

Germantown Police Department

Policies and Procedures

Number: 6-2
Effective Date: January 1, 2003
Subject: Court Appearances
Previous Revisions:

I. PURPOSE

The purpose of this policy is to provide guidelines to officers regarding the proper procedures for appearing in court in response to any subpoenas issued to the officer.

II. POLICY

It is the policy of the Germantown Police Department for all officers to respond to properly issued subpoenas and to make court appearances as mandated by policy and by court order.

III. PROCEDURE FOR TENNESSEE SUBPOENAS

Officers of this Department are subject to subpoenas from many courts and administrative agencies, including, but not limited to:

- A. Shelby County Criminal Court
- B. Shelby County General Sessions Court
- C. Shelby County Circuit Court
- D. Shelby County Chancery Court
- E. Memphis-Shelby County Juvenile Court
- F. Germantown City Court;
- G. City of Germantown Alcohol Commission (Beer Board)
- H. State of Tennessee Confiscation Hearings (drug and vehicle seizures)
- I. U.S. District Court (Federal)
- J. Shelby County or Federal Grand Jury

Whenever an officer is required to make a court appearance in connection with his/her duties as a police officer, he/she will be compensated in accordance with current departmental policy regarding overtime or compensatory time (unless the court appearance is during an officer's normal tour of duty).

Although some of these court appearances are criminal in nature, there will be cases where an officer is subpoenaed by a private attorney (Ex: Circuit Court for an accident case). When the case

is a criminal case, a government attorney (Attorney General, City Prosecutor, or City Attorney) will sign the officer's court slip. In civil cases, the court slip will be signed by the private attorney who subpoenaed the officer (or by the court officer).

An officer making a required court appearance, outside of the City, must complete a court slip. This court slip will be placed in the Administration box in the Squad Room. This slip should be filled out completely in order to expedite the officer's pay or accumulated time. This includes attaching the subpoena, notice, or other form of documentation the officer has been furnished. If for some reason an officer's overtime slip is not approved, he/she will be notified in writing by the Administrative Captain.

Unless specifically subpoenaed, an officer will not be required to make a court appearance (criminal) on the first setting of a case. This is the arraignment, which is followed by a later report date for the defendant. The trial date or preliminary hearing follows and the arresting officer will be notified to appear on those dates.

If an officer is subpoenaed for a case and it is continued while he/she is in court, it will be the responsibility of the officer to make note of the continuance date and reappear on that date.

City court dates are to be assigned a minimum of four (4) weeks from the date of issuance of the ticket on the officer's next regular assigned summons date after the expiration of this four (4) week period; exceptions: leave of absence, vacations, etc. Officers issuing long tickets for any City ordinance violation will include a court date at the bottom of that ticket with the date being set on the officer's regular assigned summons date. THIS APPLIES TO ALL VIOLATIONS ON A LONG TICKET. Each officer is expected to appear in court on his/her assigned court date, since the officer will not know whether the tickets that he/she has issued have been paid or not.

When juveniles are issued a City of Germantown traffic summons, the mandatory court appearance block on the front of the summons must be checked. Officers should make a notation on the summons for the juvenile to bring a parent to court (i.e., with parent).

Note: Juveniles residing out of state are not required to appear in court (except in aggravated cases). Juveniles are not required to appear in court on parking summonses.

IV. SUMMONS DATE FOR NEW OFFICERS

Summons dates will be assigned to new officers as quickly as administratively possible. New officers making off duty court appearances will not be held responsible to prosecute traffic cases until they have been properly assigned their own summons dates. Until such time as they have been assigned summons dates, it will be the responsibility of their senior partner to prosecute these cases. New officers assigned to work shifts requiring off duty court appearances should attend court with their senior partner on no more than two (2) occasions in order to become aware of court procedures.

V. PROCEDURE FOR OUT-OF-STATE SUBPOENAS:

The State of Tennessee and numerous other states are bound by a Uniform Law to Secure Attendance of Witnesses. This law requires that the requesting jurisdiction follow certain procedures prior to and in conjunction with the issuance of a subpoena for a person in another state. This law mandates that certain compensation be forwarded at the time of the subpoena. Many states are not following this procedure.

Upon receipt of a subpoena or a request for an officer's appearance in an out-of state jurisdiction, that officer must contact the Legal Advisor's Office and it will be the duty of the Legal Advisor's Office to determine if the subpoena has been issued properly. In no event is the officer to make arrangements to testify without first notifying the Legal Advisor's Office.

VI. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.