

**OKLAHOMA COUNTY JUVENILE BUREAU
POLICY AND PROCEDURE MANUAL**

CHAPTER ONE: ADMINISTRATION AND MANAGEMENT

POLICY 1.9: LEGAL ASSISTANCE

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I. POLICY:

As provided in Title 19 O.S., Sections 215.5 and 215.25, the Director of the Oklahoma County Juvenile Bureau (OCJB) is provided legal advice by the Oklahoma County District Attorney's Office. The District Attorney provides counsel regarding situations that impact the performance of the OCJB's operations and duties. When any Department Head within OCJB requests a legal review, a written request is submitted to the Director, who then advises the District Attorney's Office. **(3-JDF-1A-32) (2-7022)**

II. PROCEDURE:

- A. Examples of services provided by the District Attorney include, but are not limited to **(2-7022)**:
1. Assisting administration with employee personnel action or review;
 2. Answering legal questions posed by the Director;
 3. Ensuring the OCJB has access to Administrative Orders that are pertinent to its operations;
 4. Ensuring that the OCJB's policies and procedures are consistent with decisions concerning constitutional processes and procedure and individual rights;
 5. Advising on individual cases; and
 6. Representing the OCJB as required before courts and other appropriate entities.
- B. Any request for legal services from the District Attorney's Office shall be submitted using the "Request for District Attorney Legal Services," form, Attachment A. This request is to include the Director's signature and a brief synopsis of the issue to be reviewed.
- C. For any OCJB personnel action or review, including suspension without pay for more than three (3) consecutive days, the Director and/or his designee shall complete the "OCJB Legal Services Request Checklist," Attachment B, and the "Request For Legal Services Information Sheet," Attachment C.

Approved: _____

James L. Saffle, Director

10/7/16
Date

Attachments:

Attachment A, "Request for District Attorney Legal Services"

Attachment B, "OCJB Legal Services Request Checklist"

Attachment C, "Request For Legal Services Information Sheet"

REQUEST FOR DISTRICT ATTORNEY LEGAL SERVICES

THIS FORM IS TO BE USED TO REQUEST ADVICE AND/OR REPRESENTATION FROM THE DISTRICT ATTORNEY'S OFFICE REGARDING THE COUNTY OF OKLAHOMA, COUNTY OFFICIALS AND EMPLOYEES AS REQUIRED BY SECTIONS 215.4, 215.5, 215.25 AND 215.26 OF TITLE 19 OF THE OKLAHOMA STATUTES.

IF ADVICE IS SOUGHT, THE REQUEST MUST BE SIGNED BY AN ELECTED COUNTY OFFICER. THIS FORM MUST BE FILLED OUT AND SUBMITTED TO THE CIVIL DIVISION OF THE OKLAHOMA COUNTY DISTRICT ATTORNEY'S OFFICE IN A TIMELY MANNER. ALL RESPONSES TO REQUESTS FOR ADVICE WILL BE IN WRITING.

IF THE REQUEST IS FOR LEGAL REPRESENTATION UNDER 19 O. S. SECTION 215.25, THE REQUEST MUST BE SUBMITTED IN WRITING EARLY ENOUGH TO PERMIT THE DISTRICT ATTORNEY'S OFFICE ADEQUATE TIME TO COMPLETE A THOROUGH "GOOD-FAITH-AND-COURSE-OF-EMPLOYMENT" INVESTIGATION AS CONTEMPLATED BY 19 O.S. SECTION 215.26.

DATE OF REQUEST: ____ / ____ / ____.

COUNTY DEPARTMENT MAKING REQUEST: _____

STATE WITH SPECIFICITY, WHAT THE REQUEST IS AND WHY THE ASSISTANCE OF THE DISTRICT ATTORNEY'S OFFICE IS NEEDED: _____

ATTACH ADDITIONAL DOCUMENTS AS APPROPRIATE. (NOTE: Advice, reviews and approvals as to "form and legality" are based on the documentation and information provided to the District Attorney's Office. Please provide all relevant information when requesting an opinion or review from the District Attorney's Office).

COUNTY OFFICER

.....
DATE RECEIVED BY DISTRICT ATTORNEY: _____

REPLY BY DISTRICT ATTORNEY: _____

**DAVID W. PRATER
DISTRICT ATTORNEY**

By: _____

**OCJB REQUEST FOR LEGAL SERVICES
DOCUMENTATION CHECK-SHEET**

Please ensure the following documentation (if applicable) is included in the packet sent to legal for review. All documentation must be bated stamped and if possible, dated. If there is no corresponding documentation in the file, please indicate by checking the N/A box. If documentation is later found after this form is submitted, please bated stamp in continuous sequence, provide to legal counsel immediately, and notate that it was not included in the previous submission.

- Supervisor's written recommendation for termination (Include dates and times of incidents in the recommendation) ____N/A.
- Investigator's report ____N/A.
- All video or photographic evidence supporting termination ____N/A.
- All policies and procedures relied upon in making the recommendation for termination ____N/A.
- The complete personnel file (except for documents specifically expunged or removed for any reason) ____N/A.
- All documentation of verbal reprimands, informal reprimands, formal reprimands or other disciplinary action ____N/A.
- Any and all workers compensation complaints or injury reports made by the employee ____N/A.
- Any and all FMLA or other leave without pay requests made by the employee ____N/A.
- Any and all medical information obtained from the employee relating to a medical condition reported by the employee to OCJB ____N/A.
- Any and all documentation regarding any complaints based upon sex, age, race, sexual orientation, religion, national origin or disparate or different treatment among employees ____N/A.
- Any other materials OCJB believes to be relevant to the discipline/termination determination ____N/A.

Note: if other employees were involved in the incident, please provide legal counsel with a list of their names and any disciplinary action being taken against those individuals.

**REQUEST FOR LEGAL SERVICES INFORMATION SHEET
CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION**

Note: Department Head/Supervisor initiating any disciplinary action for suspension (days off without pay), demotion or termination will complete this form and submit to Personnel for consideration by the District Attorney's Office. Contact Personnel for assistance in completing this form if needed.

Employee Name: _____

Race: _____ Sex: _____ Age: _____

1. Are all materials contained in the employee's personnel, medical, and supervisor's files included with the request for legal opinion? [] Yes; [] No
If No, explain what materials are not included and the reason: _____

2. Is the employee disabled within the meaning of the American's with Disabilities Act? [] Yes; [] No. If Yes, describe the nature of the disability. _____

3. Has the employee ever filed a Workers Comp Claim? [] Yes; [] No. If yes, list all Workers Comp Claims made by the employee including a brief description of the incident, the date on which the claim was made, the resolution of the claim, and the date on which it was resolved. _____

4. Has the employee ever taken FMLA leave? [] Yes; [] No. If yes, list the dates between which the employee was on leave: _____

5. Has the employee ever made any formal or informal complaints regarding the working conditions at the Juvenile Bureau? [] Yes; [] No. If yes, describe the nature of the complaint, the date on which it was made, and how the matter was resolved. _____

6. Is all documentation concerning this complaint contained in the materials provided to counsel? [] Yes; [] No. If no, please explain the reason. _____

7. Has the employee ever made any formal or informal complaints regarding his/her co-workers or supervisors? [] Yes; [] No. If yes, describe the nature of the complaint, the date on which it was made, and how the matter was resolved.

8. Regarding Question # 7: Is all documentation concerning this complaint contained in the materials provided to counsel? [] Yes; [] No. If no, please explain the reason. _____

9. Has the employee ever made any formal or informal complaints regarding the policies of the Juvenile Bureau? [] Yes; [] No. If yes, describe the nature of the complaint, the date on which it was made, and how the matter was resolved. _____

10. Regarding Question # 9: Is all documentation concerning this complaint contained in the materials provided to counsel? [] Yes; [] No. If no, please explain the reason. _____

11. Has the employee participated in any investigation or given testimony on behalf of another co-worker or against the Bureau? [] Yes; [] No. If yes, describe the nature of the participation including dates. _____

12. Has the employee been given prior informal or formal discipline of any kind? [] Yes; [] No. If yes, is all documentation concerning all disciplinary or corrective actions contained in the materials provided to counsel? [] Yes; [] No. If no, please explain the reason. _____

Signature: Department Head/Supervisor

Date

(Attach documentation as necessary)

Approved: James L. Saffie 4/6/12
James L. Saffie Date