10-002 eSubpoena System

Los Angeles County Sheriff's Department
FIELD OPERATIONS DIRECTIVE
Field Operations Support Services

eSUBPOENA SYSTEM

PURPOSE

The purpose of this Field Operations Directive is to establish policy for the Electronic Subpoena Service System (eSubpoena) and the procedure for the service and acknowledgment of all subpoenas issued by the Los Angeles County District Attorney's Office (DA) to Department personnel.

BACKGROUND

The eSubpoena system was established in an effort to ensure employees are served subpoenas in a timely manner and to reduce unnecessary court overtime. All subpoenas issued by the DA will be distributed to and acknowledged by employees via the Sheriff's Data Network (SDN) email system.

POLICY AND PROCEDURES

The Los Angeles County District Attorney's Office will electronically forward all subpoenas to the eSubpoena system. The subpoenas will then be automatically forwarded to the subpoenaed employee via their SDN email account. The Subpoena Control Officer (SCO) will be able to monitor the subpoena service status by utilizing the eSubpoena system.

Department Subpoena Service via Email Distribution:

All subpoenas issued by the DA will be electronically delivered to the Department's eSubpoena system and served to each employee via their SDN email account. Upon receiving an eSubpoena, employees **shall** immediately open and acknowledge receipt of the electronic subpoena by clicking the appropriate "ACKNOWLEDGE" hyperlink.

Electronic subpoenas convey the same responsibilities as a personally served (paper) subpoena.

The eSubpoena system will document the service of subpoenas. Subpoena Control Officers (SCO) and designated supervisors will have access to the eSubpoena system and be able to monitor the issuance and service of electronic subpoenas.

> **NOTE:** The eSubpoena system does not currently apply to subpoenas issued by the Public Defender's Office, Traffic Court, or any other judicial agency or Administrative office. Therefore, all subpoenas not issued by the DA will continue to be served via personal service of a paper original. As

the eSubpoena programs technology and resources continue to evolve, it is the intention of the Department to eventually establish an eSubpoena link with all other agencies that currently serve subpoenas to our personnel

Subpoena Cancellations:

If it is determined that an employee is not needed for a court proceeding and the employee can be cancelled, the SCO shall change the status of the eSubpoena to "called-off" and cause a notification to be sent to the employee via their SDN email account. Subpoena cancellations will be delivered to employees in the same manner as required by the original subpoena. An employee opening and acknowledging the electronic subpoena cancellation constitutes service of the cancellation to that employee and supersedes the sent subpoena. The DA also has the ability to directly initiate the cancellation or "call-off" of a subpoenaed employee.

Employee's Responsibilities:

Employees receiving electronic subpoenas are subject to the same responsibilities as with a personal subpoena service. The employee will be considered personally served via e-mail when the eSubpoena appears in their inbox. Employees shall appear in court or be placed on-call for court, as directed by the eSubpoena.

Employees subject to electronic subpoena service shall:

- Log on to their SDN email account at least once during each workday* and open all electronic subpoenas and subpoena cancellations; employees shall acknowledge the electronic subpoena, modification, or cancellation by clicking the appropriate reply link;

  Note: Refer to Manual of Policy and Procedures, Section 3- 07/210.10 (System Use). This section requires all employees to read their e-mail on a daily basis.

- If for any reason, an employee is unable to access their SDN email account during a workday, the employee shall contact their SCO or supervisor to ensure that they are served with subpoenas that have been sent to their SDN email account;

  Note: Employees are required to notify their SCO if they will be on vacation or absent

- Immediately advise the SCO and a supervisor if he or she does not have SDN email account access;
- Notify the SCO if the DA notifies him or her directly of a change in the status of the court proceeding (e.g., placed on-call, excused, etc.) and provides the SCO with the case number and the District Attorney's name and contact information;
- Immediately notify the SCO upon receiving a subpoena that was sent to them in error;
- Responsibly maintain their SDN email account and ensure that it does not exceed maximum storage capacity (i.e. shall move and/or delete email files from their inbox to ensure they stay under the basic 10MB storage limit). Repeated occurrences of this may constitute a violation of this directive;
- Refer to the Manual of Policy and Procedures, Section 5-07/250.00 (Criminal Subpoena and Court Appearances).

eSubpoena Administrator

Personnel from Data Systems Bureau and Field Operations Support Services will have Administrator access and oversee the proper functioning of the eSubpoena system.

Field Operations Support Services shall be responsible for development of the eSubpoena system training required by the Department.

Division Master Subpoena Control Officer

Each Division shall designate at least one Master Subpoena Control Officer (MSCO). The MSCO shall have supervisory oversight of the duties and training of all SCO's, oversee the operations of the eSubpoena system for their division, and be responsible for generating reports for command staff.

Subpoena Control Officer's Responsibilities

In addition to the duties delineated in Manual of Policy and Procedures, Section 5- 07/250.00 (Criminal Subpoena and Court Appearances), Subpoena Control Officers shall:

- Monitor the status of subpoenas in the eSubpoena system throughout the workday to ensure that employees are opening them in a timely manner;
- Check the eSubpoena system for employees who request assistance in accessing electronic subpoenas;
- Print subpoenas for Department members who do not have SDN email account access;
- Cause any employee without SDN email account access to be personally served with a paper subpoena and record this in the eSubpoena system remark's section;
- Ensure employees are notified of changes in the status of a court proceeding (e.g. "Must Appear" changed to "On-Call");

  Note: To ensure prompt service, notification of employees shall be made in person, telephonically, or via e-mail, as appropriate.

- Contact the DA when multiple officers are subpoenaed for the same case and attempt to obtain a cancellation for employees who are not needed for the court proceeding;
- Ensure the status of cancelled employees is changed in the eSubpoena system from "served" to "called-off," and the employee is subsequently notified;
- Ensure that an eSubpoena sent to an employee in error is immediately re- sent to the correct employee;
- Cause employees without SDN email account access to be notified of any cancellation in a court proceeding;
- Notify the employee's supervisor if the employee does not have SDN email account access;
- Notify the employee's supervisor if the employee has not opened a "sent" subpoena within (2) working days;
- Notify the employee's supervisor when a subpoena is sent less than (5) working days prior to the date of the court proceeding;
- Notify the DA, as required by the Court, when an employee cannot be served (e.g. vacation, RDO's, IOD, etc.);
- Forward subpoenas from the DA to the appropriate unit via the eSubpoena system when a subpoena is received for an employee assigned to another unit.

Supervisor's Responsibilities

Supervisors shall ensure the following:

- Employees are regularly briefed to check their email daily;
- Employees who are sent eSubpoenas within (5) days of the court proceeding are appropriately notified;
- New employees or employees who do not have SDN email account access obtain access as soon as practicable;
- Employees who do not have SDN email account access shall be personally served with a paper subpoena, and;
- The Subpoena Control Officer is maintaining records for service of those employees without SDN email account access.

Watch Commander's Responsibilities

Watch Commanders shall ensure the following:

- Employees access their SDN email account and acknowledge subpoenas and/or cancellations at least once per workday;
- New employees and employees without SDN email account access, obtain access as soon as practicable;
- Subpoena Control Officers or supervisors personally serve DA subpoenas to Department personnel without SDN email account access.

Unit Commander's Responsibilities

Unit Commanders, or other person designated by them, shall ensure the following:

- Employees are aware of Department policy regarding court overtime;
- Subpoena Control Officers and employees utilize the eSubpoena system and SDN email account for the delivery, service, and cancellation of DA subpoenas;
- New employees and employees without SDN email account access are able to obtain access as soon as practicable;
- Ensure all SCOs have access to a designated Local Area Network computer;
- Supervisors are appropriately trained to access the eSubpoena system and able to assist employees in the absence of the SCO;
- Master Subpoena Control Officer is advised immediately via email of the name and employee number of the SCO, alternate SCO, and replacement SCO in the event of a reassignment;
- Subpoena Control Officers and alternates receive training on the eSubpoena system;
- Alternate SCO and/or supervisors are appropriately designated to obtain full access to the eSubpoena system during the absence of the SCO (e.g. holidays, vacations, etc.).

AFFECTED DIRECTIVES/PUBLICATIONS

Manual of Policy and Procedures, Section 5-07/250.00 (Criminal Subpoena and Court Appearances) - This directive modifies the responsibilities of Department personnel in regard to the acceptance and

supervision of the subpoena process.