



COURT PROCEDURES

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I. COURT LIAISON OFFICER

The Court Liaison officer serves as the department's administrative representative to the courts to ensure optimum cooperation and coordination between the Police Department and the court system. The Court Liaison officer coordinates scheduling of court appearances for officers and ensures their presence at the required time. Additionally, the Liaison officer is responsible for a variety of activities related to the courts as assigned by the commander of the Community Relations Division.

II. REQUESTS FOR POSTPONEMENTS

- A. Requests for postponement of District Court cases must be submitted on a "Request for Postponement" form and must be received by the Court Liaison officer at least twenty-one (21) days before the scheduled trial date. The request must include the defendant's name, last known address and court case number, and must be signed by both the officer and his/her immediate supervisor.
- B. After the District Court schedule has been set, an officer must provide the court with ninety (90) days notice when requesting a schedule change for vacation purposes.
- C. Requests for postponement of Circuit Court cases should be directed to the prosecuting attorney.
- D. ***Officers will be notified by the State's Attorney's Office via iSubpoena and departmental email regarding the postponement request status.***

III. COURT PREPARATION

Officers are required to be prompt for all court appearances and to have with them all available documentation and/or evidence required to properly prosecute the case. Officers will review all cases and refresh their memory of the facts of the case prior to testifying. Officers are required to render any assistance requested by the prosecuting attorney in the preparation and prosecution of criminal and traffic cases. Officers will meet the prosecutor before court convenes to assist in the preparation of the prosecution.

IV. WITNESSES

Officers in charge of investigations will notify all witnesses they will be summonsed to appear in court. If the officer believes that a prosecution witness is hostile, the officer will inform the prosecuting attorney.

V. CIVIL CASES

- A. When a member of the department receives a civil court complaint and summons that arises from department employment and names the member as a defendant, he/she will immediately provide to the department's legal advisor a copy of the complaint and summons, with a written statement of the time and manner of service.
- B. Any member of the department who receives a subpoena to give a deposition in a civil case arising from department employment, where a potential exists for suit against the member or the county, will advise his/her supervisor and the department's legal advisor immediately. The legal advisor will instruct the officer under subpoena of the course of action to be followed.

VI. iSUBPOENA

iSubpoena is an electronic subpoena service system that delivers District Court and Circuit Court generated court summonses to an employee's (sworn personnel, Reserve Officers, Animal Care and Control officers and Forensic Services personnel) email address and to the iSubpoena iPhone or Android App, if used.

Employees required to use iSubpoena are required to respond to each summons by either accepting "available" or "conflict" on any summons alert. If an employee "conflicts" a subpoena, their supervisor will be alerted. The employee's supervisor will be responsible for de-conflicting any issues regarding the issuance of subpoenas.

Platoon/Section Commanders are responsible for periodically inspecting iSubpoena to ensure that all officers under their command have accepted their iSubpoena alerts prior to trial.

VII. WITNESS SUMMONSES FOR DEPARTMENT MEMBERS

The following procedures apply to the service of court papers on department personnel. **It is not acceptable to place court papers in officers' mailboxes on the assumption that they will be discovered in time for trial.**

- A. Supervisors will enter all hard-copy witness summonses (not automatically received via iSubpoena) into iSubpoena.
- B. Officers receiving subpoenas or witness summonses directly from any source (ie. Maryland Office of Administrative Hearings for DUI related hearings, court summons from a defense attorney, etc), will provide a copy to their supervision for entry into iSubpoena.

VIII. CASE STATUS

District Court and Circuit Court case status updates and notifications will be made by the State's Attorney's Office via iSubpoena. Officers who are excused from court appearance, placed in standby status (noted as "on-call" in iSubpoena), or receive a postponement will be notified within iSubpoena and by departmental email. This excludes minor traffic cases in District Court and MVA Hearings.

Officers who are summoned to appear as witnesses may be excused from appearing, or authorized to not appear but remain in standby status (*noted as "on-call" in iSubpoena*), only by the prosecuting State's Attorney. *Standby status means the officer is not required to immediately appear in court but must remain available to appear within 30 minutes if requested by the State's Attorney.*

IX. UNEXCUSED ABSENCE FROM COURT

Unexcused absences from court are considered a disciplinary matter and fall under the guidelines set forth in the Department's progressive disciplinary process as outlined in Index Code 303, Disciplinary Process.

The following points are offered as guidance in an effort to explain certain situations that arise with regard to court attendance:

A. Workers' Compensation Cases

It is the responsibility of the immediate supervisor of an officer who is off duty on workers' compensation leave to ascertain whether or not the officer is physically able to attend a scheduled court appearance. If an officer is not totally incapacitated, he or she is expected to attend all scheduled court appearances. If the officer cannot drive, the

supervisor will arrange for the necessary transportation. For payroll purposes, the officer will be recorded as working for the day or portion of the day attending court. The remainder of the day will be recorded as Workers' Compensation/Line of Duty.

B. Family & Medical Leave Act

An officer cannot be required to attend court while covered under the provisions of the Family and Medical Leave Act (FMLA). (This applies whether an officer is ill or a family member is ill). But an agreement can be made between the employee and supervisor to attend court and use FMLA intermittently. The employee would be recorded as working while attending court then resume the predetermined leave to be used while on FMLA. This agreement must be in writing and maintained in the Police Personnel Section's medical file on the employee.

C. Simultaneous Summonses

If an officer receives summonses to appear in both the District and Circuit Courts on the same date and time, he or she will immediately notify the prosecuting attorney of the Circuit Court case of the conflict, and will attend the District Court session unless directed otherwise.

D. Failure of an Officer to Appear

If the Court Liaison officer notices or is informed that an officer is not present in court, he/she will immediately contact the affected officer's District or Division commander or, in their absence, the on-duty platoon commander. The individual so notified is responsible for locating the absent officer.

X. PROPONENT UNIT: Bureau of Patrol.

XI. CANCELLATION: This directive cancels Index Code 1400, dated 04-15-19.