

3-05-030 Subpoena Procedures

PURPOSE OF ORDER:

To establish the procedures for subpoena service, subpoena log and the position of [REDACTED TEXT]. Personnel receiving subpoenas will be notified by the [[/R]] via memo or by telephone to sign the Subpoena Book indicating that the employee did, in fact, receive their subpoena(s).

The Day shift and PM shift Watch Deputies shall be the coordinators between the courts and personnel holding on-call status to the court. The respective Watch Deputies must be available between the hours of 0800 and 1630 hours Monday through Friday, excluding holidays.

[[/R]]

A record of all subpoenas received shall be maintained by the [REDACTED TEXT] The following required information shall be documented in the Subpoena Book:

- Employee's name
- Date and time subpoena received
- Court of appearance

- Date and time of appearance
- Court case number
- File number
- Defendant's name

Each court day, the CLO will contact the District Attorney's Office at the courts having "on-call" subpoenas and verify the on-call status of the witnesses. Any changes in status shall be reported to the concerned employee immediately. By 1130 hours of the court day, the CLO will again contact the District Attorney's Office and ascertain the status of the cases involving on-call witnesses for afternoon on-call status.

Employee's Responsibilities

If a subpoena is served directly on an employee, he shall notify the CLO and provide the required information for the Subpoena Book.

A request to be placed "on-call" for a "must appear" subpoena should be made by the subpoenaed officer to the District Attorney's Office at the court indicated on the subpoena. If "on-call" status is granted during off-duty hours, the employee shall advise the CLO of the new status. Deputies on-call shall be available to receive telephone calls from the appearance hour specified on the subpoena until relieved of on-call status at the end of that court day or unless otherwise informed by the CLO or District Attorney's Office.

The employee shall be responsible for turning in an overtime slip (SH-R-251), in duplicate, to the Watch Deputy when the employee returns to work. The overtime slip shall indicate the type of subpoena (on-call or must appear), the court, the defendant's name, and the case number. The overtime codes are indicated on the back of the overtime slip. The Watch Deputy will ensure that all required information is on the overtime slip prior to forwarding it to the Watch Commander for final approval. Once the overtime slip is approved by

the Watch Commander, the copy will be given to the employee.

Subpoena Compensation

All sworn personnel are eligible for a minimum of two hours overtime for each subpoena resulting in a court appearance during off-duty hours. This includes travel time and/or time for retrieving evidence for court. If an employee is required to stay in court for more than two hours, an additional one hour for retrieving evidence and an additional one hour travel time can be included on the overtime slip. Employees will not be paid for lunch breaks if required to return to court after lunch.

All employees are required to have their subpoena either time-stamped or signed by the District Attorney indicating the time of arrival and the time excused from court. Employees will not be paid prior to the "must appear time" indicated on the subpoena. In other words, if an employee arrives early, he will not be compensated for that time. If an employee arrives late for court, he will be compensated from the time of arrival to the time excused from court.

A minimum of two hours half-time compensation will be granted on the date of the on call subpoena. If a deputy has not been contacted by 1200 hours by the District Attorney's office or the CLO, he shall contact the CLO between 1200 and 1300 hours and ascertain his case status. If the court case is still pending, he will remain on-call until notified to report to court or until the end of the court day.

Jury Duty Summonses

When an employee receives a summons for Jury Duty, he shall notify the Operations Office during normal business hours as soon as possible. Upon his return to work, he shall supply a copy of the actual summons, not the questionnaire. The summoned employee is responsible for filling out and returning the questionnaire to the appropriate court (refer to MPP 3 02/070.05).

Summonses (Criminal and Civil)

Personnel receiving summonses (criminal and civil) shall follow the procedures outlined in the MPP sections 5-07/260.00 through 5-07/270.20.
