

GREELEY POLICE DEPARTMENT

General Order 537.00

Reviewed: 03/19

537.00 SUBPOENA SERVICE/DEFENSE COUNSEL CONTACT

- Subpoenas issued by the Weld County District Attorney's Office for officers of the Greeley Police Department will be served on the individual officer through the Colorado District Attorneys' Council (CDAC) e-subpoena system. The e-subpoena is located at:
 - www.cdacweb.com/ESubpoena/SubpoenaViewer.aspx.
- Subpoenas issued by the Public Defender's Office for Greeley Police Officers will be delivered to the Operations Division by personnel of the Public Defender's Office if they wish to utilize the Department's subpoena service system.
- An administrative assistant assigned to the Operations Division will log and enter into the appropriate program of the Department's computer system each Public Defender's subpoena received for service within the Department. The subpoenas will then be placed in the appropriate Watch Commander's box, the Investigations box, or the appropriate Deputy Chief's box for distribution.
- The Watch Commander or shift supervisor will be responsible for the distribution of Public Defender's subpoenas for officers on their shift. The supervisor will be responsible for the personal service of each subpoena to the named officer or investigator. At the time of the service, the return receipt will be signed by the officer and will be given back to the administrative assistant.
- The administrative assistant will log the Public Defender's subpoenas return receipts in the computer and have them returned to the Public Defender's Office via email, fax or US Postal Service.
- When a subpoena is received by an officer, that officer is responsible for checking the appearance dates and will take appropriate action to notify his supervisor and/or prosecutors through the e-subpoena website if potential problems are evident. When a Public Defender's subpoena is received and the affected officer is on extended leave, his immediate supervisor will return the subpoena to the issuing authority noting the officer's projected return date to duty.
- Investigators or officers who miss court appearances or Department of Revenue hearings without justification will be subject to appropriate disciplinary action. When an officer has been subpoenaed to testify and he

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wishes to be released from that subpoena, he will contact the prosecutor assigned to the case with the reason for requesting a change in the court appearance. All police employees are responsible to appear at the subpoenaed time and place unless notified by the agency issuing the subpoena that they have been excused.

- Subpoena Duces Tecum – “SDT’s”: Any Department personnel served with an SDT will provide a copy of the same to the City Attorney’s Office as soon as possible.
 - The Department will work with the City Attorney’s Office on all SDT’s.

- Officers Subpoenaed as Witnesses in Civil Suits: It is not unusual for parties who have been involved in crimes, traffic accidents or other incidents to file civil suits against the other parties involved in the incident. Greeley Police Officers may be subpoenaed as witnesses in incidents they have investigated at work.
 - Officer Responsibility: Any officer being notified of or receiving a subpoena to be a witness for a party who has filed a civil case against another person or entity, and the testimony the officer will provide relates to official police investigations, will notify his/her immediate supervisor.
 - Supervisor Responsibility: The officer’s immediate supervisor will forward the notification to the appropriate Deputy Chief. The Deputy Chief will notify the Chief of Police and forward the information to the City Attorney.
 - City Attorney Responsibility: The City Attorney will be asked to review the incident, the subpoena, and coordinate any officer responses, meetings or testimony discussions with the person responsible for issuing the subpoena.

- Contact by Defense Counsel
 - Police Officers representing the Greeley Police Department may be contacted by defense counsel wanting to interview them about a criminal investigation.
 - Officers will adhere to the following guidelines when notified of such a request:
 - Officers will contact their immediate supervisor at once.

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- Officers will contact the District Attorney handling the case.
 - Officers will arrange an appropriate date and time for the interview with the District Attorney. The District Attorney will then be responsible for scheduling that date and time with the defense attorney.
 - Officers will not be interviewed over the telephone or without a District Attorney present.
 - All interviews will take place at the Greeley Police Department in an interview room in Investigations.
 - Officers will prepare a supplemental report indicating they had been interviewed and by whom.
- Supervisor's Responsibility: When the officer's immediate supervisor is notified about the request for an interview, the supervisor will notify his/her immediate supervisor and the Deputy Chief of the Division.

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| <u>SUBPOENA SERVICE/DEFENSE COUNSEL CONTACT</u> | |
| Authorized by Mark Jones, Police Chief | |
| Effective Date: March <u>25</u>, 2019 | |
| <u>Mark Jones</u> Signature | Date: <u>March 25, 2019</u> |