

SAN DIEGO POLICE DEPARTMENT ORDER

DATE/TIME: January 6, 20 – 1330 Hours

NUMBER: OR 20-01

SUBJECT: RESTATEMENT OF COURT PROCEDURES AND SUBPOENAS

COST CENTER: 1914131211

SCOPE: ALL MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED: 1.11

It is imperative that members follow Department procedures when responding to subpoenas, making court appearances, and testifying in court. Members are required to comply with any special instructions listed on subpoenas such as calls to attorneys or calling the recording line for call off information. Calls to attorneys are to be made the first business day following receipt of the subpoena to determine whether to appear at the time specified on the subpoena or at a future date that is agreed upon.

EXCUSE FOR NON-APPEARANCE

As a result of a June 2005 court decision, *Baustert v. Superior Court*, 129 Cal. App. 4th 1269 (2005), a Declaration is needed from any sworn officer or civilian employee requesting an excusal from a subpoena in criminal cases only. This form titled "Officer Declaration for Continuance" will be used for all requests for subpoena excusals. The form is found at F:\Templates\Administrative\OFFICER DECLARATION FOR CONTINUANCE.

The Officer Declaration for Continuance will be used if a Department member is requesting to be excused from a court appearance due to vacation, military leave, scheduled training class outside of San Diego County, conflicting court appearance, family emergency, or any other reasons where the member needs to be excused from court.

Members who are ill, or for any other reason cannot appear in court on the day of the trial, are responsible for contacting the Court Liaison Unit at **(619) 236-5571**, if it is a City Attorney/Misdemeanor Case, or for Kearny Mesa or South Bay Traffic Court cases contact the Traffic Court Liaison Officer at **(858) 634-1822**, or the assigned District Attorney.

Members delayed while traveling to court shall immediately notify the Court Liaison Unit at **(619) 236-5571**, Downtown Court Waiting Room at **(619) 844-2587**, or for Kearny Mesa or South Bay Traffic Court the Traffic Court Liaison at **(858) 634-1822**. Court Liaison personnel will notify the court and the case may be trailed until the member arrives.

Members that do not comply with the above procedure will be documented as “Missed Court” and a Court discrepancy memorandum will be generated and forwarded to the member’s Commanding Officer.

Any questions can be directed to Sgt. Cahill, Court Liaison, at 619-533-5587.

Please read at squad conferences and give a copy to all personnel.