



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 305A

Effective Date 02/29/2024

Policy Name Overtime and Processing Subpoenas

Approved Date 02/29/2024

Approved by *Wendell Franklin, Chief of Police*

Previous Date 06/06/2023

PURPOSE OF CHANGE:

Updating procedures.

POLICY:

A police employee's attendance in court is vital to the criminal justice process. Therefore, a standard method of collecting subpoenas, attending court, applying for overtime, and the approval of overtime is necessary to ensure officers attend and are properly reimbursed for court overtime. Compensation for overtime will be made in accordance with the Collective Bargaining Agreement between the City of Tulsa and Lodge #93 Fraternal Order of Police, and appropriate provisions of City of Tulsa Personnel Policies and Procedures.

SUMMARY: Procedures for court subpoenas, applying for overtime, and for the approval of overtime.

APPLIES TO: All police personnel.

DEFINITIONS:

ADMINISTRATIVE OVERTIME – overtime that is not worked immediately before or after an officer's shift (e.g., FTO overtime for completing DOR's, special events, off-duty appearances at Internal Affairs, City Physician, and holidays).

COURT LIAISON – an employee assigned to the Detective Division who administers the presentation of cases and other duties as specified by the Detective Division Commander.

COURT MONITOR – an employee assigned to the Chief's Section who monitors court attendance, reviews court overtime, and assists in communication with area courts.

COURT OVERTIME – off-duty appearances in Municipal, State, and Federal Courts and Department of Public Safety hearings.

REGULAR OVERTIME – overtime worked immediately before or immediately after an officer's regular shift (e.g., late calls, vehicle stops while going to work or immediately after a shift).

SUBPOENA – A written command to appear before a court, requested by a prosecutor or a defense attorney.

PROCEDURES:

A. SUBPOENAS – DISTRICT ATTORNEY

1. The Tulsa County District Attorney's office will send an electronic subpoena to the TPD e-mail address "Subpoena."
2. The Crime Information Center (CIC) will review the "Subpoena" emails daily and forward emailed subpoenas to

the appropriate officer.

3. Employees are responsible for checking their emails on a daily basis while on duty to check for subpoenas.
4. The Court Monitor will monitor the emails to ensure they are received and reviewed. If they are not reviewed, the Court Monitor will notify the officer's supervisor.

B. SUBPOENAS – MUNICIPAL COURT AND DEPARTMENT OF PUBLIC SAFETY

1. The City Prosecutor's Office will forward employee's municipal subpoenas to their appropriate division.
2. The administrative lieutenant, or designee, will enter the subpoenas to be served on a subpoena log and then place the log in the mail tray of the employee's supervisor.
3. The supervisor will obtain the subpoena log from the mail tray and serve the subpoenas.
4. When a subpoena log is completed, return it to the administrative lieutenant for filing.

C. SUBPOENAS – ALL COURTS

1. The supervisor will be responsible for ensuring employees receive subpoenas in a timely manner. If the supervisor has knowledge an employee will be unable to make a court date, due to illness, vacation, etc., the supervisor will notify the appropriate prosecutor, defense attorney, or hearing officer. The supervisor will have the employee sign the log indicating receipt of the subpoena. (Note: Do not place subpoenas in the employee's individual divisional file.) Employees will sign their full name and the date the subpoena was received. Employees will access their e-mail at least once each day while on duty to check for Tulsa County District Court subpoenas.
2. Employees shall attempt to contact the appropriate prosecutor, defense attorney, or hearing officer at least 24 hours prior to the appearance date listed on the subpoena to determine the status of the case and the necessity of an appearance by the employee. The employee shall use email as the primary contact method. They may also use text messaging or voice mail if they do not have computer access. Employees will document the name of the person contacted and the method of contact used. If contact cannot be made prior to the appearance date, the circumstances shall be noted on the original subpoena.
 - a. If an employee receives a subpoena for a jury trial the employee will email the Assistant District Attorney assigned the case requesting to be placed on-call. The employee will not need to contact the Victim/Witness center. The employee will be contacted if the employee is needed for trial.
3. If an officer is scheduled for previously approved vacation time and receives a subpoena to appear during that time, they shall notify the appropriate prosecutor, defense attorney, or hearing officer to have the case rescheduled as soon as practical.
4. If an employee is unable to attend court on the day of the trial due to an illness, injury, or emergency, notify the appropriate court of the conflict by telephone prior to the time of the scheduled court appearance (Victim/Witness Center, (918) 596-4915).
5. If an unexcused absence occurs, the Court Monitor will notify the employee's division commander.

D. COURT SIGN-IN PROCEDURES

1. District Court
 - a. Upon arrival, sign up on the court log and have a member of the Victim/Witness Center staff sign and stamp the subpoena and an *Overtime Request Form* with the date and time. Officers will then report to the

appropriate courtroom or location as directed by the Victim/Witness Center staff.

- b. When released from court, return to the Victim/Witness Center. Sign out on the court log and have a member of the Victim/Witness Center staff stamp the subpoena and *Overtime Request Form* with the time and date. (Note: If the Victim Witness Center is closed, use the date and time stamp located in the Police/Courts Building.)
- c. Complete the *Overtime Request Form* and place the audit (original) copy, timekeeper copy, and a copy of the original subpoena in the lock box located at the court log.

2. Federal, Municipal Court, and Juvenile Court

- a. In the Police/Courts building, sign in on the court log and time/date stamp the subpoena and *Overtime Request Form* located on the Second Floor of the Detective Division in the Officers Review Room.
- b. Report to the Municipal Court Division or the U.S. Attorney's Office or Juvenile Court as directed on the subpoena.
- c. In Municipal Court, notify the City Prosecutor assigned to the case, or the minute clerk at the appropriate court division of arrival. Have the City Prosecutor assigned to your case sign the subpoena and *Overtime Request Form*.
- d. In Federal Court, notify the Assistant U.S. Attorney of your arrival. Have the Assistant U. S. Attorney assigned to the case sign the subpoena and *Overtime Request Form*.
- e. In Juvenile Court, notify the Prosecutor assigned to the case, or the minute clerk at the appropriate court division of arrival. Have the Prosecutor assigned to your case sign the subpoena and *Overtime Request Form*.
- f. When released from Municipal, U.S. District Court, or Juvenile Court return to the Police/Courts building, sign out on the court log, and date/time stamp the subpoena and *Overtime Request Form*.
- g. Complete the *Overtime Request Form* and place the audit (original) copy, Timekeeper copy, and a copy of the original subpoena in the lock box located at the court log.

3. Court outside the City of Tulsa

- a. When responding to courts outside the City of Tulsa, the officer will date/time stamp the Subpoena along with an Overtime Request Form at a division and have the prosecutor or hearing officer of the appropriate court sign, date, and record their phone number on the subpoena or letter.
- b. Upon return to the division, the employee will complete an *Overtime Request Form* and attach it to the properly stamped/dated subpoena or letter. Employees shall then staple the Overtime Request Form and the subpoena together and place them both in inter-office mail to the Court Monitor in Internal Affairs.

4. Video or Telephone Conferences and Hearings

- a. When receiving a subpoena for either a video or telephone conference or hearing for Federal Court, District Court, Municipal Court, JBDC or DPS, Employees shall attempt to contact the appropriate prosecutor, defense attorney or hearing officer at least 24 hours prior to the appearance date listed on the subpoena to determine the status of the case and the necessity of an appearance by the employee.
- b. After testifying or meeting on the date and time of video or telephone conference/hearing, employees will complete an *Overtime Request Form*. Employees shall then staple the *Overtime Request Form* and the subpoena together and place them both in inter-office mail to the Court Monitor in Internal Affairs.
- c. The Court Monitor will review the *Overtime Request Form* and attached subpoena. If everything is complete, the Court Monitor will sign the *Overtime Request Form* with the attached subpoena and return it to the appropriate division.
- d. *Overtime Request Forms* that are not complete and/or needing review for any reason will be forwarded to the employee's division commander with an attached *Interoffice Correspondence* explaining why the request needs clarification.

5. On Call

- a. On Call - Employees who are placed on call in their off-duty hours for purposes of testifying in court but who are not called shall receive one (1) hour of compensatory time per day on call per contract. Officers shall have the Prosecutor email them placing them on call. After being released, Employees will complete an *Overtime Request Form*. Employees shall then staple the *Overtime Request Form*, the subpoena, and email from the Prosecutor putting them on call together and place them both in inter-office mail to the Court Monitor in Internal Affairs.

E. COURT OVERTIME

1. The Court Monitor will collect and review the audit (original) copy and Timekeeper copy of the *Overtime Request Forms*, the attached subpoenas, and all sign in/out court logs. The Court Monitor will approve and forward the audit copy, Timekeeper copy and Overtime Requests Forms to the appropriate division timekeepers.
2. *Overtime Request Forms* needing review for any reason will be forwarded to the employee's division commander. Attach an *Interoffice Correspondence* explaining why the request needs clarification.

F. REGULAR OVERTIME

1. When regular overtime is worked, complete an *Overtime Request Form*. Include the location, type of call or vehicle stop, and the name/docket number of the arrestee or citation number, if applicable. On special assignments, include type of assignment, location, and person authorizing.
2. If it is not practical to go to a location where there is a time clock, have a supervisor sign, date, and indicate the ending time on the *Overtime Request Form*. The supervisor will forward the *Overtime Request Form* through the chain of command.
3. If at a location where there is a time clock, sign and time/date stamp the *Overtime Request Form*. Present it to a supervisor for approval.
4. Supervisors will sign the *Overtime Request Form* after ensuring it is properly completed.
5. Supervisors will forward the *Overtime Request Form* to the employee's Captain.
6. Captains will sign the *Overtime Request Form* after ensuring that it is properly completed. After approval, the audit copy (original) will be forwarded to the division file, the employee's copy to the employee, and the pink/green copy to the timekeeper.
7. The Division Commander will investigate and approve or deny any questionable overtime requests.

G. ADMINISTRATIVE OVERTIME

1. When administrative overtime is worked, complete an *Overtime Request Form*. Include the reason for the overtime and the name of the person and/or agency requesting your presence (e.g., Internal Affairs). If applicable, attach the written directive requesting your appearance to the *Overtime Request Form*.
 - a. In cases where a time clock is not available, complete the *Overtime Request Form* and forward it to a supervisor.
 - b. In cases where a time clock is available, sign and date/time stamp the *Overtime Request Form*. Present it to a supervisor for approval.
 - c. Holiday and FTO overtime for completing DOR's does not require a date or time stamp. Complete the *Overtime Request Form* and present it to a supervisor for approval.
2. Supervisors will sign the *Overtime Request Form* after ensuring it is properly completed.

3. Forward the *Overtime Request Form* to the employee's Captain.
4. Captains will sign the *Overtime Request Form* after ensuring it is properly completed. Forward the original *Overtime Request Form* to the division timekeeper, the officer's copy to the employee, and the audit copy to the division file.
5. The Division Commander will investigate and approve or deny any questionable overtime requests.

REGULATIONS:

1. Department of Public Safety Implied Consent Hearing letters shall be considered the same as court subpoenas and will require mandatory appearance. Employees shall report to the Department of Public Safety office located at 14002 E 21st Street, Suite #A on the date and time specified on the notification of hearing letter issued by the Department of Public Safety.
2. Employees who are requested to have case or pre-trial conferences shall attempt to schedule them during regular duty time whenever possible.
3. Employees shall list, in the Court Section of the *Overtime Request Form*, the prosecutor's, defense attorney's, or hearing officer's name and the disposition of the case (e.g., testified, passed, waived, defendant plead guilty).
4. Employees who change their minds in regard to the form of compensation shall fill out a new pay or compensation *Overtime Request Form* and attach the original pay or compensation *Overtime Request Form* to maintain the date/time stamps. The employee shall forward the new pay or compensation *Overtime Request Form* to a supervisor for approval. The division timekeeper shall notify the Court Monitor regarding the change of compensation status.
5. The *Overtime Request Form* shall consist of a three-part form containing an audit copy (original) which shall be white in color. The second copy shall be the employee's copy and shall be white in color. The bottom copy shall be the timekeeper's copy and shall be green in color to designate compensatory time or pink in color to designate pay.
6. All police personnel will access their e-mail at least once each day while on duty to check for subpoenas.
7. All Overtime Requests for Federal Court, District Court, Municipal Court, JBDC or DPS shall be sent to the Court Monitor for review and signature prior to being sent to the divisional timekeeper.

REFERENCES:

City of Tulsa Personnel Policy and Procedure
Collective Bargaining Agreement, Article 13
318, Use of Departmental Computer Systems