



# CHATHAM COUNTY POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURES

**SOP-OPS-033:**  
**COURT PROTOCOL**

**EFFECTIVE: 02/01/18**  
**REVISION: 01/03/25**

### **PURPOSE**

The purpose of this standard operating procedure is to establish standard guidelines for the participation of the Chatham County Police Department (CCPD) personnel in court activities.

### **POLICY**

Cooperating with the criminal justice system is an integral responsibility of law enforcement in general, as well as the effectiveness of the CCPD in meeting its mission and objectives. All CCPD sworn employees shall be familiar with the Official Code of Georgia Annotated (OCGA) 17-6-1 in regard to First Appearance Hearings. Officers shall comply with the legal requirements, policies, and procedures of all local, state, and federal courts. None of the following provisions are applicable to any litigation or prospective litigation unrelated to the employee's status as a Chatham County Employee.

### **PROCEDURE**

#### **I. UNAUTHORIZED COURT APPEARANCES, STATEMENTS, AND PRODUCTION OF EVIDENCE**

- A. Employees shall not give statements, respond to, or appear at the request of any attorney, insurance adjuster, or their representatives unless a subpoena has been served on the employee or has been received by the department, except when requested to do so by the County Attorney, CCPD Legal Advisor, or Assistant District Attorney (ADA). This includes but is not limited to, formal or informal statements, written or oral statements, or the production of documents of the CCPD.
- B. Employees are forbidden to appear as a witness on behalf of defendants unless properly subpoenaed by the court. Employees subpoenaed to testify for the defense shall immediately notify their supervisor and the ADA handling the case.
- C. In their official capacity, employees shall not intervene or interfere in court cases in which they are not legitimately involved.

#### **II. SUBPOENA / ELECTRONIC NOTIFICATION**

- A. All employees shall honor all subpoenas or electronic notifications issued by courts requiring their appearance and production of records.
  - 1. Failure to honor all subpoenas will subject the employee to the penalties described in CCPD policy OPS-016 (section IX), and the presiding judge can hold the employee in contempt of court.

**B. Recorder's Court**

1. On the evening prior to a scheduled court case, officers are required to check the Recorder's Court Hearing Information Line at (912) 652-6970 or the Recorder's Court website to receive accurate information concerning the status of cases for the next day.
  - a. Officers who appear in court for a case that has been rescheduled or has been pled out will not be paid for their appearance if notice of the action was placed on the website and the Hearing Information Line.
2. Officers shall attend court for traffic cases on scheduled trial dates only, which are on the second Tuesday and Friday of each month.
  - a. Officers whose last name starts with A–L will schedule their citations for Tuesday at 0900, and officers whose last name starts with M–Z will schedule their citations for Friday at 0900.
  - b. DUI cases can be tried on any date deemed necessary by the Recorder's Court.

**C. State Court**

1. On the evening prior to a scheduled court case, Officers are required to check the State Court Hearing Information Line at 912-652-7327 or the State Court website to receive accurate information concerning the status of cases for the next day.

**D. Superior Court**

1. Superior Court has an internet website that has updated information on court dockets for the next business day. The website is updated daily and is available to be accessed after 1900 hrs.
2. It is the responsibility of CCPD Officers to access the District Attorney's Office Internet website to check on the case status in reference to Superior Court appearances. The Superior Court website may be accessed by going to <https://www.chathamcountyda.com/> and then selecting the “Witness Info” box. A PDF will open with the upcoming docket information.
3. On the evening prior to a scheduled court case, officers may also check the Superior Court Hearing Information Line at 652-7330 for accurate information concerning the status of cases for the next day.

**III. COURT ATTIRE**

**A. CCPD uniforms issued through quartermaster or appropriate business attire shall be worn in all court proceedings.**

1. The Class A or B uniform or appropriate business attire will be worn in Recorders, Magistrate, State, Juvenile, or Superior Court.
  - a. Appropriate dress for men will be business suits or sports coats and slacks with ties.
    - (1) Officers appearing in Recorder's Court may reduce their attire to a dress shirt (tie optional) or polo-type shirt and dress slacks.
  - b. Appropriate dress for women will be business suits, slacks with blouses or sweaters, and a blazer or jacket.

2. Officers attending court where jurors will be present or during high-profile trials must wear one of the following.
  - a. Uniform – Class A, with a tie.
  - b. Men – Business Suit with a tie.
  - c. Women – Pantsuit, skirt suit, or dress.
3. Officers in plain clothes will wear dress shoes that do not impair their ability to carry out the normal duties of police officers. These include any type of leather business dress shoes, except sandals, flip flops, open shoes, cowboy boots, or shoes that lace up the leg.
4. Officers working special assignments (including plainclothes/undercover assignments) that require them to wear clothing other than described above shall change into appropriate court attire before appearing in court.

#### **IV. PREPARATION FOR COURT**

- A. CCPD Personnel shall contact the Assistant District Attorney by e-mail or phone immediately to confirm receipt of state or superior court subpoenas. Their contact information should be on the subpoena.
- B. Officers attending court will ensure that their case is properly prepared for presentation by possessing case files, reports, drug testing results, notes, and other evidentiary documentation. Investigators will sign out felony case files, including Habitual Violators Packets from the Department's case manager.
- C. The primary officer or case investigator will be responsible for obtaining evidence from and returning it to the CCPD property room.
  1. Officers are not allowed to retrieve evidence for court unless they are directly involved in the case.

#### **V. COURTROOM DEMEANOR AND RULES**

- A. All CCPD personnel will adhere to court rules prohibiting entering either local court buildings or Federal Court buildings with weapons (except evidence). This includes firearms, knives, batons, chemical sprays, and taser. These devices will be secured in provided lock boxes prior to or immediately upon entering the facility.
  1. Officers who violate any judicial order prohibiting the carrying of such weapons may be subject to court admonishments and department discipline.
- B. Officers will be prompt in reporting to court by arriving at least fifteen minutes before the time indicated on the subpoena.
- C. The judge has the authority to decide if the excuse is valid and release the officer from their responsibility to appear. This does not preclude the CCPD from issuing discipline for failing to appear.
- D. Officers who cannot report for court due to an illness, family emergency, or vehicle problems will notify the on-duty supervisor and Court Liaison Sergeant as soon as possible before the court start time. Officers should also notify the court clerk. If the case is set for the felony docket, Officers must notify the District Attorney's office as soon as possible before the court start time.
- E. Employees shall be attentive and respectful during court proceedings.

- F. Testimony shall be presented in a clear, calm tone, easily heard by the court and jury.
- G. Employees shall testify with accuracy and confine testimony to the case.
- H. Upon cross-examination, employees must remain objective and respond with the same civility as when testifying on direct examination.

## **VI. COMPROMISING CASES**

- A. Employees shall not interfere with the service of lawful court processes.
  - 1. Employees shall not interfere with attendance or testimony of witnesses or defendants through coercion or other means.
  - 2. Employees shall not attempt to have any criminal charge, traffic citation, or notice to appear reduced, altered, or stricken from any court document.
  - 3. Employees shall not attempt to have a legal process dismissed, reduced, voided, go un-served, or be stricken from official records except in the interest of justice and then only in conformance with CCPD procedures.
  - 4. Employees shall not engage in any action that will interfere with the efficiency or integrity of the criminal justice system; participation in plea negotiations is not considered as a compromise.
- B. Officers are prohibited from discussing pending cases with Judges.
- C. Officers who wish to have a case *A Nolle Prosequere* or dismissed shall have written approval from a Sergeant or higher-ranking Supervisor to present in open court.

## **VII. CONSULTANT**

- A. CCPD employees shall not accept employment as a consultant or expert witness relative to cases in which they are involved as a CCPD employee.
  - 1. Requirements concerning outside employment are contained in the CCPD SOP (ADM-015) relative to outside employment.

## **VIII. RECORDER'S COURT**

- A. General
  - 1. The Recorder's Court of Chatham County maintains separate dockets for persons charged with State of Georgia traffic offenses desiring to plead guilty and those who wish to plead not guilty. The purpose of dual dockets is to alleviate officers from having to appear in Traffic Court when defendants desire to enter guilty pleas.
  - 2. Every Officer will be assigned a specific day and time for traffic court by Recorder's Court staff.
  - 3. All traffic citations will be written with a court appearance date on the officer's assigned day and time, six to eight weeks after the issuance of the citation.
  - 4. Court dates for citations will not be set for days that are in conflict with trial days, which are the second Tuesday and Friday of each month. Officers should inform defendants to contact the Recorder's Court Clerk's Office if they wish to schedule a bench trial.
  - 5. Supervisors are responsible for checking traffic citations for accuracy and to ensure that they are not in conflict with the court calendar.

6. Citations with court dates, which conflict with the court calendar, will be returned to the issuing officer.
  7. It is the issuing Officer's responsibility to notify the defendant of the rescheduled hearing date.
- B. Traffic Cases
1. Officers are not required to be present for the violator's first appearance on a traffic docket but must appear at the first assignment of the case for a hearing on a misdemeanor docket or a traffic trial date.
  2. Should the violator plead not guilty at the first hearing, a trial date will be set by the court, and the Recorder's Court will notify all witnesses and Officers of the date and time needed.
  3. When an officer makes a traffic case resulting from a traffic accident, he will complete the Multi-Witness Information form #102. No date will be included.
    - a. This form will be attached to the citation and forwarded to Recorder's Court and will be used by Recorder's Court to subpoena witnesses.
    - b. There is no need for the Officer to issue a subpoena to witnesses.
  4. If traffic charges are made in conjunction with a criminal case, court appearance procedures for a criminal case will apply instead of traffic protocol. Traffic citations must be turned in with the Criminal History copy and the Recorders Court's copy of the Field Arrest form.
  5. If an officer runs a license check on a person and receives information reporting the license suspended for Child Support Violations, Administrative License Suspensions, Failure to Appear prior to 2010, or Insurance Cancellations and is without a serve date, the officer will:
    - a. Serve the person with the Department of Public Safety Revocation and Suspension Form.
    - b. Mail both the suspension form and driver's license to the Department of Public Safety, (if no driver's license is available, mail the suspension form by itself.)
    - c. Not issue a citation or arrest the driver for driving on a suspended license at that time.
    - d. Allow the driver the opportunity to arrange for someone to come to the scene to pick him or her up.
  6. If an Officer runs a license check on a person and receives information reporting the license suspended for Child Support Violations, Failure to Appear, or Insurance Cancellations and has a serve date, the Officer:
    - a. Shall collect the driver's license, if available, and mail it to the Department of Public Safety.
    - b. Shall issue the driver a citation for driving on a suspended license, and write the serve date in the remark's section of the citation.
    - c. May arrest the subject for driving on a suspended driver's license. If the person was served prior to this stop, they will be booked. No driver will be allowed to drive off with a suspended license.

C. Local Ordinance Citations

1. CCPD Officers may issue citations for violations of Chatham County Ordinances that do not require the accused to be booked at the Chatham County Detention Center.
2. Court dates should be set six to eight weeks from the incident date.
3. When assigning court dates for Chatham County ordinance violations, Officers are to use the following schedule:
  - a. An Officer whose last name begins with the letters A through F will set court for Tuesday at 0845.
  - b. All officers whose last name begins with the letters G through L will set court for Wednesday at 0845.
  - c. Any Officers whose last name begins with the letters M through Z will set court for Thursday at 0845.
4. When issuing a Local Ordinance Citation, officers will advise the person charged that they have an option to pay the fine before appearing in court if they desire.
5. The Local Ordinance Citation suffices as the booking form and the incident report. There is no need to complete the Field Arrest Report form and the Incident Report form because the person is being charged and released on a subpoena.

D. Criminal Cases

1. A CCPD Field Arrest Report form will be completed for all adults charged with criminal offenses by the CCPD. Since the Field Arrest Report form also serves as an affidavit, officers are not required to be present in court for the person's first appearance hearing for the purpose of setting a bond for misdemeanor arrests.
2. A short narrative will be written on the Field Arrest Report form describing the circumstances for the arrest.
3. The last page of the completed Field Arrest Report form will be given to the suspect during the booking process.
4. The page marked Recorder's Court will be left at the jail.
5. The criminal history copy will be delivered immediately to the annex building.
6. Periodically, special courts are designated to address specific needs, such as St. Patrick's Day, holiday dockets, etc. Officers will be notified by the courts and will adhere to these temporary schedules.

**IX. FIRST APPEARANCES**

- A. Investigators who make a felony arrest shall handle the first appearance.
- B. Patrol Officers shall handle first appearances for felony traffic offenses, Terroristic Threats cases in which the officer is the victim, and felony obstruction cases.
  1. Unit commanders, or designees, may assign an investigator to handle felony first appearances for patrol arrests with the exception of the charges listed above.
- C. Prior to first appearances on all felony cases, the arresting officer or the assigned Investigator shall obtain a copy of and be familiar with:

1. The Preliminary Incident Report.
2. The Field Arrest Report.
3. A Criminal History Report.
4. The First Appearance/Waiver Form. The form shall be fully completed by the arresting officer or the assigned Investigator as directed to include the following essential information:
  - a. The accused person's signature.
  - b. The hearing date.
  - c. The bond amount.
  - d. The name of the Investigator assigned to the case
  - e. The names of all officers involved in the case.
  - f. The names and addresses of all witnesses involved in the case.
  - g. The judge's signature (print the name of the judge if the person is waiving their first appearance).
- D. First Appearances will be conducted Monday- Thursday 1330 hrs and Friday at 1100 hrs.
- E. The Criminal History Unit shall provide local, state, and federal record checks to the arraigning Officer before 0830 hours on the day of the first appearance.

#### **X. JUVENILE FIRST APPEARANCES IN RECORDER'S COURT**

- A. Detectives shall notify Recorder's Court by 1000 hours of the need to present a juvenile.
- B. It is the detective's responsibility to ensure the juvenile is present in court by 1315 hours and properly restrained.
- C. The detective shall notify both Recorder's Court and the on duty Chatham County Deputy Sheriff Supervisor at the Courthouse that they will be bringing a prisoner to the sally port in the Chatham County Parking garage. The deputy will make arrangements for the detective to park in the sally port and escort the juvenile to Recorder's Court on the first floor of the County Courthouse.
- D. After the first appearance, the juvenile will be escorted back through the sally port and returned to the Savannah Regional Youth Detention Center (SRYDC).

#### **XI. SUPERIOR COURT**

- A. Superior Court is considered the highest County court.
- B. Appearance requirements in Superior Court shall take precedence over other courts, except Federal Court.
- C. Officers will honor all subpoenas and verbal or electronic notification to appear before the court.
- D. Officers shall contact the Assistant District Attorney immediately to confirm receipt of subpoenas.
- E. All other provisions of this standard operating procedure shall apply to employees required to appear in Superior Court.

## **XII. JUVENILE COURT**

- A. Chatham County Juvenile Court falls within the jurisdiction of the Superior Court.
- B. Officers will honor all subpoenas and verbal or electronic notification to appear before the court.
- C. Officers shall contact the Assistant District Attorney immediately to confirm receipt of subpoenas.
- D. It is the Officer's responsibility to consult with the ADA assigned to their case should a conflict arise between two courts.

## **XIII. STATE COURT**

- A. Officers will honor all subpoenas and verbal or electronic notification to appear before the court.
- B. Officers shall contact the Assistant District Attorney immediately to confirm receipt of subpoenas.
- C. It is the Officer's responsibility to consult with the ADA assigned to their case should a conflict arise between two courts.

## **XIV. CIVIL COURT**

- A. Officers may, from time to time, be required to appear in Civil Cases arising from their involvement in the investigation, arrests, traffic accidents, etc. CCPD employees, both sworn and non-sworn, will notify the OPS Internal Affairs Unit whenever they are served with a Civil Suit or summons naming them as a defendant or witness, naming or otherwise involving the County and their employment.
  - 1. This also includes a service of Notice of Deposition, a service of Interrogatories, or any similar legal documents.
- B. The OPS Internal Affairs Unit will:
  - 1. Present a copy of the summons or subpoena to the Chief of Police.
  - 2. Assist the Officer in seeking legal representation from the County, as well as coordinate all appearances for depositions, conferences, etc.
- C. Keep the Chief of Police informed as to the status of the case. Officers who are required to appear in Civil Court as a party to the action shall not appear in a CCPD uniform or any clothing that would identify them as an Officer with CCPD.

## **XV. PARKING**

- A. CCPD personnel attending court or other work-related activities at the courthouse may use the County Parking Garage located at 353 W Broughton St. The entrance is on MLK Blvd. Public parking is available on the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> floor. Do not park in reserved parking spaces.
  - 1. CCPD personnel choosing to park in the garage may obtain a pass with a QR code from the Support Services Commander or designee.
    - a. The paper is heat sensitive. Do not leave it in your vehicle. Photos of the parking pass will also work.
  - 2. This pass allows you to exit without paying.
    - a. Upon entry, obtain a parking receipt.



- b. When exiting, insert the parking receipt and then scan the pass.
- 3. Misuse of the parking pass for other than work related parking may result in disciplinary action.
- 4. The parking pass will be reissued annually.
- 5. If the pass is lost, misplaced, or damaged, report it as soon as possible to the Support Services Commander or designee.
  - a. Complete CCPD form # 614 to obtain a replacement pass from the Quartermaster.

## **XVI. COURT LEAVE**

- A. Employees who have scheduled leave are required to notify the Chatham County District Attorney's (DA) Office of their scheduled time off at least thirty days in advance via a Court Leave Request Form #1010.
  - 1. Officers shall e-mail a completed Court Leave Request Form to the DA's Office and the Court Liaison Sergeant via the e-mail addresses listed on the form.
  - 2. Requests for court leave shall be submitted on a Court Leave Request Form to the DA's Office and the Court Liaison Sergeant, a minimum of thirty days prior to the first day of scheduled leave or immediately upon approval if less than thirty days prior to the first day of scheduled leave.
- B. Employees who are scheduled in advance for training outside the Chatham County are required to notify the Chatham County District Attorney's Office of their scheduled training leave as soon as the training is approved. Local training does not take precedent over court hearing.
- C. The Judges of the respective courts, through the DA's office, grants final approval of court leave. This does not mean court leave will be granted by the District Attorney's Office or the Courts.
- D. You must make sure you are excused from all your subpoenas.

## **XVII. COMPENSATION**

- A. Employees are forbidden to accept any fee or other consideration for a court appearance, except as provided in this section.
- B. Officers who attend court during their regular work hours will not be compensated beyond their regular salary.
- C. The monetary stipend will not be granted for attending the same type of court on the same day. For example, an officer who attends two different sessions of Recorder's Court will submit two off duty court appearance forms documenting both sessions. The Officer will receive a court stipend for only one session plus comp-time for the actual hours worked from both sessions.
  - 1. Only *non-exempt* Officers (Lieutenant and below) will receive comp-time at the premium rate (time and a half) in accordance with the Federal Labor Standards Act (FLSA).
  - 2. *Exempt* Officers (Captain and above) who have to attend court will receive comp-time at straight time in accordance with the Federal Labor Standards Act (FLSA).

- B. Officers attending different courts on the same day may submit multiple off duty appearance forms for monetary compensation. For example, if an Officer attends Recorder's Court in the morning and Juvenile Court in the afternoon, they may submit two forms and receive two stipends.
- C. Officers will be compensated only for time actually spent in court. Travel time will not be compensated.
- D. Falsification of information requested on the Court Appearance Form will be grounds for dismissal from employment.

**BY ORDER OF:**

*Electronically Signed by the Chief on 01/03/2025*

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**Julie Tolbert**

**Interim Chief of Police**