

<b>DOUGLAS COUNTY SHERIFF'S OFFICE</b>		<b>Policy &amp; Procedure</b>
<b>Specific Policies</b>		<b>P&amp;P-B-143</b>
<b>Subpoenas and Court Appearances</b>		
Effective Date: 08-25-11 Supercedes: 04-05-10	Approval: Sheriff	Number of Pages: 2
References:	Reevaluation Date: Annually or as needed	Standards:

**I. PURPOSE**

To outline the procedures to be followed when an employee is called upon to give testimony in a criminal or civil court.

**II. POLICY**

It is the policy of the Sheriff's Office that all subpoenas will be honored unless excused by the District Attorney's Office or requesting attorney.

**III. PROCEDURES**

All subpoenas received for Office personnel will be placed in the employee's individual mailbox. The employee will immediately complete the return-of-service card and return it to the District Attorney's Office by placing it in the inter department relay box located at the copy/mail room by records.

If, upon receipt of the subpoena, the employee discovers that they have a prior court appearance already set for the date and time indicated, they will notify the District Attorney or other attorney requesting the appearance. This notification of conflict will be in writing, using the Office-approved memorandum format. The deputy will indicate the conflict and attach copies of both subpoenas. This notification will take place within 72 hours of receipt of the second subpoena, and the effected employee will provide a copy of the memorandum and subpoenas to their immediate supervisor.

If an employee receives a subpoena requiring their appearance during a scheduled vacation, they will notify the District Attorney's Office. The notification will be written in memorandum format, and directed to the District Attorney or requesting attorney's office. The memorandum will advise the requesting individual(s) of the conflict and request that the court appearance be rescheduled. This memo will be sent within 72 hours of receipt of the subpoena, and a copy will be given to the employee's immediate supervisor. If the court appearance cannot be rescheduled, then the employee will again bring the matter to the attention of his immediate supervisor. Employees will not be absent from required court appearances unless the absence has been excused. Disciplinary action may result from unexcused absences.

Effective December 18, 2006 the District Attorney – 18<sup>th</sup> Judicial implemented an AVR (Automated Voice Response) system for case status that replaced the Code-A-Phone system. This system allows the staff to call the day before and the day of a scheduled appearance to get the current status of the case(s). Updates to the status of cases will be

input throughout the date of the schedule appearance as they occur so the information on the AVR is the most current available. The telephone number is 720-874-8567.

Prior to appearing in court, the employee will review the court file and their report(s). Appropriate business attire or the departmental uniform will be worn. If employees/members are appearing in court for personal reasons or conducting personal business in the courts or with the clerks, they are to follow the procedure outlined in SOP DET-R-309 – Weapons Control.

Employees will be paid a minimum of two hours extra time for required court appearances during their scheduled off-duty time. This time is recorded on the Time Sheet. Employees are not compensated for time spent in an on-call status.