



California Exposition and State Fair Police Department

PHONE (916) 263- 3050 ★ 1600 Exposition Boulevard, Sacramento, CA 95815

DEPARTMENTAL GENERAL ORDER

ORDER № 800.200

Mar. 2019 (Revised)

08/01/2006 (New)

SUBPOENA, SUBPOENA DUCES TECUM, CIVIL COURT ACTIONS

800.201 PURPOSE

A. The purpose of this Order is to describe the criminal and civil subpoena service process.

800.202 POLICY

- A. Criminal Proceedings. The California Exposition & State Fair Police cooperates with all governmental agencies charged with the prosecution of criminal proceedings within the State of California.
- B. Civil Proceedings. Cooperation shall be extended to litigants in civil proceedings provided the civil action was related to an incident investigated by the department.
- C. Dress Attire. Employees appearing as criminal/civil witnesses shall wear the prescribed uniform or appropriate civilian attire. Appropriate civilian attire for men is a business suit or sports jacket with shirt and tie. Appropriate civilian attire for women is a tailored suit, dress, or pantsuit. Uniformed employees required to wear the uniform on-duty shall do so when appearing as witnesses.
- D. Weapons. Officers are to have an approved weapon immediately available while traveling to and from court in a state vehicle.

800.203 CRIMINAL SUBPOENAS – WITNESS APPEARANCE- IN STATE

- A. Employees shall attend criminal proceedings, being prosecuted by the State or any political subdivision thereof, provided service is proper and the result of an incident investigated by the department.
- B. Employees shall, whenever possible, coordinate with other local agencies involved to ensure that there is no possible conflict with other police testimony.
- C. An appearance by a newly appointed employee subpoenaed as a result of an official act while previously employed by another law enforcement agency shall be considered an official appearance on behalf of this Department.

*The mission of the California Exposition & State Fair Police is to:
Provide for the safety and security of visitors, employees, and stakeholders; keep order and
preserve the peace; and support the economic well-being of the California Exposition & State Fair.*

California Exposition & State Fair Police Department
Departmental General Order 800.200, Subpoena, Subpoena Duces Tecum, Civil Court Actions

- D. Attendance shall be on state time. Witness fees or expenses tendered by either the prosecution or defense shall not be accepted.
- E. Departmental motor vehicle equipment may be used.
- F. When travel extends beyond Sacramento County, the Chief of Police shall determine the appropriate mode of transportation.
- G. Criminal Witness – Former Employee. When subpoenaed as a witness because of official duties while employed by the police department, a former employee is subject to the same appearance requirements and fees as civilians of the State. Witness fees per Penal Code § 1329 apply.
- H. The Department is unable to accept subpoenas for former employees. As a courtesy, the department shall attempt to notify the former employee of the subpoena. If the former employee is cooperative, the department can assist with the service of the subpoena.
- I. With regard to subpoenas issued by the District Attorney’s Office, the Department’s administration will accept service (Penal Code § 1328) and then internally serve the employee, as soon as possible.

800.204 WITNESS APPEARANCE, SUBPOENAED BY THE DEFENSE

- A. A uniformed employee responding to a subpoena for the defense shall not appear in court in uniform.
- B. A uniformed employee responding to a subpoena for the defense shall notify the District Attorney’s Office and the Chief of Police.
- C. Every effort should be made to avoid appearance as a witness to refute other police testimony. The Department will coordinate with other agencies to advise of possible conflict in testimony.

800.205 CRIMINAL SUBPOENAS DUCES TECUM

- A. Upon proper service of a subpoena duces tecum, for records only, the police department’s Custodian of Records shall determine if the request is appropriate. If appropriate, the requested records shall be provided. Copies of the subpoena, and any records produced, shall also be forwarded to the District Attorney’s Office.
- B. If, upon review, the request is deemed inappropriate, the Deputy Attorney General representing the California Exposition & State Fair may be contacted for assistance.
- C. Upon proper service of a subpoena duces tecum compelling the appearance of a witness and production of records, the Custodian of Records shall determine if the request is appropriate. If appropriate, copies of the records shall be enclosed in a sealed envelope (one for the defense and one for the district attorney). These envelopes shall then be given to the subpoenaed witness prior to their appearance.

- D. Should a local district attorney contact the police department and request the processing of criminal subpoenas duces tecum to differ from those contained above, the Deputy Attorney General shall be notified immediately.

800.206 FEDERAL GRAND JURY SUBPOENAS – CRIMINAL CIVIL RIGHTS INVESTIGATIONS

- A. No arrest/investigation reports or other reports relating to allegations of Federal Criminal Civil Rights Violations by our officers are to be released to the U.S. Attorney or F.B.I. unless a Federal Grand Jury Subpoena is served.
- B. The subpoena and copies of requested records shall be forwarded to the California Attorney's General's Office to make the appropriate disclosures of the records. Questions concerning a Federal Grand Jury Subpoena should be referred to the California Attorney's General's Office.

800.207 DISCOVERY OF POLICE EMPLOYEE PERSONNEL RECORDS

- A. It is the policy of the Department to preserve confidentiality of personnel records.
- B. Peace officer personnel records are confidential pursuant to Penal Code § 832.7.
- C. The front office staff shall provide a copy of the subpoena to the employee.
- D. Discovery motions ("Pitchess") for peace officer personnel records can be served, personally or by mail, at the police office.
- E. Subpoenas/motions for payroll records only are not to be accepted. The process server shall be advised that the official custodian of payroll records is the California Exposition & State Fair's Administration Office.

800.208 SUBPOENA DUCES TECUM FOR OTHER THAN POLICE PERSONNEL RECORDS

- A. The Department shall comply with a civil subpoena duces tecum for the arrest report prepared on a subject who is a plaintiff or defendant in the civil action arising out of that arrest. The subject of the report will be notified.
- B. The Department will provide DMV with a copy of the arrest report upon request. In addition, subjects of "Administrative Per Se" or Implied Consent Hearings may subpoena their arrest reports. The Department shall comply by providing the DMV hearing officer, prior to the hearing, a copy of the arrest report and request the hearing officer review the report and release it only after determining the contents are sufficiently relevant to the refusal proceedings to warrant disclosure.
- C. A subpoena duces tecum requires records be produced at the location noted on the subpoena.