

## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for agency members who must appear in court. It will allow the Milwaukee County Sheriff's Office to cover any related work absences and keep the Agency informed about relevant legal matters.

### 324.2 POLICY

Milwaukee County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 324.3 SUBPOENAS

Only agency members authorized to receive a subpoena on behalf of this agency or any of its members may do so.

Service of a subpoena or court notice requiring the appearance of any member in connection with a matter arising out of the member's course and scope of official duties may be accomplished by (Wis. Stat. § 885.03):

- (a) Personally serving a copy of the subpoena to the member.
- (b) Delivering a copy to the member's usual place of residency.
- (c) Exhibiting and reading the subpoena to the member.

Except a subpoena on behalf of the State of Wisconsin, of a municipality in a forfeiture action or of an indigent respondent in a paternity proceeding, no subpoena for a member of this agency as a witness in a civil action should be accepted unless accompanied by the appropriate witness fees as allowed by law (Wis. Stat. § 885.06). Any received fees should be forwarded to Fiscal.

#### 324.3.1 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 Milwaukee County Corporation Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County 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 Milwaukee County Sheriff's Office.

# Milwaukee County Sheriff's Office

## Policy Manual

### *Subpoenas and Court Appearances*

---

- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Milwaukee County Sheriff's Office.

The supervisor will then notify the Sheriff (through the chain of command) and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

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

#### **324.3.2 CIVIL SUBPOENA**

The Agency will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

#### **324.3.3 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.

#### **324.4 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.

#### **324.5 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 agency uniform (i.e., Class B uniform with long-sleeve shirt and tie) or business attire (if applicable for assignment).
- (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.

##### **324.5.1 TESTIMONY**

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

#### **324.6 OVERTIME APPEARANCES**

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