



ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 <i>Procedures</i>	Revision Date: March 26, 2025	Initiation Date: <i>March 1, 2015</i>	By Authority of the Chief of Police <i>Apenn</i> Chief Charles A. Penn
Accreditation Standard(s): 42.1.6 (CALEA)			

516.02 Court Procedures

I. Overview

Successful collaboration within the justice system and the Arlington County Police Department (ACPD) is essential. It ensures all persons involved in any court actions are accommodated in a manner which advances the administration of justice.

II. Policy

All ACPD employees required to attend court shall do so in a manner which positively reflects upon the agency and demonstrates proper respect to the forum. All employees shall provide truthful and factual testimony regarding the case at hand and adhere to all procedures listed herein. No employee shall interfere with the proper administration of justice by making or negotiating any compromise or arrangement for any person to escape the penalty of law, unless as part of the restorative justice program.

Negotiating or plea bargaining with a prisoner or suspect is the exclusive responsibility of the Commonwealth’s Attorney’s Office. Employees shall not intentionally divulge any information which might assist a person suspected or guilty of a criminal act in escaping arrest or punishment or which might compromise a criminal case in any manner. Additionally, employees shall not engage in pretrial publicity that would prejudice a fair trial.

III. Definitions

- A. Exculpatory Evidence – Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a witness, including a police officer or other agency employee.
- B. Out of the area and Unavailable – A designation on an Unavailable Court Date Request that indicates an employee does not have the capacity to attend court due to their location or obligations. A residence outside the National Capitol Region is not considered out of area for the purpose of this policy.

IV. Court Procedures

A. Subpoenas – All subpoenas will be sent to an employee’s county email account.

- 1. *Response to subpoenas* – Employees shall accept a receipt of a subpoena from the Logistics Unit.
 - a. Reporting a conflict (requesting to be excused from court): Employees who have a conflict on a date for which they have received a subpoena shall contact the appropriate Commonwealth’s Attorney and provide the following information:

Email subject line: Conflict for court date MM/DD/YYYY

Email body: Employee's name and job position; defendant's name on subpoena; court date on subpoena; reason requesting to be excused from court

Reporting a conflict does not guarantee an excuse from court. The employee is responsible for awaiting a response from the Commonwealth's Attorney regarding the approval of the request.

- B. **Employee responsibilities** – Employees who attend court are doing so as official representatives of the agency. Professional decorum shall be exhibited in all physical areas and toward all individuals with whom the employee has contact. Employees are to attend court proceedings only when required, scheduled, or requested and accurately document their appearance.
1. *Documenting court attendance* – Employees shall document court appearances in TeleStaff as outlined in III.C. Court appearances may be scheduled for an employee's day off.
 2. *Court sign-in* – Employees shall sign in for court on the corresponding scheduled court date via the Court Sign-in link, no later than 0845 hours (regardless of the time of your subpoena).
 3. *Unavailable Court Date Request* – Employees shall submit an Unavailable Court Date Request utilizing the method established by the Logistics Unit.
 - a. The following Unavailable Court Date Requests do not require supervisor approval:
 - (1) Out of the Area and/or Unavailable
 - (2) Family Medical Leave Act (FMLA) leave
 - (3) Military leave
 - b. Unavailable Court Date Requests for training require approval by a supervisor.
 - c. Unavailable Court Date Requests shall only be considered approved when designated so by the Courts via the Logistics Unit or by the Commonwealth's Attorney's Office.
 - d. If an employee receives a subpoena for a date which has previously been approved as an Unavailable Court Date Request, they shall notify the Commonwealth's Attorney's Office.
 - (1) Employees are required to honor all subpoenas until they are officially released by the Commonwealth's Attorney's Office
 - e. Employees shall not close a court date for the purpose of working off-duty and are prohibited from working off-duty during court hours (0900-1700) on approved unavailable court days unless they re-open the court date.
 4. *Operations Division* – Employees of the Operations Division will be assigned squad court dates each month.
 5. *Office of the Chief, Criminal Investigation Division, Community Engagement Division, Systems Management Division* – Employees of these divisions/offices do not need to select court dates.
 - a. It is recommended that employees who participate in off-duty traffic enforcement sign up for at least one (1) court date per month via the Logistics Unit. Traffic court appearances will be scheduled for the employee for those dates only. Any variation in the number of assigned court dates per month must be approved in writing by the Logistics Unit. This does not prohibit an employee from appearing in court if a community member requests an immediate court hearing prior to a scheduled date.

- C. **Reporting court appearances (“court time”) and compensation** – Court time calculations and compensation is set in accordance with the Collective Bargaining Agreement.
1. *Entering court time* – At the conclusion of an employee’s court appearance, the employee shall enter their court time [i.e., specific hours spent in court] in TeleStaff and use the applicable code. This allows for accurate time reporting and payroll processing.
 2. *Preparation time* – Court time may include preparation to allow an employee to gather and review pertinent information related to the court proceedings, up to one (1) hour.
 3. *Court time calculation* – Court time will be calculated to the nearest ¼ hour.
 4. An employee who would have otherwise been approved for paid leave during the time of their court appearance will not be charged with leave for their court time. In this case, court time will be considered “hours present” on-duty. This court time shall be entered into TeleStaff as regular hours with added code “Court On-Duty.”
- D. **Court overview** – The order of priority for court attendance and the associated court-specific information is as follows.
1. *Circuit Court*
 2. *Juvenile and Domestic Relations Court - Traffic*
 - a. All juvenile traffic cases shall be set within thirty (30) days of the offense for non-misdemeanor violations.
 3. *General District Court – Traffic*
 - a. Unless explicitly allowed by the Logistics Unit, no officer shall write more than 35 tickets per court date.
 - b. If an officer exceeds the court case daily limit, it is the responsibility of that officer to continue all excess cases to another court date.
 - c. If an officer is seeking a jail sentence for a traffic offense, they must consult with the Commonwealth’s Attorney’s Office prior to the court date.
 - d. All class 3 and 4 misdemeanors should be scheduled for the officer’s traffic court date and time. Please advise the magistrate of this when seeking such warrants.
 4. *General District Court – Criminal*
 - a. All arraignments shall be set at 1400 hours at least twenty (20) days after the incident on any weekday except Tuesday.
 5. *Juvenile and Domestic Relations Court – Criminal*
 - a. Officers shall set all cases within thirty (30) days.
 6. *Grand Jury*
 - a. Only employees requested by the Commonwealth’s Attorney’s Office are to appear before the Grand Jury.
 - (1) If an employee is requested and cannot attend, they shall find a replacement employee to present the case in their place and shall notify the Commonwealth’s Attorney’s Office and advise them who will read the case before the scheduled appearance.

- b. Employees will accurately discuss facts and/or answer questions regarding the given case with the Grand Jury.
 - c. Only one (1) employee may appear before the Grand Jury at a time, unless otherwise explicitly requested by the Commonwealth Attorney's Office.
- E. **Civil Court cases** – An employee served with any legal documents (discovery orders, subpoenas, or any written material) related to a civil case must immediately notify the Office of Professional Responsibility (OPR).
- 1. If the OPR Commander determines that a case is substantially important to the county or the Chief of Police, the County Attorney's Office will be advised of the action. Any related documentation received by an employee will be forwarded to the Commander of OPR.
 - 2. An employee shall comply with all civil processes and testify in civil cases when legally subpoenaed.
 - 3. An employee will not enter into a financial agreement to appear as a witness in a civil proceeding unless prior approval is granted by the Chief of Police or designee.
 - 4. Employees will not release any materials related to civil cases without approval from the Commander of OPR.

Nothing in this procedure restricts an employee from procuring the services of legal counsel in a civil case in which they are involved. This section does not apply to an employee whose involvement in a court action is not related to the employee's employment with the department.

- F. **Exculpatory Evidence** – There is a continuous duty to disclose exculpatory evidence to the prosecuting authorities regardless of case status. Therefore, if the existence of additional materials that falls within the scope of exculpatory evidence is discovered at any point, employees are required to document the exculpatory evidence in a case supplement or case report and send an email notification to the Commonwealth's Attorney's Office. [42.1.6]
- G. **Court uniform** – For all court appearances, personnel shall appear in the applicable attire as classified by the following criteria.
- 1. *Class A uniform*
 - a. Shall be worn by officers who are off-duty or assigned outside of Operations Division.
 - 2. *Standard duty uniform, including the Blauer street shirt and exterior ballistic vest*
 - a. May be worn by employees who are on duty or off duty in an operational capacity at the time of the court appearance.
 - b. May be worn by employees who are assigned to midnight patrol and on-duty the night shift preceding the time of court appearance.
 - 3. *Specialty uniforms*
 - a. Canine or motor officers who are on duty at the time of court appearance may wear their standard duty uniform.
 - 4. *Business attire*

- a. All employees are permitted to wear business attire in court.
- b. Officers on light duty and professional staff shall wear business attire.