
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 Urbana Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

327.2 POLICY

Urbana Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

327.2.1 SUBPOENA CHECKS

When officers receive a check for testimony (typically attached to the subpoena), the following steps shall be taken:

- (a) If the officer testifies, he/she should sign the check, attach a copy of the subpoena, and then forward the check to the Department Administrative Assistant for processing.
- (b) If the case is dropped or the officer is not required to testify, send the unsigned check and subpoena to the Department Administrative Assistant, noting that the court appearance was cancelled.

327.3 SERVICE OF SUBPOENAS

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished through several methods. Because the primary requestor of police presence in court is the State's Attorney's Office, an email system has been set up to facilitate this communication between the SAO and the police department.

State's Attorney's Office Subpoenas:

- Supervisors, along with the officers being subpoenaed, will get an e-mail, which is the subpoena. This will be the only notice an officer will get. First shift sergeants will check the subpoenas as they come in and, if they find any that are short notice (where the officer will not be back before the court date), they will need to contact that officer and inform him/her of the court date and time.
- First shift sergeants also need to check any subpoenas for an officer who is off for an extended period of time, whether at training, leave or vacation and contact the officer and inform him/her of the court notification. Once the sergeant contacts the officer, he/she will e-mail all the sergeants and let them know the notification has been made.
- The CID Sergeant, backed up by the CID Lieutenant, will monitor e-mail subpoenas for CID personnel.

Subpoenas may also be delivered by personal service on the employee or by delivery of the subpoena on the employee's supervisor or other authorized departmental agent. Subpoena

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service is also acceptable by certified US mail, courier or court appointed liaison from the court to this department.

Traffic court notices are sent from the Circuit Clerk's Office and are in paper format. They are to be delivered to the appropriate division for processing.

For paper, hand-delivered subpoenas, the above bullet pointed process still applies. Any employee accepting a subpoena shall forward it to the subpoenaed employee. Once the subpoenaed employee receives the subpoena, a copy shall be forwarded to the division commander.

327.3.1 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 any current collective bargaining agreement or City personnel rules.

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

327.3.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

327.3.3 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor 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 Urbana Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Urbana Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

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

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 STANDBY

To facilitate court appearances, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

327.6 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.
- (b) Dress in the department uniform or business attire.
- (c) 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.

327.6.1 TESTIMONY

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

327.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with any current collective bargaining agreement or City personnel rules.