



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 311 – Court Appearances*

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### **.01 INTRODUCTION**

- A. This procedure establishes departmental policy regarding members' court and pre-trial conference attendance.
- B. This procedure also provides guidelines for the stand-by process, compensation for attending court, dress code requirements, and court absences.

### **.02 ATTENDANCE REQUIREMENTS**

- A. Courts in this agency's jurisdiction utilize officers' written reports, sworn affidavits, or complaints at preliminary court proceedings and arraignments in lieu of an officer's presence.
- B. If members are needed to attend court (including a teleconference or video conference when applicable), preliminary court proceedings, or pre-trial conferences, they are subpoenaed or notified by the Court Liaison Detail by computer-generated notice or telephone.
- C. Members subpoenaed or notified by the Court Liaison Detail to attend court or a pre-trial conference held in the Bexar County Courthouse or Justice Center shall check in with the Court Liaison Detail before reporting to court or a pre-trial conference.
  - 1. Members attending all other courts sign in with the Court Clerk.
  - 2. Officers verify attendance in a court or pre-trial conference by submitting a completed court attendance card signed by Court Liaison Detail personnel. The Court Liaison Detail personnel shall write on the court attendance card the date and time the officer attended the court or pre-trial conference, and the date and time the officer was dismissed. If the officer received a subpoena or other notice to appear, the subpoena or notice shall be attached to the court attendance card or overtime card.
  - 3. If an officer attends a court (including a teleconference or video conference when applicable), a hearing, or a pre-trial conference at a location other than the Bexar County Courthouse, the Bexar County Justice Center, the City's Municipal Court, the officer shall attach the notice to appear to the overtime card. The notice to appear will contain:
    - a. The name of the court or hearing attended;
    - b. The dates and times the officer appeared;
    - c. The reason for the officer's attendance in the court or hearing; and
    - d. The name and phone number of a contact person from the court or hearing who can verify the officer's attendance.
- D. Off-duty members dismissed by a county or district court or after completing a pre-trial conference shall also check out with the Court Liaison Detail. This is not necessary for a teleconference or video conference.



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- E. If a member is needed to testify in a proceeding, they are notified by Court Liaison Detail personnel their attendance is necessary. Members shall fully cooperate with the directions of the Court Liaison Detail.
- F. When a member is required to attend two different courts simultaneously, they attend the higher court and notifies the lower court and/or Court Liaison Detail of their whereabouts. When a member is required to attend a court and a pre-trial conference simultaneously, they attend court and notifies the Court Liaison Detail so the pre-trial conference can be rescheduled.
- G. Members do not testify in a civil proceeding unless properly subpoenaed by either the plaintiff or the defendant in the case. Immediately upon receiving a civil subpoena, members shall notify their chain of command and contact the Legal Advisor's Office to see if an attorney needs to review the civil case.
- H. Members subpoenaed or requested to testify on behalf of the defense in a criminal case, where their testimony is NOT the result of the officer having taken official law enforcement action pertaining to the proceeding, shall immediately notify the Chief's Office.

### **.03 COURT LIAISON DETAIL**

- A. The Court Liaison Detail is located on the 4<sup>th</sup> floor, Room #457, of the Bexar County Criminal Justice Center. It is staffed by members of the San Antonio Police Department.
- B. The Court Liaison Detail is open from 0745 to 1630 hours, Monday through Friday.
- C. The Court Liaison Detail supplies officers with court attendance cards and information regarding a case's status, progress, or disposition in their respective court. Officers should contact the Court Liaison Detail at (210) 335-2108 with any court-related questions or problems.

### **.04 SUBPOENA PROCESS - DISTRICT and COUNTY COURTS**

- A. Most subpoenas for members are issued by District and Bexar County Courts are received in the Court Liaison Detail, where they are directed to the respective member's unit of assignment.
- B. All units maintain a subpoena log, which members check upon reporting for duty to determine if they have any subpoenas. Members shall accept and sign for their subpoenas in the subpoena log and make the necessary return immediately upon receipt of a subpoena.
- C. Subpoenas issued less than six (6) days before the court date may be delivered by Bexar County deputy sheriffs, Bexar County District Attorney's Office investigators, or Court Liaison Detail personnel. Members shall cooperate with the deputies, investigators, and Court Liaison Detail personnel serving subpoenas for the District and County Courts.
- D. When a subpoena is issued for a date on which a member will be on vacation, the subpoena is immediately returned to the Court Liaison Office with notification that the member is on vacation, with the beginning and ending dates of vacation.
- E. Once a member has received a subpoena, they shall not schedule any leave for the date and time of the stand-by period. If Court Liaison personnel or a judge verbally contacts a member and places them on stand-by or advises them they are to appear in a court on a specific date and time, the member may not schedule leave for the specified date and time. A supervisor reviews the subpoena log before authorizing leave for members to ensure the member has no subpoenas during the period of the requested leave.

### **.05 NOTIFICATION PROCESS - BY COURT LIAISON DETAIL**



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- A. The District Attorney's Office or a judge may notify the Court Liaison Detail when a member is needed to testify in court or attend a pre-trial conference. This notification may or may not be associated with a prior issued subpoena.
- B. When the District Attorney's Office or a judge notify the Court Liaison Detail that a member is needed in court or at a pre-trial conference, the Court Liaison Detail will notify the member by telephone or computer-generated notice. When members receive this notification, they will obey it in the same manner as they would a subpoena.
- C. Computer-generated notices are sent to the members' city email addresses for notification. Members are expected to review their City email per General Manual Rules & Regulations.
- D. Members shall promptly confirm receipt of the computer-generated notice with the Court Liaison Detail and provide their status for attending. Confirmation of receipt of the computer-generated notices may be made after regular business hours by leaving a message on the Court Liaison Detail voicemail at (210) 335-2108 or by replying to the email sent to the member from the Court Liaison Detail.
- E. Once a member has received notification from the Court Liaison Detail that they are needed in court or at a pre-trial conference, they shall not schedule any leave which will conflict with the court or pre-trial conference. A supervisor inquires if any subpoenas will conflict before authorizing leave for a member to ensure the member has no notifications for the period of the requested leave.

### **.06 DISTRICT and COUNTY COURT STAND-BY PROCEDURES**

- A. Officers may be placed on stand-by only through a subpoena issued by the State, an order from a judge, notification from the District Attorney's Office, or notification from the Court Liaison Detail.
  - 1. When a judge places an officer on stand-by, the officer shall contact the Court Liaison Detail so the stand-by can be recorded, the stand-by hours verified, and the stand-by coordinated.
  - 2. When a prosecutor or defense attorney attempts to place a member on stand-by, the member shall notify the Court Liaison Detail and refer the prosecutor or defense attorney to do the same.
- B. Members receiving criminal subpoenas for district or county courts are automatically placed on stand-by unless the subpoena or notice is stamped or states "No Stand-by" or the criminal subpoena is issued for the defense. If a member receives a reset notice, this only advises the member that the case is being reset. A reset notice is not a subpoena and does not require the member to be on standby.
- C. The standby hours for all district and county courts are either 1000 to 1100 hours or 1330 to 1430 hours, unless otherwise stated on the subpoena or when notified by the Court Liaison Detail.
  - 1. If the member will be on duty when the stand-by is scheduled, they list the proper telephone number where they may be reached on the "return."
  - 2. If the member will be off-duty when the stand-by is scheduled, they shall be available by telephone. Recording devices (voicemail, etc.) are prohibited during the stand-by hour.

### **.07 SUBPOENA PROCESS - MUNICIPAL COURTS**

- A. Subpoenas for members issued by the Municipal Court are received by the respective member's unit of assignment.



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- B. All units maintain a subpoena log, which members check upon reporting for duty to determine if they have any subpoenas. Members shall accept and sign for their subpoenas in the subpoena logbook and make the necessary return immediately upon receipt of a subpoena.
- C. When a subpoena is issued for a date on which a member will be on vacation or approved training, it is immediately returned to Municipal Court. Before returning the subpoena, the bottom is completed by the member and signed by the member's supervisor.
- D. Once a member has received a subpoena, they shall not schedule any leave for the date and time of the scheduled court appearance. A supervisor reviews the subpoena log prior to authorizing leave for a member to ensure the member has no subpoenas during the period of the requested leave.
- E. Officers who sign the bottom of a Traffic subpoena, stating they to recall the details of the citation the officer issued to the violator, will not appear in court or submit overtime for their court appearance.

### **.08 FAILURE TO APPEAR IN COURT**

- A. Officers failing to appear in court or who are tardy will submit a report covering their absence or tardiness to their immediate supervisor and the current Court Liaison supervisor.
- B. The Court Liaison Supervisor determines whether the absence or tardiness is chargeable or non-chargeable against the officer. Should the Court Liaison Supervisor rule that the absence or tardiness is chargeable, the Court Liaison Supervisor will generate a Blue Team report and forward it through the officer's chain of command according to the following guidelines:
  - 1. Officers responsible for a chargeable court absence will receive a written counseling and shall forfeit four (4) hours of accrued vacation, holiday, or bonus day leave for the first violation, receive a written reprimand and shall forfeit eight (8) hours for the second violation, and eight (8) hours with other disciplinary action for any subsequent infraction in any six (6) month period beginning from January 1 to June 30 and from July 1 to December 31 of each year. Officers charged with missing two or more court settings on the same day are penalized a maximum of eight (8) hours of vacation, holiday, or bonus day leave.
  - 2. Officers responsible for a chargeable court tardiness will receive a written counseling and shall forfeit two (2) hours of accrued vacation, holiday, or bonus day leave for the first tardiness, receive a written reprimand and shall forfeit four (4) hours for the second tardiness, and eight (8) hours with other disciplinary action for any subsequent tardiness in any six (6) month period beginning from January 1 to June 30 and from July 1 to December 31 of each year.
- C. With regard to any action other than suspension, the officer's Division Commander shall ensure proper implementation of the member's disposition.
- D. Officers forfeiting vacation, holiday, or bonus day leave to satisfy the penalty imposed for missing court or being tardy for court are not permitted to take any vacation, holiday, or bonus day leave until the officer submits the forfeiture of accumulated leave to satisfy the penalty requirement imposed on the officer.
- E. Civilian members failing to appear in court or who are tardy to court submit a report covering their absence or tardiness to their immediate supervisor. Supervisors forward a copy of the report to their division commander through their chain of command for possible disciplinary action.



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### **.09 SUBPOENAS ISSUED OUTSIDE OF BEXAR COUNTY**

- A. A member who receives a subpoena from an agency outside Bexar County shall immediately notify their immediate supervisor of the subpoena in a report.
- B. Members scheduled to be on duty during the time of the out-of-county court date are placed on administrative leave.
- C. Members not scheduled to be on duty during the out-of-county court date are responsible for contacting the agency that issued the subpoena and securing the necessary travel arrangements and compensation for responding to the subpoena.

### **.10 COMPENSATION FOR OFF-DUTY COURT APPEARANCE**

- A. Officers on off-duty status who attend court (including a teleconference or video conference), pre-trial conferences, or who are placed on stand-by for court are entitled to receive compensation as enumerated in the current Collective Bargaining Agreement Between the City of San Antonio, Texas and the San Antonio Police Officers' Association, please see Article 18 Section 1.
- B. Off-duty officers subpoenaed to testify in Federal Court or a jurisdiction outside of Bexar County (including a teleconference or video conference), as a result of the officer's employment as a San Antonio police officer or as a result of the officer having taken some official law enforcement action pertaining to the proceeding apply for compensation or reimbursement from the jurisdiction in which they testify, in the event compensation is available. Any compensation received may be:
  - 1. Retained by the officer; or
  - 2. Surrendered to the Chief's Office or the Accounting and Personnel Office in return for overtime or compensatory time at a rate specified by the current Collective Bargaining Agreement between the City of San Antonio and the San Antonio Police Officers' Association.
- C. An officer who refuses or neglects to apply for compensation from the Federal Court, or from an out-of-town jurisdiction which secured his attendance, provided compensation from the jurisdiction is available, receives no overtime or compensatory time from the San Antonio Police Department.
- D. Officers receive compensation for off-duty appearances (including teleconference and video conference) at Civil Service Commission or Arbitration Hearings as follows.
  - 1. When the City subpoenas the officer, they are compensated according to the compensation for attendance in those courts outlined by the current Collective Bargaining Agreement between the City of San Antonio and the San Antonio Police Officers' Association; and
  - 2. When the respondent subpoenas the officer, they are granted compensatory time at the rate of one (1) hour per hour required to satisfy the subpoena to a maximum of three (3) hours.
- E. An officer who testifies or gives a deposition in a civil proceeding does not receive compensation from the Department, unless the appearance results from the officer having taken some official law enforcement action pertaining to the proceedings. If the appearance is the result of an official law enforcement action, the officer receives the same compensation he would receive for any other court appearance, provided the officer submits verification of his attendance and any compensation he received for his attendance.
- F. When an officer is subpoenaed to more than one (1) court on the same day, only one (1) subpoena is honored for compensation. (Exceptions are appearances in one (1) court in the morning and the other court in the afternoon).



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- G. An officer required to stay in court beyond three (3) hours is compensated for the actual time spent in court.<sup>4</sup>
- H. An off-duty officer who attends court or a pre-trial conference in the morning and is dismissed before three (3) hours has elapsed and is ordered to return after lunch receives the three (3) hour minimum or the actual time spent in court (whichever is greater) for the morning and afternoon appearances combined.
- I. To receive compensation, an officer submits verification of attendance in a court or hearing as outlined in Section .02 C2 and 3 of this procedure.
- J. For an officer to receive the proper compensation for their off-duty stand-by status for court, they attach the subpoena, or the written notification received from the Court Liaison Detail to the court attendance card and forwards it through their normal chain of command.
- K. When an officer on off-duty stand-by status is called to appear, they receive stand-by compensation in addition to the regular court appearance compensation if their appearance is after the regular stand-by hours.
- L. Civilian members receive compensation according to City administrative directives and Department policies and procedures.

### **.11 MEMBER'S TESTIMONY**

- A. When a member testifies in a court proceeding, they should remember their task in this capacity is to act as a reporter of facts. The member testifies with honesty and accuracy regardless of what effect it may have on the ultimate disposition of the case.
- B. A member carefully reviews the facts of the case before testifying in court. They study their notes and memoranda ahead of time so when they are on the witness stand, they do not have to refer to them unless necessary. The member takes their notes concerning the case to court with them.
- C. A member testifying at any criminal judicial proceeding avoids displaying notebooks, reports, or other documentary evidence, unless directed by the District Attorney, their assistants, or the judge. If displayed, the defense counsel is able to examine the entire document and possibly compromise information on other investigations.
- D. Once a court has dismissed a member, the member promptly leaves the courtroom so as not to disturb the court proceedings. If on duty, the member immediately returns to service.

### **.12 COURT DRESS CODES**

- A. Members attending court or hearings (including a teleconference or video conference when applicable) for judicial proceedings or civil proceedings where their testimony is the result of the member having taken some official law enforcement action pertaining to the proceeding shall appear in a regulation uniform, assigned duty uniform or appropriate business/relaxed apparel, in accordance with GM Procedure 310, *Uniforms and Dress Codes*.
- B. Officers in undercover assignments need not shave their beards or cut their hair, but shall conform to other personal grooming requirements.
- C. Members shall NOT wear the regulation uniform or any other authorized uniform in any proceedings to which they are subpoenaed or requested to testify on behalf of the defense in a criminal case; against the City of San Antonio, Texas, in a civil case; or against the interest of the Department in any civil service hearing, arbitration, or administrative hearing.



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- D. Members attending court or hearings (including a teleconference or video conference when applicable) for judicial proceedings or civil proceedings where their testimony is NOT the result of the officer having taken some official law enforcement action pertaining to the proceeding shall NOT wear the regulation uniform or any other authorized uniform, unless the officer is subpoenaed by the State of Texas, the City of San Antonio, or the San Antonio Police Department.
- E. Members subject to Mandatory Reassignment shall comply with Procedure 908, *Mandatory Reassignment*.

### **.13 JURY DUTY**

- A. Members receiving notices to report for jury duty shall report in proper civilian attire on the date indicated on the official jury duty notice.
- B. Prior to the date the member is to report for jury duty, the member provides their supervisor with a copy of the official notice of jury duty.
- C. Members serving on jury duty are listed on “Administrative Leave” (AD) on the unit pay sheet for the date(s) of their jury duty, excluding relief days. Members on administrative leave are not required to report for regular duty either before the start of their jury duty or after being released from jury duty for the day.
- D. Members who have a regular tour of duty starting after 1700 hours on the date immediately prior to the date they are to report for jury duty may be relieved from regular duty early to return home to rest before reporting for jury duty. This subsection also covers members who report for jury duty on a relief day.
- E. Members selected to serve on a jury whose duration is more than one (1) day, excluding relief days, must contact their supervisor each day to advise them that they are still on jury duty.
- F. Upon completion of jury duty and the return to regular duty, members shall submit a COSA *Notice of Leave* Form for all administrative leave used for jury duty. The Jury Duty Certification Card is attached to the form.
- G. Any compensation received for jury duty while an officer is on administrative leave is turned over to the Accounting and Personnel Office. The member retains any compensation received for jury duty on a member’s relief day.