



General Order 12.1 - Direction

PURPOSE: Define the legal authority of the sheriff; explain the rank of succession; describe supervisory accountability of personnel; define the duty to obey a lawful order; outline procedures to follow for conflicting orders; outline procedures of staff meetings; and define the authority to search county premises and describe requirements and responsibilities for responding to subpoenas.

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ISSUED BY : Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

A handwritten signature of Jeffrey T. Easter in black ink, enclosed in a rectangular box.

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12.1.1 AUTHORITY OF THE SHERIFF

A. The sheriff has the authority and responsibility for the management, direction, and control of the operation and administration of the Sedgwick County Sheriff's Office.

1. This authority is granted by Kansas State Law, Chapter 19, Article 8.

12.1.2 CHAIN OF COMMAND

A. The order of rank for succession in the department shall be the commanding deputy of the components as follows:

1. Sheriff;

2. Undersheriff;
3. Chief Deputy
4. Law Enforcement Bureau
5. Detention Bureau

B. The order of rank for succession in the Law Enforcement Bureau shall be as follows:

1. Sheriff
2. Undersheriff
3. Chief Deputy
4. Major
5. Captain
6. Lieutenant
7. Sergeant
8. Detective - Investigator
9. Deputy Sheriff

C. The order of rank for succession in the Detention Bureau is as follows:

1. Sheriff
2. Undersheriff
3. Chief Deputy
4. Detention Major
5. Detention Captain
6. Detention Lieutenant
7. Detention Sergeant
8. Detention Corporal
9. Detention Deputy

D. When the situation dictates, the supervisor on duty shall notify the next in order of succession who shall in turn determine the need for and/or make other notifications.

E. All orders and reports shall move downward and upward through the chain of command with mutual consideration by all employees concerned.

12.1.3 SUPERVISORY ACCOUNTABILITY OF PERSONNEL

A. To achieve effective direction, coordination, and control, supervisory personnel shall be accountable for the performance of employees under their immediate control.

B. A supervisor shall sustain a subordinate when the subordinate is acting within his/her rights and duties.

C. Every supervisor shall properly supervise subordinates and take appropriate disciplinary action.

1. A supervisor shall avoid censuring a subordinate in the presence of others unless necessary or unavoidable.

12.1.4 LAWFUL ORDER

- A. Department employees shall be required to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
 - 1. Any employee who willfully disobeys or disregards such an order (verbal or written), will be considered to be insubordinate, absent extenuating circumstances.

12.1.5 CONFLICTING ORDERS

- A. In the event an employee receives a conflicting order or directive, the employee shall respectfully call the conflict to the attention of the superior giving the last order. Should the latter not change the order, it shall be obeyed and the employee thereafter shall not be responsible for disobeying the first order.

12.1.6 STAFF MEETINGS

- A. To facilitate communication between the various divisions and sections of the department, regular staff meetings at all levels will be held.
- B. Staff meetings at the administration level will be attended by all division commanders, bureau commanders, the chief deputy, and the undersheriff.
 - 1. Items may be placed on the meeting agenda up to twenty-four (24) hours prior to the meeting by the designated attendees.
 - 2. Administration staff meetings will be scheduled at the convenience of the sheriff.
- C. Division-level staff meetings will be scheduled by each division commander. It is recommended that these staff meetings take place shortly after the administration staff meeting.
 - 1. Supervisory staff of that division will attend.

12.1.7 AUTHORITY TO SEARCH COUNTY PREMISES

- A. Employees shall NOT have an expectation of privacy in their work areas. Areas furnished by the department for the employees use shall be open and accessible for search by departmental personnel at any time without notice. Personnel holding the rank of lieutenant or above may authorize such searches. Areas where this rule applies can include, but are not limited to, offices, desks, vehicles, lockers and file cabinets.

12.1.8 SUBPOENAS AND COURT APPEARANCE REQUIREMENTS

- A. General. In an effort to minimize the use of overtime for off duty personnel and to facilitate more efficient use of on duty personnel, the following procedures will be followed to help control the amount of the time a deputy spends in court. A deputy receiving a subpoena should not automatically appear in court, but should follow the procedures set out herein.
- B. Definitions. For purposes of this section, the use of the word “subpoena” shall be defined as a writ issued by a court or other authority to compel the attendance of a witness at a judicial or administrative proceeding. A “subpoena duces tecum” requires records or physical evidence to be presented or delivered as stated in the subpoena. “Stand-by” is defined as being on call and prepared to come to court if so notified.
- C. Penalty for Failure to Comply. Failing to appear as directed by a subpoena or disobeying other directives in a subpoena could cause the court to find the deputy in contempt of court which may result in civil and/or criminal penalties.
- D. Forms of Subpoenas.
 - 1. (R) Subpoenas may be issued in various types of court proceedings including, but not be limited to: criminal; juvenile; traffic; county court; domestic; probate or other civil cases. Subpoenas may be issued for depositions. Subpoenas may be issued by various courts or agencies including: Judicial District; municipal courts; federal courts; Kansas Department of Revenue; or courts of other counties and states.
 - 2. Subpoenas may be issued at the request of prosecutors, public defenders, attorneys in private practice or any party in the court proceeding.
- E. (R) Procedures Upon Receipt of Subpoenas for Appearance in Court, at a Deposition, or for Records.
 - 1. (R) Deputies receiving subpoenas must determine the nature of (criminal traffic or civil) and source of (the court and the issuing party) the subpoena. **Only 18th Judicial District court subpoenas in criminal and traffic cases are received and tracked by the Sheriff’s Office court liaison.**
 - 2. (R) Upon receiving a subpoena on a matter other than an 18th Judicial District criminal or traffic case, the following procedures will be followed.
 - a. (R) The subpoena recipient must contact the Sheriff’s Office court Liaison for assistance in responding. In addition, for subpoenas received on any civil case the subpoena recipient must contact the County Counselor’s Office for direction after consulting with their immediate supervisor .
 - b. (R) If a deputy has a professional or personal schedule conflict with a subpoena, the deputy must request the court liaison deputy’s assistance in requesting a continuance. Disputes as to a deputy’s appearance should be referred immediately to the liaison’s supervisor, the subpoenaed deputy’s supervisor and to the County Counselor’s Office.

3. **(R)** The liaison shall coordinate with the party issuing the subpoena as to whether the deputy is required to actually appear at the time stated on the subpoena or whether the deputy may be allowed to be on stand-by. After coordination with the party issuing the subpoena, the liaison shall notify the deputy receiving the subpoena if appearance is required or if stand-by status is acceptable.
4. **(R)** Upon receiving a subpoena on an 18th Judicial District Court criminal or traffic case, the following procedures will be followed.
 - a. **(R)** Deputies who are either on or off duty at the time stated on subpoena should remain on stand-by.
 - b. **(R)** Deputies must appear at driver's license hearings on the date specified on the subpoena unless the deputy has been notified by the liaison deputy or the Kansas Department of Revenue that they will not be needed..

(R) Per the Kansas Department of Revenue, changes to driver's license hearing dates require at least seven (7) working days advance notice.

5. Unless the deputy has been otherwise advised by the party issuing the subpoena, a deputy shall be available for traffic bench trials a minimum of one (1) hour after the time printed on the subpoena. Subpoenas for criminal trials require the deputy to be available one (1) hour and thirty (30) minutes after the time printed on the subpoena.
6. **(R)** Once a trial deposition or hearing has begun, a deputy is "under subpoena and subject to call" for the duration of the trial deposition or hearing until released by the subpoenaing party. A new subpoena will not be issued for each day it may take to complete the trial deposition or hearing.
7. **(R)** If any subpoena requests release of records, the deputy must, after reviewing with their immediate supervisor, consult with the Records Section supervisor and coordinate with the County Counselor's Office well in advance of the due date so the request may be evaluated and timely objections may be made. Restrictions on release are set forth in General Order 82.1.11, in statutes and case law. Records subpoenaed are not always released but a timely response must be made.
8. To assist in compliance with subpoenas, deputies must assure that a current and correct phone number is provided to Sheriff records (ILeads) and/or directly to the liaison deputy. If the deputy will be at different number, arrangements will be made in advance to the liaison deputy.