	<b>PARADISE VALLEY POLICE GENERAL ORDER</b>  <b>Court Appearances</b>	Order Number
		<b>22.13</b>  Date <b>08-21-15</b>

## 22.13 Court Appearances

Attendance at court or quasi-judicial hearing and proceedings is required of most *Department employees* from time to time as a part of the *employee's* duties; *employees shall* attend when notified to do so. *Employees shall* be prompt, dress professionally (uniform or business attire), and arrive prepared to testify. *Employees shall* be attentive and respectful and *shall* testify for both the prosecution and the defense in a respectful and impartial manner. Testimony *shall* be truthful.

*Employees shall* comply with courtroom rules regarding the wearing of firearms.

### 22.13.1 Conflicts


When an *employee* receives conflicting notices to appear (for example, from both *Town Court* and *Superior Court*), the *employee shall* honor them in order, first, of the issuing court (*United States District Court*, *Superior Court*, *Justice of the Peace Court*, and *Town Magistrate Court*), and second, of the date of service. The *employee shall* immediately notify the party requesting a subpoena with a lower priority of the conflict and the *employee's* responsibility to honor the other subpoena. If the conflict is between a court and an administrative hearing, the *employee shall* immediately notify the *employee's supervisor*. The *supervisor shall* contact the prosecutors or others in charge of the conflicting matters to resolve the conflict.

### 22.13.2 Subpoenas

- A. *Employees shall* accept any subpoena served on them. Any questions regarding the validity of a subpoena or the need to attend a particular hearing *shall* be directed to a *supervisor*. *Employees* subpoenaed by the defense attorney *shall* immediately notify the prosecuting attorney who is handling the case.
- B. Any subpoena that requests records be produced *should* be given to the Records Section for response.

### 22.13.3 Evidence

*Officers* are responsible for delivering *evidence* to the courtroom when requested by a prosecutor to do so.

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#### **22.13.4 Attorney Pre-Trial Interviews**

- A. *Employees shall* cooperate with attorneys (defense or prosecution) or unrepresented defendants in response to requests for pre-trial interviews. When requested by a particular prosecution officer or prosecuting attorney to do so, *employees shall* always coordinate defense attorney interviews with the prosecutor. Generally, attorney interviews *should* be scheduled during an *employee's* duty hours and between the time period of 0800 to 1800, Monday through Friday. If the *officer* does not work during those hours, the interview *should* be scheduled to begin at the closest time to the *employee's* tour of duty that begins during those hours/days. Interviews *may* take place at a police facility or at an appropriate location mutually agreed upon.
- B. When contacted by an attorney on a civil manner, the *officer must* determine whether the case involves the *Town* as a party. If it does (a traffic accident involving the *officer*, for example) the *employee must* first discuss the request with the attorney representing the *Town*.
- C. Interviews *may* be recorded by either party to the interview. Equipment for the recording is the responsibility of the party wishing to record the interview.
- D. An *officer* who is a *victim* in a criminal case is not required to grant an attorney interview.

#### **22.13.5 Emergency Situations**

If an *employee* encounters an *emergency* situation and cannot attend an interview or respond to the court in a timely fashion, the *employee shall* immediately contact the attorneys and/or court involved, or a *supervisor* who *shall* contact the attorneys or court on behalf of the *employee*.

#### **22.13.6 Civil Matters**

- A. *Employees* who are served with a lawsuit involving actions taken *on duty*, or while performing police duties, *shall* immediately inform their chain of command. Given the limited time period for responding to lawsuits, *officers shall* not delay in notifying their chain of command. *Supervisors* receiving copies of lawsuits *shall* advise the *Police Chief* and route the lawsuit to the *Town Attorney's Office* upon receipt.



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- B. *Officers shall not enter into civil compromises or otherwise settle cases involving the Town.*
- C. *Employees who become involved in litigation over matters not involving the Department will consider advising their chain of command. Under no circumstances should a Department employee accept service of process on a matter that relates solely to another employee's private, non-police related business.*

#### 22.13.7 Compensation

Any compensation for a judicial or quasi-judicial appearance (other than as a juror) paid by any source other than the *Town* (for example, witness fees) *shall* be immediately turned over to the *Department*. No *employee shall* appear as an "expert witness" for any entity other than the *Town* or the County Attorney's Office without written permission from the *Police Chief*.

#### 22.13.8 Litigation Hold

Employees may be provided with a "Litigation Hold." This term refers to a request from attorneys or persons seeking to file suit against the Town. Employees must preserve all relevant material to the litigation as well as all material articulated in the hold. This material may be kept and secured by the employee or provided to Counsel for the Town. This material shall be preserved until the employee is notified that it is no longer needed.