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## **Purpose**

This policy sets forth guidelines governing requirements and expectations of Bemidji Police Department employees during court appearances.

## **Policy**

It is the policy of the Bemidji Police Department that all employees shall respond to all subpoenas and summons received from any court, or other formal hearings resulting from actions related to their city employment.

## **Procedure**

Appearance in court as necessary is a job requirement of the Bemidji Police Department. The court's schedule does not coincide with the shifts worked by many department personnel, thus requiring personnel to appear in court during hours other than their normal working hours. Contractual provisions provide compensation for officers appearing in court when not on duty. The ramifications of not appearing in court when notified can be severe, not only in the loss of cases, but in increased civil liability for the department as well as the officer. Additionally, personnel are subject to disciplinary action if they fail to appear as notified or fail to comply with the provisions of this procedure.

### **I. Notice to Appear in Court**

- a. Employees who receive notice from the county/ city attorney's office regarding a possible trial during a specific date range shall respond to that notice indicating:
  - i. Dates and times on duty and dates off duty.
  - ii. Contact information for on duty and off duty times.
  - iii. Any conflicting Paid Time Off (PTO) as required under LELS contract.
- b. Employees receiving written or verbal notice to appear in court on a specific date and time must notify their immediate supervisor to ensure shift coverage.
- c. Employees receiving subpoenas from other attorneys to appear in court to testify in matters related to the employee's actions while on duty should notify their immediate supervisor to ensure shift coverage.
  - i. Employees must also notify the requestor of any conflicting Paid Time Off (PTO) as required under LELS contract.
  - ii. Documentation of correspondence must be retained by the employee.

### **II. Appearance in Court**

The appearance and demeanor of Bemidji Police Department Employees are constantly observed by the court, victims, families and jury members, in the courtroom and in the halls before and after testifying. The Bemidji Police Department Employee's appearance, conduct and attitude shall represent the professionalism and

competency of our department as well as add to the dignity and seriousness of the court.

- a. Employees under subpoena or direction to attend court shall report at the time specified and remain in the court until their case is disposed of or until they are advised by competent authority that their presence is no longer necessary.
- b. Employees on duty may appear in court wearing the uniform of the day.
- c. Off duty officers will appear in court wearing the uniform of the day but, are not allowed to wear external carriers. Ties will be worn with long sleeve uniform shirts.
- d. Officers may wear suit and tie if desired or if requested by the prosecutor.
- e. Licensed officers are required to wear department issued weapons.
- f. Employees appearing as a complainant or witness are subject to the direction of the court. Immediately upon being sworn, he/she shall answer all questions truthfully and to the best of his/her ability.

### **III. Meetings with Attorneys**

- a. Interviews and meetings with attorneys shall be scheduled, if possible, during the officer's normal working hours to avoid unnecessary overtime.
  - i. Employees must notify their supervisor to ensure shift coverage.
- b. Meetings scheduled during off duty hours shall first be approved by the employees supervisor or captain.
  - i. Overtime shall not be approved for off duty meetings that are not preapproved.

### **IV. Unexcused absence or planned vacation**

Unexcused absences not only embarrass the department, but inconvenience the other witnesses and the prosecutor and may cause a case to be dismissed. If the officer wishes to be excused from appearing, he/she must obtain permission from the prosecutor's office.

- a. Unless he has been lawfully excused, the officer who fails to respond to a subpoena is liable to a charge of contempt of court, and to disciplinary action by the department

#### **Planned vacation-**

- a. It is recommended that employees who plan to be gone on an extended vacation, notify the appropriate attorney's office of the dates so they may attempt to avoid those dates for court trials.

### **Reference or Revision Date(s):**

- A. Cincinnati Police Department –Policy 12.815
- B. Law Enforcement Labor Services #126, #227– Labor Contract

REVISION DATE(S):