



Policy and Procedure

Number: 1002

Subject: Required Court Appearances		
Date Issued: 10-14-83	Effective Date: 02-25-11	Revision Number: 8

POLICY:

The Department has a process in place that insures that the service of subpoenas and directives included in those subpoenas is adhered to. When a member of the Department (sworn or non-sworn) receives a subpoena and finds a conflict in scheduling (vacation, out of town school, etc...), it is his or her responsibility to contact the issuing authority and work out the conflict. He or she shall then be responsible for contacting a single point of contact (the Court Sergeant) and notifying him/her of the approved cancellation.

PROCEDURE:

When a member is required to appear and provide testimony concerning a duty related incident, the following steps shall be taken:

UNIT/ROLL CALL SUPERVISOR:

1. When issuing a subpoena to a member:
 - a. Sign and date the top copy of a subpoena in the "served by" space.
 - b. Obtain the signature and date from the member in the "received by" space.
 - c. Return the signed copy of a Criminal Court subpoena and the yellow and pink copy of a Municipal Court subpoena with signatures to the Courts Division.
 - d. Give the member the bottom copy of the Criminal Court subpoena and the white copy of a Municipal Court subpoena.
 - e. If a witness fee check is attached, have the member personally endorse the witness fee check and retain it.
2. Return the signed witness fee checks to the Courts Division.
3. Notify Courts as soon as practical, if timely service cannot be made.
4. Upon being notified by a subordinate that he or she is scheduled during their current work shift for a court appearance, notify Courts personnel that the subordinate has checked in with you at the beginning of his or her shift.
5. Members will receive regular wages for honoring subpoenas originating from former law enforcement employers, when the court appearances occur during the members' regular scheduled tour of duty.

MEMBER:

1. Sign and date the top copy of the subpoena.
2. Retain the bottom copy of a Criminal Court subpoena and the white copy of a Municipal Court subpoena.
3. Endorse the witness fee check, if it is attached.
4. Return the subpoena and signed witness fee check, if applicable to a Supervisor.
5. If you have a scheduling conflict and will not be able to appear as ordered, you must seek permission from the following originating authority:
 - a. Municipal Court – City Attorneys office.
 - b. Revocation hearing – issuing Probation & Parole agent.
 - c. Criminal Court – Make the request through the Victim Witnesses office who will contact the issuing District Attorney or Assistant District Attorney.
 - d. Subpoena from a defense attorney - issuing attorney.
 - e. Civil case – issuing attorney.
6. Upon being released from a subpoena, you must notify Courts of your release (prior to the time of the scheduled appearance) and also provide Courts with the name of person releasing you.
7. If you are served a duty-related civil action subpoena or an order for appearance that has not been processed by Courts:
 - a. Notify Courts of the subpoena and obtain an order for appearance.
 - b. Do not accept a civil action subpoena without a witness fee check attached.

- c. Turn over the witness fee check to Courts.
8. Call the Racine County Victim-Witness office after 5:30pm on the day preceding a scheduled court appearance.
 - a. Listen to the entire recorded message and determine if your particular case is scheduled to proceed.
 - b. If the case is not scheduled to proceed, do not appear and discard the Order for Appearance.
9. If the case is scheduled to proceed and you are off-duty, report to Courts at least one-half (1/2) hour prior to the designated appearance time.
10. Check in with the Courts Unit and obtain a signature of Courts personnel on your subpoena.
11. If on-duty, at the beginning of the work shift in which you have the scheduled court appearance:
 - a. Notify your immediate supervisor of the time and location of appearance.
 - b. Proceed directly to court 15 minutes prior to the scheduled time without stopping in Courts.
12. If attending night court, check in with the Shift Commander and obtain the Shift Commander's signature on the subpoena.
13. Upon request, parking permits can be obtained from the Courts personnel.
 - a. Parking permits are only valid for metered spaces located adjacent to the Racine County Court House and the Law Enforcement Center.
 - b. Red-metered spaces are not applicable.
 - c. Permits are to be used only while in court and all permits must be promptly returned to Courts after a court appearance.
14. For appearances in the Racine County Court House or Law Enforcement Center, report to the Victim-Witness office 15 minutes prior to a scheduled court appearance.
 - a. Have a member of the Victim-Witness office sign and note the appropriate times on your subpoena.
 - b. Check in with the authority responsible for your appearance. (Normally, this will be a member of the District Attorney's Office; however, members are occasionally subpoenaed by the Public Defender's Office or private attorneys.)
15. For appearances in Municipal court:
 - a. Report to the Court 15 minutes prior to a scheduled appearance.
 - b. Have an officer of the Court, sign and note the appropriate times on your subpoena.
16. For appearances in the City Attorney's Office or elsewhere:
 - a. Report to the particular location 15 minutes prior to a scheduled appearance.
 - b. Have the authority responsible for your appearance, sign and note the appropriate times on your subpoena.
17. At the conclusion of a court appearance, have the appropriate authority sign and indicate the time of release on your subpoena.
18. Immediately return to the Department and complete the subpoena.
 - a. Have the On-Duty Shift Commander sign and note the time on your subpoena. If the time does not exceed the minimum call in of 2.7 Overtime / 4.1 Comp. Time, the signature of the On-Duty Shift Commander is not necessary.
 - b. Enter all appropriate information into TMS (including the complaint number of the case).
 - c. Place the completed subpoena in the appropriate mailbox of your division, shift, or unit.

COURTS:

1. Return one copy of the subpoena to the District Attorney's Office or Municipal Court, if applicable.
2. When a member reports to Courts, sign the subpoena in the appropriate location and indicate the time of arrival.
 - a. Advise the member of any known change in the cases' status.
 - b. Upon request, assign members under subpoena a parking permit.

3. Upon notification or discovery of a discrepancy in appearance times as recorded on the subpoena, investigate the member's record of appearance and inform the appropriate Division Commander of the results via the chain of command.
4. Collect all completed subpoenas and prepare officer time/cost studies, as required.

**SHIFT/UNIT
COMMANDER:**

1. Verify relevant members TMS entries utilizing collected subpoenas.
 - a. Record overtime associated with court appearances for members under your command.
 - b. Investigate any discrepancies in the reporting of times noted on the subpoena.
 - c. For officers appearing in court for another law enforcement agency where they are employed part-time or from a previous law enforcement employer, verify the timecard entry and notify the Administrative Manager.
2. Forward the completed copy of the subpoena to the Courts Unit.

**RELATED
PROCEDURES:**

[101 – Reporting Sick Leave](#)
[400 – Rules of Conduct, Section 7a. “Judicial Demeanor and Process”](#)
[1001 – Appearance and Conduct in Court](#)
[1301 – Standard Police Uniform Specifications](#)
[1302 – Plainclothes Dress Specifications](#)
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LEGAL REFERENCE: Wisconsin State Statute 885.06 “Witness Fees, Prepayment.”