
	<b>GAITHERSBURG POLICE DEPARTMENT</b>		
	<b>Summons and Subpoena Service</b>		
	<b>GENERAL ORDER</b>	<b>803.1</b>	
<b>Effective Date</b>	<b>02/24/2016</b>	<b>74.1.1, 74.1.2, 74.1.3, 74.3.1</b>	
<b>Authorized by:</b>	<b>Mark P. Sroka</b> CHIEF OF POLICE	SIGNATURE	DATE

**I. DEPARTMENT POLICY**

Timely service of Court documents is crucial to the administration of justice. Officers will serve all District Court Criminal Summonses (DCS) and Subpoena received by the Department that bears addresses in the City, in a timely manner.

**II. ADMINISTRATIVE PROCESSING**

**A. Administrative Bureau Processing**

1. The Administration Bureau ensures that a DCS or Subpoena received by the Department is administratively processed to maximize the safety of the officer attempting service and to maximize document accountability.
2. All court documents to be served are forwarded to the Accreditation Manager, who records the following information in the Legal Process Data Base:
  - Date and time the document was received at GPD;
  - Type of document;
  - Nature of the document;
  - Source of the document;
  - Name of the person on whom the document is to be served;
  - Officer assigned for service;
  - Date of assignment;
  - Court docket/tracking number;
  - Date service due; and
  - Any pertinent remarks.
3. The Accreditation Manager attaches a Warrant/DCS Control coversheet to the document so that officers delivering service can indicate:
  - The dates and times service was attempted/successful;
  - Names of all officers that attempted service;
  - Whom the document was served on;
  - The method of service and/or reason for non-service; and
  - Location of service/attempt.

4. The serving officer is responsible for checking the persons to be served for wanted in MILES and NCIC.
5. Officers must complete the attached Warrant/DCS Control coversheet and document *every* attempt at service (including the actual service) of the document.
6. Unless other arrangements are made, documents are assigned for service during roll-call.

### **III. SERVICE OF DOCUMENTS**

#### **A. DCS**

1. All attempts to serve the DCS will be recorded on the Warrant/DCS Control coversheet.
2. When the document is served, the serving officer completes the document's *Return of Service* area to indicate service and/or the defendant's refusal to accept the DCS. The serving officer also completes the coversheet and forwards everything to the Accreditation Manager.
  - Even though the document is an official charging document, a person cannot be arrested for refusing service;
  - When service is refused, the officer will indicate so on the document and on the coversheet, and will forward all paperwork to the Accreditation Manager. The Accreditation Manager will update Department records and fax the completed Warrant/DCS Control coversheet to the District Court, indicating the results;
  - If the defendant accepts service, but refuses to sign for the document, the officer attempting service will write REFUSED where the defendant's signature would have gone.
3. When an officer serves a DCS, they must explain its contents to the defendant.

#### **B. Subpoena**

1. Service of a Subpoena is conducted in the same manner as a DCS.

2. All attempts to serve the Subpoena are documented on the Warrant/DCS Control coversheet.
3. Not all Subpoenas are issued for defendants. Some are issued for witnesses, therefore, when a Subpoena is served, its contents must be explained to the recipient.

**C. Return of Document**

1. So that Department records can accurately reflect the status and disposition of Court documents sent to the Department for service, the Accreditation Manager is responsible for faxing the completed Warrant/DCS Control coversheet along with the DCS or Subpoena (served or unserved) to the District Court.
2. If an officer to whom the document is assigned for service is unable to serve a document, the officer completes the Warrant/DCS Control coversheet, indicating the reason for non-service and forwards the coversheet and the unserved document to the Accreditation Manager. The Accreditation Manager ensures that Department records are updated concerning the document's disposition and faxes the results to the District Court.