

CHIEF OF DETECTIVES

NOTICE 8.2

April 12, 2018

TO: All Department Personnel

FROM: Chief of Detectives

SUBJECT: SUBPOENA CONTROL PROCEDURES

PURPOSE

In 2008, the Department established the Electronic Subpoena System (ESS) to ensure employees were served subpoenas in a timely manner and to reduce unnecessary court overtime. Currently, subpoenas are distributed to and acknowledged by employees via the ESS and the Department e-mail system. In reviewing the capabilities of the current Department e-mail system, Microsoft Outlook, it was noted the system does not have the same tracking capabilities as the GroupWise e-mail system; therefore, this Notice serves to inform Department personnel of the need to adhere to the following procedures.

PROCEDURE

In accordance with Los Angeles Police Department (LAPD) Manual Section 3/210.05, each Commanding Officer shall designate a Subpoena Control Officer (SCO) within their respective commands. The SCOs shall be assigned to a duty schedule that will ensure their presence during normal court hours. The SCO shall monitor ESS daily and serve subpoenas in hard copy form that are within 10 calendar days of the court date. The service shall be documented in the court book and in the ESS by the SCO.

- I. DEPARTMENT ELECTRONIC MAIL DISTRIBUTION AND SERVICE OF SUBPOENAS.** All subpoenas issued by the District Attorney's Office (DA) and City Attorney's Office (CA) are electronically delivered to the Department's ESS and e-mailed to the employee's Department e-mail. The employee is required to physically press the acknowledge button to show the subpoena was served; however, depending on the computer and location where the employee opened the e-mail, the service of the subpoena may not get updated. Therefore, effective immediately, employees are required to be served hard copy subpoenas, printed by the SCO, when the court date is within 10 calendar days of receipt.
- II. EMPLOYEE'S RESPONSIBILITY.** Employees receiving an electronic subpoena shall comply with the procedure delineated in LAPD Manual Section 3/210.12 and adhere to the following:

- Review the Area/Divisional court book during roll call, or during each work day, to check for subpoenas;
- Sign and date the Area/Divisional court book to document the service of the subpoena;
- Notify the SCO if the DA or CA directly contacts the employee for any changes (e.g., placed on-call, excused, etc.) and provide the SCO with the case number, the DA's name, and contact information;
- If unable to appear in court, the employee shall comply with the procedure delineated in LAPD Manual Section 3/210.25; and,
- Immediately notify the SCO upon receiving a subpoena that was sent to the employee in error.

III. SUBPOENA CONTROL OFFICER'S RESPONSIBILITIES. In addition to the specific SCO duties delineated in Department Manual Sections 3/210 through 3/210.46, SCOs shall:

- Print all unserved subpoenas that are within 10 calendar days of the court date, log them into the respective court book, and cause them to be served on daily basis;
- Manually update the ESS once the paper subpoenas are served;
- Ensure employees are notified of any changes in the status of a court proceeding (e.g., "be there" changed to "on-call");
- Notify the DA or CA as required by the court, when an employee cannot be served (e.g., vacation, days off, etc.); and,
- Maintain employee subpoena records and the respective court book.

IV. SUPERVISOR'S RESPONSIBILITIES. Supervisors shall ensure the following:

- Personally serve the employees in roll calls or during their work shift;
- Personally verify employees are signing and dating the Area/Divisional court book to document they were properly served;
- Manually update the ESS to reflect the employee was properly served, if the SCO is unavailable; and,
- Ensure the Employee Subpoena Record is maintained in the respective court book.

V. WATCH COMMANDER'S RESPONSIBILITIES. Area/Division watch commanders shall ensure:

- Area/Divisional court book is provided to employees during each roll call;
- Supervisors personally serve subpoenas to the employees; and,
- Supervisors personally verify employees are signing and dating the Area/Divisional court book to document they were properly served.

Note: Service of a subpoena due to upcoming vacation or scheduled time off is not discretionary. The watch commander, upon receiving a subpoena or Court Notice, Form 15.57.00, shall ensure that it is served promptly (Department Manual Section 3/210.20).

VI. COMMANDING OFFICER'S RESPONSIBILITIES. Commanding officers shall ensure the following:


- The SCO updates the ESS for service and cancellation of DA/CA subpoenas;
- Supervisors are appropriately trained to access and manually update the ESS when the SCOs are unavailable;
- Information Technology Division is advised immediately via e-mail or Intradepartmental Correspondence, Form 15.02.00, of the name and serial number of the current SCO, alternate SCO, and/or if there are any changes to SCO assignments, to provide access to the ESS; and,
- Employee Subpoena Records and respective court books are maintained.

Should you have any questions, please contact Lieutenant Jose Martinez, Officer-in-Charge, Detective Services Section, Detective Support and Vice Division, at (213) 486-0910.

APPROVED:



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