



# Private Investigator Panel Policies and Procedures Adult Criminal October 1, 2022

Superior Court judicial officers may appoint private investigators to assist defense counsel or *pro per* defendants in criminal cases. Appointed investigators shall be selected from the Private Investigator Panel ("Panel") and shall be approved as qualified for membership on this Panel by the Superior Court's Private Investigator Committee ("Committee"). This policy specifies the processes, compensation, and rules and regulations governing private investigator appointments and conduct.

## 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. The Committee shall consider the investigative needs of the courts of Los Angeles County in determining the number of qualified applicants to be included on the Panel. Inclusion on the Panel does not constitute the Superior Court's endorsement of the professional qualifications of any individual or firm and shall not be represented as such.

## COMPENSATION

The Superior Court will approve payment for all reasonable and necessary services performed by appointed investigators which does 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*.

- Hourly Rate: Approved investigative services shall be compensated at the hourly rate of \$75. An increase in the hourly rate may be requested in cases where extraordinary circumstances exist, as provided herein. Hourly compensation 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.
- Actual Costs: Incidental expenses, including telephone recordings, photography, and parking fees, will be reimbursed only when such expenses are properly documented and itemized.
- Claims for payment: Claims for payment must be submitted on the currently approved forms and filed within thirty (30) days following the date of the last service rendered, or termination of the case, whichever is later. A detailed description of work performed must be submitted in addition to the PACE form "Detail of Services and Expense Attachment". Names of witnesses or contacts interviewed should be supplied, as well as the location where the work was performed.

## RULES FOR PRIVATE INVESTIGATOR APPOINTMENTS

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

- An increase in the hourly rate may only be approved upon a showing of the extraordinary circumstances of a case and by written request. The request must be submitted to the appointing judicial officer and include detail as to the extraordinary circumstances as well as a statement of recognition that the usual and customary fee is \$75 per hour.
- Incidental expenses (e.g., telephone recordings and photography) will be reimbursed only when such expenses are properly documented and itemized.
- Only the named, appointed investigator may perform work on the case.
- Appointed investigators *shall not*:
  - perform investigative services until an Order for Appointment, specifying a maximum fee, is signed by a judicial officer.
  - incur fees, perform any work, or submit a Declaration for Payment which exceeds the previously approved maximum fee.
  - represent in any manner that they are an officer, agent, representative, appointee, or employee of the Superior Court, or any governmental agency, or that the investigator has the endorsement of any such entity (EXCEPT when making a claim for services).
  - obtain any statement, interview, document, article, or photograph by means of coercion, deception, deceit, misrepresentation, or artifice.
  - perform services in the courtroom, except as a witness, without prior court approval.
  - provide transportation or act as an escort for witnesses without prior court approval.
  - provide monies, books, or supplies to any defendant without court approval.
  - solicit business from any defendant, whether the defendant is represented by counsel or is *in propria persona*.
- Appointees may perform investigative services only and shall not act as a legal runner (e.g., perform paralegal, secretarial, messenger, or personal services.) EXCEPTION: Panel members appointed to assist *pro per* defendants shall perform the services of a legal runner as authorized by Los Angeles Superior Court Local Rule 8.42(d)(4).
- Panel members appointed to represent a *pro per* shall contact *pro per* defendants as soon as possible after accepting the appointment.
- Appointed investigators *shall*:
  - obtain advance approval from the court for all expenses and services performed outside of Los Angeles County and adjacent counties (*see*, Compensation for Travel Time and Reimbursement of Expenses for Court-appointed Private Investigators for Out-of-County Travel.)
  - minimize fees whenever possible, consistent with rendering competent service.
  - immediately notify the court if an appointment is declined.
  - request an *in-camera* hearing, from the appointing judicial officer, before incurring any expense which the investigator has reason to believe might be questioned as being unreasonable and unnecessary, even if the amount does not exceed the maximum fee authorized.
  - maintain records for three (3) years from the date of the last service rendered.
  - submit a billing for services, including a detailed itemization of all work performed, on the currently approved form within thirty (30) days following the date of the last service rendered or termination of the case, whichever is later.
  - obey all laws, court orders, County Jail and State Prison rules.

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 the rules which will govern training and eligibility requirements for such investigators. Training, which will be conducted by the Private Investigator and/or Pro Per Committee, is not to exceed three (3) hours of instruction per calendar year and attendance shall be the responsibility of the investigator. Costs incurred relative to this training will not be reimbursed by the County.

As authorized by Los Angeles County Superior Court Local Rule 8.42(d)(4), a *pro per* defendant may request one person to act as a legal runner on his or her behalf. Absent a showing of unavailability, the legal runner must be a current member of the Private Investigator Panel and designated as eligible to handle *pro per* cases, as per Local Rule 8.42 (d)(4) below:

Los Angeles County Rule of Court 8.42(d)(4) – *PRO PER* DEFENDANTS IN CRIMINAL CASES  
(Privileges) (Legal Runner and Legal Visits)

“A *pro per* inmate may request one person to act as a legal runner to pick up or deliver items to or from the court, the prosecutor, or the investigating agency. Absent a showing of unavailability, the legal runner must be a current member of the Los Angeles Superior Court’s Private Investigator Panel (“Panel”), designated as eligible to assist *pro per* criminal defendants. In the event a legal runner is not a member of the Panel, the following apply: The legal runner must be approved by the Sheriff and may be rejected for security concerns. Inmates granted *pro per* status must receive extended visitation to confer with a legal runner. The legal runner may visit and confer with the inmate during normal hours of inmate visiting for a maximum of thirty minutes each day. The Sheriff may revoke approval of a legal runner’s status for disruptive conduct or violations of security procedures...”

**APPROVAL OF TRAVEL BEYOND LOS ANGELES AND CONTIGUOUS COUNTIES**

Except for clear emergencies, advance approval by the court and defense counsel is required for all out-of-county travel expenses. In cases where the defendant is *pro per*, the court will be responsible for approving such expenses.

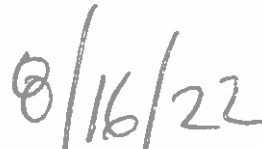
- A request for approval of out-of-county travel expenses: shall be submitted to the appointing judicial officer; must include a statement of good cause; must itemize all estimated expenses including, but not limited to, hourly fees, mode of travel, costs of lodging, and anticipated travel time.
- Investigators must exhaust other avenues of investigation, such as telephone and U.S. Mail, before seeking permission to travel out of Los Angeles County.
- Reimbursement from PACE will be governed by the Superior Court document titled *"Compensation for Travel Time and Reimbursement of Expenses for Court-Appointed Private Investigators for Out-Of-County Travel"*.

These Private Investigator Panel Policies and Procedures are hereby approved and adopted by the Private Investigator Committee of the Los Angeles Superior Court on October 1, 2022. This Policy Memorandum supersedes all prior policy statements.



  
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RUBIYA NUR

Judge of the Superior Court of Los Angeles  
Chair, Superior Court Private Investigator Committee

  
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Date