

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.36
		Issue Date: March 21, 2005
		Revision Date: February 21, 2012; August 4, 2014; March 16, 2015
CHAPTER: Patrol		Related Policy: G.O. 4.01 (General Responsibilities of Employees), G.O. 4.02 (Code of Conduct), G.O. 4.03 (Employee Status While Off-Duty), G.O. 4.04 (Personal Appearance)
SUBJECT: Court Attendance		Related Laws:

POLICY: Attendance in court responding to a duty-related subpoena, or upon the request of a supervisor, is considered a part of an employee's duties.

RULE: Employee shall appear in court at the time scheduled when personally served with a subpoena; notified by the Sheriff's Office; or the court should their appearance be required.

PROCEDURE:

I. Criminal Subpoena

A. Pre-trial Conference

1. Employees shall report to the Deputy District Attorney assigned the case one-half hour before the time scheduled for trial.
2. This half-hour period is considered duty time related to the appearance.

II. Civil Subpoenas

A. If an employee receives a civil subpoena resulting from a duty related incident, the deputy shall inform his supervisor and request that the supervisor contact the attorney responsible for issuance of the subpoena.

1. The supervisor will attempt to arrange for the deputy to appear only as long as it is necessary.
2. In particular, the supervisor will request the involved attorney not require the deputy to be present for the entire trial.

B. Requests by private attorneys to meet with employees shall be arranged through the employee's supervisor. To avoid creating an overtime situation, supervisors shall make every attempt to schedule such meetings during the employee's normal working hours.

III. Compensation

A. On Duty Appearances

1. Court appearances scheduled during regular work hours are considered part of the employee's regular duties and is compensated at the employee's regular rate. No additional compensation shall be received for on duty court appearance.
2. Employees required to appear in court during their regularly scheduled shift who are on leave shall report actual court time with the appropriate activity code and the balance is reported as leave. For example, the employee appears in court while off due to sick leave and the court appearance requires 2-1/2 hours; the employee reports 2-1/2 as 01 – straight time, with project code “subpoena appearance”, and 5-1/2 hours as 41, sick leave.

B. Off Duty Appearances

1. Compensation is pursuant to the Collective Bargaining Agreement.

C. Subpoena Fees

Personnel appearing in court under subpoena are entitled to a witness fee plus mileage as established by the court. Those personnel otherwise compensated for a court appearance shall not qualify for additional compensation. Any such witness fees received shall be submitted to the Sheriff's Office.

D. Witness Fees

Personnel appearing in criminal court shall not accept witness fees from private attorneys. When appearing in civil court under subpoena from a private attorney, personnel may receive a reasonable witness fee, if they are appearing on their off duty time. Personnel appearing during duty hours may not accept such fee, if any such fee is presented, and it must be submitted to the Sheriff's Office.

E. Voluntary Ride-Along

1. Employees requesting to voluntarily ride along with Patrol of other agencies do so with the understanding that they shall receive no compensation for this voluntary participation, to include overtime and/or remuneration as an employee for any court appearances that occur as a result of this voluntary participation.

2. Employees shall be subject to all rules and regulations of the Sheriff's Office and the County during any ride-along participation.

F. Duty Related Civil Appearance

1. During such appearances, an employee shall be considered on duty and shall receive compensation for the period of that appearance as designated by the Sheriff's Office.
2. The compensation for an employee who is under court subpoena relating to a civil matter will be in accordance with the current contractual agreement existing between Lane County and a recognized bargaining unit or labor organization.
3. Exception: When an employee is subpoenaed, or interviewed, by an attorney to testify as an expert witness on a matter which did not result as a part of an employee's official duties. The compensation in these exceptional circumstances will be a matter of private agreement between the attorney and legal firm involved and the employee.

IV. Testimony

Duty related appearances will be in accordance with the following guidelines:

A. Dress Code

1. The manner of dress for personnel appearing in court may be regulated to some degree by the desires of the court.
2. Circuit Court Appearances (except for Traffic or Violation Trials) – Uniformed employees shall wear a modified class A uniform (dress uniform jacket [Ike jacket] is not required) or business attire. All non-uniform weapons shall be kept from public view.
3. Traffic Court / Grand Jury / Civil Hearings – Uniformed employees shall dress in the uniform of the day or suitable civilian attire. This may include: A dress suit or a dress shirt and/or sweater and dress pants.

B. Bearing

Employees testifying in court shall conduct themselves in a manner that will not bring discredit upon the Sheriff's Office. Their conduct shall be professional at all times.

C. Truthfulness

1. Employees testifying in court shall strictly adhere to the Sheriff's Office policy regarding truthfulness. There is no justification, under any circumstances, for being untruthful.
2. Employees shall ensure they qualify their testimony for the court when they must testify to matters of which their recollection is vague, or they have doubt about the matter.
3. If after testifying, an employee realizes some part of his/her testimony may have been inaccurate, the employee shall immediately inform the prosecutor so that the testimony may be corrected.

D. Fairness

1. When testifying, employees shall not withhold any evidence or information they may have, if questioned regarding their knowledge of such evidence or information.
2. Employees shall not demonstrate prejudice in the manner or context of their testimony.

V. Vacations-Notification of Court

- A. It is recommended that employees inform the Circuit Court calendar team as soon as practical when vacation leave may potentially conflict with any upcoming trials or Grand Jury.

VI. Notification of Trial Cancellation

- A. Deputies shall be responsible for checking the District Attorney after hours recording, and their Sheriff's Office voice mail, the night before a court appearance to make sure the case is still scheduled.

VII. Failure to Appear

- A. Failure to appear after being served a subpoena, or being officially notified of the subpoena, may result in an employee being subject to Sheriff's Office discipline and/or being held in contempt of court, subject to a fine, or jail.
- B. In addition, the case may be dismissed.