

**MARIN COUNTY SHERIFF'S OFFICE
PATROL SERVICES POLICY AND PROCEDURE MANUAL**

**GENERAL ORDER
PAT-02-06
Page 1 of 3**

**DATE
December 22, 1993**

TRAFFIC COURT APPEARANCES

PURPOSE

The purpose of this order is to establish procedures to insure the attendance of Department personnel at contested Traffic Court hearings.

POLICY

It shall be the policy of the Marin County Sheriff's Department that all Department personnel appear at the date, time, and location of contested traffic hearings as noticed by the Marin County Municipal or Superior Courts. In the event that a defendant requests a trial by written declaration, members and employees shall respond promptly to the request of the court by providing such written declaration.

PROCEDURE

- A. Civil and Documentary Services Division.
 - 1. When a notice is received from the Municipal or Superior Court that a member or employee is needed to appear at a contested traffic hearing, the following actions shall be taken.
 - a. Keep a daily traffic court appearance log and indicate thereon the date that the appearance is required, the name of the employee whose attendance is required, the name of the defendant, and the court docket number.
 - b. Prepare a "Notice of Service" and attach it to the "Notice of Court Trial" from the court.
 - c. Forward the "Notice of Service" to the Civic Center Patrol Sergeant for service.
 - d. On the last business day of each week, forward copies of the next week's traffic court appearance logs to the Court Services Sergeant.
- B. Court Services Division
 - 1. The Court Floor Sergeant shall receive the traffic court appearance logs and assign the Court Floor receptionists at C-84 to log in members as they appear and depart from traffic court appearance.
 - a. The Bailiff will be responsible for this activity at the night traffic court and juvenile traffic hearings.
 - 2. At the end of each business day, the Court Services Sergeant shall forward the completed log to the Watch Commander.
- C. Department Personnel Responsibilities

1. Department personnel shall attend all required traffic court hearings.
2. Department personnel who are unable to attend a hearing because of illness, injury, or a family emergency shall contact the appropriate court and request to be excused from attending. Only the COURT can excuse an officer from attendance.
3. Department personnel, upon arriving at the Hall of Justice in response to a "Notice of Court Trial," shall check in with the Sheriff's Court Floor receptionist who is located in C-84. The member/employee shall sign in on the log for the court case. Upon completion of the court case, the member/employee shall log out with the court floor receptionist.
4. All personnel attending court on overtime shall complete an overtime pay request form that shall be attached to the court log along with the "Notice of Court Trial."
5. Department personnel who receive a "Notice of Court Trial" that is set for a date that is during their annual vacation shall contact the appropriate court and request that the matter be re-set to a future date that is more convenient.
6. Department personnel who receive a "Notice of Court Trial by Written Declaration" shall prepare a written declaration that shall contain the circumstances and facts causing the citation to be issued and return it to the Court prior to the date that the declaration is due. A copy of the written declaration shall be sent to the Civil and Documentary Services Division.

D. Watch Commander Responsibility

1. The Watch Commander shall review the traffic court appearance log and overtime requests to ensure that personnel make all required appearances.

REFERENCE

A. Department Rule 530.02

Attendance at a court or quasi-judicial hearing as required by subpoena or notice to appear is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or clothing in conforming to standards imposed on officers working in plainclothes shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance avoiding any mannerism, which might imply disrespect to the court, such as gum chewing and smoking.

B. Department Rule 530.04

Officers required to be in court by departmental order or subpoena shall be prompt in attendance and shall remain until excused by competent authority.

ALTERNATIVE INDEXING

A. This order may be indexed as:

1. Traffic Court Appearances
2. Court Appearances - Traffic

By order of

CHARLES T. PRANDI
SHERIFF