



TRANSIT POLICE

COURT NOTIFICATION

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POLICY

Definitions

Chief Officer – The Transit Police Chief Officer or delegate.

Court – For the purpose of this policy, “Court” includes any Provincial or Supreme Court or any tribunal acting in a judicial or quasi-judicial capacity, whether in a criminal, civil or administrative matter or Coroner’s inquest. *(NOTE: It does not include hearings conducted by the Labour Relations Board or labour arbitrations or other administrative or legal proceedings where the Union or an Employee covered by the Union’s bargaining certificate are parties to the matter. Nor does it include a disciplinary proceeding or public hearing under the Police Act where, as a result of disciplinary proceeding or public hearing, a Member is found guilty of an offence under that Act.)*

Court Liaison – For the purpose of this policy, any Transit Police staff person who is assigned to the Court Liaison Unit (i.e., Court Liaison Officer, Court Clerk) to perform Court notifications and help facilitate Court related matters.

JUSTIN – The Justice Information System, an integrated electronic criminal case tracking system in British Columbia.

LENS – BC Courts Law Enforcement Notifications for Court.

Member – A Designated Constable (all ranks), Chief Officer, Deputy Chief Officer and Designated Law Enforcement Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name of the South Coast British Columbia Transportation Authority Police Service.

NOH – Notice of Hearing that sets out date for officer to attend Traffic Court and present their case.

Authority

1. The Transit Police must comply with requirements of the *Police Act* and other applicable laws.

General

2. Court notifications to which a Member is obliged to respond include:

South Coast British Columbia Transportation Authority Police Service Policies and Procedures Manual

- (1) Supreme Court of British Columbia,
 - (2) Provincial Court of British Columbia,
 - (3) Coroner's Court, and
 - (4) Traffic Court.
3. A Member is required to attend Court or a prosecutor's interview on the date and at the time specified in the notification regardless of personal commitments, unless excused by Crown (in writing) or the authorized person in charge of the proceeding.
 4. Court Liaison will be responsible for processing all Court notifications received by the Transit Police, including internal tracking and control, and for resolving Court conflicts when Members are on approved leave.
 5. Members notified to attend Court will attend Court in accordance with the procedures outlined within this policy, the Collective Agreement, or as otherwise legally required.

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Compensation

6. Members will be compensated for Court attendances and denotifications in accordance with the Collective Agreement.

Law Enforcement Notifications (“LENS”)

Service of LENS

7. Where the Transit Police receives a LENS Form (PCR042) requesting a Member to attend Court or an interview:
 - (1) Court Liaison will have the LENS entered on InTime and an automatic notification E-mail will populate the Member’s inbox advising them of the Court date and time.
 - (2) Court Liaison will E-mail the Member a copy of the LENS (in PDF format) from the E-mail [REDACTED], thus providing a tracking system that the LENS was sent to the Member.
 - (3) In the unlikely event that a Member is contacted by Crown directly regarding Court matters, the Member will direct Crown to Court Liaison and will not personally arrange a Court date and time.

Attendance

8. If the Member can attend as required by the LENS, the Member will immediately sign the Court copy of the LENS in one of two ways:
 - (1) Print a copy of the LENS from the E-mail, sign it, scan the signed copy and E-mail it back to [REDACTED] OR
 - (2) Use the Adobe E-Signature functionality and sign the LENS, and E-mail it back to [REDACTED]
9. The Member will retain the witness copy of the LENS until after the Court appearance, following which it is no longer required.
10. Acceptance of the LENS will be deemed a Member’s official notification requiring Court attendance.
11. A LENS must be acknowledged by a Member and sent back to Court Liaison regardless of the fact that a Member has yet to sign up for approved leave.
12. If Criminal Court attendance requires overtime, the Member will forward a copy of the LENS to their Supervisor for approval, who will then submit it to Transit Police Payroll.

Non-Attendance/Rescheduling

13. If a Member cannot attend as required by the LENS, the LENS will not be signed and an E-mail copy will be immediately returned to Court Liaison by the Supervisor, with the reasons for inability to attend listed in the "Remarks" section of the form.
 - (1) Annual leave for Members is entered on JUSTIN after the leave sign-up. If a LENS is in conflict with scheduled annual leave, the Member will make a notation on the LENS and immediately return the LENS via their Supervisor.

- (2) When the LENS is in conflict with other approved leave, the Member will make a notation on the LENS and immediately return the LENS to their Supervisor.

NOTE: When a Member is off for an extended period of time and unfit for duty, the HR Advisor – Ability Management and Benefits will usually notify Court Liaison so that the Member's duration of absence is entered in JUSTIN.

14. In unusual circumstances of annual leave, or other leave, being approved after the LENS was signed and returned, the Member will immediately return the copy of the conflicting LENS in their possession to Court Liaison via the Member's Supervisor.
15. When Court Liaison receives a LENS with a Supervisor's comment that the Member is unable to attend Court as required, Court Liaison will:
- (1) Ensure that the Member's leave is recorded on the scheduler on JUSTIN; and
 - (2) Notify the Crown of the conflict for the Court appearance.
16. In the event that Crown will not reschedule the Member's attendance, the Member will be responsible for contacting their Supervisor to discuss the matter (e.g., the potential to re-schedule the Member's annual leave/other leave/training as permitted by the Collective Agreement or otherwise mutually agreed to by the Member and their Supervisor).
- (1) Under no circumstances is a Member to contact Crown directly to make re-scheduling arrangements.
17. Members are not authorized to attend Court while on approved annual leave/other leave/training until such attendance is confirmed by the Inspector Patrol Section (or designate). Members will NOT be paid Court compensation unless prior approval is received in advance from the Inspector Patrol Section or such other person so designated by the Chief Officer.

Inform Court Liaison of Approved Leave

18. When a Member is approved for training or other leave after submission of the annual leave sign-up (entered on JUSTIN), the Member will inform Court Liaison so that the Member's additional unavailable dates can be entered by Court Liaison on JUSTIN.

Maternity/Paternity Leave

19. A Member anticipating commencement of maternity/parental leave will be required to send notification to Court Liaison noting the anticipated/inclusive dates of leave as soon as is practicable, or not less than four weeks prior to commencement of the leave. Court Liaison will ensure that the Member's leave is entered on JUSTIN.
20. Any Member who receives a LENS falling during maternity/parental leave will immediately notify, through the chain of command, the Operations Support Staff Sergeant. While efforts will be made to secure re-scheduling of the Member's

attendance, this does not preclude the Member from being required to attend Court on leave.

Additional Court Notification

21. Members requiring additional Court notification due to continuation of a trial, or for any other reason, will contact Court Liaison to seek a new LENS from Crown with the augmented date/times (with usual LENS process then followed).

Conflicting Court Times

22. Members receiving two (2) or more LENS for the same trial date and with conflicting times will immediately contact their Supervisor. The Supervisor will contact Court Liaison so that Crown can be notified.

(1) Members will attend the Court as directed by Crown.

Notice of Hearing (“NOH”) – Violation Tickets / Traffic Court

Service/Attendance

23. NOHs will be received by Court Liaison via hard copy or through JUSTIN (Court Liaison then prints the NOH off).

(1) Court Liaison will have the NOH entered on InTime and an automatic notification E-mail will populate the Member’s inbox advising them of the Court date and time.

NOTE: Members do not need to send a NOH confirmation to Court Liaison.

24. Court Liaison will attach the NOH to the RMS Ticket Maintenance system for the corresponding ticket number and provide a hard copy to the Support Clerk to retrieve the physical ticket. The Support Clerk will then provide the NOH and ticket to the Member for their Court attendance.

(1) For E-Tickets, the Member will print off the ticket themselves, while Court Liaison will provide the NOH the Member.

25. If Traffic Court attendance requires overtime, the Member will complete an overtime request using TP Form [AZ1710 - Traffic Court Overtime Claim](#) (attaching a copy of the NOH for reference) and submit it to their Supervisor for approval, who will forward a copy to Transit Police Payroll.

Non-Attendance

26. If the Member will be unable to attend Court as requested, the following steps will be taken:

(1) The Member will contact the Court registry of where the hearing is to be held and request a date for the Court to hear an adjournment application. This is

done prior to the Application to Adjourn a Hearing ([Form PTR818](#)) being completed and submitted.

- (2) Once the Member has a date for the adjournment application, the Member will need to notify the disputant by either mail or by telephone of the adjournment application (at least 14 days prior to the hearing date). This allows the disputant the opportunity to respond.
 - a. The Member must complete a Notification of Adjournment Application (Form [PTR819](#)) and mail it to the disputant if the disputant cannot be reached and informed of the adjournment application by telephone, or in person, at least 14 days prior to the hearing date.
- (3) Once the Member has completed the appropriate forms (e.g., Form PTR818 and PTR819), the Member will fax the form(s) to the court registry of the court where the originally scheduled hearing was to be held.

Court Attendance Outside of Transportation Service Region (“TSR”)

27. Expenses and overtime wages (excludes regularly scheduled duty hours – unless extenuating circumstances) will be sought from jurisdictions outside the TSR when a Member is being required, by virtue of Subpoena or LENS, to give evidence in such a jurisdiction. Any exception to this requirement will be at the discretion of the Deputy Chief Officer Administrative Services or designate.

NOTE: In the case of Civil Court, recovery of costs will usually be from the party issuing the Subpoena.

28. A Member who receives a LENS or Subpoena in these circumstances will immediately:
 - (1) Inform their immediate Supervisor (who will notify the Watch Commander); and
 - (2) Forward a copy of the notification document to Court Liaison.
29. The Watch Commander will ascertain the necessity of the Member attending for the full period identified on the LENS or Subpoena.
30. When attendance has been confirmed for Criminal Court, the Member will contact the notifying agency to make travel and accommodation arrangements for the Member. The Member is responsible for determining from the notifying agency, their process for reimbursing the Member for any additional out of pocket expenses that the Member may incur.

NOTE: In the case of civil trials, the matter is to be discussed with the Inspector Patrol Section prior to contact with the party (or legal counsel for the party) issuing the Subpoena.

Member Witness Fees

31. Any witness fees received by a Member attending a Criminal or Civil Court and for which the Member will either be appearing on duty or claiming pay or credit, will be turned over to the Finance Manager, who will issue a receipt to the Member.
32. If the Member was off duty during a Court appearance and will be claiming pay or credit, the overtime request and receipt will be attached to the Court notification form and submitted to their Supervisor and then to the Finance Manager.

Court Notification Arising from Previous Employment

33. Sections 27 to 32 of this policy do not apply to any Court notification that a Member receives that is related to matters arising from previous employment with another police agency or organization.
34. It is the responsibility of the Member to contact their former employer to ascertain the necessity to attend and to make arrangements for payment of travel costs and time. The Transit Police will not be responsible for covering any costs related to such Court attendance.
 - (1) For situations where the notifying police agency is unable to make the travel arrangements, the Member will contact the Transit Police - Accounting Analyst for an estimate to be made for the travel costs (flight, accommodations, meals etc.). The Accounting Analyst will then contact the notifying police agency to obtain their confirmation that they will cover the travel costs.
 - (2) In such cases, Transit Police will reimburse the Member directly by having them submit an expense claim (using [TP Form AZ0450](#)) and then Transit Police will invoice the police agency for the travel related costs.
35. Members receiving a Court notification related to previous employment will notify their Supervisor of the notice and dates involved. If the Court notification relates to a criminal proceeding, Transit Police will release the Member from their regularly scheduled duty hours, with regular pay, in order to comply with the notice.
 - (1) The Transit Police will not compensate the Member for any overtime hours, as the Court attendance is not related to their current employment.
36. When a Member's Court attendance related to previous employment is to exceed four (4) workdays, the Supervisor will notify the Inspector Patrol Section. The Inspector Patrol Section will determine whether to seek reimbursement of salary costs for the Member and, if so determined, contact the Member's previous employer for billing information to be passed on to the Finance Manager to invoice the respective party.

Former Members or Members on Unpaid Leave of Absence

37. Court notification for former Members (retired, resigned, or revoked Designated Constable appointment) or any Member who is absent from duty on authorized unpaid leave of absence will be forwarded to Court Liaison for review and processing as appropriate to the matter.

38. Unless exceptional circumstances, Court Liaison will request Crown to enter a stay of proceedings for provincial statutes.
39. The Transit Police will be responsible for compensating the former Member (or any Member who is absent from duty on authorized unpaid leave of absence) for their authorized Court attendance. Compensation will be as set forth in the Collective Agreement or contract with the employer. The applicable rate of pay for a former Member (or a Member absent on authorized unpaid leave) will be that prevailing for the rank held by such Member at the date of resignation, retirement, revocation of appointment, or commencement of unpaid leave.
 - (1) Only pre-approved travel costs will be reimbursed to former Members (or any Member who is absent from duty on authorized unpaid leave of absence). Expense Claims must be submitted and authorized for any travel costs related to the Court attendance.
40. Court Liaison will act as the liaison with the former Member regarding their Court attendance.
41. Any former Member (or Member who is absent from duty on authorized unpaid leave of absence) who is paid pursuant to this policy will be required to return to the Transit Police any witness fees received in connection with the attendance or attendances at Court.

Members on Medical Leave

42. Members are not compelled to attend Court while on medical leave (e.g., sick leave, short-term disability, long-term disability, WorkSafeBC). However, Members are encouraged to attend Court if able and if the injury or illness will not be aggravated.
 - (1) For Members who are on extended medical leave (usually previously identified to Court Liaison), Court Liaison will contact the HR Advisor – Ability Management and Benefits to determine if the Member will be able to participate.
43. When a Member is unable to attend Court due to their condition, then the Member will notify their Supervisor and Court Liaison so that the Crown can be properly notified.
44. When attending Court while on medical leave, Members will receive compensation in accordance with the Collective Agreement. As soon as the Court duty is concluded, the Member will return to the applicable leave payment source. Members are responsible to advise their Supervisor of any such Court attendance so that salary attendance profiles will reflect the appropriate duty day(s). Employees on Short-Term/Long-Term Disability or WorkSafeBC must notify their respective Claims Adjudicator prior to Court attendance.

Dress

45. When attending Court while on light duties or on leave described in section 44, the Member will wear civilian dress to Court and not carry their use of force weapons. A Member on graduated return to work (“GRTW”) may wear their uniform and carry use

of force tools, where cleared for full duties within their GRTW provisions. (Refer to Transit Police policy chapter [AC150 – Uniforms, Insignia and Dress Standards](#).)

46. A Member's compensation for Court duty will be processed by payroll through the normal bi-weekly pay process.

Denotification

Process

47. Pursuant to the Collective Agreement, a Member will receive a minimum of sixteen (16) hours' notice of cancellation of a Court appearance, failing which the Member will receive compensation in accordance with the Collective Agreement.
48. Court Liaison will promptly notify Members of cancelled Court appearance requirements by voice-mail or text message to the Member's work telephone (there will also be an auto-denotification E-mail sent via InTime).
49. Given the seriousness of improper denotifications, Transit Police will provide a system whereby Members can verify a denotification.
- (1) Unless otherwise so determined by the Deputy Chief Officer Administrative Services, denotifications can be verified by the Member contacting Court Liaison, the Operations Support Staff Sergeant or the Watch Commander on duty.
 - (2) Denotification will be communicated by a staff person (or possibly Crown directly) whose identity is known to the Member being denotified or whose identity may be immediately verified by the Member being denotified.

Multiple Day Trials

50. For multi-day trials, Court Liaison will enter all required Court days for the Member into InTime, until Crown confirms what specific days/times that the Member will be required. There will be discussion on the attendance requirements between Court Liaison, Member, their Supervisor and Crown and, as appropriate, the Member will be notified of any cancelled attendance requirements. Denotification to the Member will be in accordance with this policy.

Other Notification

51. If a Member receives notification to attend Court or a prosecutor's interview through any process other than a LENS or NOH, a copy of the notification is to be immediately forwarded to Court Liaison.

Civil Court

52. When a Member or Public Service Counter staff is approached by a process server wishing to serve a Member for Civil Court attendance, the process server is to be directed to Court Liaison during normal business hours.

- (1) If the Process Server is insistent on personally serving the Member, Court Liaison, a Supervisor or Public Service Counter staff may provide the time and date of the Member's next scheduled duty day and the phone number for the Member when they report for their next duty day. The Process Server will then need to arrange with the Member for a mutually agreeable time for the service.
53. Where Court Liaison accepts service from a process server for a Subpoena for Civil Court appearance arising from a police related incident, Court Liaison will personally serve the Member and notify the Member's Supervisor, TSML Legal Counsel and TransLink Claims.
54. Members directly served a Subpoena for Civil Court matters arising from police related incidents will immediately notify their Supervisor and Court Liaison (who will then notify TSML Legal Counsel and TransLink Claims). If a conflict exists with approved leave, the Operations Support Staff Sergeant is also to be notified to assist in resolving any Court conflicts.

References:

BC Court Forms - Application to Adjourn a Hearing ([Form PTR818](#))

BC Court Forms - Notification of Adjournment Application (Form [PTR819](#))