

# **SUBPOENA PROCESS**

## **Chapter 7.24**

### **PURPOSE**

The purpose of this policy is to provide guidelines for the receipt and processing of a subpoena.

### **PROCEDURES**

The department receives subpoenas via email, USPS or a Server. These subpoenas go directly to the person assigned to accept them. The primary person for accepting subpoenas for the department is the Chief's Assistant. The Fiscal and Training Division Assistants are secondary.

There are two types of subpoena; Deposition/Trial or Duces Tecum (request for records).

### **ADMINISTRATIVE STAFF**

#### Subpoena for Deposition or Trial

1. Check if the subpoena is for a current employee. If the employee is no longer with the County, inform the Server that you cannot accept the subpoena.
2. If the employee is the Defendant, do not accept the subpoena. County policy forbids accepting a subpoena for another employee.

#### Accepting the subpoena

1. Check the employee's shift calendar on Telestaff. If the employee is on vacation and will not be back before the date of appearance do not accept the subpoena. If the subpoena is for a trial, the employee will be aware of the date and will be expecting the subpoena.
2. Email the subpoena to the employee and carbon copy the District Chiefs.
3. Notify the County Attorney assigned to Fire Rescue along with the County's paralegal via email or telephone. Email the subpoena, employee's name, station and email contact information to the County Attorney's Office. The County Attorney will review the subpoena and may contact the employee if needed.

#### Subpoena Duces Tecum without deposition (For Records)

1. All subpoenas for ambulance transport records go directly to the Ambulance Billing contact person.

### **OPERATIONS**

General Rules and Regulations policy 7.6 states that at the beginning of each shift all personnel shall sign on to the Department computer system to review e-mail.

1. Upon receipt of a subpoena, make note of the date and time. Contact your District Chief immediately if time off is needed.

2. Expect a call from the County Attorney's Office regarding the subpoena.
3. Contact Ambulance Billing if you require a copy of the report.