

# CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

## **POLICY: 2.6 COURT TESTIMONY**

**REVISED DATE: 11.05.13**

### **POLICY**

The success of a criminal prosecution is determined not only by the quality and quantity of evidence but by the manner in which 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.

### **I. PURPOSE**

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

### **II. PROCEDURES**

#### **A. Subpoenas**

1. All officers shall accept subpoenas and shall appear in the designated place at the time required. Avoidance of service is prohibited, and offending officers are subject to disciplinary action.
2. Officers served subpoenas or 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.
3. Officers who are served with a subpoena shall immediately notify their supervisor and provide the supervisor with a copy.

# CITY OF OAK POINT

## DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

### 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 Director 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 their hourly 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.

3. Officers shall notify a supervisor immediately of any cancellations, changes in reporting or court time and who was responsible for that change.

# CITY OF OAK POINT

## DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

4. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority and a supervisor as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The supervisor shall notify the Director and the reason for absence or tardiness shall be reviewed by the officer's commander and may be referred for disciplinary review.

5. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.

6. 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; and display a courteous attitude and maintain self-control and composure.

Approved: *M. Shackelford*

M. Shackelford

Adopted: 10.01.2013

Revised: 11.05.2013 Format