
Subpoenas and Court Appearances

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for receiving, processing and responding to subpoenas to appear or to produce records or evidence. It will allow the district to cover any related work absences and keep the district informed about relevant legal matters.

802.2 POLICY

District members will respond appropriately to all subpoenas and any other court-ordered appearances.

802.3 RECEIPT OF SUBPOENAS

Only district members authorized to receive a subpoena on behalf of the district or any of its members may do so.

Subpoenas for records should be directed to the Custodian of Records or the authorized designee for processing.

802.3.1 SUBPOENAS OF RECORDS

The Custodian of Records and any authorized designees should receive training in proper intake and processing of subpoenas. Members not designated by the Custodian of Records and properly trained are not authorized to accept subpoenas for district records.

Subpoenas for records shall be date-stamped and logged.

The Custodian of Records will consult with the Fire Chief regarding any request for medical records. The Custodian of Records or the authorized designee will only produce the requested records as provided in this policy and the Patient Medical Record Security and Privacy Policy.

If the Custodian of Records determines that a subpoena involves a request for a confidential record or relates to pending litigation against the district, the request should be promptly brought to the attention of the Fire Chief and legal counsel for the district.

The district may be entitled to recoup reasonable costs incurred in production of business records in response to a subpoena. The Custodian of Records should provide a statement reflecting the assessment of these reasonable costs and require payment at the time subpoenaed records are delivered.

802.3.2 CIVIL SUBPOENAS INCLUDING DEPOSITIONS OR NOTICES TO APPEAR

Upon receipt of a civil subpoena, the Custodian of Records or other person authorized to receive a subpoena shall date-stamp and log the subpoena.

The Custodian of Records or other person authorized to receive a subpoena shall ensure timely delivery of the subpoena to the identified member, noting on the log the date and time it was accepted. The receiving member should acknowledge receipt by signing and dating the log.

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No subpoena for a member of this district as a witness in a civil action should be accepted unless it is accompanied by the required fee as allowed by law for each day the member's appearance is required pursuant to the subpoena (RCP Rule 45).

Members shall notify their Captain of receipt of a subpoena. Members should contact the attorney issuing the subpoena to confirm the date and time of appearance or to confirm an on-call status. The member shall comply with all instructions on the subpoena and monitor the status of all required appearances to ensure compliance with judicial process. In the event a member will be unavailable to respond to a subpoena, the member shall promptly notify the attorney issuing the subpoena and the member's Captain.

Members who are deposed should request a copy of the transcript.

802.3.3 ON-CALL SUBPOENAS

Upon receipt of a subpoena and after contacting the issuing attorney, a member may make arrangements with the issuing attorney to be placed in an on-call status.

The subpoenaed member shall promptly notify his/her supervisor of the subpoena and any on-call status and make arrangements regarding any potential scheduling conflicts, potential overtime compensation or other follow-up required to coordinate on-call appearance status.

802.3.4 CRIMINAL SUBPOENAS

Upon receipt of a criminal subpoena related to district business, the member shall promptly notify the Captain of his/her appearance and contact legal counsel if he/she has any questions.

802.3.5 CIVIL SUBPOENAS UNRELATED TO OFFICIAL DISTRICT BUSINESS

Members properly served with valid subpoenas for civil matters unrelated to their district duties shall comply with the requirements of the subpoena. Members are not entitled to compensation from the district for any such appearance or deposition and arrangements for time off should be coordinated with their supervisor.

Employees subpoenaed to testify about non-work-related matters shall be permitted to take time off to testify but are not entitled to receive wages. Employees may use vacation, personal leave, or compensatory time off for the time they will be away from work.

802.4 RESPONSIBILITIES

802.4.1 MEMBERS

Members subpoenaed to appear for any district-related reason or who are subpoenaed to produce records or evidence shall:

- (a) Document the date, time, and manner of receipt.
- (b) Promptly contact the Custodian of Records and provide the Custodian with a copy of the subpoena.

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- (c) Make arrangements through the Custodian of Records to obtain any related reports or information.
- (d) Notify their supervisor of the subpoena.

Employees who are subpoenaed to testify about district-related matters shall receive their normal wages. Any witness fees provided to an on-duty employee shall be promptly transmitted to the district. Members shall coordinate any scheduled appearances with their Captain to ensure the efficient use of staffing to minimize the payment of overtime.

Members appearing in court or appearing for court-related functions such as depositions shall appear in uniform or business attire.

Any questions regarding this policy or its requirements shall be promptly directed to a supervisor or district legal counsel.

802.4.2 SUPERVISORS

Supervisors should monitor the schedules of members who have been served subpoenas requiring their appearance to ensure appropriate shift coverage and compensation for the subpoenaed member.

Supervisors shall not intentionally adjust a member's duty schedule for the purpose of creating overtime.

802.5 TESTIFYING AGAINST THE INTEREST OF THE DISTRICT

Any member who has been subpoenaed to testify, has agreed to testify or who anticipates testifying or providing information on behalf of, or at the request of, any party other than the state; any city, county, or any of their officers; or agents or employees in which any of those entities or persons are parties to the litigation, will promptly notify his/her supervisor. The supervisor shall notify the Fire Chief, who may choose to contact the prosecuting attorney in a criminal case and the district's legal counsel, as may be indicated by the case.

This requirement includes:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any city, county or its officers, agents, or employees.
- (c) Providing testimony or information on behalf of, or at the request of, any party other than any District official in any administrative proceeding, including, but not limited to, personnel and/or disciplinary matters.
- (d) No member will be retaliated against for testifying in any matter.

802.6 RECEIPT AND PROCESSING OF A SUMMONS

Upon receipt of a summons and complaint in a matter related to district business, the member shall document the date, time, and manner of receipt and promptly notify his/her supervisor and the Fire Chief.