

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.18

REVISED DECEMBER 2017

NOTIFICATION OR CANCELLATION OF COURT APPEARANCES

1. PURPOSE. The purpose of this General Order (GO) is to establish uniform, fair and efficient procedures for notifying employees of required court appearances, and for the timely notification of trial cancellations.

2. OBJECTIVE. The objective of this GO is to prescribe definite procedures for notifying employees of court cancellations without requiring them to standby during nonworking hours. The policy and procedures regarding the processing of subpoenas are located in Highway Patrol Manual (HPM) 11.1, Administrative Procedures Manual, Chapter 10, Subpoenas/Subpoenas Duces Tecum Compliance Criminal/Civil Appearances.

3. POLICY.
 - a. It is the responsibility of the Area commander to determine whether or not a subpoenaed employee's attendance at a court trial or judicial hearing has become unnecessary.

 - b. It is the responsibility of the Area commander to ensure reasonable notice to a subpoenaed employee when their scheduled attendance at a court trial or judicial hearing has been cancelled.

 - c. Employees shall not be required to be available to receive notice of pending court appearance cancellations during nonworking hours.

4. PROCEDURES.
 - a. The Area commander shall attempt to impress upon the district attorney and other judicial officers the urgent need for introducing practices that will minimize the incidence of last-minute notification of court appearance cancellations.

- b. The Area commander shall develop clerical procedures to ensure the status of a scheduled court appearance is confirmed on the last business day preceding the scheduled attendance, in anticipation of paragraph 4.c.
- c. The Area commander or designee shall notify employees of cancellations or postponements of scheduled court appearances.
- d. Employees who have been unavailable for a cancellation notification shall contact their office within 24 hours of the scheduled court appearance between 0800 and 1700 hours, Monday through Friday, excluding legal holidays. Collect telephone calls will be accepted for this purpose. If an employee is notified after the end of their last scheduled shift that the court appearance has been cancelled, compensation shall be approved pursuant to the applicable collective bargaining agreement. If overtime is not covered in the pertinent collective bargaining agreement, the provisions of HPM 10.3, Personnel Transaction Manual, Chapter 24, Overtime, will prevail for that Work Week Group.
- e. If an employee reports to the office, court, or hearing room in response to a subpoena or other official process, without having learned of the cancellation or postponement, and they have not confirmed the appearance as required in paragraph 4.d., no overtime compensation or travel expenses will be approved.
- f. All employees are encouraged to attempt to determine the status of their appearance on the day scheduled for the trial or hearing. If a uniformed employee learns on the day scheduled for the trial that the appearance has been cancelled, compensation shall be paid as in paragraph 4.d.
- g. Unless they have received prior notice, supervisors shall refuse to accept subpoenas for subordinates on the day of the designated appearance except in those cases when the Area commander deems the attendance to be critical, and they have reason to believe the employee can be contacted.
- h. Employees shall accept subpoenas served directly to them by any lawful means.

OFFICE OF THE COMMISSIONER

OPI: 061