



Seattle Police Department Policy Manual



5.190 – Court Appearances and Legal Proceedings

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This policy applies to all department employees who receive subpoena notifications related directly to their duties as police officers or city employees.

5.190-POL

1. Subpoenas and Court Appearances

Department employees will respond to all subpoenas and summonses received from any court, or other formal hearings resulting from actions related to their city employment.

Employees should receive a subpoena by email or through department mail. The subpoena will instruct the employee on how to respond to the subpoena and how they can put themselves on stand-by (voluntary recall). Sworn employees have the option of responding to the email or by calling (206) 684-7757.

Employees on extended sick leave will have an out of office automated email response activated for inside and outside the organization which will serve as a response to any subpoena received during the period of their leave (see manual section [12.110 – Use of Department Email and Internet Systems](#)).

In the event an employee is unable to set an out of office automated email response, such as in a medical emergency, their supervisor may contact City of Seattle IT and request an out of office message be set through the [IT Service Hub](#). The supervisor should include in the request the employee's first and last name, the message they would like set, and, if known, the dates the message should be posted.

In the event that an employee cannot attend court, it will be their responsibility to notify the issuer of the subpoena. Employees who cannot make satisfactory arrangements with the issuer of the subpoena will notify their supervisor(s).

- The supervisor will take the necessary steps to resolve the conflict.

If requested by the court, employees will be prepared and present at the required place, date, and time specified on the subpoena or summons.

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- Employees on extended sick leave who are able to appear and testify will make every effort to comply with any subpoena or summons received.

Employees responding to subpoenas or summonses outside of the City of Seattle will contact the Patrol Operations Bureau Administrative Section for transportation instructions.

Employees will obtain approval of their supervisor prior to testifying in any court or hearing not directly related to their duties as police officers or city employees, except in those cases when it is clear that the employee is acting as a private citizen or is a party in a non-police court action, in which case that is considered a non-City matter for which this policy does not apply.

2. Checking Seattle Municipal Court Trial Information

All Seattle Municipal Court trial updates will be posted on the City Law Department's website at www.seattle.gov/law/docs/upcomingtrialinfo.htm.

- There is a link to the trial updates from the Law Department's main page at <https://www.seattle.gov/cityattorney>.

The trial information web page lists cases by the SMC case number and defendant name. The City of Seattle Law Department includes the SMC case number on all subpoenas issued to department employees. The SMC case number is needed to look up the status of a case on the web page.

- The trial information line will not be linked to the MDCs for security reasons.

3. Failure to Appear

If an employee fails to appear to a court assigned case, then the prosecuting attorney's office personnel will contact the SPD City Attorney's Office Liaison and notify them of the employee's absence. The SPD City Attorney's Office Liaison will notify the employee's supervisor of the employee's failure to appear.

Upon notice of the employee's failure to appear, the employee's supervisor will review the circumstances with the named employee. If it is confirmed that the employee did not have justifiable reasons for failing to appear for court, upon the first incident, the supervisor will counsel the employee as to the importance of complying with a court ordered subpoena to appear in court as directed and document the incident in a PAS entry.

Upon notice of the employee's second or more failure to appear the employee's supervisor will then refer the incident to OPA.

4. Meetings with Attorneys

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Interviews and meetings with attorneys will be scheduled, if possible, during the employee's normal working hours to avoid unnecessary overtime.

Meetings scheduled during off-duty hours will first be approved by the employee's supervisor. The supervisor will justify why overtime was authorized.

Overtime will not be approved for meetings which could have been scheduled during the employee's normal shift.

5. Overtime Pay for Court Appearances

For specific information regarding court overtime pay, employees will refer to their current collective bargaining agreement. In the event of a conflict between the agreement and this manual, the provisions of the bargaining agreement will apply.

Employees will document court overtime on the Court Overtime Request (form 1.33).

- A prosecutor's signature or a representing civil attorney, for civil matters, is required by Payroll when a Court Overtime Request form is submitted because of a court appearance.

Employees will not receive overtime pay for any court appearances while on a regular-duty status. This includes any judicial or quasi-judicial hearing in Federal, Superior, and Municipal Courts.

Employees, whether officially on- or off-duty, who are being compensated at the time by city salary or overtime pay, will not receive witness fees, either directly or indirectly, for appearances at any judicial or quasi-judicial hearing.

Compensation for mileage or travel expenditures via private vehicle will be allowed, but any employee receiving witness fees over and above travel allowances will immediately report the amount received to the Fiscal Unit for payroll adjustment.

Employees will not be allowed overtime compensation by the department for appearances in any court or hearing not directly related to their official duties as sworn employees or City employees.