

RCW 46.63.090 provides that the person named in the Notice of Traffic Infraction may subpoena witnesses, including the officer. The Infraction Rules for Courts of Limited Jurisdiction (IRLJ) provide at IRLJ 3.1(a) that a defendant may subpoena witnesses and that a subpoena may be issued by a judge, clerk of the court, or by a party's lawyer.

The subpoena process is as follows:

1. The defendant completes a subpoena, except for the court date and signature block.
2. The defendant submits the completed subpoena for the Court Clerk's signature.
3. The defendant makes **4 (four) copies** of the completed and signed subpoena and files one copy with the court, one copy with the prosecutor's office, 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 affidavit. **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 serving a copy of the subpoena on the following individual for personal service or by mailing such copy by certified mail to the:

**RECORDS CLERK**

**Kirkland Police Department**  
11750 NE 118<sup>th</sup> Avenue Kirkland WA 98034

**Medina/Hunts Point Police**

8398 NE 12<sup>th</sup> B  
PO Box 144  
Medina WA 98039

**Clyde Hill/Yarrow Point Police**

Attn: Police Department  
9605 NE 24<sup>th</sup> St  
Clyde Hill, WA 98004

6. An affidavit of service, known as a return of service, should be done and retained by the defendant for each witness served. A return of service form is also attached.
7. A copy of all subpoenas served should be filed with the prosecutor's office by mail or delivery to:

**Moberly & Roberts, PLL**

12040 98th Ave NE, Suite 101  
Kirkland WA 98034