
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

SUBJECT: Court Appearance and Scheduling Procedures

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CROSS REFERENCE:

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I. PURPOSE

- A. To instruct all Department personnel about policies regarding regulations and scheduling of court appearances. Department policy governing the process for invalidating Misdemeanor Summons or Traffic Citations is also presented.

II. OFFICER RESPONSIBILITIES

- A. Officers will assign all initial Municipal Court cases in the following manner:
1. Court Schedule
 - a. Monday and Tuesday – All traffic and misdemeanors, excluding domestic violence and DUI cases.
 - b. Wednesday (am) – All domestic violence cases.
 - c. Wednesday (pm) – All DUI cases.
 - d. Thursday – Animal Control cases.
 2. All traffic and misdemeanor court appearance dates will be scheduled no less than fifteen (15) days or no more than forty-five (45) days from the date of issuance of the traffic citation or misdemeanor summons. The officer will note "a.m." or "p.m." on the citation.
 3. Exceptions
 - a. Those cases which require analysis of evidence by an outside laboratory. Scheduling may be extended to sixty (60) days in these cases.
 - b. Summons issued for U.G. Ord. 1-10, failure to appear in Municipal Court, will be dated in accordance with General Order 1.8, Arrest Procedures.

- B. Officers will not appear in court unless they receive a subpoena issued by the Municipal Court, District or other judicial authority. Officers will not be compensated for attendance to duty-related cases unless a subpoena is attached to the officer's court overtime request. Officers will not be compensated for court appearances which are a result of off-duty employment.

1. All subpoenas from State District Courts and the Municipal Court will be distributed to affected personnel through an employee's assigned bureau.

a. The subpoenas will be individually logged and forwarded to the appropriate unit or section.

b. Officers will be required to initial or sign for, receipt of such subpoenas and it will be the officers' responsibility to be present and prepared, in the proper court room, at the required time and date.

c. If, after receipt of a subpoena to appear in the District or Municipal Court, an officer is unable to appear on the scheduled date and time or will be late, that officer must ensure that the appropriate court personnel are notified in a timely manner by phone or email.

d. If an officer is unable to appear due to some unforeseen emergency (sudden medical problem, etc., not the fault of the officer), and the officer absolutely cannot notify the court in advance, the officer must contact his or her Bureau Director through the chain of command as soon as possible.

2. Officers may be called upon to respond to court or the D.A.'s Office without proper notice of a subpoena. When the officer's presence is needed under such circumstances a subpoena will be supplied upon the officer's arrival.

- C. Upon receipt of a subpoena officers will contact the prosecuting attorney to discuss the facts of the case. Officers shall disclose disparaging information that might serve as the basis for impeachment of the officers' veracity or impartiality. Disparaging information would include the disciplinary history of officers that brings into question their integrity.

- D. Officers are required to attend court when notified. They are to be punctual; and they are to be properly attired in either a full uniform, or in conservative business attire, which reflects a professional appearance. Officers should be properly prepared to testify for any court appearance. Officers will be cognizant that their demeanor, physical appearance, and knowledge of the facts of the matter at hand will play a significant role in the subsequent outcome of the prosecution of the case.

- E. It is an integral part of a sworn police officer's job function to make themselves available to testify in a court of law, if that officer's appearance is deemed necessary to

prosecute a pending legal matter. This responsibility includes in court or the District Attorney's Office.

1. When an officer knows that he or she is going to be unavailable for either Municipal or District Court, or due to vacation leave, training and/or other such absence, it will be the officer's responsibility to notify the Municipal Court Clerk's Office and/or the Wyandotte District Attorney's Office without delay.
 2. Officers that have been subpoenaed to a judicial or administrative proceeding, resulting from the performance of their duties, will attend such proceedings unless directed otherwise.
 3. If a suspension has been imposed on an officer, relating to the case for which he/she is appearing, the affected officer will notify the appropriate prosecutor or Assistant District Attorney handling the case without delay, in order to receive further instructions.
 4. Officers that have a subpoena to a judicial or an administrative proceeding, are required to attend the hearing even when on authorized departmental leave, (injury leave, personal leave, military leave etc.) unless excused from the obligation to attend by the court that issued the subpoena.
 5. Unexcused failure of an officer to appear in response to a subpoena in a criminal case is a violation of Department Rules and Regulations and may be treated as an act of criminal Contempt of Court.
- F. Court Overtime Requests.
1. Officers will obtain court overtime requests from the U.G. Municipal Court at the time of their Court appearance. The court overtime requests must be fully and legibly completed. The officer will drop the completed court overtime request forms from Municipal Court in the report tray at their respective divisions or units. The court overtime request will then be forwarded to the officers' Bureau Director.
 2. Overtime requests for District Court will be completed by the District Attorney's office and signed by the officer. Officers will drop completed court overtime request forms from District Court in the report tray at their respective divisions or units. The court overtime request will then be forwarded to the officers' Bureau Director.
- G. Officers attending court will not leave the court area until they have been dismissed by the prosecuting attorney handling the case or by the presiding judge. This is imperative to ensure there is no misunderstanding whether or not the officer is needed to testify or present evidence. If the prosecutor is unavailable while he or she is presenting the case, the officer will stand by in the court area until the prosecutor becomes available to specify whether the officer is dismissed or if the officer is needed.
1. Under no circumstances will an officer leave the court area if he or she may be needed to testify. To do so is a violation of Department Rules and Regulations and may be criminal Contempt of Court.
- H. Officers in the court room will display conduct which brings credit to both the officer and the Department.
- I. There shall be no contact between officers, attorneys for the defense, or bail bondsmen for the purpose of discussing any facet of a case, unless directed to do so by the prosecuting attorney in charge of the case.

1. If any contact is to be made between any of these parties the contact may only be initiated through the Prosecutor's Office, and in such instances the Prosecutor's Office shall act as an intermediary.
 2. If any form of plea-bargaining is initiated with any defendant or his counsel, the plea-bargaining shall be conducted only with the original arresting officer involved in the case.
 3. In the event an attempt is made to contact the officer by anyone having an interest in a particular case, except for the prosecutor, judge, police legal advisor or department personnel, with the intent of such contact being to discuss any legal proceedings, said officer shall immediately advise their supervisor and the police legal advisor.
- J. Officers desiring copies of tickets and/or dispositions of cases may request such from the Municipal Court.
- K. Officers will respond appropriately to Federal subpoenas. When a Federal subpoena is received the officer will contact the prosecutor of the case for any pre-trial interviews which may be needed. Officers will attend Federal Court as required, and will not leave a court area without direct approval by the Federal Attorney.

III. BUREAU DIRECTOR RESPONSIBILITIES

- A. Bureau Directors will be accountable for updating court schedules, whenever an officer's court day is changed. The Bureau Director will be advised of the court day of officers transferred to the bureau or when new officers are hired.
- B. It is imperative that Municipal Court and the Court Services Officer be provided with a current listing of officer's court days so that continuances and bench warrant cases may be properly scheduled.
- C. Bureau Directors will oversee the distribution of subpoenas from the District or Municipal Court and will coordinate any investigation into the circumstances surrounding an officer's unexcused failure to appear in court.
 1. Upon notification by the Court Liaison Officer or other judicial authority, that an officer has missed a scheduled court date, the officer's Bureau Director will instruct that officer's commander to:
 - a. Conduct an investigation into the facts of the situation, and;
 - b. Forward a recommendation for the proper disposition of the matter to the Bureau Director.

IV. PROCEDURES FOR INVALIDATING MISDEMEANOR SUMMONS AND TRAFFIC CITATIONS

- A. If circumstances dictate that a misdemeanor summons or traffic citation needs to be invalidated, the officer issuing such summons or citation will complete a Miscellaneous Report using the ticket and original complaint number, if one was issued. The Miscellaneous Report shall detail the justification for voiding of the summons or citation in question. The completed report will be forwarded directly to the officer's immediate supervisor. After approval, the supervisor will place the Miscellaneous Report in the appropriate drop box designated for the court clerk's office. The report will be transported to the court clerk's office along with the tickets. A summons may also be voided by using the process presented in General Order

80.03 Report Procedures Sec. V Ticket Accountability, provided the summons/citation has not yet been dropped into a drop box.

2. Under no circumstances will an officer contact, directly or indirectly, the Court Clerk's Office or the Records and Technology Unit for nullification of a traffic summons or misdemeanor citation.
 3. An officer shall not approach a judge in an informal setting for the purpose of invalidating a citation. Officers may solicit consideration of the judge for nullification of a summons only in open court.
 - a. The officer requesting this assistance must be the same officer who issued the summons. The officer must provide all substantive data justifying his or her request. The Bureau Director will be informed of an officer's intentions prior to presentation in Court, and such presentation must have the expressed approval of the director's office.
- B. Any attempt made by anyone to coerce an officer into reducing or dismissing a charge stemming from a misdemeanor summons or traffic citation, should be immediately reported to the officer's supervisor and the police legal advisor.

V. RESTRICTED AREAS UNDER COURT DOMAIN

- A. Only personnel authorized by the Chief of Police will be allowed access to the working areas of the Court Clerk's Office.