



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.

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 to assure their appearance 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. 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 maintain a written record of all witness summonses received for and served on officers under their supervision, using PD form 417, "Officer's Summons Log."

B. Supervisors will personally serve the witness summonses on the officers and will obtain a written receipt from the officer acknowledging service.

C. Commanders are responsible for inspecting the Officers' Summons Log periodically to ensure that all officers under their command have received their court papers prior to trial.

VII. UNEXCUSED ABSENCE FROM COURT

The unexcused absence of a police officer from a scheduled court appearance will be punished by a suspension from duty without pay for:

- * One day, for the first offense; and
- * Ten days, for the second offense.

The recommended disciplinary action for three unexcused absences in a five-year period is dismissal from the department.

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.

E. Officers Summoned as Witnesses

Officers who are summoned to appear as witnesses in Circuit Court or Juvenile Court will contact the Victim/Witness Advocate tape recording at (410) 222-1160 after 1500 hours on the day before the trial date. The tape recording will relay information on case status, including cases where officers have been excused from appearing for trial. The tape is transcribed and retained by the Department as a permanent record of cases where officers were excused from court.

In all other cases, officers who are summoned to appear as witnesses may be excused from appearing, or authorized to not appear but remain in “standby” status, only by the prosecuting State’s Attorney.

VIII. PROPONENT UNIT: Community Relations Division.

IX. CANCELLATION: This directive cancels Index Code 1400, dated 10-01-04.