

COURT APPEARANCES BY MEMBERS

This order establishes policy for honoring subpoenas and outlines procedures for processing and serving subpoenas.

I. POLICY

A. RESPONSIBILITY TO HONOR SUBPOENAS. Members receiving subpoenas from competent authority are required to appear as directed.

- 1. VACATION/PERSONAL LEAVE. Members on vacation or personal leave must appear in court as directed, except when explicitly excused by the assistant district attorney handling the case or by the attorney issuing the subpoena.**
- 2. SICK OR DISABILITY LEAVES. Members on sick or disability leave must appear in court unless they are physically unable.**
- 3. SUSPENSIONS. Members who are suspended must appear in court when ordered.**
- 4. ON OR OFF DUTY. Members on or off duty shall also appear in court when ordered.**

B. DISCIPLINE POLICY. Commanding officers shall route information pertaining to instances of unexcused nonappearances to the Management Control Division which will maintain files to identify repeat offenders. (See SFPD Disciplinary Penalty & Referral Guidelines)

C. COMPENSATION. See DGO 11.01, Personnel Compensation.

D. COURT ATTIRE

- 1. MALE MEMBERS. Male members appearing in court or at the Youth Guidance Center (YGC) to testify shall be neat in appearance and conservatively dressed in a suit or sport coat and slacks, including shirt and tie. Jeans shall not be worn.**

2. **FEMALE MEMBERS.** Appropriate attire for female members shall consist of suits, including pantsuits, tailored dresses or any coordinated ensemble of coat, jacket, sweater, blouse, skirt or tailored slacks. Jeans shall not be worn.
3. **UNIFORMED MEMBERS.** A uniformed member on duty at the time of the court hearing shall appear in uniform. An off-duty officer may also be properly attired in his/her uniform when appearing in court.

II. PROCEDURES

A. SUBPOENA SERVICE

1. Subpoenas delivered to the Department should be routed through the Court Liaison Unit. The Court Liaison Unit will log the subpoenas in a master log by court date, forward them to the units for service, and check to assure they are being returned. Returned subpoenas will then be sent back to the issuing authority.
2. Subpoenas received directly at a unit shall be served and honored and a copy sent immediately to the Court Liaison Unit for entry in the master log.
3. When serving a subpoena on a member, ensure that the member initial it above his/her name on the original.

B. DESIGNATING A SUBPOENA OFFICER. The commanding officer of each unit charged with serving subpoenas shall designate one member as the subpoena officer to maintain records and serve subpoenas.

C. SERVING SUBPOENAS ON CIVILIANS/DUTIES OF THE SUBPOENA OFFICER

1. **UNIT SUBPOENA LOG.** Maintain a subpoena log in a loose-leaf, three-ring binder using SFPD 186, "Unit Subpoena Log." Complete the log according to the instructions on the form and organize it in the binder chronologically by court date.

2. **SERVICE.** When serving a subpoena by personal service, complete and sign the bottom portion of the original and include your title. Forward the served subpoena in an envelope addressed to the Court Liaison Unit at least two working days before the court date.
3. **EXTENSION.** If additional time is required to serve a subpoena (e.g., the witness will be available at a later date) it may be held; however, the District Attorney's Office must be notified. For Municipal Court subpoenas, notify the District Attorney's Subpoena Unit. For Superior Court subpoenas, notify the district attorney issuing the subpoena.
4. **SUBPOENAS SERVED BY INSPECTORS.** When possible, subpoenas that must be served by inspectors shall be served during on-duty hours. Subpoena service does not necessarily require the presence of two inspectors.

D. SUBPOENAS SERVED ON MEMBERS

1. **CHANGE OF DATE.** If a court date is changed by the assigned attorney, the member shall agree to the substitute date if possible. The attorney must then provide a new subpoena or amend the original.
2. **CANCELLATIONS.** It is important that members be notified as soon as possible when a court cancellation form is received at the member's work place. If a court date is canceled, the Court Liaison Unit will notify the member by sending a copy of the "Officer Court Cancellation" form to the member's unit.
 - a. When receiving a court cancellation form, the lieutenant shall direct it to the member and have him/her initial it and include the date and time of notification.
 - b. If a court cancellation form is received, but the member is off duty and will not return to duty prior to the court date, the lieutenant will attempt to notify the member at home. If the notification is made by telephone, the lieutenant will indicate on the cancellation form that the member was notified along with the date and time of notification. Notified officers will not receive compensation for attending canceled court cases.

3. **ERRORS.** If a member receives a subpoena indicating a court date on a Saturday, Sunday or a legal holiday, he/she shall contact the district attorney to clarify the matter. Court overtime claims cannot be submitted for times the courts are closed.
4. **MULTIPLE SUBPOENAS.** If a member receives subpoenas for the same date and time, but for different courts, the district attorney can make adjustments after the member signs the Court Sign-In Sheet. A member subpoenaed to court outside the Hall of Justice at the same date and time he/she is subpoenaed to a Hall of Justice courtroom should contact the attorneys indicated on the subpoenas as soon as the conflict is noticed.
5. **STANDBY SUBPOENAS**
 - a. **COURT SUBPOENAS.** A member receiving a court standby subpoena shall follow the instructions on the subpoena regarding the call-in times to determine whether his/her appearance is required. Members shall not phone for each other.
 - b. **EXTENDED STANDBY.** Members shall not agree to be on telephone standby for an extended period. Members must be subpoenaed for each date.
6. **YOUTH GUIDANCE CENTER HEARING REQUESTS**
 - a. **NOTICE.** Members are required to appear at juvenile hearings on short notice because of existing court decisions requiring a hearing to be held within 24 hours of a detainment request.
 - b. **REQUESTS.** The Youth Guidance Center (YGC) shall direct written or telephone requests for officers to the Juvenile Division Court Liaison Officer. Telephone requests made after 1600 hours shall be directed to the Operations Center.
 - c. **LOG.** The Juvenile Division Court Liaison Officer shall log the time the request is received and the time the member is notified. In those instances where an officer is required for a hearing with less than 24 hours notice, the Juvenile Division Court Liaison Officer shall notify YGC by telephone regarding the status.

7. **DEFENSE SUBPOENAS.** Members shall immediately notify their commanding officer by memorandum when subpoenaed or requested to appear:
- As a witness for the defense in any criminal proceeding.
 - In any proceeding before the Police Commission.
 - In any civil proceeding in which the City is a party.
 - In any proceeding of a criminal, quasi-criminal or administrative nature resulting from an investigation by the Department or in any other way involving the Department.
- a. The memorandum shall identify who subpoenaed or requested the member's appearance and include a brief statement of the testimony the member expects to provide. Commanding officers shall forward these memoranda through channels to the Legal Division, which shall ensure that proper notification is made.
- b. When the member's appearance will occur before the Legal Division has had a reasonable chance of receiving the memorandum and making the proper notification, the member shall telephone the Legal Division for notification and direction. In no event, either directly or indirectly, shall a member who follows this procedure be disciplined because of his/her appearance or testimony.
- E. SUBMITTING COMPENSATION REQUESTS.** With the exception of civil court appearances, all compensation requests (overtime cards) will be reviewed and certified by the Court Liaison Unit. After the compensation request is certified, it will be forwarded to the member's commanding officer for approval and submission on the unit overtime report. Commanding officers shall ensure that officers claiming court overtime were not on disability leave or sick leave on the date of the appearance.
1. **SIGN-IN LOG.** All members appearing in court at the Hall of Justice and submitting compensation requests must sign the log maintained at the Court Liaison Unit immediately prior to their appearance. Members shall not sign the log for another.

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2. **COMPENSATION REQUESTS.** The compensation request must be submitted with a copy of the subpoena after the member's appearance. Members shall include under "comments" on the compensation request whether they testified and the name of the assistant district attorney. If no subpoena was issued, the member must submit written certification from the assigned assistant district attorney that the appearance was made.
 3. **YGC.** Members appearing in court at the Youth Guidance Center shall submit a copy of the subpoena and compensation request to the Juvenile Division Liaison Officer in Room 321 at Y.G.C.
 4. **OTHER LOCATIONS.** A compensation request for a court standby or court appearance at a location other than the Hall of Justice or YGC shall be submitted directly to the member's commanding officer no later than the member's next scheduled work day. The commanding officer will route these requests to the Court Liaison Unit for notation and return before placing the compensation on the unit's overtime watch report. Documentation of the appearance shall accompany the compensation request.
- F. REQUESTS TO BE DETAILED TO COURT LIAISON.** Members who attend both full morning and afternoon sessions (not conferences with the Assistant District Attorney or other activities) may elect to be carried "detailed" to the Court Liaison Unit for their next scheduled tour of duty instead of requesting overtime if the following conditions exist:
- The member completed his/her previous tour of duty at or after 0200 hours on the date of the court attendance.
 - The member is scheduled to begin his/her next tour of duty no later than 2400 hours on the date of court attendance.
1. **CERTIFICATION.** A member electing to be carried detailed to the Court Liaison Unit shall have the assigned assistant district attorney certify that the member attended both full morning and afternoon sessions on the member's copy of the subpoena. The member shall then deliver it to the Court Liaison Unit or the Operations Center if the Court Liaison Unit is closed.

2. **NOTIFICATION.** The Court Liaison Unit or the Operations Center shall contact the member's commanding officer or the on-duty platoon commander for verification and authorization. If authorized, the member shall be carried "detailed" to the Court Liaison Unit on the unit's watch report. If the Operations Center processes the request, it shall forward the subpoena to the Court Liaison Unit no later than 0900 hours the next business day.
 3. **OTHER LOCATIONS.** If a member appears other than at the Hall of Justice, he/she shall have the assistant district attorney telephone the Court Liaison Unit, or, if appropriate, the Operations Center to certify that the member attended both morning and afternoon sessions. The Court Liaison Unit or the Operations Center shall follow the verification and authorization procedures above. The member must route the signed copy of the subpoena to the Court Liaison Unit upon return to duty.
- G. OFFICER SIGN-IN SHEET.** Members arriving at court for a preliminary hearing must immediately approach the assistant district attorney assigned the case, identify themselves, and sign the Officer Sign-In Sheet.
- H. VACATION, ILLNESS, DISABILITY EXEMPTIONS FROM COURT APPEARANCE**
1. **VACATION.** Members who wish to be excused from court because of authorized vacation leave must contact the assistant district attorney in charge of the case as soon as possible. The decision to excuse the member can only be made by the district attorney assigned the case. If excused, members must return the served subpoena through channels with an attached copy of the vacation leave authorization.
 2. **S.P./D.P.** If a member is too ill or disabled to appear, he/she must provide a doctor's certification and submit it to his/her commanding officer. The commanding officer must then notify the subpoena officer who shall contact and forward a copy of the subpoena along with the doctor's certification to the Court Liaison Unit.

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3. **CONTACTING MEMBERS ON SP/DP.** When a commanding officer receives a subpoena for a member on disability leave or extended sick leave, he/she shall inquire whether the member is medically able to attend court. If the member is able, the commanding officer shall ensure that the subpoena is served on the member. Service may be accomplished by telephoning the member at his/her residence and directing the member to appear at the date and time specified. Telephone notification must be noted on the copy and forwarded to the Court Liaison Unit. The member shall also be directed to appear at the unit before the date of the hearing to accept personal service.
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