

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER MULTI- BUREAU</b>	<b>DATE OF ISSUE AUGUST 19<sup>TH</sup>, 2019</b>	<b>EFFECTIVE DATE AUGUST 19<sup>TH</sup>, 2019</b>	<b>NO. 028-19</b>
<b>SUBJECT: GENERAL ORDER  Court Appearance and Conduct</b>		<b>DISTRIBUTION  All Personnel</b>	<b>AMENDS</b>
<b>REFERENCE: NYSLEAP 14.2, CIVIL 36, 39, JAIL 36, 39</b>			<b>RESCINDS 028-10</b>

**Purpose:** To define for a familiarize members and employees with established policy regarding court appearance and conduct.

**Policy:** Members and employees shall appear in court, before hearing boards, or other investigating bodies whenever requested or required in the manner prescribed as delineated in this order.

**I. Attendance and Appearance**

- A. A subpoena, jury summons, notice of hearing or verbal notification by competent authority shall, for the purpose of this order, be deemed proper notification for appearance.
- B. Members and employees shall be punctual when reporting to any court, hearing board or investigation body.
- C. Members and employees shall be attired in the proper manner as follows:
  - 1. In the prescribed uniform during on-duty hours, when an employee is normally required to wear his/her uniform. If the employee is appearing in a proceeding as a witness, it will not be mandatory to wear the uniform when appearing on off-duty time. Under no circumstances shall employees report for jury duty in their uniforms; civilian business attire is mandatory. Hair will be groomed and shoes polished in all cases. Male members and employees will be clean-shaven. All members will comply with **MBGO-026 Uniform and Equipment** and **MBGO-035 Personal Appearance**.
  - 2. In appropriate civilian business attire when off-duty, when assigned to a plainclothes assignment or when reporting for jury duty.
- D. Members and employees shall report to the court clerk, judge, assistant district attorney or hearing officer upon arrival at such proceedings.
- E. All members and employees providing testimony shall:
  - 1. Possess only that material pertaining to the prosecution of the case while in the courtroom.
  - 2. Address replies to the jurors or the judge.
  - 3. Answer all questions truthfully and completely.
  - 4. Understand questions before answering. When in doubt, request that questions be repeated or clarified.

5. If unable to provide an answer, so state.
  6. Not volunteer information or opinions.
- F. Members and employees shall only remain in the court until their case is disposed of or until advised by competent authority that their presence is no longer necessary.
  - G. With the exception of jury duty, which shall not count toward overtime, whenever a court appearance is made while on off-duty time, an overtime request form verified by the court clerk or assistant district attorney, shall be submitted for approval (as per **MBGO-004 Overtime**) as soon as possible and before the end of the payroll period.
  - H. Members and employees will notify a supervisor or command officer, via phone or radio, in the event they are nearing or will exceed two hours of court overtime. The supervisor will acknowledge the notification and respond appropriately. Personal appearance by the supervisor is not mandatory.
  - I. Members and employees shall notify an on-duty supervisor when they will not arrive in time for a scheduled work shift due to a court appearance.
  - J. Whenever members or employees are unable to appear as directed, it shall be their responsibility to notify the court or agency and their supervisor with ample notice, so as not to inconvenience the court. Additionally, members and employees shall complete and submit a Special Report to their immediate supervisor specifying the reason for the adjournment, the adjourned date and the name of the individual authorizing the adjournment. If adjournment is not granted, it shall be their obligation to appear as directed.

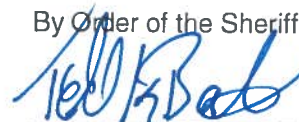
## II. Jury Duty

- A. Members and employees, summoned to jury duty, will be granted time off with pay for the duration of their service. Each member and/or employee shall notify his/her shift supervisor upon receipt of a jury summons and provide a copy of the summons for his/her employee file.
- B. It will be the member/employee's responsibility to contact the Commissioner of Jurors. It will also be the member/employee's responsibility to contact the shift supervisor to notify him/her of the member/employee's requirement to report for jury duty.
- C. The shift (1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup>, platoon) that encompasses those hours that a member/employee reports for jury duty, shall be considered that member/employee's work shift for each day the member/employee remains on jury duty.
- D. Time off with pay for jury duty shall be computed on an hour per hour basis. Time spent on jury duty shall not be counted as time worked in the calculation of overtime.
- E. In instances where the member or employee is excused from jury duty short of completion of a "full work day" and his/her presence is no longer necessary, the member/employee will notify their immediate supervisor. The shift supervisor maintains the discretion to allow the member/employee to utilize time off (vacation, compensatory, etc.) for the hours remaining in the shift. The shift supervisor's determination will depend upon assignment and staffing requirements.
- F. Members and employees are responsible for contacting their respective supervisors upon completion of jury duty requirements.

**III. Command Officer and Supervisor Responsibility**

- A. Command officers and supervisors will periodically check the courts in their area of responsibility. They shall approve overtime request forms when applicable to ensure compliance with the department dress standard.
- B. Zone/unit supervisors and jail administration will ensure an accurate subpoena log is maintained.

By Order of the Sheriff,



Todd K. Baxter