5-07/270.00 - Subpoenas - "On-Call" and "Must Appear"

Subpoenas received from the district attorney's office for appearance in a superior court may be stamped either “On-Call” or “Must Appear.” Subpoenas which are not stamped shall be treated as though they were stamped “Must Appear.”

Unit commanders shall ensure that the subpoena compensation system is effectively administered under the supervision of the court liaison sergeant.

The court liaison sergeant shall maintain a log of all incoming and outgoing contacts regarding court appearances and/or subpoenas, from or to the local courts, district attorney’s offices, or subpoenaed personnel (see section 5-07/250.00).

Court Liaison Officer

Each unit shall identify a court liaison officer (CLO), sworn or civilian, to handle the tracking and distribution of court subpoenas to unit personnel. He shall also track the acknowledged receipt of these subpoenas by affected personnel. He shall perform his duties in an effort to limit court overtime expenditures where possible.

The CLO shall make frequent contacts with the district attorney’s offices to determine case progress for the purpose of canceling “on-call” subpoenas when subpoenaed personnel are no longer needed on a case. During these same contacts, the CLO shall attempt to facilitate having “must appear” subpoenas changed to “on-call” when possible. He shall notify concerned personnel of any of these changes.

A record of all subpoenas received is maintained by the CLO. A request to be placed on-call for a must appear subpoena should be made by the subpoenaed deputy to the district attorney's office serving the named court. Permission must be obtained from the handling deputy district attorney for the subpoenaed deputy to be placed on-call. If permission is not obtained, the deputy to whom a must appear subpoena was issued, whether on or off duty, shall appear in court at the time and date indicated. If granted on-call status, the deputy shall advise his CLO and assume the same responsibilities as outlined in the following subsections for a normal on-call subpoena situation.

All sworn personnel from the rank of deputy sheriff through lieutenant are eligible for a minimum of two hours overtime for each subpoena resulting in a court appearance, including travel time. Personnel are not eligible for the two-hour minimum if this minimum would overlap the employee's scheduled duty reporting time. This also applies to two subpoenas which coincide in reporting times (An employee is required to be in court at 1330 hours. His normal time to report to duty is 1400 hours. The employee is entitled to one-half hour overtime for his court appearance, and a maximum of one hour travel time).