



VIA TRANSIT POLICE DEPARTMENT

Standard Operating Procedures



Section 605 – Court Appearances/Compensation

Office with Primary Responsibility:	COP	Effective Date: Prior Revision Date:	March 7, 2018 NEW
Office(s) with Secondary Responsibilities:		Number of Pages:	4
Forms Referenced in Procedure:		Related Procedures:	ALL

.01 INTRODUCTION

- A. This procedure establishes departmental policy regarding court and pre-trial conference attendance by members.
- B. This procedure also provides guidelines for the stand-by process, compensation for attending court, dress code requirements, and for court absences.

.02 ATTENDANCE REQUIREMENTS

- A. Courts in this agency's jurisdiction utilize officers' written reports, sworn affidavits, or complaints at preliminary court proceedings and arraignments in lieu of an officer's presence.
- B. If members are needed to attend court, preliminary court proceedings, or pre-trial conferences, they are subpoenaed or notified by the District Attorney through computer-generated notice, fax notice, or telephone.
- C. Members subpoenaed or notified by the District Attorney to attend court or a pre-trial conference held in the Bexar County Courthouse or Justice Center shall check-in with the Court Liaison Clerk on 7th floor prior to reporting to court or a pre-trial conference.
 - 1. Members attending all other courts sign in with the Court Bailiff or Clerk.
 - 2. Officers provide verification of off-duty attendance in a court or pre-trial conference by submitting an overtime card. If the officer received a subpoena or other notice to appear, the subpoena or notice shall be attached to the overtime card.
- D. Off-duty members dismissed by a county or district court or after completing a pre-trial conference shall also check-out with the court clerk.
- E. Members shall fully cooperate with the directions of the Court clerk or Bailiff.
- F. Members do not testify in civil proceedings related to their official capacity unless they are properly subpoenaed by either the plaintiff or the defendant in the case. Immediately upon receiving a civil subpoena, members shall notify their chain of command and contact the VIA Legal Office to see if an attorney needs to review the civil case.

.03 SUBPOENA PROCESS - DISTRICT and COUNTY COURTS

- A. When a subpoena is issued for a date on which a member will be on vacation, the subpoena is immediately returned to the supervisor with notification the member is on vacation, with the beginning and ending dates of vacation. The supervisor shall arrange with the court an alternative date.
- B. Once a member has received a subpoena, or been contacted by court personnel, they shall not schedule any type of leave for the date and time of the stand-by period.



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.04 FAILURE TO APPEAR IN COURT

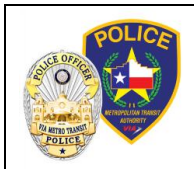
- A. Officers failing to appear in court or who are tardy to court submit a written report covering their absence or tardiness to their immediate supervisor. Supervisors forward a copy of the report to the Chief of Transit Police. The Chief of Transit Police shall determine the disposition of the member's failure to appear.
- B. Officers shall not submit overtime cards for missed court appearances.

.05 SUBPOENAS ISSUED OUTSIDE OF BEXAR COUNTY

- A. A member who receives a subpoena from an agency outside Bexar County shall immediately notify the Chief of Transit police of the subpoena in a written report.
- B. Members scheduled to be on-duty during the time of the out-of-county court date may be placed on administrative leave.
- C. Members not scheduled to be on-duty during the time of the out-of-county court date are responsible for contacting the agency who issued the subpoena and securing the necessary travel arrangements, as well as compensation for responding to the subpoena.

.06 COMPENSATION FOR OFF-DUTY COURT APPEARANCE

- A. Officers attending court or hearings for judicial proceedings where their testimony is the result of the officer having taken some official law enforcement action pertaining to the proceeding receive compensation for off-duty court appearances in the following:
 - 1. District Courts;
 - 2. County Courts-at-Law;
 - 2. Grand Juries;
 - 4. Justice of the Peace Courts;
 - 5. San Antonio Municipal Courts;
 - 6. Texas Alcoholic Beverage Commission Hearings;
 - 7. Federal Courts;
 - 8. Administrative License Revocation Hearings;
 - 9. Pretrial Conferences.
- B. Officers on off-duty status who attend court, pre-trial conferences, or who are placed on stand-by for court are entitled to receive compensation as outlined in this section.
- C. VIA Transit Police Officers do not accept any financial compensation from the courts. Officers will be compensated for court time through their normal pay or overtime process.
- D. An officer who testifies or gives a deposition in a civil proceeding does not receive compensation from the Department, unless the appearance is the result of the officer having taken some official law enforcement action pertaining to the proceedings.



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- E. An officer required to stay in court beyond three (3) hours is compensated for the actual time spent in court.

.07 MEMBER'S TESTIMONY

- A. When a member testifies in a court proceeding they should remember their task in this capacity is to act as a reporter of facts. The member testifies with honesty and accuracy regardless of what affect it may have on the ultimate disposition of the case.
- B. A member carefully reviews the facts of the case before testifying in court. They study their notes and memoranda ahead of time so when they are on the witness stand they do not have to refer to them unless absolutely necessary. The member takes their notes concerning the case to court with them.
- C. A member testifying at any criminal judicial proceeding avoids displaying notebooks, reports, or other documentary evidence, unless directed to do so by the District Attorney, their assistants, or the judge. If displayed, the defense counsel is able to examine the entire document and possibly compromise information on other investigations.
- D. Once a member has been dismissed by a court, the member promptly leaves the courtroom so as not to disturb the court proceedings. If on-duty, the member immediately returns to service.

.08 COURT DRESS CODES

- A. Members attending court or hearings for judicial proceedings or civil proceedings where their testimony is the result of the member having taken some official law enforcement action pertaining to the proceeding shall appear in a regulation uniform, assigned duty uniform or appropriate business/relaxed apparel, in accordance with Section 301 *Uniforms Equipment & Appearances*.
- B. Members shall NOT wear the regulation uniform or any other authorized uniform in any proceedings to which they are subpoenaed or requested to testify on behalf of the defense in a criminal case; against the VIA Metropolitan Transit Authority, in a civil case; or against the interest of the Department in any civil service hearing, arbitration, or administrative hearing.
- C. Members attending court or hearings for judicial proceedings or civil proceedings where their testimony is NOT the result of the officer having taken some official law enforcement action pertaining to the proceeding shall NOT wear the regulation uniform or any other authorized uniform, unless the officer is subpoenaed by the State of Texas, the VIA Metropolitan Transit Authority, or the VIA Transit Police Department.

.09 JURY DUTY

- A. Members receiving notices to report for jury duty shall report in proper civilian attire on the date indicated on the official jury duty notice.
- B. Prior to the date the member is to report for jury duty, the member provides their supervisor with a copy of the official notice of jury duty.
- C. Members serving on jury duty are compensated as directed by the VIA Salaried Employee Manual. Members on jury duty are not required to report for regular duty either before the start of their jury duty or after being released from jury duty for the day.

- D. Members who have a regular tour of duty starting after 2100 hours on the date immediately prior to the date they are to report for jury duty may be relieved from regular duty early to return home to rest before reporting for jury duty. This subsection also covers members who report for jury duty on a relief day.
- E. Members selected to serve on a jury whose duration is more than one (1) day, excluding relief days, must contact their supervisor each day to advise them they are still on jury duty.
- F. Upon completion of jury duty and the return to regular duty, members shall submit a Leave Request Form for all administrative leave used for jury duty. The Jury Duty Certification Card is attached to the Form.
- G. All compensation offered for jury duty while an officer is on leave is not to be accepted. Any compensation received for jury duty on a member's relief day is retained by the member.