

BATON ROUGE POLICE DEPARTMENT

General Order
No.110

Effective Date
06-01-2002

Revised Date
09-1-2016

Subject: Court Appearance

Reviewed 9/1/16

POLICY

Each officer will appear as a witness in court when summoned as a result of his or her actions in an official capacity for the city of Baton Rouge. Officers will testify truthfully to the best of their recollections keeping in mind their oath of office. When called as a prosecutorial witness, officers will assist the prosecutors in pre-trial conferences, if need be.

Any officer who fails to appear as a witness will be subject to the actions of the ruling judge or official. Additional discipline may be imposed by the Chief of Police. If an officer cannot appear as a witness for any reason, it is his or her responsibility to notify an official of the court system before the court convenes.

The department will process subpoena service acting as a domiciliary agent for each currently employed officer. Officers will accept departmental service as provided for in the La. C.Cr.P. Article 735. The department will periodically review the civil process to determine if timely notification is being made to avoid officers missing court dates.

PROCEDURES

I. On-Duty Appearances

- A. All officers appearing on-duty as a witness will report to the court liaison officer or appropriate court official and remain in the courtroom or the immediate vicinity until released. Should an officer have to leave the court to appear as a witness in another court system or for any other reason, the court liaison officer or court official will be notified before he or she leaves.
- B. Any officer who is scheduled to appear as a witness during his regular working hours will be relieved of his duties during the time he is needed, unless it would be impractical to do so. Officers will return to their regular duties upon completion of the appearance. If an officer is required to stay beyond his or her shift they will be compensated accordingly.
- C. At any time the court is recessed for other than routine court business (e.g. lunch) officers will report to the court liaison officer.
- D. Officers will complete time sheets for civil court hearings and depositions, regardless of duty status.

II. Off-Duty Appearances

- A. Any officer who is scheduled to appear as a witness during his off-duty hours will report no earlier than fifteen (15) minutes prior to the scheduled time for appearance.

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- B. Officers will report to the court liaison officer or court official and obtain a time sheet. If the court uses a time clock system, officers will clock in and out. If a time clock is not available, the signature, date and time entries will be made by the court liaison officer or court official. Officers will clock out when court breaks for lunch.
- C. Officers will attach all subpoenas to the time sheet and present it to the court liaison officer for processing prior to leaving court.
- D. If an officer is required to remain as a witness beyond normal working hours, he or she will note the time of dismissal on the time sheet. The time sheet will then be signed by a court official or attorney and submitted to the officer's immediate supervisor who will forward the documents to the accounting office.

III. Compensation

- A. Any officer who appears as a witness during his off-duty hours, as a result of his or her actions in an official capacity for the city of Baton Rouge, is entitled to compensation at one and one half times his or her regular salary for a minimum of two hours. This includes civil service hearings when ordered by the Chief of Police, civil court suits and depositions.
 - 1. The officer has the option of requesting compensatory time, up to the maximum allowed limit, or payment at the officer's overtime rate. This should be clearly indicated on the time sheet.
 - 2. All compensation will be included on the regular payroll check during the next possible payroll period.
 - 3. Time sheets must be completed properly and have subpoenas attached before being submitted to the accounting office.
 - 4. Officers on any type of unpaid leave (including suspensions) will not be compensated.
 - 5. No officer will be compensated as a defendant or witness in any personal suit.
- B. Officers will not keep any witness fee from the court, administrative board, or attorney for their appearance. Any checks received will be endorsed by the officer and forwarded to the accounting office with the subpoena and time sheet.
- C. Any officer, who must appear in more than one court system in a single day, must notify the court officials or liaison officers of the multiple appearances.
 - 1. Time sheets must be completed for each court system.
 - 2. Compensation for attending two or more court systems in one day will be calculated as one court call-out, unless the interval between the court appearance times on the subpoena exceeds one hour.

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- D. Officers may not use compensatory time or vacation to arrange to earn overtime for a court appearance. If an officer must appear in court while on vacation or compensatory time, the time spent in court will not be charged to him or her. This should be noted on the time sheet.
- E. Reserve officers are required to honor subpoenas to appear in court and for hearings/depositions. Compensation for court appearances will be made according to applicable state law.

IV. Courtroom Attire

- A. All employees, regardless of assignment, shall present a neat, well-groomed, professional image when a court appearance is required. Officers shall either wear the Class A or B Uniform or male officers, a suit or sport coat, dress shirt with a tie and dress slacks, along with dress shoes and female officers, a dress, skirt, pants suit, or dress pants and a dress coat with an appropriate blouse or shirt.
- B. Officers authorized by the Chief of Police to wear Class B as their regular uniform of the day may also wear the Class B Uniform for court appearances.
- C. Officers assigned to undercover or low profile divisions, such as burglary and investigative narcotics, shall not be required to comply with hair regulations, but shall wear appropriate clothing while in court.

V. Rules of Court

- A. Officers should remain familiar with the rules of the Baton Rouge City Court and the Nineteenth Judicial District court. Any questions should be referred to the liaison officers assigned by the department to those court systems.
- B. Officers appearing as a witness in the Nineteenth Judicial District Family Court will report to the Assistant District Attorney to determine the status of the case.
- C. Out of Town Courts and Federal Court
 - 1. Officers who are required to appear in any Federal Court or any other court outside East Baton Rouge parish whether on or off-duty will collect the witness fee from that court and submit the payment received to the accounting office with the completed time sheet. If the officer does not receive compensation at appearance, the accounting office will bill the appropriate court.
 - 2. Officers who appear off-duty will be compensated by the Department as previously set forth. Officers will complete a time sheet, including the time of departure from home or business, arrival and departure time from the court appearance, and the time the officer returns to home or business in order to be compensated properly.

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3. Officers will have the time sheet signed by an assistant prosecutor, minute clerk or other court official verifying the appearance times.
4. The time sheet, the subpoena(s), and a written statement verifying the appearance was a result of employment as a Baton Rouge police officer will be submitted to Accounting when returning to duty.

D. Depositions

1. When appearing for a deposition, officers will complete a time sheet noting the time they arrived for the deposition and the time they complete their testimony. The attorney who had the subpoena issued is responsible for the witness fee. If he has paid the clerk of courts office, it will be indicated on the subpoena and the officer will not receive a check.
2. The attorney who had the subpoena issued should sign the time sheet as the liaison officer/court official. The time sheet, the subpoena, and the properly endorsed witness fee check (if applicable) will be submitted to the accounting office.