

# Court Attendance and Procedures

**Index Code: 1302**

**Effective Date: 3/21/17**

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## **I. Purpose**

The purpose of this policy is to establish the position of Court Liaison Officer, and provide guidelines to help ensure maximum cooperation and coordination between the Sheriff's Office and the court system.

## **II. Policy**

It is the policy of the Queen Anne's County Sheriff's Office to cooperate with the court system, and ensure that deputies will attend court on the required date, on time, dressed appropriately, and prepared for testimony.

## **III. Definitions**

### **A. Court**

In general, "court" is defined as a governmental body consisting of one or more judges who sit to adjudicate disputes and administer justice. For purposes of this directive, "court" also includes any hearing or proceeding directed by a governmental body to adjudicate disputes and administer justice (i.e., Masters Court, MVA Hearing, etc.).

### **B. Court Liaison Officer**

The Court Liaison Officer is appointed by the Sheriff, usually the **Public Safety Assistant**, who serves as the Sheriff's Office administrative representative to the courts. The Court Liaison Officer coordinates the scheduling of court appearances and helps ensure the presence of deputies on the required date and time.

### **C. Witness Summons/Subpoena**

For purposes of this written directive, a witness summons/subpoena is any notification to appear in court (written or oral) by a court, judge, employee of the State's Attorney's Office, Attorney General's Office, or a supervisor with the Queen Anne's County Sheriff's Office.

## **IV. Issuance of Witness Summonses for Department Members**

Deputies who are summoned to appear as witnesses may only be excused from appearing, or authorized to not appear but remain in "standby" status, by the court or prosecuting attorney. The following procedures apply to the

service of witness summonses on members of the Sheriff's Office.

A. The Court Liaison Officer receives all court documents and keeps a Summons Log which affected personnel are required to sign to acknowledge receipt of court documents. It is not permissible to place court documents in deputy's mailboxes on the assumption that they will be discovered in time for trial.

B. In the event a Private Process Server attempts to deliver a summons or subpoena, he or she will be advised that this office will not accept the document on behalf of the deputy. The Private Process Server should be directed to the deputy if he or she is available or advised of the date and time the deputy will return to work. The deputy will be responsible for accepting service within a reasonable amount of time.

C. The Court Liaison Officer is responsible for inspecting the Summons Log periodically to ensure that all deputies have received their summonses at least three days prior to trial.

## **V. Court Preparation**

A. Deputies 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.

B. Deputies will maintain a professional appearance and attitude in court at all times, and wear either the uniform of the day, or be dressed in appropriate business attire. If the deputy's handgun is displayed when dressed in business attire, the deputy's badge must be prominently displayed to identify the individual as a law enforcement officer.

C. Prior to their court appearance deputies will review their scheduled cases and refresh their memory of the facts.

D. Deputies will meet with the prosecuting attorney if feasible before court convenes to assist in the preparation of the prosecution, and render any assistance requested by the

prosecuting attorney in the preparation and prosecution of case.

**VI. Requests for Postponements**

A. Deputies who must request a postponement will do so through their chain of command at least fifteen (15) days prior to the scheduled trial date. Requests for postponements must include the defendant's name, last known address, court case number and reason for the postponement. Upon receipt of a Request for Postponement, the Division Commander will promptly notify the Court and the State's Attorney's Office of the request.

B. Deputies who have planned to be on leave and not available to appear in court should strongly consider advising the court through their respective chain of command to ensure that court dates are not scheduled if possible during this time frame.

**VII. Unexcused Absence From Court**

The unexcused absence of a deputy from a scheduled court appearance may result in the following:

A. Written counseling with a copy with a signed acknowledgement in the deputy's personnel file.

B. A written reprimand for the first offense within a three-year period.

C. Suspension from duty without pay for one day for a second offense within a three-year period.

D. Suspension from duty without pay for three days for a third offense within a three-year period.

E. The recommended disciplinary action for four or more unexcused absences in a three-year period is dismissal from the department.

F. The Sheriff has final say over the above disciplinary actions, and may increase or decrease the penalties depending on mitigating circumstances.

**VIII. Deputies on Injury Leave, sick leave, or Workers' Compensation**

A. Any deputy who is scheduled to appear in court and is sick or injured and thus unable to attend must notify their supervisor through the chain of command with the Division

Commander or his designee being responsible for notifying the court and the State's Attorney.

**IX. Simultaneous Summonses**

If a deputy receives summonses to appear in both the Circuit and District Courts on the same date and time, he or she will immediately contact the Office of the State's Attorney for guidance.

**X. Civil Cases**

A. When a member of the Sheriff's Office receives a civil court complaint and summons that arises from employment, and names the member as a defendant, he/she will provide the Court Liaison Officer with a copy of the complaint and summons indicating the date and manner of service.

B. Any member of the Sheriff's Office who receives a subpoena to give a deposition in a civil case arising from employment, where a potential exists for suit against the member or the Sheriff's Office, he/she will advise their Division Commander as soon as possible. The Division Commander will consult with the Attorney General, if necessary, and instruct the member under subpoena of the course of action to be followed.

**XI. Cancellation of policy dated 9/1/06**

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Sheriff Gary Hofmann