

103.00 - COURT

103.01 Subpoena (Receipt of)

- (1) All officers who receive subpoenas shall make the proper return on each and will be held strictly accountable to appear as ordered, days off and vacations notwithstanding. This procedure applies to all subpoenas received, including those from counties outside Denver, the Department of Excise and License, the Department of Revenue and other regulatory agencies. Officers, who fail to appear, or fail to place themselves on call, will be investigated in the following manner.
 - a. Members who are notified by the Department of Revenue of a scheduled hearing for a driver's license suspension or revocation shall appear at the time and place stated in the notice.
 1. Officers who appear off duty will have the hearings officer sign DPD 154, Officer's Overtime Authorization/Accumulated Time Returned. The form will be processed in accordance with OMS 109.02(2), DPD 154.
 2. When applicable, all such notices shall be covered by OMS 103.02, Court Appearances.
 - b. Subpoena Duces Tecum. Officers are not authorized to produce any departmental documents on receipt of a subpoena Duces Tecum but will immediately contact the Civil Liability Bureau upon receipt of such subpoena.
- (2) FAILURE TO APPEAR: The supervisor of the Court Liaison Unit in consultation with the prosecuting attorney will make the determination of failures to appear.
 - a. Failures to appear for court will result in a formal Internal Affairs Bureau investigation. An FTA occurs when an officer under subpoena fails to appear for trial or hearing or fails to process their subpoenas that appear on the on-line subpoena program. See OMS 103.01(3).
- (3) Failure to attend court: These penalties will be the minimum penalties for the stated violation. Flagrant violations may be dealt with more severely.
 - a. First Offense - Oral Reprimand
 - b. Second Offense - Written Reprimand
 - c. Third Offense within a Twelve Month Period - Fine of eight (8) hours off
 - d. Fourth Offense within a Twelve Month Period - Fine of forty (40) hours off
- (4) All officers who receive letters from the Civil Liability Bureau for an appearance on a civil case, for a hearing, deposition, court appearance, etc., shall sign for receipt of this letter and will be held strictly accountable for appearance in response to same.
 - a. Supervisors are responsible for the return of the signed letter. See OMS 502.04(5).
 - b. Failure to respond will result in the same penalties as those listed in OMS 103.01(2).

103.02 Court Appearances

- (1) Every officer shall, while on-duty, review their subpoena record daily by logging into the On-line Subpoena Program located on the DPD web site home page. All officers shall make the proper return of service on each subpoena located in their subpoena record. Officers must follow the instructions provided for each individual courtroom on the On-line Subpoena Program.

Commanding officers of districts, bureaus, sections and units shall periodically monitor or cause the periodic monitoring of the On-line Subpoena Process to insure that officers under their command are routinely logging on, reviewing their daily subpoena logs and processing service of each subpoena.

In the event that officers are unable to access the On-line Subpoena Program because of system failure, the supervisor of the Court Liaison Unit shall be immediately notified. A message shall be left on voice mail if the supervisor cannot be personally contacted. The Court Liaison Unit shall be responsible for distributing hard copy subpoenas in the event of long term computer system failure.

(2) Reporting to the Court Coordinator

a. Officers and Reserve Officers who are subpoenaed for County, District, and Juvenile Court will verify the status of each court case prior to appearing in court.

1. District Court TRIALS

- a. Information on case status will be on the Victim Advocate answering machine.
- b. If the case has been continued or disposed of, the officer is released from his subpoena.
- c. If the case is still scheduled for court, the officer must put himself on call. See OMS 103.02(4)c.

2. All other courtrooms, including District Court motions or preliminary hearings, County and Juvenile Court

- a. Verification will be made by calling the Court Liaison Office the night before the scheduled court appearances to determine whether the case has been called off.
- b. The Court Liaison Office will make available a pre-recorded telephone message listing the continued and disposed court cases for the next business day.
- c. The recorded message will be available between 1600 and 0800 Monday through Friday, and twenty-four (24) hours each day on weekends and holidays.
- d. During usual court hours (0800 to 1600, Monday through Friday), Court Liaison Office personnel will answer court case status inquiries.
- e. For preliminary hearings, officers may place themselves on-call by using the On-line Subpoena Program

3. An officer who appears in court after an announcement of a continued or disposed case will not be compensated for his/her court appearance.

- a. Except for court appearances that are outside of the city, all Officers and Reserve Officers are required to report to the Court Liaison Office at least fifteen (15) minutes before court time and sign the Officer's Sign-In Register. Officers must sign out after their court appearance is concluded.
- b. Officers and reserve officers, who are unable to attend court, or those who expect to be late, must notify the Court Liaison Office. Commanding officers shall be notified of all instances where it has been necessary for Court Liaison personnel to contact officers to request their appearance.
- c. Officers and reserve officers who are off duty will receive a copy of DPD 154, Officer's Overtime Authorization/Accumulated Time Returned. This form must be completed by the Court Liaison Office and Prosecuting Attorney/Hearing Officer. The form will be processed by the Court Liaison Office in accordance with OMS 109.02(2), DPD 154.
- d. Reserve Officers will receive a copy of DPD 155, Reserve Officers Court Voucher from the Court Liaison Office. This form must be completed by the Court Liaison Office and the Prosecuting Attorney / Hearing Officer. The subpoena, or a copy, will be attached to the original invoice and hand carried, or mailed to the Denver Police Department Financial Services Bureau. A copy of the voucher will be retained by the officer.

(3) Continuing a Court Case

a. Except for subpoenas from defense attorneys, [see section (8),] officers who are unable to appear in court because of vacation, sick leave or military leave, shall return the subpoena/court notice to the Court Liaison Office by choosing the ASL/Vacation/ML "status" option in the on-line Subpoena Program and entering the leave dates. Officers may enter text into the "notes" section for specific information regarding leave.

- b. Requests to continue Traffic Court cases must be submitted to the Court Liaison Office at least two (2) weeks prior to the hearing date. Officers will submit their copies of the subpoena/court notice with the reason for continuance and leave dates on the reverse side. Subpoena/court notice information can be printed from the "Search by Docket Number" selection on the On-line Subpoena Program.
 - c. It is the responsibility of the subpoenaed officer to follow-up and verify that the continuance was granted or denied.
 - d. Officers wishing continuance of a case for other reasons shall contact the Court Liaison Office, the Assistant City Attorney or the Deputy District Attorney handling the case at least two weeks prior to the court date.
- (4) Officers may place themselves on-call in the following courtrooms by using the On-line Subpoena Program.
 General Session Courtrooms 150F, 151P and 117M
 County Courtrooms 100K, 186L, 316R and 320E
- a. General Provisions
 - 1. Officers who will be **OFF-DUTY** at the time they are subpoenaed to the courtrooms listed in this subsection may voluntarily place themselves on-call by using the On-Line Subpoena Program.
 - 2. Officers who are **ON-DUTY** at the time of their scheduled court appearances must place themselves on-call by using the On-line Subpoena Program. Officers must give their duty assignment and method of contact such as telephone number, pager number, police radio, etc.
 - 3. On-call officers shall not appear unless summoned by the Coordinator, courtroom personnel, an Assistant City Attorney or a Deputy District Attorney.
 - 4. The Police Liaison Court Coordinator is authorized to approve and sign officer's court slips.
 - 5. Officers who voluntarily place themselves on-call and cannot be immediately contacted at the numbers provided shall be subject to disciplinary action as outlined in OMS 103.01.
 - 6. Officers not placing themselves on-call must appear in court as required by the subpoena.
 - 7. An officer who appears in court after an announcement of a continued or a disposed case will not be compensated for his/her court appearance.
 - b. General Session Courtrooms 150F, 151P, and 117M
 - 1. On-call numbers: Officers who have questions regarding a court case prior to the date of the court case may contact the Court Liaison Unit at the following telephone numbers:

Courtroom 150F	720-913-8093
Courtroom 151P	720-913-8091
Courtroom 117M	720-913-8092
 - 2. On the day of the trial, the Assistant City Attorney may call the officer subpoenaed to discuss whether a court appearance will be necessary. The officer must be available at one of the numbers the officer has designated for on-call status.
 - c. County Courtrooms 100K, 186L, 316R and 320E
 - 1. On-Call Numbers: Officers who have questions regarding a court case prior to the date of the court case may contact the Court Liaison Unit at the following telephone numbers:

Courtrooms 100K, 186L	720-913-9058
Courtrooms 316R, 320E	720-913-9057
 - 2. On the day of the trial, the Deputy District Attorney may call the officer subpoenaed to discuss whether a court appearance will be necessary. The officer must be available at one of the numbers the officer has designated for on-call status.

d. District Court TRIALS

1. If, after checking case status with the Victim Advocate office and determining that the case is still on the docket, the officer will leave his name and badge number, the case number on which he is calling and a telephone number where he can be reached or where a message can be left for him between 0800 hours on Monday and 0930 hours on Tuesday (or 0800 Tuesday to 0930 Wednesday, if Monday is a holiday).
2. Between 0800 hours Monday and 0930 hours Tuesday, the Victim Advocate will contact or leave a message for the officer concerning the case, if the officer is needed. The Victim Advocate will advise the officer when an appearance will be necessary. The officer shall appear in response to the subpoena ONLY after being requested to do so by the Victim Advocate.
3. If the officer does not receive a message from the Victim Advocate by Tuesday at 0930 (or 0930 Wednesday if Monday is a holiday), he is released from that subpoena.
4. It will not be necessary for the officer to remain at the telephone number he designates for any period of time, only that he be able to be reached at that number or receive a message at some time in the 24 hour period. If the officer is not contacted by the Victim Advocate within that time, he may disregard the subpoena.

(5) Compensation for Off-Duty Court Appearances

- a. Officers subpoenaed by the Denver City Attorney, Denver District Attorney, State Motor Vehicle, other city, state, federal officials and court officers because of police actions taken for the Denver Police Department are entitled to off duty court appearance compensation.
- b. A minimum of two (2) hours or the actual time involved, whichever is greater, will be awarded for an appearance in court or other hearing. The time will be converted at the overtime rate and will be compensated in cash payment or compensatory time, at the officer's election, with the following exceptions:
 1. Court sessions beginning less than two hours before an officer is to report for duty will be considered continuous duty overtime, with the time calculated from the beginning of the court appearance until the officer's scheduled reporting time for duty.
 2. Court sessions beginning when an officer is on duty and continuing beyond the scheduled end of shift will be considered continuous duty court overtime for the actual time involved.
 3. Officers who are on inactive duty because of line of duty injuries will not receive extra compensation for court appearances.
 4. Officers using sick leave for other than line of duty injuries will be compensated at straight time, without that time being deducted from their sick banks.
 5. Pretrial conferences and depositions will be compensated at the officer's election. Any funds received from other parties must be remitted to the Financial Services Bureau.
 6. Officers appearing in other jurisdictions will be compensated at their election. Any funds received from other jurisdictions must be remitted to the Financial Services Bureau.
 7. Responding to a court appearance is not an instance of call-out overtime as described in OMS 505.03(4).
 8. Captains shall receive compensatory time for court appearances at a straight time rate.
- c. Off-duty officers subpoenaed or directed by the Department to testify in civil cases as result of official police actions, or to give expert testimony, have the choice of accepting the compensation provided by the other party or remitting the funds to the Financial Services Bureau and receiving compensation as in the procedures outlined above.

- d. Officers subpoenaed to appear in court out of state, resulting from an action taken as a Denver Police Officer shall forward the subpoena to the Chief of Police through the chain of command. The Chief shall have the validity of the subpoena confirmed and, if necessary, grant leave to the subpoenaed officer. Officers subpoenaed as a result of actions taken while employed by another law enforcement agency will be granted days off to attend court. The officer may request that Special Assignment time be approved through the Chief of Police.
- (6) Compensation for On-Duty Court Appearance
Any officer receiving compensation from other agencies or individuals for any court appearance made while on duty must remit the funds to the Financial Services Bureau. Officers may keep the compensation for court appearances on their own time.
- (7) Personal Appearance in Court
Officers presenting themselves in court as witnesses or in any other official capacity shall appear properly groomed and professionally dressed. See OM RR-501.
- a. The regulation uniform may be worn by all officers when appearing in court. It is to be in good repair, clean and well pressed. Leather, brass and footwear shall be well polished. Badge and name plate will be properly positioned. Uniform caps, if worn, will be removed when inside the courtroom.
 - b. Non-uniform attire will be conservative and reflect a professional demeanor. It will be in good repair, clean, and well pressed.
 - 1. Male officers in non-uniform attire shall wear business suits or slacks and sport coats, dress shirt, neckties and complimentary footwear.
 - 2. Female officers in non-uniform attire shall wear tailored dresses, skirted or pant suits, and blouses with sleeves as well as complimentary footwear.
 - c. Casual or leisure time attire, such as jeans, sundresses, shorts, or barefoot sandals, is unacceptable.
 - d. Officers appearing in court as litigants in matters that are not within the scope of their employment shall not be in uniform, nor shall they be armed.
 - e. Each judge of the Denver District Court has full authority to exclude firearms and weapons, and any person bearing same, from his or her courtroom as that judge deems appropriate, without giving a reason.
- (8) Officers Subpoenaed by Defense
- a. Any officer subpoenaed by the defense shall strictly comply with the subpoena, or risk contempt proceedings against the subpoenaed officer
 - 1. Vacations, military leave, ASL, sick leave, and/or time off are not justifiable reasons for failure to comply with defense subpoenas.
 - 2. Officers may, on their own behalf, attempt to contact the issuing defense attorney and make individual arrangements with the attorney.
 - a. Such arrangements shall be documented in writing.
 - b. A copy of the documentation shall be forwarded to the Court Liaison Office.
 - 3. Neither the prosecuting attorney nor the Police Department have control over the defense subpoena process.
 - b. While the officers shall comply with subpoenas issued by defense attorneys, the Court Liaison Unit shall be available to assist individual officers who need help assistance in negotiating with the defense attorneys for continuances or other arrangements.
 - c. District and bureau commanders shall keep and maintain a subpoena book for logging in all subpoenas forwarded to officers through Court Liaison from defense attorneys.

103.03 Cooperation with District Attorney and City Attorney

- (1) All Denver Police Officers are required to cooperate with the Denver District Attorney's Office, Denver City Attorney's Office, and the Denver County Court in properly prosecuting criminal violations. All charges shall have adequate evidence for court presentations to support the charge.
- (2) After filing charges and prior to the time the case is heard by the Court:
 - a. Officers may, for good and sufficient reason, request of the District Attorney or City Attorney an amendment to the original charge or charges, or the dismissal of any of the charges. The decision to change or amend charges is up to the District Attorney or City Attorney.

Officers may discuss such matters with the District Attorney or City Attorney, but it must be clearly understood that it is solely the province of the District Attorney or City Attorney to make binding decisions on such matters.
 - b. In the event an officer is contacted by anyone besides a Judge, District Attorney, or City Attorney requesting an amendment of any charges that have already been filed with the court, they shall immediately report it to their commanding officer.

103.04 Officers Named as Defendants in Civil Suits

- (1) Any time officers are named as defendants in a civil suit that is brought as a result of a police action, or if there is reason to believe that they may be named as defendants in a civil suit, they will at the earliest possible time report to the Civil Liability Bureau.
- (2) When an officer has been served with a Civil Summons and Complaint, he shall respond in person to the Civil Liability Bureau with a copy of the Summons and Complaint, without delay.
- (3) The Civil Liability Bureau will be responsible for any necessary investigations, gathering the necessary documents and reports, and all necessary notifications to appropriate personnel. The listed steps are necessary for the officer's benefit and protection.
- (4) Failure to follow the above or any effort to arrange personal defense without having consulted the Civil Liability Bureau could jeopardize the liability coverage or defense of the lawsuit.
- (5) Any officer who does not wish to be represented by the City Attorney's Office or attorneys appointed by the City and County of Denver, for civil defense, and who chooses to obtain counsel at the officer's own expense, will so state in writing to the Civil Liability Bureau, the Chief of Police, and the City Attorney's Office, that the officer clearly understands that the Police Department and the City and County of Denver are relieved of any and all liability awards that may result against the officer in any civil suit brought against that officer.
- (6) Officers shall not testify in civil cases unless legally subpoenaed or directed by a letter from the department. See OMS 103.01(3).
- (7) Any officer summoned or requested to give a deposition in a civil case as a result of an official police action shall contact the Civil Liability Bureau before doing so.

103.05 Court - Manner of Testifying

- (1) Officers testifying in court shall avoid any indication of bias, prejudice, or anger. They shall testify in a clear, concise, and distinct manner. Questions shall be answered promptly, truthfully, and without trace of evasion. Personal behavior shall be exemplary both while in court waiting call and while on the witness stand.

103.06 Testifying for the Defendant

- (1) In accordance with Rule and Regulation 1004, officers who are subpoenaed or requested to testify for the defense or against the City of Denver or interest of the Department shall notify in writing their commanding officer and the district or city attorney. Additionally, a synopsis of the testimony to be given shall be included with such notification when:
 - a. A character reference or endorsement is to be provided by the officer.

- b. The officer has direct or indirect, personal, financial, or employment relationships with the party or business entity which is the subject of such hearing.
- (2) The same procedure will apply when testifying before Excise and License, Department of Revenue, or other regulatory hearings.

103.07 Civil Liability Bureau

- (1) The officers assigned to the Civil Liability Bureau are available on a twenty-four (24) hour basis and can be reached through the Communications Bureau.
- (2) The officers assigned to this unit shall investigate all claims of injury and damaged property resulting from the actions by members of the police department.
- (3) The officers assigned to this unit will be responsible for the processing of civil law suits brought against members of the department.

103.08 Jury Duty

- (1) Members shall notify their commanding officers upon receipt of summons to appear as a juror.
- (2) Officers summoned to serve on jury duty, will be listed as excused in the time book, with the proper notation.
- (3) All fees for jury service shall be returned to the Denver Police Financial Services Bureau. (Police officers are not allowed to accept compensation while serving on City time.)
- (4) Officers shall not be credited in the time book until their commanding officer acknowledges receipt from the Financial Services Bureau.
- (5) Any officer who is summoned to perform jury duty shall suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.

103.09 Legal Opinions

- (1) In an effort to maintain continuity and chain of command, all officers are instructed to send requests for legal opinions from the City Attorney of the City and County of Denver through their own superiors to the Office of the Chief of Police.
- (2) This office shall transmit all requests for legal opinions involving law, procedure or any other matter that the City Attorney is responsible for through the Office of the Manager of Safety.

