

**2.15**  
**CRAIG POLICE DEPARTMENT**  
**Office of Chief of Police**  
**General Order**

**Date Issued:** May 15, 1997 **Revision Date:** April 1, 2009  
**Subject:** Court Appearance/General Requirements **Reference:** CACP STD  
**To:** All Officers

### **I. Policy**

Officer testimony is essential to the courts in the fair and impartial administration of the law. It is the responsibility of the Department to establish procedures that ensure this very important duty is fulfilled. It is the responsibility of the officer to ensure that he/she is on time and prepared for the proceeding.

Unless part of his/her official duties as directed by the department, no officer shall testify in any civil court case unless properly subpoenaed. Upon receipt of a subpoena, the officer shall immediately notify their Division Commander of the same. No depositions shall be given unless directed by the District Attorney, Chief of Police, court order or subpoena.

Officers who are contacted by private attorneys or the public defender requesting information concerning pending criminal cases shall not disperse information or allow themselves to be interviewed without knowledge and consent of the attorney prosecuting the case.

### **II. Procedure**

#### **A. City/County/District Court/Department of Revenue Hearing**

1. Officers will be notified of cases and hearings by written notice. The respective Court will normally send a subpoena showing date, time, case, and officer(s) needed.

#### **B. General Requirements**

1. Officers are to be punctual in attending court, and should notify the prosecuting attorney of their presence.

2. Male officers will appear dressed in uniform, a suit or sport coat or trousers with shirt and tie. Female officers will appear dressed in uniform, a pantsuit, blouse and skirt or a dress.

3. The testifying officers will familiarize themselves with the circumstances of the case prior to any hearing or trial.

4. Officers appearing in court dressed in plain clothes and carrying a concealed weapon are required to display their department identification card. The

identification card will be attached to the front of the jacket or blouse so it is plainly visible to the judge and court officers.

5. The officer will make arrangements ahead of time to receive needed evidence prior to trial.

6. If an officer receives two or more conflicting court notices requiring an appearance in different courts on the same date and time, the officer is responsible for notifying concerned agencies to resolve the conflict.

7. Whenever an officer is unable to attend court due to sickness or emergency, the officer is responsible for notifying the concerned agency and/or prosecutor in advance of the trial.

#### C. Discussions of Pending Cases and Testifying for Defense

1. An officer shall not discuss any pending case with a defense attorney or defense investigator without the prosecuting attorney being present. The only exception to this would be with the approval of the Prosecuting Attorney.

2. An officer shall not testify for a defendant unless the officer is subpoenaed. When an officer is subpoenaed to testify for a defendant as a defense witness they shall:

- a. Notify their shift supervisor
- b. Notify the prosecuting attorney
- c. Notify the investigating officer
- d. Notify the Chief of Police

These notices shall be made in writing (email will suffice) as soon as possible after the subpoena is received.

#### D. Discovery Laws

1. There are discovery laws in the State of Colorado, which require depositions of all people in cases under the authority of the Judges of the Court and District Court in the form of a court order.

2. An attorney representing the District Attorney's Office will be present at all depositions that are taken in criminal matters. An attorney representing the City will be present at all depositions that are taken in civil matters for cases of concern to the City.

#### E. Depositions by Subpoena

1. When a subpoena is issued for the purpose of obtaining a deposition, the officer subpoenaed shall comply with the request. However, in the event this is connected with a criminal matter or case pending in the courts, the prosecutor assigned to the case shall be contacted by the officer and informed of the subpoena.

#### F. Subpoena for Records

The Records Manager or the Chief of Police are the only department members that may accept subpoenas for Craig Police Department records.

Any member who receives a subpoena to bring Craig Police Department records to a court hearing shall advise the person that they are not the custodian of the records and cannot present them.

#### G. Subpoena Fee

Any member who receives compensation from the City for time spent in responding to a subpoena or deposition shall turn the subpoena fee in to their Division Commander, which will be deposited into the City General Fund.

#### H. Advisory Witness

Any member of the department that is requested to be an advisory witness by the Prosecuting Attorney must notify their supervisor as soon as possible. The supervisor will discuss the request with the prosecutor to assure that staffing will allow the request prior to approval.

**Approved By:**



**Walter K. Vanatta**  
**Chief of Police**