

**Title: 14.2 Court Appearances**

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**POLICY:**

Court appearance is an integral part of our law enforcement duties. Glens Falls Police personnel appearing in court in any capacity, must attend at the appointed time without fail, present a well-groomed appearance, be prepared, and behave professionally.

**PROCEDURES:**

**Court Appearance:**

1. Attendance at a court or quasi-judicial hearing, whether notified by subpoena or other notice by the agency, prosecution, or hearing officer is an official duty assignment, and employees and officers must attend without fail. Permission to omit this duty must be obtained from the prosecuting attorney or other competent official, prior to the appearance date and time.
2. All officers must be punctual and attend until dismissed by the prosecution, the person issuing the subpoena or the court.
3. The complete and official uniform, consisting of long sleeve shirt and tie, must be worn when appearing in court. Detectives and Investigators are authorized to wear a business suit. Non-sworn employees may appear in conservative business attire. Officers may substitute such attire for uniforms when approved by the officer’s supervisor.
4. Members must avoid mannerisms or expressions, which might imply disrespect to the court, other witnesses, those charged with criminal offenses, or plaintiffs testifying. Employees must have notes and case files prepared, and all evidence suitably arranged for presentation before trial appearance.

**Subpoena Precedence:**

If employees receive more than one subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, the subpoena priority is: Federal Court, State Court, County Court, City Court, civil cases, and then administrative hearings. Courts must be notified of the conflict if and when this occurs.

**Court Absences:**

If an employee is scheduled to be in court and cannot attend, he/she must notify the court clerk of the reasons for non-attendance in writing at least seventy-two [72] hours or three [3] business days prior to the scheduled court date. In cases of unforeseen emergencies,

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verification of that emergency must be submitted to the court clerk immediately in writing. If the emergency arises before court and the officer is able to contact the court, the judge determines if the absence is excused. If the officer is unable to contact the court, the OIC must determine if the absence is excused. Copies of all written communications with the court or prosecution regarding appearances must be submitted to Chief of Police.

**Respect and Testimony:**

While in court, the officer must:

1. Always tell the truth when testifying, making reports, or conducting any Law enforcement business;
2. Be respectful of magistrates and judges at all times;
3. Speak calmly and explicitly in a clear, distinct, and audible tone so to be heard by the court and jury when giving testimony.
4. Testify with strict accuracy, limiting testimony to the case before the court, and neither suppresses nor overstates the circumstances with a view for favoring or discrediting any person.
5. Answer defense counsel questions 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.

**Testifying for the Defendant:**

Any employee subpoenaed by the defense in any criminal trial or hearing will notify the office of the prosecuting attorney immediately upon receipt of the subpoena.

**Civil Action, Court Appearances – Subpoenas:**

Employees may not volunteer to testify or give deposition in civil actions and may not testify unless subpoenaed. Employees must accept all subpoenas legally served. If subpoenas arise out of agency employment or if employees are informed that they are a party to civil actions arising out of agency employment, they must immediately notify the OIC and the attorney representing the agency. Employees then prepare to discuss the testimony he/she is prepared to present, if called as a witness.

When a subpoena is received by the OIC and served to a subordinate, the OIC will create a DO blotter noting the time and date served as well as any other pertinent information contained on the subpoena.

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**Civil Matters Relating to Employment:**

1. Employees confer with the Chief of Police before giving depositions, affidavits, or testimony in civil matters.
2. Employees may not institute any civil action arising out of their official duties without first notifying the Chief of Police.

Employees may not use their position with the agency as a means of forcing or intimidating persons with whom they are engaged in civil matter.

**AUTHORITY:**

A handwritten signature in black ink, appearing to read "G. Boisclair".

G. Joseph Boisclair  
Chief of Police