


STRATFORD POLICE DEPARTMENT 	Type of Directive: Policy and Procedure	Updated: 08-01-2019
	Title: Subpoena Service	No. 12.4
	Issuing Authority: Chief Joseph McNeil	Issued: 08-01-2019
	Reference:	

PURPOSE:

The purpose of this policy is to establish protocol for the delivery and acceptance of criminal and civil subpoenas.

POLICY:

It shall be the policy of the Stratford Police Department that pursuant to CGS 52-143(b) the Desk Officer shall be designated by the Chief of Police to act as agent for any Police Officer named in a subpoena in their professional capacity.

PROCEDURES:

Subpoenas

All subpoenas naming a Stratford Police Officer as a witness shall be hand delivered to the Desk Officer by a marshal, officer, inspector, investigator, indifferent person or other serving authority. The Desk Officer shall accept subpoenas for all criminal and civil cases where an officer is named as a witness in his/her professional capacity.

The Desk Officer shall make one photocopy of the subpoena and attach it to the original.

If the officer named in the subpoena is working, the Desk Officer shall contact him/her as soon as possible. The original copy of the subpoena shall be given to the officer. The officer named in the subpoena shall sign and date the photocopy. The Desk Officer shall then forward the signed photocopy to the Chief's office.

If the officer named in the subpoena is not working, the Desk Officer shall do one of the following:

For Patrol personnel, both the original and photocopy of the subpoena shall be placed in the Roll Call Folder. The supervisor that conducts roll call shall serve the original copy of the subpoena to the officer named in the subpoena. The officer named in the subpoena shall sign and date the photocopy. The supervisor shall then ensure that the signed photocopy is forwarded to the Chief's Office.

If the subpoena is for an officer not assigned to Patrol, the Desk Officer shall ensure that the original and photocopy of the subpoena is delivered to the Commanding Officer or supervisor of the division where the officer named in the subpoena is assigned (i.e. Detective Division, Traffic, Training, etc.).

The Commanding Officer or supervisor shall then serve the original copy to the officer named in the subpoena. The officer named in the subpoena shall sign and date the photocopy. The Commanding Officer or supervisor shall then ensure that the signed photocopy is forwarded to the Chief's Office.

The Desk Officer must pay careful attention to the appearance date on the subpoena. If time is of the essence and the officer named in the subpoena is not scheduled to work prior to the appearance date, then the Desk Officer shall make all reasonable efforts to contact the officer by telephone and/or sending a patrol car to the officer's residence. If the officer lives out of town it is acceptable to contact his/her local police department to have a car sent to his/her residence. If all of these efforts are unsuccessful, the Desk Officer shall submit a memo to the Chief's Office documenting the reasons for non-service along with the original subpoena. The Administrative Assistant to the Chief will then follow-up with the issuing authority.

Upon receipt of the signed photocopy or other proof of service, the Administrative Assistant to the Chief shall keep a log of all subpoenas to include the name of the officer, date of the subpoena, date of the appearance, issuing authority, and date served.

Barring illness or emergency, officers shall honor all subpoenas. If the officer cannot comply with the subpoena it is his/her responsibility to contact the issuing authority and explain the reason. The decision whether or not to accept the officer's excuse is solely that of the issuing authority.

Officers will notify the Desk Officer if their appearance as required by the subpoena will cause tardiness or absence from regular duty.

Summons of Legal Action

Desk Officers do not have to accept subpoenas for civil action law suits. Service should be made directly to the officer(s) named in the lawsuit. If the officer is working, the Desk Officer shall call the officer in to be served. If the officer is not working, the Desk Officer shall provide the issuing authority with the officer's next scheduled work date upon request. No one is authorized to provide the officer's personal information (i.e. home address, home telephone or personal cell phone, etc.) to the issuing authority without permission from the Chief or Deputy Chief of Police.

In the event that an officer is served with a civil subpoena for actions committed within the scope of their duties, the officer shall immediately provide a copy of the complaint to the Chief's Office, who will then forward it to the Town Attorney