

	MEDFIELD POLICE DEPARTMENT	POLICY NO. 1.10c
<h2 style="text-align: center;">SUMMONSES AND SUBPOENAS</h2>		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 74.1.1, 74.1.2, 74.3.1		DATE OF ISSUE: 05/21/2023
ISSUING AUTHORITY: Michelle Guerette Chief of Police		EFFECTIVE DATE: 05/21/2023 REVISION DATE: 11/07/2025

BACKGROUND:

Generally, summonses and subpoenas served by Massachusetts police departments are writs issued by the court relating to a criminal case ordering a person involved in that case to appear to give testimony, or to produce documents. These writs are often sent to local police departments for the purpose of being served on the person or place named in the writ.

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 serving legal process is an organized procedure of handling these writs from the moment they are received from the court, to the time they are returned to the court. The key elements of such an organized procedure are centralized control over the document, accountability for handling and serving the writ, proper documentation of unsuccessful as well as successful attempts at the service, and accurate up-to-date communication between the Department, the courts, and other law enforcement agencies.

POLICY:

Court issued writs will be documented when they are received by the Department and every reasonable attempt shall be made to serve them in a timely manner.

PROCEDURES:***Management of Summons and Subpoenas***

The Department's Court Prosecutor is responsible for processing summonses and subpoenas assigned to the Department for service. Summonses and subpoenas to be served within the Department's jurisdiction will be forwarded to the Officer in Charge. 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 to the court by the Court Prosecutor. If circumstances require the writ to be delivered in hand in another jurisdiction, the Court Prosecutor shall forward it to Officer in Charge. The Officer in Charge shall ensure that the writ is forwarded to the appropriate police department, so that it may be served in hand.

Service of Summonses and Subpoenas [74.3.1]

The Officer in Charge will assign an officer to serve any summonses or subpoenas within the Department's jurisdiction. Each attempt at service will be reported to Dispatch by the officer, and Dispatch will create a log entry noting the attempt. When service has been made the officer will complete the return of service and return it to the court prosecutor. **[74.1., 74.1.2]**

Dispatch will create a Restraint Entry (RO) report and mark as a summons. The report shall contain the following information:

1. Date received;
2. Entering Officer;
3. Plaintiff's name;
4. Plaintiff's Address;
5. Defendant's name;
6. Defendant's address;
7. All service attempts **[74.1.2]**
8. Scanned copy of the summons or subpoena with the entry date of the order in the title of the scan.

After Dispatch has created the entry the Officer in Charge will assign a patrol officer to serve the summons or subpoena.

If the officer is unable to make service in hand, the writ may be mailed or left at the last and usual place of residence as determined by the Officer in Charge. If service is not made by the end of shift, the writ will be returned to the Officer in Charge to be passed on to the Officer in Charge of the next shift.

If the writ cannot be served for any reason (no longer at address, no such person, etc.) the officer attempting service shall note the information on the writ and return it to the Officer in Charge. The writ shall be returned to the Court Prosecutor.

When a summons or subpoena involves a juvenile the parent or guardian shall receive a copy of the writ also.