



GENERAL ORDER ADM-45 COURT PROCEDURES

EFFECTIVE AUGUST 16, 2021

This General Order contains the following numbered sections:

- I. POLICY
- II. SUBPOENAS
- III. SUMMONSES
- IV. RESPONSIBILITIES
- V. COURT APPEARANCES
- VI. CANCELLATION

I. **POLICY**

It is the policy of the Howard County Department of Police (HCPD) to efficiently and effectively facilitate the process of its members to receive court notifications and attend court, asset forfeiture hearings, or MVA hearings.

II. **SUBPOENAS**

- A. All subpoenas received via mail or email will immediately be forwarded to the Records Section. If a member receives a work-related subpoena directly, it shall immediately be forwarded to the Records Section for tracking and accountability.
- B. Hand-carried or personally delivered subpoenas will only be accepted and signed for by Records Section personnel.
 - 1. The Northern Duty Officer, if trained and authorized by the Administrator of the Information Management Division, may accept subpoenas. In the event the Duty Officer is not certified and no Records Section members are available, the Duty Officer shall instruct the server to return when the Records Section is open.
 - 2. The Southern Duty Officer will not accept subpoenas and will refer the server to the Records Section for service.
 - 3. Subpoenas will not be accepted when there are fewer than five (5) business days between the date of acceptance and the trial date. The exception to this rule are subpoenas regarding Extreme Risk Protective Order (ERPO) or peace or protective orders hearings, which may be accepted up to the day of the hearing.
- C. Subpoenas not related to official HCPD matters, i.e. personal civil matters, will not be accepted by any HCPD member on behalf of another HCPD member.
- D. If a server fails to comply with the procedures outlined above and abandons a subpoena at the Duty Officer Station, the Duty Officer will place the unserved paperwork in the Records mailbox. The Duty Officer will send an email to the Administrator of the Information Management Division providing the date, time, and circumstances the paperwork was abandoned by the server.

III. **SUMMONSES**

- A. Subjects who hand-carry or personally deliver summonses will be instructed to contact the Records Section. The Records Section will determine if the summons will be accepted or not.
 - 1. Summonses will not be accepted when there are fewer than five (5) business days between the date of acceptance and the trial date.

2. If the Records Section determines they will accept the summons, they will assume custody of it.
- B. Duty Officers will not accept summonses and will refer the server to the Records Section.
 - C. Summonses not related to official HCPD matters, i.e. personal civil matters, will not be accepted by any HCPD member on behalf of another HCPD member.
 - D. Summonses related to Howard County Department of Police and/or Howard County Government civil matters will not be accepted and the server will be directed to the Office of the County Solicitor.

IV. RESPONSIBILITIES

- A. Records Section
 1. The Administrator of the Information Management Division shall designate a member who will, upon receipt, separate the summonses and subpoenas by court, i.e. District, Circuit, Civil, or Motor Vehicle Administrative Hearings, and forward a scanned copy of the summon and/or subpoena to the designated HCPD member via email.
 - a. Each entry will note the sources for the summonses and subpoenas, i.e. District, Circuit, Civil, or Motor Vehicle Administrative Hearings, the date of the trial, a.m. or p.m. Court time, and either a defendant's name for a criminal case or "Traffic" for traffic court.
 - b. The designated Records Section member will archive all sent email notifications monthly. This archive will be kept for the maximum time allowed by the system.
 2. The designated Records Section member will return to the court any summonses and subpoenas in which the member is no longer employed, the member is not from the HCPD, or any summonses and subpoenas where there is not five (5) business days between the date of acceptance and the trial date.
- B. Members
 1. Court Notification Schedule
 - a. Every April and November all officers at the rank of Corporal and below shall submit HCPD Form 2420, Police Officer's Court Schedule, to their immediate supervisor. If a Form 2420 has already been submitted and an officer has any type of schedule change, i.e. shift change, transfer, etc., he shall note the changes on an additional Form 2420, submit it to his new immediate supervisor as soon as possible, and forward a copy to the District Court Clerk.
 - b. Dayshift officers are required to schedule court dates on regularly scheduled workdays. A supervisor shall review each dayshift officer's selections to ensure the officer is on-duty for his selected court dates and monitor the number of squad members selecting the same court dates to avoid limitations on available patrol resources.
 - c. Members are required to check their HCPD email for court notifications each day they are scheduled to work. Officers shall be notified via email of summonses and shall print a copy of the scanned version of the summons that shall serve as an appropriate copy.
 - d. Original copies of summonses will be retained in the Records Section for six (6) months, at which time they will be destroyed.

- e. Etix operators are reminded that court notifications received through the Etix system are for informational purposes only. Etix operators are only required to appear for traffic cases when an actual summons is received from the Records Section.
- f. Members shall submit HCPD Form 2001, Court Notification, to their supervisor.
 - i. The Court Notification Form should be turned in at the same time a Leave Request is submitted. Forms should NOT be held until leave is approved. Form 2001 shall be submitted at least eight (8) weeks prior to the beginning of a vacation period, extended training period, planned FMLA, or a special assignment where a court appearance would not be possible.
 - ii. If special assignments are received late, the completion of Form 2001 is to be submitted as close to the minimum eight (8) week notification as possible if rescheduling of cases is permitted.
 - iii. The submission of Form 2001 does not relieve a member from court appearances. Members must verify with the court/State's Attorney's office that they have been relieved of any court obligations.
- g. Members are not to request training classes on dates for which they indicated they are available for court or already scheduled as such.
- h. Members will not submit a Court Notification Form or leave slip for hours of court for a date on which they have already been summoned to court. Members are not to request leave on dates they have designated they are available for court.
 - i. If a conflict occurs for cases involving criminal or serious traffic matters, the member may request that the court date be postponed by contacting or the SAO and speaking with the assigned Assistant State's Attorney (ASA), or for asset forfeitures the assigned attorney in the Office of Law.
 - ii. Members are responsible for notifying their direct supervisor of the conflict.
 - a) Requests for postponements of criminal or serious traffic cases must be made no later than two (2) weeks prior to the date of the trial.
 - b) Requests submitted within the two (2) week timeframe may be denied.
- i. Should a conflict arise involving regular traffic cases, the member shall notify the clerk's office and complete HCPD Form 2421, Request for Postponement – Traffic, requesting the regular traffic cases be postponed.
 - i. Requests shall be submitted no later than two (2) weeks prior to the date of trial.
 - ii. Requests submitted within the two (2) week timeframe may be denied.
- j. Officers must report sick leave to the SAO directly except for regular traffic court. Regular traffic court must be done through the clerk's office.

2. On-Call Status

- a. Regular traffic court does not have an on-call status and officers must report as summonsed.
 - b. On-duty officers who are delayed due to calls for service must contact Communications and request notification be made to the Clerk's office.
 - c. For serious traffic or criminal cases, on-duty patrol officers who will be in training or taking any leave shall make notification to the SAO prior to 0845 for morning court and 1315 for afternoon court and advise of their on-duty patrol status. Only one (1) notification is necessary if an officer has both morning and afternoon court. Patrol officers must appear as summonsed for regular traffic cases.
 - d. If an on-duty patrol officer has previously been advised by the SAO that they are needed to appear in court, they shall respond to the courthouse instead of being on-call. Officers shall contact the SAO or Communications Division if they expect to be late to criminal or serious traffic court.
 - e. On-duty detectives and administrative personnel who wish to be placed on-call must make notification to the SAO prior to 0845 for morning court and 1315 for afternoon court and advise of their on-duty status. Only one (1) notification is necessary if an officer has both morning and afternoon court.
 - i. If an on-duty detective or administrative officer has previously been advised by the SAO that they are needed to appear in court, they shall respond to the courthouse instead of being on-call.
 - ii. Detectives and administrative personnel shall contact the SAO or Communications Division if they expect to be late to criminal or serious traffic court.
 - f. Off-duty members may contact the State's Attorney's Office prior to their court date to determine if they may be placed in a voluntary on-call status. Members will not be compensated for voluntary on-call periods.
 - g. All members summonsed to court who have been placed in an on-call status shall provide the SAO with the following:
 - i. An accurate phone number(s) where they can be reached; and
 - ii. An accurate business address.
 - iii. All changes to phone numbers and/or address shall be immediately updated by the member in the Employee Data Details (EDD) Database.
3. Overtime
- a. When an officer is required to attend work-related court, work-related MVA hearings, or is summonsed to a location to give a work-related deposition during his non-scheduled working hours, compensation will be paid at a minimum of three (3) hours at the overtime rate or in accordance with the current applicable union contract.
 - b. When an officer is summonsed for more than one time slot during a morning or afternoon session on a non-scheduled work day, the officer will be compensated for one (1) appearance during the morning session and one (1) appearance during the afternoon session.

- c. Supervisors shall closely monitor court overtime submissions when officers are summoned several times on the same day.
 - d. Officers may not request leave for a date and time they are scheduled for court. Should an officer be scheduled for court on a day and time that he has approved leave and the leave was approved after the court date was set, the officer shall not be eligible for overtime for the court appearance. The hours in court will be paid at straight time. The leave request will be adjusted for the hours worked.
4. District Court Time Stamp
- a. Any HCPD member reporting to District Court when off-duty is required to use the time stamp to stamp the summons sheet upon arrival and departure.
 - b. Members are to ensure that time stamps do not overlap and are legible.
 - c. Members are to attach the Summons Sheet to any overtime/compensatory time request forms.
5. Cut List
- a. Members scheduled for court on overtime or compensatory time basis are required to check the cut list before reporting to court. The officer must make note on the overtime slip that they checked the cut list before reporting to court.
 - i. The Assistant State's Attorney (ASA) will attach the cut list a global email by 2200 hours each night.
 - ii. If the officer's name is on the cut list and he still reports to court, that officer is not eligible for overtime or comp time.
 - b. District Court
 - i. Members summonsed to District Court will check the District Court cut list via email or by calling the Duty Officer prior to reporting for court. If the list is not published, a follow up check is required. This will be documented in the narrative section of the overtime form.
 - ii. Overtime requests for officers named on the list who report to court will be denied absent a note from the State's Attorney that the officer was needed to testify.
 - c. Circuit Court
 - i. Members summonsed to Circuit Court will call the Office of the State's Attorney victim/witness automated information line the evening prior to the court case to determine their need to report prior to attending court. This will be documented in the narrative section of the overtime form.
 - ii. Overtime requests for excused officers will be denied absent a note from the State's Attorney that the officer was needed to testify.
 - d. Out of County Court
 - i. Members summonsed to court for official business will call the Office of the State's Attorney for said jurisdiction in advance and determine their need to report.

- ii. This contact will be documented in the narrative section of the overtime form.

C. Commanders and Supervisors

1. For all Failure to Appear (FTA) and other significant court issues involving an HCPD officer:
 - a. If notification is made to a member's Sergeant or immediate supervisor regarding a FTA from court, follow up shall become the responsibility of the involved officer's supervisor.
 - b. Upon notification from the courts to the Grand Jury Liaison that a member failed to appear, the supervisor should request verification of advance court notification from the Records Section.
 - c. When a Commander or Supervisor becomes aware that a subordinate has failed to appear and/or comply with these procedures, an internal investigation shall be initiated and conducted per General Orders ADM-02, Internal Investigations, and ADM-12, Code of Conduct. An Internal Affairs number will be drawn for all FTAs or failures to comply.
2. Supervisors shall be responsible for the following activities:
 - a. Supervisors shall notify the District Court Clerk of any officer's expected absence from court if notification is unable to be made by the involved officer, i.e. emergency situations.
 - b. Supervisors may contact either the Court Clerk's Office or the State's Attorney's Office to determine if an officer has been scheduled for court during the requested leave time frame. Supervisors shall ensure that court notification slips for vacation leave, FMLA, training, etc. are submitted at least eight (8) weeks prior to the requested leave time and, if it is a late submission, that the officer does not have court scheduled for the period that the officer will be away.
 - c. If court is scheduled for the time period that the officer is requesting to be away, supervisors shall ensure that the officer contacts the Court Clerk's Office and/or SAO and is excused from the court date.
 - d. Supervisors will maintain a copy of each subordinate's HCPD Form 2420.
 - e. Should a member be unexpectedly inaccessible and the court date is prior to the member's anticipated return, the Commander or Supervisor should make notification to the court clerk.

- D. Volunteers and auxiliary officers are required to fulfill all court appearances.

V. **COURT APPEARANCES**

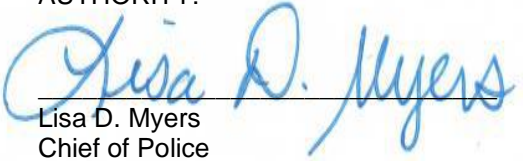
- A. Personnel appearing in court are on-duty and must also adhere to all grooming standards as outlined in ADM-13, Uniform and Professional Appearance.
- B. Officers reporting to court are in an on-duty status and must be equipped and prepared to perform all functions of a law enforcement officer.
- C. Officers appearing in uniform shall carry their primary weapon; the secondary weapon is not an acceptable alternative.

- D. Non-uniformed sworn law enforcement personnel shall be allowed to carry their firearms while on official police business in the District and Circuit Court buildings provided they display appropriate identification.

VI. CANCELLATION

This General Order will cancel and replace General Order ADM-45, Court Procedures, dated December 5, 2019.

AUTHORITY:



Lisa D. Myers
Chief of Police