



COURT/GENERAL ASSEMBLY ATTENDANCE

FC No.: 1221
Date: 01-15-21

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

Department personnel will appear when summoned to court or in the event a court appearance is required from the issuance of a citation by an officer, unless otherwise excused as stated herein.

II. Notification to Officers

A. Criminal Cases

1. The appropriate court liaison officer will disseminate each subpoena received from the court to the affected employee's district or unit.
2. The district/unit commander, or designee, will forward the subpoena to the employee's supervisor for service. Each supervisor will maintain a record reflecting the date that the employee received the subpoena.
3. Supervisors will personally serve juvenile court subpoenas on *employees* under their command. Supervisors will provide a copy to the *employee* and forward the served original to the *State's Attorney Office* via inter-office mail.

B. Traffic Cases

1. Traffic court dockets will be sent to the districts by the District Court and will be distributed in the same manner as criminal subpoenas.
2. District Court will not grant continuances once traffic cases are scheduled. If an *employee* cannot appear for any reason, the district/unit commander must authorize the *employee's* absence, realizing that the cases set for trial will be dismissed.
3. An *employee's* advance traffic date *may* be changed by the court liaison officer provided 90 days' written notice is given and no cases have already been scheduled for the court date in question.

C. State's Attorney Conference and Grand Jury Hearings

The State's Attorney's **Office** will *contact employees and/or their supervisor when requesting to hold a conference about a case, or to coordinate Grand Jury appearances. Employees are to make every effort to schedule case conferences during their working hours. Employees who must schedule conferences outside of working hours must first obtain supervisory approval*

III. Employees Responsibilities

- A. *Employees are to check-in at the District Court Liaison Office for District Court Cases, or the assigned Assistant State's Attorney for Circuit and Juvenile Court cases.* Officers will remain in attendance until all of their cases are resolved, or the presiding Judge, State's Attorney, or court liaison officer has excused them.
- B. Prior to the court date, *employees* will review any reports, *relevant BWCS*, or other files to be familiar with the evidence. If an *employee* has a question concerning the facts in a case, it should be discussed with the *Assistant State's Attorney* prior to the court date.
- C. *Employees* will bring all necessary evidence, records, and/or reports, including the *employees'* copies of traffic citations, to court on the trial date.
- D. If an *employee* is unable to appear for any reason, the appropriate liaison officer and the officer's supervisor should be notified as soon as possible.
- E. *Employees* should notify the court liaison officer if they are scheduled in more than one *courthouse* at the same time. The court liaison officer will resolve any conflicts.
- F. *Employees* should notify the appropriate court liaison officer *via email at DCLO@Montgomerycountymd.gov* using an MCP 18, "Court Attendance Report," if they are going to be unavailable for a *district court proceeding*. *Court liaison officers will notify the appropriate court or State's Attorney of the officer's non-availability.* Court scheduling cannot be controlled by the court liaison officers, but information can be given to the State's Attorney's Office for consideration.
- G. *In the event an employee is unable to attend a Circuit or Juvenile court proceeding, the employee will notify the State's Attorney's Office, and if known, the assigned Assistant State's Attorney, as soon as practicable.*

H. Training is not an authorized reason for missing court.

IV. Personal Appearance

- A. When an *employee* appears in court or before the Grand Jury, proper dress and demeanor project a professional image to the public and may serve to lend more credibility to an *employee's* testimony. All personnel, regardless of assignment and duty status, will wear either the uniform of the day or appropriate business attire (e.g., suits/sport coats with shirt and tie, dress, or pants suit) when appearing in court.
 1. Uniform officers will wear the uniform of the day or business attire.
Note: Officers wearing the bike uniform must be assigned bike duty on the day of court.
 2. Investigative, SAT, Tactical, and other non-uniform personnel will wear business attire.
- B. Officers appearing in business attire shall keep their weapons concealed. Officers appearing in the uniform of the day will wear the full uniform, not a partial uniform with an off-duty holster, etc.

C. Non-Official Court Attendance

All *employees* are prohibited from wearing the uniform or any part thereof while attending a proceeding or administrative hearing as a party, witness, or advocate if the conduct or action giving rise to the *employees* attendance at the hearing does not flow from the exercise of the *employee*'s official duties.

V. **Cancellation of Court Appearance**

A. The State's Attorney's Office, in consultation with the court liaison officers, will review court dockets to determine the necessity of *employees* appearing for court cases. The court liaison officers are authorized to act as an agent for the State's Attorney's Office in excusing officers from appearing. This determination is based on information from the trial attorney and will supersede any notice from other employees of the State's Attorney's Office.

B. Court Cancellation Phone Line

1. Information regarding the cancellation of court appearances will be posted at the below numbers as of 1800 hours on the weekday preceding the scheduled court appearance. Officers scheduled to appear in District Court for criminal/incarcerable traffic offenses are required to phone the recorded message to learn if their case has been cancelled.

- a. 800-773-0272
- b. 240-773-9696

The recording will be updated as of 1800 hours on the weekday preceding the scheduled court appearance. (FOP Contract, Article 10)

2. If the message line states that a case has been cancelled and the officer appears in court for that case, the officer will not be paid in accordance with the court overtime provisions.
3. If the message line is inoperative, the officers will report for court as scheduled and be compensated in accordance with the court overtime provisions.

C. E-Mail Notification

When excused from court, officers will be notified through their county e-mail addresses by 1800 hours on the weekday preceding the scheduled court appearance.

VI. **Testifying Before the General Assembly**

A. Notification

Whenever an employee is going to testify before the Maryland General Assembly, the employee's unit/district commander will ensure that the *Director, Policy and Planning Division*, and the county's Office of Intergovernmental Relations, at (240) 777-6550, are notified at least one week prior to the date of the scheduled testimony. The Office of Intergovernmental Relations is the department's legislative liaison in Annapolis and is responsible for tracking the department's written and oral positions on the various bills.

B. Personal Appearance

When appearing on behalf of the department, employees are to appear in Class A uniform, or business attire.

VII. **Montgomery County Judicial Center Security**

A. Armed law enforcement officers will be granted admittance to the Judicial Center and permitted to bypass entry screening under the following circumstances:

1. An officer in official department uniform:
 - a. Is certified as a police officer, or deputy sheriff, in accordance with Public Safety Article, Section 3-201, of the Annotated Code of Maryland.
 - b. Is entering the Judicial Center for official departmental business.

2. An officer not in uniform will adhere to the above in addition to:
 - a. Displaying official agency photo credentials to the guard at the entry screening station.
 - b. Agreeing to wear the lapel pin of the day.
- B. Armed law enforcement officers who do not meet the above criteria will be required to check their weapon at the entry screening station. Lockboxes will be available for securing weapons at each screening station.
- C. ***Employees are reminded that Montgomery County Sheriff's Office policy prohibits officers from carrying firearms while inside the courthouse for non-official business.*** In instances where the officers' business does not pertain to *their* official duties, an armed law enforcement officer will not be granted admittance to the Judicial Center unless the officer checks the weapon at the entry screening station.
- D. In the event of instances requiring special arrangements, officers are to contact the on-duty Sheriff's supervisor at (240) 777-7000 prior to arrival at court.

VIII. Anne Arundel Circuit Courthouse Security

- A. Armed police officers will not be granted entry into the courthouse unless they are on official government business.
- B. Armed plainclothes police officers on official business must display credentials/badge on the upper-left area of the outermost garment at all times while in the courthouse. If a need to avoid public identification exists, the officer may request a lapel pin to be worn in lieu of credentials or a badge.
- C. The deputies at the security checkpoint will be immediately notified of firearms and/or ammunition brought into the courthouse as evidence. Firearms must be rendered safe through the use of an outside object (e.g., flex cuff, triggerlock). To ensure the integrity of the chain of custody, it is strongly suggested that the firearm be rendered safe before bringing it into the courthouse. If the firearm must be rendered safe when brought in, a deputy will provide the necessary materials to do this. To maintain the chain of custody, the deputy will not touch or handle the weapon. Any firearm being introduced as evidence in the court will be inspected by a deputy prior to being handled by anyone in the courtroom.
- D. Ammunition to be brought into the courthouse as evidence must be contained in a separate bag or package.

IX. Courthouse Parking

Officers must follow all on-street parking regulations. Officers are not permitted to park in any of the no parking zones.

X. Subpoenas for Reports/Records

- A. Officers who receive subpoenas (Subpoena Duces Tecum) to produce reports, records, testimony, etc., for civil or criminal cases shall, upon receipt *and as soon as possible*, send a copy of the subpoena to the ***Associate County Attorney assigned to the department.***
- B. The ***Associate County Attorney*** will determine what information may be divulged and, on occasion, will appear in court and at depositions if warranted.

XI. CALEA Standards: 1.1.2, 22.1.8, 26.1.1

XII. Proponent Unit: FSB and ISB Administrations

XII. Cancellation: *This directive cancels Function Code 1221, effective date 07-26-16.*



Marcus G. Jones
Chief of Police