



Kern County Sheriff's Office

Policies and Procedures

TITLE: SUBPOENA – COURT APPEARANCE			NO: B-800
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: February 1, 1996	REVIEWED: 03/30/2020	REVISED: 09/20/2013	UPDATED: 03/30/2020

POLICY

This policy is intended to facilitate the process of subpoena service and scheduling of Sheriff's Office personnel for giving testimony in matters pending before the courts. Nothing in this policy will be construed as relieving employees of any responsibility required by law or as superseding any specific instructions given in the text of the subpoena.

The Sheriff's Office has one (1) Subpoena Coordinator, who can be reached at 391-7572. Subpoenas delivered to the Sheriff's Office for service upon Sheriff's Office personnel will be directed to the Subpoena Coordinator. The Subpoena Coordinator is designated as an agent of each employee for purposes of receiving and accepting subpoenas. If accepted by the Subpoena Coordinator, subpoenas will be recorded and delivered to the employee named in the subpoena. The Subpoena Coordinator is authorized to serve "rush" subpoenas by telephone.

It is the responsibility of the issuing authority to notify the Subpoena Coordinator if a case is going to trial on a day-to-day basis or if the case is continued to a new date. This notice is sufficient to compel appearance in court as directed.

When the hearing date of a subpoena or a "trailing" case is in conflict with an employee's schedule, (i.e., vacation, training, CTO, medical leaves, etc.), the employee is responsible for communicating with the issuing authority and resolving the conflict. Employees may also "Decline" subpoenas (with proper notice) and state reason they are unavailable when subpoena is sent via Outlook Calendar system, and the Subpoena Coordinator will send the rejected subpoena to the corresponding DA's office to inform of unavailability.

COURT STANDBY STATUS

The District Attorney's Office, and all other issuing authorities communicates to the Subpoena Coordinator any new or additional court appearance dates required of the employee, or when court standby status is appropriate. The Subpoena Coordinator will communicate this information to the subpoenaed employee by telephone, written message, or email. The Subpoena Coordinator will provide individual notifications to each employee on their case status(es). Failure to receive a communication from the Subpoena Coordinator does not cancel the subpoena.

Employees placed on "Court Standby" will remain available by radio or telephone until 3:00 p.m., or until called, each standby day. An employee placed on a standby status will not engage in activity, overtime, etc., which would make him/her unavailable to respond to court. If an employee on standby does not receive a call from the Subpoena Coordinator prior to 3:00 p.m. on any assigned standby day, he/she will be free of standby obligations for the remainder of that day.

GENERAL STANDBY RULES FOR BAKERSFIELD JUSTICE AND SUPERIOR COURTS:

Revocations and Motions

Employees are to appear at the time and date specified on the subpoena. These subpoenas will be stamped “MANDATORY APPEARANCE” by the Subpoena Coordinator.

Jury Trials

Employees are automatically placed on 45-minute response “standby” status unless specifically instructed otherwise. These subpoenas will be stamped “ON CALL STATUS” by the Subpoena Coordinator.

Juvenile Court

Employees are to appear at the time and date specified on the subpoena. These subpoenas will be stamped “MANDATORY APPEARANCE” by the Subpoena Coordinator, unless directed by the issuing authority.

GENERAL STANDBY RULES FOR BRANCH COURTS:

Delano Court:

Jury Trials: Automatic one-hour response “standby” unless specifically instructed otherwise.

Preliminary Hearings, Revocations and Motions: Employees appear in court as instructed on the subpoena.

Lamont Court:

Jury Trials, Revocations, and Motions: Employees appear in court as instructed on the subpoena.

Preliminary Hearings: Automatic one-hour response “standby” unless specifically instructed otherwise.

Mojave, Ridgecrest, and Shafter Courts:

All Cases: Employees appear in court as instructed on the subpoena. If “standby” is indicated on the subpoena, response time is one hour.

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