



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: NOVEMBER 30, 2020	CHAPTER: 2 - Legal	PAGE: 1 of 1	NUMBER: 2.03.03
SUBJECT: WITNESS FOR DEFENSE			
CHIEF: <i>Calvin D. Williams, Chief</i>			

*Substantive changes are italicized*

**PURPOSE:** To set the conditions under which members may serve as a witness for the defense.

**POLICY:** *It is the policy of the Cleveland Division of Police* that no member shall serve as a witness for the defense in a criminal prosecution unless served with a lawfully issued subpoena. This directive applies to depositions and civil cases wherein the City of Cleveland, the Division, or any member of the Division is the defendant. Unless subpoenaed no member shall give a deposition or be a witness for the plaintiff.

**PROCEDURES:**

- I. Members Receiving a Defense Subpoena shall:
  - A. Notify their immediate supervisor.
  - B. Notify the prosecutor handling the case and/or Law Department *by telephone*.
  - C. Submit a Form-1 containing:
    - 1. Information relative to the time of service.
    - 2. Information that the prosecutor and/or Law Department was notified *including the name of the person notified*.
    - 3. Recommended direction from the prosecutor and/or Law Department.
    - 4. The testimony required if known.
  - D. Forward the Form-1 and a copy of the subpoena or notice of deposition served upon the member to the Chief's Office through the chain of command.
  
- II. The Member's Immediate Supervisor shall:
  - A. Review all paperwork for compliance with this order.
  - B. Forward all paperwork through the chain of command to the Chief's Office.

**THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.**

CDW/jeh/lms  
Policy Unit