WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Court Procedures		Policy # 5.1.31
Accreditation N/A		
Effective Date: January 1, 2008	Revised Date:	
By Authority Of: Chief A. Dale Mabry	Signature: ADMabry	

5.1.31 COURT PROCEDURES

A. Court

1. Guilty plea - If the actor is going to plead guilty, only the arresting officer will be assigned.

2. Trials - Upon receiving a subpoena for a trial, only the approved officers will appear. Where there is more than one officer involved and these officers are on duty, if it appears that there will be a delay in the case being assigned to a court room, the arresting officer will remain at the court house and the assisting officers will place themselves on-call with the witness clerk and return to the township to resume their police duties. It will then be the duty of the arresting officer to notify the assisting officers to report for trial.

3. When scheduling cases, the county court system now lists on the subpoena the date, time, courtroom number and ADA assigned. Prior to reporting for court, the arresting officer shall cause the District Attorney's office to be notified within 24 hours of the scheduled court date and time, to ascertain the status of the case. The status should fall into one of three categories.

   a. Active - This means the case is going to trial, officers should report in accordance with the subpoena.

   b. Continued - This means the officers subpoenaed are not needed as the case will not be reached on the date scheduled. The arresting officer will then attempt to ascertain the reason for continuance and the possible new court date. The arresting officer will then relay this information to the office staff for recording on the case folder.

   c. Disposed of - This means the case was settled prior to the scheduled date and the officers will not be needed. The arresting officer will then notify the office staff.

4. It will be the responsibility of all assisting officers who have received subpoenas to contact the arresting officer to ascertain the status of the case. The status will determine whether the officers will be needed.

B. SUBPOENAS - COURT/HEARINGS

1. District Court - Notices/Continues

   a. Office staff shall cause to be posted information on "Court/Hearing" form on bulletin board. If any officer is contacted directly, he is to immediately forward this information to the office staff for processing.
   b. A copy of the notice with a disposition slip attached will be placed in the officer's bin.

2. Common Pleas Court - Subpoenas

   a. Office staff shall cause to be posted information on "Court/Hearing" form on bulletin board. If any officer is contacted directly, he is to immediately forward this information to the office staff for processing.
   b. The original subpoena will be placed in the officer's bin with a disposition slip attached.

3. Common Pleas Court - Civil

   a. No officer is to accept a civil subpoena for another officer.
   b. Once the officer receives a subpoena he is to make arrangements with the attorney of record for payment. The township will not pay wages, mileage, etc. for civil cases.
   c. If the officer is off duty on the date listed, the fee is to go directly to the officer; a day's pay at regular hourly rate.
   d. If the officer is on duty on the date listed, the fee is to go to the township at his hourly rate of pay.
   e. If the officer is on duty and his removal from the schedule will place coverage at an unacceptable level, the officer will:

      i. Notify the scheduling supervisor.
      ii. Advise the attorney that for him to appear, scheduling changes are necessary and the fee charged will be time and one-half for 12 hours for replacement.
      iii. All fees are to be paid in advance.

   f. If the officer is required to produce documents, he must first obtain permission to remove or copy the documents.

4. Witness Notification - District Court

   a. Upon receiving a "Notice of Hearing" from District Court, it will be the officer's responsibility to notify all witnesses needed. The will be accomplished as follows:

i. The arresting officer will phone the witness and notify him/her of the date and time of the hearing. The officer will also ascertain whether or not the witness will appear.
ii. In the event the witness notifies the officer in the negative, the officer will immediately contact the District Justice and request a subpoena be sent to the person.

C. SUBPOENAS FROM OTHER AGENCIES

1. When assisting another law enforcement agency which will require an officer from this department to appear at any arraignment, hearing, court action, the following will be required:

a. Administration's Duty

i. Upon receipt of a subpoena, the clerk will:

a) Search computer name file.
b) Search department files for case folder.
c) Place on monthly court list with code 7100 to show this is an outside matter.
d) Print copy of incident report.
e) Attach to officer's subpoena, a copy of report and a disposition slip.
f) Mark code 7100 on subpoena and place mark to show it has been recorded.
g) Place pack in officer's bin.

b. Officers' Duties

i. File all department reports needed of your involvement.
ii. Inform outside agency that a subpoena is required for you to appear in court.
iii. Once a subpoena is received, the officer will:

a) Check for 7100 code number;
b) Review the attached report;
c) Contact the agency's personnel whom you assisted and advise him/her that it is his/her responsibility to contact you prior to your appearing at any action.

iv. In this type of subpoena it is the responsibility of the arresting agency to check with court officials on the status of the matter. That person should be advised to provide timely notice on the status of the case.
v. In the event the officer appears and testifies, the department disposition slip will be filed with the clerk.

2. All department procedures, including those in other sections of the manual, will be followed.

D. CONTINUANCES

1. District Court - All requests for continuances will be made in the following manner. Requesting officer will:

   a. Fill out the request form.
   b. Obtain approval from the platoon sergeant first.
   c. Obtain approval from administration.
   d. Take the request to the District Justice for approval/denial.
   e. File the District Justice's answer with administration.

2. Platoon sergeant will check (before approving):

   a. The scheduling sergeant for manpower needs/changes.
   b. The hearing list to determine the type and number of hearings scheduled, listing same on request form.
   c. The Training/School list.
   d. All conflicts must be cleared up before forwarding to administration for approval.

3. Common Pleas Court

   a. The arresting officer will contact the Assistant District Attorney assigned to the case and make the request to continue after administration has approved.

   b. All requests shall be made as soon as possible and should be restricted to the following:

      i. Vacation.
      ii. Death in family/sickness.
      iii. Schooling, with previous approval from administration.
      iv. Unavailability of witnesses, if known.

E. CASE DISPOSITION

1. District Court

   a. On all District Court matters, the arresting officer will complete a disposition slip and file it according to departmental procedures.

      i. Guilty Verdict - no additional information needed.
      ii. Discharged/Not Guilty Verdict - The officer will record on the disposition line, the reason for the negative verdict.

iii. Reducing Original Charge(s) - The arresting officer must obtain prior approval from the administrative office, either verbally or in writing, before agreeing to any change in charge(s). The disposition slip must show this change.

iv. Withdrawing Charges - The arresting officer must obtain written approval from the administrative office prior to withdrawing charges. The original withdrawal form will be presented to the District Justice and a copy will be retained by the police department.

2. Common Pleas Court

   a. The arresting officer need not file a department disposition form. The District Attorney's office forwards this information at a later date. The arresting officer will, however, record all pertinent information including the current status of the case on the front of the case folder.