

	KANSAS CITY, MO. POLICE DEPARTMENT	DATE OF ISSUE 7/1/2020	EFFECTIVE DATE 7/1/2020	NO. 20-05
	<b>PROCEDURAL INSTRUCTION</b>			
<b>SUBJECT</b> <b>Court Procedures</b>			AMENDS	
REFERENCE PPBM: 218 "Uniform and Personal Appearance Regulations"		RESCINDS P.I. 14-06		

**\*I. INTRODUCTION**

This written directive provides guidelines and procedures as it applies to the official duties as a victim or witness department member relating to court notification, continuances, and other miscellaneous court procedures. Members will follow the procedures outlined herein.

**II. GENERAL GUIDELINES**

- A. A member’s testimony in court is among the highest priorities of a member’s responsibilities. Court appearances are vital to the integrity of the criminal justice process.
- \*B. Members will promptly respond and comply with any reasonable request by local, state, or federal official to cooperate and assist with preparation for court matters. Members will maintain professional appearance and conduct during participation in meetings, testimony preparations, depositions, hearings, and trials.
- \*C. If a member fails to be professional, truthful, complete, or comply with an agency or official’s reasonable request, it will be deemed an act of misconduct.
- D. Members are expected to attend court (i.e., municipal, state, outside state, federal, etc.) even on their regular days off.
- \*E. Members on extended leave or family medical leave will be authorized for compensation if the member appears in court when a continuance could not be obtained by the Office of General Counsel (OGC).
- F. Subpoena Duces Tecum is a subpoena to appear at a given time and place and bring records.
  - 1. These may be served to a member for civil or criminal cases and are used for trials and depositions.
  - 2. When a member receives this subpoena, the member should contact the Office of General Counsel (OGC) as soon as possible to determine whether the records may be produced or if there is a need for the OGC to intervene regarding closed records.

- G. It is recommended that members not meet informally or formally with a defense attorney or public defender without a prosecutor present or a representative from the prosecutor's office. Any statements made during either a "formal" or "informal" meeting should be considered "on the record."

### III. PROCEDURE

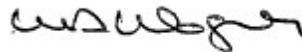
This directive has been arranged in annexes for easy reference

- ANNEX A Court Notification
- ANNEX B Continuance Requests
- ANNEX C Court Appearances
- ANNEX D Civil Court Process
- ANNEX E Contact Information/Telephone Listing



Richard C. Smith  
Chief of Police

Adopted by the Board of Police Commissioners this 16th day of June 2020.



W. Don Wagner  
Board President

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**COURT NOTIFICATION**

**A. Municipal Court**

**1. Municipal Court Liaison Office (Court Liaison) Responsibilities**

- a. Obtain the Court Notification Docket (docket) weekly.
- b. Distribute the docket electronically to all members.

**2. The docket will contain Trial Cases only and are a mandatory court appearance.**

**3. Member Responsibilities**

- a. It will be the responsibility of each member to review the docket for pending court dates upon receipt of the notification.
- b. Members should retain a copy of their docket for reference.
- c. 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 in accordance with Annex B, Section A, of this directive.

**4. Supervisor Responsibilities**

- a. If a member whose name appears on the docket 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 member at home.
- b. If the member cannot be reached in person or by telephone, they are not considered notified. The supervisor will submit a Continuance Request in accordance with Annex B, Section A, of this directive.
- c. If the member is off for an extended period of time, the supervisor will submit a Continuance Request in accordance with Annex B, Section A, of this directive.

**B. Special Court (Municipal Court) Appearance**

- 1. When the city prosecutor and/or the court have determined the member's appearance is essential, the member will be notified directly via email by the Court Liaison or the city prosecutor.

2. These notifications include:
  - a. “Short Continuances” or “In-Custody” – 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. A case continued by the prosecutor, with a new date set.
  - c. Cases involving multiple officers with an arrest.
  - d. Cases where a supervisor made the initial traffic stop.
- C. The Municipal Court Prosecutor’s Office will notify the Court Liaison via email and copy the appropriate member when needed in court for City Appeals cases.
- D. Circuit Court and Associate Circuit Court (State Court) Notification
  - \*1. Subpoenas issued by defense attorneys for Circuit Court or Associate Circuit Court are not controlled by the prosecutor’s office.
    - a. Members are required to comply with all subpoenas.
    - b. Any member subpoenaed by the defense should alert the prosecutor’s office as soon as practical, prior to testimony.
  - \*2. When the notification or subpoena requires a member’s appearance in court in less than seven (7) days, Fugitive Apprehension and Arraignment Section (FAAS) will not receive service of the notification or subpoena. The prosecutor’s office and public defender’s office will be advised to serve the member directly unless the member is assigned to a covert element.
  3. When notifications or subpoenas are presented to the FAAS at least seven (7) days prior to the required appearance of a member, FAAS will receive service of the subpoena.
  - \*4. Upon receipt of the notification or subpoena, FAAS will forward the appropriate documentation via email to the affected member with a carbon copy (cc) to the operations sergeant or supervisor of the member’s unit or division station.
    - a. It will be the responsibility of each member to review their department email account for these notifications and/or subpoenas for pending court dates.
    - b. Members should retain a copy of the notification or subpoena for reference.
    - c. A copy will be maintained on file in FAAS for one (1) year following the court date.

5. Supervisor Responsibilities

- \*a. If a member whose name appears on the notification and/or subpoena 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 member.
- b. The desk sergeant or on-duty supervisor will notify FAAS immediately if the member:
  - (1) Cannot be reached in person or by telephone (the member is not considered notified); or,
  - (2) is off for an extended period of time.

6. Members notified of a pending Circuit Court case are considered to be on "Circuit Court standby." "Circuit Court standby" means members will:

- a. Be available to respond in person to Circuit Court, if notified to do so.
- b. Advise the Watch II desk sergeant or on-duty supervisor of a telephone number where they can be contacted that week between 0800 to 1700 hours, if not at their residence.

7. Occasionally a member may be instructed to contact the assistant prosecutor handling the case or the prosecutor's investigator to discuss testimony and establish a specific time that the member's appearance is required.

8. FAAS will notify the desk sergeant or on-duty supervisor that the 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 member as soon as possible.

E. Juvenile Court Notification

- \*1. Court notifications will be received by FAAS when the appearance of a member is required.
  - a. Upon receipt of the notification or subpoena, FAAS will forward the appropriate documentation via email to the affected member with a carbon copy (cc) to the operations sergeant or supervisor of the member's unit or division station.
  - b. It will be the responsibility of each member to review their department email account for these notifications and/or subpoenas for pending court dates.

2. These court appearances will be treated the same as any other criminal case court appearance, in that members should contact, or have present, a member from the prosecutor's office during meetings with defense attorneys or public defenders.

F. Outside State Notifications

1. Members are required to comply and appear in court when they are properly served a subpoena from an "outside state" agency or other agency.
2. Examples of other agencies or "outside state" may include; but are not limited to, Kansas counties such as Wyandotte and Johnson or Missouri counties such as Bates County which covers Butler, Missouri.
3. Compensation for these appearances is the same as any other court appearance.
4. Members should contact OGC to determine whether there has been proper service from an outside agency.

G. Intoxicated Driving Arrest Administrative Hearing (Not Criminal)

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

\*H. Liquor License Revocation Hearings

Members will receive notification to appear for liquor license revocation hearings through FAAS.

I. Board of Probation and Parole Hearings

1. An individual 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.
  - a. This process begins by holding a Probable Cause Hearing at the county Jail.
  - b. The hearing is an informal review of the case by a probation and parole supervisor and may require the attendance of the involved member(s) for their testimony.
2. In these cases, the member will be advised by the FAAS 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 member is unable to appear in court and/or request a continuance. Court clerks will not be contacted for continuance requests.
2. In-Service training takes precedence over Municipal Court. When submitting a continuance request, "In-Service training" will be used as the reason for requesting the continuance.
3. Requests will be made no later than two (2) days prior to the required court appearance.
4. All continuance requests must be supervisor approved. Therefore, members will email their immediate supervisor requesting a court continuance and include the following:
  - a. Reason for requesting the continuance.
  - b. Date of court appearance.
  - c. Citation/summons numbers(s) involved with each court appearance for which the member is requesting continuance.
  - d. Courtroom.
  - e. Full name of all defendants associated with the court appearance.
5. If the member's immediate supervisor is on days off or extended leave, the request will be forwarded to the desk sergeant for handling.
6. If the continuance request is approved by the supervisor, the request will be forwarded electronically to the prosecutor's office.
  - a. The Court Liaison will be carbon copied (cc'd) on the request to the courtroom prosecutor as well as a "read receipt" required for confirmation of the continuance.
  - b. Members should refer to Annex E of this directive for the email address for the prosecutor's office.

7. When last minute emergencies prohibit submitting a continuance request as stated above, the member will contact the desk sergeant or on-duty supervisor who will notify the Court Liaison. If the Court Liaison is not available, the prosecutor's office will be notified by telephone (refer to Annex E, Contact Information/Telephone Listing).

B. Associate Circuit Court or Circuit Court (State Court)

1. Members will not request continuances unless extenuating circumstances prohibit their appearance.
2. When it is known in advance that a continuance request will be made, (i.e., V-day, I-day, existing illness, etc.) members will email their immediate supervisor, not FAAS, requesting a court continuance. The email request will include the following:
  - a. Reason for requesting the continuance.
  - b. Date of court appearance.
  - c. Case report number (if available) involved with each court appearance for which the member is requesting continuance.
  - d. Full name of all defendants associated with the court appearance.
3. If the member's immediate supervisor is on days off or extended leave, the request will be forwarded to the desk sergeant for handling.
- \*4. The supervisor will:
  - a. Forward the email request to FAAS.
  - b. Notify the attorney or paralegal requesting the member's appearance as soon as possible.
- \*5. When last minute emergencies prohibit completing the above listed steps:
  - a. The member will contact the desk sergeant or on-duty supervisor.
  - b. The supervisor will notify the FAAS by email or telephone.
  - c. If FAAS is unavailable, the supervisor will notify the appropriate circuit court division administrator or prosecutor's office by telephone.

\*C. Juvenile Court

Continuance requests must be sent to the Juvenile or Family Justice Center requesting the appearance. The Juvenile Section should be contacted for questions.

D. Criminal Revocation of Driver's License Hearings

1. Members unable to attend a scheduled revocation hearing due to vacation, sickness, injury, etc., will follow the procedures outlined in Section B of this Annex.
2. When last minute emergencies prohibit submitting a continuance request as stated above, the member will contact the desk sergeant or on-duty supervisor who will request a continuance on behalf of the member through the appropriate Prosecutor's Office by telephone. Members should refer to Annex E of this directive for the contact information.

## COURT APPEARANCES

- \*A. This annex provides guidelines as it applies to the official duties as a victim or witness department member.
  
- B. Court Appearances
  - 1. A member is expected to attend court, even on their regular days off.
  - 2. Only the most serious circumstances will be permitted to interfere with court appearances.
  - 3. No member will assume the prerogative of answering a call-for-service or conducting self-initiated activity rather than appearing in court.
  - 4. Members scheduled to appear in court will refuse any call-for-service while responding to court and advise the dispatcher of the pending court appointment. However, if there are no other cars available and the call is of a life-threatening or emergency nature, the member will handle the call.
  - 5. If a member is delayed for court for any reason (e.g., the member is on a call that is time consuming and requires the member's attention, the member is injured, becomes ill, or an emergency situation arises):
    - a. The member will notify their immediate supervisor of their courtroom and time.
    - b. The supervisor will contact the Court Liaison. If the Court Liaison cannot be reached, the supervisor will notify the Municipal Court Prosecutor's Office and report that the member will be delayed.
  
- C. Court Dress
  - \*1. Members attending court or Grand Jury as the result of a police action and on the behalf of the Department will either wear Class A, Class B, or professional business attire in accordance with the current written directive, "Uniform and Personal Appearance Regulations."
  - 2. Members attending court as a defendant on a case that is unrelated to police business, will not appear in court in their department issued uniform.

D. Municipal Court Sign-In, Form 239 P.D.

1. Sign-in sheets will be maintained at the prosecutor's table in each Municipal Courtroom. The sign-in sheet enables the prosecutor to quickly ascertain if members are available and ready to testify.
2. Each 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. Members assigned to covert elements are exempt from this procedure.
3. When a member has Municipal Court cases in more than one (1) courtroom at the same time, the member will sign the sign-in sheet in each of the courtrooms. The member will make a notation on the sign-in sheet of the other courtrooms they will be attending.
4. Members will not sign another member's name on the sign-in sheet.
5. Member's will not sign a sign-in sheet for a court session later or earlier than the one they are presently attending. For instance, signing in for a 1300 hours court appearance at 1100 hours.
6. If the sign-in sheet is not available, the member will contact the Municipal Court Officers for additional sign-in sheets.
7. The Municipal Court Officers will obtain the sign-in sheets at the conclusion of each day and forward them to the Court Liaison.
8. The Court Liaison will retain the sign-in sheets according to the retention schedule.

E. Firearm Policy During Court Appearances

1. Members required to remove their firearm prior to testifying in State Circuit Court jury trial will be provided with a gun locker to secure the weapon by the county sheriff's department.
2. Any member entering the Federal Court Building will be provided with a gun locker to secure their weapon by the lobby security guard.
3. Members 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.
4. Any member requested to remove their weapon prior to testifying in any court without being provided a gun locker to secure their weapon, may refuse to proceed with the appearance and should immediately contact an available department supervisor for assistance.

F. Failure to Appear in Court

1. Municipal Court

a. The Municipal Court Prosecutor's Office will monitor court appearances. In the event a member fails to appear for a court session, the Court Liaison will be contacted and informed of the issue.

b. After reviewing the Municipal Court Sign-In, Form 239 P.D., and continuance requests for the court session in question, if the Court Liaison determines that a member has failed to appear in court, the Court Liaison will notify the member's bureau commander in writing through the chain of command.

\*2. FAAS will notify the member's supervisor in writing by telephone and email when that member has failed to appear in state or federal court.

\*3. The member's supervisor will contact the member and determine the circumstances surrounding their failure to appear in court or to sign the sign-in sheet.

4. Members will 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.

\*G. Changes of Court Groups

1. When the change of a department member's assigned court group becomes necessary, the member will forward an email request through their chain of command.

2. If the request is approved, the Court Liaison will review and make the change and notify the member of their changed court group.

**CIVIL COURT PROCESS**

- A. Members named as the defendant in a civil case should be served the initial summons and petition directly. The OGC is authorized to receive service only for the Board of Police Commissioners, Chief of Police, or members in covert assignments.
- B. If the OGC is contacted and requested to receive service for a member, the requestor will be given the member's assignment, location, and shift. The requestor will be advised to serve the member directly.
- C. Unless notified of an advanced alternative arrangement, a member should be personally served to testify in court or at a deposition on any civil case involving the department or Department member performing their official duties.
- D. Questions regarding service or the process in a civil case should be directed to the OGC.

**CONTACT INFORMATION/TELEPHONE LISTING**

- \*A. Submit continuance requests to [REDACTED].
- \*B. In last minute emergencies which prohibit the submission of a continuance request through normal processes, the Municipal Court Prosecutor's Office will be notified: [REDACTED].
- C. Criminal Revocation of Driver's License Hearing continuance requests for last minute emergencies:
  - 1. Cass County [REDACTED].
  - 2. Clay County [REDACTED].
  - 3. Jackson County [REDACTED].
  - 4. Platte County [REDACTED].