

# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	<b>SUBJECT:</b>	<b>POLICY NUMBER</b> 130
	<b>COURT PROCEDURES</b>	<b>ISSUE DATE</b> 02/19/2008
	<b>CHAPTER: ADMINISTRATION &amp; PERSONNEL</b>	<b>EFFECTIVE DATE</b> 02/19/2008
	<b>ISSUED By:</b> Chief of Police John E. Howell	<b>TOTAL PAGES</b> 2

## I. POLICY

It shall be the policy of this agency that all department personnel appearing in court in any capacity be well groomed, prepared and professional.

## II. PROCEDURES

### A. COURT APPEARANCE

1. Attendance at a court or quasi-judicial hearing, as required by subpoena, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. All members are to be punctual in appearance.
2. When appearing in Circuit Court, the complete official uniform shall be worn. If the officer chooses to wear civilian clothes, it shall consist of suit or coat and tie. Members shall present a neat and clean appearance avoiding any mannerisms, which might imply disrespect to the court.
3. Appearances in Municipal Court on days off can be made in casual dress. Jeans will not be allowed.

### B. SUBPOENA PRECEDENCE

If a member should receive more than one subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, subpoena precedence shall be based on the order the subpoenas were received. The officer shall notify all courts of any conflicts ASAP.

**C. PREPARATION FOR COURT**

All members shall have the cases in which they are concerned with properly prepared, and all property, which is to be used in evidence suitably arranged for presentation in court.

**D. RESPECT AND TESTIMONY**

1. Members are required to be truthful when testifying, making reports, or conducting any police business.
2. Members shall observe the utmost attention and respect toward magistrates and judges at all times. When giving testimony, they shall speak calmly and explicitly in a clear, distinct, and audible tone so as to be heard by the court and jury. They shall testify with the strictest accuracy, confining themselves to the case before the court, and neither suppress nor overstate the slightest circumstances with a view for favoring or discrediting any person. When cross-examined, they shall answer with the same readiness and civility as when testifying in support of the charge, remembering that the ends of justice will be served by showing a desire to tell the whole truth, whether it is in favor of or against the defendant.

**E. TESTIFYING FOR THE DEFENDANT**

Any member subpoenaed to testify for the defense in any criminal trial or hearing shall notify the office of the prosecuting attorney upon receipt of the subpoena.

**F. CIVIL ACTION, COURT APPEARANCES—SUBPOENAS**

A member shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members shall accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the member is informed that he is a party to civil action arising out of departmental employment, he shall immediately notify the Chief of Police, and the governmental attorney of the service of notification, and of the testimony he is prepared to give.

**G. CIVIL DEPOSITIONS AND AFFIDAVITS**

1. Members shall confer with the Chief of Police before giving a deposition or affidavit on a civil matter.
2. Members shall not institute any civil action arising out of their official duties without first notifying the Chief of Police. Members shall not use their position with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the member or the department.