

CLEVELAND DIVISION OF POLICE



GENERAL POLICE ORDER

EFFECTIVE DATE:	CHAPTER: PAGE: NUMBER:				
APRIL 7, 2021	2 - Legal	1 of 3	2.03.05		
SUBJECT:					
COURT ATTENDANCE					
CHIEF:					
Calvin D. Williams, Chief					

- **PURPOSE:** To establish guidelines for members responding to a subpoena to attend any arraignment, grand jury hearing, pre-trial, trial, or other court proceeding.
- **POLICY:** *It is the policy of the Cleveland Division of Police* that members receiving a subpoena shall attend court as required and properly document attendance.

PROCEDURES:

- I. Court Attendance
 - A. Subpoenaed members shall:
 - 1. Attend any arraignment, grand jury hearing, pre-trial, trial or other court proceeding as required.
 - 2. Sign-in at the Court Unit or Juvenile Court prior to a court appearance; if the Court Unit is closed, officers shall sign-in at the Record Section.
 - 3. Obtain a time stamp on the back of the *subpoena;* the time stamp on the subpoena should be the same as that entered on the Court Attendance sign-in sheet.
 - a. If the Court Unit is closed, members shall sign-in and receive their time stamp at the Record Section.
 - b. If the time stamp is inoperable, Court Unit personnel shall promptly notify the Officer-in-Charge of the Record Section who shall record the time and initial the subpoena.
 - 4. Check in with the bailiff or prosecutor in each courtroom for which they have been subpoenaed.
 - 5. After completion of court or upon being excused, have the prosecutor sign the back of the subpoena.
 - 6. Obtain a time stamp on the back of the subpoena; if the Court Unit is closed, members shall receive their time stamp at the Record Section.
 - 7. Sign-out with the same time as stamped on the back of the subpoena; if the Court Unit is closed, members shall sign-out at the Record Section.
 - 8. Submit the stamped and signed subpoena to their OIC.

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- 9. Not submit subpoenas that have material information marked over, crossed out or otherwise altered unless the prosecutor assigned to the case signs and dates the altered subpoena.
- 10. Seek counter service at the respective prosecutor's office for an altered subpoena.
- B. Overtime.
 - 1. The City of Cleveland shall compensate off-duty court appearances which resulted from the member's primary responsibility to the citizens of Cleveland according to the current collective bargaining agreements.
 - 2. The City of Cleveland shall not compensate personnel:
 - a. For court attendance generated by activities related to secondary employment.
 - b. For submitting an altered subpoena.
 - c. For having to return to the prosecutor's office to receive a signature when the member failed to obtain the signature during the original appearance.
 - 3. Members shall submit a completed overtime card, form C of C 71-OT-2, with the stamped and signed subpoena attached.
 - 4. Court appearances via Zoom.
 - a. Members who attend court via Zoom shall give their City email address to the prosecutor handling the case.
 - b. The prosecutor shall send the member an email verifying court attendance.
 - c. Members shall print the email and submit a completed overtime card with the email and subpoena attached.
- C. Subpoenas from jurisdictions outside of Cuyahoga County shall be handled in the same manner as Cuyahoga County Common Pleas Courts subpoenas to the extent possible.
- II. Witness Vouchers
 - A. Members shall:
 - 1. Obtain a witness voucher from the County Clerk's Office for a Common Pleas Court subpoena.
 - a. Only officers who appear in person to testify in court will receive a witness voucher.

- b. Officers subpoenaed for the delivery of evidence (duces tecum), conferring with a prosecutor, or those providing video testimony will not receive a voucher.
- 2. Present the original subpoena to the cashier to receive a witness voucher.
- 3. Endorse the witness voucher with their signature and badge number.
- 4. Surrender the endorsed witness voucher to the Court Unit.
- B. Witness vouchers or other similar payments received for attending court outside of Cuyahoga County shall be surrendered to the Court Unit.
- III. Absence/Tardiness
 - A. After a subpoena has been served, only the assigned prosecutor can excuse the subpoenaed member from attendance at the proceeding; leaving a message with the Grand Jury bailiff or on a prosecutor's voicemail does not constitute being excused from a court proceeding.
 - 1. When a member's attendance is not required, the prosecutor assigned to the case may notify the member's OIC.
 - 2. The OIC shall notify the member that they have been excused. The OIC shall leave a message if unable to contact the member directly.
 - B. Members excused from appearing in court shall:
 - 1. Record the name of the prosecutor excusing the member, along with the date and time the member was excused, on the subpoena.
 - 2. For accountability purposes, maintain the subpoena with the above documentation recorded on it.
 - C. Members who anticipate arriving after the scheduled start of their court case shall:
 - 1. Notify the prosecutor.
 - 2. The name of the prosecutor notified along with the date and time of notification shall be documented on the member's copy of the subpoena.
 - D. Failure to respond to a subpoena may result in Divisional and/or contempt of court charges.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

CDW/lms/pmc Policy Unit