



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 50-1	Subject: <b>TESTIFYING IN COURT</b>
Reference: 46-23-1011, MCA; 46-23-1021, MCA	Page 1 of 2
Effective Date: 06/01/00	Revision Dates: 10/01/01; 06/29/12
Signature / Title: /s/ Ron Alsbury, Probation & Parole Bureau Chief	

### I. BUREAU DIRECTIVE:

Probation & Parole Bureau employees will follow established procedures when testifying in court.

### II. DEFINITION:

None.

### III. PROCEDURES:

Probation & Parole Officers (Officers) will testify in court in support of pre-sentence investigation reports, violation investigations, and at any other time required by a court of record. Officers should comply with the following, and review the information contained in *P&P 50-1(A) Mechanics of the Courtroom*, in preparation for these appearances:

- A. Be prepared before testifying: Review records, notes, chronological history, etc.
- B. Discuss case with prosecutor, including whether offender's field file should/should not be brought into court.
- C. Officers must be aware that offender files and other documents brought into the courtroom may become subject to examination by all parties:
  1. If there is not a subpoena for the offender's field file, avoid taking file. If certain documents, notes and/or specific chronological entries are needed to recall or confirm specific dates, Officer should bring additional copies of those documents, notes and/or chronological entries for possible examination by others.
  2. If Officer is served with "subpoena duces tecum," which requires the file is brought to court, Legal Services Unit at [CORLegalMailbox@mt.gov](mailto:CORLegalMailbox@mt.gov) should be contacted as soon as possible. If required to bring the file, Officer may be directed to also bring a complete, true and accurate copy of the file to leave with the court. (See *P&P 40-1 Offender Records Access and Release*.)
  3. Maintain control of the offender's file. Do not release the file to anyone other than the prosecutor except by court order.
- D. Dress appropriately; follow local judicial policy and *P&P 20-6 Employee Dress, Hygiene and Badges*.
- E. Maintain composure, tell the truth, and answer with facts.

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#### **IV. CLOSING:**

Questions concerning this procedure shall be directed to the Regional Administrator or designee.

#### Forms

P&P 50-1(A)      Mechanics of the Courtroom