


# **GAINESVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

	<b>TITLE</b> Court Notification/ Attendance Procedures	<b>ACCREDITATION</b> 26.1.1	
	<b>PROPOSER UNIT</b> Administrative Service Bureau- Court Liaison	<b>PRIOR REVISIONS</b> 01/21/02, 05/21/03, 08/10/04, 12/03/08, 03/31/15, 02/16/21  <b>ATTACHMENT: 1</b> <b>OT Court Form</b>	
<b>NUMBER</b> 40.15	<b>ISSUE DATE</b> 07/01/98	<b>REVISION DATE</b> 09/09/2024	<b>TOTAL PAGES</b> 10

**I. PURPOSE:** This Order provides members with information regarding the court notification and attendance process.

**II. POLICY:** Because the outcome of criminal and civil court proceedings is greatly influenced by the testimony and behavior of law enforcement members, the Gainesville Police Department (GPD) shall establish a set of policies and procedures to ensure that members prepare for, attend, and exhibit a professional demeanor and attitude at court proceedings.

### **III. DEFINITIONS:**

**Court Appearance:** Any appearances at official court proceedings, administrative proceedings, depositions, the giving of testimony before a local (city/county), federal or state prosecuting attorney or any attorney representing the City of Gainesville or Gainesville Police Department.

**Approved Leave:** For the purposes of this order, leave is defined an absence related to; military orders, FMLA, training, or vacation that has been approved by your supervisor.

### **IV. PROCEDURE:**

**A. Coordination:** The GPD Court Liaison shall be responsible for receiving, coordinating, and arranging job-related depositions and court appearances for Department members. To ensure the proper and timely deliverance of subpoenas, the following procedure will be followed:

**1. Requests:** When external parties need to subpoena Department members for criminal or civil court appearances, they shall submit their requests through the GPD Court Liaison.

**2. Subpoena Service Exceptions:** There are circumstances (some are defined by FSS 48.031) in which the Court Liaison cannot accept subpoena service for the member. Such exceptions include:

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- i. A subpoena for a “rule to show cause” hearing.
- ii. A subpoena for a civil suit in which the member is named as a defendant.
- iii. A subpoena for a court appearance that is less than 5 days from the date of service unless it involves a pretrial detention hearing appearance.
- iv. A subpoena for a witness who is not scheduled to work prior to the date the witness is required to appear.
- v. A subpoena for any member who is on FMLA or Military leave.
- vi. A subpoena for any member who is separated/no longer employed by GPD.

**3. Notification:** The Court Liaison will notify each individual of their required court appearance via email to the member’s GPD email address.

**4. Member Responsibility:** A member must acknowledge the electronic notifications of court appearances sent by the Court Liaison. This includes accepting and/or acknowledging a calendar invite as well as selecting “yes” when asked to send a “Read Receipt”.

Should a department member be served directly they shall provide a copy of the subpoena to the Court Liaison.

Should the Court Liaison refuse service of a subpoena, an attorney may attempt to serve an officer directly; in the event the subpoena is delivered to the officer personally they are to provide the original subpoena to the court liaison.

**5. Supervisor Responsibility:** The Court Liaison may contact the member’s supervisor if the member has not acknowledged the notification. The member’s supervisor(s) shall be responsible for ensuring the member acknowledges the notification.

**6. Scheduling Conflicts:** The Court Liaison does not have the authority to release anyone from a subpoena without permission from the issuing authority.

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### **i. Requesting a Change:**

- a. When there is a schedule conflict, members are to first go through the Court Liaison. The Court Liaison will either attempt to reschedule or direct members to contact the issuing authority to resolve conflicts. If a member resolves the conflict with the issuing authority, they must notify the court liaison.
- b. Members are not released from the subpoena until the Court Liaison receives written notice from the issuing authority that the member has been released.

**7. Court Calendaring:** Members are required to use Workday to inform the Court Liaison of their leave, unavailability, or other approved time off. Scheduled leave will not automatically excuse a member from a court appearance.

- i. Members shall not schedule leave during a known scheduled court appearance.
- ii. Members must identify in Workday, Regular Days Off (RDOs) that are contiguous to leave, by using the “unavailable” option when they are unable to attend court appearances during that time period.
- iii. Members are encouraged to enter in the notes section of their leave or unavailable entry if they will be out of town or out of the country.
- iv. Members shall not show RDOs as unavailable for court unless the member has approval from a supervisor to do so.

### **8. Appearances:**

- i. **Mandatory Attendance:** Members are required to attend court appearances.
- ii. **Punctuality:** Members are required to arrive to their court appearance at the subpoenaed time.
- iii. **Tardiness and Absences:** When a member will be late for a court appearance, the member shall contact the Court Liaison as far in advance as possible and provide a best estimate for their arrival. If a member will not be able to attend a court appearance, they shall notify the Court Liaison no less than one hour from the time of the appearance, so that any involved

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parties with the court appearance can be notified. Unexcused tardiness/absences or patterns of tardiness/absences to court appearances may be subject to corrective and/or disciplinary action.

a. Members who call in sick (to work) shall not rely on their supervisors to notify the Court Liaison unless the supervisor clearly states that he/she will make the notification.

b. Duty Assignments: Members who are en route to a court appearance on duty, on a call for service, or other emergency that prohibits them from reporting shall:

1. Call for relief, when possible, and

2. Notify the Court Liaison of the situation, and the estimated time of delay. When the member is able to clear, they shall contact the Court Liaison to check on the status of the scheduled appearance.

3. Documentation: When a member fails to appear for a court appearance it shall be documented by the member in the form of an e-mail to the Court Liaison. The e-mail shall state the reason they were unable to attend.

**9. Telephone Subpoenas:** For telephone testimonies, members shall contact the attorney listed on the telephone subpoena at the assigned time.

i. If the attorney is not available at the assigned time but will be available within one hour, the telephone appointment shall be completed with no additional subpoena required.

ii. If the attorney is unavailable for more than one hour from the assigned time, a new telephone appointment shall be established through the Court Liaison and a new subpoena will be required.

iii. Civil Subpoenas: Members subpoenaed for a civil case arising from an action pertaining to their employment shall, notify the Department's Legal Advisor and the Court Liaison within three

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days or their next working day (whichever is sooner) of becoming aware of the civil action.

- iv. Officers served shall provide a copy of the court document, as soon as possible, to the Department's Legal Office so that the case may be reviewed in a timely manner.
- v. The City Legal Office will coordinate scheduling the member through the Court Liaison.
- vi. Any testimony regarding other civil cases against the City/GPD/Officer that do not require a subpoena are still required appearances. The court liaison will coordinate with the City Attorney, and notify the officer of the "appointment", and enter the information into the court calendar as a normal court appearance for testimony.

### **10. Traffic Court:**

i. **Initial Preparation:** When a member receives his/her Traffic Court Notification, he/she shall obtain a copy of his/her citation as soon as possible to review the circumstances under which the citation was issued. If it relates to a crash, the member is encouraged to obtain a copy of the crash report. The member should quickly identify any additional witnesses, to include officers who were pertinent to the investigation.

- a. If the member used a device that requires certification documentation or log sheets (speed-measuring device, tint meter, noise meter, etc.) they shall be prepared to present this documentation at the hearing.

### **ii. Contested Citations based on Claims of False**

**Identification:** If the alleged violator is denying that they were the subject that the member issued the citation to, then the member shall provide the following information to the Court Liaison.

- a. The registered owner of the vehicle.
- b. If the member obtained a thumbprint, they shall notify a Latent Print Examiner (LPE) in the Forensics Crime Unit as soon as they receive a notification of the court appearance. The LPE shall prepare a report of their findings and provide this report to the officer. The member shall provide this report to the Clerk of Court on the day of the appearance. If the member does not

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have a copy of the thumbprint, they shall request and obtain a copy from the Clerk's office to submit to the LPE for review. This shall be done in a timely manner to assure the report can be available for the court date.

**iii. Requesting Subpoenas:** Members are required to subpoena any witnesses needed for their court appearance. In order to ensure the best success at subpoena service, members shall complete the Subpoena Request form and will:

**a.** Complete the form by listing all of the witnesses needed, and submit it electronically to the Court Liaison as soon as they are notified of the appearance.

**1.** Provide specific street or 911 address.  
(Subpoenas cannot be served to Post Office boxes or rural route box numbers.);

**2.** Include a work/home telephone number

**b.** If any witnesses reside outside Alachua County and more than two hours driving distance from the Courthouse, reimbursement of their mileage will not be paid by the Office of the State Attorney without express permission and only with good cause.

**c.** The member shall notify the Court Liaison if they need another department member who was pertinent to the case to appear as well.

**iv. Citation Dismissals:** If the member's witnesses are unable to appear for the hearing they may ask that the Court Liaison to submit a request for a dismissal of the citation. This may only be done if the member has already subpoenaed the witness. If the member would like for the citation to be dismissed for any other reason they must seek the assistance of the GPD Records Division or if they do not have sufficient time to do so in writing, make their request in open court.

**v. Continuances:** The member must contact the Court Liaison and request that a case be continued when necessary. The member should provide a valid reason (i.e. schedule conflict, illness, witness not available) to the Court Liaison as to why they are requesting a continuance.

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a. The Court Liaison shall submit a written request to the Clerk of the Court at least five working days prior to the court date (except in cases of an emergency).

b. Members who request or expect a continuance and have not received a cancellation notice shall contact the Court Liaison for further instruction.

**vi. Court Appearance-Dress Code:** Members must maintain a conservative, professional appearance when appearing in court.

a. If the members work assignment requires them to wear a uniform then they shall wear a dress uniform for jury trials, unless they are in a limited duty status where they are not authorized to do so.

b. Members are authorized to wear their “uniform of the day” for traffic court/non-jury trial attendances.

c. The appropriate civilian attire is as described:

1. Attire includes appropriate hosiery (socks) and shoes appropriate to the outfit (closed-toe).  
Examples of appropriate attire include:

a). Jury Trial: Sport coat/blazer, dress shirt, dress pants, and tie.

b). Traffic Court/Non-Jury Trial: Dress shirt, dress pants and tie.

c). Deposition/Quasi-Judicial Hearing:  
Dress or casual business pants and a shirt with a collar/blouse.

d. Personal Court Appearances: If a member is a defendant in a traffic case, or has a personal civil appearance, or is appearing in court for a matter that is not related to their official police duties they are NOT to wear their GPD uniform or any clothing with GPD insignia on it. The member is also not authorized to carry their duty weapon during these appearances.

**vii. Court Demeanor:** Members shall:

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- a. Observe utmost attention and respect toward magistrates and other officials of the court;
- b. Speak in a distinct, clear, audible tone so as to be easily heard by the court and jury;
- c. Not chew gum, use tobacco, or wear sunglasses in court;
- d. Testify accurately to the facts of the case;
- e. Be properly prepared prior to the court appearance; to include review of reports, notes, depositions, or any other court document pertaining to their knowledge of the case.

**viii. Compensation:** Members shall be compensated for off-duty court attendance according to the provisions of their respective bargaining unit contract.

- a. A court appearance will be considered an extension of the member's shift when the appearance:
  - 1. Begins prior to the member's shift and extends into that shift, or
  - 2. Begins during the shift and extends beyond the shift.
- b. Standby pay for a court appearance will be handled and paid according to the FOP and PBA contract.
- c. Members will receive compensation for round-trip mileage only when they use their personal car to attend a scheduled court appearance. The mileage shall be calculated by the Court Liaison from the member's home address to the location of the court appearance. Round-trip mileage compensation shall only apply in instances when a member uses their personal vehicle to both attend the court appearance and return to their residence for that court appearance.
  - 1. In order to be reimbursed for any gas mileage, members must include on their OT forms the fact that they drove their personal vehicle to



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the court appearance. The court liaison will verify the information, and submit the form to the issuing authority for reimbursement.

2. Members will not be reimbursed for any gas mileage if they are attending court appearances before/after their scheduled work hours (to include any OT work).
- d. In order to receive compensation for their appearance the member shall complete and submit (GPD Form #64) to the Court Liaison after the appearance. The form shall be submitted by Wednesday end of business day prior to the end of the pay period for the scheduled court appearance.
1. The form must be signed and dated in order for the member to receive the witness fee and gas mileage reimbursement.
  2. Members may submit forms electronically (without signature) via the GPD intranet site in order to be paid their overtime, however, if they wish to get the witness fee (and any gas mileage), they must use a digital signature to sign the form before submitting it.
- i. The Court Liaison shall verify the accuracy of the Court Overtime (GPD Form #64), submitted by the member. Once the information is verified the Court Liaison will notify Fiscal to approve payment.

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**By Order of**

*Signed Original on File in the Accreditation Unit*

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**Nelson Moya**  
**Interim Chief of Police**

# LAW ENFORCEMENT OFFICER CERTIFICATION OF COURT OVERTIME, WITNESS FEE, AND MILEAGE

Defendant's Name:

Court Case Number:

Date of Attendance:

## **SUBPOENA ISSUED BY**

- |   |  |
|---|--|
| <input type="checkbox"/> State Attorney   | <input type="checkbox"/> Public Defender |
| <input type="checkbox"/> Traffic Court Clerk  | <input type="checkbox"/> N/A Other       |
| <input type="checkbox"/> Court-Appointed Attorney (Regional Counsel, Conflict Attorney) |  |

## **APPEARING WHILE**

- ☐ Off Duty

## **TRANSPORTATION BY**

- ☐ City Vehicle
- ☐ Private Vehicle
- Round-trip mileage for private vehicle

## **AGENCY OVERTIME INFO**

Start Time:

End Time:

OT Total:

Approved:

## **TYPE OF APPEARANCE**

- |  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> Trial         | <input type="checkbox"/> Deposition |
| <input type="checkbox"/> Pre-Trial     | <input type="checkbox"/> Testimony  |
| <input type="checkbox"/> Traffic Court | <input type="checkbox"/> Hearing    |
| <input type="checkbox"/> Other         |                                     |

I hereby certify that the foregoing is true and correct to the best of my knowledge and that same conforms in every respect with the requirements of Section 92.141 and 112.061, Florida Statutes.

Signature

Gainesville Police Department  
Agency

Print Name

ID #

Verification Signature - GPD Court Liaison

Payment Authorization Signature