	Abilene Police Department Operating Procedures		
	Subject: <i>Court Appearances</i>	Issued: 07/07/2022	TBP:

Court Appearance Procedures

When notified in accordance with this document, it is the responsibility of each Departmental employee to promptly appear in court as a witness or when needed to assist the prosecution with case preparation. Employees shall appear as required, dressed in compliance with the Department’s Dress and Grooming Code, and prepared to present testimony.

Court Notifications – Criminal Subpoenas

The City Attorney Prosecutor’s Office shall notify officers of court appearances in the Municipal Court through the electronic mail system or by subpoena.

The Department will accept criminal subpoenas for police officers at least five (5) working days prior to the appearance date listed on the subpoena. The Department will not accept service, nor be responsible for serving, any criminal subpoena delivered to the Department less than five (5) working days prior to the appearance date listed on the subpoena. If a criminal subpoena is delivered less than five (5) days prior to the appearance date, it will be the responsibility of the possessor or server of the subpoena to deliver the same to the individual officer named.

Officers shall use the Department’s electronic Leave Request Form to notify the courts of any day(s) the officer will be unavailable for subpoena.


In accordance with Texas Code of Criminal Procedure Article 24.04, a telephonic communication or e-mail with acknowledgement of receipt, between the District Attorney’s Office or the Taylor County Sheriff’s Office and the officer being served constitutes due notice of the criminal subpoena. A voicemail left on an officer’s phone does not constitute service of a criminal subpoena.

Employees of the Department shall not accept a criminal subpoena for another employee to testify on behalf of the defense. Employees receiving a criminal subpoena from the defense shall immediately notify their direct supervisor, who shall forward the information up the chain of command. The supervisor shall also ensure the City Attorney’s Office is notified.

Court Notifications – Civil Subpoenas

When an officer receives a civil subpoena directing them to produce any police document, report, record, file, audio, or video evidence, the officer shall immediately notify their direct supervisor, who shall notify the City Attorney’s Office and the appropriate Records custodian.

Employees of the Department shall not accept a civil subpoena for another employee. Employees receiving a civil subpoena shall immediately notify their direct supervisor, who shall forward the information up the chain of command. The supervisor shall also ensure the City Attorney’s Office is notified.

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An e-mail communication, with acknowledgement of receipt, or a telephonic communication between the Taylor County Sheriff’s Office and the officer being served constitutes due notice of the civil subpoena. A voicemail left on an officer’s phone does not constitute service of a civil subpoena.

Case Dismissals

When an employee learns of facts or circumstances indicating that, in the interests of justice, a case initiated by them should be dismissed, the officer shall discuss the case with the prosecuting attorney to determine the appropriate course of action.

Civil Fees

Employees may not accept or solicit fees for testimony given in appearances before any court, except for the witness fees, which are attached to civil subpoenas or requesting in subpoenas for Federal Court. All other fees of any type collected by an employee for a court appearance shall be turned in to the office of the Chief of Police, unless otherwise approved.

Expert Testimony

Employees shall not hold themselves out to be a professional or expert witness with the expectation of collecting any fee for their testimony. However, employees properly designated or recognized as experts may employ their expertise in private enterprise for compensation only during off-duty time and upon prior approval of the Chief of Police.

Subpoenas outside Jurisdiction

When an employee receives a subpoena to testify in any court outside the City’s jurisdiction, they shall, through their supervisor, notify their division commander. The commander shall assist the employee with travel arrangements. When practical, travel within the state should be by City vehicle. When it is not practical to travel by City vehicle, air travel may be used. Travel and living expenses shall be advanced. Any witness fees, travel expenses, or per diem fees granted to the officer shall be returned to the City.

On-Duty Jury Duty

Employees summoned for jury duty while on-duty may keep any jury duty fees paid. If the employee is dismissed prior to the end of the workday, they shall return to their assignment for the remainder of the shift.