

**PROCEDURES TO SUBPOENA
AN OFFICER OR WITNESS TO TESTIFY IN A
CONTESTED PHOTO ENFORCEMENT INFRACTION HEARING**

IRLJ 3.1(a) provides that a defendant may subpoena witnesses for a contested infraction hearing and that a subpoena may be issued by a judge, clerk of the court, or by a party's lawyer. *RCW 46.63.090* further provides that the person named in the Notice of Infraction may subpoena witnesses, including the officer. The subpoena process is as follows:

1. The defendant completes a subpoena, except for the signature block.
2. The defendant submits the completed subpoena for the Court Clerk's signature.
3. The defendant makes **3 (three) copies** of the completed and signed subpoena and files one copy with the court, one copy is served on the witness/officer and one copy is retained by the defendant.
4. The defendant serves the subpoena on a witness by:
 - A. Service as provided in *Civil Rule 45(c)* which states that a subpoena may be served by any suitable person over 18 years of age by giving a copy of the subpoena to the witness or by leaving such copy at the place of his/her abode. Proof of service shall be made by completing the Certificate at the bottom of the Subpoena (on the Copy retained by the defendant). **Personal service should be done at least 7 (seven) days before the hearing per IRLJ 3.1(a).**
 - B. Service by first class mail, postage prepaid, sent to the witness' last known address as provided in *IRLJ 3.1(a)*. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. **Service by mail should be done at least 10 (ten) days before the hearing per IRLJ 3.1(a).**
5. The defendant serves the subpoena on a police officer by:
 - A. Serving a copy of the subpoena on the following individual for personal service;
 - B. or by mailing such copy by certified mail to:

Ms. Diana Poeppel, Administrative Assistant ISD
Pasco Police Department
215 W. Sylvester Street
Pasco, WA 99301

6. Once the witness/officer is served, the person that served the subpoena completes the Certificate of Service found at the bottom of the copy of the subpoena retained by the defendant. Do this for each witness served. The defendant then makes a copy and retains it. The original of the completed Certificate for each witness served is filed with the Court prior to the hearing.