

**GENERAL ORDER**

October 2016

Immediately

**II-13**

Distribution: All Employees

Subject: **COURT APPEARANCES**

Index as:	Appearances, Court Court Appearances Court Liaison Officer Court, Standby Status	State Attorney Investigations Subpoenas Testimony, Court
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Accreditation Standards:

Cross Reference: Rules of Criminal Procedure, 3.220

Replaces: G.O. II-13, Court Appearances (October 3, 2016)

This Order establishes policy and procedures for court appearances, court testimony, and service of subpoenas to employees. It consists of the following sections:

- I. Court Appearance Requirements
- II. State Attorney Investigations
- III. Service of Subpoenas
- IV. Standby Status
- V. Cancellation of Court Appearances
- VI. Court Appearance Logs

**I. COURT APPEARANCE REQUIREMENTS**

A. All personnel shall:

- 1. Regularly check the posted notices for court appearances and cancellations.
- 2. Pick up and sign for subpoenas within one week of being notified of subpoenas being received in the Department.
- 3. Pick up and sign for subpoenas at the **Equipment Room**; Vice and Narcotics Division Detectives will be personally served by their Supervisor.
- 4. Sign the signature log sheet when making a court appearance.
- 5. Inform Court Liaison of impending vacations, military leave, out of town schools, etc., in writing at least four to six (4 - 6) weeks in advance when possible.

B. Employees appearing in cases before the court, or related hearings, shall be punctual in attendance and be fully prepared to testify. Fully prepared to testify includes, but is not limited to:

- 1. Taking a complete and final approved police report and/or supplement(s) written by the Officer, to court;
- 2. Having thoroughly read their report sufficiently in preparation for testifying in court.

C. Employees shall appear in the uniform of the day or in civilian clothes as required in G.O. III-05, Uniforms and Equipment.

D. Employees shall be diligent and thorough in the preparation of cases for court by proper execution of the advisory form, analysis of the facts, preservation of evidence and thorough review of proposed testimony.

E. Employees shall not testify for a defendant in a criminal case or hearing in any court unless they first:

1. Inform their Supervisor and the Assistant State Attorney assigned to the case of their intention to testify; and
2. Fully advise their Supervisor and the Assistant State Attorney assigned to the case about the nature of the testimony intended to be given.

F. If the Officer's Supervisor is unavailable, a Supervisor within their Section or Bureau should be contacted.

## II. STATE ATTORNEY INVESTIGATIONS

A. The purpose of a State Attorney investigation is, on the basis of sworn testimony, to determine whether or not a case should be prosecuted. State Attorney Investigations consist of "Paper Investigations" and "Live Investigations."

B. Paper Investigations – Conducted on Misdemeanor and Ordinance cases, whether or not there is an arrest.

1. The original Investigating Officer shall route the police report to the State Attorney's Office for prosecution.

C. Live Investigations – Conducted in the presence of an Assistant State Attorney by setting an appointment.

1. All felonies in which probable cause exists, arrested or non-arrested, require the setting of a live investigation, with one exception:

- a. In felony DWLSR cases in which the DWLSR is the only case, no live investigation is required.
- b. However, if the DWLSR is a companion case to one or more felony cases, then a live investigation is required on all charges.

2. The arresting Officer/Detective is normally responsible for scheduling an investigation and ensuring all follow-up reports are complete and filed.

a. The investigation shall be set within twenty-four (24) hours after an arrest is made and held within seven (7) days of the arrest. The State Attorney's Office has twenty-one (21) days from the date of arrest to file formal charges in felony cases.

b. If the arresting Officer/Detective cannot meet the seven (7) day deadline due to illness or vacation, the Officer must contact Court Liaison and request a special investigation.

c. Officers/Detectives making an arrest at the end of their shift and who are scheduled to be off on their two (2) or four (4) day weekend, or who cannot set a State Attorney's investigation because the defendant has not been assigned a division by the County, will telephone the Information Desk within 24 hours of the arrest to either set the investigation or determine a division of assignment.

d. Officers/Detectives scheduled to attend school, or who will be on vacation are responsible for setting the State Attorney's investigation and ensuring the necessary witnesses are contacted to appear.

1) Arresting Officers may have another Officer, who was present at the arrest, appear at the investigation.

2) Detectives may have a partner appear to facilitate the investigation.

e. To prevent rescheduling investigations, the appearing Officer/Detective must familiarize themselves adequately with the facts of the case to assist the State Attorney in the investigation.

f. The arresting Officer/Detective shall notify necessary witnesses of the date, time and location of the investigation.

g. The Officer/Detective, setting the investigation, shall complete the State Attorney's Office Control Card and turn it over to the Information Desk at the end of their shift. Only those witnesses who must appear shall be listed on the Control Card.

h. Only one Officer/Detective will be present at the investigation unless authorized by a lieutenant, except for an investigation set by an FTO and their probationary Officer.

3. Live investigations are conducted at Police Headquarters with the exception of Division M (habitual offender) cases and child abuse investigations, which are conducted at the Criminal Court Complex, 14250 49<sup>th</sup> Street North, Clearwater.

4. Felony juvenile cases, arrested or not, are conducted at the Juvenile Detention Center, 14250 49<sup>th</sup> Street North, Clearwater.

### III. SERVICE OF SUBPOENAS

A. The Court Liaison will only accept subpoenas for employees when there is no known schedule conflict with vacations, schools, etc. When conflicts exist, subpoenas will be returned to the originator.

B. An alphabetical list of subpoenas for service will be posted in the Patrol Report Room on the second floor.

1. Each Officer shall check this list daily and promptly contact Information Desk personnel for service of listed subpoenas.

2. As a convenience, lists of subpoenas received for service may be posted on other bulletin boards.

C. Officers will acknowledge receipt of their subpoenas by placing their initials next to their names for each subpoena received. The individual serving the subpoena will initial and date the log in the space provided and enter the amount of any checks attached.

D. If an Officer's name appears on the subpoena list and the subpoena cannot be located, Court Liaison personnel shall be notified as soon as possible.

E. If an Officer receives a subpoena for a date occurring on a pre-approved vacation, school or leave, the Officer shall accept the subpoena, notify the issuing attorney and make arrangements to be excused.

F. When it is learned an employee will be unavailable for an extended period of time to accept service of subpoenas at the Department due to an extended indefinite absence, the respective Supervisor will assist their employee by advising the Court Liaison of such information. This information shall be conveyed via e-mail notification.

1. The Court Liaison will annotate its files and take action to return all related subpoenas as undeliverable.

2. The Court Liaison shall provide the address and phone number of employees who are Pinellas County residents to the Sheriff's Office, with the returned subpoena, to facilitate its personal delivery.

a. Subpoenas requiring delivery outside the County will be returned to the originator with a similar annotation to the respective County Sheriff.

b. The Pinellas County Sheriff's Office advises this precludes the home address of law enforcement personnel from becoming a public record in the CJIS computer, as provided by §119.07, F.S.S.

3. Upon legal service of the subpoena in an employee's county of residence, they shall comply with its directions or make other arrangements with its originator.

G. In felony criminal cases, employees may receive a *Notice Of Taking Deposition* in lieu of a subpoena. The Notice has the same force and effect as a subpoena and must be complied with in the same manner as a subpoena.

### IV. STANDBY STATUS

A. On-duty personnel are automatically on standby for trial at the Criminal Court Complex.

1. On-duty personnel shall remain at their duty assignments until notified to appear by Court Liaison personnel.

2. On-duty personnel are released from standby at the end of their shift, unless otherwise notified by Court Liaison personnel.

B. Off-duty personnel will go on standby for trial at the Criminal Court Complex.

1. Employees may not go on standby for hearings, motions, depositions, investigations, or trial at any other location, unless specifically authorized to do so by Court Liaison personnel.

2. Off-duty personnel, who cannot respond for trial within an hour of the time they are called, may not go on standby, unless specifically authorized to do so by Court Liaison personnel.

C. Employees who receive a "standby subpoena" are required to go on standby status. Court Liaison personnel are responsible for notifying employees when they are released from standby status.

D. Off-duty personnel, going on standby, will contact the Information Desk after 1430 hours on the day preceding the trial or before 0630 hours on the day of the trial. The Desk personnel will serve as Court Liaison during these hours. Officers going on standby will inform the Desk personnel of the defendant's name and the phone number where they may be reached.

#### V. CANCELLATIONS OF COURT APPEARANCES

A. Court Liaison personnel will post a daily notice of canceled court appearances in the Patrol Report Room on the second floor.

B. Employees with pending court cases, or who may be called as witnesses, are responsible for checking cancellations on a daily basis.

C. Employees contacted directly by Court personnel, advising of subpoena cancellations or postponements, shall notify Court Liaison personnel of any changes.

D. Personnel are not eligible for court pay, mileage or witness fees for canceled court appearances.

E. As a convenience, copies of cancellations may be posted on other bulletin boards.

#### VI. COURT APPEARANCE LOGS

A. Officers appearing for hearings, depositions, trials, motions, etc., shall sign the Court appearance logs at the Criminal Courts Complex, Juvenile Court and Traffic Court and indicate whether they are on or off duty.

B. If the Officer's name does not appear on the Court appearance log, the Officer shall sign at the bottom of the log.

C. Inquiries concerning court appearances will be made through the Court Liaison and not through the State Attorney's Office. However, when arrangements have been made, the affected Officer shall inform the Court Liaison of any changes made.

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Anthony Holloway  
Chief of Police