

COURT PROCEDURES

PURPOSE: To give officers guidelines for appearing in court.

POLICY: It shall be the policy of this Department that all Department personnel appearing in court in any capacity be well-groomed, prepared and professional.

PROCEDURES:

I. COURT APPEARANCE (2.16)

- A. 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 employees are to be punctual in appearance.
- B. When appearing in Jacksonville District Court the Department's uniform of the day shall be appropriate attire, unless otherwise instructed by the presiding judge.
- C. When appearing in all Federal, State, or County courts, the following options for dress attire shall be allowed:
 - 1. Class A uniform;
 - 2. Class B uniform, long or short sleeved; or
 - 3. Professional business attire.
- D. Employees shall present a neat and clean appearance avoiding any mannerisms which might imply disrespect to the court.

II. SUBPOENA PRECEDENCE

If an employee should receive more than one (1) subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, subpoena precedence shall be as follows: Circuit Court; Juvenile Court; District Court; and Civil/Small Claims.

III. PREPARATION FOR COURT

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

IV. RESPECT AND TESTIMONY

- A. Employees are required to be truthful when testifying, making reports, or conducting any police business.
- B. Employees 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/or 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.

V. TESTIFYING FOR THE DEFENDANT

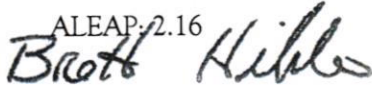
Any employee subpoenaed to testify for the defense in any criminal trial or hearing shall notify the office of the Prosecuting Attorney upon receipt of the subpoena.

VI. CIVIL ACTION, COURT APPEARANCES - SUBPOENAS

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

VII. CIVIL DEPOSITIONS AND AFFIDAVITS

- A. Employees shall confer with the Chief of Police and City Attorney before giving a deposition or affidavit on a civil matter.
- B. Employees shall not institute any civil action arising out of their official duties without providing a copy to the Chief of Police upon filing.
- C. Employees 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 employee or the Department.

ALEAP 2.16


Brett C. Hibbs
Chief of Police