

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE: SUBPOENA SERVICE ON VISITORS BY DETENTIONS STAFF C-1110**

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<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**APPROVED BY:** Detentions Bureau Chief Deputy Cindy Cisneros

**REFERENCE:**

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### **POLICY**

The purpose of this policy is to establish procedures by which Detentions Staff will assist the District Attorney's Office in serving subpoenas on persons visiting incarcerated people at Detentions Bureau facilities. While the District Attorney's Office has the primary responsibility for the service of subpoenas in criminal cases, persons who are actively avoiding service often visit Detentions facilities and these visits may present the only opportunity to serve the subpoena on such persons.

### **DIRECTIVE #1**

It is not necessary to complete a JMS Incident or a Crime and Incident Report on Subpoena Service except in the event of an unusual occurrence or circumstance at the time of service or when otherwise directed by the Shift Supervisor.

### **Procedure A: Service of Subpoenas on Visitors**

When the District Attorney staff has attempted service on an individual who is evading and has determined that service cannot be completed without the assistance of Detentions Staff, the District Attorney staff person assigned to serve the subpoena will:

- Check JMS to determine at which facility the person to be served visits and identify the incarcerated person being visited;
- Telephone the Shift Supervisor at the respective facility and request assistance in serving the subpoena;
- Provide all information available regarding both the incarcerated person and the visitor to be served, including the past visiting times, identifying information, last day and time for service, and any information relevant to officer safety;

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- Fax two copies of the subpoena to the facility clerical office. The Shift Supervisor will provide a current fax number.

**Upon receipt of the Subpoena information form the District Attorney Investigator, the Shift Supervisor will:**

- Notify the clerical supervisor or the appropriate staff person of the subpoena information;
- If the District Attorney Investigator advises the Shift Supervisor of any information relevant to officer safety, attach an office memorandum to the subpoena detailing the officer safety information;
- Ensure the subpoena is posted so the visiting Sheriff's Support Technician (SST) will have access to the information when the visitor arrives.

**The Visiting SST will:**

- Notify the Shift Supervisor when the visitor is present and advise them of any officer safety information attached to the subpoena.

**The Shift Supervisor will:**

- Assign an officer to respond and serve the subpoena, taking into account any officer safety information provided by the District Attorney's Office.

**The Officer assigned to serve the subpoena will:**

- Get the subpoena from the office in which it is posted and become familiar with any officer safety information attached to the subpoena;
- Identify the person to be served;
- Serve the person with one copy of the subpoena, by informing them they are being served with a criminal subpoena and refer all questions to the Deputy District Attorney listed on the subpoena;
- Complete the return of service by writing the date/time of service, their signature and printed name and badge number on the remaining copy of the subpoena;
- Fax the subpoena with the service information back to the District Attorney's Office. Write, "Attention: Investigation Unit" on the cover sheet of the fax;

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- Forward the original of the faxed document to the District Attorney's Office in an Inter-Office mailer.