

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 Vancouver Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.2 POLICY

Vancouver Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

347.3 SUBPOENAS

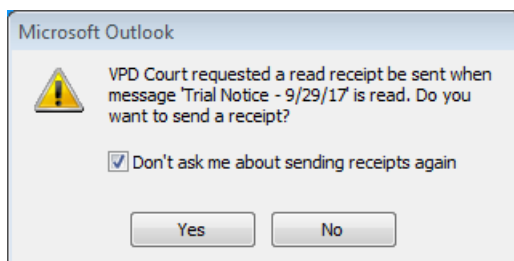
Only the Records Division is authorized to receive a subpoena on behalf of this Department or any of its members.

Civil subpoenas may be served upon a member by personal service (Civil Rules, CR 45; Civil Rules, CRLJ 45; Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

Criminal subpoenas may also be served upon a member by first-class mail, fax or email (Criminal Rules, CrRLJ 4.8; Criminal Rules, CrR 4.8).

When a member receives a subpoena, other than through the Records Division, the member must forward the subpoena to the Records Division for their court appearance to be entered in the court coordinating scheduler.

When the Records Division receives a subpoena they will send an electronic copy to Department member with a request of **Read Receipt**. The following message will pop up and Department member will be required to select **Yes**.



To eliminate this step in the future Department members can check mark the box for “Don’t ask me about sending receipts again” and select Yes. Read Receipt will be generated regardless if an email is opened on desktop computers or cellular phones.

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 City Attorney or Prosecuting Attorney, shall notify his/her immediate supervisor without delay regarding:

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- (a) Any civil case where the City 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 Vancouver Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Vancouver Police Department.

The supervisor will then notify the Office of the Chief and the appropriate prosecuting attorney as may be indicated by the case. The Office of the Chief 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 collective bargaining agreement.

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, related to their official duties, may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

If a member is unable to respond to a subpoena refer to **Policy 1036.3.1 - Unavailable Status** for direction.

In the event the Department becomes aware of a member's failure to appear, they shall notify the member's immediate supervisor to address the absence.

347.5 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.

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- (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.

347.5.1 TESTIMONY

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

347.6 OVERTIME APPEARANCES

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