



PRIVATE INVESTIGATOR APPOINTMENTS Policies and Procedures

February 18, 2015

The Superior Court will approve payment for all reasonable and necessary services performed by appointed investigators which do not exceed the maximum fee authorized. An increase in the maximum fee may be requested by counsel or by the investigator where the defendant is *in propria persona*.

COMPENSATION:

Payment for approved investigative services will be at the rate of \$45 per hour in addition to documented parking fees for all services performed on or after March 1, 2015. Actual costs will be reimbursed within the maximum fee for incidental expenses, including telephone, recordings, and photography where properly documented and itemized. All expenses outside Los Angeles County and adjacent counties must be approved in advance by the appointing judge.

Hourly compensation is authorized for necessary travel, except that time taken to drive to the first contact each day is limited to the lesser of (a) the time it would take to drive from the Los Angeles Civic Center to the first contact, or (b) the time taken to drive directly to the contact from the investigator's residence or business. Return travel from the last contact of the day to the residence or business is similarly limited.

Claims for payment must be on the currently approved forms and filed within thirty (30) days following the date of the last service rendered or the termination of the case, whichever is later. A detailed description of work performed must be submitted in addition to the Detail of Services and Expense Attachment form for PACE. Names of witnesses or contacts interviewed should be supplied as well as the location where the work took place.

APPROVAL OF TRAVEL BEYOND LOS ANGELES AND CONTIGUOUS COUNTIES:

Authorization in writing must be obtained for travel beyond Los Angeles and contiguous counties, except for clear emergencies. A statement of good cause as well as a detailed estimation of costs should be submitted to the Court. Hourly fees, mode of travel, and cost of lodging should be specified.

Judges may request assistance in setting or approving travel expenses from the Administrative Assistant of the Budget Unit at (213) 830-0809. Advance scheduling of air fares will reduce costs by 30 to 70 percent.

APPROVAL OF INVESTIGATORS:

The Private Investigator Committee shall take into consideration the experience, past record, special qualifications, and good character of applicants for placement on the Private Investigator Panel. Inclusion on the Panel does not constitute an endorsement by the Superior Court to the professional qualifications of any individual or firm and shall not be represented as such.

The number of qualified applicants to be included on the Panel shall be determined by the Committee in order to fulfill the investigative needs of the courts of Los Angeles County.

INVESTIGATORS RECEIVING APPOINTMENTS IN CASES WITH DEFENDANTS *IN PROPRIA PERSONA*

Only those members of the Private Investigator Panel who receive specialty training in the handling of *pro per* cases shall be eligible to receive appointment in criminal cases with *pro per* defendants. The Private Investigator Committee, and the Pro Per Committee of the Superior Court shall determine rules that will govern training and eligibility requirements for such investigators. Such training shall not exceed three (3) hours of instruction per calendar year. Attending such training shall be the responsibility of the investigator, and shall not be reimbursed by the County.

RULES FOR APPOINTED INVESTIGATORS:

All investigators shall comply with the following rules and acknowledge that noncompliance may result in immediate removal from the Panel:

1. Do not perform investigative services until an Order of Appointment is made which specifies a specific maximum fee.

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2. If an increase in the hourly rate is requested due to the extraordinary circumstances of a particular case, detail the circumstances and include a statement of recognition that the usual and customary fee is \$45 per hour.
3. Request an *in camera* hearing before incurring any expense which the investigator has any reason to believe might be questioned as being reasonable and necessary, even though not in excess of the maximum fee authorized.
4. Do not incur fees, perform any work or submit a Declaration for Payment in excess of the previously approved specific maximum fee.
5. Obtain advance approval for expenses and services outside Los Angeles County and adjacent counties
6. Receive reimbursement for expenses (e.g., telephone, recording or photographic) only when such expenses are properly documented and itemized.
7. Minimize fees whenever possible, consistent with rendering competent service.
8. Notify the court immediately if an appointment is to be declined.
9. For panel members eligible to handle *pro per* appointments, accept assignments on *pro per* cases and contact *pro per* defendants as soon as possible after appointment.
10. Allow only the appointed investigator to work on the case.
11. Do not solicit business from any defendant on any case, whether the defendant is represented by counsel or is *in propria persona* status.
12. Submit a billing for all services on the currently approved form within 30 days following the date of the last service rendered or termination of the case, whichever is later, including a detailed itemization of all work performed.
13. Maintain records for three years to substantiate all work performed.
14. Do not provide monies, books or supplies to any defendant without court approval.
15. Except when making a claim for services, do not represent to anyone in any manner that the investigator is an officer, agent, representative, appointee, or employee of the Superior Court or any other governmental agency, or that the investigator has the endorsement of any such entity.
16. Do not obtain any statement, interview, document, article, or photograph by means of coercion, deception, deceit, misrepresentation or artifice.
17. Perform only investigative services for the defendant or defense counsel. Do not act as a legal runner, e.g., do not perform paralegal, secretarial, messenger or personal services, including filing civil documents, photocopying forms, or cashing checks.
18. Do not perform services in the courtroom, except as a witness, without prior court approval.
19. Do not provide transportation or provide an escort for witnesses without prior approval from the court.
20. Obey all laws, court orders, county jail and state prison rules.

Approved and adopted by the Executive Committee of the Los Angeles Superior Court on June 18, 2014. This Policy Memorandum supersedes all prior policy statements. Revision approved February 18, 2015.

