

Columbus Police Division Directive	EFFECTIVE	NUMBER
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<b>Court Appearances</b>		



## I. Introduction

- A. Common Pleas, Juvenile, and Municipal Court Liaison Offices are open from 7:00 a.m.–3:00 p.m. A message may be left on the voicemail system during non-business hours.
- B. Court Reporting Stations
  1. Common Pleas Court, Grand Jury, Franklin County Municipal Court, and Domestic Relations (Juvenile) Court - 375 South High Street, 18th Floor
  2. Property Control Unit (PCU) for personnel picking up or returning property for a court appearance - 724 East Woodrow Avenue
  3. Federal Court - Contact **the** Court Liaison **Section**
  4. As specified on the issued subpoena, if not detailed above

## II. Policy Statements

- A. Subpoenas are court orders. Division personnel shall respond to all call-ins/appearances unless a justifiable reason exists to be excused and all proper notifications have been made and approved.
- B. Division personnel should retain their original subpoenas for 60 days after a legal proceeding to allow for refile for overtime if a **court** timecard is lost or to validate overtime if requested by a supervisor.
- C. Availability in the Courtroom
  1. Personnel shall remain in or close by the courtroom to which they are subpoenaed.
  2. If it becomes necessary to leave the floor on which the courtroom is located, personnel shall first notify the **appropriate court unit**.
- D. Clocking In and Out of Court
  1. Personnel attending court during off-duty hours or while marked off on leave or sick time shall clock in and out at the appropriate reporting station. Personnel attending court during their tour of duty shall not clock in and out of court.
  2. Personnel shall legibly, accurately, and completely document court overtime on a court timecard and shall leave the card in the card rack while attending court.
  3. Personnel shall advise their immediate supervisor if a court appearance is during duty hours or is likely to interfere with their scheduled duty.

4. Personnel shall complete their own **court** timecard.
5. Personnel shall not clock other personnel in or out of court.
6. Personnel with multiple cases set for the same day:
  - a. Shall list all the cases on the same court timecard if possible and shall staple all cards together if more than one card is needed.
  - b. Shall not clock in on a second **court** timecard unless there are more than three hours between subpoena times and the first case has concluded prior to the second case's subpoena time.

#### E. Court Pay

1. Personnel attending court in a personal/private capacity shall not be entitled to court overtime.
2. Division personnel shall not attend court in paid/on-duty status as defendants in any legal proceeding or in a personal/private capacity without the approval of the Chief of Police.
3. Court overtime shall only be paid to personnel responding to a subpoena issued by a proper authority.
4. Personnel shall be paid court overtime for arrests made as a result of special duty work unless they receive pay for court time from the respective employer.
5. Overtime shall not be paid prior to the subpoena time without the approval of the employee's bureau commander/manager except when clocking in at the PCU for the purpose of picking up evidence for use in court.
6. Personnel with variable hours shall not change their hours to attend court on overtime without the prior approval of their immediate supervisor.

#### F. Proper Attire

1. Sworn personnel in a uniform assignment and uniformed civilian personnel shall wear their uniform even if they would otherwise be off duty.
2. Sworn personnel assigned to a plainclothes position, personnel on restricted duty, personnel marked off sick or injured, and non-uniformed civilian personnel shall adhere to the non-uniform dress code.
3. Personnel attending court as a defendant or in a personal/private capacity shall not attend in uniform unless prior approval is obtained from the Chief of Police.

#### G. Reporting Arrests or Court Actions

1. If arrested and unable to report for their regularly scheduled assignment, Division personnel shall immediately notify their immediate supervisor or the **Headquarters Operations Unit** Sergeant. Division personnel may only use annual vacation or Personal Emergency Leave time while incarcerated.

2. In any of the following circumstances, prior to or immediately upon reporting for the first tour of duty after being notified of the court action, Division personnel shall notify the Chief of Police in writing through the chain of command and shall forward a copy of the notification to the Division's Legal Advisor.
  - a. Division personnel who are subject to arrest, court action, or court appearance, excluding divorce and/or child custody proceedings. Personnel shall make notification when there is an arrest or court action resulting from nonpayment of child support.
  - b. Division personnel who initiate lawsuits relating to their employment with the Division of Police.
  - c. Sworn personnel who are served with any protection order including, but not limited to, a criminal temporary domestic violence protection order, criminal protection order, civil protection order, sexually oriented or stalking protection order. Forward copies of the orders along with the written notifications.
  - d. All sworn and any other Division personnel who operate motor vehicles on duty and who are subject to the loss, suspension, or revocation of their driving privileges. In addition, involved personnel shall:
    - (1) Notify the immediate supervisor on duty.
    - (2) Provide documentation of conditional driving privileges, if applicable, along with the written notifications.
  - e. Division personnel who receive a subpoena from, or otherwise assist or intend to assist, a party in any civil or criminal matter that is adverse to the interests of the Division of Police or the City of Columbus.
  - f. Division personnel who receive a subpoena from, or otherwise assist or intend to assist, the defense in a criminal case. In addition, Division personnel shall notify the assigned prosecutor in writing when they receive the subpoena.

#### H. Exculpatory or Impeaching Information

1. Division personnel who are subpoenaed to court to testify and who have a sustained violation of Rule of Conduct 1.15,A,5 ("Be truthful at all times") or City of Columbus Work Rule #1 ("Dishonesty") shall immediately notify in writing the prosecutor issuing the subpoena of this information. A copy of this notification shall be forwarded through the involved employee's chain of command to the Internal Affairs Bureau.
2. Internal Affairs Bureau personnel shall provide the Common Pleas and Municipal Court Prosecutor with the names of Division personnel who:
  - a. Are under investigation for dishonesty and the final disposition of the completed investigation.
  - b. Have sustained departmental charges for either a violation of Rule of Conduct 1.15,A,5 or City of Columbus Work Rule #1.

## I. Expert Witness Status

1. Division personnel who are identified or called upon as an expert witness for a court case as a direct result of their duties and specialized training shall prepare a **curriculum vitae** (CV) and forward it to the prosecutor immediately upon notification of having expert witness status.
2. The CV shall document **both** training received by the employee and courtroom testimony in the subject matter that would make him or her an expert witness in a particular field. A sample/template CV is available on the Division's intranet under "Online Forms."

## J. Afternoon Court Hours

1. Personnel receiving a subpoena requiring a court appearance after 12:00 p.m. shall contact the appropriate **court** unit between 11:30 a.m. and 12:30 p.m. on the date of the scheduled court appearance for approval to attend court when:
  - a. The court appearance will not fall within their tour of duty for the day, and/or
  - b. Personnel are on duty during the hours of 11:30 a.m. and 12:30 p.m. on the date of the scheduled court appearance.
2. Personnel receiving a subpoena requiring a court appearance after 12:00 p.m. that will fall within their tour of duty for the day, but **who** are not on duty during the hours of 11:30 a.m. and 12:30 p.m., on the date of the scheduled court appearance shall:
  - a. Contact the appropriate **court** unit for approval to attend court upon reporting for duty, or
  - b. Report to court and notify their immediate supervisor, or
  - c. Voluntarily call the appropriate **court** unit between 11:30 a.m. and 12:30 p.m. for approval to attend court with the knowledge that no payment shall be made for the call-in.
3. Personnel receiving a subpoena for afternoon Domestic Relations (Juvenile) Court for a traffic case shall appear. No call-in or supervisor approval is required.
4. Personnel who would not be able to attend court if needed, due to a justifiable reason, shall make proper notifications prior to the call-in times. Personnel shall not be paid for a call-in if they are needed at court and are unable to attend.
5. Personnel needed in the Prosecutor's Office prior to the subpoena time shall properly submit an overtime request.
6. Personnel who have a case in trial for more than one day and have their appearance cancelled the first day of that trial shall call in between 11:30 a.m. and 12:30 p.m. each day until they are advised to appear or advised that they are not needed at the trial. Personnel advised by a prosecutor to show up prior to 11:30 a.m. shall notify the appropriate **court unit**.

### III. Procedures

#### A. Clocking In and Out of Court

##### 1. Court Appearances Within Franklin County

###### a. Division Personnel

- (1) If the court appearance is during off-duty hours, or if personnel are marked off on leave or sick time, complete a court timecard and clock in at the appropriate court reporting station.
- (2) Clock out at the appropriate court reporting station at the conclusion of the appearance and place the **court** timecard in the box provided.
- (3) For all appearances in the Franklin County Municipal, Common Pleas, or Domestic Relations (Juvenile) Court, sign the witness log whether on or off duty.
- (4) For Federal Court, follow the current procedure for collecting witness fees and submit the witness fees to the Business Office **Unit**. Check with a Federal Court bailiff for the current procedure.

###### b. Court Liaison Section

- (1) Make court timecards available to Division personnel having a valid subpoena.
- (2) Collect witness fee warrants and submit them to the Business Office **Unit**.

##### 2. Court Appearances in Counties not Adjacent to Franklin County

###### a. Division Personnel

Forward a letter **that** includes the case number and defendant's name to your bureau commander/manager prior to the court date.

###### b. Bureau Commander/Manager

Approve the overtime and cause any necessary travel or timekeeping arrangements to be made.

##### 3. Court Appearances in All Other Courts

###### a. Division Personnel

- (1) Contact the **appropriate** court **unit** to log in and out of court.
- (2) Comply with the instructions of the involved Clerk of Courts.

**(a) For Delaware County Municipal subpoenas, call the automated number listed on the subpoena the day before the case to confirm whether it is set for trial.**

**i) If set for trial, report to court as ordered.**

**ii) If the case has been called off, notify the Municipal Court Unit and request a call-in court timecard.**

**(b) For Delaware County Criminal subpoenas (Common Pleas Court), report as ordered and notify the Common Pleas Court Unit in order to clock in and out.**

(3) Collect all witness fees and submit them to the Business Office **Unit**.

(a) If a voucher is issued, cash it in the same county in which it is issued and forward all monies due.

(b) If a check is issued, endorse it before forwarding.

b. **Appropriate Court Unit Personnel**

(1) Complete a court overtime card for the involved personnel.

(2) Clock the attending personnel in and out.

B. Deposition Hearings

1. Division Personnel

a. Notify your immediate supervisor. When possible, notify prior to the deposition.

b. Notify the Legal Advisor's Office.

c. As applicable, properly submit an overtime request.

d. Collect witness fees and submit them to the Business Office **Unit**.

C. Domestic Relations (Juvenile) Court Resulting From an Official Duty

1. Division Personnel

a. **A**ppear in court unless otherwise instructed.

D. Personnel Justifiably Unable to Respond to a Subpoena

1. As soon as possible and prior to the subpoena time, notify the following as appropriate:

a. Municipal Court

Contact the Court Liaison Section or the Municipal Prosecutor's Office.

b. Common Pleas Court, Domestic Relations Court (Juvenile), or Grand Jury Hearing

**(1)** Contact the respective **court unit**, the prosecutor listed on the subpoena, or the County Prosecutor's Office.

c. Federal Court

**(1)** Contact the listed counsel of record as indicated on the lower right corner of the subpoena.

2. If unable to contact any of the above, notify your immediate supervisor.