The Allegheny County Chiefs of Police Association

MODEL
COURT APPEARANCE POLICY

An Allegheny County Criminal Justice Advisory Board Project

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In Partnership With

The Allegheny County District Attorney's Office

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This MODEL POLICY should serve as a starting point to be reviewed, revised, and approved by the Chief or Superintendent, your municipality and solicitor before being implemented by your police agency.

ACCPA-CJAB-DA
MODEL COURT APPEARANCE POLICY

01. PURPOSE

The purpose of this policy is to provide all Officers of the Department with general guidelines governing their responsibilities to comply with Judicial Subpoenas and District Court Notifications or if they are required to appear as a defendant or as a witness for a defendant in a criminal or civil court proceeding or who may be requested or required to give statements to investigators or counsel representing private litigants in actions or potential actions in which the Department, Municipality or the Officer may be a party to the litigation.

02. REPORTING FOR DUTY

Officers shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties.

Judicial Subpoenas and District Court notifications shall constitute an order to report for duty under this section.

It is imperative that you review BWC/MVR/Camera footage to refresh your recollection of the events for the narrative in the initial affidavit/report.

Officers shall be prepared to testify and be cross-examined. Prior to a hearing or court appearance, review reports, witness statements, BWC/MVR/Camera footage and your case file.

03. DRESS

When appearing at any hearing, civil or criminal proceeding, Officers shall be neat and well groomed.

When appearing at a pretrial conference, traffic or other hearing, members may be attired in the uniform of the day or attired in business causal.

When appearing at criminal, civil or juvenile court, if not in the uniform of the day, the following forms of attire in subdued colors and/or patterns suitable for the business environment are authorized;

MALE PERSONNEL

1. Clean pressed suit, dress shirt and tie.
2. Clean pressed dress trousers or “Docker” type trousers and sports jacket with dress shirt and tie.
3. Full shoes with socks.
4. All footwear shall be well maintained, clean, appropriately polished and presentable.

FEMALE PERSONNEL

1. Clean pressed business suit, dress pants, “Docker” type pants, skirt or dress.
2. Clean pressed dress blouse, appropriate top or dress sweater.
3. All footwear shall be well maintained, clean, appropriately polished and presentable.

04. PROHIBITED CLOTHING:

Officers required to appear at hearing/court appearances shall not wear any clothing which is worn, torn, ripped, dirty, stained, disheveled or too large, wrinkled and/or ill-fitting suit/sports jacket, and/or trousers, leather pants, lycra/spandex pants or leggings, beach attire, T-Shirts, sweatshirts, sweatpants, tank tops, muscle shirts, cargo pants/shorts, any shirt with words, terms, obtrusive or offensive logos, pictures, cartoons or slogans, exercise clothing, denim blue jeans or skirts, overalls, camouflage attire, crop-tops, halter tops, tops which expose the midriff, see-through blouses, slacks or skirts, spaghetti strap tops or dresses unless worn under another blouse, shirt, jacket or jumper, tops with bare shoulders, extremely low cut tops, skorts, extremely short skirts or dresses (shorter than 3" above the knee), any clothing that is inappropriately short, tight, provocative or revealing, including but not limited to clothing which reveals too much cleavage, your back, your chest, your stomach, your thighs or your underwear, flip-flops, shower shoes, bedroom slippers, or any unauthorized athletic type shoes.

05. COURT POSTPONEMENTS

If an Officer is unable to appear in Criminal Court, attend a Preliminary Hearing, Traffic or Summary Offense Hearing because of illness or an extreme emergency, it is the Officer's responsibility to contact the District Attorney's Office or District Court and the Chief or D/Chief and advise them of such, as early as possible.

06. WITNESS

Officers shall not testify in a civil case in which the Department may have an interest without prior approval of the Chief of Police, unless they have been legally summoned to do so, in which case the Chief shall be notified in writing as soon as notification is received.

07. APPEARANCE AS A CHARACTER WITNESS

As a general rule, Officers will not appear as a character witness in a criminal proceeding and shall only be permitted to do so if prior written authorization has been obtained from the Chief of Police.

Officers who have been contacted, requested, summoned or subpoenaed to appear as a witness for a defendant in a criminal court proceeding or any party to a civil proceeding shall, as soon as notification is received from the defendant's attorney or requesting party, notify the Chief of Police in writing of such.

08. INTERVENTION IN ARREST OR PROSECUTION

Officers shall not intervene or interfere in any lawful investigation, arrest or prosecution brought by another Officer of the Department, or by any other agency or person.

09. ASSISTING SUSPECTS OR CRIMINALS

Officers shall not intentionally divulge in any manner, either directly or indirectly, any information which might assist persons suspected or guilty of criminal acts in escaping arrest or punishment, or which may enable them to dispose of or secrete money, merchandise, or other property unlawfully obtained, or other evidence of illegal activity.

Officers shall not suggest, recommend, advise or otherwise counsel any person with whom they become acquainted as a result of Police business, with regard to the retention of any attorney or bail bond broker. This restriction shall not apply to relatives of Officers.

Officers shall not act as bailers for anyone, with the exception of family members of said Officer.

10. CIVIL ACTIONS

Officers shall not testify in a civil action, regarding any Department case, unless served with a legal subpoena or unless the Officer is the plaintiff or the defendant. Officers shall not enter into a financial agreement regarding appearances as witnesses.

Officers named as a defendant and Officers named as a witness against another Officer in duty-related civil litigation or any other litigation against the Department or Municipality and served with a subpoena, shall immediately notify the Chief of Department in writing, stating the fact that the subpoena was served, the method of service, and the date of service. A copy of the civil service or subpoena shall be attached to the memorandum.

Officers shall confer with the Chief of Police prior to filing a deposition or affidavit in a civil case resulting from the performance of duty. The Chief shall be advised regarding the case prior to the deposition.

No Officer shall provide statements to Investigators or Counsel representing private litigants in actions or potential actions in which the Department or Municipality may be a party without first notifying the Chief of Police of such in writing.

Any time an Officer is requested or required to give such a statement, the Officer shall, as soon as the request is made by the Investigators or Counsel, notify the Chief of Police in writing of the request and all pertinent information.

Officers shall not seek, file suit against, solicit, nor accept from any person or agency any money or other compensation for damages or expenses incurred in the line of duty, or for which the Officer has received sick leave pay, without previously notifying the Chief of Police in writing of the intended course of action. Such notification shall also occur upon the final disposition of any suit in which an Officer is awarded compensation for damages of expenses incurred in the line of duty.

11. OUTSIDE AGENCY

Any Officer who is contacted by any outside agency shall immediately notify the Chief of Police prior to making any statement or being interviewed.

12. COURT APPEARANCES

Officers shall not attend any court in any jurisdiction (criminal or civil) for the purpose of testifying, or appearing as a defendant, attired in Department issued equipment/clothing, if the purpose of their attendance does not relate to acts which occurred during the performance of official duties.