

CULVER CITY POLICE

DATE: December 2nd, 2025

NO: 2025-15

Court Procedures / Subpoenas / Court Related Overtime

Introduction:

This bulletin outlines the current policies and procedures regarding the proper process and response to court, court subpoenas, and overtime related to court appearances or on-call status. This bulletin includes language from both the Culver City Police Department Policy Manual and the Police Officers Association Memorandum of Understanding (MOU).

Policy Overview

326.3.1 - The issuance of criminal court subpoenas to members of the department is administered electronically by the Los Angeles County District Attorney's Office and the department's authorized vendor (currently "Webiplex eSubpoena System"). The "eSubpoenas" are delivered to department members via the Culver City electronic mail server. "eSubpoena" is the department's primary means of receiving and delivery of officer subpoenas.

326.4 - Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

Compensation

326.7 - When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

POA MOU Article Three, F: Court "On-Call" Subpoena

Police Management, or issuing authority (court, district attorney, DMV, etc.), shall determine when the employee may be released from their "court on-call" without further limitation or compensation.

- If the unit employee elects to remain at home on "court on-call," the unit employee shall notify the Watch Commander or designee, and the court, and shall be paid an "court on-call" bonus equivalent to **two (2) hours at the unit employee's straight-time hourly rate for each three (3) hour period (9:00 a.m. to Noon, or 1:00 p.m. to 4:00 p.m.).**

Such compensation shall not be considered pay for hours worked. The employee must notify the Watch Commander or designee, when he/she is held over from a morning "court on-call" to and including an afternoon "court on-call."

The maximum compensation for any one (1) "court on-call at home" day shall be equivalent to four (4) hours at the unit employee's straight-time hourly rate.

Limitations: A court order resulting in "court on-call" status is subject to verification by the City. It shall be the employee's responsibility to respond to and maintain contact with the court while at home "court on-call." Failure to be available or to report when called will cause forfeiture of any "on call" bonus.

POA MOU Article Three, E: Court Duty (In Person, On and Off Duty Appearance)

On Duty: When a unit employee is required to appear in court during scheduled work hours, and the combination of court duty and scheduled on-duty work is in excess of the regular scheduled working day, such employee will be credited overtime for hours in excess of the regular scheduled working day in the manner provided for Extension of Duty.

Off Duty Time:

- When a unit employee is required to appear in court on behalf of the City during a time which is scheduled off-duty, the unit employee shall be credited overtime for all hours in court at one and one-half (1½) times the unit employee's straight hourly rate
- A unit employee who is off duty shall receive a minimum of four (4) hours at time-and-one-half (1½) credited for any one (1) such court day
- The unit employee shall receive the greater of:
 - Overtime pay for all actual hours worked (if the court appearance exceeds four (4) hours); or
 - The four (4) hour minimum.

Thank you,

A/C Troy Dunlap

Troy Dunlap
Assistant Chief of Police

Subpoenas and Court Appearances

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Culver City Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

326.2 POLICY

Culver City Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

326.3 SUBPOENAS

326.3.1 ELECTRONIC MAIL SUBPOENAS

The issuance of criminal court subpoenas to members of the department is administered electronically by the Los Angeles County District Attorney's Office and the department's authorized vendor (currently "Webiplex eSubpoena System"). The "eSubpoenas" are delivered to department members via the Culver City electronic mail server. "eSubpoena" is the department's primary means of receiving and delivery of officer subpoenas.

Members receive training in the "Webiplex eSubpoena System" from the investigator assigned to the department's District Attorney Liaison desk.

326.3.2 OTHER SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the member, U.S. Mail delivery, or by delivery of two copies of the subpoena to the member's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named within sufficient time for the named to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named within sufficient time for the named to comply with the subpoena, the supervisor or the subpoena clerk

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shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

326.3.3 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Culver City Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Culver City Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

326.3.4 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member. The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

326.3.5 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

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326.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

326.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

326.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

326.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

326.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

hourly pay for each twenty-four hour period, or fraction thereof. Unit employees shall not be compensated in the event the on-call directive is cancelled and the employee is notified of the cancellation at least 48 hours in advance of the scheduled on-call assignment.

3. This is not pay for time worked, but pay for time waiting to be called, and shall not count as hours worked for overtime.
4. Any actual time worked responding to a call will be paid as overtime, subject to the recall language below, in addition to the 8-hour on-call pay.

D. RECALL

1. When a unit employee is called to duty (including meetings, community events, training) during their off-duty time, overtime shall be credited at one and one-half times (1½) the unit employee's straight hourly rate for such emergency recall, commencing at the time of reporting for duty, with a guarantee of a minimum of four (4) hours of overtime credit.
2. Limitations: If the recall occurs within two (2) hours of the start of the employee's regular assigned shift, the unit employee shall be compensated in the manner as set forth in Extension of Duty, Section B above.

E. COURT DUTY

1. On Duty: When a unit employee is required to appear in court during scheduled work hours, and the combination of court duty and scheduled on-duty work is in excess of the regular scheduled working day, such employee will be credited overtime for hours in excess of the regular scheduled working day in the manner provided for Extension of Duty.
2. Off Duty Time:
 - a. When a unit employee is required to appear in court on behalf of the City during a time which is scheduled off-duty, the unit employee shall be credited overtime for all hours in court at one and one-half (1½) times the unit employee's straight hourly rate.

- b. A unit employee who is off duty shall receive a minimum of four (4) hours at time-and-one-half (1½) credited for any one (1) such court day.
- c. This minimum guarantee is intended to compensate the employee inclusively for:
 - Disruption of off-duty time,
 - Travel time, and
 - Preparation for the court appearance as well as actual court time.
- d. The unit employee shall receive the greater of:
 - Overtime pay for all actual hours worked (if the court appearance exceeds four (4) hours); or
 - The four (4) hour minimum.

F. COURT "ON-CALL" SUBPOENA

1. When a unit employee receives an "on-call" subpoena, the employee may elect to:
 - Report for duty at the Culver City Police station for watch assignment; or
 - Remain at home and be available for call by the court.
2. If a unit employee is on an "on-call" subpoena, and chooses to report for duty, all hours worked shall be paid at one and one-half (1½) times the straight-time hourly rate with a minimum of four (4) hours at time-and-one-half (1 ½) credited for any one such court "on call" day.
3. Police Management, or issuing authority (court, district attorney, DMV, etc.), shall determine when the employee may be released from their "court on-call" without further limitation or compensation.
4. If the unit employee elects to remain at home on "court on-call," the unit employee shall notify the Watch Commander or designee, and the court, and shall be paid an "court on-call" bonus equivalent to two (2) hours at the unit employee's straight-time hourly rate for each three (3) hour period (9:00 a.m. to Noon, or 1:00 p.m. to 4:00 p.m.).

Such compensation shall not be considered pay for hours worked. The employee must notify the Watch Commander or designee, when he/she is held over from a morning "court on-call" to and including an afternoon "court on-call."

5. The maximum compensation for any one (1) "court on-call at home" day shall be equivalent to four (4) hours at the unit employee's straight-time hourly rate.
6. Limitations: A court order resulting in "court on-call" status is subject to verification by the City. It shall be the employee's responsibility to respond to and maintain contact with the court while at home "court on-call." Failure to be available or to report when called will cause forfeiture of any "on call" bonus.
7. If such voluntary "on call at home" elections are determined by the Department of Labor or court of competent jurisdiction to be "hours worked" within the definitions of the Fair Labor Standards Act (FLSA) and, therefore, subject to overtime compensation, the voluntary election provision shall become null and void and employees shall report to work at the station when subject to an "court on call" subpoena.

G. FILMING AND SPECIAL EVENT ASSIGNMENTS

Unit employees shall be required to work overtime assignments to provide public safety for filming and other special events taking place within the Culver City boundaries in accordance with Culver City Municipal Code § 11.14.035 and § 17.520.030 (Filming and Special Event Overtime Assignments).

When needed, Filming and Special Event Overtime Assignments shall be assigned by the Chief of Police or designee. Said overtime assignments shall be offered, assigned, and distributed in an equitable and impartial manner to the extent possible. Unit employees shall be selected consecutively following a list established by the Film Permits Sergeant. If there are an insufficient number of unit employees available to work the overtime assignment, the Chief of Police or designee may order unit employees to work said assignment and/or contract with outside law enforcement agencies to fill this need.

1. Compensation

Unit employees assigned to work Filming and Special Event Overtime Assignments shall receive overtime compensation as follows: