
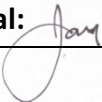


DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 109	COURT APPEARANCES	
	Effective: 10/20/2010	Commissioner Approval: 
	Authorities: <a href="#">Click here to enter text.</a>	
	Applicability: ALL DEPARTMENTAL EMPLOYEES	
	Special Instructions: <a href="#">Click here to enter text.</a>	

### 109.100 INTRODUCTION

The department establishes proper attire and behavior standards for functions involving the court system.

### 109.300 EMPLOYEES SHALL ATTEND COURT

- A. *Employees are required to attend court when notified to do so.*** Employees notified of a court appearance responsibility shall attend court at the time they are required to appear.
- B. *Employees required to be subpoenaed on civil cases.*** Employees are prohibited from appearing as witnesses in civil cases, except in obedience to a subpoena or court order.
- C. *Employee's future conduct will not be influenced by the disposition of a case.*** Employees shall not allow personal feelings regarding the disposition of a case to influence their future conduct.
- D. *Employees will not refuse service of a subpoena.*** No employee shall refuse service of a subpoena whether civil or criminal.
- E. *Protocol for employees served with conflicting subpoenas*** When served with subpoenas for different courts requiring the employee to appear at the same time, employees shall honor the subpoena first received if from the same level court, otherwise the court of highest jurisdiction will be honored. Employees in this situation will also advise the district attorneys in the cases of the situation.
- F. *Employees will notify the District Attorney's Office of scheduled leave or training*** Employees will notify their local District Attorney's Office, in writing, of their scheduled leave, training, or other absences from their post area.
- G. *Employees to notify supervisor of subpoena affecting leave or training.*** When an employee receives a subpoena to appear in court and that appearance will affect approved

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## CHAPTER 109 COURT APPEARANCES

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annual leave, training, or other absences from his post area, the employee shall immediately notify his supervisor. The supervisor, through whatever means available, will ascertain if the date of the appearance can be changed; if not, the subpoena is to be honored.

### 109.310 PERSONAL APPEARANCE AND DEMEANOR

**A. *Employees will appear in court properly attired.*** Employees will appear in neat, conservative business-like fashion whether in uniform or civilian clothing. When in civilian attire, the male officer shall wear a conservative business suit or sports coat and slacks with shirt and tie. Ties should be conservative, being neither garish featuring cartoons nor other distracting graphics. Female officers in civilian attire will wear a conservative business suit or blazer and slacks. Employees shall not wear anything that would distract the attention of the jurors from what is being said.

**B. *Employees will be polite and courteous.*** Employees will be polite and courteous throughout their testimony.

**C. *Employees shall be prepared to testify.*** Employees shall study their notes, diagrams, photographs, and reports prior to their testimony and be prepared to testify. The necessity to refer to notes or reports to "refresh" his memory should be kept to a minimum. The state's attorney shall be consulted prior to the trial so that the employee may prepare his testimony with particular attention to those points, which the attorney wants to emphasize and so that the employee may clarify his report to the attorney. The employee is expected to anticipate what the defense will be and have the appropriate answers ready.

**D. *Employees will display the appearance of impartiality.*** Around the courtroom, avoid any actions that would indicate an interest in securing a conviction such as questioning witnesses, consulting other officers, or prompting the prosecutor. Do this in another room. Do not give an outward appearance of dissatisfaction on decisions. Take the position of an impartial servant seeking only justice.

### 109.320 NON-DUTY RELATED COURT APPEARANCES

Employees who are required to appear in court for any hearing or trial that is personal in nature and not related to duty will make prior arrangements for leave with a supervisor and will not appear in uniform or armed.