


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date: December 27, 2022		APD.SOP.3160 Court Responsibilities
Applicable To: All Sworn Employees		Review Due: 2026
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1. PURPOSE

To develop a standardized process for receiving and distributing subpoenas and summons for employees' court appearances.

2. POLICY

It is the policy of the Atlanta Police Department that each police officer is responsible for submitting complete and accurate documents (reports, supplements, statements, warrants and any other documents needed), for the preservation of evidence, and for the proper judicial presentation of all cases made by the officer.

3. RESPONSIBILITIES

- 3.1 The Field Operations Division (FOD) Commander shall assign sworn employees in the FOD Administrative Office to staff the Court Liaison Office and the Court Appearance Office.
- 3.2 Section commanders shall document receipt of subpoenas and summons for court appearances for employees at worksites under their chain of command.
- 3.3 Section commanders shall initiate an investigation when employees under their chain of command fail to appear to a judicial hearing.
- 3.4 Supervisors shall ensure that officers under their command receive subpoenas and summons promptly.
- 3.5 All sworn APD personnel (regardless of their rank) are responsible for submitting complete and accurate documentation to the court (reports, supplements, statements, warrants etc.). All sworn personnel are responsible for the preservation of evidence and for the proper presentation of facts in judicial proceedings.



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- 3.6 The Court Liaison Office is responsible for receiving, documenting, and distributing all subpoenas and summons for employees, coordinating court appearance times, and notifying the courts of the same. The Court Liaison Office can be contacted at 404-906-0131.
- 3.7 The Court Appearance Office is responsible for monitoring compliance with court attendance procedures, receiving all failure to appear summons from the courts, distributing failure to appear summons to employees through their chain of command, and coordinating court appearance times. The Court Appearance Office can be contacted at 404-906-0132.
4. ACTION
- 4.1 Court Attendance
- 4.1.1 Officers must attend court as scheduled, except as provided below. If court appearances are in conflict, it is the officer's responsibility to contact the proper court officials to resolve the conflict.
- 4.1.2 All officers are responsible for scheduling court cases with the Fulton County District Attorney's Office and City of Atlanta Municipal Court and appearing at their designated time as indicated on their subpoena.
- 4.1.3 Officers must appear in court on all set cases and in cases where a subpoena or summons has been issued. In instances whereby officers are placed on an "on-call" status by the court, they must provide the court with a reliable contact number (i.e. cellular telephone and/or residential telephone) other than their worksite.
- 4.1.4 Upon arrival at court, officers must sign in; indicating their name, unique ID, assignment, courtroom number, arrival time and departure time.
- 4.1.5 Officers must remain in court until excused by the court. On-duty officers must promptly return to their assignment once excused from court.
- 4.1.6 Off-duty officers must complete Form APD 225 (Off-Duty Court Appearance Time) and submit it to their immediate supervisor, upon return to active duty, to receive compensatory time. Please see Section 4.8 Non-Attendance Procedures for further details.
- 4.1.7 Municipal Court
1. The officer shall book all cases at the time assigned. Officers in certain sections and units shall appear in Municipal Court only when called by the court officer; these sections and units are posted along with the court booking schedule.
 2. On arrival at Municipal Court, the officer must sign in at the court officer's desk.
 3. After an off-duty officer has testified, the Court Appearance Office shall verify the employee's compensatory time sheet. The off-duty officer shall submit Form APD 225 (Off Duty Court Appearance Time) to their supervisor.
 4. After an on-duty officer has testified, the Court Appearance Office shall log him or her out. On-duty officers must promptly return to their assignment once excused from court.



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4.1.8 State and Superior Court & Grand Jury

1. Fulton or DeKalb State Court: The officer must sign in with the solicitor.
2. Fulton or DeKalb Grand Jury: The officer must sign the attendance ledger.
3. Fulton or DeKalb Superior Court: Upon receiving a subpoena, officers shall call the assistant district attorney to ascertain when the officer's attendance is required.

4.2 Submitting Reports to Municipal Court and Corrections

1. Case officers shall take copies of their arrest reports to all Municipal Court probable cause hearings; if cases are bound over, he or she shall hand the arrest reports to the Municipal Court clerk, who shall staple the report to the arrest ticket.
2. On cases reported or witnessed by individuals other than the case or arresting officer, in which the officer is not summoned to court, the court liaison officer shall provide copies of arrest reports to the Office of Corrections and the Solicitor's Office.

4.3 Courtroom Conduct

4.3.1 Officers shall conduct themselves with professional decorum while in court. They shall not engage in loud talking, unnecessary movement, chewing gum, smoking, eating, or reading newspapers. All discussions with witnesses and attorneys shall be quiet, professional, and outside of the courtroom.

4.3.2 Additionally, in cases where court proceedings are held in a virtual environment (i.e. Zoom Video Conference, Microsoft Teams), officers shall select a private and professional setting free from distraction.

4.4 Testifying in Court

4.4.1 The following guidelines will assist officers to be a good witness in judicial hearings:

1. Take good investigative notes; write a well-written report, citation and/or summons.
2. Refresh your memory from notes, incident report(s), or the case file prior to testifying in court and have your original notes in your possession.
3. Locate and examine all physical or "real" evidence to be presented in court. Prior to your court appearance, you must verify any identification you placed thereon (Make sure your chain of custody is proper.)
4. Discuss your testimony with the assigned prosecutor prior to your court appearance.
5. Arrive promptly to your scheduled court date and dress in conformance with the Department's dress code. (APD.SOP.2130 Dress Code)
6. When being sworn in as a witness or testifying, present yourself in a serious and professional manner.



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7. Listen and understand the questions asked of you and then promptly answer in a loud and clear voice. Avoid nodding or shaking your head.
8. Politely request that any ambiguous questions be repeated.
9. When addressing the Court, use "Sir" or "Ma'am" or "Your Honor". Refer to the accused as "The Defendant" or "Mr." or "Ms.".
10. Do not be sarcastic or funny; respond with normal everyday words.
11. Tell the truth; be firm and positive in your answers. Do not lose your temper.
12. Only provide the information asked for in the question.
13. Do not appear anxious to convict.
14. Avoid conclusions; stick to what you learned and know through your investigation. Only state the facts.
15. Avoid expressing your opinion unless you are asked to give it and you are able to explain it.
16. If you do not know the answer, say so.
17. If you make a mistake, correct yourself.
18. Do not testify to hearsay unless you are repeating the defendant's incriminating statement to you.
19. Do not tell what another witness told you, as it would be hearsay.
20. Do not testify to any prior arrest or conviction of the defendant unless the prosecution expects you to do so after the defendant has put their character in issue.
21. Do not testify to any other or prior criminal act of the defendant unless the prosecution is allowed to go into same for a specific purpose such as motive, scheme, or intent.
22. When discussing time and/or measurements, say "about," "around," or "approximately" unless you have an accurate recording of the time and/or measurement requested.
23. Do not be argumentative on cross-examination and remain calm and courteous.
24. Know and abide by the rules of the court.

4.5 Witnesses in State, Municipal and Traffic Courts

- 4.5.1 The arresting officer is responsible for determining which witnesses, if any, are needed in a Municipal Court traffic case, and he or she shall advise the witness of court times and dates if their presence is required.
- 4.5.2 When attending court, the arresting officer shall assist the solicitor in determining whether the necessary witnesses are present.



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4.6 Subpoenas and Summons

4.6.1 When subpoenaing a witness, the officer should keep in mind that the individual may not be familiar with court procedures. The officer should be sure that the subpoena is complete and legible, and that the individual understands what is expected of them. Because of the burden that court attendance may place on the witness, the officer should subpoena only those witnesses who are necessary to the case.

4.6.2 The Field Operations Division shall receive and document all subpoenas and summons issued by the courts for employees. Subpoenas shall be sent to the APD Subpoenas inbox at apdsuppoenas@atlantaga.gov. The Court Liaison Officer shall distribute all subpoenas and summons via PowerDMS and may also be distributed via COA email.

4.6.3 An employee should be provided with a subpoena at least twenty-four (24) hours prior to the required appearance date unless otherwise directed by a judge.

GA Code § 24-13-26

- a. Subpoenas may be enforced by attachment for contempt and by a fine of not more than \$300.00 or not more than 20 days' imprisonment, or both. In all proceedings under this Code section, the court shall consider whether under the circumstances of each proceeding the subpoena was served within a reasonable time, but in any event not less than 24 hours prior to the time that appearance thereunder was required.

4.6.4 Employees shall document the receipt of each subpoena and summons received by electronically signing their names in their PowerDMS account.

4.6.5 PowerDMS and the employees' COA email account must be checked for subpoenas by all employees at least once within each 24-hour period during the course of their shift.

4.6.6 The section commanders, or their designee, shall document all subpoenas and summons received from Clayton County for employees under their chain of command in the paper subpoena logbook.

4.6.7 Employees who receive a subpoena or summons through the Fulton County District Attorney's Office must attend court on the date and time specified in the subpoena or summons. Employees who do not attend court as required shall be subject to a failure to appear and disciplinary action.

4.7 Non-Attendance Procedure

4.7.1 When an officer is unable to attend due to training, circumstances beyond their control (i.e., an emergency, being on a call for service that significantly delays appearance in court, etc.), or other legitimate reasons, the officer must:

1. Contact the Court Liaison Officer or Court Appearance Officer in FOD Administration prior to the scheduled court time.
2. On-duty officers must notify their immediate supervisor prior to the scheduled court time.



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3. Provide Form APD 649, signed by a supervisor, to the Court Liaison Officer or Court Appearance Officer in FOD Administration, the reason for not being able to appear in court, their assignment, and a telephone contact number. Officers must document the date and time of the call and the person with whom they spoke.
 4. When submitting a request for leave, a completed Form 649 shall accompany the leave request.
 3. Officers are responsible for obtaining the reset court date and time.
 4. Officers must submit in writing the reason for not appearing in court to their immediate supervisor on their next tour of duty.
- 4.7.2 When an officer is unable to attend court due to an extended leave of five days or greater, they must:
1. Complete Form APD 649 (Officer Not Available for Court Appearance) and submit copies to their immediate supervisor and to the Court Appearance Officer at least fourteen days prior to the start of the extended leave. The section commander has the discretion to accept Form APD 649 with less than 14 days notice due to extenuating circumstances. The officer should maintain a personal copy of Form APD 649 for at least sixty (60) days.
 2. When submitting a request for extended leave (FMLA, Military, etc.), a completed Form 649 shall accompany the extended leave request.
 3. The Court Appearance Officer shall contact the courts and notify the court of the officer's extended leave.
 4. Submission of Form APD 649 does not relieve the officer from the responsibility of court appearance; only the court can excuse officers from attending court.
- 4.8 Failure to Appear (FTA)
- 4.8.1 The Court Appearance Officer shall monitor compliance with the court attendance procedure in all courts and receive all failure to appear summons from the courts for employees.
 - 4.8.2 The Court Appearance Officer shall notify section commanders if an employee under their chain of command receives a failure to appear summons.
 - 4.8.3 Section or unit commanders shall initiate an investigation upon receiving notice of employees under their command receiving a failure to appear summons.
 - 4.8.4 Section or unit commanders shall instruct an officer's immediate supervisor to conduct an investigation to determine whether an employee attended court.
 - 4.8.5 The immediate supervisor shall determine whether the officer received a subpoena or summons.
 - 4.8.6 The immediate supervisor shall write a summary of the facts gathered during the investigation, including the number of sustained FTA's the officer has accumulated within the previous eighteen months.



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- 4.8.7 If the FTA is sustained, the supervisor shall initiate a complaint package as outlined in APD.SOP.2020 "Disciplinary Process."

5. DEFINITIONS

- 5.1 Case Officer: The arresting officer, or the investigator who takes responsibility for the preparation of the case for prosecution.

6. CANCELLATIONS

APD.SOP.3160 "Court Responsibilities," effective April 26, 2021.

7. REFERENCES

APD.SOP.2020 "Disciplinary Process"

APD.SOP.2130 "Dress Code"

Form APD 225 "Off-Duty Court Appearance Time"

Form APD 649 "Officer Not Available for Court Appearance"

8. SIGNIFICANT CHANGES

The entire policy has gone through major revisions.