



Effective 08/01/2009  
Last Revised 09/15/2019

**CSU FULLERTON POLICE DEPARTMENT  
GENERAL ORDER NUMBER 3-14**

**COURT APPEARANCES AND SUBPOENAS**

**SUBJECT: COURT APPEARANCE AND SUBPOENAS**

**PURPOSE:** To establish procedures for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court requested and present a professional appearance.

**POLICY:** Employees attendance in compliance of a subpoena is mandatory on all cases for which they have been properly subpoenaed. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case. An employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

**PROCEDURE:**

**I. SERVICE OF A SUBPOENA:**

- A. Service of a subpoena requiring the appearance of any Departmental employee in connection with a matter arising out of the employee's course and scope of official duties, may be accomplished by personal service on the employee or by the delivery of two copies of the subpoena on the employee's supervisor or other authorized Departmental agent, Government Code 68097.1 and Penal Code 1328(c).
- B. Subpoena service is also acceptable by courier or court liaison from the court to this Department.
- C. No subpoena shall be received for an employee of this Department unless it has been properly served and verified to have originated from a recognized legal authority.

**II. ACCEPTANCE OF SUBPOENA**

- A. Subpoenas related to sworn employees at the rank of Sergeant, Corporal and Officer are located in the subpoena book. The subpoena book is located in the briefing room. It is the requirement of all above mentioned sworn personnel to review their subpoenas at the beginning of each regularly scheduled work day. The sworn personnel must sign and acknowledge one

of the two copies of the subpoena or, write one of the valid reasons mentioned below for refusal of service.

- B. Only the employee named in the subpoena, his/her immediate supervisor or the Department's Court Liaison shall be authorized to accept service of a subpoena. Penal Code 1328(c). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Court Liaison. The Court Liaison shall maintain a chronological log of all Department subpoenas and provide a copy of the subpoena to each individual employee.
- C. Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- D. Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Court Liaison. as well as a copy to the individual named employee.

### III. REFUSAL OF A SUBPOENA

- A. Valid reasons for an individually named employee not accepting subpoenas include illness, approved training, scheduled vacations and time off. Regular days off are not valid reasons for refusing the subpoena or missing court. If the subpoena has been received by the individually named employee from the Court Liaison and a valid reason exists for refusing the subpoena, the subpoena shall be promptly returned to the Court liaison with a specified reason for refusal as well as the dates when the officer will become available. It shall become the responsibility of the Court Liaison to notify the assigned Deputy district Attorney or other attorney of record of the bona fide unavailability of the employee.
- B. If the supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse the subpoena. If the subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual may refuse to accept service.
- C. If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the Court

Liaison shall notify the server or the attorney named on the subpoena of such, not less than 48 hours prior to the date listed for the appearance. (Penal Code 1328 (f)).

- D. Any employee who fails to comply with the terms of this general order may be subject to discipline pursuant to General Order 2-2, as well as court imposed civil and/or criminal sanctions.

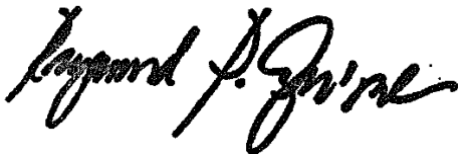
#### IV. COURTROOM PROTOCOL

- A. Punctuality and Dress: Employees must be punctual when appearing in court and shall dress in uniform or business attire.
- B. Preparation for testimony: Before the date of testifying, the subpoenaed officer shall request a copy of relevant documents (reports, citations, etc.) and become familiar with the content in order to be prepared for court. Officers are encouraged to document details of traffic violations.
- C. If the officer is scheduled to attend Traffic court and extenuating circumstances arise that will prevent the employee from testifying, he/she shall contact the on duty Watch Commander and identify the issue. The officer shall be responsible for notifying the Court prior to the date and time specified on the subpoena, and provide a valid reason to be excused.

REVIEWED BY:

P.Dupree

APPROVED:



Raymund Aguirre  
Chief of Police