (Copy);
 - f. PD 47 (Rights Card) (Original);
 - g. PD Form 81 (Property Report) (Copy);
 - h. PD 95 (Heat Seal) (Copy);
 - i. DEA 7 (Copy);
 - j. Undercover Officer's Report (Copy);
 - k. Arrest Warrant and Affidavit (Original);
 - l. Search Warrant and Affidavit (Copy);

- m. All Other Search Warrant Related Documents (Copy);
 - n. Officer's Notes (Copy);
 - o. PD Form 313 (Arrestee Injury or Illness Report and Request for Examination and Treatment) (Copy);
 - p. Photographs (Copy);
 - q. Gun Certifications (Original);
 - r. Any Other Miscellaneous Documents (Copy);
 - s. USAO *Gerstein's* (3 Originals with Signatures); and
 - t. CD Form 2063, Citation to Appear or Bond Receipt (Original).
2. Office of the Attorney General for the District of Columbia arrests:
- a. District Review Sheet (Original);
 - b. PD Form 168 (Court Case Review Form) (Original);
 - c. PD Forms 163 /163A (Prosecution Report) (Original with fingerprint);
 - d. PD Form 202A (Continuation Report) (Original);
 - e. PD 47 (Rights Card) (Original);
 - f. PD Form 119A (Alcohol Related Witness Report) (Original);
 - g. PD Form 10 (Traffic Crash Report) (Copy);
 - h. PD Form 29 (Implied Consent Form) (Original);
 - i. PD 805B (Breath Analysis Report) (Original Attached to a Copy);
 - j. PD Form 809 (Chemical Test Certification) (Original);
 - k. Officer Notes (Copy);

- l. PD Form 313 (Arrestee Injury or Illness Report and Request for Examination and Treatment) (Copy);
 - m. Printouts (Copy);
 - n. Photographs (Copy);
 - o. Any Other Miscellaneous Documents (Copy);
 - p. DPW 33-40, Notice of Proposed Suspension (Original);
 - q. OAG *Gerstein's* (3 Originals with Signatures); and
 - r. Form CD-2063 (Citation to Appear or Bond Receipt) (Original).
-

GUIDELINES FOR PAPERING AND PREPARATION OF JUVENILE CASES

IN D.C. SUPERIOR COURT

OFFICE OF THE ATTORNEY GENERAL JUVENILE SECTION

Prior to responding to the Office of the Attorney General to paper a juvenile case, the arresting/papering officer shall see a Court Liaison Division, Court Services Branch, official to be pre-screened to ensure that he/she has all required items for papering.

The Office of the Attorney General, Juvenile Section, has established the following guidelines for papering and preparing criminal cases in D.C. Superior Court.

A. Document Requirements for Papering Cases

Members shall present the following documents and other evidence at the time cases are presented for papering.

1. PD Form 379 (Delinquency Report) or PD Form 163 (Prosecution Report);
2. PD Form 251 (Incident-Based Event Report);
3. PD Form 252 (Supplemental Report);
4. Investigative Reports [e.g., PD Form 123 (Report of Investigation) and PD Form 854 (Investigative File Report)];
5. PD Form 47 (Rights Card);
6. PD Form 118 (Defendant/Suspect Statement) and PD Form 119 (Complainant/Witness Statement);
7. Copies of arrest warrant and affidavit;
8. Copies of search warrant, affidavit, and return slip;
9. Photo-array materials and related reports;

10. Crime scene examination reports;
11. PD Form 32 (Certificate of Record/No Record of Firearm Registration);
12. PD Form 36 (Certificate of No Record of a License to Carry a Pistol);
13. CD Form 2063 (Citation to Appear);
14. PD Form 313 (Arrestees Injury or Illness Report and Request for Examination and Treatment);
15. PD Form 81 (Property Record);
16. PD 95 (Property Envelope);
17. PD Form 106 (Lookout Information);
18. PD Form 42 (Illness or Injury Report);
19. PD Form 43 (Report of Damage to or Loss of District Government Property);
20. UN Form 85-A (Narcotic Buy Card);
21. UN Form 298-A (Undercover Officer's Report);
22. Lab numbers for DEA evidence;
23. A copy of all notes taken by all members involved in the case;
24. Information relative to the complainant(s), witness(es), and victim(s) [e.g., name(s), address(es), and telephone number(s)];
25. Information related to the receipt and dispatch of the assignment;
24. Videotaped statements (prosecutor's copy, if applicable); and
25. Gun certification.

B. Witness and Special Requirements for Papering Cases

Listed below are the witness and special requirements for papering cases that are commonly prepared for court presentation. The listed witnesses must be present at papering unless there is a justified reason for the absence.

1. Arson:
 - a. Primary investigating member;
 - b. Fire Marshal;
 - c. Copies of the investigative report;
 - d. Witnesses; and
 - e. Owner or agent of the premises should be known by name.

2. Assault (e.g., ADW, AWIK, and Mayhem):
 - a. Arresting member;
 - b. Victim (unless hospitalized); and
 - c. Witnesses.

3. Assault on a Police Officer:

NOTE: See GO-PCA-701.03 (Handling Assaults on Police Officers) for specific instructions.

4. Assault and Threats To Do Bodily Harm:
 - a. Arresting member (if custody order, arresting member who obtained warrant);
 - b. Victim (unless hospitalized); and
 - c. Witnesses.

5. Bribery, Blackmail, and Extortion:
 - a. Primary investigating member; and
 - b. Victim.

6. Burglary:
 - a. Primary investigating member;
 - b. Owner, occupant, or agent of premises; and

- c. Witnesses.
7. Cruelty to Animals:
- a. Arresting member;
 - b. Washington Humane Society official;
 - c. Copies of the investigative report; and
 - d. Witnesses.
8. Cruelty to Children:
- a. Arresting member;
 - b. Defendant's spouse;
 - c. Identity of physician who examined the child;
 - d. Information relating to the Youth Investigative Branch involvement and previous court status of the case; and
 - e. Witnesses.
9. Destruction of Property:
- a. Arresting member;
 - b. Owner of property; and
 - c. Witnesses.
10. Drug Offenses:
- a. Arresting or primary investigating member;
 - b. Related documents; and
- NOTE: See General Order 702.3 (Vice Search Warrants) for specific instructions.
- c. Information pertinent to the vehicle occupants, if applicable.

11. Embezzlement:
 - a. Primary investigating member; and
 - b. Witnesses.
12. False Pretenses, Forgery/Uttering, and Bad Checks:
 - a. Primary investigating member;
 - b. Questioned document;
 - c. Victim; and
 - d. Witnesses.
13. Gambling:

Primary investigating member.
14. Homicide:
 - a. Primary investigating member; and
 - b. Copies of homicide case history file.
15. Kidnapping:

If a sex-related case, same as for Item 17 below. For all other cases, same as Item 18 below.
16. Pandering and Procuring:
 - a. Primary investigating officer; and
 - b. Witnesses.
17. Rape, Sodomy, Carnal Knowledge, and Indecent Liberties:
 - a. Primary investigating member;
 - b. Copies of the case history file;
 - c. Information related to past offenses and current suspected offenses committed by the respondent;

- d. Victim (when physically able) and parent if victim is a juvenile;
 - e. Complaining parent, if victim is very young; and
 - f. Witnesses.
18. Robbery:
- a. Primary investigating member;
 - b. Copies of the case history file;
 - c. Complaining witness; and
 - d. Witnesses.
19. Shoplifting:
- a. Arresting member or store security officer, if a special police officer; and
 - b. Complaining witness or other witnesses.
20. Soliciting for Prostitution or Lewd or Immoral Purposes:
- Primary investigating member.
21. Theft, Receiving Stolen Property, and Tampering:
- a. Primary investigating member;
 - b. Owner or possessor of property; and
 - c. Witnesses.
22. Unauthorized Use of Motor Vehicle:
- a. Arresting member;
 - b. Witnesses who place the defendant in the vehicle;
 - c. All passengers, if not charged;
 - d. Owner of the vehicle if acquainted with the respondent; and

- e. Information related to rental vehicles, if applicable.
23. Unlawful Entry:
- a. Arresting member;
 - b. Owner of premises or their representative; and
 - c. School representative who warned respondent, if a school case.
24. Weapons cases (e.g., CWD, and PPW):
- a. Primary investigating member;
 - b. Seizing officer; and
 - c. If the weapon is recovered from a vehicle, all passengers not charged and the owner, if other than one of those present in the vehicle.
25. Arrest Following Issuance of Criminal Custody Order for New Offenses:
- a. Member obtaining custody order; and
 - b. Arresting member (only if respondent is detained),

C. Juvenile Cases

1. Members who are papering juvenile cases shall ensure:
 - a. The complaining witness(es) or victim(s) are notified to respond to court at 0800 hours on the day of papering, if the member did not witness the offense.
 - b. If the complaining witness(es) or victim(s) is not able to appear at the time of papering, the arresting/papering member shall obtain all contact information to be provided to the OAG at the time of papering.
2. A member who is presenting a juvenile custody order request shall:

- a. At the time the member applies for the custody order, ensure the presence of all necessary witnesses applicable to the case requirements noted in Section B above;
 - b. Not instruct witnesses to appear in cases where prosecution is not feasible; and
 - c. Not be required to bring the necessary witnesses in a late-hour custody order request.
-

CITIZENS COMPLAINT CENTER

HOURS OF OPERATION

U.S. Attorney's Office

The U.S. Attorney's Office handles those cases involving conflicts where there is a potential for criminal action. Hearings are held to determine the merits of the case during the times listed below:

Case Review.....0900-1600 hours
Hearings.....1100-1600 hours
Evening Hearings.....1800-2200 hours

Office of the Attorney General

The Office of the Attorney General handles those cases where a Temporary Protection Order (TPO) or Civil Protection Order (CPO) may be warranted:

Hours of Operation.....0900-1630 hours
