

CITY OF EUREKA

Category: PUBLIC SAFETY

POLICIES & PROCEDURES

Subject: SUBPOENA OF SAFETY
OFFICERS AS CIVIL WITNESSES

Date Adopted: March 9, 1976

File Number
5.01

POLICY OBJECTIVE

To clarify City policy for reimbursement of safety personnel for duty as a civil witness and to provide for notification of the Finance department of such duty to ensure reimbursement of the City.

ASSIGNED RESPONSIBILITY

Finance Director, Chief of Police, Fire Chief

APPLICABILITY

Applicable to Fire and Police personnel subpoenaed to appear as a civil witness in court.

PROCEDURES

1. No safety officer shall appear as a witness in any civil action in connection with an event or transaction, which he has investigated in the course of his duties unless there has been served upon the officer or his immediate supervisor, a subpoena requiring his attendance.
2. Upon receipt of a subpoena, the officer shall immediately report to the Chief, or to a designated assistant, who shall maintain a written record of all subpoena issuances and forward a copy of the subpoena to the City Attorney's office.
3. Immediately after the officer has completed his court appearance, he shall submit to the Chief a written report in duplicate including the following information and any other information the Chief may require:
 - a. The officer's time of departure from Police or Fire headquarters to appear in court.
 - b. The officer's time of return to Police or Fire headquarters.
 - c. The jurisdictional title of court in which the officer testified.
 - d. Name (s) of parties to the action and the court case number
 - e. An itemized list of travel and other expenses incurred as required by City and Department policy.
4. Non-management safety personnel who are subpoenaed to attend court on a holiday, or on a day off, shall be entitled to receive one and one-half times normal salary, computed at an hourly rate, together with reimbursement for expenses, or at the option of the officer with the consent of the Chief, compensatory time off.

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5. Fire and Police personnel normally excluded from overtime provisions shall not be eligible for the above noted salary reimbursements, but shall be eligible for expense reimbursement.
6. A copy of the report required to be submitted by the officer to the Chief shall immediately be sent to the Finance Department who shall move to assure reimbursement to the City of salary and expenses paid out.