

 University of Pittsburgh Police Department Rules & Regulations Manual	Reference Number: (Chapter / Section) 5 - 5
	Issue Date: 10-5-18
	Effective Date Immediately Upon Release
	Rescinds: None
	Amends: All previous
Title: Court Appearances	 By Order of James K. Loftus, Chief of Police

1.0 Policy

It is the purpose of this policy to provide officers with guidelines for scheduling, preparing for, and testifying in criminal court cases. The success of a criminal prosecution is determined not solely 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 accurately convey evidence in a fair and professional manner are essential in efforts to bring a criminal prosecution to a just conclusion. Therefore, it is the policy of the University of Pittsburgh Police Department that officers adhere to court scheduling, preparation, appearance, and testimonial guidelines provided herein.

2.0 Procedures

A. Subpoenas / Notice to Appear

1. Officers responsible for serving subpoenas shall ensure that this is performed in a timely manner. All 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.

The department shall establish a system of accountability for subpoenas from point of receipt from the court to point of officer testimony. This includes but is not limited to:

- a. Recording the receipt of subpoenas to include date received, court date and time, defendant's name, officer's name, and date executed and returned to the court;
- b. Recording the service of subpoenas to named officers by shift supervisors or other designated personnel noting dates received, served, and returned to the court authority; and

- c. Ensuring that notification is made as soon as possible to the designated court authority when officers cannot be served in accordance with established time frames or cannot appear on the designated court date.
 - d. Refer to section 4.0 for the established specific departmental procedure for notification of court appearances.
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. Such subpoenas shall be recorded in a manner consistent with this policy.

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 with the prosecutor whenever the seriousness of charges or complexity of cases dictates.
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, arresting or other 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:
 - a. Necessary evidence will be available at trial; witnesses have been notified of the date, time, and place of trial and have adequate means of transportation;
 - b. 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 or conjecture, and to respond to all questions accurately and truthfully; and that any legal questions of witnesses are referred to the prosecutor for clarification when appropriate.
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. There shall be no communication between officers and defense attorneys with regard to pending criminal cases without express approval of the District Attorney's office.
6. Officers shall not testify for a defendant in any criminal case without being legally summoned to appear or without prior knowledge of the Chief of Police.

C. Appearance in Court

1. Officers shall receive compensation for appearance in court during off-duty hours at the rate designated by the collective bargaining agreement.
2. Officers who are late for or unable to appear on a court date shall notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness. The reason for absence or tardiness shall also be submitted to their shift Lieutenant or unit supervisor to be reviewed by the commander and may be referred for discipline.
3. Officers' physical appearance, personal conduct, and manner shall conform to the highest professional police standards.
 - a. Uniforms are optional, however Officers should appear for all court proceedings wearing business or business casual attire (i.e. polo shirt, dress pants, suit, dress shoes or boots, etc.)
 - b. Casual attire is unacceptable (i.e. jeans, t-shirts, ball caps, tennis shoes, etc.)
 - c. If not in uniform, Officers shall display their badge on either their belt or on a lanyard around their neck.
4. When testifying, officers shall:
 - a. Restrict remarks to that which is known or believed to be the truth; respond directly but only to questions asked and avoid volunteering information or going beyond the scope of the question;
 - 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.

3.0 Civil Cases

- A. Subpoenas: All civil court subpoenas served upon any member of the department will be referred immediately to the Office of General Counsel.
- B. Members of the department will fully cooperate with the Office of General Counsel and/or counsel retained by the University of Pittsburgh in the preparation and defense of cases in which the officer is a witness or defendant.
- C. Defense and Indemnification. Members of the department should refer to University of Pittsburgh Policy 07-06-06 and University procedure 07-06-06 for guidance on receiving legal defense and indemnification from the University.

4.0 Procedure for Notification of Court Appearance

A. Records Manager Responsibilities

1. When a subpoena / notice to appear is received by the department's records manager they shall without delay stamp the notice with the date received.
2. The records manager shall notify the named officer(s) in a timely fashion via a detailed electronic mail (e-mail) message. At a minimum the e-mail shall include the following: level of court (Summary / Traffic / Criminal / Appeals), date and time of hearing, location of hearing, full name of defendant, pending charges, and any other pertinent information.
3. The records manager will provide the named officer(s) with a copy of the subpoena/notice to appear. Additionally, a copy shall be provided to the named officer(s) shift Lieutenant or unit supervisor (if not a Lieutenant).

B. Shift Lieutenant / Unit Supervisor Responsibilities

1. The shift Lieutenant or unit supervisor shall be responsible for properly noting their shift personnel's scheduled court appearances and following up after the assigned date to ensure that officers are appearing as required. This can be done by reviewing case disposition forms.
2. Should the shift Lieutenant or unit supervisor determine that an officer has not appeared as required they should refer to section 2.0 (C) (2) of this policy to begin a disciplinary review.

C. Named Officer Responsibilities

1. Upon receiving the notification e-mail from the records manager, the officer shall reply to the e-mail acknowledging receipt.
2. The named officer is responsible for attending the assigned hearing or properly notifying the court of their anticipated absence and/or the need to reschedule.
3. Upon completion of their appearance, the officer shall complete a University of Pittsburgh Police Department case disposition form and submit it to their shift Lieutenant or unit supervisor for review. This includes traffic court.
4. In the case of summary level and higher arrests, the officer shall also complete a supplement to the original report summarizing the outcome of each court appearance as it relates to the case.
5. If an officer receives a subpoena / notice to appear personally as a result of postponement, continuance, or other reason; they shall provide the records manager with a copy of the subpoena / notice to appear for record keeping purposes.