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| Court Appearances | | |



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 and Grand Jury: 345 South High Street, Room 2005
 2. Franklin County Municipal Court and Domestic Relations (Juvenile) Court: 375 South High Street, 18th Floor
 3. Property Control Unit (PCU) for personnel picking up or returning property for a court appearance: 724 East Woodrow Avenue
 4. Federal Court: Contact the Court Liaison Section
 5. 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 re-filing **of** overtime if a Court Overtime Card, form A-31.115, is lost or to validate overtime if requested by a supervisor.
- C. Availability in the Courtroom
 1. **Division** 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. **Division** 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. **Division** personnel attending court during their tour of duty shall not clock in and out of court.
 2. **Division** personnel shall legibly, accurately, and completely document court overtime on a Court Overtime Card and indicate whether they wish to receive overtime pay or compensation time for their appearance. **Division** personnel shall leave the card in the card rack while attending court.

3. **Division** personnel shall advise their immediate supervisor if a court appearance is during duty hours or is likely to interfere with their scheduled duty.
 4. **Division** personnel shall complete their own Court Overtime Card.
 5. **Division** personnel shall not clock other personnel in or out of court.
 6. **Division** personnel with multiple cases set for the same day:
 - a. Shall list all the cases on the same Court Overtime Card if possible and shall staple all cards together if more than one card is needed.
 - b. Shall not clock in on a second Court Overtime Card 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 **Overtime** Pay
1. Court overtime shall only be paid to **Division** personnel responding to a subpoena issued by a proper authority **in accordance with the applicable collective bargaining agreement**.
 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. **Division** personnel attending court in a personal/private capacity shall not be entitled to court overtime.
 4. **Sworn** 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. **Court** 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. **Division** 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. **Division** 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, 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. **Division** 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 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 ***in the electronic document management system.***
 3. ***Crime Laboratory personnel identified or called upon to provide expert witness testimony as a direct result of their duties shall coordinate with the appropriate prosecutor to arrange pre-trial and court arrival times.***
- J. Afternoon Court Hours
 1. ***Sworn*** personnel receiving a subpoena requiring a court appearance after 12:00 p.m. shall ***call the Court Liaison Section's pre-recorded telephone line at (614) 724-4647*** 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. ***Sworn*** 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. ***Sworn*** 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. ***Call the Court Liaison Section's pre-recorded telephone line*** for approval to attend court upon reporting for duty; or
 - b. Report to court and notify their immediate supervisor; or
 - c. Voluntarily call the ***Court Liaison Section's pre-recorded telephone line*** 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. ***Sworn personnel whose names and cases are listed on the Court Liaison Section's pre-recorded telephone line shall report for court as ordered. Sworn personnel whose names and cases***

are not listed may disregard their subpoena for that day unless instructed otherwise by the prosecution.

- a. **If applicable, sworn personnel shall submit a court call-in overtime request in the electronic timekeeping system upon returning to duty or notify a supervisor to do so, but no later than the close of the reporting cycle for the pay period.**

Note: Supervisors may reference the daily call-in sheet available in the “Court Liaison Subpoena Logsheets” folder on the “J:” network drive when reviewing and approving overtime requests.

- b. **Sworn personnel should contact the appropriate court unit if the pre-recorded telephone line is unavailable or when in need of additional assistance.**
4. **Sworn** personnel receiving a subpoena for afternoon Domestic Relations (Juvenile) Court for a traffic case shall appear. No call-in or supervisor approval is required.
5. **Civilian personnel receiving a subpoena requiring an afternoon court appearance shall contact the appropriate court unit for assistance.**
6. **Division** personnel who **are** not able to attend court if needed, due to a justifiable reason, shall make proper notifications prior to the call-in times. **Division** personnel shall not be paid for a call-in if they are needed at court and are unable to attend.
7. **Division** personnel needed in the Prosecutor’s Office prior to the subpoena time shall properly submit an overtime request.
8. **Division** 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. **Division** 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 Overtime Card **if applicable** 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 Overtime Card **if applicable** 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. Check with a Federal Court bailiff for the current procedure.

b. Sworn Personnel

- (1) If applicable, submit a court call-in overtime request in the electronic timekeeping system.**
- (2) Select the appropriate overtime criteria based on your duty status.**
- (3) Document the respective judge, courtroom, defendant, case number, and actual call-in time in the “Notes” section of the request.**
- (4) Refer to the instructional materials available in the “Court Liaison Subpoena Logsheets” folder on the “J:” network drive as needed.**

c. Appropriate Court Liaison Section Personnel

- (1) Make the Court Overtime Card available to Division personnel having a valid subpoena.
 - (2) Collect witness fee warrants and submit them to the Business Office.
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 and Common Pleas Court subpoenas, call the automated number listed on the subpoena after 5:00 p.m. 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 Court Liaison Section and request a call-in Court Overtime Card (if applicable).

- (3) Collect all witness fees and submit them to the Business Office.
 - (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 Liaison Personnel

- (1) Complete a Court Overtime Card for the involved personnel.
- (2) Clock the attending personnel in and out.

B. **Division Personnel Attending** Deposition Hearings

1. Notify your immediate supervisor. When possible, notify prior to the deposition.
2. Notify the Legal Advisor's Office by email as soon as possible. Forward a letter of information as soon as practical.
3. As applicable, properly submit an overtime request.
4. Collect witness fees and submit them to the Business Office.

C. **Division Personnel Responding to** Domestic Relations (Juvenile) Court **Subpoenas** Resulting From an Official Duty
Appear in court unless otherwise instructed.

D. **Division 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
 - (1) Contact the Court Liaison Section or the Municipal Prosecutor's Office.
 - (2) Forward a copy of the subpoena to the Court Liaison Section.
 - (a) If an email subpoena, forward it to courtliasion@columbuspolice.org with the reason you are unable to respond.
 - (b) If a printed subpoena, write the reason you are unable to respond and email a scanned copy to courtliasion@columbuspolice.org or fax it to (614) 645-4820.
 - 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.
 - (2) Forward a copy of the subpoena to the Court Liaison Section. Write the reason you are unable to respond and email a scanned copy to commonpleas@columbuspolice.org or fax it to (614) 645-0111.
 - c. Federal Court
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.