



Chapter: Inspections, Internal Control, Legal and Administrative Proceedings
Subject: 18-23 – Subpoenas – Criminal Cases
Effective: April 19, 2022
Supersedes: Official Order 34, Section 34.4.1, dated February 24, 2021
Distribution: Department Members

PURPOSE: This Order establishes department policy related to subpoenas involving criminal cases.

18-23-1 SUBPOENAS--CRIMINAL CASES

- A. Acceptance of Subpoenas
- (1) Except when addressed to the department or the Director, members are permitted to receive subpoenas on behalf of themselves or other members in criminal cases.
 - (2) When members receive a subpoena, they shall record the subpoena in accordance with worksite policy and notify the affected members in accordance with worksite policy.
 - (3) When there is no worksite policy on the disposition of a particular subpoena, members shall seek guidance from their supervisor.
 - (4) When a subpoena is addressed to the department or the Director, members shall direct the party attempting to serve the subpoena to do so at Headquarters during normal business hours.
- B. Subpoenas Commanding Appearance
- (1) Members who know of a subpoena requiring their appearance in any criminal proceeding within the state of Michigan shall appear at the time and place listed in the subpoena, unless the member is excused by the court having jurisdiction, the party who issued the subpoena, or is on-call in accordance with written directive related to on call policy for court appearances.
- C. Subpoenas Commanding Appearance at Out-of-State Proceedings.
- (1) Members shall not appear outside of Michigan pursuant to a subpoena without the prior authorization of the Director. Members receiving a subpoena from an out-of-state entity shall immediately notify their worksite commander.
 - (2) The subpoenaed member's worksite commander shall evaluate the necessity of the member's appearance and, if deemed necessary, shall seek approval through channels from the Director. If authorized to appear by the Director, the member shall appear as if properly subpoenaed by an entity in Michigan.

D. Subpoenas for Records or Evidence

- (1) Members subpoenaed to produce department records or evidence by the prosecutor in the case shall comply with the requirements of the subpoena. Members subpoenaed to produce department records or evidence by another party shall notify the prosecutor and produce the records or evidence in consultation with the prosecutor in the case.
- (2) Members subpoenaed to produce department records or evidence by the prosecutor in the case shall comply with the requirements of the subpoena.
- (3) Members subpoenaed to produce department records or evidence by another party shall notify the prosecutor in the case and shall produce those records directly related to the case (e.g., original and supplemental incident reports, traffic citations, department forms) in consultation with the prosecutor in the case.
- (4) Subpoenas for records not directly related to the case (e.g., officer daily reports, unrelated incident reports, confidential informant records) shall be forwarded to the Records Resource Section for processing, unless otherwise directed by the prosecutor.

DIRECTOR

Annual Review Responsibility: Transparency and Accountability Division

Accreditation Standards: CALEA 74.3.1