

ORANGE COUNTY SHERIFF'S DEPARTMENT



S.A.F.E. Division

EMPLOYEE RESPONSIBILITY: REQUIRED ADHERENCE TO CRIMINAL AND ADMINISTRATIVE SUBPOENAS

It is crucial that we as members of law enforcement appear at court or administrative hearings to provide testimony. Otherwise, we fail to fully complete our mission, lose public trust, and expose ourselves and the Department to unnecessary liability.

Courtroom and administrative hearing testimony is one of the most important functions of law enforcement personnel. Arrests are made in the street, guns collected from the field, and evidence tested in the laboratory; however, these actions must be upheld later either in an administrative hearing or court of law. Without official testimony, criminals are not held accountable, chronic DUI drivers are back on the roadway, and weapons are returned to restrained parties who may be a danger to themselves or further endanger others.

Legal Ramifications:

If a Member fails to appear in court when subpoenaed, a judge may find that Member to be in civil contempt of court. A bench warrant, also referred to as a "body attachment" can then be issued.

A failure to appear reflects poorly on that Member, the Department, and our profession as a whole. Department Members shall appear in court when subpoenaed. It is a function of our profession and required by law and OCSD policy. This includes criminal subpoenas issued by either the District Attorney or defense counsel, as well as administrative hearings and/or other civil proceedings, e.g., Gun Violence Restraining Order (GVRO) hearings, Department of Motor Vehicle hearings, child custody hearings, parole hearings, etc.

OCSD Policy 1018.45 states:

"Members, when subpoenaed into court to testify, shall be punctual in attendance...Members placed on call for court will be prepared to respond to that court at the specified time or within the established time limits and in appropriate attire."

OCSD Policy 339.3 states:

"A deputy petitioning the court for a gun violence restraining order shall comply with notice, hearing and renewal requirements set forth in Penal Code § 18100."

Subpoena Scheduling:

The subpoena system utilized by the Orange County District Attorney's Office interfaces with InTime. If a Member has a scheduled vacation or is on leave that conflicts with a subpoena, the Subpoena Desk and the District Attorney are notified to reschedule. Members must ensure their InTime accurately reflects their current schedule and any planned or unplanned leave. The Subpoena Desk can be reached via email [REDACTED] or by phone at [REDACTED].

Refer to OCSD policies 1018.45, 339.3, 1054.2, Penal Code § 18100, and Patrol Operations Manual Section 17.IV.C for further details on this topic. If you have any questions, please contact your direct supervisor.

