



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## *Procedure 311 – Court Appearances*

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### **.01 INTRODUCTION**

- A. This procedure establishes departmental policy regarding court and pre-trial conference attendance by members.
- B. This procedure also provides guidelines for the stand-by process, compensation for attending court, dress code requirements, and for 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, preliminary court proceedings, or pre-trial conferences, they are subpoenaed or notified by the Court Liaison Detail by computer-generated notice, fax 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 prior to reporting to court or a pre-trial conference.
  - 1. Members attending all other courts sign in with the Court Bailiff.
  - 2. Officers provide verification of 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, a hearing, or a pre-trial conference at a location other than the Bexar County Courthouse, the Bexar County Justice Center, or the City’s Municipal Court, the officer shall write a report and attach it to the overtime card along with the notice to appear indicating:
    - a. The name of the court or hearing attended;
    - b. The dates and times the officer appeared;
    - c. The reason for the officers 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.
- E. If a member is needed to testify in a proceeding, he is notified by Court Liaison Detail personnel his attendance is necessary. Members shall fully cooperate with the directions of the Court Liaison Detail.



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- F. When a member is required to attend two different courts at the same time, he attends the higher court and notifies the lower court and/or Court Liaison Detail of his whereabouts. When a member is required to attend a court and a pre-trial conference at the same time, he attends 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 they are 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.

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

- A. The Court Liaison Detail, located in the Bexar County Criminal Justice Center, is manned by members of the San Antonio Police Department.
- B. The Court Liaison Detail is open from 0745 hours to 1630 hours, Monday through Friday.
- C. The Court Liaison Detail supplies officers with court attendance cards and information regarding the status, progress, or disposition of a case in their respective court. Officers should contact the Court Liaison Detail whenever any court-related question or problem arises.

### **.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 prior to 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 the member is on vacation, with the beginning and ending dates of vacation.
- E. Once a member has received a subpoena, he shall not schedule any type of 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 prior to 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**

- 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 Court Liaison Detail is notified by the District Attorney's Office or a judge that a member is needed in court or at a pre-trial conference, the Court Liaison Detail will notify the member by telephone, fax notice, or computer-generated notice. When members receive this notification, they will obey the notification in the same manner as they would a subpoena.



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- C. Computer generated or fax notices are sent to the member's unit of assignment to be logged in the unit subpoena log by a supervisory officer.
- D. Members shall confirm receipt of the computer-generated or fax notices with the Court Liaison Detail. Confirmation of receipt of the computer-generated or fax notices may be made after normal business hours by leaving a message on the Court Liaison Detail answering machine or by sending a Mobile Data Computer (MDC) message directed to "CCL."
- E. Once a member has received notification from the Court Liaison Detail that he is needed in court or at a pre-trial conference, he shall not schedule any type of leave which will conflict with the court or pre-trial conference. A supervisor reviews the subpoena log prior to 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 by 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 the case is being reset. A reset notice is not a subpoena and does not require the member to be on stand-by.
- C. The stand-by hour for all district and county courts is 1000 to 1100 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, he lists the proper telephone number of the Department and the extension where he may be reached on the "return."
  - 2. If the member will be off-duty when the stand-by is scheduled, he shall be available by the telephone. Recording devices (answering machines, voicemail, pagers, etc.) are not permitted during the stand-by hour.

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

- A. Subpoenas for members issued by Municipal Court are received by 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 book 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, the subpoena is immediately returned to Municipal Court. Before returning the subpoena, the back of the subpoena is completed by the member and signed by the member's supervisor.
- D. Once a member has received a subpoena, he shall not schedule any type of leave for the date and time of his 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.



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

- A. Officers failing to appear in court or who are tardy to court submit a written report covering their absence or tardiness to their immediate supervisor. Supervisors forward a copy of the report to the Office of the Chief of Police through their chain of command.
- B. The Office of the Chief of Police determines whether the absence or tardiness is chargeable or non-chargeable against the officer. Should the Office of the Chief of Police rule the absence or tardiness is chargeable; the officer shall forfeit accrued vacation, holiday, or bonus day leave time according to the following prescribed penalties.
  - 1. Officers responsible for a chargeable court absence shall forfeit four (4) hours of accrued vacation, holiday, or bonus day leave for the first violation, 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 shall forfeit two (2) hours of accrued vacation, holiday, or bonus day leave for the first tardiness, 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. 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.
- D. Civilian members failing to appear in court or who are tardy to court submit a written 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.

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

- A. A member who receives a subpoena from an agency outside Bexar County shall immediately notify his immediate supervisor and unit director of the subpoena in a written 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 time of the out-of-county court date are responsible for contacting the agency who issued the subpoena and securing the necessary travel arrangements, as well as compensation, for responding to the subpoena.

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

- A. Officers attending court or hearings for judicial proceedings where their testimony is the result of the officer having taken some official law enforcement action pertaining to the proceeding receive compensation for off-duty court appearances in the following:
  - 1. District Courts;
  - 2. County Courts-at-Law;
  - 2. Grand Juries;
  - 4. Justice of the Peace Courts;
  - 5. San Antonio Municipal Courts;



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6. Civil Service Commission or Arbitration Hearing;
  7. Texas Alcoholic Beverage Commission Hearings;
  8. Federal Courts;
  9. Administrative License Revocation Hearings;
  10. Pretrial Conferences.
- B. Officers on off-duty status who attend court, pre-trial conferences, or who are placed on stand-by for court are entitled to receive compensation as outlined in this section and as enumerated in the current Collective Bargaining Agreement By and Between the City of San Antonio, Texas and the San Antonio Police Officers' Association.
- C. Off-duty officers subpoenaed to testify in Federal Court or in a jurisdiction outside of Bexar County 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 contract between the City of San Antonio and the San Antonio Police Officers' Association.
- D. An officer who refuses or neglects to apply for compensation from 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.
- E. Officers receive compensation for off-duty appearances at Civil Service Commission or Arbitration Hearings as follows.
1. When the officer is subpoenaed by the City, he is compensated according to the compensation for attendance in those courts outlined in Subsection .10A of this procedure; and
  2. When the officer is subpoenaed by the respondent, he is granted compensatory time at the rate of one (1) hour per hour required to satisfy the subpoena to a maximum of three (3) hours.
- F. An officer who testifies or gives a deposition in a civil proceeding does not receive compensation from the Department, unless the appearance is the result of 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.
- G. 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).
- H. An officer required to stay in court beyond three (3) hours is compensated for the actual time spent in court.\
- I. An off-duty officer who attends court or a pre-trial conference in the morning and is dismissed before three (3) hours time 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.



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- J. 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.
- K. In order for an officer to receive the proper compensation for his off-duty stand-by status for court, he attaches the subpoena or the written notification received from the Court Liaison Detail to the court attendance card and forwards it through his normal chain of command.
- L. When an officer on off-duty stand-by status is called to appear, he receives stand-by compensation in addition to the regular court appearance compensation if his appearance is after the regular stand-by hours.
- M. 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 he should remember his task in this capacity is to act as a reporter of facts. The member testifies with honesty and accuracy regardless of what affect it may have on the ultimate disposition of the case.
- B. A member carefully reviews the facts of the case before testifying in court. He studies his notes and memoranda ahead of time so when he is on the witness stand he does not have to refer to them unless absolutely necessary. The member takes his notes concerning the case to court with him.
- C. A member testifying at any criminal judicial proceeding avoids displaying notebooks, reports, or other documentary evidence, unless directed to do so by the District Attorney, his 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 member has been dismissed by a court, 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 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 ~~in~~ 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.
- D. Members attending court or hearings 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*.



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### **.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 the unit/shift director 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 unit/shift director each day to advise them 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 pink slip.
- G. Any compensation received for jury duty while an officer is on administrative leave is turned into the Accounting and Personnel Office. Any compensation received for jury duty on a member’s relief day is retained by the member.