

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Louisville Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Subpoenas, court documents, and legal process must be accounted for and distributed in a prompt, efficient, and accountable manner. The standards in this policy are designed to ensure sufficiency of information, accuracy, timeliness, accessibility, and accountability in the delivery of legal process. Louisville Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 RECEIVING SUBPOENAS AND COURT DOCUMENTS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

- A. Subpoenas and court documents issued by Courts to police department employees for events incurred as a result of their employment must be recorded. These documents include subpoenas from Federal, State and Municipal Courts, the Twentieth Judicial District Attorney's Office and the Public Defender's Office. Upon receipt of these documents, they shall be submitted to the Operations Corporal. The Operations Corporal will record the following information upon acceptance of a subpoena or each item of legal process:
 - Date and time received.
 - Type of legal process, civil or criminal.
 - Type of document.
 - Source of document.
 - Name of plaintiff/complainant or name of defendant/respondent.
 - Involved employee.
 - Case number or Court docket number.
 - Date of event or service due.
- B. Subpoena information will be kept in a log and stored electronically to allow access for all employees. The Operations Corporal will ensure that the logs are kept current and employees are notified of changes to the logs. A case report number or docket number shall be recorded for each entry in the log.
- C. The Operations Corporal shall check the date of the required appearance and schedule of the individual subpoenaed to determine the appropriate manner of notification. The type of notification shall be documented.

Subpoenas and Court Appearances

- D. Upon receiving a subpoena, each employee will promptly complete and return the Return and Waiver of Personal Service portion of the subpoena to the Operations Corporal. If no waiver is attached, employees shall follow the instructions as set forth on the subpoena or personally contact the issuing entity to confirm specific appearance requirements. If an employee is unable to appear at the date and time on the subpoena, it is the individual employee's responsibility to make notification to, and arrangements with the issuing entity.
 - Employees of the Louisville Police Department will make all reasonable efforts to honor subpoenas and legal documents.
- E. The Operations Corporal will be responsible for adding the court date and time into the scheduling software.
- F. Court documents that are not directed to a particular employee will be given to the Operations Corporal and then forwarded to the supervisor of the appropriate section.
- G. Subpoenas for employees that involve personal issues outside the scope of their employment shall not be recorded by the Operations Corporal.
 - Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.
- H. Employees who are personally served with subpoenas for work related issues shall make a copy of the subpoena and provide it to the Investigations Operations Corporal for entry into the subpoena log.

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Chief of Police or the prosecutor shall notify his/her immediate supervisor and the Operations Corporal without delay regarding:

- A. Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- B. Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- C. Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- D. Any civil action stemming from the member's on-duty activity or because of his/her association with the Louisville Police Department.
- E. Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Louisville Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

Subpoenas and Court Appearances

324.4 CIVIL SERVICE TO AN EMPLOYEE

When an agent of a private attorney comes to the police department with legal service, the named employee, if on duty and reasonably available, will respond to the public lobby and receive service.

If the employee is not on duty, the process server will be advised of the employee's scheduled working hours so that service may be affected. The employee shall also be advised of the pending service and the server's contact information to assist in the completion of service.

324.5 SUBPOENA DUCES TECUM

Unless otherwise stipulated, a Subpoena Duces Tecum may be received by the custodian of those requested records. That custodian is then responsible for responding to the Court.

324.6 DEPARTMENT OF REVENUE NOTICE OF HEARING

Department of Revenue Notice of Hearings shall be handled in the same manner as a subpoena.

Officers who have a conflict with Department of Revenue hearings shall complete a DMV Officer Request for Reschedule form and return the form to the Operations Corporal.

324.7 REQUIREMENT TO APPEAR

Members are required to comply with the terms of any properly served subpoena or court-ordered appearance. This includes properly served orders to appear issued by a state administrative agency.

324.8 SERVICE OF DOCUMENTS

- A. In general, the Louisville Police Department does not serve or assist in the service of civil papers. Requests for this service are to be forwarded to the Boulder County Sheriff's Office.
- B. Plain-clothed, sworn officers will assist the City Clerk's Office, City Sales Tax Division, and the Municipal Court in serving legal documents in the community. These documents shall be forwarded to the Operations Corporal to be recorded and distributed to police supervisors to be assigned for service. These documents may include, but are not limited to:
 - Liquor Authority Show Cause Hearing Notices
 - Delinquent Sales Tax Summonses
 - Delinquent Sales Tax Liens
 - Administrative Hearing Process papers
- C. Officers shall make a record on the execution or attempted service of legal process documents by taking an original case report number, titled Civil Process. Subsequent attempts at service shall be recorded as supplemental reports to the case report. This will not eliminate the responsibility of completing and submitting a written Return of Service, if one is included with the legal process. Information in the case report shall include:
 - Address of service/attempt
 - Method of service/reason for non-service
 - Name of person on whom legal process was served/executed

Subpoenas and Court Appearances

- Name of officer(s) executing/attempting service
 - Date and time service was executed / attempted
 - Date of assignment
- D. Any requests to serve a summons from an outside agency shall be evaluated by the on-duty patrol supervisor to determine the appropriate method and manner of service. All requests for civil process service shall be referred to the appropriate sheriff's office.
- E. The Records Section shall forward copies of domestic violence subpoenas served by officers to the Operations Corporal to be recorded.
- F. Protection Orders are issued through the appropriate court and are not served by the police department; however, nothing within this policy prohibits a police officer from assisting the court or the protected individual(s) by facilitating the serving and/or notification of protection orders.

324.9 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.10 COURTHOUSE PROTOCOL

When appearing in court, members shall:

- A. Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- B. Dress in the department uniform or business attire.
- C. Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.10.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.10.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence, that member should:

- a. Notify the Property and Evidence Section promptly after receiving the subpoena that the specified evidence is needed for court and verify that the evidence is readily available.
- b. Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.

Subpoenas and Court Appearances

- c. Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- d. Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- e. Comply with provisions of the Property and Evidence Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

324.11 COMPENSATION

When a member appears in court on his/her off-duty time for work-related appearances, he/she will be compensated.

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties.

- The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

