

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 15

August 26, 2015

SUBJECT: REPORTING – REVISED; CIVIL SUBPOENAS FOR TESTIMONY OR DEPOSITION – REVISED; WITNESS FEE CIVIL SUBPOENA – EMPLOYEE RESPONSIBILITY – REVISED; AND, DECLARATION OF RECEIPT/EXPENDITURE OF FUNDS, FORM 15.24.00 – AMENDED AND RE-ACTIVATED

PURPOSE: The purpose of this Order is to revise Department Manual Sections 3/380.10, *Reporting*, 3/780.40, *Civil Subpoenas for Testimony or Deposition*, and 3/780.50, *Witness Fee Civil Subpoena – Employee Responsibility*. This Order also amends and re-activates the Declaration of Receipt/Expenditure of Funds, Form 15.24.00.

PROCEDURE:

I. REPORTING – REVISED; CIVIL SUBPOENAS FOR TESTIMONY OR DEPOSITION – REVISED; AND, WITNESS FEE CIVIL SUBPOENA – EMPLOYEE RESPONSIBILITY – REVISED. Department Manual Sections 3/380.10, *Reporting*, 3/780.40, *Civil Subpoenas for Testimony or Deposition*, and 3/780.50, *Witness Fee Civil Subpoena – Employee Responsibility*, have been revised. Attached are the revised Manual Sections with revisions indicated in italics.

II. DECLARATION OF RECEIPT/EXPENDITURE OF FUNDS, FORM 15.24.00 – AMENDED AND RE-ACTIVATED. The Declaration of Receipt/Expenditure of Funds, Form 15.24.00, has been amended and re-activated.

A. Use of form. This form is used to report that no monies were received/expended in conjunction with various on-duty activities. This form also serves as a reimbursement request of the mileage, parking, etc., related to the subpoena.

B. Completion. Employees must submit an individual Declaration of Receipt/Expenditure of Funds form within 15 calendar days after completion of on-duty activities related to the use of this form.

C. Distribution.

1 – Original, Fiscal Operations Division.

1 – Copy, employee’s division of assignment.

2 – TOTAL

FORM AVAILABILITY: The Declaration of Receipt/Expenditure of Funds form is attached for immediate use and duplication, and is available in E-Forms on the Department’s Local Area Network (LAN). The “Form Use” link applicable to the Declaration of Receipt/Expenditure of Funds form is accessible in E-Forms on the Department’s LAN.

AMENDMENTS: This Order amends Sections 3/380.10, 3/780.40 and 3/780.50 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in black ink, appearing to read 'C. Beck', is written over the printed name and title.

CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 15, 2015**

380. INDIVIDUAL FINANCIAL STATEMENT.

380.10 REPORTING

Employee's Responsibilities. Employees who receive financial reimbursement from other than the City of Los Angeles for any on-duty functions or who are summoned in response to an order, notice, subpoena or other written or verbal direction, in which their occupation as a Department employee was a factor and for which they received any monies, shall report all monetary compensation received and submit a *Declaration of Receipt/Expenditure of Funds, Form 15.24.00*, to their supervisor for review within *15 calendar days* following their return to duty. Employees shall also submit receipts to substantiate any expenditure of funds.

Exception: A *Declaration of Receipt/Expenditure of Funds form* is not required when funds are distributed **directly** to the employee from private sources, such as the Parker Foundation.

Note: If funds are paid directly to the Department and then distributed to the employee, in whole or part, a *Declaration of Receipt/Expenditure of Funds form* must be completed.

Employees who respond to an order, notice, subpoena, or other written or verbal direction, and who received monetary compensation in the form of witness, per diem mileage or parking fees, shall remit *the* fees based upon the following transportation:

- City vehicle – remit all witness and mileage fees, in addition to unused fees for per diem and parking; and,
- Private vehicle – remit all witness fees, in addition to unused fees for per diem, mileage, and parking.

Note: Employees may contact the Departmental Chief Accountant, *Fiscal Operations Division (FOD)*, for further information regarding guidelines and form completion.

Supervisor's Responsibilities. Supervisors shall immediately review, and upon approval, forward the *Declaration of Receipt/Expenditure of Funds form* to the employee's commanding officer.

Commanding Officer's Responsibilities. Commanding officers shall review, and upon approval of documents submitted by an employee, forward the documents to FOD within *15 calendar days* following the employee's return to duty. *If an employee requests reimbursement of mileage or parking expenses, forward the original Declaration of Receipt/Expenditure of Funds form with a copy of the subpoena to FOD.*

Note: The *City Controller's Reimbursement* travel guidelines shall be used as the basis for reimbursement.

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780. CIVIL SUBPOENA.

780.40 CIVIL SUBPOENAS FOR TESTIMONY OR DEPOSITION. Upon receiving a civil subpoena to appear as a witness or to give a deposition in a matter to which the City is a party, the employee, if **not** listed as a defendant, shall:

- Telephonically notify the Civil *Litigation* Section, *Legal Affairs Division*, as soon as practicable after the receipt of the subpoena; and,
- When any City employee, other than the subpoenaed employee or the City of Los Angeles, is listed as a defendant, complete and forward an Employee's Report, Form 15.07.00, to the Civil *Litigation* Section, *Legal Affairs Division*. The Employee's Report shall contain the following items:
 - A detailed account of the incident, including the names and addresses of all parties and possible witnesses;
 - Name, watch, and assignment of investigating officers;
 - Name of defendant;
 - Name of plaintiff;
 - Court number;
 - Case number;
 - Date and time of required appearance; and,
 - Location where hearing is to be held.

The words "***Confidential – This Employee's Report is for the confidential use of the City Attorney in the performance of his duty as Attorney for the City of Los Angeles***" shall be typed conspicuously on the face of each page. No copies of this *Employee's Report* shall be made.

Note: This *Employee's Report* shall **not** be approved by a Department supervisor. If the subpoena is served on an employee's supervisor or watch commander, it shall be accepted as if service were made personally on the employee.

The applicable information shall be entered on the *Employee Subpoena Record*, Form 15.29.00. The requesting attorney's name shall be entered in **red** in the ***Defendant*** column of this form.

Exception: A summons and complaint shall normally be accepted by the employee named on it (Manual Section 3/782.10).

A supervisor accepting a civil subpoena shall determine the duty status of the subpoenaed employee. If the employee, at time of service, is sick, on vacation, or otherwise unavailable for service and cannot be served before the appearance date of the subpoena, the person serving the subpoena shall be so informed. After accepting the subpoena, the supervisor shall notify the concerned employee.

780.50 WITNESS FEE CIVIL SUBPOENA – EMPLOYEE'S RESPONSIBILITIES. When an employee receives a civil subpoena, he/she shall check the subpoena to determine if the required witness fee has been paid. If the fee has been paid, the subpoena should bear an

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endorsement by the clerk of the court or tribunal. If the subpoena does not bear this endorsement, the employee shall determine from the clerk of the court or tribunal if the fee has been paid. When the fee has not been paid, the employee shall request the clerk to notify the judge or members of the tribunal.

The court, upon good cause shown, may relieve a party of the duty to make any deposit or payment, or portion thereof, *pursuant* to Section 68097.55 of the California Government Code (CGC).

Regardless of whether the witness fee has been paid, an employee is required to appear in court pursuant to a civil subpoena, or at the discretion of the court for subsequent days.

Following participation in a civil proceeding, an employee shall complete an original and one copy of the Declaration of Receipt/Expenditure of Funds, Form 15.24.00, from the information available on the subpoena. This procedure shall be repeated for each day of scheduled attendance. The employee shall indicate whether he/she actually attended *the proceeding*. When an employee determines that the witness fee has been waived by the court, he/she shall so indicate on the Form 15.24.00.

Note: This form shall be completed whenever an employee has been subpoenaed, regardless of cancellation of the proceeding or nonattendance for any reason. The court number shall be included in court cases. If the subpoena relates to other types of proceedings, the location shall be given.

The original shall be forwarded with the civil subpoena to the *employee's supervisor*. One copy shall remain in the employee's Area/division of assignment. *If an employee incurred any parking fees or requires mileage reimbursement, the original Declaration of Receipt/Expenditure of Funds form and a copy of the civil subpoena shall be forwarded to the Commanding Officer, Fiscal Operations Division.*

DECLARATION OF RECEIPT/EXPENDITURE OF FUNDS

15.24.00 (08/15)

1. NAME OF EMPLOYEE		2. SERIAL NO.	3. AREA/DIVISION	4. DATE OF THIS DECLARATION
5. TYPE OF ACTIVITY		6. LOCATION OF ACTIVITY		7. DURATION FROM: _____ TO: _____
8. CITY VEHICLE <input type="checkbox"/> USED <input type="checkbox"/> NOT USED	9. ATTENDED <input type="checkbox"/> ON-DUTY <input type="checkbox"/> OFF-DUTY	10. REQUESTING AGENCY, COURT, TRIBUNAL, ETC.		
11. IF JOINT ACTIVITY: NAME(S), SERIAL NO(S). 				

IF SUBPOENA, COMPLETE ITEMS 12 THROUGH 22				
12. DATE SUBPOENA ISSUED	13. DATE(S) OF APPEARANCE	14. CASE NO.	15. COURT NO., COUNTY, STATE	
16. ATTORNEY REQUESTING	17. PLAINTIFF(S)		18. DEFENDANT(S)	
19. TOTAL HOURS AT COURT	20. CASE DISPOSITION <input type="checkbox"/> COMPLETED <input type="checkbox"/> CONTINUED		21. IF CONTINUED, TO WHAT DATE(S)	
22. WERE WITNESS FEES PAID? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NO, EXPLAIN WHY _____				

IF COMPENSATION FOR TRAVEL EXPENSES REQUESTED, PLEASE COMPLETE ITEMS 23 THROUGH 26		
NOTE: <i>The reimbursement for the use of private automobile shall be in accordance with the mileage provisions under LAAC Division 4, Chapter 5, Article 2, which prohibits the reimbursement of mileage traveled between the employee's home and headquarters of work location.</i>		
23. EMPLOYEE'S WORKPLACE ADDRESS	24. MILES TO BE PAID	25. PARKING COSTS \$ _____
MILEAGE CALCULATION:		
Mileage from home to place of appearance	<input type="checkbox"/> One Way <input type="checkbox"/> Roundtrip	<u> </u> MILES
Less: Mileage from home to work location	<input type="checkbox"/> One Way <input type="checkbox"/> Roundtrip	<u> </u>
Total Miles To Be Paid (Enter on Box 24) <u> </u>		
26. TOTAL		
Total Miles _____ X \$ _____ (current mileage rate) = \$ _____ + Parking Cost \$ _____ = Total \$ _____		

27. RELATED DOCUMENTS, AS APPLICABLE	
<input type="checkbox"/> FORM 15.02.00	<input type="checkbox"/> ORIGINAL PARKING RECEIPT
<input type="checkbox"/> FORM 15.07.00	<input type="checkbox"/> OTHER: _____
<input type="checkbox"/> SUBPOENA	_____

28. TOTAL RECEIPT/EXPENDITURE OF FUNDS (If none, enter 'None'.)	
I AM REQUESTING REIMBURSEMENT IN THE AMOUNT OF \$ _____	
I certify the above is a true and correct statement of expenses incurred by me while involved in this activity.	
DATE: _____	SIGNATURE OF EMPLOYEE: _____ SERIAL NO. _____ TEL NO. _____

29. SIGNATURE OF APPROVING SUPERVISOR	30. SIGNATURE OF EMPLOYEE'S COMMANDING OFFICER	31. SIGNATURE OF COMMANDING OFFICER, FISCAL OPERATIONS DIVISION
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* ONE COPY TO REMAIN IN THE EMPLOYEE'S DIVISION OF ASSIGNMENT