

**Lower Providence Township Police Department
Eagleville, Pennsylvania**

General Order ☒
Special Order ☐
Personnel Order ☐

ORDER NUMBER

803

Subject

Court and Witnesses

Date of Issue

February 17, 2020

Effective Date

February 17, 2020

Expiration Date

**Until Amended or
Rescinded**

Issued by:

Michael Jackson, Chief of Police

Amends

Rescinds

All Previous Orders

Standard Number:

Distribution

- 1. General Order Manuals**
- 2. Records Manual**
- 3. Reading Verification to all Personnel**

I. PURPOSE

The purpose of this General Order is to provide procedures for employees to follow in the presentation of cases in both District and Common Pleas Court.

II. POLICY

It is the policy of the Lower Providence Township Police Department that its employees shall prepare themselves and witnesses properly and professionally for the presentation of cases in District Court and the Court of Common Pleas.

III. REGULATION

A. District Court

1. **Witnesses:** Whenever witnesses are needed to appear at District Court hearings, it will be the duty of the reporting officer or officer investigating the case to notify all witnesses he/she will need to testify. The officer notifying witnesses will record in writing the time, date and means used (phone, writing or in person) to notify the witnesses. If, for any reason, witnesses cannot be notified, the officer will make a written report and notify the Office of the Magisterial District Judge. All this information will become part of the incident record. Witnesses will be contacted no later than 48 hours before the scheduled hearing.
2. **Preparation:** Officers will appear in court at the specified time, date and place noted on the hearing notice, unless continued. Officers shall be prepared for court and shall have all necessary items needed. (Items include, but are not limited to, reports, notes, evidence, case folder, photos, and

witnesses.) If the defendant is incarcerated, the arresting officer is responsible for notifying the Shift Supervisor or OIC at least one (1) day in advance to make arrangements for prisoner pick-up.

3. Appearance: Officers appearing at court while they are off-duty shall dress appropriately and in a manner that will convey professionalism and reflect favorably on the reputation of the department.
- B. Court of Common Pleas
1. Subpoenas – Receiving: The police department shall receive and accept mailed subpoenas from the Court of Common Pleas. These subpoenas shall immediately be entered onto the Court Calendar and the subpoena shall be placed in the officer's mail slot.
 2. Continuance/Cancellation/Guilty Pleas: All officers who receive a subpoena for trial shall contact the assigned Assistant District Attorney for the status of the case. This trial status will be checked up to 16 hours prior to the case time set for trial. If the case has been continued, the officer's appearance in court is not necessary unless requested by the assigned Assistant District Attorney.
- C. Appearance
1. Officers will appear in court at the specified time, date and place noted on the subpoena, unless continued. Officers shall be prepared for court and have all necessary items needed for court (items include, but are not limited to, all reports, notes, evidence, case folder and photos).
- D. Overtime
1. It is the duty of every witness to make every attempt to ascertain the status of the case he/she is a witness to and to make every effort to be released when there is a little probability or no possibility of the case coming up on that particular day. Those witnesses in court on duty time should make an extra effort to be released because they can be on call according to the policy of the District Attorney. There will be timely checks with the Clerk of Courts and the Assistance District Attorney to ascertain whether or not personnel are attempting to adhere to this procedure.
 2. All witnesses other than the investigating officer in any criminal case listed for court will prepare a supplemental report as to his/her part in the investigation. These will be used to determine the importance of the witness to the case and whether or not it will be necessary to subpoena him/her in each case.
 3. Overtime for court appearances while off duty will be paid in conformance with the Police Collective Bargaining Agreement.
- E. Firearms
1. Pursuant to an Order issued by the President Judge of the Court of Common Pleas of Montgomery County effective December 1, 2010, all law enforcement officers on official police business who appear in the Montgomery County Courthouse wearing their uniform are permitted to carry their firearm, provided that the firearm is secured in a safety holster as approved by the Chief County Detective.
 2. All law enforcement officers (except members of the Montgomery County District Attorney's Office County Detective Bureau) on official police business who appear in the Montgomery County Courthouse wearing plain clothes are permitted to carry their firearm, secured in a safety holster, provided that they wear their badge plainly visible on their outermost garment. Otherwise they are prohibited from carrying a firearm in the Courthouse.
 3. No law enforcement officers may carry a firearm during a court proceeding when he or she is a litigant or otherwise not on official police business.
 4. Any breach of this policy may subject the violator to contempt proceedings in addition to any departmental discipline that may be levied.
 - a. The Montgomery County District Attorney's County Detective Bureau will serve as the point of contact for any violations of this policy. Violations of this policy shall be reported immediately to the Deputy Chief of the County Detective Bureau. The County Detective Bureau will ensure that any violation of this policy is reported to the Chief Law Enforcement Officer of the agency that employs the offending officer.
 5. It shall be the responsibility of each member of this department to familiarize themselves with any similar policies regarding firearms in courts of other jurisdictions in which they may be required to appear to testify, whether at the county, state or federal level, and to comply with the policies of that particular jurisdiction.

Michael Jackson

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Chief of Police