



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

SUBPOENAS AND COURT APPEARANCES

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
18	September 24, 2019	July 21, 2008	All Members

References

Ch. 48, F.S.; GO 19

1 POLICY

- A It is the policy of the Division to provide guidance to members when testifying in court and establish 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 served pursuant to chapter 48, Florida Statutes.
- (2) The sworn member's conduct in court shall be dignified and professional at all times.

3 PROCEDURES

A Subpoenas

- (1) Division members shall not serve subpoenas unless ordered by the court or in accordance with General Order 19, *Civil Process*.
- (2) When a subpoena is received in a field office, the appropriate member (as designated by the Regional Commander/Section Leader) shall:
 - (a) Log the subpoena information into the SmartCOP subpoena delivery and tracking system;
 - (b) Verify the subpoena information and the SmartCOP auto-generated message are received by the subpoenaed member. The subpoena information shall include, at a minimum:
 - 1. The date, time, and location of the hearing or trial.
 - 2. The name of the defendant.
- (3) The sworn member shall acknowledge receipt of the subpoena notification when received.

- (4) Counties and districts may vary on how subpoenas are served to the Division's sworn members and may have their own process (e-Notify in Miami-Dade, for example). In these instances, the local protocol shall be followed, and input into the SmartCOP subpoena and tracking system is not necessary.

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) 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.
- (3) 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 Revenue Section for deposit along with a brief memo explaining the reason for payment.
- (3) Checks made out to an individual shall not be accepted.

E Testifying

- (1) Prior to the time of the trial, the sworn member shall 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 shall be prepared for court and arrangements shall be 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 shall be professional.
- (6) Members shall avoid 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 shall 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 shall 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, or dress shirt, tie, belt, and dress trousers for male members; and a suit, or dress, or slacks and dress shirt or blouse for female members.
 - (a) If a weapon is worn, it shall be completely concealed.

G Uniform Appearance

- (1) When testifying in a non-jury trial, at arraignment, or on plea day, the sworn member may use his/her discretion to wear the Class A, B, or C uniform, unless otherwise directed by a supervisor.
- (2) When testifying before a jury, the sworn member shall wear the Class A (long-sleeve shirt and tie) uniform unless otherwise directed by a supervisor or the prosecutor.
- (3) The primary issued firearm shall be worn unless the presiding judge does not allow firearms in the court room.
- (4) Bulky items shall not be carried in uniform pockets.
- (5) Cell phones may be worn but shall be in silent mode or turned off.

4 FORMS

FORM NUMBER	FORM TITLE