
Subpoenas and Court Appearances

313.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the Montgomery County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

313.2 POLICY

Montgomery County Sheriff's Office members will respond appropriately to all subpoenas and any other court ordered appearances.

313.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so.

313.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the County Attorney, agency legal counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the county or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, State or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Montgomery County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Montgomery County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting, agency legal counsel or governmental attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

313.3.2 CIVIL SUBPOENA

The Office will allow members to appear in their official capacity on civil matters arising out of their official duties.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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313.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

313.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline and criminal sanctions. This includes properly served orders to appear that were issued by a State administrative agency.

313.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

313.6 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the office uniform Class A or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

313.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall obtain a copy of relevant reports and become familiar with the content in order to be prepared for court.

313.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with office policies.

313.8 DEPUTY INFORMATION

When service of subpoena, or any other court process, is sought upon any law enforcement employee, it shall be unlawful for the office to willfully withhold the address or telephone number of the deputy.