



The Aberdeen Police Department Policies & Procedures Manual Chapter Contents



Chapter 31 Judicial Process

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Section 01 Judiciary Organization and Jurisdiction

Original Policy
Supersedes None

A. Court of Appeals

1. The Court of Appeals is the highest tribunal of the State of Maryland.
 - a. The Court is composed of seven judges, five of whom shall sit in each case unless the Court shall direct that an additional judge or judges sit for any case.
 - b. One judge is to be elected from each of the first five Appellate Judicial Circuits and two from the Sixth Appellate Judicial Circuit, which is Baltimore City.
 - c. The terms of the judges are for fifteen years.
 - d. The Governor designates the Chief Judge.
2. The Court hears certain appeals from the decisions of the Circuit Courts and the several courts of Baltimore.
 - a. Chapter 56, Acts of 1973, vests exclusive initial appellate jurisdiction over any renewable judgment, decree, order, or other action of a Circuit Court or Orphans' Court in the Court of Special Appeals, effective January 1, 1975.
 - b. After that date, the Court of Appeals will review decisions from below only by writ of certiorari (Code 1957, 1968 Repl. Vol., 1973 Supp., Art. 5, Secs. 5A-5B).

B. Court of Special Appeals

1. The Court was originally composed of five judges, each of whom was elected from a special appellate circuit.
 - a. Its jurisdiction was limited to hearing primarily criminal appeals, except where the death sentence was imposed.
2. By Chapter 99, Acts of 1970, the number of judges was increased from five to nine.
 - a. The special appellate judicial circuits were abolished and the new law provided that each judge should be elected from each of the five Appellate Judicial Circuits and two from the Sixth Appellate Judicial Circuit representing Baltimore City.
 - b. By Chapter 361, Acts of 1972, the number of judges was increased from nine to ten. Three judges are elected from the State at large.
 - c. Cases before the Court are to be heard by a panel of not less than three judges.
 - d. The terms of the judges are for fifteen years and the Governor designates one member of the court as the Chief Judge.
3. The same act enlarged the jurisdiction of the Court to encompass appeals in numerous civil matters, such as negligence cases arising out of motor vehicle accidents.
 - a. Workmen's Compensation cases, domestic cases and paternity proceedings.
 - b. Chapter 56, Acts of 1973, increased the jurisdiction of the Court of Special Appeals to include appeals taken in the following: any equity case, declaratory judgments, zoning cases, and cases from an orphans' court.

C. Circuit Court

1. The Circuit Court is the highest common-law and equity court of record exercising original jurisdiction within the state.



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2. Each court has full common-law and equity powers and jurisdiction in all civil and criminal cases within its judicial circuit, and all the additional powers and jurisdiction conferred by the Constitution and by law, except whereby law jurisdiction has been limited or conferred exclusively upon another tribunal. (Courts Article, section 1-501.)

D. District Court

1. A proposed constitutional amendment in 1969 which was ratified by the voters in the State at the November 1970 General Election brought into existence the Maryland District Court, a statewide court of limited jurisdiction.
2. The court functions on a statewide basis in every county in the State and Baltimore City.
 - a. The District Court is part of the State's judicial system and is a court of record.
 - b. It replaces entirely the theretofore existing justices of the peace, the county trial magistrates, the People's Courts in certain counties, the People's Court of Baltimore City, and the Municipal Court of Baltimore City.
 - c. It has uniform jurisdiction throughout the State and in Montgomery County only, it has also been given juvenile court jurisdiction as existed prior thereto in the People's Court for that county.
 - d. Although the District Court is a court of limited jurisdiction, it has been given expanded jurisdiction over the prior existing lower court systems.
3. In accordance with constitutional provisions, the first Chief Judge of the District Court was appointed by the Governor.
 - a. Any subsequent chief judges will be appointed by the Chief Judge of the Court of Appeals from among the judges of the court.
 - b. By statute, the State is divided into twelve judicial districts.
 - c. In addition to the Chief Judge, eighty associate judges are authorized by law.
 - d. District Court judges are appointed by the Governor for ten-year terms, subject to confirmation by the Senate.
 - e. At the expiration of a ten-year term, the name of the judge is automatically presented to the Senate for confirmation for an additional term.
 - f. Judges must meet the same qualifications set out in the Constitution for judges of the appellate courts and courts of general jurisdiction.
 - g. They must devote their full time to their judicial duties, and they are strictly prohibited from engaging, in any way, in the practice of law.
4. Within the District Court system, there is a Chief Clerk appointed by the Chief Judge.
 - a. The Chief Judge also designates from among the judges an Administrative Judge for each district. Each district also has an administrative clerk.
 - b. In addition, a District Court Clerk for each county within a district and all other necessary court employees have also been chosen.
 - c. Further, commissioners will be appointed by the administrative judge of the district with the approval of the Chief Judge to function in each county and in Baltimore City as may be needed.



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- d. The commissioners will perform functions similar to the old committing magistrates with respect to issuance of arrest warrants, setting bail or collateral, or other terms of pre-trial release, pending a hearing or incarceration prior to hearing.
5. The District Court has jurisdiction in criminal, traffic, and civil matters.
 - a. It has no equity jurisdiction and has juvenile jurisdiction in Montgomery County only. In criminal cases the court may conduct preliminary hearings in felony cases; it has general jurisdiction over misdemeanors whether common law, statutory, or established by ordinance and over criminal violations of State and local regulations.
 - b. In addition, it has jurisdiction over certain enumerated felonies if the amount or value of the goods taken or obtained by the party charged does not exceed \$500.
 - c. Its jurisdiction is exclusive if the penalty may not exceed confinement for one day less than three years or a fine of \$2,999, or both.
 - d. If the confinement is three years or more, or the fine is \$3,000 or above, the jurisdiction is concurrent with the Circuit Court.
6. The traffic jurisdiction of the court extends to every violation of the vehicle law.
7. In civil cases, the District Court has exclusive jurisdiction if the amount claimed does not exceed \$2,500 and in cases involving landlord and tenant, forcible entry and detainer, and grantee suits regardless of amount involved.
 - a. Where the claim exceeds \$2,500 and up to a maximum of \$5,000, it has concurrent jurisdiction with the trial courts of general jurisdiction.
 - b. If the amount in controversy in a civil suit is in excess of \$500 then either party has the right to demand a jury trial in which event, upon timely demand made, the case will be transferred from the District Court to a trial court of general jurisdiction.
 - c. In criminal and traffic cases a right to trial by jury exists if demanded prior to trial, if the punishment for the crime may exceed confinement for a period of over three months.
 - d. The State may not demand a jury trial.
8. Appeals from decisions of the District Court are taken to the Circuit Court in the county in which the judgment was rendered.
 - a. In Baltimore City they are taken in criminal and traffic cases to the Criminal Court of Baltimore City and in civil cases to the Baltimore City Court.
 - b. In criminal and traffic cases and in civil cases of less than \$500 the appeal shall be tried de novo unless the parties agree to an appeal on the record.
 - c. In civil cases involving claims of more than \$500 the appeal shall be on the record.
 - d. The time for noting an appeal in all cases must be within thirty days from the date of judgment in the District Court.

E. Juvenile Court

1. The Juvenile Court exercises original complete jurisdiction over all juveniles who are identified as such in Chapter 28, Section VI.



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Section 01 Judiciary Organization and Jurisdiction

Original Policy
Supersedes None

F. Grand Jury

1. A grand jury is a required number of persons chosen from the citizens of a county by a court of competent jurisdiction and sworn to inquire of public offenses committed or triable with the county.
 - a. The individual selected to serve as a member of the grand jury is usually a person of some substance in the local community, a citizen and voter selected by lot from a special "blue ribbon" type of panel.
 - b. Generally, 23 jurors make up a grand jury.
 - c. Sixteen are necessary to constitute a quorum, and a majority of 12 affirmative votes is necessary for action.
 - d. The grand jury holds secret meetings to review legal evidence regarding the guilt of persons not usually present.
 - e. The persuasive arts of the assigned State's Attorney and the domination of his technical competence serve to motivate the thinking of many jurors.
 - f. Now and then, the scope of the role of members of the jury takes on new dimensions, and the jury acts on its own.
 - g. These "runaway" grand juries often do great civic good.
2. The role of a grand juror may be as a participant in a lengthy investigation or a brief hearing of witnesses.
 - a. All grand jurors are thoroughly instructed in the fact that the duty of the grand jury is to screen accusations which are without foundation and only formally accuse those persons against whom the evidence seems to be substantial.
 - b. It is frequently difficult for most people to distinguish their task from the role of a trial jury in deciding guilt or innocence.
 - c. Time and again, a grand juror will be cautioned by his foreman or a State's attorney that it is only necessary to have prima facie evidence to vote for an indictment; the trial of the offender will determine guilt or innocence.
 - d. When the grand jury returns an indictment against an individual, the matter is then presented to the circuit court for trial.
 - e. Should the grand jury fail to return an indictment the matter is then dismissed.



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Supersedes None

A. Definitions

1. Subpoena/Summons - A process to cause a witness to appear and give testimony, commanding him/her to lay aside all pretenses and excuses, and appear before a court therein named at a time mentioned to testify for the party named under the penalty therein mentioned.
2. Subpoena *Duces Tecum* - A subpoena requiring the production of records, books, papers, and other things described in the subpoena which are in the possession of the person subpoenaed.
3. Deposition - Oral testimony recorded for use in court when a witness is unable to attend a trial or hearing.

B. Summonses, Subpoenas - Requests for Appearance as a Witness or to Provide a Deposition in a Traffic or Criminal Case

1. The following paragraphs outline the procedure to be followed in serving a summons on an employee of the Department when that summons or subpoena is in reference to his appearance as a witness in a criminal or motor vehicle prosecution or in a civil proceeding arising out of a criminal or motor vehicle case.
2. All subpoenas and summonses for service on employees of the Department will be delivered to the records clerk in the Administrative Office. All subpoenas and summonses will be entered into the CAD System.
 - a. A "Court Summons Notice" will be placed into the employee's mail box and e-mail calendar. Upon receiving the "Court Summons Notice," the summons then goes to the shift section supervisor and the officer should sign the notification log.
3. All subpoenas or summonses received by an employee compelling only the production of criminal records processed by the Department should be forwarded directly the Administrative Office.
 - a. In motor vehicle accident investigations, subpoenas or summonses for records only will be forwarded to the records clerk.
 - b. The procedures outlined above will not be utilized when an employee of the Department has been subpoenaed or summoned in a particular case and the Department records are part of his investigation.

C. Lawsuits and Subpoenas

1. The following procedures are intended to expedite the handling of legal processes filed against the Department and/or against its individual employees, and to ensure a consistency in the manner in which these processes will be disposed of by the Department.
2. A subpoena or summons received requesting the production of official Department personnel records or files, reports of internal investigation, or other official reports, such as disciplinary records, etc., are to be immediately forwarded directly to the Chief of Police, who may forward the subpoena or summons to the City Attorney for legal review and guidance.
 - a. In most cases, the court will allow sufficient time for these processes to be routed through normal channels.



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- b. If, however, the subpoena directs production of the records less than forty-eight hours from the time it was received, the Chief of Police will immediately be notified by telephone of the receipt of the subpoena.
 3. Any lawsuit filed against and served on any employee as the result of the operation of any Department vehicle, is to be forwarded immediately to the Chief of Police.
 - a. The Chief of Police will forward the subpoena/summons to the City Manager, who will then forward all relevant documents to the City's insurance company for appropriate processing and representation.
 4. When any employee of the Department is sued in any court in this State for any act arising out of his official duties, he is to immediately forward the suit papers together with all supporting documents, reports, etc. to the Chief of Police.
 - a. The Chief of Police will then forward the documents to the City Manager and City Attorney for review.
 5. In any instance where the Department or any individual employee of the Department is served with an injunction or other type of process requiring some type of immediate relief, the Chief of Police is to be notified immediately so that proper action may be taken in the matter.
 6. All lawsuits against the Chief of Police or the Department are to be immediately forwarded to the Chief of Police.
 - a. If the subpoena or summons attached to the lawsuit requires a response in less than forty-eight hours, the Chief of Police will notify the City Attorney so that he may properly dispose of the suit papers.
 - b. Any summons or subpoena received by the Department compelling the attendance of the Chief of Police is to be immediately forwarded directly to the Chief of Police.
 - c. If the summons or subpoena requires a response in less than forty-eight hours, the Chief of Police should be advised immediately.
 7. The attorney for the City of Aberdeen will only be contacted by employees of the Department after they receive approval from the Chief of Police or the City Manager.
 8. Because of the growing volume of litigation in the Federal courts, the courts have decreed that Complaints/Summonses may now be served by mail rather than by personal service.
 - a. When a Department employee receives a Federal Complaint/Summons/Maryland State MVA/District Circuit Court Summons through the mail, he will complete the form enclosed with the Complaint/Summons and turn it into the Records Section for distribution processing and documentation.
 - b. The form must be signed, dated and mailed immediately to the clerk's office of the U.S. District Court.
 9. When the employee requires legal representation from the Department, a copy of the completed form, a copy of the summons/ complaint, and all material relevant to the case will also be forwarded to the Chief of Police for review and disposition.



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D. Request for Appearance as a Witness or to Provide a Deposition for a Defendant

1. There are occasions when a Department employee may be summoned as a witness or to provide a deposition for a defendant.
 - a. Generally, this testimony will be confined to character references and the product of personal knowledge of a defendant.
2. When providing testimony about the character of a defendant, a Department employee shall do so as a private citizen.
 - a. An employee shall not allow the fact that he is a police officer to influence the opinion expressed in a character reference.
3. If the employee is summoned to testify for a defendant in a case which was investigated by him, the employee shall testify to the facts of the case as they are known to him.
4. Whenever an employee is summoned to give testimony for a defendant, he shall notify his supervisor immediately, in writing.
 - a. This notification shall include the name of the defendant, the date and place of trial, and the issues about which the employee will be testifying.
5. The supervisor shall forward a copy of the correspondence to the Chief of Police.
 - a. The supervisor shall also contact the State's Attorney's Office and apprise them that the employee will be appearing as a witness or that he will be providing a deposition for a defendant.



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Section 03 Court Attendance

GO 14-098
Supersedes GO 14-096

A. Appearance of Employees Testifying (26.1.1)

1. An employee testifying shall give proper attention to his person and clothing to ensure that he presents a neat, clean, and business- like appearance.
2. The clothing shall be clean, in good repair, and properly pressed.
3. An officer, when appearing in court as a representative of the Department, shall wear the prescribed issue uniform unless otherwise directed by his supervisor.
4. Male civilian employees and male officers wearing civilian clothing or assigned to other than the uniform force shall dress in appropriate business attire including a coat and tie.
5. Female civilian employees and female officers assigned to other than the uniform force shall dress in appropriate business attire.
6. When an officer appears or testifies in any Court in any capacity other than as a representative of the Department acting on official Department business, the officer shall not wear the Aberdeen Police Department uniform.

B. Notification to Patrol Supervisor and Communications Section (26.1.1)

1. The officer should leave his assignment in time to arrive at court at least fifteen minutes before his scheduled appearance.
2. When his court appearance is completed, the officer, if still on duty, shall report back to his assignment.
3. The officer shall notify the supervisor and Communications when the officer leaves his assignment and when he returns.

C. Attendance (26.1.1)

1. If for any reason an officer is unable to appear in court at the required time, the officer shall notify the State's Attorney's office or the Court directly, as far in advance as possible.
2. If the officer arrives late, through unexpected causes, the officer shall explain the delay to the State's Attorney in charge of the case or the court.
3. The officer shall not leave until the conclusion of the case, unless given permission by either the State's Attorney or the court.
4. When an employee is subpoenaed/summoned to appear in two different courts at the same time, he shall notify the State's Attorney or other persons concerned with the assignments so that proper arrangements can be made for his appearance in one of the courts at a different day and/or time.

D. Jury Service (26.1.1)

1. An employee serving on a jury shall absent from his duties without loss of pay and without charge against any leave.
2. If, after reporting for jury duty, the employee's services are not required and he is dismissed for the day, the employee, if still on duty, shall report back to his assignment.
3. An employee who is selected for jury service shall notify his supervisor.
4. Fees received by the employee for jury service shall be retained by the employee and need not be reported to the Department.



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Chapter 31 Judicial Process
Section 04 Employee Testifying

Original Policy
Supersedes None

A. Function of Employee Testifying in Court

1. The primary function of an employee testifying in court is to furnish evidence which will assist the court or jury in arriving at a just verdict.

B. Pre-Trial Preparation

1. A complete and exhaustive investigation, during which adequate notes are made, is the foundation for a satisfactory court appearance.
2. The employee shall carefully review his/her notes shortly before appearing in court.
 - a. This will ensure that events about which the employee may testify are fresh in his/her mind.
 - b. An employee testifying before the Grand Jury, Criminal Court, or Civil Court shall have available all notes, reports, and evidence of the case.
3. Any original notes which the employee may require during his/her appearance in court shall be readily available on his/her person.
 - a. It must be remembered that notes used to testify in courts are subject to review by both the court and defense attorney.
4. The employee shall assemble and have readily available any physical evidence which the employee has gathered, and which may be required during the trial.
5. Ordinarily, the prosecuting attorney should arrange an interview with the officer before the trial.
 - a. If such an arrangement is not made, it may be wise, depending upon the circumstances of the case, for the officer to request such an interview;
 - b. The employee will thus learn in advance the line of questioning the employee may expect and will be enabled to assist and advise the prosecutor of all factors relating to the case.

C. Actual Testimony

1. The importance of knowing how to testify properly in court cannot be overemphasized.
 - a. The purpose is not that an officer's testimony unduly influences the court or jury, but that his/her testimony be given the full weight and credit to which it is entitled.
 - b. The officer's efforts in preparing his/her case must not be wasted by poor presentation of testimony in court.
 - c. Certain principles for testifying in court are set forth below and should be followed in every case.
2. When called to the witness stand, the employee shall walk to it erect, in a calm and dignified manner.
3. While taking the oath, the employee shall face the officer administering it.
 - a. He shall raise his/her right hand, with fingers extended, to shoulder height, and respond clearly and positively. Exceptions:



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- 1) Usually the oath is not administered in cases in which a defendant pleads guilty; therefore, in such cases, the officer shall not raise his/her hand unless ordered to do so.
- 2) If called to the stand more than once during the same trial, the witness is sworn only on the first occasion.
4. After the oath has been administered the employee shall sit comfortably and erectly on the witness chair.
 - a. The employee shall fold his/her hands and avoid any mannerisms which would indicate nervousness or tend to distract the jury.
5. The employee taking the witness stand shall provide his/her full name, official title, and department.
6. The employee's testimony shall be responsive, concise, factual and worded in plain everyday language.
 - a. The employee shall speak in a conversational tone and with enough clarity and distinction that the court, jury, and counsel may easily hear his/her testimony.
 - b. As the employee testifies, the officer shall face the judge or the jury directing his/her testimony to them, through the employee may face the interrogator while being asked a question.
7. The employee shall be respectful both in manner and speech to all parties in the proceeding.
 - a. The employee shall address the court as "Your Honor," and attorney as "Sir," and refer to the person on trial as "the defendant."
 - b. The employee must answer questions of both prosecution and defense in the same manner insofar as his/her tone, manner, and readiness of response are concerned, otherwise, the employee may give the impression of prejudice.
8. The employee shall be certain that the employee understands a question before answering it. the employee may ask to have the question repeated if the employee did not hear it or if its meaning was not clear.
9. The employee should pause briefly before answering a question.
 - a. This is done for the following reasons: it ensures that the question is complete, preventing misinterpretation of such question; it gives the court stenographer an opportunity to record the question; it gives the opposing counsel time to object, if the employee so desires; it gives the officer a chance to analyze the question and to frame a complete and accurate answer.
 - b. However, this pause should not be too long, as hesitation may be interpreted as indecision or uncertainty.
10. Answers should be complete and to the point, free of immaterial or irrelevant details.
 - a. To avoid the possibility of being misunderstood, the employee should avoid using long or complex sentences, or words with which the employee is not familiar.
11. If the employee has made a mistake while testifying, the employee will immediately acknowledge the mistake and correct it.



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Supersedes None

12. The employee shall, insofar as is practicable, relate events in the order of their occurrence.
13. The employee shall be sincere and impartial.
 - a. By the employee's testimony and demeanor while testifying, these qualities will be apparent to the jurors.