



Florida State University Police Department



Court Notices, Subpoenas, Depositions & Hearings

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	Pages: 4	

Policy

The Florida State University Police Department's policy is to ensure the prosecution of criminal suspects and traffic offenders and to recognize that a successful case disposition is greatly dependent on the appearance of employees in court and at depositions. The purpose of this policy is to provide guidelines to employees of the Florida State University Police Department regarding the receipt of subpoenas and court appearances.

Procedure

A. Receipt of Subpoenas or Written Notice of Taking a Deposition

1. Subpoenas received via process servers will be handled as follows:
 - a. Members of the Communications Section, including employees temporarily acting in that capacity, shall be the designated entity for accepting subpoenas to be served on members of the Department. The accepting member shall time and date stamp the subpoena(s) and follow the notification procedure outlined in Section B of this General Order.
 - b. Subpoenas are refused for the following reasons:
 - 1) If not timely. If the appearance date is less than five (5) days from the date of service. Exceptions to this requirement may only be approved by the Chief of Police or designee.
 - 2) If the employee is no longer employed with the Department.
 - 3) If the employee is not scheduled to work prior to the scheduled court or deposition date.

B. Notification of Receipt

Upon receipt of the court-issued subpoena, the receiving Communications Section member shall:

1. Notify the employee and the employee's direct supervisor of the subpoena by email immediately.
2. Complete an entry in the subpoena log noting the officer's name, supervisor, date and time to appear the defendants name and the member's identification number who made the notification by e-mail.
3. Upon receipt of an email notification from the Communications Section, the subpoenaed employee shall be responsible for physically retrieving the subpoena as soon as practical. The employee will sign the subpoena log, noting the time and date of physical receipt.
4. If a subpoena has been accepted for a member that is on approved leave and is not scheduled to return before the scheduled appearance, the member's supervisor shall notify the appropriate court office or attorney. If a member is out on an unexpected emergency and a subpoena is served, the member's supervisor shall notify the appropriate court office or attorney.
5. The supervisor of an employee under subpoena is tasked with ensuring that the subpoena has been picked up by the employee.

C. Electronic Traffic Court Subpoenas

1. The Leon County Clerk's Office Traffic Division serves traffic court subpoenas by email. The subpoenas will be emailed to patrol supervisors and to select command staff members. The supervisor will forward the subpoena to the named officer in a timely manner.
2. If any of the approved refusals in Section A (b) of this General Order apply, the officer's supervisor will notify the Leon County Clerk's Office Traffic Division prior to the scheduled appearance date.

D. Driver's License Administrative Hearings

1. Notices of Administrative Hearings are currently mailed to the named officer through U.S.P.S. mail by the Bureau of Administrative Review. Officers receiving notices are responsible for appearing at the scheduled formal hearing.
2. If any of the approved refusals in Section A (b) of this General Order apply, the officer is responsible for notifying their supervisor and the Bureau of Administrative Review prior to the scheduled appearance date.
3. If the procedures to notify officers of Administrative Hearings are converted to electronic notification (email), the procedures outlined in Section C above will apply.

E. Court Appearance/Excusal

Members of the Department will respond to subpoenas requesting their appearance in court and for the taking of depositions in matters arising out of Department employment.

1. Employees subpoenaed to appear in court are required to attend.
2. If the employee has approved leave or out of the area, the appropriate court office will be notified in writing within five (5) working days prior to scheduled leave. It will be the responsibility of the employee to make arrangements to change the date of appearance if he/she has approved leave or attending training out of the area.
 - a. Writing a letter or e-mail does not automatically excuse the employee from his/her appearances.
 - b. The appropriate court office or attorney must grant the request, and the name of the individual granting the excusal must be noted.
3. If an employee is sick, he/she will notify the appropriate court office and the on-duty supervisor.
4. If the employee is attending school in/or the surrounding counties, he/she shall request to be excused from class to attend court. The subpoena will be shown to the instructor at the time of the request.
5. A subpoena shall have priority over an order issued by a supervisor. The affected employee shall inform the supervisor that a subpoena is in effect for those instances where a conflict would exist.
6. In the event of conflicting subpoenas in which the employee is called to appear in two locations at the same time and date, the employee shall be responsible for obtaining a release from one subpoena in order to honor the other. If the employee is unable to obtain a release, the State Attorney's Office and appropriate attorney's office issuing the second subpoena shall be contacted and given the details of the refused release.
7. All employees testifying in court or at depositions shall completely familiarize themselves with all aspects of the case in which they were involved before their appearance, and shall be fully prepared to give accurate, complete and truthful testimony.
8. For compensation purposes, court appearances on an employee's scheduled day off shall be counted as time worked as defined in the Collective Bargaining Agreement, Article 15.

F. Dress Code for Court Appearances

For formal court appearances, appropriate attire for male employees shall be considered a coat and tie in civilian dress or full uniform (including sidearm, unless stipulated otherwise by the court). Female employees shall dress in similarly appropriate clothing.

1. Uniformed personnel attending court shall be attired in Class “A”, “B”, or “C” uniform for court appearances. The wearing of the police motorcycle uniform by motor officers is appropriate attire for court appearance.
2. Bicycle uniforms or summer uniforms are not considered appropriate attire for court appearance. Employees shall not wear sunglasses while in court.

G. Courtroom Practices

1. Employees shall not chew gum or use tobacco in court.
2. Employees shall not make themselves conspicuous while awaiting their turn to testify.
3. While on the witness stand, employees shall sit erect in an attentive attitude, face the jury while testifying, and speak in a clear, pleasant, and audible tone.
4. Each employee shall be familiar with the rules of criminal procedure and the laws of evidence.
5. Each employee shall testify truthfully and fairly, whether being questioned by the prosecution, defense, or the court. Employees shall not attempt to exert improper influence.
6. Employees shall refrain from assuming the role of the prosecutor during case presentation and shall be non-partisan and objective.

H. Student Rights and Responsibilities Hearings

1. Department members receiving email contact from the Dean of Students Office requesting testimony at Students Rights and Responsibilities hearings will ensure every effort is taken to attend hearings as requested. Officers unable to attend hearings shall ensure that contact is made, and reasonable arrangements made with the hearing officer assigned to the hearing.
2. While attending Student Rights and Responsibilities hearings, male employees shall either wear the Departmental uniform or dress trousers, dress shirt with collar, and dress shoes. A coat and tie are optional. Female employees shall wear comparable professional attire or the uniform. Professional attire for female employees includes appropriate hosiery and dress shoes.

Glossary

Subpoena – A written command to appear before a judicial, administrative or legislative body having the power and authority to summon witnesses.

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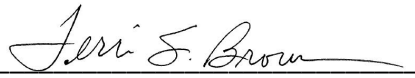
Subpoena Recording

Traffic Court

CAA 03/17/2020

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Approved: 
Terri S. Brown, Chief

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