



## LINCOLN POLICE DEPARTMENT GENERAL ORDERS

**NUMBER:** 1480  
**TOPIC:** COURT APPEARANCES  
**ISSUED BY:** TERESA EWINS, CHIEF OF POLICE  
**DATE:** 1-1-2023  
**SUPERSEDES:** G.O. 1480, 2022  
**REFERENCE:** G.O. 1450

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### I. POLICY

Lincoln police employees shall appear at legal proceedings as part of their job responsibility when properly notified by the department, prosecuting attorney, or any other attorney. Employees will not, however, testify at any proceeding which is not part of their official duties, or on behalf of the defendant in any case, except in response to a subpoena.

### II. PROCEDURE

#### A. Notification of Appearances

1. The Records Unit (court liaison) coordinates a system for notifying employees of court appearances.
  - a. When an employee is required to appear in court, the court liaison will direct an appearance notice to the employee's team or unit, and to the employee's email.
2. In some cases, particularly jury trials prosecuted by the county attorney, employees may be notified by personal contact. Employees should honor these notices and provide this information to the employee's supervisor.
3. When the court liaison or the employee's unit manager is requested to notify an employee of an appearance, it will be the responsibility of that person to notify the County Attorney's Office if contact was not made or the employee is unavailable.
4. Notification of other legal proceedings and hearings before administrative bodies, such as the Liquor Control Commission, Department of Motor Vehicles, Mental Health Board, etc., will be handled in the same manner, insofar as practical.

#### B. Cancellations

1. When a trial is cancelled, the court liaison will attempt to notify the employee, and will email the cancellation to the employee. If telephone or personal contact is unsuccessful, the information will be given to the employee's unit manager, who will attempt to notify the employee.
2. Employees should make reasonable efforts to check their email for updated information about cancellations.

#### C. General Requirements for Appearances

1. Employees will be punctual and, upon arrival, notify the prosecuting attorney or hearing employee of their presence.
2. Employees will appear either in uniform or in the dress civilian attire authorized for wear in court as specified in General Order 1450, "Personal Appearance Standards."
3. Employees will familiarize themselves with the circumstances of the case prior to taking the witness stand.
4. When employees receive two or more conflicting court notices, they shall notify the concerned agencies (City Attorney's Office, County Attorney's Office, etc.) in order to resolve the conflict.
5. Whenever employees are unable to attend court due to sickness or emergency situation, they shall notify the concerned agency or prosecutor in advance of the trial or appearance.
6. Employees going on vacation, or any other extended leave, shall notify the court by entering the duration of the anticipated leave through either the time off entry screen (by supervisor) or the court non-availability screen on the internal home page (by officer) a minimum of two weeks in advance.

#### D. Subpoenas

1. When notified that a subpoena is held at the Sheriff's Office, the employee shall pick up the subpoena as soon as possible.
2. Ordinarily, a subpoena can only be accepted by the person named therein. Employees shall not accept a subpoena for another. When a subpoena is faxed or mailed to the department from another jurisdiction, this document should be routed to a commanding officer, who shall coordinate with the legal advisor to determine the appropriate compliance and response.
3. Employees shall notify their commanding officer or unit manager upon receiving any subpoena. If the subpoena requires an appearance in court, the employee should also notify the court liaison, so this appearance can be recorded by the Records Unit.
4. Upon receipt of any legal process, employees shall comply with all directives of that subpoena, to include appearing in court, except providing records.

#### E. Subpoenas for Records

1. Subpoenas for Lincoln Police Department records can only be honored by the chief of police or the Records Unit manager.
2. An employee who receives a subpoena for department records shall advise the person that they are not the custodian of the records and cannot present them.
3. The person who must be subpoenaed in order to obtain department records and reports is the Records Unit manager.
4. Items of evidence, tagged into the Property and Evidence Unit are not considered "records." Employees may check out evidence tagged into property if the evidence is requested.

#### F. Depositions

1. No depositions shall be given unless directed by a subpoena.
2. When a subpoena is issued for a deposition, the employee shall comply with the request. If this is connected with a criminal matter or pending court case, the prosecutor shall be contacted by the employee and informed of the subpoena. If this is connected with a civil matter, the employee should contact the legal advisor.
3. An attorney representing the Lancaster County Attorney's Office or the City of Lincoln may be present at all depositions taken in criminal matters or civil suits involving the City or its employees.
4. Employees who are contacted by defense attorneys requesting information concerning pending criminal cases shall not dispense information or allow themselves to be interviewed without consent of the prosecutor or legal advisor.

#### G. Appearance Fees

1. State law prohibits employees from receiving a fee for appearing or testifying in relation to their official duties. Any employee who receives a witness or subpoena fee for time spent in responding to a subpoena or deposition involving their official duties shall turn the fee in to the Payroll & Accounting administrative officer for disposition.
2. Employees required to appear while off duty in relation to their official duties may be eligible for overtime compensation, pursuant to labor agreements.
3. Employees are not required to turn in compensation for jury duty.