SUBPOENAS:

220.01 Subpoenas shall be routed to the immediate supervisor of the subpoenaed Department member. The supervisor shall make personal service upon him/her, and both shall sign/date the subpoena. Subpoenas shall be filed and maintained in a secure location, as determined by each Bureau Commander.

220.02 A member of the Department who will be on duty at the time he/she has been told to appear for court shall notify his/her supervisor on the day of such court appearance, prior to the time he/she is scheduled to go on duty. On-duty members of the Department must also check in and out with the appropriate Court Liaison Office.

220.03 Upon receipt of a subpoena from a jurisdiction outside of Wichita, the subpoenaed member of the Department shall notify his/her Bureau Commander, in writing, of the nature of the subpoena and the time, date and location at which he/she is to appear. The Bureau Commander shall then be responsible for making all necessary travel arrangements, as long as the case pertains to the member's employment with the Wichita Police Department.

The supervisor of a member appearing in an outside jurisdiction shall adjust the member's work hours on the day(s) of travel and the appearance.

The Department member shall notify the District Court Liaison Office of departure and return times for overtime. If the member is being compensated on or off duty, he/she shall promptly submit any witness fee to the appropriate Court Liaison Office. No compensation will be paid for cases unrelated to the member's employment with the Wichita Police Department.

220.04 After having been subpoenaed, either verbally or in writing, a member of the Department shall ensure that he/she is available for the court session, unless:

A. He/she is officially excused from appearing by the appropriate Court Liaison Office or prosecutor; or

B. He/she receives a written notification of cancellation of the subpoena.

220.05 The Court Liaison Section supervisor shall monitor the attendance of all department members at Federal, District and Municipal court venues and Administrative Driver's License hearings, and shall notify a member's Bureau Commander of any deficiencies

220.06 A subpoena shall remain in effect through the completion of any proceeding. [Example: A member receiving a subpoena for a jury trial starting on a Monday may not be actually needed to testify until later in the week.]

220.07 R A member of the Department who receives a subpoena which commands his/her court appearance during a scheduled leave [vacation, holiday, etc.] shall be required to appear, unless excused in advance by the prosecutor, a Court Liaison Officer, or by a written notification of cancellation of the subpoena. A submitted leave form does not automatically release an officer from a subpoena. If a member of the Department takes sick leave during the time that his/her appearance is required in court, he/she shall notify the appropriate Liaison Office prior to the time subpoenaed.

When required to report to court on vacation, a member of the Department may select pay for the actual time in court or may choose to request the vacation day back. To request the vacation day back, a member shall write an Officer's Report to the Support Services Deputy Chief through channels with the signed subpoena and signed vacation report attached.

220.08 Members of the Department are obligated to comply with subpoenas which command their appearance in civil court. If such appearance occurs during time when the Department member is being compensated on or off duty by the City, he/she must submit any witness fee received and a copy of the subpoena to the appropriate Court Liaison Office for submittal to the Fiscal Affairs Section. If no witness fee is received, members shall notify the Department Legal Advisor who will seek witness fees and make a determination as to the validity of the subpoena.

220.09 Members of the Department shall check with the appropriate Liaison Office before appearing on any subpoena.

If a Department member is scheduled to appear in court as a defendant in a criminal proceeding, he/she shall not be in on-duty status and will not be paid overtime. If he/she is scheduled to appear in court during regular work hours, vacation leave will be taken.

PRIVATE PROCESS SERVERS:

220.10 When a properly-identified private process server has a valid subpoena which commands the court appearance of any member of the Wichita Police Department, and:

A. If the Department member is on duty, his/her supervisor shall contact him/her and shall make a reasonable effort to have him/her available for personal service. The private process server shall wait until after the conclusion of

any squad meeting to serve the subpoena. Officers shall not avoid service by a private process server when the subpoena relates to his/her employment in an official capacity.

B. If the Department member is off-duty, his/her supervisor shall ascertain if immediate service is required. "Immediate service" is defined as a required court appearance within the next twenty-four (24) hours.

1. If the subpoena does not require immediate service, the supervisor shall provide the private process server with the next working date/shift of the subpoenaed Department member.

2. If immediate service is required, the supervisor shall make a reasonable attempt to contact the subpoenaed Department member. If contact is made, the supervisor shall verbally notify him/her of the subpoena and its date, time, and place. This verbal notification shall carry the same weight as a personally-served subpoena for disciplinary purposes, and he/she shall be obligated to appear in court.

3. If immediate service is required, but the supervisor of the subpoenaed member of the Department is unable to make contact with him/her, the supervisor is not required to provide the private process server with any information other than the subpoenaed department member's next working date/shift.

DISTRICT COURT/JUVENILE COURT APPEARANCES:

220.11 Prior to reporting for any District or Juvenile Court session, a member of the Department shall contact the appropriate Court Liaison Office for a determination of whether his/her presence is actually required. Such contact shall be made 30 minutes after the time listed for the commencement of proceedings on the District Court or Juvenile Court subpoena. Department members shall sign in and out on the court attendance sheet for the appropriate court.

FEDERAL COURT APPEARANCES:

220.12 An on or off-duty subpoenaed member of the Department must contact the District Court Liaison Office prior to reporting to any Federal Court session. Such contact shall be made:

A. On receipt of a federal subpoena or upon being contacted by a Federal Prosecutor or a WPD Case Detective.

B. The subpoenaed member will supply the Federal case numbers and the Federal attorney's name (with the phone number listed on the subpoena).

C. A member of the District Court Liaison Office will confirm the need for the subpoenaed member's presence for Federal Court. The District Court Liaison Office will notify the subpoenaed member if he/she is or is not needed for court.

D. At the conclusion of the daily court appearance, the member will contact the District Court Liaison Office with his/her arrival and departure times.

220.13 MUNICIPAL COURT APPEARANCES:

Prior to reporting for any Municipal Court session, whether on or off duty, a subpoenaed member of the Department shall ascertain whether or not his/her attendance is required by calling the Municipal Court Liaison Office between 30-60 minutes after the scheduled court time. For example, a subpoena for a hearing starting at 0900 would require a call between 0930-1000.

Exception: Members may call in prior to the scheduled hearing time, or may make a standing arrangement for means of notification, as long as they remain available for immediate contact any time within the two-hour time period following the scheduled hearing time.

To enable immediate contact with members needed for trial, off-duty members shall notify the Municipal Court Liaison Office of any contact number(s) while under subpoena, other than home numbers as listed on bureau rosters, and cell phone/pager numbers kept on the list maintained by Liaison Staff based on information submitted by members. On-duty members under subpoena shall notify the Liaison Office of contact information if unavailable through dispatch, their Patrol Bureaus and cell phone/pager numbers (i.e. at training, on special assignment).

220.14 Upon a Department member's initial call to check on case status, the Municipal Court Liaison Officer will advise him/her that:

A. The Department member is needed at a particular time and should report at that time;

B. The Department member should call back at a specified time, provided the requested call back time is within two (2) hours of the initial call (or they may leave a number where they can be reached, if desired by the member);

C. The Department member is released from the subpoena.

220.15 If the Department member is told to call back at a specified time, the Department member will be placed into an uncompensated standby status. The Department member may use the time between the initial call and the required call back as he/she chooses, with no restrictions.

220.16 Upon notification that a Department member is needed for court, he/she will have thirty (30) minutes if on duty or fifty (50) minutes if off duty, to arrive at the specified place, appropriately attired complying with Regulation 3.103B and with any evidence subpoenaed.

220.17 If at the time of the call back, the Municipal Court Liaison Officer is unsure of the need for the Department member, he/she may advise the member to appear in Municipal Court at a specified time and place, appropriately attired and with any evidence subpoenaed.

220.18 An off-duty employee who is not released at the time of their initial call shall have the option of reporting to the Municipal Court Liaison Office, appropriately attired, for assignment. If an employee wishes to choose this option, his/her initial call must be made during the appropriate time period, which is 30-60 minutes after the scheduled hearing time, and comply, with the following guidelines:

A. Upon arrival, within 50 minutes, the employee shall sign in at the Municipal Court Liaison Office.

B. He/she will be directed to report to a supervisor of a particular bureau or section for an assignment. The supervisor shall assign the employee as the needs of the bureau or section dictate.

C. If the employee is subsequently needed in Municipal Court, he/she shall be summoned by a Liaison Officer. Upon completion of the Court obligation, the employee will be released.

D. Once it has been determined that an employee will not be needed in Municipal Court, he/she shall be notified by a Liaison Officer and released from their assignment. Prior to leaving the work area, the employee shall notify the assignment supervisor of his/her release.

E. Upon completing an assignment, employees shall sign out at the Municipal Court Liaison Office. If the office is closed, they will sign out with the supervisor in the area of their assignment.

220.19 Upon arrival to and departure from Municipal Court, department members shall sign in and out on the court attendance sheet in the Municipal Court Liaison Office.

DRIVER'S LICENSE HEARINGS:

220.20 All Driver's License Hearings are scheduled by the Kansas Department of Revenue. Members of the Department who are required to appear shall report appearance times to the District Court Liaison Office. If the hearing is to be conducted by telephone conference call, members of the department shall then report appearance time to the Municipal Court Liaison. All members appearing must personally either sign in or sign out. Members may call to report the time for which they did not personally sign in/out.

220.21 Subpoenas from the Kansas Department of Revenue have the same force and effect as any other subpoena.

A. After having been subpoenaed, a member of the Department shall ensure that he/she is available for the hearing unless:

1. He/she is officially excused from appearing by the District Court Liaison Office;

2. He/she receives a written notification of cancellation of the subpoena;

3. He/she has, at least one (1) week prior to the hearing, returned a copy of the subpoena to the supervisor of the Court Liaison Section with an explanation of why his/her attendance would not be feasible. If the Liaison Supervisor approves the request to be excused, the Supervisor will have the Kansas Department of Revenue notified and make arrangements for a continuance, but only if the subpoenaed department member returns the subpoena to the Court Liaison supervisor at least seven (7) days prior to the hearing.

B. Members of the Department will be contacted by a Liaison Officer the day prior to the Driver's License Hearings to confirm or cancel subpoenas.

C. When attending Driver's License Hearings, members of the Department shall be attired in the same manner they would if they were appearing in court.

D. The docket provided to the Court Liaison supervisor by the Kansas Department of Revenue does not list cases by their WPD Incident Numbers. Therefore, the cases will not be pulled for the hearings, and each member must bring his/her own copy of reports to the hearings. The Records Bureau will provide such copies to members upon request prior to attending a hearing.

EVIDENCE:

220.22 When a subpoenaed member of the Department goes to court, he/she is responsible for bringing with him/her any evidence requested by a Court Liaison Officer.

220.23 Evidence needed for any court session shall be obtained from Property and Evidence prior to the scheduled starting time of court. The member of the Department who checks out evidence for court may be responsible for its return to Property and Evidence or the Laboratory when it is no longer needed. Liaison Officers will add 15 minutes to overtime for retrieving evidence and 15 minutes for returning evidence to Property and Evidence, when applicable.

TESTIFYING IN COURT:

220.24 Prior to taking the witness stand, a member of the Department shall familiarize himself/herself with his/her report pertinent to the case being tried.

DEPOSITION SUBPOENAS:

220.25 Department members receiving a subpoena to give a deposition shall notify his/her supervisor of the time, date, and nature of the deposition subpoena. In addition, the subpoenaed member shall contact the law firm or agency issuing the subpoena and confirm that his/her presence is actually required. The Department member will attempt to arrange a time to give the deposition when the member is on-duty, if possible.

A. If the Department member has any question as to whether the City might be involved in the civil action or might become involved, he/she shall notify the Law Department prior to contacting the law firm or agency issuing the subpoena.

B. Department members required to give a deposition while on or off-duty shall notify the District Court Liaison Office prior to reporting to give the deposition. The subpoenaed member shall provide the Liaison Office with the case number and the starting time that they are required to appear. At the close of the deposition hearing, the subpoenaed member shall re-contact the District Court Liaison Office with his/her starting and ending times.

C. Department members are obligated to comply with a deposition subpoena, which requires his/her appearance. Only deposition subpoenas resulting from work-related incidents will be compensated by the City. If such appearance occurs during a time when the City is compensating the Department member on or off-duty, the member shall promptly submit any witness fee to the District Court Liaison Office.

WEAPONS IN COURT

220.26 I Departmental members will comply with judges orders and rulings related to weapons in courtrooms. Each court can and may impose special consideration for Department members carrying weapons in Federal, State and Local courts.

220.27 I Wichita Municipal Court Liaison has lockers to secure both on duty and off duty officers who bring guns to court. Officer's carrying a gun into the city building for court are required to lock their gun into a locked gun safe in the Municipal Court Liaison Office.

220.28 I Wichita Police Warrant Offices are exempt from securing their guns when they are bringing a warrant or other process to the attention of a judge in the normal course of their duties. Warrant Officers under subpoena are required to check their gun at the time of the court proceeding.