


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

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TITLE	EFFECTIVE DATE
SUBPOENAS AND COURT APPEARANCES	July 21, 2008
CHAPTER	PAGES
GENERAL ORDER 18	3
APPROVED	RESCINDS/AMENDS
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**1
POLICY**

- A** This General Order provides guidance to the Division's sworn members when testifying in court and establishes procedures for receiving and tracking witness subpoenas.
- B** This General Order does not apply to members summoned for jury duty.

**2
RESPONSIBILITIES**

A Member Responsibilities

- (1) Sworn members shall respond to all subpoenas that are served pursuant to chapter 48, Florida Statutes.
- (2) The sworn member's conduct in court will be dignified and professional at all times.

**3
PROCEDURES**

A Subpoenas

- (1) Counties and districts may vary on how subpoenas are served to the Division's sworn members. Local protocol shall be followed.
- (2) Division members shall not serve subpoenas unless ordered by the court or in accordance with General Order 19, *Civil Process*.

- (3) When a subpoena is received in a field office by a member, the subpoenaed member will be immediately notified. A tracking log will be kept of received subpoenas and when the subpoenaed member was notified.
- (4) The subpoenaed member shall be informed of the date, time, and location of the hearing or trial, as well as the name of the defendant.

B Court Appearances

- (1) Attendance in the courts of the United States and the State of Florida is mandatory upon receipt of a subpoena or other notification.
- (2) Whenever possible, the sworn member will adjust his or her work schedule to prevent appearing in court at the end of a regular shift. It shall be the responsibility of the member to notify the appropriate supervisor prior to the schedule change.
- (3) If the sworn member is scheduled to be in court on an assigned day off, it is the sworn member's responsibility to coordinate with his/her supervisor to identify a suitable replacement day off.
- (4) If the sworn member is unable to respond to a subpoena or appear in court due to previously approved leave, illness or other emergency, he/she shall immediately notify a supervisor and the court or entity issuing the subpoena.

C Testifying as a Witness for the Defense

- (1) Sworn members may testify as a defense witness in criminal actions only if legally summoned to do so, or with prior approval from the Division Director or designee.
- (2) Sworn members subpoenaed to testify for the defense in any trial or hearing, or against the State, Commission, the Division, or other Division of the Commission, shall notify the appropriate Regional Commander or Section Leader immediately upon receipt of the subpoena.

D Acceptance of Fees

- (1) No sworn member of the Division shall testify in any court in the prosecution of any violator of any State statute or rule of the Commission while off-duty. For this reason, no sworn member shall be eligible to accept any fees of any kind from any person, court, court official, agency, or any other source, except such fees as are specifically provided and authorized by law.
- (2) A member subpoenaed in line of duty to represent the Commission as a witness or defendant shall turn over any fees received from the court to the Commission. Any fees received for the performance of official duties shall be endorsed as follows: **Pay to the order of the Florida Fish and Wildlife Conservation Commission - For Deposit Only**, and turned over to the FWC Accounting Section for deposit along with a brief memo explaining the reason for payment.

E Testifying

- (1) Prior to the time of the trial, the sworn member should become completely familiar with the details of the case. The sworn member should discuss the case with the State Attorney, fellow sworn members who are involved in the case, and supervisors.
- (2) Physical evidence should be prepared for court and necessary arrangements made to have the evidence available in court.
- (3) A sworn member shall testify in court truthfully, confining testimony to the case before the court and shall not suppress or overstate the circumstances.
- (4) Under cross-examination, the sworn member shall answer with the same readiness and civility as when testifying in support of the charge.
- (5) Prior to court and during any court recess, the sworn member's conduct and conversation will be professional.

- (6) A sworn member should avoid all inappropriate contact with the judge, defendant, or the defendant's attorney.
- (7) Prior to court, during any court recess, and outside of court while a trial is ongoing, no contact whatsoever will be made with any juror or prospective juror.

F Court Appearance Attire

- (1) If the court case is one where the arrest was made while in uniform, the court appearance shall be in uniform.
- (2) If the arrest was made in civilian clothes, and the sworn member normally wears a uniform while on duty, the court appearance will be in uniform.
- (3) Sworn members who do not normally wear a uniform while on duty will wear professional business attire for any court appearance. Professional business attire is defined as a suit, shirt, and tie (or sport coat, shirt, slacks and tie) for male members, and a suit and collared shirt (or blazer, collared shirt, and slacks) for female members.
 - (a) If a weapon is worn, it must be completely concealed.

G Uniform Appearance

- (1) When testifying in a non-jury trial, at arraignment, or on plea day, the sworn member may either wear the Class A (long-sleeve shirt and tie) or the Class B (short-sleeve shirt) uniform.
- (2) When testifying before a jury, the sworn member shall wear the Class A (long-sleeve shirt and tie) uniform.
- (3) The sidearm will be worn unless the presiding judge does not allow firearms in the court room.
- (4) Radios or flashlights will not be worn or carried into a courtroom. Bulky items such as cigarette packs, tobacco cans, eye-glasses, or notebooks will not be carried in uniform pockets.
- (5) Pagers and cell phones may be worn but should be in silent mode or turned off.

4 FORMS

N/A