



Court Appearances and Summons Service

.01 Policy

Departmental employees normal work activities will routinely necessitate their appearance in criminal and civil proceedings. Employees shall accept summonses or subpoenas, and appear for all legal proceedings when properly served.

.02 Terms

Request for Grand Jury/ State's Attorney Subpoena Form (Form 6706).

.03 Governing Legislation and Reference

Governing Legislation: N/A

Forms: N/A

.04 Procedure

A. Court Summons

Employees, on or off duty, shall accept any legal court, civil, or administrative process served on them personally, unless such service directly interferes with an immediate police operation or task.

Supervisors shall not take employees out of service to enable attorneys or process servers to serve civil subpoenas. Generally, summons or subpoena service should be accomplished before employees go in service.

Employees shall not accept service of process, subpoenas, or certified registered mail on behalf of another. This does not include receiving subpoenas from the Office of the State's Attorney or Office the Sheriff for criminal cases. The Chief of Police may designate an employee to accept summonses.

All incoming court and administrative hearing summonses, including summonses faxed from the Office of the State's Attorney, will be directed to the Records Section. The following are some examples of administrative agencies:

- Motor Vehicle Administration.
- Animal Control Commission.
- County Board of License Commission (Liquor Board).

B. Summons Control

The Chief of Police shall appoint a summons

control officer. All incoming court or administrative summonses, including summonses faxed from the Office of the State's Attorney, will be directed to the summons control officer.

The summons control officer will enter all summonses in a logbook noting the employee's name, summons or case number, defendant's name, and the date. Supervisors will check the log daily and, as necessary, ensure summons distribution. Receiving employees will sign the log reference entry.

If an employee is on extended leave, the supervisor will ensure that the appropriate prosecutor's office (in minor motor vehicle cases, the court clerk) are notified. Supervisors shall note the date and time that these notifications were made for their records.

In cases when a prosecuting attorney calls an employee's assignment to discuss a case, the summons control officer or a supervisor shall attempt to notify the employee, including calling the employee at home, if necessary.

C. Attendance Required

The Chief of Police will accept court summonses from the Office of the Sheriff or the Office of the State's Attorney, provided that there is sufficient time to distribute the summonses to the affected employees before the trial date. If not, Office of the Sheriff or the Office of the State's Attorney is responsible for service. Faxed summonses from the Office of the State's Attorney will only be accepted in emergencies.

When employees have been properly served or have received any legal court, civil, or administrative process to appear in a judicial proceeding (in or out of state), they shall appear as ordered. They shall neither leave nor fail to appear at any proceeding unless released by the court or summoning authority.

In the event that employees receive two or more summonses for the same date and time but different locations, they shall:

- Immediately notify the Court;

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- Immediately notify the Assistant State's Attorney for each courtroom (in minor traffic cases, the court clerk); record the names of the individuals notified, date, time, and any directions given;
- Notify their supervisor of the conflict and the individuals who were notified; and,
- The supervisor shall confirm the notifications to the assistant state's attorney and court clerk.

On the date of trial, if the cases are in the same building, employees shall sign each courtroom's "Sign-In Roster" indicating where they can be located.

D. Notification to Court When Sick

When an employee is unable to appear in response to a summons, he or she shall, prior to 0730 hours, call communications and the assigned Assistant State's Attorney and leave the following information:

- Employee's name, (last name, first name);
- Rank and ID;
- Date and Time of court;
- Court location (Hyattsville~Upper Marlboro);
- Courtroom number;
- Defendant's name (last name, first name); and,
- Reason for absence.

E. Testifying for Defense

An employee summoned or requested to testify on behalf of a defendant in a criminal case shall notify the prosecutor as soon as possible after being summoned or requested. This notification shall be made via the telephone or via e-mail. The employee shall keep a record of the notification.

F. Court Attire

The dress, winter, and summer uniforms are acceptable court attire.

In lieu of a uniform, male employees may wear civilian business attire, consisting of a suit or sport coat with complementary slacks, dress shirt, and a conservative tie.

In lieu of a uniform, female employees may wear civilian business attire, consisting of a dress, skirt and blouse, or slacks outfit of conservative nature.

On-duty employees summonsed to court without advance notice may appear in their normal on-duty attire.

Officers appearing in a criminal proceeding resulting from official duties may wear the uniform with the authorized firearm.

Officers shall not wear the uniform when appearing in a court proceeding not related to official duties or when prohibited from being armed while in court.

Employee Defendants or Litigants

Employees who are defendants in any criminal proceeding or are litigants in any civil proceeding shall not wear any Departmentally issued uniform. They shall not display any Departmental identification or accouterments, or carry any firearm or other weapon inside the courtroom during the proceeding.

Employee Witness

If the court appearance is related to police services, employees who testify as witnesses in any judicial proceeding may wear an authorized uniform, including their firearm.

If the court appearance is not related to police services, employees shall not wear a uniform, but those authorized may wear an approved firearm.

Weapons Restriction — Certain Situations

Officers shall not be armed in a courthouse when:

- In the courthouse as moral support for a friend or relative;
- In the courthouse for personal business;
- Serving on jury duty; or,
- Testifying in a personal matter.

Courthouse Identification for Plainclothes Officers

Armed officers who are in plainclothes attire are required to present their law enforcement identification for verification to the public service aide before entering the courthouse. Armed officers not in uniform and on official business shall wear their photo identification and badge prominently displayed on their outermost clothing while in the courthouse.

Officers Performing Covert Activities

Undercover officers who can articulate an immediate need, and whose official duties

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would be otherwise compromised if recognized as a law enforcement officer, may remain armed while in the courthouse without the need to wear conventional law enforcement identification attached to the outermost clothing. Officers in this category must enter the courthouse at the commissioner's entrance and respond to the Sheriffs Building Security Office for instructions for using an alternative identification method.

Alternative identification methods change daily. Officers shall protect the confidentiality of this system.

Officers conducting operations not requiring an inconspicuous appearance or disguise shall wear civilian business attire as described in Court Attire.

Court Attire for Civilian Employees

Attire shall be civilian business apparel that is neat, clean, pressed, and properly tailored. The wearing of unserviceable clothing is prohibited. Shoes shall be clean and shined.

Civilian employees shall wear clothing suitable to job performance as stated in their official position description. Employees performing similar duties to officers in the same position description shall wear similar non-uniform clothing.

G. Off-Duty Appearances at Court and Administrative Proceedings

Employees are eligible for court compensation for appearances arising from duties related to Town employment. To receive compensation, employees must submit a copy of the employee's summons to his or her supervisor.

Employees shall attempt to schedule appearances for their normal duty hours when appearance is required at:

- Felony screening appointments;
- Juvenile intake hearings; and,
- Preliminary hearings.

Employees will not be compensated for off-duty appearances at preliminary hearings unless so requested by the Assistant State's Attorney conducting the screening conference. If an appearance is required, the screening attorney shall provide the employee with appropriate documentation, which the employee shall submit with their compensation request.

Verification for Circuit Court

Employees shall contact the Office of the State's Attorney after 1700 hrs. on the night before a trial by calling the contact telephone number listed on the summons. A recorded message will advise of continuances and special instructions.

Employees are not paid for court appearances if the prerecorded message indicates their appearance is not required.

H. Court Security

When an officer delivers a prisoner to any court, he or she shall notify a court official if the prisoner is a security hazard.

I. Court Hearings

Employees should be prepared to testify at hearings. They shall bring any additional information pertaining to the case, including drug analysis and photographs, to the hearing.

If, after the initial report, additional witnesses are developed, the employee shall contact the Office of the State's Attorney. He or she shall provide the witnesses' names, telephone numbers, and the reason(s) why the witnesses' appearances are necessary at the hearing.

Employees shall contact the Asset Forfeiture Unit of the State's Attorney's Office if they are not going to be available for a forfeiture hearing.

J. Bond Review and Preliminary Hearings

Bond Review

Bond review hearings are held for prisoners who are unable to make bond and who would otherwise be incarcerated until their trial date. These hearings are usually held on the day following the arrest.

Employees do not need to appear at bond review hearings. To transmit additional information to the court, an employee may contact the State's Attorney's Office and request that the information is made available to the court at the bond review hearing.

Preliminary Hearings

Preliminary hearings are held to determine if probable cause exists for a felony arrest and to prevent dismissal of a felony charge when an indictment has not been returned within thirty days of the arrest.

Preliminary hearings are held each day that the District Court is in session.

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Cases Approved for Grand Jury

If an employee has screened a case and the case is approved for presentment to the Grand Jury, the employee need not appear at the preliminary hearing, unless the screening attorney requests his or her appearance.

Cases Not Approved for Grand Jury

If an employee has screened a case and the screening attorney does not approve the case for presentment to the Grand Jury, the screening attorney will tell the employee whether to appear for the preliminary hearing.

Whenever a screening attorney requests employees to be present at a hearing, he or she shall give the employee a memorandum stating such a request.

K. Criminal Appeal Cases

Criminal appeals are undertaken in two circumstances:

- The defendant charged with a jailable offense in the District Court requests a jury trial; or,
- The defendant appeals to the Circuit Court following a guilty finding in District Court.

When employees become aware that their case has been appealed to the Circuit Court, they may contact the Office of the State's Attorney, Criminal Appeal Coordinator to ensure that employees are notified of future court dates and are afforded the opportunity to provide input into plea negotiations.

L. Request for Information or Grand Jury Subpoenas

Requests for information on cases pending before the Grand Jury or Circuit Court shall be directed to the Division Chief of the Division having jurisdiction over the case at the Office of the State's Attorney.

Requests for Grand Jury summonses shall be directed to the Grand Jury/ Screening Division's administrative aide. The Request for Grand Jury/ State's Attorney Subpoena Form shall be completed for all requests. The form will be sent directly to the Office of the State's Attorney either by fax or electronically.

HISTORY: Adopted December 1, 2013

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens
Chief of Police