



**Subject: Response to Subpoenas**

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## I. Purpose

Law enforcement employees regularly receive subpoenas requiring their appearance at legal hearings. This responsibility to attend hearings may conflict with other personal or professional obligations. The purpose of this policy is to provide specific notification procedures for employees to utilize when scheduling conflicts or emergency circumstances arise that might interfere with an employee's ability to attend these hearings.

## II. Definitions

- A. **Emergency Circumstance:** An unplanned situation, event, or circumstance that arises within twenty-four (24) hours of a scheduled hearing that reasonably and understandably allows limited time to notify a subpoenaing authority that an employee cannot attend a hearing.
- B. **Hearing:** A legal proceeding where an issue of law or fact is tried and evidence is presented to help determine an issue. Hearings include but are not limited to judicial hearings such as criminal, traffic, or civil trials and administrative proceedings.
- C. **Scheduling Conflict:** A pre-planned commitment to one event or activity that interferes with or may prevent an employee from appearing at a newly scheduled hearing. A scheduling conflict, is generally forecast in advance and can be addressed with timely notification.
- D. **Subpoena:** A writ or document that requires the recipient to appear for a hearing as a witness, typically to provide testimonial and/or other evidence in the hearing.

## III. Policy

Employees who are subpoenaed to appear at hearings shall report as ordered by the subpoena in compliance with General Order 200 B-1, unless excused by the subpoenaing authority. The Department will not consider an employee to be excused from an appearance at a hearing until an affirmative excusal has been granted by the issuing authority. Employees who are excused from appearing at a hearing are encouraged to obtain the excusal in writing via letter, or e-mail to document the excusal.

## IV. Procedures

If an employee is subpoenaed to a hearing and an emergency circumstance or scheduling conflict arises, the following procedures apply.

- A. Scheduling Conflict(s)

If a scheduling conflict occurs, the affected employee should notify the subpoena's issuing authority as soon as he/she becomes aware of the conflict.



1. Office of the State's Attorney for Worcester County (OSA)
  - a. Employees are reminded to routinely check their pre-assigned Maryland District Court dates in the Roll Call directory under the "Court Date Information" folder.
  - b. An employee who notes a scheduling conflict with pre-assigned hearing dates shall make notification to the OSA immediately so a postponement can be requested well in advance of the scheduled hearing.
  - c. The OSA requests that employees utilize e-mail as the primary method of reporting scheduling conflicts. The e-mail must include the following information:
    - i. Officer Name
    - ii. Officer Identification Number
    - iii. Scheduled Conflict (i.e. training, vacation, etc.)
    - iv. Date(s) of hearing(s)
    - v. Case(s) affected
    - vi. Witness(es) to the case(s)
  - d. E-mail notifications regarding scheduling conflicts shall be made to the OSA at [SAO@CO.WORCESTER.MD.US](mailto:SAO@CO.WORCESTER.MD.US). A courtesy copy of the e-mail sent to the OSA shall also be sent to the Department's Court Monitor at [courtmonitor@oceancitymd.gov](mailto:courtmonitor@oceancitymd.gov).

2. Maryland Motor Vehicle Administration (MVA)

An employee subpoenaed to appear at an Administrative Hearing scheduled by the MVA shall contact the Office of Administrative Hearings for all scheduling conflicts at:

- a. 410-229-4100 (Main) and/or;
- b. 410-229-4251 (Clerk)

3. Other Hearings

Employees subpoenaed to appear at other hearings that create a scheduling conflict should contact the subpoenaing authority as soon as possible to secure an excusal from the hearing or to request a new hearing date.



B. Emergency Circumstance(s)

1. Office of the State's Attorney for Worcester County (OSA)

- a. In the event an emergency circumstance should arise, it is the employee's responsibility to notify the OSA by telephone as soon as possible.
- b. In these circumstances, the employee shall contact the following telephone numbers to explain the emergency circumstance that has arisen that may prevent his/her ability to attend the hearing as directed by subpoena.
  - i. 410-632-2166 for Circuit Court matters
  - ii. 410-632-2177 for District Court matters

2. Maryland Motor Vehicle Administration (MVA)

Should an emergency circumstance arise, an employee subpoenaed to appear at an Administrative Hearing scheduled by the MVA shall contact the Office of Administrative Hearings as described in Section IV, A, 2 above.

3. Other Hearings

Should an emergency circumstance arise, an employee subpoenaed to appear at other hearings shall contact the subpoenaing authority as soon as possible to secure an excusal from the hearing or to request a new hearing date.

<b>References:</b> G.O. 200 B-1			
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