

<b>HVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL</b>		
<b>Issue Date</b> February 2021	<b>Review Date</b> February 2022	<b>Directive Number</b> <b>6.1.8</b>
<b>Accreditation Index:</b>		<b>Rescinds:</b> Directive 6.1.8 of November 2019
<b>Chapter:</b> Six – General Procedures	<b>Section:</b> One – Organization & Management Role	
<b>Chief of Police:</b> <i>John F. Viola</i>		

**SUBJECT: COURT APPEARANCE AND ON-CALL COURT PROCEDURES**

**I. PURPOSE**

The purpose of this Directive is to provide police officers with guidelines for court appearances and the on-call court procedures.

**II. POLICY**

Police personnel directed to appear in court shall appear in their respective uniforms on the date and time designated, prepared to testify. It shall be the arresting police officer’s responsibility to notify all witnesses and/or victims necessary to appear in court to testify. Police officers shall also ensure that they possess all evidence, records, reports and other material needed for the presentation of the case.

**III. DEFINITIONS**

**Court Coordinator** – A civilian member assigned to the Staff Services Division with responsibility for the scheduling and oversight of all court attendance issues.

**On-Call** – for purposes of this directive “on-call” is the title for the process of giving notice to officers who are on a stand-by status to attend court in Media.

**Callback** – a contractual term used to define when an officer is required to return to duty from an off duty status.

#### **IV. SUBPOENAS**

- A. All subpoenas, whether from District Court, a District Attorney's office, outside sources, private attorneys or any other source shall be processed through the Staff Services Division Court Coordinator when related to criminal cases.
- B. Staff Services personnel shall not accept civil court subpoenas with the exception of cases involving the Township.
- C. Police officers are expected to accept civil case subpoenas from process servers and make arrangements with the attorney requiring the officer's appearance. Officers shall not be compensated by the Township for appearances at civil trials or depositions except as a witness for the Township in a case in which the Township is a plaintiff or a defendant.

#### **V. COURT ATTENDANCE PROCEDURES**

- A. Off Duty Officer Appearance
  - 1. Upon receipt of a court notice or subpoena for criminal court in Media, the officer, on the designated date, shall contact the Information Assistant or the Duty Supervisor to be placed on the Daily Report as on-duty or court.
  - 2. The officer shall contact the appropriate on-duty supervisor and request a Department vehicle for transportation to court. Officers shall not use their personal vehicles for transportation to court appearances.
    - a) In the event there are no available police vehicles to assign to this officer, the patrol supervisor shall arrange for the officer to be transported to court by an on-duty officer. The officer shall contact the Information Assistant or the Duty Supervisor at the completion of the court assignment and request transportation back to Headquarters.
  - 3. Officers subpoenaed for hearings at District Court shall contact the Information Assistant or the Duty Supervisor prior to their subpoenaed time to be placed on the Daily Report as on-duty for court.
  - 4. Officers subpoenaed for hearings at District Court shall contact the appropriate on-duty supervisor and request a Department vehicle for transportation to court. Officers shall not use their personal vehicles for transportation to court appearances.

- a) In the event there are no available police vehicles to assign to this officer, the patrol supervisor shall arrange for the officer to be transported to court by an on-duty officer. The officer shall contact the Information Assistant or the Duty Supervisor at the completion of the court assignment and request transportation back to Headquarters.
5. Off duty officers subpoenaed for court appearance, whether at the District Court, the Court of Common Pleas or Federal Court shall be compensated at the rate established by contract.
6. Officers shall report off duty at Headquarters promptly at the completion of their court assignment.
7. Officers scheduled for court appearance are required to appear when notified to appear. Officers shall not request any time off on dates they are scheduled for court appearance after receiving notice of the court appearance date. In the event the officer is permitted to take time off after receiving a court appearance notice, the officer shall be required to appear in court as subpoenaed and shall not be compensated for any overtime unless the court appearance continues past the end of the officers scheduled tour of duty. This compensation shall be continuation of duty.
8. Should time off of any kind be granted, and later a subpoena is received to appear in court, and a continuance is not granted by the Court; the requested and granted time off shall be canceled and taken at another time.

**B. On-Call Procedures**

1. Officers subpoenaed to court and placed on an “on-call” status shall check their voice mailbox after 17:00 hours the night before the assigned court date to determine the current status of the case.
  - a) Officers will be left a message from the Court Coordinator notifying them whether the case is still listed as “on-call”; taken off the “on-call” status; or the officer will be required to appear in court the following day.
2. Officers will not be placed on an “on-call” status on Mondays.
3. Officers placed on an “on-call” status for court appearance shall have the following options:

**Option #1:**

- a) The officer may report to Headquarters at 10:30 hours in uniform and be placed on-duty.

- b) The officer shall contact a supervisor in the division they are assigned and be given an assignment by that supervisor.
- c) The officer shall work in this capacity until one of the following occurs:
  - (1) The officer is notified to respond to court to testify.
  - (2) The officer is notified the case has been taken off-call and the officer does not need to testify. The officer may then complete the court notice form, have it signed by a supervisor and report off duty.
  - (3) The officer will continue to work until 14:30 hours at which time they shall complete the court notice form, have it signed by a supervisor, and report off duty.
  - (4) Officers not notified that the case has been taken “off- call” shall be responsible to ensure they check their voice mailbox after 17:00 hours to determine if they will be “on-call” the following day.
- d) Officers electing to follow the above listed procedures shall be compensated as established by contract.

**Option #2:**

- a) Officers placed on an “on-call” status shall have the option to exercise the following procedure. However, officers electing to exercise this option shall not be compensated, unless the officer is actually called to court.
  - (1) The officer may elect not to respond to Headquarters and be placed “on-duty”, as outlined above.
  - (2) If the officer does not respond to Headquarters to be placed on-duty, the officer shall notify the Information Assistant or the Duty Supervisor by 10:00 hours that they are “on-call” for court and shall leave a phone number where the officer can be contacted if required to respond to court.
  - (3) In the event the officer is required to respond to court the officer shall respond to Headquarters and follow the procedures outlined in paragraph V, subparagraph A of this directive.

C. Multiple Appearances Same Date

- 1. When officers receive a subpoena for a court appearance and the officer is off duty, this appearance is considered “callback” and the officer is compensated at a rate of four hours overtime.

2. At the conclusion of the court appearance the officer is permitted to report off duty and return home.
3. A second court appearance on the same day and scheduled within the time covered by the first court appearance does not constitute a new callback. The officer will be compensated for the four hours of overtime for the first court appearance; any other duty within that time is continuation of duty. An example of this is as follows:

*First court appearance is at 09:00 hours. The officer finishes the case and reports off duty at 09:30 hours. The second court appearance on the same day is scheduled for 11:00 hours. The officer reports off duty at 12:00 hours. The officer will be compensated for four hours overtime for that day.*

*If the 11:00 hour case would continue to 14:00 hours, the officer would be compensated for five hours overtime. The four hours from the first case and one hour for continuation of duty on the second case (13:00 to 14:00 hours).*

## **VI. DUTIES OF THE COURT COORDINATOR**

- A. The Court Coordinator, upon receipt of any court subpoena, etc., shall:
  1. Log the subpoena information into the Court Attendance Database making note of the date and time the subpoena was received.
  2. Forward the subpoena to the supervisor of the subpoenaed officer.
  3. Upon notification of continuances or postponements, the Court Coordinator shall notify the subpoenaed officer via e-mail and/or voicemail.

## **VII. DUTIES OF SUPERVISORS AND SUBPOENAED OFFICERS**

- A. Supervisors shall ensure:
  1. Upon receipt of the subpoena from the Court Coordinator, the officer's supervisor shall notify the subpoenaed officer.
  2. At the completion of the court appearance, the subpoenaed officer shall have the assigned Assistant District Attorney sign and record the time on the court/overtime form.
  3. The subpoenaed officer shall return to Headquarters and submit the completed court/overtime form to the on-duty supervisor.

4. The supervisor shall review this form for completeness, sign the form and forward the form to the Records Office for further processing.

## **VIII. DUTIES OF THE RECORDS OFFICE PERSONNEL**

- A. Records Office personnel receiving completed court/overtime forms shall:
  1. File a copy of the court/overtime form in the case folder or in the disposition file.
  2. Insert the total overtime hours earned and the total monetary figure earned in the appropriate locations on the overtime form.
  3. Forward the completed overtime form to the Chief of Police or his/her designee for final approval.
  4. Upon final approval, the overtime form shall be filed and the overtime Access Database completed. A copy of this Access report shall be submitted to the Township Administrative Building.

**BY ORDER OF THE CHIEF OF POLICE**