



KANSAS CITY, MO. POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

10-21-05

EFFECTIVE DATE

10-21-05

NO.

05-4

SUBJECT

Court Procedures

AMENDS

REFERENCE

RESCINDS

Procedural Instructions 97-8, 97-8A

I. PURPOSE

This Procedural Instruction provides department policies and procedures relating to court notification, continuances, and other miscellaneous court procedures. Members will follow the procedures outlined herein.

II. PROCEDURE

This directive has been arranged in annexes for easy reference.

- Annex A Court Notification
- Annex B Continuance Requests
- Annex C Court Appearances

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2005.

Angela Wasson-Hunt
President

DISTRIBUTION: Law Enforcement Personnel
Civilian Supervisory Positions
Department Element Manuals
Post on all bulletin boards for two weeks.

COURT NOTIFICATION

A. Municipal Court Computerized Notification System

1. The Data Entry Section will generate a computerized printout report of Municipal Court cases. The printout will list general and traffic cases set on the department member's court date and Municipal Court appeal cases. A department member will appear in court as notified by the Officer Notification of Court Appearance, Form 5022 P.D., a subpoena, or as otherwise notified by the court. DUI Section cases will appear on the lower portion of the Officer Notification of Court Appearance, Form 5022 P.D. These cases are set for trial on the DUI Section officer's regular court date which may be different from the stop officer's regular court date. The stop officer must appear in court on these cases.
2. The computerized printout will be forwarded to the department member's unit of assignment on the Sunday one week in advance of the week covered in the printout. The commander of each element will establish a procedure to ensure the printouts are promptly disseminated.
3. As a clerical aid, accompanying the printouts will be a list of all department members at that element who have individual dockets for that week. It is mandatory each department member sign their full name, with current date, to signify receipt of their docket. Copies may be made to facilitate individual sector roll calls.
4. Department members must retain the printouts issued to them for reference. Any requests for copies of the printout will be made to the Municipal Court Liaison Officer at least twenty-four hours prior to the member's court date.
5. Department members who receive a court notification for a case that is not theirs are responsible for advising their supervisor of the error. The supervisor will submit a Continuance Request, Form 245 P.D., in accordance with Annex B, Section A, of this directive.

B. Notification Roster for Municipal Court, Form 49 P.D

- *1. The Notification Roster for Municipal Court, Form 49 P.D., will be forwarded to the respective member's unit by the Municipal Court Liaison Officer when the city prosecutor and/or the court have determined the department member's appearance is essential. This would include:

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- a. Cases with an accelerated court date (charges where an individual could not post bond and the Municipal Court tries the case prior to the designated court date).

- b. Cases involving multiple officers with an arrest.
 - c. Cases where a supervisor made the initial traffic stop.
 - d. Cases where a department member would normally not appear in court (i.e., disturbing the peace, shoplifting, trespassing, property damage, or vehicles parked on private property without the owner's consent).
2. The supervisor receiving the Notification Roster for Municipal Court, Form 49 P.D., will ensure department members assigned to their watch or element are informed of the scheduled court appearance.
 3. Each department member whose name appears on the Notification Roster for Municipal Court, Form 49 P.D., will sign their full name and date the roster, acknowledging notification.
 - *4. If a department member whose name appears on the Notification Roster for Municipal Court, Form 49 P. D., is on days off and will not return before the scheduled court date, the desk sergeant or on-duty supervisor will attempt to notify the department member at home (by telephone) and mark the Notification Roster for Municipal Court, Form 49 P.D., accordingly. If the department member cannot be reached in person or by telephone, they are not considered notified and a Request for Continuance, Form 245 P.D. will be completed by the on-duty supervisor. If the department member is off for an extended period of time, the supervisor will complete a Request for Continuance, Form 245 P.D., and forward it to the Municipal Court Prosecutor's Office.
 5. If a Municipal Court case has been continued by the prosecutor and a new date has been set, the Municipal Court Liaison Officer will notify the Watch II desk sergeant or on-duty supervisor by telephone. The Watch II desk sergeant or on-duty supervisor will notify the department member. If the department member is off-duty, the desk sergeant or on-duty supervisor will attempt to notify the department member at home (by telephone). If the department member is off for an extended period of time beyond the court date, the desk sergeant or on-duty supervisor will submit a Continuance Request, Form 245 P.D.
 6. All completed Notification Roster for Municipal Court, Form 49 P.D's., will be forwarded to the Municipal Court Liaison Officer. The Municipal Court Liaison Officer will retain the returned Notification Roster for Municipal Court, Form 49 P.D., for three months.

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C. Notification of Change in Municipal Court Dates

1. The Data Entry Section will ensure the court date on the GOS is correct. When one is found with an incorrect courtroom, date or time, the Data Entry Section will send form letters of notification to the person charged, witnesses (if

applicable), the Municipal Court, and the issuing officer (via their division's chain of command) of the correct date, time, and location for the appearance in court.

- * 2. If a letter of notification sent to the person charged is returned by the post office marked as undeliverable, the Data Entry Section will notify the Municipal Court and the issuing officer that the case will be set at the original date and time as scheduled.

D. City Appeals Court Notification

- * 1. The Watch II desk sergeant or on-duty supervisor will contact the City Appeals Court staff at (816) 513-3803 or (816) 513-3805 each Wednesday between 0900-1200 hours to determine if department members assigned to their element scheduled for the Thursday or Friday Appeals Court settings are still needed.
- 2. The Watch II desk sergeant or on-duty supervisor will notify the department members who are not needed. Individual department members will initial and date the Sector Municipal Court Notification Roster, Form 409 P.D., acknowledging notification. If, for some reason, the department member is unable to initial and date their acknowledgment (R-day, V-day, etc.), the desk sergeant or on-duty supervisor will note the date and time, and by what means the department member was notified. If the desk sergeant or on-duty supervisor is unable to contact the department member, the desk sergeant or on-duty supervisor will note they were unable to contact the department member.

* E. Circuit Court and Associate Circuit Court Notification

Department members notified of an impending Circuit Court case are considered to be on "Circuit Court standby." "Circuit Court standby" means the department member will be able to be contacted to respond in person to Circuit Court, if notified to do so. Department members placed on "Circuit Court standby" will keep the Watch II desk sergeant or on-duty supervisor informed of a telephone number where they can be contacted that week between 0800 to 1700 hours, if not at their residence.

- * 1. Upon notification by the Prosecutor's Office that a department member has a Circuit Court case, the Fugitive Apprehension and Arraignment Section will forward written documentation to the department member's desk sergeant or

on-duty supervisor and place the department member on "Circuit Court standby" for the stated week or until released by an official of the court. FAAS also retains a copy of all notifications they receive. The copies are retained for three months.

- * 2. The desk sergeant or on-duty supervisor receiving the notification will, by the appropriate means (roll call or telephone call), notify the department member of the need for their appearance in court. If off-duty, the department member will be contacted personally whenever possible, rather than leaving a message with family members, or on an answering machine or voice mail.
3. If the department member is off-duty and will not return to duty prior to the date and time they are needed for court, the Watch II desk sergeant or on-duty supervisor will attempt to contact the department member off-duty. If they cannot be contacted off-duty, the Watch II desk sergeant or on-duty supervisor will notify the Fugitive Apprehension and Arraignment Section by telephone at (816) 234-5239.
4. Occasionally the department member may be instructed to call the assistant prosecutor handling the case or the prosecutor's investigator to discuss testimony and establish a specific time that the department member's appearance is required.
5. Fugitive Apprehension and Arraignment Section will notify the desk sergeant or on-duty supervisor that the department member is no longer on "Circuit Court standby" as soon as that information is ascertained from the prosecutor. The desk sergeant or on-duty supervisor will notify the department member as soon as possible.
6. Circuit Court subpoenas issued by defense lawyers are not controlled by the prosecutor's office and the notification procedure is not always through the Fugitive Apprehension and Arraignment Section. Department members are required to comply with the subpoenas. A department member subpoenaed by the defense should alert the Prosecutor's Office of that fact as soon as practical, prior to testimony.
- *7. Watch-II desk sergeants from CPD, MPD, EPD, and SPD will assign a department member to pick-up dockets and subpoenas from the Fugitive Apprehension and Arraignment Section.
 - a. The department member assigned to pick-up the docket(s) and subpoena(s) will deliver the court docket to the desk sergeant or on-duty supervisor.
 - b. The desk sergeant or on-duty supervisor receiving the court docket and subpoena will ensure all department members assigned to that element are informed of scheduled court appearances.

c. Each department member whose name appears on the docket will sign the docket by their name indicating they have been notified to appear as directed.

* 8. Fugitive Apprehension and Arraignment Section personnel will send a copy of the docket(s) and/or subpoenas to all other department elements by interdepartment mail. The division's Watch-II desk sergeant or element supervisor will ensure all department members assigned to their elements are informed of their scheduled court appearance in accordance with Annex A, Section E, 2 and 3, of this written directive.

* F. Juvenile Court Notification

Juvenile court notification is handled in the same manner as all other court notifications.

G. Intoxicated Driving Arrest Administrative Hearing (Not Criminal)

The arresting officer will appear at the administrative and/or subsequent Circuit Court appeal hearing only if issued a subpoena or notified by the Fugitive Apprehension and Arraignment Section. Notice of Hearing forms from the Department of Revenue will be disregarded.

H. Liquor License Revocation Hearings

Department members required to appear at liquor license revocation hearings will be notified by the Business License Section, Revenue Division, Finance Department, City of Kansas City, Missouri.

I. Board of Probation and Parole Hearings

* 1. A person arrested for any offense who is on Missouri probation or parole **must** be given the opportunity to confront adverse witnesses if they are also being held for a probation or parole violation warrant. This process begins by holding a Probable Cause Hearing at the county jail. The hearing is an informal review of the case by a probation and parole supervisor and may require the attendance of the investigating officer for their testimony.

2. In these cases, an officer will be advised by the Fugitive Apprehension and Arraignment Section to attend the Probable Cause Hearing at the county jail where the defendant is being held.

CONTINUANCE REQUESTS

A. Municipal Court

1. The Municipal Court Prosecutor's Office must be notified when a department member is unable to appear in court and requests a continuance. Court clerks will not be contacted for continuance requests.
2. Department members must submit a Continuance Request, Form 245 P.D., whenever time permits. A separate Continuance Request, Form 245 P.D., will be completed for **each** scheduled courtroom or court session appearance. If a department member's division or element receives a court docket for the member and the member is on leave or suspension and they cannot be reached for notification of the court date, their supervisor will notify the desk sergeant or on-duty supervisor who will submit a Continuance Request, Form 245 P.D.
3. All Continuance Requests, Form 245 P.D., will be submitted to the Watch II desk sergeant or on-duty supervisor no later than 0700 hours on the day of the scheduled court appearance. The desk sergeant or on-duty supervisor will evaluate the reason given for the Continuance Request, Form 245 P.D., and approve, if appropriate. **In-Service training takes precedence over Municipal Court. Officers will complete a Continuance Request, Form 245 P.D. and in-service training will be used as the reason for requesting the continuance.**
- * 4. The desk sergeant or on-duty supervisor will forward the white and canary copies of all Continuance Requests, Form 245 P.D., to the Municipal Court Prosecutor's Office before the scheduled court time. The pink copies of all Continuance Requests, Form 245 P.D., are to be retained at the department member's element of assignment for ninety days.
- * 5. When last minute emergencies prohibit a Continuance Request, Form 245 P.D., from being delivered in writing, the department member will contact the desk sergeant or on-duty supervisor who will notify the Municipal Court Liaison Officer (816) 234-5460. If the Liaison Officer is not available, the Prosecutor's Office (816) 513-3806 shall be notified.
6. In cases whereby a department member has been excused by the Prosecutor's Office from providing further testimony at some later date, the department member must submit a Continuance Request, Form 245 P.D., directly to the Prosecutor's Office in accordance with Section A, 3, of this Annex. They will list the reason for request as: "Excused by (name of judge) on (date excused)."

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B. City Appeals Court

1. A continuance request in City Appeals Court must be sent to the Municipal Court Prosecutor's Office on a Continuance Request, Form 245 P.D., no later than Tuesday, one week in advance of the week the case is to be heard.
2. If a continuance is requested after Tuesday because of emergency conditions, procedures in Section A, 5, of this Annex will be followed.

C. Associate Circuit Court or Circuit Court

1. Jackson County

- a. After notification, department members are required to appear in court at the proper time and place. Department members should not request continuances unless extenuating circumstances prohibit their appearance. When it is known in advance that a continuance request will be made, (i.e., V-day, I-day, existing illness, etc.) the department member will submit a Continuance Request, Form 245 P.D., no later than twenty-four hours before the scheduled appearance.
- b. The desk sergeant or on-duty supervisor will evaluate the reason(s) given for the Continuance Request, Form 245 P.D. If the request is appropriate, the Continuance Request, Form 245 P.D., will immediately be completed and delivered to the Fugitive Apprehension and Arraignment Section supervisor.
- c. If the department member's division or element receives court notification for that member and the member is on leave or suspension and they cannot be reached for notification of the court date, their supervisor will notify the desk sergeant or on-duty supervisor who will complete a Continuance Request, Form 245 P.D. It will then be delivered to the Fugitive Apprehension and Arraignment Section.
- d. After notification by the Prosecutor's Office of someone other than a department member being granted a continuance, the Fugitive Apprehension and Arraignment Section will contact by telephone the affected department member's desk sergeant or on-duty supervisor, who will notify the department member.

2. Cass, Clay, Platte Counties

The desk sergeant or on-duty supervisor will evaluate the reason(s) given for the continuance. If the request is appropriate, notification will be made through the appropriate Prosecutor's Office by contacting the below listed numbers:

*Cass County	(816) 380-8250
Clay County	(816) 792-7657
*Platte County	(816) 858-3476

D. Juvenile Court

1. Clay, Jackson, and Platte Counties

- a. After notification, department members are required to appear in court at the proper time and place. Department members should not request continuances unless extenuating circumstances prohibit their appearance. When it is known in advance that a continuance request will be made (i.e., V-day, I-day, existing illness, etc.), the department member will submit a Continuance Request, Form 245 P.D., no later than twenty-four hours before the scheduled appearance.
- b. The desk sergeant or on-duty supervisor will evaluate the reason(s) given for the continuance request. If the request is appropriate, the desk sergeant or on-duty supervisor will ensure the Continuance Request, Form 245 P.D., is delivered to the Fugitive Apprehension and Arraignment Section supervisor.
- c. If the department member's division or element receives a court docket for the member and the member is on leave or suspension and they cannot be reached for notification of the court date, their supervisor will notify the desk sergeant or on-duty supervisor who will complete a Continuance Request, Form 245 P.D. It will then be delivered to the Fugitive Apprehension and Arraignment Section supervisor.

- * 2. A request for continuance in Cass County Juvenile Court will be made through the Cass County Juvenile Officer at (816) 380-8475

E. Criminal Revocation of Driver's License Hearings

- 1. Officers unable to attend a scheduled revocation hearing due to vacation, sickness, injury, etc., will follow the procedures outlined in Section C, 1 and 2, of this Annex.
- 2. When last-minute emergencies prohibit a Continuance Request, Form 245 P.D., from being delivered in writing, a request for continuance will be made by the desk sergeant or on-duty supervisor through the appropriate Prosecutor's Office by contacting one of the following numbers:

*Cass County	(816) 380-8250
Clay County	(816) 792-7657
Jackson County	(816) 881-3555
*Platte County	(816) 858-3476

F. Filing of Continuance Request, Form 245 P.D.

- * 1. The white copy of the Continuance Request, Form 245 P.D., will be forwarded to the appropriate court. The court's copy will be used for accountability and then discarded.
- * 2. The canary copy of the Continuance Request, Form 245 P.D., will be forwarded to the Municipal Court Liaison Officer, via the City Prosecutor's Office for continuances involving the Municipal Court and City Appeals. The Municipal Court Liaison Officer will retain the canary copy for ninety days.
- *3. The continuance Request, Form 245 P.D., will be forwarded to Fugitive Apprehension and Arraignment Section for continuances involving state cases, (i.e., Circuit Court, Associate Circuit Court, Juvenile Court or Driver's License Revocation hearing). The Fugitive Apprehension and Arraignment Section will retain the Continuance Request, Form 245 P.D., for ninety days.
4. The pink copy of the Continuance Request, Form 245 P.D., will be filed at the department member's element of assignment for ninety days.
5. When a desk sergeant or on-duty supervisor calls the Fugitive Apprehension and Arraignment Section with a last minute continuance request for a state case, the Fugitive Apprehension and Arraignment Section supervisor will complete the Continuance Request, Form 245 P.D., and ensure the form is delivered to the requested court. The Fugitive Apprehension and Arraignment Section supervisor will forward the pink copy of the Continuance Request, Form 245 P.D., to the department member's element of assignment. The canary copy will be filed and retained for a period of ninety days at the Fugitive Apprehension and Arraignment Section.

COURT APPEARANCES

A. Court Appearances

1. A department member's testimony in court is among the highest priorities of a department member's responsibilities. Court appearances are vital to the integrity of the criminal justice process. A department member is expected to attend court, even on their regular days off.
- *2. The last officer in the court room will remain there until the court session is completed.
3. Officers will appear in court on all assault cases listed on the Officer Notification of Court Appearance, Form 5022 P.D., unless the complainant was an off-duty officer. If the complainant was an off-duty officer, only the officer who was assaulted will appear in court to testify, unless the Municipal Court Prosecutor and/or court request the appearance of the officer completing the GOS. If state charges are filed, both officers will appear at court hearings until excused by the prosecutor.
- *4. Officers will no longer use the 1100 court setting for GOS's, they should use their regular GOS court time. Department members **will not appear** in court on the following cases, **even if the case appears on the Officer Notification of Court Appearance, Form 5022 P.D.:**
 - a. Disturbance of the peace.
 - b. Stealing.
 - c. Trespassing.
 - d. Property Damage.
 - e. Vehicles parked on private property, without the owner's consent.
 - f. Assaults filed as walk-in reports.
 - * g. Mental Health Court.
 - (1) The regular scheduled court dates for Mental Health Court are set for all Tuesdays at 1330 hours in room "A" of Municipal Court. Department members **will not** respond to the regular scheduled court setting, even if they receive a court docket.
 - (2) Any members notified to appear in courtroom "A," other than as indicated above, will be required to do so.
- * h. No Relevant Testimony.

When an officer does **not** have relevant testimony (i.e., violation not witnessed by the officer and no additional testimony to be provided to the prosecutor) on a case in Municipal Court, the GOS will be set according to the regular court division and time assigned to the officer for GOS cases. Department members **will not** respond to the regular scheduled court setting, if the GOS with no relevant testimony is the **only** case on the docket.

i. Exceptions

(1) If a department member is the sole witness to an offense or has vital information that will assist in the prosecution the member will notify their immediate supervisor or desk sergeant, prior to setting the court time on the GOS, when they feel their testimony is necessary for the outcome of the case. The immediate supervisor or desk sergeant will make the determination as to whether or not the department member will appear in court.

(2) If the Municipal Court Prosecutor sends the department member a handwritten Notification Roster for Municipal Court, Form 49 P.D., requesting their appearance in court, they will appear. If the department member completes a Court Time Voucher Form 54 P.D., the department member should make a photocopy of the Notification Roster for Municipal Court, Form 49 P.D., and attach it to the voucher.

*5. Only the most serious circumstances will be permitted to interfere with court appearances. No department member will assume the prerogative of answering a call for service or conducting self-initiated activity rather than appearing in court. Therefore, the following will apply:

a. Department members scheduled to appear in court will refuse any routine call for service while responding to court and advise the dispatcher of the impending court appointment.

* b. Exceptions

(1) If there are no other cars available and the call is of a life-threatening or emergency nature, the officer will then make that call. In this instance, the officer will notify their immediate supervisor of their courtroom and time. Their immediate supervisor will then contact the Municipal Court Liaison (816) 234-5460; however, if the Municipal Court Liaison is not available the supervisor will call the Municipal Court Prosecutor's Office at (816) 513-3806 and report that the officer will be delayed.

- (2) If a department member is delayed in appearing in court due to any other reason, (i.e., the member is on a call that is time consuming and requires the officer's attention, the member is injured, becomes ill, or an emergency situation arises) the department member will notify their immediate supervisor of their courtroom and time. Their supervisor will then contact the Municipal Court Liaison; however if the Municipal Court Liaison cannot be reached, the supervisor will notify the Municipal Court Prosecutor's Office and report that the department member will be delayed.

B. Municipal Court and Jackson County Associate Circuit Court Sign-In Sheets

1. Sign-in sheets will be maintained at the prosecutor's table in each Municipal Courtroom and at the counsel table in each Jackson County Associate Circuit Courtroom. The sign-in sheet enables the prosecutor to quickly ascertain if department members are available and ready to testify.
2. Each department member, whether on or off-duty and prior to each session, will acknowledge their presence in court by legibly signing their full name and entering other applicable information as required on the sheet. Officers assigned to the Narcotics and Vice Division are exempt from this procedure.
- * 3. When a department member has Municipal Court cases in more than one courtroom at the same time and one of the appearances is in Domestic Violence Court, the department member will sign the sign-in sheet in each of the courtrooms. The department member will make a notation on the sign-in sheet of the other courtrooms he/she will be attending. Domestic Violence Court takes precedence; therefore, the department member will contact the Domestic Violence Prosecutor for instructions.
4. To eliminate any question relating to a department member's presence, no department member will sign another department member's name on the sign-in sheet. No department member will sign a sign-in sheet for a court session later or earlier than the one they are presently attending.
- *5. When a sign in sheet is not available, an officer will obtain a blank piece of paper from the baliff. The officer will print their name, the date, the court room and sign the paper. This paper will be left on the prosecutor's table.

C. Firearm Policy During Court Appearances

1. Officers required to remove their firearm prior to testifying in a State Circuit Court jury trial will be provided with a gun locker to secure the weapon by the applicable county sheriff's department.

2. Any officer entering the Federal Court Building will be provided with a gun locker to secure their weapon by the 1st floor lobby security guard.
3. Officers will retain their firearms when testifying in Municipal Court and/or Associate Circuit Court. Any judge may alter this procedure as it relates to their courtroom.

D. Failure to Appear in Court

- * 1. Signatures of department members appearing in court will be checked with the court dockets. The Fugitive Apprehension and Arraignment Section supervisor will notify a department member's bureau commander in writing through the chain of command, when that member has failed to appear in state or federal court. The Municipal Court Liaison Officer will make the same notification if the department member has reportedly failed to appear in Municipal Court or failed to sign the Municipal Court sign-in sheet.
2. The department member will submit an Interdepartment Communication, Form 191 P.D., through their chain of command explaining the circumstances surrounding their failure to appear in court or to sign the sign-in sheet.
3. Department members may be subject to appropriate disciplinary or corrective action when they are unable to justify their failure to appear in court or to sign the sign-in sheet.

E. Court Dress

Department members attending court will wear their uniform or business attire in accordance with the guidelines outlined in the current written directive, "Uniform and Personal Appearance Regulations."

F. Changes of Court Groups

When the change of a department member's assigned court group to another court group becomes necessary, it will be performed in the following manner:

- *1. If the change is requested by the department member, an Interdepartment Communication, Form 191 P.D., must be submitted through the appropriate chain of command. If the request is approved, the Municipal Court Liaison Officer will review and effect the change, when possible.
2. The Municipal Court Liaison Officer will notify a department member in writing if an assigned court group has been changed.