

1.10c SUMMONSES AND SUBPOENAS



SUMMONSES AND SUBPOENAS

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Chief Nathan C. Hagglund		REVISION DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

Legal processes served by Massachusetts police departments are criminal process consisting of summonses and subpoenas relating to a criminal case, which are issued by any Court of Law within the Commonwealth. These types of processes are sent to police departments for the purpose of being served or executed upon the person or place named within.

Since the functioning of the courts is affected by the prompt service of these documents, and since the department has certain legal responsibilities regarding such service, it is necessary that department personnel maintain precise and appropriate record keeping procedures to minimize potential litigation and liability. A prerequisite for the efficient and effective management of legal process is an organized method of handling processes from the moment they are received from the court to the time they are returned to the court. Key elements of such an organized procedure are centralized control over the document, accountability for handling and executing legal process, proper documentation of unsuccessful as well as successful attempts to serve legal process and accurate, up-to-date communication between police departments, the courts and other law enforcement agencies regarding the validity of the legal process and the whereabouts of persons named in the legal process.

II. POLICY

Legal processes will be documented and every reasonable attempt shall be made to serve them.

III. DEFINITIONS

IV. PROCEDURES

MANAGEMENT OF LEGAL PROCESSES DOCUMENTATION

The department's Court Liaison Officer is responsible for the processing of summonses and subpoenas assigned to the department for service. Summonses and subpoenas to be served outside of the department's jurisdiction shall be mailed to the recipients address and the return of service signed and returned by the Court Liaison Officer. If circumstances require the process to be delivered in hand in another jurisdiction, the Court Liaison Officer shall ensure that the order is forwarded to the appropriate police department, so that it may be served in hand.

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The on-duty officer will serve any summonses or subpoenas within the department's jurisdiction. The first officer assigned to make service will create an Order Entry. The Order Entry will include the date and time the document was received, the type of legal process, the nature of the document, the source of the document, the name of the plaintiff/complainant or defendant/respondent, the officer assigned for service, the date of the service assignment, the court docket number, and the date that service is due. **[74.1.1]**

If service is not made by the end of shift, the process will be passed on to the next on-duty officer of the following shift. An officer from that shift will then be assigned to make service.

Each attempt at service will be reported to the Public Safety Communications Center (PSCC) by the officer assigned to make service. The PSCC will enter each attempt to serve the process into the IMC System as a call for service, documenting the date, time, and location. Upon making service, the assigned officer will record the method of service, the address, and the person to whom service was made in the original Order Entry. The return of service will then be forwarded to the

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Court Liaison Officer and faxed to the originating court if necessary.

[74.1.2]

If the process cannot be served for any reason (no longer at address, no such person, etc.), the officer attempting service shall document the specific reason service could not be made in the original Order Entry and forward it to the Court Liaison Officer.

Summonses involving juvenile matters, both the juvenile and the parent or guardian shall receive a summons.