



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Paul Joseph
Acting Chief of Police

SUBJECT: OFFICER SUBPOENAS

DATE: May 29, 2024

Bulletin #2024-010

Historically, the Santa Clara County District Attorney's Office (DA's Office) has issued Witness Notifications to officers who were needed to testify in court. However, due to recent court rulings, a court can now legally dismiss a case if an officer is unavailable to testify (e.g., due to vacation, illness, police emergency, etc.) and the officer was not served with an actual Subpoena. Replacing Witness Notifications with Subpoenas will allow the DA's office to obtain a continuance of court proceedings when an officer is not able to make a scheduled appearance.

Therefore, beginning on May 29, 2024, the DA's Office will send Subpoenas to officers, in the place of Witness Notifications, to notify them of upcoming court appearances.

Ramifications

There will be no changes in how officers receive and acknowledge court notices. Officers will continue to receive and acknowledge receipt of their Subpoenas [REDACTED] and, when offered by the DA's Office, will continue to have the option of telephone standby.

The primary difference between a Subpoena and a Witness Notification is that a Subpoena can have legal ramifications for the officer. Officers should be aware that when they acknowledge receipt of a Subpoena and do not appear, the court has the option of issuing a bench warrant (a.k.a. "body attachment") compelling them to appear. While this occurrence is extremely unlikely, officers should contact the issuing Deputy District Attorney immediately upon learning they might be unable to make a scheduled court appearance.

A handwritten signature in black ink that reads "Paul Joseph".

Paul Joseph
Acting Chief of Police