




## Norwich Police Department Standard Operating Procedure

<b>Subject:</b>	Court Appearance	
<b>Distribution:</b>	All Officers & H.Q.	
<b>Approved / By order of:</b>	Jennifer Frank, Chief of Police	
<b>I. PURPOSE:</b>	<p>The purpose of this Standard Operating Procedure is to provide officers with guidelines for addressing and responding to subpoenas, and for the scheduling, preparation, and testimony in criminal and civil court cases.</p> <p>This Standard Operating Procedure becomes effective October 1, 2020, and rescinds all previous rules and regulations pertaining to the subject.</p>	
<b>II. POLICY:</b>	<p>The success of any prosecution is determined not solely by the 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 accurately convey evidence in a fair and professional manner are essential in efforts to bring a prosecution to a just conclusion. Therefore, it is the policy of the Norwich Police Department that officers adhere to court scheduling, preparation, appearance, and testimonial guidelines provided herein.</p>	
<b>III. DEFINITIONS:</b>	<p>A. <u>Subpoena</u>: A written order to compel an individual to give testimony on a particular subject, often before a court, but sometimes in other proceedings, such as a Congressional inquiry.</p>	
<b>IV. PROCEDURES:</b>	<p>A. <u>Subpoenas</u>:</p> <ol style="list-style-type: none"><li>1. The Norwich Police Department will serve subpoenas from legitimate courts and return a copy to the source, if requested. Officers will not be required to serve subpoenas issued by private citizens, organizations, or businesses. Officers will only be required to serve subpoenas issued by:<ol style="list-style-type: none"><li>a. Vermont Courts</li><li>b. Courts from other states</li><li>c. Federal courts</li><li>d. The Town of Norwich.</li></ol></li><li>2. Service will only be made within the town of Norwich.</li></ol>	

	<ol style="list-style-type: none"> <li>3. Officers responsible for serving subpoenas shall ensure that the task is performed in a timely manner.</li> <li>4. Service of a subpoena upon a person does not require their physical acceptance of it.</li> <li>5. The Norwich Police Department 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: <ol style="list-style-type: none"> <li>a. Recording the service, and attempted service, of subpoenas on a Norwich Police Department Paperwork Service Record form, and recording such activity in a CAD law incident report.</li> <li>b. Ensuring that notification is made as soon as possible to the designated court authority when officers or others cannot be served in accordance with established time frames or cannot appear on the designated court date.</li> </ol> </li> <li>6. Officers served subpoenas or given other official notice to appear before any 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 notifications shall be recorded in a manner consistent with this policy. All NPD 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. <ol style="list-style-type: none"> <li>a. When an NPD employee is subpoenaed or summoned to appear in two different courts at the same time, they will notify the State's Attorney in each jurisdiction to resolve the conflict, and will notify their supervisor.</li> <li>b. If an NPD employee must be excused from a subpoena for any reason, the employee must discuss the situation with the Chief of Police. With the Chief's approval, the employee must submit a memo to the court and the State's Attorney / Prosecutor's Office. NPD employees are required to appear in court unless notified otherwise by the Court or the State's Attorney / Prosecutor's Office.</li> </ol> </li> </ol> <p><b>B. <u>Trial Preparation:</u></b></p> <ol style="list-style-type: none"> <li>1. Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever the seriousness of the charge or complexity of the cases dictates.</li> </ol>
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	<ul style="list-style-type: none"><li>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.</li><li>3. Prior to trial, arresting or other officers designated for court appearances shall review case documentation to ensure that they are familiar with the facts involved. In addition, if requested by the State’s Attorney’s Office or other entities representing the prosecution, officers shall provide all reasonable assistance necessary to ensure that:<ul style="list-style-type: none"><li>a. Necessary evidence will be available at trial</li><li>b. Witnesses have been notified of the date, time, and place of trial and have adequate means of transportation</li><li>c. Witnesses have been adequately informed of what is and can be expected of them during testimony, that they have been advised not to offer personal opinions of conjecture and to respond to all questions accurately and truthfully</li><li>d. Legal questions of witnesses are referred to the prosecutor for clarification when appropriate</li></ul></li><li>4. In pretrial conferences with the prosecutor, officers are responsible for providing all information relevant to the case regardless of whether it is beneficial or detrimental to the case.</li><li>5. There shall be no communication between the officers and the defense attorneys with regard to pending cases without the express approval of the prosecutor’s office.</li><li>6. Officers shall not testify for a defendant in any criminal case without being legally summoned to appear, prior knowledge and approval of the Chief, and written authorization of the prosecutor’s office.</li></ul> <p>C. <u>Court Appearance:</u></p> <ul style="list-style-type: none"><li>1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by the Collective Bargaining Agreement. Compensation shall be paid only when officers comply with procedures established by this policy for court appearance, to include but not limited to supervisory notification/approval and adherence to documentation procedures for compensation.</li><li>2. Officers who are late for or unable to appear on a court date shall notify as soon as possible, a supervisor, the State’s Attorney’s / Prosecutor’s office, and the appropriate court authority; provide their name, the defendant’s name, the case number (if known), and the</li></ul>
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	<p>reason for absence or tardiness. The reason for absence or tardiness shall be reviewed by the officer’s supervisor and may be referred for disciplinary action.</p> <ol style="list-style-type: none"><li>3. Officers’ physical appearance, personal conduct, and manner at court shall conform to the highest professional police standards.</li><li>4. Officers and civilian employees who are attending court as representatives of the Norwich Police Department will wear the uniform of the day or appropriate business attire consistent with their duty assignment, unless otherwise directed.<ol style="list-style-type: none"><li>a. Officers who are not attending court as representatives of NPD will not wear an NPD uniform.</li><li>b. All employees will maintain a neat, clean and well-groomed appearance.</li></ol></li><li>5. Officers will provide testimony in court in a manner that is consistent with their law enforcement training.</li></ol>
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