

# ILLINOIS STATE POLICE DIRECTIVE

## OPS-007, COURT APPEARANCES AND JURY DUTY

<b>RESCINDS:</b> OPS-007, 2014-034, revised 05-09-2014.	<b>REVISED:</b> 11-20-2018 <b>2018-019</b>
<b>RELATED DOCUMENTS:</b> ADM-121, ENF-011, EQP-002, OPS-032, OPS-200, Communications Policies and Procedures Manual	<b>RELATED CALEA STANDARDS:</b> None

### I. POLICY

The Illinois State Police (ISP) will fulfill its role in the adjudication of criminal and civil cases by ensuring the appearance of its employees as witnesses and accommodating summons to jury duty.

### II. PROCEDURES

II.A. Employees served with a subpoena, notified to appear in court, or summoned for jury duty:

II.A.1. Have a primary responsibility to respond.

II.A.1.a. Employees will respond to the first subpoena/notice served.

II.A.1.b. When employees are ordered to more than one court at conflicting times or when geographical distances make timely appearances impossible, their supervisor and the other court(s) will be notified of the conflict.

II.A.2. Will notify their supervisor of the required court appearances within 24 hours of receiving the subpoena/notice. If applicable, the supervisor may adjust the employee's work schedule to accommodate the court appearance/jury duty. If the court appearance is due to a personal, non-work related matter, the employee may request the use of accrued time or a leave of absence (refer to ISP Directive PER-036, "Leave of Absence").

II.A.3. Who, for any reason, are unable to attend court will verbally notify their supervisor and the court officer prior to the scheduled court time.

II.A.3.a. The employee will also notify the court in person or through their supervisor or court officer within 24 hours of realizing he/she will be unable to attend court.

II.A.3.b. The employee will also notify the Assistant State's Attorney or other legal entity that issued the subpoena/notice within 24 hours of realizing he/she will be unable to attend.

II.A.4. Will not appear as witnesses in civil cases resulting from acts occurring during the performance of their duties as a department employee unless subpoenaed or when directed to do so (in writing) by their supervisor, upon the advice of the Department's Legal Office.

II.A.4.a. If a subpoena/notice arises out of department employment, or if the employee becomes aware they are a party to a civil action arising out of department employment, the employee will immediately notify their unit supervisor of the service or notification and of the testimony to be given.

II.A.4.b. Employees will not enter into any financial understanding for appearances as witnesses prior to any trial except in accordance with current directives.

**NOTE:** Employees receiving a subpoena/notice in civil cases that involves any government agency will forward full information, including a copy of the subpoena/notice, to their supervisor within 24 hours of receiving the subpoena/notice.

## II.B. Proper court attire

Unless otherwise requested by the court, an attorney representing the Department, or advised by Department Legal Counsel, officers will be in the Class A uniform, unless otherwise approved by a Shift Commander (or appropriate business attire for investigations personnel) when appearing in court in cases involving the performance of official duties.

II.B.1. Weapons should not be visible unless the officer is wearing the uniform.

II.B.2. All other employees will appear in proper business attire.

II.B.3. Officers appearing in civil cases for reasons unrelated to the performance of official duties will:

II.B.3.a. Appear in proper business attire, not in uniform.

II.B.3.b. Testify on their own time.

II.B.3.c. Provide their own transportation except as outlined in ISP Directive EQP-002, "Department Vehicle Usage."

II.B.4. Officers summoned for jury duty will:

II.B.4.a. Appear in proper business attire, not in uniform.

II.B.4.b. Comply with the provisions of the current labor agreement pertaining to jury duty.

II.B.5. Employees will:

II.B.5.a. Present a neat and clean appearance.

II.B.5.b. Avoid any mannerism that might imply disrespect to the court.

II.B.5.c. Be prepared to provide testimony at any trial by reviewing any related case records or documents.

II.B.5.d. Make an effort to speak with the prosecuting attorney prior to providing testimony to properly prepare for the court case.

II.B.5.e. Ensure that evidence pertaining to the court case is provided in a timely fashion to the prosecuting attorney or court as requested. Coordination with an Evidence Custodian responsible for the storage of the evidence should be considered to avoid a delay. Any evidence transfer must be in accordance with ISP Directive OPS-200, "Evidence – Definitions and Responsibilities" and ISP Directive OPS-201, "Evidence – Collecting and Packaging."

## II.C. Fees for appearances

II.C.1. Personnel will forward witness fees received for civil court appearances arising out of official duties and fees received for jury duty service to the immediate supervisor, except as provided in section II.C.3.

II.C.2. The immediate supervisor will forward the fee to the appropriate cost center administrator to process in accordance with ISP Directive ADM-121, "Cash Receipts."

II.C.3. Employees may choose to use accrued benefit time (not sick time) to fulfill jury duty requirements and keep the full amount received for such service.

## II.D. Notification of pilot/observer

To ensure notification of the pilot/observer as a witness for air speed arrest cases, the following procedures will be followed:

II.D.1. All air speed details will be advised to check box #3 (aircraft) and then place the aircraft observer identification number on line #9 of the respective Illinois Citation and Complaint issued.

- II.D.2. Officers receiving a court notification requiring the appearance of a pilot/observer as a witness will immediately notify their supervisor and/or the District Court Officer.
  - II.D.2.a. The supervisor and/or the District Court Officer will immediately FAX the message to the Air Operations Section or e-mail the request to the pilot/observer who is needed to testify.
  - II.D.2.b. For message content, see the Communications Policies and Procedures Manual, Special Messages Section.

| Indicates new or revised items.

**-End of Directive-**