

Police Department Policy and Procedure Manual

Chapter 4 — Operations

Section Number: 4-8-1
Section Title: Court Appearances
Most Recent Update: 10/7/2015

I. Policy

- A. The purpose of this section is to create a formal method through which officers will be notified of required court appearances, properly compensated for such appearances and how they should conduct themselves. Court appearances are a fundamental aspect of the law enforcement function. Therefore, a reliable means will be maintained to ensure officers are notified of their court appearance responsibility and are correctly compensated for the time involved.

II. Procedures

- A. Officers who are required to be in any court, shall wear a uniform, traditional business suit or traditional business attire, or sport coat and slacks. Any deviation from this policy must meet with the approval of the officer's Division Commander.
- B. Officers in court shall avoid any indication of bias, prejudice or anger. Testimony shall be given in a clear and distinct manner. Questions shall be answered promptly, truthfully and without trace of evasion. Personal behavior shall be exemplary both while in court awaiting call and while on the witness stand.
- C. Officers required to be in court by departmental order, or subpoena shall be prompt in attendance and shall remain until excused by competent authority.
- D. Division Commanders are responsible to see that officers have been informed of a scheduled court date. The Division Commanders may delegate the authority, but not the responsibility for the above.
 - 1. Any officer who fails to appear in court without being excused by proper authority (from an authorized court or command person,) shall make a written report to his/her Division Commander, stating the reason for his/her failure to appear in court.
- E. Receiving Court Notifications-Personnel receiving notices for officers to appear in court shall:
 - 1. Sign for the court notice (subpoena) when applicable.

2. Log names of officers/employees and date received of said notice.
 3. Distribute notices to officers/employees.
 4. Commanding Officers when receiving such notice shall ensure notices are distributed to the officer/employee either at roll call or see that the officer/employee receives it.
 5. Division Commanders shall contact the County Attorney, City Attorney or other responsible person if an officer/employee is on vacation, leave of absence, military leave, extended sick leave and return said notice with an explanation of said conflicts.
- F. Conflicts due to some other legitimate reason or individual's schedules to appear in any other court at the same time, shall be coordinated by the individual concerned by contacting the either the Polk County or Dallas County Attorney's office, City Attorney and the Clerk of Court for the specific court concerned.
1. Regular Scheduled Day Off shall not be construed as a legitimate reason to miss court.
 2. When an officer is sick on the date that he/she is scheduled for a court appearance, it shall be that individual's responsibility to notify the Polk County or Dallas County Attorney's office, City Attorney and the Clerk of Court for the specific court concerned. A report shall be made to his/her Division Commander as to the reason he/she missed court.

III. Court Compensation

- A. A police officer required to appear in Court while off-duty, or on the first day of a regularly scheduled absence, shall be compensated at one and one-half time his/her regular hourly wage for actual time spent in Court and double-time for the second or subsequent day of a regularly scheduled absence. Court appearances that extend more than two hours beyond the subpoena start time shall accrue in 15 minute increments.
- B. A police officer required to appear in Court while off-duty shall submit a court slip, attached with a photocopy of the subpoena or court order to appear, to their supervisor for approval. If an officer is summoned to court without a subpoena then the circumstances shall be documented in the notation field of the court slip.
- C. The court slip document shall contain the officer name, defendant(s) name, case or docket number(s), date, time started, time ended, total time claimed, miles traveled (for personal vehicle use), court location (Polk, Dallas, Phone Hearing, Other), rate of pay (one and one-half or double-time), officer signature, supervisor signature, and miscellaneous notation if necessary. The court slip and subpoena copy(s) shall be promptly attached to the officer's time card for supervisor review. The overtime claim shall also be documented on the officer's time card, listed as "court duty".

D. Reporting Time and Reimbursement

1. When driving a personal vehicle to Court, overtime compensation shall start for all court appearances at the listed subpoena time and shall end at the dismissal time from Court.
2. When driving a City vehicle to Court, overtime compensation shall start at the time a City car is picked up at the station (approximately 15-30 minutes before subpoena time) and ends when the vehicle is returned to the station.

E. Transportation and Mileage Reimbursement

1. Driving a City Vehicle to Court is encouraged.
2. If the employee lives **closer** to the Courthouse than the police department:
 - a. The employee is encouraged to stop at the station and take a City car.
 - b. If the employee chooses to take their personal car, they are eligible for mileage reimbursement.
3. If the employee lives **closer** to the police department than the Courthouse:
 - a. The employee is encouraged to stop at the station and take a city car
 - b. If the employee chooses to take their personal car, they are not eligible for mileage reimbursement
 - c. If the employee stops at the station and there is no city car available, they may take their personal car and they **are** eligible for mileage reimbursement.
 - d. When an officer is required to use their privately owned vehicle they shall claim miles for the most direct route of travel, verifiable by Internet direction sites (e.g. Mapquest). See the City Personnel Policy Manual for the current mileage pay rate.

- F. Any officer receiving compensation from the Clerk of Court for mileage and/or witness fees shall turn said compensation over to the City when said court appearance was done off-duty and the officer is reimbursed by the City. Any officer receiving mileage and/or witness fee compensation from the Clerk of Court while attending court on-duty shall also turn said compensation over to the City.

G. Any officer receiving financial compensation from a private party for giving testimony in any civil action from any matter resulting from their duties as a Clive Police Officer shall turn said compensation over to the City and shall be paid under the Court Pay Guidelines.



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