

## Subpoenas and Court Appearances

### 347.1 PURPOSE AND SCOPE

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

### 347.2 POLICY

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

### 347.3 SUBPOENAS

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

A subpoena may be served upon a member by personal service or by leaving such copy at the place of his/her residence (Civil Rules, CR 45; Civil Rules, CrRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail in a limited criminal matter. A criminal subpoena in Superior Court may be served by first-class mail together with a waiver of personal service and instructions for returning such waiver to complete service (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

The Kitsap County Prosecuting Attorney may serve a subpoena upon a member by county email. However, no member shall be subject to discipline for failing to respond if the email was sent during the member's day off and the member has not returned to work before the scheduled appearance date.

#### 347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Deputy Prosecuting Attorney 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 Kitsap County Sheriff's Office.

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- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Kitsap County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting 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.

### **347.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

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

### **347.3.3 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.

### **347.4 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. This includes properly served orders to appear that were issued by a state administrative agency.

### **347.5 STANDBY**

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

If a member on standby changes his/her location during the day, the member shall notify the designated department 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. Members will be compensated for standby status in accordance with the current memorandum of understanding or collective bargaining agreement.

### **347.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual when appearing in court and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire. Members should wear the Class A dress uniform if feasible.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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### 347.6.1 TESTIMONY

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

### **347.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.