

GENERAL ORDER 4.2.1

Department Subpoena Service

GENERAL ORDER CROSS-REFERENCE: None.

SUMMARY

Establishes procedures for Department service of subpoenas and service of criminal subpoenas to individuals outside of the Department.

DISCUSSION

None.

POLICY

I

Members shall attend court or hearings when properly subpoenaed. Permission not to attend such court or hearing may only be obtained from the prosecuting attorney handling the case, other competent court officials, and when applicable, the Chief of Police. Members shall accept all legally served subpoenas.

II

In accordance with ORS 136.595 the Department is not required to accept subpoenas served on police officers unless they are served at least 10 days in advance.

III

When criminal subpoenas are received for Department personnel, they shall be logged in a spreadsheet. Records personnel are responsible for maintaining and updating the subpoena log to indicate the date the subpoena was received, name of the person served, defendant and charge, along with date of appearance.

After subpoenas are received and logged, they shall be given to the watch commander for distribution. The watch commander is responsible for service of the subpoenas and returning the proof of service copy of the subpoena to the issuing court.

When criminal subpoenas are received for individuals outside the Department, they shall be logged into the subpoena database by the CSO's. The CSO's are responsible for service of the subpoenas, maintaining and updating the data base to indicate the date the subpoena was received, date the subpoena was served, name of person served, defendant, and the date of

appearance. If for some reason the subpoena could not be served, the reason for non-service shall be documented in the data base and the issuing prosecutor notified.

It is the responsibility of the watch commander to assign the necessary personnel for service of the subpoenas.

IV

Members shall contact the City Prosecutor or District Attorney's Office by telephone, as specified on the subpoena, after 1700 the day before the trial to determine the status of the trial. If a case is not on the voice recording, members appearing for trial shall not be eligible for overtime. Members are not responsible for attending cases not on the voice recording. After a member has appeared in court, they shall complete the subpoena information on their copy and attach it to the overtime sheet if appropriate.

V

Members subpoenaed to testify for the defense in any trial or hearing, or against the City or Department in any trial or hearing shall promptly notify their supervisors upon receipt of the subpoena.

VI

Members shall testify in a civil action only upon being legally subpoenaed. If the subpoena arises out of Department employment or if members are informed that they are a party to a civil action arising out of Department employment, they shall promptly notify their supervisors and the City Attorney of the service, and of the testimony they are prepared to give. Civil case trials are not included on the confirmation voice recording described in section IV above.

VII

Members responding on duty in a Department vehicle to court or hearings shall not retain any fees arising out of such attendance. All fees shall be immediately forwarded to the Office Supervisor, Office of the Chief. All such funds shall be deposited with the Finance Department. Members are encouraged to use Department vehicles whenever possible. Members using personal vehicles may receive a mileage reimbursement in accordance with the Association Agreement and City policy.

Richard Lewis
Chief of Police