

BRENHAM POLICE DEPARTMENT

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Wednesday, January 30, 2019

Written Reprimand

Officer Marley Mayo this is a Written Reprimand due to your failure to adhere to and follow the policy and procedure set out in the Brenham Police Department Policy Manual.

On Tuesday, January 22, 2019, I Lieutenant Kelvin Raven was advised by Chief Louis A. Barrow that Officer Marley Mayo had missed Municipal Court. I sent Mayo a text message requesting she called me at approximately 9:00am. Mayo did not call me back until around 11:00am. I advised Mayo she was scheduled to appear in Municipal Court but did not show. Mayo advised she worked the night before and overslept and forgot. Mayo was advised to contact the court and submit in writing why she missed court.

In Mayo's response, Mayo wrote she had overslept because she had worked the night before and forgot. Mayo also wrote she called Municipal Court and spoke to Rhonda, where she was told a reminder was sent to her via email about a month ago to appear in court. Mayo stated Rhonda told her it was ok multiple times, due to the case was a speeding ticket. Rhonda did request Mayo to print out the email in the future because reminder emails would not be sent out. Mayo's response is attached to this Reprimand.

You have violated Brenham Police Department Policy:

Policy 1.1 Mission, Values, and Written Directive System
Section VI. COMPLIANCE WITH DIRECTIVES

- A. All employees of this Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.

Policy 2.7 Court Appearance

The success of a criminal prosecution is determined not only by the quality and quantity of evidence but by the manner in which it is presented by law enforcement officers in a court of law. An officer's appearance, demeanor, attitude, and ability to testify in a fair and professional manner are essential. Therefore, it is the policy of this agency that officers provide competent and professional testimony by adherence to court scheduling, preparation, appearance, and testimony guidelines provided herein.

PURPOSE

It is the purpose of this policy to provide officers with guidelines for scheduling, preparing for, and testifying in criminal court cases.

II PROCEDURES

A. Subpoenas

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This agency shall establish a system of accountability for receipt of subpoenas from the court to the point of officer testimony. This includes but is not limited to:
 - a. recording the receipt of subpoenas to include date received, court date and time, defendant's name, officer's name, and date executed;
 - b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, and served;
 - c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in accordance with established time frames or cannot appear on the designated court date.
2. Officers served subpoenas or given other official notice to appear before a criminal court by means other than the foregoing are responsible for complying with this directive and for providing agency notification as soon as possible of the need for appearance. Such subpoenas shall be recorded in a manner consistent with this policy.
3. Officers who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.

B. Preparation for Trial

1. Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever needed.
2. Officers shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial prior to court appearance.
3. Prior to trial, officers designated for court appearance shall review case documentation to ensure that they are completely familiar with the facts involved. In addition, officers shall provide all reasonable assistance necessary to or requested by the prosecution to ensure that necessary evidence will be available at trial.
4. In pretrial conferences with the prosecutor, officers are responsible for providing all information relevant to the case even though it may appear beneficial to the defendant. No detail should be considered too inconsequential to reveal or discuss.
5. If an officer is subpoenaed by the defense in any case, the officer shall immediately notify the Chief of Police and the prosecutor assigned to the case.

C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.

2. Compensation shall be paid only when officers comply with procedures established by this agency for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay.
3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's commander and may be referred for disciplinary review.
4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards. Patrol Officers appearing in court will be required to wear the dress uniform. Officers assigned to Criminal Investigations shall wear either the dress uniform or suit and tie.
5. When testifying, officers shall:
 - a. restrict remarks to that which is known or believed to be the truth;
 - b. speak naturally and calmly in a clearly audible tone of voice;
 - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and display a courteous attitude and maintain self-control and composure.


You have up to 72 hours after receipt of this Written Reprimand to file a statement in your personnel file setting forth your position in case of disagreement.

Any other disciplinary action, which coincides with this Written Reprimand, may result in a higher lever of discipline.

"I acknowledge that I have today received counseling and I have been advised of the following rights: (1) that a written record of reprimand/counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel file; and (4) that the employee is required to acknowledge the reprimand/counseling by signing the record."


 Officer Marley Mayo 1-30-2019
 Date


 Lieutenant Kelvin Raven 1-30-2019
 Date


 Witness: Captain Lloyd Powell 1/30/19
 Date

kaven

Marley Mayo
Saturday, January 26, 2019 4:58 AM
Kelvin Raven
missing court

Subject:

On Tuesday, January 22, 2019, I, Marley Mayo spoke with Rhonda at municipal court around 12:06 pm, due to me missing my court date. Rhonda advised that she did send me an email a month prior. I advised Rhonda that I worked the night before and I bluntly forgot about my court date. Rhonda advised that it was okay, due to it being a speeding ticket. Rhonda told me that she no longer is going to send out reminders, so we need to start printing the emails out if our name is on the docket. Rhonda did advise multiple times that everything was okay.

- Marley Mayo