



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



240.01 COURT APPEARANCE 11/13/12

PURPOSE

The purpose of this order is to define and outline procedures for documenting court appearances and the processing of compensation documents.

POLICY

It shall be the policy of the Sacramento Police Department that employees honor "Notices to Appear" in the same manner as a criminal subpoena issued under the authority of the California Penal Code.

PROCEDURE

A. DEFINITIONS

1. SUBPOENA - The process by which the attendance of a witness is required before a court or magistrate. Hereafter, when the word "Subpoena" appears in this order, it will signify "Notice to Appear," "Request to Appear," and "Subpoena - Request."
2. IN-LIEU-OF TIME - Time taken instead of court overtime pay.

B. GENERAL

1. Failure to obey a subpoena may result in the court or magistrate taking punitive action in addition to Departmental disciplinary action.
2. Employees shall be prompt in attendance and remain until excused by competent authority.
3. Employees shall have a copy of the report with them and be familiar with the portion of the case they are involved in.
4. Employees shall avoid indications of bias, prejudice or anger.
5. Employees shall honor all "Notices to Appear" and criminal subpoenas, including subpoenas from outside agencies.
6. Employees may only be excused from a mandated appearance by a judge or officer of the court who issued the subpoena.
7. Each subpoena shall be validated before being submitted for court overtime payment.
8. The disposition of validated subpoenas is specified in General Order 252.01 (Military Leaves of Absence).
9. All subpoenas shall be received by the CLU before being issued to employees with at least five (5) days notice. Subpoenas may be served to employees personally, electronically or by telephone.
10. Employees receiving email notification of an existing subpoena or change to a subpoena during work hours shall immediately log into the Subpoena Tracker web site and acknowledge service.
11. Employees receiving email notification of an existing subpoena or change to a subpoena during non-working hours shall log into the Subpoena Tracker web site during the first shift after they receive such notification and acknowledge service.
12. Service is automatically accepted when the employee logs on to the Subpoena Tracker web site.
13. For purposes of this order, an officer is considered "served" when the Subpoena Tracker web site is logged into remotely and that information is retrievable.

C. COURT ATTIRE

1. Employees attending court shall present an official duty image either by appearing in uniform or present a neat, clean and professional appearance.
2. Employees on duty and in uniform shall appear in court in the uniform of the day unless otherwise directed by the Chief of Police or the magistrate.
3. Employees shall only appear in court in uniform when the proceedings are official police business.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



4. Employees appearing in plain clothes shall present a neat, clean and professional appearance.
 - a. Males shall wear a suit or sport coat with a dress shirt, tie and slacks.
 - b. Female employees shall wear proper business attire.
 - c. Deviations shall only occur when employees are not given advance notifications during the subpoena process.
 - d. If ordered by court staff, the officer shall remove their firearm and secure it in a safe place.

D. SUBPOENA PROCEDURES

1. The CLU shall accept all subpoenas that pertain to any Department employees.
2. The CLU shall deliver subpoenas from Monday through Friday, except on holidays.
3. The CLU staff shall send an electronic copy of the original directly to the employee listed on the subpoena.
4. Employees receiving a subpoena shall:
 - a. log into the Subpoena Tracker web site to acknowledge service.
 - b. notify the Deputy District Attorney (DDA) of any conflicts with their schedule and attempt to resolve the conflict. If an employee cannot make personal contact with the DDA, they shall contact the CLU. Traffic Court conflicts shall be coordinated through the CLU.

E. DOCUMENTING SUBPOENA ACTIVITY

1. To properly document subpoena activity on their payroll records, employees shall:
 - a. submit their activity through the Subpoena Tracker web site and deliver an electronic receipt to their supervisor.
 - b. when requested, the employee shall produce the Subpoena Tracker overtime receipt for time card verification.
2. Supervisors shall use the Subpoena Tracker electronic receipt feature to ensure that time claimed for court is accurately reflected on the employee's payroll record.

F. COURT/HEARING APPEARANCES

1. Validation for both on and off-duty court/hearing appearances is mandatory and shall include:
 - a. the employee's arrival and departure time(s) and date(s).
 - b. the initials and badge number of the authorized individual who validated the appearance.
2. Officers' arrival and departure times for court cases involving adult defendants shall be validated by the CLU.
3. Officers' arrival and departure times for Traffic Court and Juvenile Hall court appearances shall be validated by the DDA's receptionist, the DDA, or the Juvenile Court/Traffic Hearing Officer assigned to the case.
4. For employees with a "To Be Notified" subpoena, the CLU shall attempt to contact the employee with at least a one (1) day notice when possible. NOTE: Employees receiving less than 24 hours notice shall coordinate conflicts with the District Attorney's (DA's) Office and the CLU.
5. Hearing Board appearances resulting from line of duty subpoenas shall be compensated as court appearance time when the requesting document is validated by the Hearing Examiner or the Assistant Hearing Examiner. Officers shall submit their activity through the Subpoena Tracker web site and deliver an electronic receipt to their supervisor.
6. Accident Review Board appearances during officers' off-duty hours, when requested by the City, shall be compensated according to the applicable labor agreement when validated by the representative of this Department. Officers shall submit their activity through the Subpoena Tracker web site and deliver an electronic receipt to their supervisor.

G. SUPPLEMENTAL COURT/HEARING APPEARANCE(S)

1. CLU personnel shall update Subpoena Tracker when an officer is trailed on an existing court case and ensure that the officer is notified of the new court date.
2. If officers are notified by the DA's Office that their case has been trailed, the officer shall notify CLU personnel. CLU personnel shall update Subpoena Tracker accordingly.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



H. SUBPOENA CANCELLATION/RESET

1. Upon receipt of subpoena cancellation or reset, the employee shall be contacted via email immediately or when there is ample time for the CLU to notify the employee. Ample time shall include at least one (1) full shift for the employee to review their email.
2. If the updated subpoena cannot be served prior to the completion of the employee's last shift, the CLU shall contact the employee by telephone. If the employee is unavailable, the cancellation/reset information shall be left on their voicemail or answering machine. If the employee has an answering service, the cancellation/reset information shall be given to the answering service operator and this shall constitute contact.
 - a. All pertinent information shall be given to the person who answers the phone (if they appear to be a responsible adult). This contact shall be considered the same as having contacted the employee personally. The person's name that is given the information by the CLU will be recorded in Subpoena Tracker by CLU staff.
 - b. The CLU shall note how contact was made.
 - c. The voicemail system will be utilized by the CLU if available.
3. The CLU shall:
 - a. maintain records noting all subpoenas that have been cancelled or reset.
 - b. prepare a telephone recording of all cancellations scheduled for the next day at the close of each business day. This recorded message shall be available during non-business hours. Employees shall appear as scheduled unless cancelled by the CLU recording or by the CLU.
4. Employees claiming non-receipt of the cancellation notice shall contact their Division/Watch Commander who shall decide, after talking to the officer and the CLU employee, if the employee is entitled to overtime.
5. On-duty employees holding a following day subpoena shall contact the CLU, while on duty, for case status.
 - a. Employees shall call the CLU from Monday through Friday between the hours of 0700 and 1700 and listen to the recording after 1700 hours and on weekends and holidays.
 - b. Calls made after 0600 hours by first watch on-duty personnel, which would result in a late cancellation, shall not qualify for overtime.
 - c. Employees not placing the required on-duty phone call, yet appearing off-duty on a cancelled/reset case which was logged and recorded by the CLU, shall not be compensated.

I. DIRECTED OFF-DUTY TELEPHONE CALLS

1. Directed off-duty telephone calls to the DDA, or to the court, shall be verified and validated by CLU personnel. Prior to making the telephone call, the CLU shall be notified by the employee.
2. Upon verification that the phone call was made, the CLU shall complete an overtime receipt in Subpoena Tracker. Upon request, the employee shall produce the Subpoena Tracker overtime receipt for time card verification purposes.

J. TELEPHONE STANDBY

1. Telephone standby can be ordered by the magistrate or by the DDA and shall be verified by the CLU before overtime payment is authorized.
2. Employees shall notify their Division, Watch, or Section Commander or unit supervisor and the CLU immediately of the standby requirement.
3. The CLU shall make every effort to have the telephone standby order cancelled or to have a specific time set for the employee to report to the court.
4. After verifying the standby status and the time period, the CLU representative shall update Subpoena Tracker and record the employee's telephone standby overtime in the Subpoena Tracker receipt system. Upon request, the employee shall produce the Subpoena Tracker overtime receipt for time card verification. **NOTE:** Overtime may be claimed for payment per the provisions of the employee's labor agreement.
5. Employees shall ensure that their time cards are accurate and reflect their correct hours.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



K. EXCUSED ABSENCES

1. Excused absences may be granted at the discretion of the court to anyone disabled by illness and/or injury.
2. Ill and/or injured employees who have been served a subpoena shall notify the CLU of their condition and the scheduled court date(s).
3. CLU employees shall record the information and immediately advise the appropriate authority of the employee's condition.

L. VACATIONS - HOLIDAYS - MILITARY LEAVE, ETC.

1. If, after being served with a subpoena, an employee identifies a scheduling conflict (i.e. scheduled vacation, etc.), the employee may contact the CLU.
2. If the officer has a conflict, it will be the employee's responsibility to contact CLU and the DDA in order to be excused from appearing in court/and or have the date of appearance reset.

M. EXTENDED TRIALS DURING SCHEDULED TIME OFF

1. The CLU shall make every effort to have trials scheduled around an employee's vacation.
2. Employees under extended trial subpoenas, or on telephone standby as defined by their labor agreement, deciding to leave home for twenty-four (24) hours, or more, shall be required to do one of the following:
 - a. Contact the CLU between 0700 and 1700 hours, Monday through Friday and provide the following required information:
 - (1) the telephone number and time each day, between 0700 and 1700 hours, that the CLU can use to make personal telephone contact with the employee; OR
 - (2) the time each day that the employee shall call the CLU, collect, between the hours of 0700 and 1700 hours. **NOTE: Under either condition, the employee shall be available to appear the following day.**
 - b. Call the CLU recorder and record the following message:
 - (1) the employee's name and badge/identification number.
 - (2) the name of defendant(s) in the case.
 - (3) the crime report number or traffic report number.
 - (4) the telephone number and time each day that the CLU shall make personal telephone contact with the employee at, between the hours of 0700 and 1700, Monday through Friday; or
 - (5) the time each day that the employee shall make personal telephone contact with the CLU, collect, between the hours of 0700 and 1700, from Monday through Friday, to ascertain if the employee shall be required in court the next day.

N. COORDINATION OF SCHEDULED TIME OFF

1. The coordination of scheduled time off for days off, vacation, holiday credit, military leave, etc., is the responsibility of the employee's supervisor and the employee listed on the subpoena.
2. Each Division/Watch/Section/Unit shall ensure that:
 - a. all approved vacation time is entered into the Versadex calendar system.
 - b. the "Attend Court" flag is marked "No" anytime an employee is going to be away from their regular duty (i.e. training, flex time, vacation, teaching etc.) and make a notation indicating the reason that the employee is not working their normal scheduled shift.
 - c. the Versadex calendar system is updated when there are changes made to the published vacation schedules or when holiday credit is approved for use.
3. In-Lieu-of Court Overtime Pay Options
 - a. Officers have the option to be compensated by using In-Lieu-of Time instead of overtime pay. The option is available if:
 - (1) the officer is assigned to the Late Mid Shift Canine Unit, late watch, or the later units of mid watch and have received a subpoena to appear in court during off-duty hours.
 - (2) the officer worked the shift immediately preceding the court appearance.
 - (3) the officer has been in court four (4) or more hours and is scheduled to work the shift immediately following the court appearance.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- b. Option Request
 - (1) Immediately following a court appearance, the officer shall notify the CLU of his/her desire to use the In-Lieu-of option.
 - (2) The CLU shall get approval from the Watch Commander as soon as possible, but no later than 45 minutes prior to the beginning of the scheduled shift. Once approval has been granted by the Watch Commander, the CLU shall notify the officer.
 - (3) Officers shall notify the Communications Division as soon as possible, but at least one hour prior to the start of shift. Officers who will not be released from court before the start of their shift shall make every effort possible to notify the Communications Division.
- c. Calculation of Time Recording
 - To record their time, officers shall:
 - (1) first apply the time and one-half earned for the court appearance.
 - (2) complete the ten (10) hour shift by using holiday credit, vacation, or unpaid leave as needed.
 - (3) submit time off requests and verified subpoenas as required.
 - EXAMPLE: An officer is in court for six (6) hours and earns nine (9) hours of compensation. The officer informs the CLU and the Communications Division that instead of overtime pay the officer decides not to work the assigned shift that night. Additionally, the officer chooses to use one (1) hour of holiday credit to complete the ten (10) hour shift. Therefore, the time card for that shift would show nine (9) hours of "regular time" and one (1) hour of "holiday time"

O. OUTSIDE AGENCY SUBPOENAS

1. Less than 200 miles from Sacramento

- a. The CLU supervisor shall:
 - (1) contact the agency that issued the subpoena and establish telephone liaison contact.
 - (2) determine the date and time the officer(s) are needed along with what material is needed if the subpoena includes a "duces tecum" requirement.
 - (3) arrange for a Department vehicle and City gas card for the employee(s) through Fleet Management; or if the employee(s) choose to use their own vehicle, obtain a completed "Certificate of Insurance" prior to travel.
 - (4) complete and sign a "Travel and Training Request Form" (SPD 430) with all pertinent information.
- b. Court overtime for off-duty personnel shall be paid from time of departure from Sacramento to their time of return to Sacramento.
- c. Employees shall go directly to the location stated in the subpoena and return directly to the Department after being released. No employee is authorized to make additional trips to visit friends or family.
- d. The agency who issued the subpoena is required to note the date/time and sign the employee in and out of court and/or the hearing.
- e. DMV hearings shall be honored.
- f. To receive compensation for the use of a personal vehicle, employees shall submit the SPD 430, Certificate of Insurance, and a copy of the subpoena, through their chain of command to the Fiscal Operations Unit.

2. Over 200 miles from Sacramento

- a. Employees shall establish telephone liaison contact with the agency issuing the subpoena and start the necessary arrangements for travel, food, and lodging if required.
 - (1) The agency who issued the subpoena will be re-contacted, as needed, to ensure that the employee or employees shall, in fact, be needed on the dates stated on the subpoena.
 - (2) The day before the employee(s) is/are scheduled to leave shall be the last day the agency who issued the subpoena will be contacted by the CLU.



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



- b. The outside agency is required to furnish all transportation, food and lodging expenses. If airline tickets must be provided for travel, the outside agency shall be directed to contact the employee to arrange for purchase and pickup.
 - c. Off-duty court overtime shall include travel time to and from Sacramento.
 - (1) If employees stay in the outside agency's city or county for their own purposes, overtime stops when they are released from court.
 - (2) If an employee's duty hours start while the employee is still in court, or en route back, the court overtime stops at the start of shift time.
 - (3) If an employee is on duty and their shift ends while the employee is still in court or traveling back, the court overtime starts at the end of their scheduled shift time and ends on arrival back in Sacramento.
 - d. When employees are required to stay for more than one (1) day, court overtime will end at 1700 hours and resume at 0800 hours the following day. On the last day, if the employee is still off duty, the employee's court overtime will end upon their arrival time to Sacramento or the start of their normal work shift if the employee is scheduled to work that day.
 - e. The agency who issued the subpoena will be requested to sign and note the date/time on the employee's subpoena upon their arrival and departure.
 - (1) Employees who learn that they will be required to stay for more than one (1) day shall notify their supervisor each day and advise him/her that an additional day is required, the reason(s) why, and what time and date the employee expects to be able to return.
 - (2) For employees held over more than one (1) day, the agency who issued the subpoena shall be required to sign the subpoena and note the date/time at the start of court each day as well as the conclusion of court each day, or upon the employee's final release from court.
 - f. If employees require transportation from the Sacramento International Airport, their immediate supervisor shall make the necessary arrangements.
 - g. DMV hearings shall not be honored.
3. Subpoenas for Lateral Officers
- a. Officers hired through the Lateral Entry Program shall be given sufficient release time when subpoenaed to testify in a criminal case as a result of their previous employment.
 - (1) Officers shall be provided with sufficient travel time to and from the outside agency.
 - (2) Officers shall be provided with time to ensure adequate rest before the beginning of their next scheduled shift.
 - b. Time cards should reflect "regular" time for the amount of hours the officer is released from regular assignment.
- NOTE: City policy allows for release time without the loss of regular salary. The City will not pay overtime as the subpoena did not arise in the course and scope of the officer's employment with the City of Sacramento.

P. AUDITING

- 1. The CLU shall generate a weekly report documenting cases when an officer:
 - a. appeared with no testimony.
 - b. was cancelled upon arrival by the DA's Office.
 - c. was rescheduled to appear at a later date/time.
 - d. appeared, yet the case was "trailed" all day.