

PITTSFIELD POLICE DEPARTMENT  
PROCEDURE

POLICY & PROCEDURE: 19	SUBJECT: Responsibility for Court Cases	
EFFECTIVE DATE: 01/01/2008	EXPIRATION DATE: Indefinite	
THIS POLICY RESCINDS ANY PREVIOUSLY ISSUED MEMORANDUM, DIRECTIVES, NOTICES, SPECIAL OR GENERAL ORDERS IN CONFLICT WITH THIS POLICY.		
AUTHORIZED BY:	Matthew E. Harshberger Director of Public Safety	
REVISIONS: 12-01-10, 01-01-13, 10-01-15		

**POLICY:**

This policy shall be followed by all Department Personnel. Adherence to any and all procedures related to this policy are required and hereby incorporated by reference for the purpose of determining compliance.

**PURPOSE:**

To establish uniform procedures for ensuring the appearance of witnesses; processing report copies and subpoena requests; requesting changes or adjournment of scheduled court appearances; and, establishing clearly defined responsibilities for Department personnel scheduled to appear in court.

**I. RESPONSIBILITIES**

- A. It shall be the responsibility of each officer and civilian employee to be aware of any court proceeding, hearing, trial, or appearance scheduled which requires his/her attendance.
- B. It shall be the responsibility of each officer and civilian employee to appear in court for all proceedings, hearings, trials, or appearances for which they are scheduled.
- C. It shall be the responsibility of the officer, in conjunction with the Court Officer, to make any and all necessary arrangements for the appearance of all prosecution witnesses and evidence as is required and necessary for the proper presentation of the case.
- D. The Detective assigned is deemed the officer in charge of any case which was assigned for follow-up investigation.

PROUDLY SERVING OUR COMMUNITY WITH "*HONESTY, INTEGRITY, AND PROFESSIONAL EXCELLENCE*"

SINCE 1978.

PITTSFIELD POLICE DEPARTMENT  
PROCEDURE

- E. The Originating Officer in cases involving arrests which are not assigned for follow-up shall be the officer in charge of the case. Any questions as to the officer in charge of any case shall be directed to, and resolved by, the Detective Bureau Supervisor prior to any court appearance.
- F. The officer in charge of any case is responsible for any written reports as required by the court for proper disposition of criminal or civil cases. Following any court appearance, the officer in charge (OIC) of any case assigned an incident number shall complete a supplemental report that contains the nature, outcome, and disposition.
- G. New Hires – Field Training Program  
A Field Training Officer (FTO) may attend court with newly hired officers on their first court appearance for the purposes of training and introductions to the court system. Any time after the first court appearance, FTO's may only attend hearings for which they are subpoenaed as part of the case. If an officer is uncertain whether his attendance is needed in Court, he shall check with the on duty shift supervisor or the Court Officer.
- H. The Court Officer shall be responsible for notifying employees whose appearance is not required as soon as this information is known.
- I. The officer, in conjunction with the Court Officer, shall coordinate witness appearances in the most efficient and economical manner appropriate for the presentation of the case.
- J. The Court Officer shall confer with the Township Attorney, or the Prosecuting Attorney's representative handling appearances, and comply with instructions and requests as made.

Department vehicles shall be provided as transportation to and from court. Individual employees may drive their personal cars if they so choose without mileage reimbursement.

## II. REQUESTS FOR ADJOURNMENT OR RESCHEDULING

Requests for adjournment or rescheduling of court cases shall be confined to instances of conflict with established training or vacation schedules, or of absolute necessity. Requests shall not be made solely as a matter of convenience to the employee.

In the event that it is necessary to request an adjournment or rescheduling, the employee shall submit the request in writing, stating the reasons and officers involved, providing sufficient time to accommodate the request. This request shall be

PROUDLY SERVING OUR COMMUNITY WITH “*HONESTY, INTEGRITY, AND PROFESSIONAL EXCELLENCE*”

SINCE 1978.

PITTSFIELD POLICE DEPARTMENT  
PROCEDURE

given to the Court Officer to be forwarded to the appropriate court or prosecuting attorney.

Supervisors shall not approve leave time requests which conflict with a scheduled court appearance unless the employee demonstrates that these cases have, in fact, been adjourned or rescheduled as provided herein.

### **III. REPORT COPIES**

Employees scheduled to appear in court shall be responsible for preparing copies of reports as needed or required for their case prior to the scheduled court appearance. Officers shall generate a copy from the CLEAR system if the report is stored electronically. Copies of reports not stored electronically may be requested from the Records Bureau. In no event shall original records be taken out of file except for photo-copy purposes or cases that require a certified and/or signed original copy (ex. refusal to chemical test, blood draws).

### **IV. SUBPOENA AND JURY DUTY REQUESTS**

- A. The officer in charge (OIC) of a case shall be responsible for requesting and serving any subpoenas necessary to ensure the appearance of witnesses for all formal and informal hearings. The officer who investigated or observed the civil infraction is deemed the officer in charge of a case.
- B. The officer in charge (OIC) shall be responsible for notifying prosecution witnesses of any adjournment or changes in appearance requirements.
- C. Officers will be granted leave with pay when subpoenaed for court as a witness in criminal or civil cases in which Pittsfield Township, or other political subdivision or government, is a party, and when such matters are related to their employment with Pittsfield Township and their appearance is required. If at any time a court appearance conflicts with an officer's approved scheduled shift assignment or leave day, it shall be the responsibility of the officer to notify his/her immediate supervisor of the schedule adjustment to attend court. In the event the court appearance requires backfill or overtime for the officer's shift coverage, all requests must be approved by the officer's shift supervisor.
- D. For subpoena requests involving an officer's prior employment as a police officer, authorization must be granted by the Director of Public Safety or Deputy Chief of Police. No other supervisor is authorized to approve a request of this nature.
- E. Officers upon submission of official notification, who are called to jury duty, will be granted a leave of absence for the duration of such service. If the jury duty is during the officer's scheduled work days as outlined in the Township Employee

PROUDLY SERVING OUR COMMUNITY WITH "*HONESTY, INTEGRITY, AND PROFESSIONAL EXCELLENCE*"

SINCE 1978.

PITTSFIELD POLICE DEPARTMENT  
PROCEDURE

Handbook, the officer will be entitled to receive full pay during the period of jury duty provided the officer pays to the Treasurer's Office all amounts received for jury duty service (minus any mileage allowance) and the officer meets eligibility for paid jury-duty leave.

- F. Officers who are subpoenaed in civil or criminal cases not related to actual departmental duties, and are not eligible for paid jury duty leave, will be excused from work, but lost time will be deducted from their pay unless the officer requests another form of leave (ex. vacation, comp, etc.).

**V. COURT ATTIRE**

When attending court, officers shall be attired in the uniform of the day or, if off duty and civilian clothes are worn, said clothes shall be of conservative style and consist of suit or sport coat, dress shirt and tie for males; skirt, dress, or dress slacks for females. When attending Circuit Court, civilian clothes may be worn whether on-duty or off-duty, and clothing shall be business attire of a conservative nature.

**VI. REVISION RESPONSIBILITY**

- A. Responsibility for the continuous updating and revision of this Order lies with the Director of Public Safety. Continuous shall mean when necessary or when mandated by law.
- B. In the event that this Policy conflicts with, or supersedes, any previous Departmental Order, Procedure, or Directive, to that extent, the conflicting or superseded Order is cancelled.

PROUDLY SERVING OUR COMMUNITY WITH "*HONESTY, INTEGRITY, AND PROFESSIONAL EXCELLENCE*"

SINCE 1978.