



**KENTUCKY
CORRECTIONS**
Policies and Procedures

Policy Number

27-05-01

Total Pages

2

Date Filed

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Effective Date

09-27-2022

Authority/References

KRS 196.030, 196.035, 439.510
CPP 3.10
P & P ACA 3D-20

Subject

**TESTIMONY, COURT DEMEANOR AND
AVAILABILITY OF LEGAL SERVICES**

I. DEFINITION

"Civil action" means legal proceedings that have to do with the private rights of an individual and the remedies resulting from the proceedings.

II. POLICY and PROCEDURE

A. Courtroom and Administrative Appearances

1. A Probation and Parole officer required to attend court or an administrative proceeding, shall be well groomed and neat in appearance as required in CPP 3.10. A male officer shall wear a business suit with appropriate shirt and tie; slacks and coordinated sport jacket with appropriate shirt and tie; or slacks with appropriate shirt and tie. A female officer shall wear a business suit with appropriate blouse or shirt, skirt with appropriate blouse or shirt, or slacks with appropriate blouse, shirt, or sweater.
2. During these proceedings, each officer shall display a professional demeanor, testify in a truthful manner, and provide reliable information that does not reflect personal opinion or bias.
3. An officer may be notified of court or administrative procedure by subpoena, summons, or other informal means. If questions arise concerning the attendance at a proceeding, it shall be addressed to the District Supervisor or designee.
4. An officer shall prepare, research, and review the case material prior to testifying. The officer shall be fully prepared to answer questions that may logically arise during the proceedings. The case file shall not be taken to court to be used as a reference during testimony. The case file shall be taken to court only if the officer receives a subpoena "duces tecum."

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5. An officer may be required to introduce specific documents or records in court. The officer shall only produce those records which have been verified through reliable methods or that have been received from a recognized agency.

B. Counsel Availability

1. The Office of Legal Services for the Justice and Public Safety Cabinet is available to represent or consult with Department of Corrections employees, in legal action taken against an employee during the legal performance of the employee's duties or legal action taken against the Department. The services may include legal opinions, research, interpretation of case law, representing the division as required before courts and other appropriate bodies, and directions, as it pertains to the employee's duties. The Office of Legal Services shall not represent an employee if it creates a conflict between the employee or former employee and the Department of Corrections. (3D-20)
2. If an employee is notified of a potential lawsuit pertaining to the legal performance of his duties, the employee shall notify his immediate supervisor and the Office of Legal Services immediately for further instructions.
3. When requesting legal assistance through the Office of Legal Services, an employee shall submit the request in writing through his immediate supervisor. This request shall be submitted through the chain of command and shall be returned through the chain of command until it reaches the requesting employee. When emergency circumstances exist and an answer is needed immediately, the request shall also follow the chain of command.