



DEPARTMENT NOTICE

21-097
06/10/21

Changes to SFDA One-Hour Telephone Standby Subpoenas (Supersedes DN 20-065)

On April 23, 2021, San Francisco Superior Court Judges informed the DA's Office that since more preliminary hearings are being heard, it is no longer acceptable for witnesses to be on 1-hour telephone standby, unless the Court has given explicit permission. In response to this, the DA's Office will cease issuance of these subpoenas for all future preliminary hearings and instead issue subpoenas for mandatory appearance (**must-appear**).

The DA's Office will also issue must-appear subpoenas to replace 1-hour telephone standby subpoenas already issued for preliminary hearings which began May 10, 2021. Amended subpoenas for sworn members will be emailed only because there is no change to the court date or location requiring personal service. Subpoenas that do not regularly get duplicated with an email copy such as those for civilian members and members designated as Narcotics Experts will be replaced with printed subpoenas.

Whether or not the member receives an amended subpoena, this policy serves to order all SFPD members currently under subpoena for 1-hour telephone standby for cases held in Departments 9, 11, 12, 20, and 26 to appear at 0900 hours on the court date.

Members who are off-duty, and therefore not required to check their email to receive this notice but are under subpoena for 1-hour telephone standby are already required to contact the ADA for appearance instructions. ADAs will notify members that they are needed to appear at 0900 hours consistent with these instructions.

Policy and procedures for mandatory appearances remain unchanged. Members shall be present and ready to testify at the time listed on their subpoena (or as instructed by the ADA), shall sign in at the Court Liaison Unit, and shall obtain a signature from the ADA when submitting a Court Compensation Request **unless the ADA appeared over Zoom in which case the member must provide documentation from the ADA confirming their appearance such as texts or emails. Subpoenas for 1-hour telephone standby issued after May 10th, 2021, will be considered preapproved by the Courts and honored only when issued by the DA's IPP Unit. Instruction from an ADA authorizing, converting, or otherwise changing a mandatory appearance to 1-hour telephone standby, absent issuance of a new subpoena directing such, is insufficient if court compensation is sought.**

Members shall not request telephone standby from an ADA. Members who have conflicts that prevent them from appearing in court must notify the ADA and obtain explicit excusal from appearing before being relieved of their appearance obligation.

Lastly, do not confuse jury trial standby subpoenas for 1-hour telephone standby subpoenas. Jury trial subpoena instructions read as follows:

Page 1 of 2

Telephone Standby: *When you receive this subpoena, please sign and return the agreement below. Check the Subpoenas tab on <http://sfdistrictattorney.org> between 4:30pm on Tuesday, January 5, 2021 & 9:00am on Wednesday, January 6, 2021 for further instructions and current case status.*

Jury trial subpoenas instruct the member to check the case status on the DA website between 1630 hours on the hearing date and 0900 hours the next morning, making sure to read the further details section. During this same time frame, the member shall fill out the Law Enforcement Subpoena Check-In Form to record their "check-in." Trailing cases instruct members to check the case status again during a specified time frame for which the Law Enforcement Subpoena Check-In Form must again be completed.

Questions regarding court appearance or court compensation policies and procedures should be directed to the Court Liaison Unit.



WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn and non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.