



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

Police Chief: John Fitzgerald

GENERAL ORDER: 5-51; COURT APPEARANCES

DATE: 1/7/2015 Pages: 3 ◇ New ◇ Amended ◆ Rescinds; 5-51

CALEA: 83.3.2-d, 84.1.1-g, 84.1.5

I. POLICY

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

II. COURT ATTENDANCE

A. Compliance With Subpoena or Summons Required

1. Pursuant to Maryland Rules 4-265 and 4-266, it is unlawful for a person to willfully disobey a summons after he/she has received it.
2. Unless properly excused or released from the summons or subpoena by the Court or officer of the Court, Department members shall be prompt for Court and will stay until their attendance is no longer required.

B. Compensation

1. Officers will be compensated for court attendance in accord with this policy when attending criminal or traffic court, MVA hearings, grand jury sessions, or depositions from cases arising from the officer's performance of his/her duties.
2. Subject to paragraph #3, below, Officers attending court during off-duty hours will be compensated with a minimum of 3 hours of overtime pay (one and one half of the regular rate of pay).
3. If an officer's next scheduled tour of duty begins less than 3 hours from their scheduled court appearance, the officer will be compensated at the overtime rate on an hour-for-hour basis for the time between their arrival at court and the scheduled start of their tour of duty.
4. If an officer's single court appearance lasts more than 3 hours, he or she shall be compensated at the rate of one and one-half times (1.5) his or her regular hourly rate for every hour spent in court.

5. When an off-duty officer is required to appear in court two or more times during the initial three hour period, the officer will not be entitled to receive additional compensation until three hours have elapsed since he/she initially appeared in court that day.

6. Examples:

- a. An officer attends court at 1:00 pm, and he/she leaves court at 1:30 pm. He/she is scheduled to work at 2:00 pm. The officer would be paid 1 hour of overtime for his/her court attendance.
- b. An officer attends court at 9:00 am, and he/she leaves court at 9:30 am. He/she is scheduled to work at 2:00 pm. The officer would be paid 3 hours of overtime for his/her court attendance.
- c. An officer attends court at 9:00 am on his/her day off. The officer is not excused from court by the State's Attorney until 1:00 pm. The officer would be paid 4 hours of overtime for his/her court attendance.

7. Court appearances are compensable only when an officer is appearing as a witness in (or otherwise are commanded to appear in) a matter arising in the course of her/his official duties.

8. Officers will **not** be compensated when they are accused or charged as a defendant or respondent in a personal criminal or civil matter unrelated to their duties—whether or not the event underlying the charge occurred when the officer was on duty.

9. If an officer attends court during their scheduled duty hours as a defendant/respondent in a matter unrelated to their duties, the officer will be required to use leave (annual, compensatory, or leave without pay) to attend court.

C. 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 a Department member wishes to be placed "on-call," it is the responsibility of that member to notify the appropriate State's Attorney [REDACTED] [REDACTED] [REDACTED] [REDACTED] 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 names and case numbers of the parties involved, along with a phone number at which the member may be reached in the event he/she is needed to appear in Court.
4. Because generally members receive summonses and subpoenas several days in advance of the trial date, members should not wait until the last minute to make their on-call request.
5. If an off-duty member has been placed on-call, he/she will not be compensated for that period of time he/she was in the on-call status. They will, however, be compensated if they are subsequently called and have to appear in Court.
6. If a member is unable to contact the State's Attorney's Office concerning the case, or if a member needs to be placed on Sick, or other type of Leave, on the day he/she is scheduled to appear in Court, it is the member's responsibility to contact the Court Liaison Officer so that the Court is informed of the officer's whereabouts.

D. Resolving Scheduling Conflicts

1. Even though certain Department directives require members to attend a scheduled training session, any member who receives a summons/ subpoena/traffic docket requiring their Court appearance at the same time they are to attend a training session or course shall resolve their scheduling conflict in favor of attending Court, unless they have been properly placed "on-call."
2. If a member is scheduled for a Court appearance on the same day/time as a scheduled training session, it is incumbent upon the member to attempt to get placed on-call, or to attempt to get their case(s) continued

so that he/she can attend the training session.

3. If the member cannot be placed on-call, or his/her cases cannot be continued, the member will ensure that the training session's instructor is notified of the scheduling conflict and the member will respond to Court.
4. After the member's Court appearance, he/she will then respond to take part in the training session. If the member has missed too much of the training session and/or the instructor will not allow the member to attend, the member will be re-scheduled for the training session, if possible.

E. Requesting Court Continuances

If a member can foresee the need to have his/her cases continued (i.e., in a training course, planning a vacation, or extended sick leave, etc.), the member will notify the State's Attorney's Office, giving as much notice prior to the assigned Court dates as possible, by using a Court Attendance Notice (MCP Form# 18) to explain his/her circumstances that would require the need for a continuance. The form will be turned in to the Lieutenant who will then forward the form to the District Court Liaison Officer.

F. Subpoenas *for Traffic or Criminal Court*

When a summons/ subpoena/traffic docket is received by the Department requiring an officer to appear at a hearing, Court proceeding, etc., the document(s) will be handled in the following manner by the Lieutenant:

1. If the document requires a Court appearance, it will be entered on the schedule in the Operations area.
2. The original of the document will be placed in the mailbox of the officer to whom the document pertains.

G. Civil Court Subpoenas

1. Any employee who is subpoenaed or summonsed to appear in any civil courts as the result of an incident occurring in the line of duty shall immediately notify the Chief of Police in writing of such fact.
2. Any employee subpoenaed to appear or testify by a party who opposes the Village or Department in any civil proceeding shall notify the Chief of Police upon receipt of the subpoena or summons. The Chief of Police shall notify Village Counsel.

III. TESTIFYING IN COURT

A. Appropriate Attire Required

1. On-duty members appearing in Court will wear the uniform of the day, except that the black Department-approved sweater will not be worn in Court. In lieu of the sweater, a long sleeve uniform shirt with tie shall be worn.
2. Off-duty personnel will wear either appropriate business attire (coat and tie for males) or the uniform of the day. If personnel choose to wear business attire, they do so at their own expense for cleaning or damage.
3. Members shall present a neat and clean appearance being careful to avoid any mannerism which might imply disrespect for the Court.
4. Officers will not wear their official uniform (or any part of it) when attending court as a defendant/respondent in a personal matter.
5. Weapons will not be displayed unless the uniform of the day is worn.
6. Members possessing cell phones or pagers will ensure that the audible signal emitted by such devices is turned off so as not to disrupt Court proceedings.

B. Testimony by Department Members

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

- A. In order to ensure the accuracy of Department records as they related to evidence and property, Department members that have signed-out evidence or property from the Evidence/Property Officer shall not release items after the Court case.
- B. Persons requesting the return of such items will be referred to the Evidence/Property Officer by the case officer so that arrangements can be made to have the requester sign appropriate Department receipts. (CALEA 83.3.2-d, 84.1.1-g, 84.1.5)
- C. Some persons may not be entitled to possess certain items (i.e. firearms), or the ownership of some of the items for which the requester is seeking the return may be in dispute and may have to be resolved in a separate civil case.

IV. RELEASING EVIDENCE/ PROPERTY AT COURT

Requester to be Referred to Evidence/Property Officer

This directive voids the previous version dated 11/17/2014.