

MESA POLICE Department Policy Manual	Court Attendance	DPM 1.7.15 Effective 04/05/2012 Revised 07/18/2024
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1. PURPOSE

This policy provides Mesa Police Department (MPD) members guidelines and procedures pertaining to court appearances.

2. GENERAL

2.1 Subpoena Priority

- A. If a member receives a subpoena that conflicts with another, the order of priority is:
 1. Superior Court.
 2. Justice Court.
 3. Municipal Court.
 4. Civil Matters.
- B. Upon receipt of a conflicting subpoena, the member must notify the issuing authorities, based upon the appearance priority, as soon as possible.

2.2 Attendance Guidelines

- A. Attendance required by a subpoena is an official duty assignment.
- B. Members shall confirm off-duty appearance two hours before appearance or during last two hours of the business day prior to an early morning appearance.
- C. Members must be prepared and punctual.
- D. Members must wear approved uniform as outlined in [DPM 1.9.5A1 Department Uniform & Appearance Standards Manual](#) or adhere to the dress code outlined in [DPM 1.9.45A1 Professional Staff & Sworn Non-Uniform Dress Code Manual](#).
- E. Members shall notify division Administrative Support Assistant of the following as soon as possible for input into the Court Management System:
 1. Vacations.
 2. Pre-scheduled sick leave.
 3. Training.
 4. Shift/Assignment changes.

2.3 Absences

- A. Members shall notify the prosecutor's office as soon as possible when an absence from court attendance becomes known.
- B. Members shall receive verification from court employee granting non-attendance approval by obtaining the name and ID# of that court employee.

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- C. If an **unexpected emergency** occurs prior to required court attendance, member shall:
1. Notify the affected court authority as soon as possible.
 2. Notify immediate supervisor as soon as possible.
 3. Justification for the emergency will be required.
 4. For City Court notification, contact appropriate court division for case status.
- D. Unapproved absence from court ordered attendance is subject to disciplinary action.

2.4 Overtime Compensation

- A. Refer to [DPM 1.2.110 Overtime Protocols](#) for overtime compensation guidelines resulting from court.

2.5 Court Confirmation

- A. Members shall confirm all requests for continuances as appropriate via telephone, email, fax, form, etc.
1. If a court appearance cannot be continued and the member needs to attend another critical event, the member's supervisor must contact the subpoena issuing authority.

2.6 Continuances

- A. Members must request any court continuance no later than **48 hours** prior to scheduled appearance. Make request to:
1. **City Prosecutor's Office** for misdemeanor criminal matters.
 2. **City Court** for civil traffic.
 3. Appropriate **Justice Court or County Prosecutor's Office** for felony matters.

3. CITY COURT HEARINGS

3.1 Witness Subpoena Requests

A. For Witness Subpoena Requests:

1. Complete [DPM 1.7F2 For the Issuance of Civil Subpoena](#) form and obtain a supervisor's signature.
2. Keep the yellow copy and forward the white copy to the Police Civil Traffic Clerk to send subpoena request.

B. Emergency Witness Subpoena Requests (within seven days of hearing):

1. Complete [DPM 1.7F2 For the Issuance of Civil Subpoena](#) and obtain a supervisor's signature.

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2. The approving supervisor will advise the Police Civil Traffic Clerk of the emergency request and ensure request is sent.
3. The Police Civil Traffic Clerk will complete and serve by sending the Witness Subpoena by certified mail with return receipt requested.
4. It will be the responsibility of the requesting member to ensure the Witness Subpoena is served.

3.2 City Court Continuances

A. For Civil Traffic Cases:

1. Complete [Motion to Continue or Dismiss Traffic Citation](#), obtain a supervisor's approval, and forward to City Court.

B. For Criminal Court Cases:

1. Send email to supervisor for approval, including all pertinent court information, and contact City Prosecutor's Office, upon supervisor approval, via email or in person; **or**
2. On short notice where supervisor approval is not feasible, contact City Prosecutor's Office in person or by email to request continuance, notify supervisor as soon as possible, and send email documenting the reason for the short notice continuance request.

3.3 Continuance Request Guidelines

- A. If a request for continuance is due to **vacation**:
 1. Indicate in or out-of-state.
 2. In or out-of-town.
 3. If in town, whether you are available or not.
- B. If request is due to **training**:
 1. Indicate type of training.
 2. Where training is being held.
 3. Whether training can be rescheduled.
- C. If request is due to a **higher priority subpoena**:
 1. Indicate court, docket number, date and time scheduled to appear, and judge's name.
 2. If Superior or Justice Court subpoena, members shall advise City Court and Prosecutor's Office of ongoing status of case.

3.4 Request for City Prosecutor Involvement

- A. Contact the City Prosecutor by phone, email, or in person, of request as soon as possible if assistance is needed for scheduled court hearing.

4. LEAVE/TRAINING REQUESTS

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4.1 Member Responsibilities

- A. Prior to submitting a leave/training request, members shall check the Court Management System to ensure they are not scheduled for a court appearance during the requested leave/training time.
 - 1. This includes members' regular days off (RDOs) prior to and after the leave/training time requested.
- B. If a conflict exists between a member's leave/training request and scheduled court appearance, the member must notify their immediate supervisor.
- C. Members shall adhere to Department policies and procedures regarding training and leave of absence request guidelines.

4.2 Supervisor Responsibilities

- A. Upon receiving a leave or training request, supervisors will:
 - 1. Check the court database to ensure the member is not scheduled for a court appearance during the requested leave/training time.
 - a. This includes the member's RDOs prior to and after the leave/training time is requested.
 - 2. If no court appearance is scheduled and the supervisor approves the leave/training request, they will sign it and ensure the request is immediately provided to the affected administrative assistant/timekeeper for entering into court database.
 - 3. If a court appearance is scheduled during the requested leave, the member will follow the continuance procedures provided in this policy to report the conflict. Supervisors will not approve the leave/training request until the continuance is granted.

4.3 Administrative Support Assistant/Timekeeper Responsibilities

- A. Upon receipt of leave request, the affected administrative support assistant/timekeeper shall update the scheduling information in the Court Management System.

5. FORMER SWORN/PROFESSIONAL STAFF MEMBER COURT APPEARANCE AND COMPENSATION

This applies to witness depositions and testimony of former City of Mesa (COM) employees who have separated from the City in good standing.

- A. Former sworn and professional staff members:
 - 1. Who receive subpoenas or other document requiring attendance, such as a witness interview or deposition, will follow Department policy and wear business attire when appearing in court or for a deposition.

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2. Must receive approval from the Office of the Chief to receive compensation.
3. Will not be compensated if in criminal prosecution or civil litigation against the COM or the Department.

5.1 Compensation Procedure

- A. Compensation rate is calculated at the last hourly rate of pay the former member received.
 1. To participate, former members must:
 - a. Complete a [W-9 form](#) and submit it to the Administration Office Supervisor before being eligible for the program.
 - b. Ensure the prosecutor signs a copy of the subpoena, indicating appearance and time spent at court.
 - c. Complete [DPM 1.7F1 Witness Deposition/Court Testimony Invoice](#) form; include it with the prosecutor-signed subpoena and send both to the Police Administration Office Supervisor for approval and processing.
 2. The document is processed through the City Accounts Payable department and a check is sent to the member's last known address on file with the COM.
 3. Former members who receive over \$600 in compensation are sent a 1099 document at the end of the calendar year.

REFERENCES

- [DPM 1.7F1 Witness Deposition/Court Testimony Invoice Form](#)
- [DPM 1.7F2 For the Issuance of Civil Subpoena](#)
- [DPM 1.2.110 Overtime Protocols](#)
- [DPM 1.9.5A1 Department Uniform & Appearance Standards Manual](#)
- [DPM 1.9.45A1 Sworn and Professional Staff Non-Uniform Dress Code Manual](#)
- [Motion to Continue or Dismiss Traffic Citation](#)
- [W-9 Form](#)