

SCRANTON POLICE DEPARTMENT POLICY

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07-015

Policy Subject:
Court Appearance

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PLEAC Standard(s):

I. PURPOSE

It is the purpose of this policy to provide officers with guidelines for scheduling, appearing, preparing for, and testifying in court cases.

II. POLICY

The success of a criminal prosecution is determined not solely by the quality and quantity of evidence but by the manner in which it is presented by law enforcement officers 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. Therefore, it is the policy of the Scranton Police Department that all officers adhere to court scheduling, preparation, appearance, and testimonial guidelines provided herein.

III. PROCEDURE

A. Subpoenas/Hearing Notices

1. Officers responsible for serving subpoenas shall ensure that it is performed in a timely manner. All officers shall accept subpoenas/hearing notices and shall appear in the designated place at the time required. Avoidance of service is strictly prohibited.
2. Officers served subpoenas/hearing notices or given other official notice to appear before a criminal and/or civil court are responsible for complying with this directive and for appearing at said time/date and place as specified in the subpoena/hearing notice.

B. Preparation for Trial/Court

1. Officers shall fully cooperate with requests from the prosecutor in preparation of cases for trial and may seek pre-trial conferences whenever the seriousness of charges or complexity of cases dictates.
2. Officers shall be familiar with the basic rules of evidence and shall seek clarification of any legal issues that may arise during the trial/hearing prior to court appearance.
3. Prior to trial, arresting or other officers designated for court appearance shall review case documentation to ensure that they are completely familiar with the facts involved. In addition, officers shall provide all reasonable assistance necessary to or requested by the prosecution to ensure that:
 - a. necessary evidence will be available for trial;
 - b. witnesses have been notified of the date, time and place of the trial and/or court appearance;
 - c. witnesses have been adequately informed of what is and can be expected of them during testimony, that they have been advised not to offer personal opinions or conjecture, and to respond to all questions accurately and truthfully; and
 - d. that any legal questions of witnesses are referred to the prosecutor for clarification when appropriate.
4. In pretrial conferences with the prosecutor, officers are responsible for providing all information (discovery) to the case even though it may appear beneficial to the defendant. No detail should be considered too inconsequential to reveal or discuss.
5. Officers shall not testify for a defendant in any criminal case without being legally summoned to appear, prior knowledge given to the Chief of Police, and authorization of the prosecutor's office.

C. Appearance in Court

1. Officers who are late for or unable to appear on a court date (including Central Court, District Court, Trial, Pre-Trial Hearings, Civil Court, or other court proceedings) **shall** notify the appropriate court authority as soon as possible, providing name, defendant's name, court designation, and reason for absence or tardiness.
2. All officers who have failed to appear for any scheduled court appearance and who have failed to notify the appropriate court authority prior to said absence shall be required to provide a written response to their Division Commander stating the reason(s) for said absence.
3. The reason(s) for said absence shall be reviewed by the Division Commander and he/she shall determine if said absence was reasonable and/or authorized.
4. When testifying, officers shall:
 - a. restrict remarks to that which is known or believed to be the truth;
 - b. respond directly but only to questions asked and avoid volunteering information or going beyond the scope of the question;
 - c. speak naturally and calmly in a clearly audible tone of voice;

- d. use plain, clearly understood language and avoid using police terminology, slang, or technical terms; and
 - e. display a courteous attitude and maintain self-control and composure.
5. All officers shall complete a Scranton Police Department “Court Disposition” Form (Form: 08-015) for each and every case, both summary and/or criminal, that they appear for, either on or off-duty. One “Court Disposition” form shall be completed for each defendant on every summary and/or criminal court case. Officers shall complete the entire form which includes indicating whether evidence was seized in the case. If evidence was seized its disposition and/or potential disposition must be indicated. This form is to be forwarded to the Captain. The Captain shall forward to Central Records. Where applicable Central Records shall forward to the Evidence Custodian. Officers shall also enter the information in Plan-It.
 6. Officers’ physical appearance, personal conduct, and manner shall conform to the highest professional police standards. Any officer who appears before any court of record (minor judiciary, Central Court, summary hearing, civil hearing, trial, pre-trial hearing, or any other hearing where they represent the Scranton Police Department) shall follow the following uniform and personal appearance standards:
 - a. Personal Appearance Standards
 - 1) All officers appearing in any court proceeding shall follow Policy 07-001 Uniform and Personal Appearance Standards as if they were reporting for their regularly scheduled tour of duty (i.e. hair shall meet departmental standards for duty and male officers shall be cleanly shaven). Officers who are on vacation, days off, and/or sick/injury leave shall also comply with this standard.
 - 2) This personal appearance standard does not apply to officers that are currently assigned to the Special Investigations Division (Drug Unit).
 - b. Dress/Clothing Standards
 - 1) Magisterial District Judge Appearances:
 - a) Male officers shall wear dress slacks, dress shirt (button down), tie and dress shoes. Jacket is optional.
 - b) Female officers shall wear dress slacks or skirt, blouse and dress shoes. Blazer is optional.
 - c) Both male and female officers shall have the option, instead of the above dress standards, to wear their uniform of the day (i.e. class A or class B uniform).
 - 2) Any hearing classified above a magisterial district judge appearance:
 - a) Male officers shall wear dress slacks, dress shirt (button down), tie, blazer/sport coat or suit and dress shoes.
 - b) Female officers shall wear dress slacks or skirt, blouse, blazer/dress jacket and dress shoes.

- c) Both male and female officers shall have the option, instead of the above dress standards, to wear their uniform of the day (i.e. class A or class B uniform).
- 3) The dress/clothing standard for officers currently assigned to the Special Investigations Division (Drug Unit) does not apply to appearances before a magisterial district judge however it does apply to appearances at any hearing above a magisterial district judge.

By Order Of:

Chief Carl R. Graziano
Superintendent of Police
Scranton Police Department