

**BETHLEHEM POLICE DEPARTMENT GENERAL ORDERS**

**SUBJECT: COURTROOM APPEARANCES**                      CALEA STD. REF.

AMENDS/SUPERSEDES:                                      REVISED:

EFFECTIVE DATE:                      9/2007                      APPROVED:9/2007

**NOTE:** In any civil action against any individual, agency or governmental entity, including the State of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a State, County or local law enforcement agency shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under State law. (RSA 516:36).

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**INDEX WORDS:** Court; witness; testimony; subpoena

**I. POLICY:**

This policy sets forth the requirements for court appearance and testimony by department members.

**II. PURPOSE:**

The purpose of this policy is to delineate the above requirements.

**III. PROCEDURES:**

A. Courtroom appearances

All employees will treat courtroom appearances with the utmost importance. Further, as a rule, employees must arrive at the court early enough to check the docket, or if necessary, confer with the prosecutor. Employees shall observe the following rules:

1. If an employee receives subpoenas requiring appearance in different courts at the same time, he or she should honor the first subpoena received. If, however, one of the subpoenas was issued for appearance in a superior or higher court, it shall receive precedence over one issued for appearance in

a district court. It shall be the officer's responsibility to notify the appropriate party/parties of the conflict.

2. A subpoena receives precedence over an order issued by a supervisor. In any event, the employee must notify his or her supervisor of the court appearance.
3. If on-duty, sworn employees will appear in court in uniform. If off-duty, all employees will appear suitably attired in civilian clothes, or uniform. Civilian attire means a tie for men, with a sport jacket or suit, and equivalent business attire for women.
4. When testifying, employees will remain attentive, face the jury when giving testimony, and speak in a clear, audible tone. Employees will respond to questions asked by the judge or attorneys and will not argue, interject, or offer an emotionally-charged response to any remark or question.
5. Each member shall be familiar with the laws of evidence and will testify truthfully on any matter.