

	Lower Providence Emergency Medical Service Standard Operating Guidelines	
	Subject: <i>Member Guidelines- Court Appearances</i>	SOG # 101-017
	Approved: Chief Christopher J. Reynolds	Initiated: May 2021 Revised: September 2023

Description: This SOG was established as a guide to any court related activities that affect LPEMS members both on and off duty.

Purpose: The intention of this guideline is to ensure member understand the procedures and actions to take in the event they are served with a subpoena, summoned to jury duty, or requested to testify in court of activities involved both on and off duty.

Procedure:

Subpoena

Members shall not give any written or recorded statement based on their official activities unless they are subpoenaed to do so for the taking of a disposition or other official hearing. This does not prohibit giving oral unrecorded answers to questions from attorneys or other persons properly interested and seeking basic information.

Members are under no obligation to give statements regarding civil cases unless subpoenaed.

At no time may the rendering of oral recorded statements violate the confidentiality of records of LPEMS.

The following procedure is used for the issuance and return of subpoenas from and to LPEMS and the member:

1. Subpoenas are received from the issuing agency by LPEMS Management.
2. The subpoena is copied and retained by Management for recordkeeping.
3. The original is placed inside an envelope marked "SUBPOENA" in red lettering. Included on the front of the envelope is the employee's name.
4. The original is delivered by the Director or Chief to the member being served on duty.
 - a. If the member is on extended leave, the Director or Chief shall contact the individual.
 - i. Should the Director or Chief find it impossible to "serve" the subpoena due to the member being out of town, hospitalized, etc., the subpoena shall be returned to the Director and indicate the reason the member could not be served.
 - b. It is the responsibility of the Director to notify the attorney when a subpoena cannot be served.
5. The member should request a copy of the incident report/ PCR from the Director or Chief to properly prepare and research the relevant emergency incident information.
6. Management will advise the member when the report is available and review the incident information if necessary.

- a. ePCR's in the ESO system can be viewed by the member at any time.
7. It is the responsibility of the member to advise Management where the member can be reached when on "stand-by status," so that when the attorney contacts LPEMS to release or to have the member appear, Management can provide notification to the member.

Jury Duty

LPEMS supports members in their civic duty to serve on a jury. Members must present any summons to jury duty to their direct supervisor as soon as possible after receiving the notice to allow advance planning for a member's absence.

1. Members may use any accrued PTO if required to serve on a jury.

Court Attendance

LPEMS agrees to defend any member when the member is sued on any claim arising out of their employment with LPEMS and acting within the scope of their duties.

1. The member shall agree to cooperate with the defense.
2. Any member whose appearance is required in a Court as the result of a matter arising out of the course of their employment shall receive a minimum of two (2) hours pay if such attendance is during the employees off duty hours.
 - a. Chief/ Director will receive Comp Time in lieu of pay.
3. This provision shall also apply when the member is under subpoena to appear at the State Attorney's office, Public Defender's office, any Investigating Agency, or at a private attorney's office in a case arising from the employee's course of employment.
4. Any member whose appearance is required in Court but not as the result of a matter arising out of the course of their employment may use PTO if applicable.
 - a. LPEMS will comply with any issued subpoena or issued court date required of a member regardless, however, compensation without usage of PTO only granted for matters occurring while member was operating in official capacity as representative of LPEMS.

Testifying in Court

Members are required to truthfully answer questions or render reports and relevant statements in an investigation when so directed by the Director or Chief.

1. Members testifying shall answer questions directly and factually with limited to no opinion provided.
2. Members testifying as a representative of LPEMS shall dress in at least Class B attire and Class A attire when available.
3. Members testifying as an EMS professional may with authorization from the Chief dress in Class A or B uniform attire.
4. Members testifying in court as a non- EMS professional or not in a matter related to LPEMS operations shall not wear LPEMS identifying dress.

Members Charged with a Crime

Members summoned to district, circuit, or other court, or before any judge concerning matters in which they or other members may become a defendant in a criminal case, must report the facts in detail to the Chief of Operations at once for transmission through the chain of command.

Also, notification will be made to the Pennsylvania Department of Health Division of Emergency Medical Services to any charges covered under state regulations.

