



**2-76 COURT**

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

1-31 Court Services Unit

B. Form(s)

State of New Mexico Bernalillo County Metropolitan Court Motion for Continuance (CR-030)

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 19-85 Online Court Leave Form

**2-76-1 Purpose**

The purpose of this policy is to detail the procedures and expectations for Albuquerque Police Department (Department) personnel while appearing and testifying at a court hearing.

**2-76-2 Policy**

It is the policy of the Department to ensure that Department personnel are properly notified about appearing and testifying at court and MVD hearings to ensure that they appear at the scheduled times, and that they are properly prepared and attired.

**N/A 2-76-3 Definitions**

None

**6 2-76-4 Procedures**

A. Notification of Court Appearances

1. Department personnel shall:

- a. Check the Court Docket that is posted on SharePoint each workday; and
- b. Check their email for any subpoena or court hearing notices.

2. Defense attorney subpoenas will be served to Department personnel, their direct supervisor, or staff at the employee's area command.



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3. Notifications to Courts of Vacation, Leave Time, or Schedule Changes

- a. Department personnel must submit an online Court Services Request Leave form to Court Services Unit personnel a minimum of twenty (20) calendar days before taking leave or attending training.
  - i. Department personnel are prohibited from submitting an excessive amount of leave requests for their regular days off.
  - ii. Department personnel shall notify the United States Attorney's Office to reschedule any cases pending in the U.S. District Court.
  - iii. If Department personnel do not submit the online Court Services Request Leave form a minimum of twenty (20) calendar days before taking leave or attending training, they shall not be relieved of their responsibility to appear in court when they have been properly notified.
- b. Department personnel shall notify Court Services Unit personnel of permanent schedule changes.
  - i. Department personnel shall notify Court Services Unit personnel of extended temporary duty (TDY) assignments or schedule changes over forty-five (45) days.

B. Courtroom Attire and Securing Weapons

1. For U.S. District Court and Second Judicial District Court hearings:
  - a. Department personnel shall appear in formal business attire, which may include a suit or pant suit; or
  - b. Department personnel may wear their Department-approved duty uniform in an emergency only, with authorization from the court and at a preliminary hearing.
2. For Bernalillo County Metropolitan Court hearings, MVD hearings, pretrial interviews, and the Second Judicial Children's Court:
  - a. Department personnel may appear in semi-formal business attire, which may include business attire or a pant suit. Suit jackets are optional; or
  - b. Department personnel may wear the Department-approved duty uniform, unless they are appearing for personal reasons that are unrelated to their official duties.
3. Upon entering any courthouse, when required, sworn personnel shall secure all firearms in a lock box at the courthouse's security checkpoint.
  - a. However, sworn personnel who are responding to a call for service or an emergency at the courthouse or when they are working at the courthouse are exempt from this requirement.

C. Expert Witness Fees for Testimony in Civil Cases



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1. Only Department personnel who are named in a subpoena for a civil case shall accept service of the subpoena. Civil subpoenas may only be served in person to the employee named in the subpoena.
  - a. Department personnel who fail to obey a subpoena may be considered in contempt of court.
  - b. Department personnel shall accept service of civil case subpoenas naming them, whether or not fees are attached.
2. If the civil case involves a pending claim or lawsuit against Department personnel, the Department, or the City of Albuquerque, or if Department personnel believe that there may be a potential liability, Department personnel shall notify the Risk Management Division within twenty-four (24) hours of being subpoenaed.
- 5 3. Department personnel who appear in civil court during their normal duty hours shall endorse the offered check as "Payable to the City of Albuquerque Only". Department personnel shall then give the check and the subpoena to City of Albuquerque Fiscal Division personnel in City Hall.
- 5 4. If Department personnel are no longer required to appear in court, any checks received shall be returned to the issuing party.
- 5 5. Department personnel who appear in civil court while off-duty may either keep the check or submit overtime in the same manner as for other court overtime. If the employee elects to submit overtime, they shall endorse the offered check as "Payable to the City of Albuquerque Only". Department personnel shall then give the check and the subpoena to City Fiscal Division personnel in City Hall.

D. Contact with Attorneys

1. Criminal Cases

- a. When Department personnel are contacted by defense attorneys on criminal cases, they shall notify the District Attorney's Office of any request.

2. Civil Cases

- a. When Department personnel are contacted by private attorney(s) on civil cases in which the City of Albuquerque has no interest, Department personnel shall:
  - i. Refer the attorney(s) to the relevant Uniform Incident Reports;
  - ii. If the attorney insists on discussing the case without benefit of a court-directed deposition, refer the attorney to the Risk Management Division for discussion with the City Legal Department; and
  - iii. If the City Legal Department approves an informal conference between Department personnel and the private attorney, Risk Management Division personnel shall notify the employee and the following guidelines shall apply.



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1. On-duty Department personnel may respond to short questions from private attorneys by telephone, whenever possible.
2. If a telephone conference is not sufficient, Department personnel may schedule a conference with the private attorney.
  - A. Department personnel shall follow the procedures for expert witness fees outlined in this Standard Operating Procedure.

**E. Court, Pretrial, MVD Hearing Attendance, and Missed Court**

1. All Department personnel directed to appear in court hearings, pretrial interviews, or MVD hearings must appear and be prepared to testify. A special court notice, the posted court, and MVD hearing notices, or subpoenas are considered an order to appear.
  - a. Department executive personnel shall grant an exception to the requirement to appear for such hearings if the employee is needed elsewhere for the betterment of the Department. Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.
  - b. Department personnel shall wait for the Defense Attorney(s) to arrive for Metropolitan Court pretrial hearings for fifteen (15) minutes from the time of the scheduled hearing.
  - c. If an attorney calls to inform Department personnel that they will be late, they shall wait an additional fifteen (15) minutes if they are not expected in another court case. The same expectation shall be requested of defense attorney(s) when Department personnel inform the attorney(s) that they will be late.
  - d. Department personnel shall arrive at or before their court case or hearing scheduled time.
  - e. Department personnel shall abide by all court rules and regulations when appearing for court.
2. When Department personnel receive more than one (1) court notification requiring concurrent appearances, the higher court notice shall take precedence over the lower court(s). In addition, court hearings shall take precedence over MVD hearings.
3. When Department personnel are notified of a conflicting hearing of a higher court, they may notify Court Services Unit personnel of the conflict and shall attend the higher court hearing.
4. Priority of attendance is as follows:
  - a. U.S. District Court;
  - b. Second Judicial District Court;
  - c. Felony DA pretrial hearings;
  - d. Bernalillo County Metropolitan Court;
  - e. Misdemeanor pretrial hearings;



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- f. Children's Court;
  - g. MVD hearings; and
  - h. All other notices or hearings.
5. When Department personnel are scheduled for court or MVD hearings and are unable to appear or will be late due to unforeseen conditions, they shall notify Court Services Unit personnel or court personnel at the earliest possible time and before the scheduled appearance. Failure of Department personnel to properly notify Court Services Unit personnel or court personnel of their absence from or tardiness for a court hearing shall be considered failing to attend the hearing.
6. When Department personnel contact Court Services Unit personnel and get their voicemail, they shall leave a message on the voicemail system to include their name, man number, the court hearing information, and the reason they are unable to attend the court hearing.
- a. For Bernalillo County Metropolitan Court, U.S. District Court, Second Judicial District Court notifications, Department personnel shall notify Court Services Unit personnel on the scheduled court day only.
    - i. Court Services Unit personnel shall notify the appropriate court personnel.
  - b. For grand jury notifications or preliminary hearings, Department personnel shall:
    - i. Notify the presenting Assistant District Attorney of their absence and any witness change; and
    - ii. When available, inform the Assistant District Attorney of an officer that was involved in the case that may be able to testify on their behalf.
  - c. For U.S. District Court notifications, Department personnel shall notify the United States Attorney's Office or shall notify the presenting federal Assistant District Attorney Monday through Friday, 0800 to 1700 hours.
7. Sworn personnel may be excused for missing a court hearing for certain reasons including, but not limited to:
- a. They are ill or have a family emergency; and
    - i. Supervisors, at their discretion, may require a doctor's note should personnel call in sick for court.
  - b. They are on a call for service and are unable to attend the court hearing.
    - i. Department executive personnel may grant an exception if the employee is needed elsewhere for the betterment of the Department.
    - ii. Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.
8. Court Continuances
- a. Officer Prosecuted Cases:



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- i. Department personnel requesting a continuance of less than twenty (20) days shall be responsible for contacting defendants or their counsel for objection as required by the Bernalillo County Metropolitan Court.
  - 1. Department personnel shall not submit a continuance fewer than five (5) working days before the scheduled court hearing.
- ii. Department personnel may obtain a Motion for Continuance form from Court Services Unit personnel.
- b. Criminal Cases (Felonies, DWIs, and Domestic Violence):
  - i. Department personnel requesting a continuance with less than twenty (20) days shall contact the assigned prosecutor.

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F. Jury Duty Fees

- 1. Department personnel who are called for jury duty shall be paid their regular salary while serving.
- 2. Department personnel shall relinquish any payments that they receive for serving jury to City Fiscal Division personnel.

G. Conflict of Interest Testimony

- 1. Department personnel who are subpoenaed to testify in a court case in which they have not been involved as a witness, victim, investigator, or reporting officer shall determine the nature of the testimony.
  - a. If it appears that the employee will be asked to testify about Department personnel, the Department, or an outside law enforcement agency, they shall contact Risk Management Division personnel before giving any testimony or being deposed.

N/A

H. Court Services Unit personnel shall send case files for officer prosecution to the officer, consistent with SOP Court Services Unit (refer to SOP Court Services Unit for sanction classifications and additional duties).



**2-76 COURT**

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

1-31 Court Services Unit

B. Form(s)

State of New Mexico Bernalillo County Metropolitan Court Albuquerque Police Department PD 1403 Motion for Continuance (CR-030) 1404

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 19-85 Online Court Leave Form

**2-76-1 Purpose**

The purpose of this policy is to detail the procedures and expectations for Albuquerque Police Department (Department) personnel while appearing and testifying in at a court hearing.

**2-76-2 Policy**

It is the policy of the Department policy is to ensure that Department personnel are properly notified concerning about appearing and testifying at court and MVD hearings cases and and Motor Vehicle Division (MVD) hearings so that they shall to ensure that they appear at the scheduled times, and that they are properly prepared and attired.

N/A

**2-76-3 Definitions**

None

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**2-76-4 Procedures**

A. Posting All Court Notices/MVD Hearings/Felony Pretrial Hearings Notification of Court Appearances

1. Division/Area commanders are responsible for ensuring that all court notices, MVD hearings, and felony pretrial hearings are posted one week in advance of the scheduled court time.



1. Department Personnel-personnel shall:

- a. are responsible for checking Check the Court notices Docket that is posted on SharePoint each workday; and shall
- b. Check their email for any subpoena or court hearing notices.

2. Defense attorney subpoenas will be served to Department personnel, their direct supervisor, or staff at the employee's Department personnel's substation area command.

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B.3. Notifications to the Courts of Vacation, Leave Time, and/or Out of State Training or change of schedule Schedule Changes

4.a. Department Personnel must submit an online Court Services Request Leave form-leave request to Court Services Unit personnel not fewer than a minimum of twenty (20) calendar days before taking leave or attending training.

a.i. Department Officers-personnel are prohibited from shawill not be allowed to make a regular practice of submitting submitting an excessive amount of leave requests for their regular days off.

b.ii. Department Personnel shawill notify the United States Attorney's office Office to reschedule any cases pending in the U.S. District Court the Federal District Court.

e. If Department personnel do not submit the online Court Services Request Leave form a minimum of the twenty (20) calendar days before taking leave or attending training, requirements are not met, personnel they shawill not be relieved of their responsibility to appear in court when they have been properly notified.

2. When personnel transfer or change their days off, the Court Services Unit will assign new court dates for them.

iii. b. Personnel Department personnel shawill notify the Court Services Unit personnel of permanent schedule changes.

a. b.i. Department personnel shall notify The Court Services Unit personnel shall be notified of extended temporary duty (TDY) assignments or schedule changes (over two forty-five (45) days weeks).

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B. Courtroom Attire and Securing Weapons

1. For U.S. District Court Federal or Second Judicial District Court Hhearings:--





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- a. Department personnel shall appear in formal business attire, which may include a ~~This may include dress suits or pants suits~~; or
- b. Department ~~P~~ personnel may wear their Department-approved duty uniform ~~only~~ in an emergency only, with authorization from the courts and at a ~~P~~preliminary ~~H~~hearings.

2. For Bernalillo County Metropolitan Court hearings, MVD, ~~H~~hearings, ~~P~~pretrial interviews, and the Second Judicial Children’s Court:

- a. Department personnel may appear in semi-formal business attire, which may ~~=~~ ~~This includes~~ include business attire or a pants suits. Suit jackets are optional ~~;~~ or
- b. Department personnel may wear the Department-~~authorized~~ approved duty uniform, unless they are appearing for personal reasons ~~not~~ that are unrelated to their official duties.

3. Upon entering any courthouse, when required, sworn personnel shall, ~~when required~~ secure their all firearms in a lock box at the courthouse’s security checkpoint.

- a. However, ~~The only exceptions shall be~~ sworn personnel who are responding to a call for service or ~~or~~ an emergency at the courthouse or when they are working at the courthouse are exempt from this requirement.

C. Expert Witness ~~f~~Fees for ~~t~~Testimony in ~~e~~Civil ~~e~~Cases ~~as a resulting from their employment with the Department.~~

1. Only Department personnel who are named ~~in the~~ a subpoena ~~in~~ for a civil case shall accept service of the subpoena. Civil subpoenas may only be served in person to the ~~personnel~~ employee named ~~on~~ in the subpoena.

- a. Department personnel who ~~F~~failure to obey a subpoena may be ~~deemed~~ as considered in contempt of court.
- b. Department ~~p~~Personnel shall accept service of civil case subpoenas naming them, whether or not fees are attached.

2. If the civil case ~~is one which~~ involves a pending claim or lawsuit against Department personnel, the Department, or the City of Albuquerque, or if Department personnel believes ~~s~~ that there may be a potential liability, Department personnel shall notify the Risk Management Division within twenty-four (24) hours of being subpoenaed ~~service~~.

5. Department ~~P~~Personnel who appearing in civil court during their normal ~~regular~~ duty hours shall endorse the offered check as ~~=~~ "Payable to the City of Albuquerque ~~e~~Only"; Department personnel ~~they~~ shall then give ~~it~~ the check and the subpoena to City of Albuquerque ~~the~~ Fiscal Management Office Division personnel in City Hall ~~in City Hall~~.



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4. If Department personnel are no longer required to appear in court, any checks received shall be returned to the issuing party.

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5. Department personnel who appearing in civil court while ~~during off-duty hours~~ may either keep the check or submit overtime in the same manner as for other court overtime. If the ~~officer~~ employee elects to submit overtime, they ~~Department personnel~~ shall endorse the offered check as "Payable to the City of Albuquerque Only". ~~they~~ Department personnel shall then give ~~it~~ the check and the subpoena to ~~the City Fiscal Division personnel in City Hall Management Office in City Hall.~~

D. Contact with Attorneys

1. Criminal Cases

a. When Department personnel are contacted by defense attorneys on criminal cases, they ~~personnel~~ shall ~~ensure that~~ notify the ~~District Attorney's Office~~ ~~has been notified~~ of any request.

2. Civil Cases

a. When Department personnel are contacted by private attorney(s) on civil cases in which the City of Albuquerque has no interest, Department personnel shall:

- i. Refer the attorney(s) to the relevant ~~police~~ Uniform Incident Reports;
- ii. If the attorney insists on discussing the case without benefit of a court-directed deposition, ~~personnel shall~~ refer the attorney to the Risk Management Division for discussion with the City Legal Department; and
- iii. If the City Legal Department approves an informal conference between Department personnel and the private attorney, ~~the~~ Risk Management Division personnel shall notify the employee and the following guidelines shall apply.

- 1. On-duty Department personnel may respond to short questions from private attorneys by telephone, whenever possible.
- 2. If a telephone conference is not sufficient, Department personnel may schedule a conference with the private attorney.

A. Department personnel shall follow the procedures for expert ~~witness~~ fees ~~shall be consistent with the above section~~ outlined in this Standard Operating Procedure.

C



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E. Court, Pretrials, MVD Hearing Attendance, and Missed Court

1. All Department personnel directed to appear in court hearings, pretrial interviews, or MVD hearings must appear and be prepared to testify. A special court notice, the posted court, and MVD hearing notices, or subpoenas are considered an order to appear.

~~1. Department Executive Staff personnel within the Department shall grant an exception to the requirement to appear to for such hearings if the employee is needed elsewhere for the betterment of the Department. The Executive Staff Department executive personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question. All personnel directed to appear in court, pretrials, or MVD hearings must appear and be prepared to testify. A special court notice, posted court and MVD hearing notices, or subpoenas are considered an order to appear. For civil case subpoena and conflict of interest case directions, see subsections G and H.~~

a.

~~e.~~ b. Department P personnel shall wait for the defense Defense attorney Attorney(s) to arrive for Metropolitan Court pre-trial hearings for fifteen (15) minutes from the time of the scheduled hearing.

~~e.~~ c. If an attorney calls to inform Department the officer personnel that he/she they will be late, Department the officer personnel they shall wait an additional fifteen (15) minutes if he/she they are is not expected in another court case. The same expectation shawill be requested of defense attorney(s) when police Department personnel inform the attorney(s) that the officer they will be late.

~~e.~~ Personnel shall have in their possession the documentation necessary for testimony in any court and/or MVD hearing. This may include police reports, tactical plans, and similar documents.

~~f.~~ Cell phones and all electronic devices will be turned off or placed in silent mode.

~~d.~~ Officers Department personnel shall arrive at or before for their court case or hearing at least five minutes before the scheduled time.

~~e.~~ Department personnel shall A abide by all court rules and regulations when appearing for court.

2. When Department personnel receive more than one (1) court notification special court notices, subpoenas, or are scheduled for MVD hearings requiring concurrent appearances, the higher court notice shall take precedence over other the lower court(s). In addition, courts hearings shall take precedence over MVD hearings.

3. When At the earliest opportunity, p Department P personnel are notified of a conflicting hearing of a higher court, they may shall notify C the lower court Court Services Unit personnel of the conflict the second subpoena and shall attend the higher court hearing of higher jurisdiction.



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~~2.4.~~ Priority of attendance is as follows:

- a. U.S. District Federal Court;
- b. Second Judicial District Court;
- c. Felony DA pre-trial hearings;
- d. Bernalillo County Metropolitan Court;
- e. Misdemeanor pre-trial hearings;
- ~~e.f. Children's Court~~;
- ~~f. MVD hearings~~;
- g. Seizure hearings and
- h. All other notices or hearings.

5. When Department personnel are scheduled for court or MVD hearings and are unable to appear or will be late due to unforeseen conditions, they shall notify the Court Services Unit personnel or the court personnel at the earliest possible time and before the scheduled appearance. Failure of Department personnel to properly notify Court Services Unit personnel or court personnel ~~the court~~ of their absence from or tardiness for a court ~~setting~~ hearing shall be ~~deemed as~~ considered failing to attend the hearing ~~setting~~.

~~3.6.~~ When Department personnel contact ~~the~~ Court Services Unit personnel and get their voicemail, ~~personnel~~ they shall leave a message on the voicemail system to include their name, man number, and the court hearing information, and the reason for not making they are unable to attend the court hearing.

- a. For Bernalillo County Metropolitan Court, and U.S. District Court, Second Judicial District Court notifications, Department ~~the officer~~ personnel shall notify ~~the~~ Court Services Unit. Calls will be accepted personnel on the scheduled court day only.
  - a.i. Court Services Unit personnel shall, in turn, notify the appropriate ~~Court~~ court personnel.
  - b. ~~Court Services shall provide Division/Area Commanders with a monthly call in report through Operations Review. The report shall include the officer's name, employee number, case number, court room number, date and time of the case, officer's excuse (if any), and the officer's area command or assignment.~~
  - e.b. For Grand-grand Jury jury notifications, ~~(including ten day cases), or preliminary hearings, Department~~ officers will personnel shall follow these procedures:
    - i. Notify the presenting Assistant District Attorney (ADA) of their absence and any witness change; and
    - ii. When available, inform the Assistant District Attorney of ~~Contact an~~ follow officer that was involved in the case ~~so that officer can~~ may be able to testify on their behalf.
- d. For U.S. District Federal Court notifications, Department personnel shall notify ~~contact~~ the United States Attorney's office ~~Office~~ or shall notify the



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~~notifying the presenting Federal Assistant District Attorney ADA Monday through Friday, 0800 to 1700 hours.~~

~~e.c. For MVD hearings notification, contact the Court Services Unit. If calling after office hours, officers will leave a message on the voicemail system. The message will include the officer's name, the date and time of the hearing, the violator's name, the case number, and the reason for missing the hearing. Officers and supervisors will not contact the hearing officer and/or MVD directly to reschedule a hearing.~~

~~4.7. Sworn personnel may be excused for appropriate excuses reasons for missing a court hearing for certain reasons and calling in for court may including, but are not limited to, the following:~~

~~a. They are The officer Personnel is ill or has a family emergency; and and Supervisors, at their discretion, may require a doctor's note from the officer's physician, should he or she personnel call in sick for court.~~

~~i.~~

~~b. If the officer personnel They is are on a call for service, and are unable to respond to court attend the court hearing.~~

~~i. Department executive personnel may grant an Exceptions granted by executive staff if the employee is needed elsewhere for the betterment of the Department.~~

~~b. The Department executive staff personnel shall review each exception on a case-by-case basis and determine the precedence the exception holds over the hearing in question.~~

~~====~~

~~5. Inappropriate excuses for missing court will be evaluated on a case by case basis. The following examples of inappropriate excuses include but are not limited to:~~

- ~~a. Tactical plans~~
- ~~b. Training~~
- ~~c. Day off~~
- ~~d. Vacation that was not preapproved~~
- ~~e. Range~~
- ~~f. Sick pets~~
- ~~g. Childcare or taking children to school.~~

~~ii.~~

~~6.8. Court continuancesContinuances~~

~~a. Traffic, misdemeanor, and parking Officer Prosecuted Cases:~~

~~i. Department Officers personnel requesting a continuances with of less than twenty (20) days shall will be responsible for contacting defendants or their counsel for objection as required by the Bernalillo County Metropolitan Court; and, without the 20) calendar day requirement.~~



~~i. 1. Department personnel shall not submit a Ccontinuances cannot be submitted fewer than five (5) working days before the scheduled court hearing date.~~

~~ii. Department personnel may obtain Aa Albuquerque Police Department Form PD 1403, "Motion For CContinuance form," may be obtained from Court Services Unit personnel and includes spaces for documentation, such as when the defendant was contacted, and the defendant's response or lack of response, accident, shoplifting, and witness. Personnel can receive information and paperwork on court cases and schedules from Court Services Unit personnel. Court Services will not accept requests for continuances submitted fewer than five (5) working days before the request.~~

~~— Criminal cases Cases (Felonies, DWIs, and Domestic Violence):~~

~~b.~~

~~— Any officer Department personnel requesting a continuances with less than twenty (20) days shall requesting a continuance that is within the 20 calendar day requirement will contact the assigned prosecutor that the case is assigned to.~~

~~i.~~

~~F. Evidence Disposition~~

~~1. Primary officers or case agents attending a court appearance shall complete an Evidence Disposition Form and forward it to the Evidence Unit.~~

~~2. A separate form should be filled out for each case adjudicated on the docket during the court appearance. Indicate whether any evidence connected to the case may be disposed of or should be retained for further adjudication.~~

~~3. Officer prosecuted cases do not need an ADA signature.~~

~~G. Courtroom Attire and Securing Weapons~~

~~0. Civilian Attire~~

~~— Federal or District Court~~

~~— Officers will appear in formal business attire. This may include dress suits or pants suits.~~

~~— Metropolitan Court~~

~~— Officers will appear in semi formal business attire. This may include business suits or pants suits. Suit jackets are optional.~~

~~0. Uniform Attire~~

~~— Metropolitan Court~~

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~~Officers may wear the authorized working uniform, unless they are appearing for personal reasons not related to their official duties.~~

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~~— Federal or District Court  
— Officers may wear the authorized working uniform only in an emergency and at preliminary hearings.~~

~~0. Upon entering any courthouse, personnel will secure their firearms in a lock box at the security checkpoint, if so required by the court. The only exceptions will be uniformed personnel responding to a call or emergency at the courthouse.~~

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~~X.F.~~ Jury Duty Fees and Witness Fees

~~1. Department personnel who are called for jury duty shall be paid their regular salary while serving on a jury.~~

~~1. Department personnel shall relinquish Any any monies payments that they received by personnel for serving on a jury must be turned over to the City Fiscal Division personnel.~~

~~2. Personnel called as witnesses in cases resulting from their employment will be paid their salary, per diem, and travel expenses by the City, as prescribed by law. Any monies paid to personnel while serving as a witness shall be turned over to the City.~~

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~~Y.~~ Witness Fees for Testimony in Civil Cases

~~0. Only the officer named on the subpoena in a civil case will accept service of the subpoena.~~

~~— Failure to obey a subpoena may be deemed contempt of court.~~

~~— Officers will accept service of civil case subpoenas naming them, whether or not fees are attached.~~

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~~0. If the civil case is one which involves a pending claim or suit against the officer, department, or City, or if the officer believes there may be a potential liability, the officer will notify the Risk Management Division within 24 hours of subpoena service.~~

~~0. Officers appearing in civil court during their regular duty hours will endorse the offered check as "payable to the City of Albuquerque only"; they will then give it and the subpoena to the Fiscal Management Office in City Hall.~~

~~0. When an officer is not required to appear in court, any checks received will be returned to the issuing party.~~

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~~0. Officers appearing in civil court during off-duty hours may either keep the check or submit an overtime slip in the same manner as for other court overtime. If the officer elects to submit overtime, the rules outlined in subsection F will apply.~~





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~~Conferring with Attorneys~~

~~0. Civil cases~~

- ~~When contacted by private attorneys on civil cases in which the City of Albuquerque has no interest, officers will take the following actions:~~
  - ~~Refer the attorneys to the applicable police reports.~~
  - ~~If the attorney insists on discussing the case without benefit of a court directed deposition, the officer will refer the attorney to the Risk Management Division for discussion with the City Legal Department.~~
  - ~~If the Legal Department approves an informal conference between the officer and the private attorney, the Risk Management Division will so notify the officer and the following guidelines will apply:~~
    - ~~On duty officers should respond to short questions from private attorneys by telephone, whenever possible.~~
    - ~~If a telephone conference is not sufficient, the officer may schedule an off duty conference with the private attorney. However, officers will not be compensated by the attorney.~~
    - ~~No overtime and/or compensatory time slips will be accepted by supervisors for off duty conferences between officers and attorneys on civil cases.~~

~~0. Criminal cases~~

- ~~Officers will meet with defense attorneys when requested to do so. The District Attorney's office will be briefed on the intended meeting and given the option of attending.~~
- ~~A subpoena is not required for officers to meet with defense attorneys.~~

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~~Conflict of Interest Testimony~~

~~G.~~

1. Department Personnel personnel who are subpoenaed to testify in a court case in which they have not been involved in as a witness, victim, investigator, or reporting officer, sh will determine what the nature of the testimony is being sought.
  - a. If it appears that the employee will be asked to testify about Department personnel, the Department, the testimony sh will be directed against another officers sworn personnel or an outside law enforcement agency, subpoenaed they personnel sh will contact the Risk Management Division personnel before giving any testimony or being deposition deposited.

N/A

H. Court Services Unit personnel shall send G case files for officer prosecution cases are sent to sworn personal the officer, consistent with SOP Court Services Unit (refer to SOP Court Services Unit for sanction classifications and additional duties).

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~~Service of Subpoenas~~



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

**SOP 2-76**

**P&P Draft 02/09/2022**

- ~~1. Defense attorney subpoenas shall be served to the officer, his direct supervisor, or staff at the officer's substation.~~

REDLINED