
Subpoenas and Court Appearances

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Kalamazoo Department of Public Safety to cover any related work absences and keep the Department informed about relevant legal matters.

327.2 POLICY

Kalamazoo Department of Public Safety members will respond appropriately to all subpoenas and any other court-ordered appearances.

327.3 SUBPOENAS

327.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her Divisional Commander without delay regarding:

- (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 Kalamazoo Department of Public Safety.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Kalamazoo Department of Public Safety.

The Divisional Commander will then notify the Office of Professional Standards and the appropriate prosecuting attorney as may be indicated by the case. The Office of Professional Standards after consulting with the Prosecutor or City Attorney and the Public Safety Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

327.3.2 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.

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

327.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment as a law enforcement officer (either at KDPS or a former law enforcement job) will not be compensated for their appearance. If the subpoena for which a KDPS officer is served requires time off from duty, such arrangements for time off shall be coordinated through their immediate supervisors.

327.3.4 METHOD OF SUBPOENA SERVICE

Employees of this department may be notified in person or by phone of an existing subpoena. Command officers should check the subpoena box at each station and serve an employee who is on-duty at the time. In the event that a subpoena exists for an employee who is not working and that subpoena is scheduled for a date that is prior to the officers return from days off, that command officer shall make attempts to notify the officer (in-person or verbally via telephone) and document such attempts in their DAR. Officers receiving verbal notice via telephone of a subpoena shall be considered as served by the department.

327.3.5 ADJOURNMENT REQUESTS

Officers should attempt to contact the assigned Victim Coordinator to ascertain if they have been excused from their subpoena. In the event that the name of the victim coordinator is not listed on the officer's subpoena, the officer shall contact the Victim/Witness Unit at 269-383-8677. At no time shall an officer assume they have been excused from their subpoena without verbal or written confirmation from the Victim/Witness Unit or the prosecutor assigned to the case. In the event the officer has a hardship and is having difficulty contacting the Victim/Witness Unit, they should notify a supervisor for guidance and/or assistance in obtaining a response to their adjournment request.

327.4 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.

327.5 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear. All subpoenaed employees shall be ready to testify at the designated place at least 15 minutes prior to the scheduled time of the court appearance and shall make their presence known to the duty Prosecutor, City Attorney or Witness Coordinator.
- (b) Dress in the department uniform or business attire.

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1. Except for the following, personnel shall wear the Class B uniform-of-the-day when testifying at a **jury trial**.
 2. For **non-jury trials** or other court appearances, officers may choose to wear a Class B uniform or the following dress attire:
 - i. Male Officers: Sport coat or suit, tie, dress shirt, dress pants, dress socks, and dress shoes. No tennis shoes, work boots, polo shirts, or blue jeans.
 - ii. Female Officers: A business looking dress, suit or dress shirt/blouse, dress slacks/skirt with a coordinated jacket, blazer, vest or sweater, and dress shoes.
 3. **Criminal Investigations Division/KVET Investigators (not including CPO's):** Personnel shall wear a Class B uniform or the following Civilian Dress for all court appearances:
 - i. Male Officers: Sport coat or suit, tie, dress shirt, dress pants, dress socks, and dress shoes. No tennis shoes, work boots, polo shirts, or blue jeans.
 - ii. Female Officers: A business looking dress, suit or dress shirt/blouse, dress slacks/skirt with a coordinated jacket, blazer, vest or sweater, and dress shoes.
 4. **K-9 and Lab Technicians:** Personnel assigned to these positions who are required to appear in court on a duty day may wear their Class C uniform of the day. If the court appearance falls on a day normally scheduled off for these personnel, they shall wear a Class B uniform (jury trial) or choose the civilian attire noted above if it is a non-jury trial.
- (c) Officers shall carry a firearm while attending court. Officers in plainclothes shall keep firearms concealed.
- (d) 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.

327.5.1 TESTIMONY

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

327.6 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 and delineated in Overtime Compensation Policy.