



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **COURT APPEARANCE**

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

Attendance at a Court hearing, pre-trial conference, or other judicial proceeding that arose out of a member's course of employment with this Department is considered an official duty assignment.

II. COURT ATTENDANCE

A. Compliance With Subpoena or Summons Required

1. Pursuant to Maryland Rules 4-265 and 4-266, it is unlawful for a person to willfully disobey a summons after s(he) has received it.
2. Unless properly excused or released from the summons or subpoena by the Court or officer of the Court, Department members shall be prompt for Court and will stay until their attendance is no longer required.

B. State's Attorney's "On-Call" Program

1. The State's Attorney's Office "On-Call" program allows on-duty officers to remain on patrol and off-duty officers to go about their business, but with the understanding that they will immediately respond to Court if their attendance is required.
2. If a Department member wishes to be placed "on-call" it is the responsibility of that member to notify the appropriate State's Attorney to make this request.
3. When requesting to be placed on-call, members must provide the State's Attorney or Police/Court Liaison Officer with the names and case numbers of the parties involved, along with a phone number at which the member may be reached in the event s(he) is needed to appear in Court.
4. Because generally members receive summonses and subpoenas several days in advance of the trial date, members should not wait until the last minute to make their on-call request.

5. If an off-duty member has been placed on-call, s(he) will not be compensated for that period of time s(he) was in the on-call status. They will, however, be compensated if they are subsequently called and have to appear in Court.

6. If a member is unable to contact the State's Attorney's Office concerning the case, or if a member needs to be placed on Sick, or other type of Leave, on the day he/she is scheduled to appear in Court, it is the member's responsibility to contact the Court so that the Court is informed of the officer's whereabouts.

C. Resolving Scheduling Conflicts

1. Even though certain Department directives require members to attend a scheduled training session, any member who receives a summons/subpoena/traffic docket requiring their Court appearance at the same time they are to attend a training session or course shall resolve their scheduling conflict in favor of attending Court unless they have been properly placed "on-call."

2. If a member is scheduled for a Court appearance on the same day/time as a scheduled training session, it is incumbent upon the member to attempt to get placed "on-call", or to attempt to get their case(s) continued so that s(he) can attend the training session.

3. If the member cannot be placed on-call, or his/her cases cannot be continued, the member will ensure that the training session's instructor is notified of the scheduling conflict and the member will respond to Court.

4. After the member's Court appearance, s(he) will then respond to take part in the training session. If the member has missed too much of the training session and/or the instructor will not allow the member to attend, the member will be re-scheduled for the training session, if possible.

D. Requesting Court Continuances

If a member can foresee the need to have his/her cases continued (i.e., in a training course, planning a vacation, or extended sick leave, etc.), the member will notify the State's Attorney's Office as much in advance as possible prior to the Court date(s) explaining his/her circumstances that would require the need for a continuance.

E. Processing of Summonses and Subpoena When a summons/subpoena/traffic docket is received by the Department requiring an officer to appear at a hearing, Court proceeding, etc., the document(s) will be handled in the following manner by the Administrative Clerk:

1. If the document requires a Court appearance, it will be entered on the schedule kept in the station area.

2. The original of the document will be dated and initialed by the Administrative Clerk and placed in the mailbox of the officer to whom the document pertains.

3. The copy will be maintained in the member's court summons file.

III. TESTIFYING IN COURT

A. Appropriate Attire Required

1. On-duty members appearing in Court will wear the uniform of the day, except that the black Department-approved sweater will not be worn in Court. In lieu of the sweater, a long sleeve uniform shirt with tie shall be worn.
2. Off-duty personnel will wear either appropriate business attire (coat and tie for males) or the uniform of the day. If personnel choose to wear business attire, they do so at their own expense for cleaning or damage.
3. Members shall present a neat and clean appearance being careful to avoid any mannerism which might imply disrespect for the Court.
4. Weapons will not be displayed unless the uniform of the day is worn.
5. Members possessing cell phones will ensure that the audible signal emitted by such devices is turned off so as not to disrupt Court proceedings.

B. Testimony by Department Members

1. Department members shall be truthful at all times whether under oath or not.
2. Department members will make every effort to be thoroughly prepared for the case in which they will testify.
3. Department members needing evidence from the Evidence/Property Room shall notify the Evidence/Property Officer at least 24-hours in- advance of the Court date to ensure that the evidence can be retrieved in an efficient manner.
4. Members shall not take the station copy of any reports or forms with them to Court, but will make photocopies of the documents they need to take to Court.

IV. RELEASING EVIDENCE/PROPERTY AT COURT

Requester to be referred to Evidence/Property Officer

- A. In order to ensure that accuracy of Department records as they related to evidence and property, Department members that have signed-out evidence or property from the Evidence/Property Officer shall not release items after the Court case.
- B. Persons requesting the return of such items will be referred to the Evidence/Property Officer by the case officer so that arrangements can be made to have the requester sign appropriate Department receipts.
- C. Some persons may not be entitled to possess certain items (i.e. firearms), or the ownership of some of the items for which the requester is seeking the retur