

Asheville Police Department Policy Manual

Chapter: 3 - Code of Conduct

Policy: 306 - Court Attendance

Previously: 1400 - Court Liaison

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Contents

Introduction

Policy Statement

Rules and Procedures

306.1 General Procedures

306.2 Attendance

306.3 Subpoenas

306.4 Court Appearances

Associated Directives

[Policy 302 - Uniform Standards](#)

[SOP 3010 - Pay Augmentation](#)

Introduction

The purpose of this policy is to provide officers with guidelines for scheduling, preparing for, and testifying in criminal court cases, as well as department management of court duties. The success of a criminal prosecution is determined not solely by the quality and quantity of evidence but by the manner in which law enforcement officers present it in a court of law. An officer's appearance, demeanor, attitude, and ability to accurately convey evidence in a fair and professional manner are essential in efforts to bring a criminal prosecution to a just conclusion.

Policy Statement

It is the policy of the Asheville Police Department (APD) that department employees will receive, serve, and honor subpoenas issued by the courts and promptly notify officers of information related to the court.

Rules and Procedures

306.1 General Procedures

- A. The chief of police will designate a department employee to serve as the department's court liaison to coordinate with the District and Superior courts. The court liaison's responsibilities include, but are not limited to:

1. Picking up and delivering subpoenas.
 2. Contacting officers regarding pending and soon-to-be adjudicated cases as necessary.
 3. Delivering and monitoring court dockets for Patrol and the Criminal Investigations Divisions.
 4. Distributing court schedules for the officers to the district attorney's office.
- B. Officers will schedule all initial and continued cases on their assigned court dates. If an officer schedules a case outside their assigned court date, they must immediately notify their supervisor in writing, detailing the reasons for scheduling on a date other than the assigned court date.
- C. Each officer is responsible for determining if they are scheduled for court by monitoring subpoenas they received, checking the court dockets, monitoring the citations they scheduled for court, or responding to other notifications to attend made by the court or the department's court liaison.

306.2 Attendance

- A. Employees are expected to be diligent in court attendance, including DMV hearings, grand jury, case review, pretrial meetings, and all other court-related functions.
- B. All employees will attend court on the days they have set cases and/or have been subpoenaed.
- C. Employees will not take days off on scheduled court days unless the court liaison is notified at least seven (7) days in advance. Release from court responsibilities is not automatic. It is the responsibility of the case officer, through the department's court liaison, to ensure they have been excused.
- D. If an employee must take extended unplanned leave, the employee's supervisor will notify the district attorney's office or the court liaison before the court date.
- E. Court time during an employee's scheduled day off will be compensated. Compensation for court appearances on scheduled days off is addressed in [SOP 3010 - Pay Augmentation](#).

306.3 Subpoenas [74.3.1 a]

- A. When the department receives a subpoena related to an employee's official duties, it will be evaluated to ensure it can be served. Evaluation of subpoenas will include whether the form was correctly and thoroughly completed, whether

the individual is currently employed by the department, and whether there is sufficient time for service of the process.

- B. Subpoenas evaluated and determined to be serviceable will be forwarded by the court liaison to the named employee's immediate supervisor. The employee's immediate supervisor will serve the subpoena.
- C. Once served, subpoenas will be returned to the court liaison. The court liaison is responsible for returning the served subpoenas to the clerk of court's office.
- D. Employees being subpoenaed will contact the district attorney's office when necessary before the scheduled appearance to determine whether they need to appear in court on the day their trial is scheduled to start.

306.4 Court Appearances

- A. Employees will be punctual, appropriately dressed, and prepared for court (to include consultation with the prosecutor and processing pertinent police reports, notes, and evidence); see [Policy 302 - Uniform Standards](#) for guidelines for court attire.
- B. Employees will always maintain a respectful attitude towards the court and both counsels.
- C. Employees will not volunteer to testify in civil actions and will not testify unless legally subpoenaed. Any employee receiving a civil subpoena arising from their duties as a department employee or party to a civil action arising from their duties as a department employee will notify their supervisor as soon as possible.
- D. Should any employee be requested or subpoenaed to testify for the plaintiff or defendant in any trial, hearing deposition, or inquiry against the City of Asheville or the Police Department, the employee so requested or subpoenaed will notify the chief of police through the chain of command, and the department's assigned legal counsel, in writing, upon receipt of the request or subpoena.

By order of:

A handwritten signature in black ink, appearing to read 'ML LH', is written over a light blue horizontal line.

Michael Lamb
Interim Chief of Police