

# Bowie Police Department - General Orders



TITLE: COURT APPEARANCES	NUMBER: 440
EFFECTIVE DATE: 12/21/12	REVIEW DATE:

AUTHORITY <b>Chief John K. Nesky</b>	ACCREDITATIONS STANDARDS CALEA STANDARDS:	TOTAL PAGES 3
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**I. POLICY**

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

**II. COURT ATTENDANCE**

**A. Compliance With Subpoena or Summons Required**

1. It is unlawful for a person to willfully disobey a summons after she/he has received it.
2. Unless properly excused or released from the summons or subpoena by the Court, an Officer shall be prompt for Court and will stay until his or her 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 an Officer 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 name(s) and case number(s) 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. Officers generally receive summonses and subpoenas several days in advance of the trial date, and should not wait until the last minute to make their on-call requests.

5. If an off-duty Officer has been placed on-call, s(he) will not be compensated for that period of time s(he) was in the on-call status. He or she will, however, be compensated if he or she is subsequently called and has to appear in Court.
6. If an Officer is unable to contact the State's Attorney's Office concerning the case, or if an Officer needs to be placed on sick or other type of leave on a day on which he/she is scheduled to appear in Court, it is the Officer's responsibility to contact the Court so that the Court is informed of the Officer's whereabouts. The Officer will note the time, date and person notified. The Officer will forward this information to their Supervisor.

#### C. Resolving Scheduling Conflicts

1. At times, Department directives require Officers to attend scheduled training. Any Officer who receives a summons/subpoena/traffic docket requiring his or her Court appearance at the same time he or she is scheduled to attend a training session or course shall resolve his or her scheduling conflict in favor of attending Court, unless he or she has been properly placed "on-call."
2. If an Officer is scheduled for a Court appearance on the same day/time as a scheduled training session, it is incumbent upon the Officer to request that he or she be placed "on-call", or to attempt to get his or her case(s) continued so that he or she can attend the training session.
3. If the Officer cannot be placed on-call, or his/her cases cannot be continued, the Officer must notify the training session's instructor of the scheduling conflict and the Officer shall respond to Court.
4. After the Officer's Court appearance, he or she will attend the training session. If the Officer has missed too much of the training session and/or the instructor will not allow the member to attend, the Officer will be re-scheduled for the training session, if possible.

#### D. Requesting Court Continuances

If an Officer can foresee the need to have his/her cases continued (i.e., because he or she will be in a training course, is planning a vacation, is on extended sick leave, etc.), the Officer 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 require a continuance.

#### E. Processing of Summonses and Subpoena

When a summons/subpoena/traffic docket is received by the Bowie Police Department requiring an Officer to appear at a hearing, Court proceeding, etc., the original document will be dated and initialed by the Administrative Clerk and entered into the Court Summons Log. A signature form including information regarding the case will be completed and signed by the Officer taking possession of the summons.

### III. TESTIFYING IN COURT

A. Appropriate Attire Required

1. On-duty Officers appearing in Court will wear the uniform of the day
2. Off-duty Officers will wear either appropriate business attire or the uniform of the day. If an Officer chooses to wear business attire, he or she must do so at the Officer's own expense for cleaning or damage.
3. Officers shall present a neat and clean appearance, being careful to avoid any mannerism that might imply disrespect for the Court.
4. Weapons will not be displayed unless the uniform of the day is worn.
5. Officers 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 Bowie Police Officers

1. Officers shall be truthful at all times whether under oath or not.
2. Officers shall make every effort to be thoroughly prepared for the cases in which they will testify.
3. Officers 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. Officers 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:

1. In order to ensure that accuracy of Department records as they relate to evidence and property, Officers who have signed-out evidence or property from the Evidence/Property Custodian shall not release items after the Court case.
2. Citizens requesting the return of such items will be referred to the Evidence/Property Custodian by the case Officer so that arrangements can be made to have the requester sign appropriate Department receipts. This is particularly important because some persons may not be entitled to possess certain items (i.e. firearms), or there may be a dispute about the ownership of some of the items that may have to be resolved in a separate civil case.