



Division 11 Personnel Management

Chapter 05 – Court Subpoena

January 2009

POLICY

This General Order shall ensure the appearance of personnel in court and that legal assistance will be available for proceedings resulting from Fire Department activities.

DEFINITIONS

N/A

PROCEDURES

1. Subpoena Service

All subpoenas pertaining to Fire Department related activities will be coordinated through the Office of the Fire Chief. Employees receiving subpoenas at a fire station and/or their home, shall forward a copy to the Office of the Fire Chief via chain-of-command within 24 hours.

All subpoenas received by the Fire Department will be logged by the Office of the Fire Chief and delivered to the appropriate command for distribution.

Personnel accepting subpoenas shall log the receipt of the subpoena in the station or division log book.

The career officer-in-charge shall ensure that the subpoenaed individual receives the subpoena, or in the case of a subpoenaed volunteer, that the Volunteer Chief receives the subpoena for issuance. The Volunteer Chief shall ensure that the subpoenaed volunteer receives the subpoenas.

The subpoenaed individual shall make entry in the log book when subpoenas are received.

The career officer in charge or Volunteer Chief shall notify the Emergency Operations Command via the chain-of-command.

The Lieutenant Colonel shall ensure updated subpoena information is added to the Office of the Fire Chief's subpoena log, including the subpoena's date of receipt.

Subpoenas that cannot be served seven (7) days before the court date shall be returned to appropriate Lieutenant Colonel for disposition.

It shall be the subpoenaed individual's responsibility to ensure court appearance as summoned. Failure to appear may result in legal action. Conflicts involving vacations or sickness must be resolved with the court and/or attorney issuing the subpoenas, and can generally be done by telephone.

2. Requests for Legal Assistance

All requests for legal assistance shall be in writing to the Fire Chief through the chain-of-command as soon as the intended legal action is known. Copies of all legal documents should be included with the request for assistance.

When the notification of intended legal action is within seven (7) days of the court date, a request for legal assistance and direction can be made by telephone through the chain-of-command followed by a written request.



**3. Career Personnel Subpoenaed
(Civil Case)**

Shall also refer to the General Order entitled
Payment for Civil Litigation/Interviews.

REFERENCES

N/A

FORMS/ATTACHMENTS

N/A