

Columbus Police Division Directive	EFFECTIVE	NUMBER
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Court Appearances		



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I. Introduction

- A. Common Pleas, Juvenile, and Municipal Court Liaison Offices are open from 7:00 am - 3:00 pm. A message can be left on the answering machine during non-business hours.
- B. Court Reporting Stations
 1. Common Pleas Court, Grand Jury, Franklin County Municipal Court, and Juvenile Court - 375 South High Street, Third Floor
 2. Police Property Room, for personnel picking up or returning property for a court appearance - 1250 Fairwood Avenue
 3. Federal Court - Patrol Administrative Office

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 a period of sixty days after a legal proceeding to allow for refile for overtime if a time card is lost or to validate overtime if requested by a police supervisor.
- C. Availability in the Court Room
 1. Personnel shall remain in or close by the courtroom to which they are subpoenaed.
 2. If, due to non-court related business, it becomes necessary to leave the floor on which the courtroom is located, personnel shall first notify the Court Liaison office.
- 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 time card 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 scheduled duty.

4. Personnel shall complete their own time card.
 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 time card if possible and shall staple all cards together if more than one card is needed.
 - b. Shall not clock in on a second time card unless there are more than three hours between subpoena times and the first case has concluded prior to the second case subpoena time.
- E. Court Pay

1. **Personnel attending court in a private capacity shall not be entitled to court overtime.**
2. Division personnel shall not attend court in paid status for appearances as defendants in any legal proceeding 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 except when clocking in at the Property Room 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. The following **policies** do not apply to personnel involved in a private capacity.
2. Personnel attending court other than as a defendant shall attend court in the uniform of the day.
 - a. Sworn personnel in a uniform assignment and uniformed civilian personnel shall wear their uniform even if they would otherwise be off duty.
 - b. 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.**
 - (1) Personnel attending court while marked (1) on restricted duty or marked off sick/injured shall advise the prosecutor of any medical restrictions.
3. Personnel attending court as a defendant shall not attend in uniform unless prior approval is obtained from the Chief of Police.

G. Reporting Arrests or Court Actions

1. 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.
 - a. Division personnel who are subject to arrest, court action, or court appearance, except divorce and/or child custody proceedings. However, notification shall be made 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 criminal temporary protection orders or any court orders related to domestic violence. Forward copies of the orders along with the written notifications.
 - d. 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.
2. Division personnel shall forward, or fax, a copy of the notification to the Division's Legal Advisor.

H. Afternoon Court Hours

1. ***Personnel receiving a subpoena for afternoon Juvenile Court for a traffic case shall appear. No call-in or supervisor approval is required.***
2. Personnel receiving a subpoena requiring a court appearance after 12:00 noon shall contact the appropriate liaison unit between 11:30 am - 12:30 pm on the date of the scheduled court appearance for approval to attend court ***when:***
 - a. ***The court appearance will not fall within his or her tour of duty for the day, and/or***
 - b. ***Personnel are on duty during the hours of 11:30 am - 12:30 pm on the date of the scheduled court appearance.***

3. ***Personnel receiving a subpoena requiring a court appearance after 12:00 noon that will fall within his or her tour of duty for the day but are not on-duty during the hours of 11:30 am - 12:30 pm, on the date of the scheduled court appearance, shall either:***
 - a. ***Contact the appropriate liaison unit for approval to attend court upon reporting for duty, or***
 - b. ***Report to court with immediate supervisor's approval, or***
 - c. ***Voluntarily call the appropriate liaison unit between 11:30 am - 12:30 pm for approval to attend court with the knowledge that no payment shall be made for the call-in.***
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 submit an overtime slip through their chain of command.
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 am - 12:30 pm each day until they are advised to appear or advised that they are not needed at the trial.

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 time card 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 time card 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 turn the witness fees in to the Business Office. Check with a Federal Court bailiff for the current procedure.

b. Court Liaison Section

- (1) Make court time cards 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 which includes the case number and defendant's name to your bureau commander prior to the court date.

b. Bureau Commander

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 Court Liaison office to log in and out of court.

(2) Comply with the instructions of the involved Clerk of Courts.

(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. Court Liaison Officer

(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, complete a Sworn Personnel Premium Pay Slip, form A-31.116B, or an Overtime Slip, form A-31.116, and submit it through your chain of command.

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

C. Domestic Relations Court Resulting From an Official Duty

1. The following procedures do not apply to personnel involved in a private capacity.

2. Division Personnel

a. Forward a copy of the subpoena and a brief note indicating your role in the case to the Legal Advisor's Office.

b. Forward a copy of the subpoena and a brief note indicating your role in the case through your chain of command.

c. Involved personnel shall appear in court unless otherwise instructed.

D. Personnel Justifiably Unable to Respond to a Subpoena

1. As soon as possible, 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

Contact the respective Court Liaison Unit, the Prosecutor listed on the subpoena, or the County Prosecutor's Office.

c. Federal Court

Contact the listed counsel of record, indicated on the lower right corner of the subpoena.

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