
Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes guidelines for members who must appear in court. The issuance of subpoenas allows the Department to cover any related work absences and stay informed about legal matters.

324.2 POLICY

Santa Ana Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 SUBPOENAS

Refer to procedure 3240 Procedures for Handling Subpoenas and Court Appearances.

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Santa Ana Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Santa Ana Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current Memorandum of Understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the attorney of record who subpoenaed the member.

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324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear issued by any state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

- (a) The Court Liaison is to be notified by the subpoenaing party when an on-call employee is needed for court. All employees are required to be present in court within (1) hour of notification. Once in court, the employee is required to notify the subpoenaing party of their presence
- (b) The Court Liaison will administer the court on-call program. It will be the employee's responsibility to provide the Court Liaison with a phone number where he/she can be reached while on-call for court. Multiple phone numbers are not allowed.
- (c) In the event an employee becomes unavailable for a scheduled court appearance, it is the employee's responsibility to immediately notify the Court Liaison. This may be due to illness, approved vacation, Military leave, out of county training, or furlough. The employee will then be notified if any subpoenas received for that time period will be refused or not.

Employees must ensure a valid subpoena has been issued for any court appearance they make. If the subpoena was not served through the Court Liaison, the employee must provide a copy of the subpoena to the Court Liaison before a request for court pay will be processed.

324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request and review a copy of relevant reports and become familiar with the content in order to be prepared for court.

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324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current Memorandum of Understanding or collective bargaining agreement.