

MERIDIAN TOWNSHIP POLICE DEPARTMENT

GENERAL ORDER

Subject: SUBPONEAS	General Order: 622
Effective Date: April 1, 2004 Revision Date:	Distribution: All Employees

I. PURPOSE

To establish a procedure for notifying witnesses and officers of pending court cases through the delivery of court issued subpoenas.

II. POLICY

The Meridian Township Police Department will promptly record the receipt of subpoenas and make a diligent effort to serve recipients in a timely manner.

III. PROCEDURES

A. Distribution

1. All subpoenas or notices to attend any official hearings shall be forwarded to the Court Services Officer (CSO), upon receipt, to ensure proper tracking and service.

B. Court Services Officer's Responsibilities:

1. The CSO shall ensure that all subpoenas are logged, with the following information, in the Subpoena Log Book at the reception desk.
 - a. Date and time received
 - b. Type of legal process
 - c. Nature of complaint
 - d. Source of document
 - e. Name of victim
 - f. Name of defendant
 - g. Officer assigned for service
 - h. Court docket number
 - i. Date service due
2. A Subpoena Service Sheet shall be attached to each subpoena and shall include the following information.
 - a. Date and time service was attempted
 - b. Name of officer(s) attempting service
 - c. Name of person on whom services was made
 - d. Method of service or reasons for no service
 - e. Address of service or attempt

3. Distribute the subpoenas to the appropriate shift supervisor's shift tray.
4. Returns all subpoenas to the proper authority. Notice of proof of service must be promptly delivered to the issuing authority.
5. Keeps the Subpoena Log Book current and accurate to include purging of old records at established time frames.
6. The date of service and name of the serving officer shall be entered in the Subpoena Log Book indicating service of the subpoena. Failed service shall also be logged.

C. Shift Supervisor's Responsibilities

1. Each shift supervisor is responsible to ensure that subpoenas are served on his/her shift.
2. With the shift supervisor's approval, subpoenas may be served outside the Township. If all reasonable attempts have been made to serve the subpoenas and cannot be served then a written explanation must accompany the subpoena when it is returned to the CSO's mailbox.
3. The shift supervisor shall review and return completed Subpoena Service Sheets to the cadet. The cadet will then update the disposition of service in the Subpoena Log Book.

Note: After the subpoena service has been updated in the Subpoena Log Book, the cadet will forward the Subpoena Service Sheet to the CSO. The CSO is responsible for the appropriately processing the proof of service form.

D. Guidelines For Service

1. Subpoenas may be left for service with a security associate at retail stores providing security departments.
2. A credible or reliable witness may be served over the phone or by fax. The officer **MUST** indicate the method of delivery on the Subpoena Service Form. *This form of service should only be used when personal contact cannot be reasonably made.*

E. Officer's Responsibility

1. Upon service of a subpoena, the officer shall enter his/her signature and date of service on the Subpoena Service Sheet.
2. If service of the subpoena or notice to appear is not made, the officer shall indicate on the Subpoena Service Sheet the date and time of attempted service plus his/her initials.

3. When personally served a subpoena, the officer must sign and date the copy indicating receipt of the subpoena. The officer must then return the copy to the shift supervisor.

- a. The shift supervisor shall also confirm the delivery by signing the copy.

F. Procedure for the recording attempted subpoena service or address changes

1. If the person on whom the subpoena is to be served is not located, then the officer shall log the appropriate information on the Subpoena Service Sheet.
2. If the officer finds that the person listed on the face of the subpoena has moved or changed addresses, then they shall indicate the new address, if known, in the appropriate line on the Subpoena Service Sheet.
3. If the address is unknown, LEIN may be used to confirm a change of address. A request for change of address form shall be submitted by the Court Service Officer to the local post office in an attempt to trace the individual's new address.
4. If all attempts to serve the subpoena prove unsuccessful, the subpoena shall be returned to the issuing agency along with a copy of the Subpoena Service Sheet.
5. If a person has been served successfully, but there is a new address, a copy of the Subpoena Service Sheet noting the change shall be forwarded to the issuing agency.

G. Procedure for the delivery of subpoenas by other law enforcement agencies

1. At times, subpoenas must be given to another police jurisdiction for service. When the person to whom the subpoena is to be served lives outside the Township, then the officer shall do the following.
 - a. If the residence is in close proximity to the Township boundaries then the officer shall request permission to leave their jurisdiction and serve the individual.
 - b. If the distance outside the Township boundaries is too great, or the location of the specific address is unknown, then the subpoena may be given to an officer from the jurisdiction in which the person lives with the instructions to fill out the service, or attempted service record as needed. After service, the subpoena shall then be returned to this Department to be processed.
2. In cases where the subpoena must be mailed or faxed to another agency the Court Service Officer must contact the responsible party at the agency who will be receiving the request to serve the subpoena and advise them of this department's recording procedures.

IV. CANCELLATIONS

This directive replaces Operating Procedure #S-3, "Subpoenas," dated 5/30/82.

Authorized by:

CALEA: 74.1.1
74.1.2

Gary F. Gibbons, Chief of Police

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Notice to Appear
Subpoenas

Application: This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.