



Apex Police Department General Order



Title Court Attendance and Procedures	Order Number 315-20
Effective Date: October 22, 2020	Amends: 315-13
CALEA Standard:	Rescinds:
Reference:	Pages: 5
Forms: F315 – Officer Unavailable for Court	

Court Attendance and Procedures

Purpose

To clarify and familiarize employees with the established policy governing court appearance requirements and employee conduct.

Policy

It is the policy of the Apex Police Department for employees to appear in court, before hearing boards, or investigating bodies in the manner outlined in this General Order or any other applicable written directive, whenever requested, required, or subpoenaed.

Definitions

Court Dates – Those dates assigned to an individual officer for a 12-month period, indicating when the officer must appear in court.

Scheduling

1. Officer court dates will be assigned at the beginning of the calendar year by the Training Unit.
2. The Training Unit will maintain and update a digital calendar listing court dates for each officer. The calendar will be placed on the department's secure network, in a folder shared by sworn staff.

3. The Training Unit will submit the court dates for each officer to the proper personnel within the court system.

Attendance and Appearance

Attendance

1. All court proceedings are considered a duty assignment.
2. Employees are responsible for maintaining their assigned court schedule. Employees will check the online county court calendar prior to their respective court dates to determine which, if any, cases are set for appearance.
3. An issued subpoena, notice of hearing, or verbal notification by a competent authority is considered proper notification requiring the employee to appear in any court proceeding, hearing, or similar process.
4. Employees will be present on their scheduled court date, or whenever notified, and will be punctual when reporting. Employees may be excused or placed in a standby status only under the authority of the Assistant District Attorney assigned to the courtroom and/or specific case.
5. Employees should make every effort to adjust their schedules to be available on their assigned court dates. However, in the event a known conflict occurs, employees should request to be excused by the Office of the District Attorney. That request will be made by faxing form F315 - *Officer Unavailable for Court* to the respective District Attorney's Office no less than 3 weeks (21 days), prior to the schedule conflict.
6. Upon arrival, employees will make their presence known to the court clerk, judge, assistant district attorney, and/or hearing officer at such proceedings.
7. An employee unable to appear as directed will notify his/her supervisor as soon as immediately possible. The supervisor will then notify the court or subpoenaing agency to request the employee be excused for all or a portion of the court proceeding. If adjournment/continuance is not granted, the agency will make every attempt to satisfy the employee's requirement to appear. When seeking to be excused from court, the employee and/or supervisor must work directly with the Office of the District Attorney; messages are not acceptable forms of notification in most cases.

Appearance

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1. The appearance and demeanor of all employees are constantly being observed by others both inside and outside the courthouse. The employee's appearance and demeanor will be such as to maintain and reinforce the credibility of both the employee and the agency.

Civilian Business Attire for Court Purposes

1. Employees will be dressed in the prescribed manner:
 - All on-duty, uniformed employees will wear a Class A or Class B uniform when appearing in court proceedings
 - All off-duty employees may choose to wear proper business attire in lieu of their uniform when appearing in court proceedings
 - All non-uniformed employees will wear proper business attire when appearing in court proceedings
 - Male Employees – Business professional attire includes:
 - Suit or sport coat
 - Button down shirt
 - Neck or bow tie
 - Slacks
 - Dress shoes
 - Female Employees – Business professional attire includes:
 - Conservative dress, skirt, or slacks
 - Dress shirt
 - Dress shoes
2. An employee's appearance must comply with the standards in General Order 306 - *Appearance and Uniform Regulations* as it relates to hair and other grooming.
3. Employees appearing in court, at hearing boards, or other judicial functions for testimony which arose from employment not connected with the Apex Police Department will not wear the Apex Police Department uniform during the court proceeding. Employees should dress accordingly and inform the prosecution of his/her employment status during the incident subject to testimony.
 - Exceptions may be made by a Division Commander if the uniformed employee is on-duty and the court appearance is a reasonable distance from the Town of Apex.

Demeanor

1. All employees providing testimony are required to answer all questions truthfully, completely, and without bias.
2. Employees will remain in the court until their case is disposed or until advised by a competent court authority that their presence is no longer necessary.

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3. Employees will notify the on-duty supervisor if their court appearance extends longer than scheduled and/or expected.
4. Required off-duty, court appearances will be recorded on the employee's timesheet.
5. Time spent in court or related activities which arose from employment not connected with the Apex Police Department, will not be included on the employee's timesheet. That time is not compensable as part of any Apex Police Department employment.
 - Exceptions may be made by a Division Commander if the employee is on-duty, the court appearance requires minimal time, and is for an appearance in **Wake County**.
6. Employees will follow the procedures of the Office of the District Attorney or other entity having authority over the proceeding for scheduling, attendance, and other related matters.

Court Preparation

1. Prior to court, all employees should prepare themselves in anticipation of giving testimony and should:
 - Ensure all reports, supplements, and statements are complete and present for testimony
 - Ensure all criminal histories, driver's license checks, other evidence, and/or witnesses are available for trial
 - Contact the Assistant District Attorney assigned to the case about any unusual circumstances prior to the court date
2. Once the case is resolved or otherwise disposed, the employee will:
 - Return any applicable evidence dispositions to the Property/Evidence Technician
 - Return any assigned case files to the Case Manager or Records Unit

Miscellaneous

1. Employees will not intentionally avoid the service of any subpoena or other proper notification concerning their attendance in any court matter.
2. Once subpoenaed or otherwise properly notified, the responsibility for appearing in court rests solely with the affected employee. Failure to honor a lawful subpoena may subject an employee to contempt proceedings and/or departmental disciplinary action.
3. The case specific Assistant District Attorney may be able to coordinate an employee's appearance to minimize the employee's actual time spent waiting to testify. In as much as

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this is judicial courtesy, affected employees should provide the court with a phone number where they can be immediately reached and their anticipated travel time to court.

4. Employees will not volunteer to testify in civil actions, unless legally subpoenaed, and will not testify in those proceedings. In civil cases resulting from non-department related duties, employees will notify the Chief of Police in writing immediately upon being so notified. Employees will summarize the reason their testimony has been requested by an authorized court officer and/or judicial official.

Text in “Green” denotes a significant change in policy

BY ORDER OF:



John W. Letteney
Chief of Police