



Colorado Springs Police Department

General Order

1810 Court Procedures

Section 1800 – Personnel Functions

Effective Date: 12/21/2022

Supersedes Date: 9/13/2021

.01 Purpose

The purpose of this directive is to specify guidelines for court appearances, production of materials, testifying, and recommendations to the judicial system.

.02 Cross Reference

[GO 410 Outside Employment](#)

[GO 1600 Police Employee Information](#)

[DL-1810-01 Expert Witness Fees](#)

.03 Discussion

Many positions within the department include testifying in court as part of their essential functions. Employees must perform this essential function in order to meet the expectations of their position and their employment.

.04 Policy

Department personnel will regard themselves as officers of the court, assisting in the fair and impartial administration of law. Employees will treat the courts and court officers with respect, realizing that such an attitude is necessary to the maintenance of our system of due process guarantees.

Employees of the department will attend and will be punctual for court proceedings for which they have been subpoenaed or notified to appear.

.05 Definitions

Court: Any City, County, District, U.S. District, Grand Jury, and other official government judicial or quasi-judicial hearings.

Employer: The Colorado Springs Police Department (CSPD).

Employer Related Court Appearance: Time spent by CSPD employees to appear in a court case as a witness related to her/his duties as an employee of CSPD.

Notice to Appear: A notification to department employees requiring their appearance in municipal court.

On-Call Status: A CSPD member is contacted by a member of the Court Liaison Unit and advised that they do not need to appear in court until they receive further instructions from the Court Liaison Unit. Only the Court Liaison Unit is authorized to place employees on call.

Personal Service: The act of providing a subpoena to a department employee regarding a court appearance. A subpoena is considered served on an employee when the electronic file is received in the workforce management system (WFM).

Scheduled Day Off: Days scheduled off, in advance, as part of the normal scheduling process. Excluded are days off due to compensatory time off usage, vacation, or holiday time. If a scheduled day off is changed at the employer's direction for operational reasons, the new scheduled day off will qualify as a scheduled day off for scheduled day off court pay purposes.

Subpoena: A formal order of any court that requires appearance and compliance at a specified place, date, and time. Subpoenas may be issued for formal court proceedings and also for other court-related actions, such as depositions.

Subpoena Duces Tecum: A subpoena that requires one to appear and produce materials for surrender to the court. Such materials may be specified or may be stated generally.

.10 Assignment or Phone Number Change

In order to notify employees of short-notice appearances and call-offs, the Court Liaison Unit relies heavily on the Employee Directory. Therefore, it is imperative that employees ensure their information (contact phone numbers, assignment, division, start time, etc.) is current in the *CSPD Employee Directory*.

If the Court Liaison Unit attempts to contact an employee by phone regarding an appearance or call-off cancellation and contact cannot be made due to a change in phone number, and the Court Liaison Unit was not made aware of this change, the employee will not be compensated for the appearance.

The Court Liaison Unit has a work cell phone [REDACTED] and messages may be left anytime.

.11 Dress Regulations

For court appearances, all employees will wear attire that is neat and clean.

Sworn Personnel

Sworn members of the department will appear in court wearing appropriate business attire. For women, appropriate business attire includes dress pants, skirt, slacks, a button-down shirt/blouse with a blazer. For men, appropriate business attire includes a business suit and tie, or a sport coat, slacks, and tie.

Exempt or non-exempt sworn personnel who are working their regularly scheduled shift at the time of the court appearance may elect to wear their complete patrol uniform.

If assigned or otherwise permitted to be worn, sworn personnel are not permitted to wear a department approved soft uniform (e.g., 5.11 pants and a collared shirt) for any court proceeding they have been subpoenaed or otherwise notified to appear.

The wearing of part of the uniform and part business attire is not allowed.

If the subpoenaing entity requests that a non-exempt sworn employee wear their uniform to court, the employee shall don and doff their gear at their respective division and drive a city vehicle to court. They will be compensated from the time they don their protective gear to the time they doff their protective gear.

Non-Sworn Personnel

Non-sworn personnel will appear in court wearing appropriate business attire. For women, appropriate business attire includes dress pants, skirt, slacks, a button-down shirt/blouse with a blazer. For men, appropriate business attire includes a business suit and tie, or a sport coat, slacks and tie.

If assigned or otherwise permitted to be worn, non-sworn personnel will not wear a department approved soft uniform (e.g., 5.11 pants, collared shirt, etc.) for any court proceeding they have been subpoenaed or otherwise notified to appear.

.12 Judicial Complex Security

By order of the district court, police officers and marshals will, when conducting official business, be permitted to retain their handguns while in the El Paso County Judicial Complex.

Officers may enter through the Tejon Street employee entrance when entering the judicial complex in an official capacity. While in business attire, officers must adhere to the following procedures:

- Officers will present a valid police identification card and badge to security personnel posted at the security screening station. Once acknowledged by security personnel, officers must complete the sign-in sheet located in the court security office and indicate whether or not they are armed.
- [REDACTED]
- Once official business is completed in the judicial complex, officers must sign out before leaving the building and must return the colored pin designator

All peace officers of this department are prohibited from being armed when conducting personal business at the judicial complex. This provision includes, but is not limited to, jury duty and personal legal matters not related to their employment with the department. Officers that arrive armed must check in with security and must secure their firearm in the security office prior to conducting their personal business.

.13 Court Sign-In

Sign-in logs are located in the Security Office at the El Paso County Judicial Complex, and in the CSPD Marshals Office, in the Municipal Courthouse. Members appearing at either building, for official purposes, whether on or off-duty, are required to make a complete entry in the sign-in log. Entries will include beginning and ending times for court appearances, meetings with court personnel, signing affidavits, as well as other court-related matters. The log will be used for verification of court and overtime pay, as well as assisting the Court Liaison Unit in locating employees in emergency situations.

.15 Preparation of Exhibits

Employees will properly prepare for the presentation of evidence. [REDACTED]. It is the responsibility of the officer to inform the evidence custodian that the evidence is being checked out for court and to request a property withdrawal record form.

In the event audio or visual tapes/discs are requested, the officer will coordinate with the records section supervisor on duty to copy the tape/disc. If necessary, the officer will duplicate audio or visual tapes/discs and provide the copies to the records section. Records section personnel will determine the fees involved and will notify the requesting party. If records can be released prior to court appearance, the records section will do so. In the event the officer is required to testify and provide the evidence in court, records section personnel will provide billing information to the officer to present with the tape/disc to the requesting party.

.16 Notification of Arrival

When appearing in court for matters in which a subpoena was issued, department employees will notify the prosecuting attorney of their presence upon their arrival.

.18 Court Call-Out

When any department member who is subject to radio call-out, especially a patrol officer, is required to appear in court, that member will inform the communications center before attending court.

In cases involving attendance of more than two hours, the employee's supervisor or shift lieutenant, as appropriate, will be notified.

.20 Accepting Service of Subpoenas and Notices to Appear

Court Liaison Unit

The Court Liaison Unit has been designated to receive notices to appear in court and subpoenas that require the testimony of department employees, on matters directly or indirectly related to the performance of their official duties.

If anyone attempts to directly serve a subpoena upon a department employee that requires the appearance of that member in any matter directly or indirectly relating to their official duties, that member should direct the process server to the Court Liaison Unit.

If the process server persists in attempting to serve the subpoena directly on the member, the member should accept service and, as soon as possible thereafter, provide the original copy of the subpoena to the Court Liaison Unit.

Subpoenas and notices to appear will be logged by the Court Liaison Unit and provided to the employee through WFM.

Records Section

Records section supervisors or their designee have been designated to receive subpoena duces tecum requiring the production of documents or evidence in the custody and control of the department.

Any person attempting to serve a subpoena duces tecum upon a department member should be directed to the records section supervisor on duty at the POC.

If the process server persists in attempting to serve the subpoena directly on the member, the member should accept service and, as soon as possible thereafter, provide the original copy of the subpoena to an on-duty records section supervisor.

Subpoenas duces tecum will be logged by records section supervisors and forwarded to the designated contact person in the appropriate unit for service. The following are examples of subpoenas duces tecum:

- Subpoenas to testify in criminal cases and traffic cases that require the production of the official report, investigator's notes, photographs, and physical evidence.
- Subpoenas for dispatch tapes in the aforementioned cases.
- Subpoenas to testify in civil cases and produce case reports or accident reports arising out of incidents investigated by the Police Department.

Any subpoena duces tecum that requests records which may not be releasable because of violations of policies or current laws, will be promptly forwarded to the appropriate Unit/Division for review. The Colorado Springs Police Department's City Attorney will also be advised of any requests for records which may not be in compliance with current law/procedure. This includes, but is not limited to, subpoenas for the following items:

- Confidential files involving the undercover activities of the Department, or files involving the use of confidential informants.
- Any civil subpoena that seeks disclosure of reports involving child abuse, sexual assault, sexual exploitation of a child or child prostitution.
- Any subpoena seeking information on any juvenile taken into custody or arrested.
- Any subpoena seeking information on the disciplinary record, or other personnel record, of a department member.
- A subpoena involving an action wherein the City of Colorado Springs or the Department is the defendant or the plaintiff.
- Any subpoena that seeks material in such volume that it would be difficult to comply.
- Any subpoena that seeks the arrest records of any adult.

Should a member receive a subpoena that would require the disclosure of information that the member believes would be detrimental to the police mission, or that would be contrary to law, the member should promptly contact the Commander of the Professional Standards Division, or Records Section Manager/Supervisor so that the matter may be reviewed.

.21 Accepting Service of Civil Summons and Complaints

Employees named as defendants in a civil action that has resulted from employment with the city, shall deliver a complete copy of the suit to the Court Liaison Unit as soon as possible. As in most cases, a reply must be filed with the court within twenty days after service of the suit on the defendant employee. Further, city ordinance provides that "the city shall not be responsible for providing a defense to a city employee where the city is not made a party defendant in the action and the city is not notified of the existence of said action in writing by the plaintiff or the employee within fifteen days after the commencement of the action."

The Colorado and Federal Rules of Civil Procedure specify how civil summons and complaints are to be served on the city, the department, and employees of the department. Generally, civil summons and complaints against the city or the department must be served on the city clerk.

Employees should not accept service of civil summons and complaints on behalf of the city, the department, or other employees. Should a process server attempt to serve a civil summons and complaint, or other civil process, that has stemmed from a member's employment with the city, on a member who is not named as a party in the case, the employee shall decline to accept service and direct the process server to the city clerk's office or to the named member. Should the process server persist, or should a member accept delivery of certified mail and discover that it contains a civil summons and complaint, or other civil process, they should immediately arrange for hand delivery of the papers to the Court Liaison Unit.

The Court Liaison Unit will ensure that the employee(s) named as defendant(s) in a civil process have been properly served. If not, the Court Liaison Unit will serve the process on the employee(s), as appropriate. The date, time, and manner or circumstances of service should be documented and maintained on file along with the defendant's signature acknowledging receipt. In those instances when the member was served directly by the process server, the member will provide a copy to the Court Liaison Unit. In any case, the court liaison unit will then forward copies of the process to the city attorney's office and the city clerk's office, as soon as possible.

All information contained in a civil process shall be considered confidential and will be disclosed only to authorized persons. In addition, all material will be hand-carried rather than sent through the mail system.

.22 Acceptance Prohibited

Under no circumstances should a member accept service of a subpoena, or other process, that is directed to another department member.

Subpoenas directing the appearance or the production of personal documents of a department member, which are civil and personal in nature, and which are not directly or indirectly related to the performance of their official duties (e.g., divorce, child custody, civil contract disputes, etc.)

will not be accepted by any member other than the member who is named thereon. Service of these subpoenas will be made in the same manner as that used for the general public. At their discretion, department supervisors may facilitate the appearance of a member, at a given time and place, so that the member may accept such service.

.24 Personal Service – Department Member Responsibility

A subpoena is considered served when the subpoena is received in the Workforce Management System (WFM). Upon receipt of a notice to appear or subpoena directing a member to appear in court, the department member will acknowledge the subpoena electronically in WFM.

It is the responsibility of individual department members to ensure their subpoenas are acknowledged timely in WFM, and each department member shall check for subpoenas in the system at a minimum of one time per shift/workday.

.26 Personal Service – Court Liaison Unit

Police employees notified to appear in court by the Court Liaison Unit, which is part of the human resources section, will consider the notification to be an order of the chief of police. Notification may be either oral or written.

.30 Municipal Court Appearances and Exceptions

If an employee receives a subpoena to appear in municipal court on their scheduled day off, the employee must appear in court unless other arrangements are made by the court liaison unit. It is the employee's responsibility to contact the court liaison's unit to see if arrangements can be made to reschedule the court proceedings. If the court is unable to reschedule the hearing, the employee will be required to appear in municipal court as directed by the subpoena.

Exceptions:

- If an employee receives a municipal court subpoena to appear for a post-tow hearing, the employee must appear.
- If the employee receives a municipal court subpoena to appear on a Friday for a jury trial, the employee must appear.

If the employee is notified by the court liaison unit that they are required to appear in municipal court on a scheduled day off, the employee will still check the municipal court call-off line, as scheduled day off pay may apply if the case is later called off.

.31 County/District Court Appearances

It is always the responsibility of the employee to advise the court liaison unit if they receive a court notice or subpoena conflicting with their established schedule.

Employees are required to appear in court unless other arrangements can be made by the court liaison unit.

.32 County Court Traffic Infraction Hearings

It is the responsibility of the officer:

- To retain the prosecutor's copy of the summons issued to the defendant. Alternatively, officers may send the prosecutor's copy of the summons to Records and ID to be scanned attached to the ticket entry in LERMS. Officers can then print a copy of the summons form LERMS prior to appearing in court.
- To obtain a copy of the accident report (if applicable) prior to appearing in court.
- Determine any required witness(es) for the traffic infraction hearing.
- Provide to the Court Liaison Unit the names and addresses of required witnesses.

To provide the best opportunity for contacting the potential witness(es), the names and addresses should be obtained and submitted to the court liaison unit, as soon as possible. The court liaison unit will prepare and issue subpoena(s) by certified mail. The signed return of service will be forwarded to the officer prior to the scheduled hearing date.

.33 Out-of-Town Court Appearances

When an employee receives a subpoena to appear in an out-of-town court related matter, it is the responsibility of the employee to immediately notify their supervisor of the pending court date and time. The supervisor will schedule adjust the employee's work schedule to remain consistent with the Fair Labor Standards Act (FLSA), as well as to attempt to accommodate the out-of-town court appearance, including travel time. Whenever possible, schedule adjustments will be done for outof-town court appearances to minimize court compensation. If a supervisor is unable to adequately schedule adjust for the out-of-town court appearance, they will make every effort to minimize the amount of overtime required to facilitate the court appearance. If a schedule adjustment is not an option, the supervisor should contact the court liaison unit so that an attempt can be made to rearrange the employees court appearance to accommodate the scheduling conflict.

When employees are required to appear in an out-of-town court appearance that does not directly relate to their employment with the department, compensation will not be provided by the department.

.36 District Attorney's Office Call-Off Webpage

The District Attorney's Office maintains a webpage of updated call-offs (meaning the employee is no longer required to appear for a specific case/date/time). Employees are required to check the District Attorney's website [REDACTED] the night prior to a scheduled court event to confirm that their appearance is still required. The DAs call off page is updated by 7:00 PM each night regarding court appearances for the following day. If the employee's case is listed, then the employee is called off (not expected to appear) and the court liaison will not text you the day of court. The court liaison will only text on the day of a court event when the case gets called off of that date, or if the case is going forward and you need to appear.

.38 Court Attendance Relating to Off-Duty Employment

Employees will not appear in court or other hearings or depositions, while on-duty in matters to which they, but not the city, are a party; in matters arising out of or connected with any off-duty employment having more than an incidental relationship to law enforcement; or in any matters not arising out of, or connected with official department business, except with the approval of their bureau chief.

When subpoenaed in such matters, employees will notify their supervisor, as soon as it reasonably appears that their subpoena obligation will arise while they are likely to be on-duty, in order that arrangements may be made for their appearance.

.40 Unable to Attend

Should an employee be unable to appear, it is that employee's responsibility to notify the Court Liaison Unit.

Whenever a member has a valid reason for not appearing in court, or for being late to court, they will notify the Court Liaison Unit as soon as possible. The notification is to be made as far in advance as possible prior to the date/time of the scheduled court appearance. Employees will give the reason for being unable to appear.

The employee is responsible for notifying the Court Liaison Unit regarding any change in availability for appearances in court sessions for any reason or any circumstances that affect the member's ability to appear in court.

.42 Tardiness

If the member will be late, the employee will notify the Court Liaison Unit as soon as possible.

This notification will include the reason for being late and an estimated time of arrival will be given. The court liaison unit will notify the appropriate prosecutor and/or designee of the reason for the tardiness, and the estimated time of arrival.

.44 Illness

Employees unable to attend court due to illness will notify the Court Liaison Unit, as soon as possible.

.46 Taking of Leave

Proper leave notice must be received by the Court Liaison Unit a minimum of four weeks in advance of the leave. A proper leave notice is a fully approved leave in the WFM system that covers the entirety of the employee's leave, or unavailability for court.

If there is not approved leave in WFM in accordance with the guideline above, employees that are required to attend court during their vacation/leave times will have their vacation/leave banks credited for the actual time spent in court. Employees will not receive court overtime or court compensation for court appearances on vacation time when the above protocols are not followed. If an employee has properly approved leave in WFM and they are still required to appear in court during their vacation, they will receive court overtime or court compensation time.

Regardless of when a leave is approved, there is never a guarantee that the court liaison unit will be able to get the employee excused from court. A subpoena is a court order and overrides any leave.

The following are examples of valid reasons to request leave from court:

- Vacation time
- Compensated (comp) time off (if taken in conjunction with vacation days)
- Military leave
- Medical leave
- Out-of-town training

The following are invalid reasons to request leave from court:

- Training in town (e.g., in-service, mandatory, or elective training)

- If a department member is attending training in Colorado Springs and has a subpoena to appear in court, unless released by the subpoenaing entity or the courts, the member must appear for court as indicated on their subpoena.

Special exceptions must be approved by the Court Liaison Unit.

- Days off

When requesting time off for training, department employees should specify the type of training and location in the comments of their leave request. Also, it is the officer's responsibility to immediately notify the Court Liaison Unit when requested time off has been modified or cancelled. Failure to do so could result in disciplinary action.

.48 Conflicting Court Appearance Dates

When department personnel receive two or more conflicting court notices requiring an appearance on the same day and time, they are responsible for notifying the Court Liaison Unit to resolve the conflict. This procedure will also apply to employees who have a required appearance with matters still pending in another court.

.50 Failure to Appear

Employees who fail to appear for any court appearance they have been notified to do so, without proper arrangements made, will be subject to disciplinary action up to and including termination of employment.

.51 Court Attendance While on Suspension Without Pay

If a department member has been suspended without pay, the following provisions for court attendance will be followed:

- A department member who has been served a subpoena to appear will abide by the subpoena
- It will be the responsibility of the Court Liaison Unit to notify the appropriate courts of a member's suspension. The Court Liaison Unit will advise the courts that a subpoena will be necessary
- No compensation, minimum show up time, overtime or compensatory time will be credited to any member appearing in court who is suspended without pay

.60 Testifying

Department personnel will testify with the strictest accuracy, and neither suppress, minimize, nor overstate the slightest circumstance with intent to favor or discredit any person. When cross-examined, they will answer with the same readiness as when testifying in support of the charge.

.62 Promises or Arrangements

Employees will not become involved in any promise or arrangement between a defendant and victim with the intention of affecting the result of the trial.

.64 Arranging Dismissal or Leniency

Employees will not seek to obtain the dismissal of a case or leniency for the defendant in any court, unless done with the knowledge and consent of the involved prosecutor's office.

Where it appears that the effective administration of criminal justice will thereby be served, a department member may agree to one or more of the following, depending upon the circumstances of the individual case:

- To make, or not to oppose, favorable recommendations concerning the sentence to be imposed, if the defendant enters a plea of guilty or nolo contendere (no contest)
- To seek, or not to oppose, the dismissal of an offense charged, if the defendant enters a plea of guilty or nolo contendere (no contest) to another offense reasonably related to the defendant's conduct
- To seek, or not to oppose, the dismissal of other charges or other potential charges against the defendant, if the defendant enters a plea of guilty or nolo contendere (no contest)
- To consent to deferred prosecution, as provided by state statute or city ordinance
- To consent to deferred sentencing, as provided by state statute or city ordinance

.68 Recommendations for Pre-Sentence Investigation Reports

Members will make recommendations regarding sentence proposals for convicted felons only in accordance with the following guidelines.

If an employee is approached by an officer of the court or a representative of adult probation, in their personal capacity as the arresting/investigating officer, they may offer a reasonable and appropriate personal recommendation in this capacity, with the explicit understanding that this

does not necessarily reflect the official position of the CSPD or the prosecutor. As soon as possible, the employee shall inform their immediate supervisor of the request and recommendation.

If an employee is approached by an officer of the court, or a representative of adult probation, to provide a recommendation that reflects the official position of the CSPD as an organization, as to the level of punishment a convicted felon should receive for a crime, the employee will contact their immediate supervisor.

The employee will then discuss the merits of the case in question, the history of the defendant, and any other facts of material interest with their immediate supervisor. A mutual decision, regarding a recommendation, will be made by the employee and the supervisor. Once a decision has been reached, the supervisor will inform the section commander of the recommendation and how it was reached. If the section commander concurs with the recommendation, the supervisor will inform the involved employee, who will then inform the appropriate officer of the court of the recommendation.