

	<b>PALACIOS POLICE DEPARTMENT</b>	
	<b>Policy 2.7 Court Appearance</b>	
	<b>Effective Date: 1/04/2021</b>	<b>Replaces: 02/07/2006</b>
	<b>Approved:</b>  <b>Milton Rivera, Chief of Police</b>	
	<b>Reference:</b>	

## I. POLICY

The success of a criminal prosecution is determined not only by the quality and quantity of evidence but by the way it is presented by law enforcement officers in a court of law. An officer's appearance, demeanor, attitude, and ability to testify in a fair and professional manner are essential. Therefore, it is the policy of this agency that officers provide competent and professional testimony by adherence to court scheduling, preparation, appearance, and testimony guidelines provided herein.

## II. PURPOSE

The purpose of this policy is to provide officers with guidelines for scheduling, preparing for, and testifying in criminal court cases.

## III. PROCEDURES

### A. Subpoenas

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited, and offending officers are subject to disciplinary action. This agency shall establish a system of accountability for subpoenas from the point of receipt from the court to the point of officer testimony. This includes but is not limited to:
  - a. recording the receipt of subpoenas to include date received, court date and time, defendant's name, officer's name, and date executed and returned to the court;
  - b. recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, dates served, and dates returned to the court authority;
  - c. ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in

accordance with established time frames or when they cannot appear on the designated court date.

2. Officers who have been served subpoenas or been given other official notice to appear before a criminal court by means other than the foregoing are responsible for complying with this directive and for providing agency notification as soon as possible of the need for appearance. Such subpoenas shall be recorded in a manner consistent with this policy.
3. Officers who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.

#### B. Preparation for Trial

1. Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever needed.
2. Officers shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial prior to court appearance.
3. Prior to trial, officers designated for court appearance shall review case documentation to ensure that they are completely familiar with the facts involved. In addition, officers shall provide all reasonable assistance necessary to or requested by the prosecution to ensure that necessary evidence will be available at trial.
4. In pretrial conferences with the prosecutor, officers are responsible for providing all information relevant to the case even though it may appear beneficial to the defendant. No detail should be considered too inconsequential to reveal or discuss.
5. If an officer is subpoenaed by the defense in any case, the officer shall immediately notify the Chief of Police and the prosecutor assigned to the case.

#### C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by this agency and in accordance with established means of calculation.
2. Compensation shall be paid only when officers comply with procedures established by this agency for court appearance, including but not limited to supervisory notification/approval and adherence to documentation procedures for overtime pay.
3. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer's commander and may be referred for disciplinary review.

4. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
5. When testifying, officers shall:
  - a. restrict remarks to that which is known or believed to be the truth
  - b. speak naturally and calmly in a clearly audible tone of voice
  - c. use plain, clearly understood language and avoid using police terminology, slang, or technical terms
  - d. display a courteous attitude and maintain self-control and composure.