



**DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE DIVISION  
OPERATIONAL PROCEDURE**

Procedure:	<b>PPD 6.1.107 TESTIFYING IN COURT</b>
Effective Date:	02/10/2020 <span style="float: right;">Page 1 of 2</span>
Revisions Date(s):	
Reference(s):	DOC 1.3.2; DOC 1.3.41; 46-23-1011, MCA; 46-23-1021, MCA; Local #4464
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator

**I. PURPOSE:**

In addition to complying with *DOC Policy 1.3.2, Performance and Conduct*, Probation and Parole Division staff will follow established procedures when testifying in court.

**II. DEFINITIONS:**

**PPD-Probation and Parole Division** – The Division oversees the Probation & Parole regional offices and interstate transfers.

**III. PROCEDURES:**

**A. GENERAL REQUIREMENTS:**

1. PPD staff testify in court in support of presentence investigation reports, violation investigations, and at any other time required by a court of record.
2. The information contained in *PPD 6.1.107(A) Mechanics of Testifying* should be reviewed in preparation for these appearances.
3. Staff will comply with the following:
  - a. Be prepared before testifying by reviewing records, notes, chronological history, etc.;
  - b. Be prepared for predictable questions from both the prosecutor and defense attorney;
  - c. Discuss case with prosecutor, including whether offender's field file should/should not be brought into court. Prosecutor will explain what testimony they need from you;
  - d. Dress appropriately (see *Mechanics of Testifying*); follow local judicial policy and *DOC Policy 1.3.41, Employee Dress, Hygiene and Badges*; and
  - e. Maintain composure, tell the truth, and answer with facts.

**B. OFFENDER FILES AND DOCUMENTS:**

1. Staff must be aware that offender files and other documents brought into the courtroom may become subject to examination by all parties.
2. If there is no subpoena for the offender's field file, avoid taking the file. If certain documents, notes, and/or specific chronological entries are needed to recall or confirm specific dates, staff should bring additional copies of those documents, notes, and/or chronological entries for possible examination by others.

3. If staff is served with “subpoena duces tecum,” which requires the file is brought to court, the DOC Legal Office at [CORLegalMailbox@mt.gov](mailto:CORLegalMailbox@mt.gov) should be contacted as soon as possible. If required to bring the file, staff may be directed to also bring a complete, true, and accurate copy of the file to leave with the court. (See also *PPD 1.5.500 Offender Records Access and Release*.)
4. Maintain control of the offender’s file. Do not release the file to anyone other than the prosecutor except by court order.

**IV. CLOSING:**

Questions regarding this procedure should be directed to a supervisor, Deputy Chief, or Probation & Parole Bureau Chief.

**V. FORMS:**

PPD 6.1.107 (A) Mechanics of Testifying