



Cambridge Police Department

Effective Date: December 11, 2000

NEW POLICY # 861
Policy and Procedures

Procedure 2000-7

SERVICE OF PROCESS FOR COURT APPEARANCES AND RECORDS

I. Purpose

This procedure will:

- A. Ensure the compliance with the Massachusetts Rule of Criminal Procedure 17 which governs the service of summonses in criminal cases.
- B. Ensure compliance with Massachusetts Rule of Civil Procedure 45 which governs the service of subpoenas in civil cases.
- C. Establish a system so that officers can be properly served with summonses when they are witnesses in matters before the courts in Massachusetts.
- D. Explain the responsibilities of Officer in Charge and the Court Prosecutor in facilitating service of witness summonses for police officers.

II. Department Policy and Applicable Law

- A. It is the policy of the Cambridge Police Department to facilitate proper service of summonses and subpoenas when officers are witnesses in civil and criminal cases in connection with their official duties with the Cambridge Police Department.
- B. Massachusetts Rule of Criminal Procedure 17 (d)(1) states that, "A summons shall be served upon a witness by delivering a copy to him personally, by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing to the witness' last known address."
- C. Massachusetts Rule of Civil Procedure 45 (c) (in pertinent part) provides, "A subpoena may be served by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person, or by exhibiting it and reading it to him, or by leaving a copy at his place of abode..."

III. Service of Summonses For Witnesses in Criminal Matters

- A. When a person appears at the Police Station and informs the front desk officer, or officer in charge, that he is attempting to serve legal process on an officer, the desk officer or officer in charge will check to see if that officer is on duty. If the officer to whom the summons is directed is on duty, the Officer in Charge will call for the officer to come to the front desk of the police station in order to be served personally pursuant to the applicable rule. (74.3.1)

- B. If the officer is not on-duty, the person attempting to serve process will be informed when the officer will be on duty (date and time), so that the process server can return on a scheduled working day of the witness.
- C. Officers are to be cooperative in facilitating the personal service of criminal and civil process.
- D. The Court Prosecutor's Office will provide counsel for defendants with information concerning the officers' scheduled working days when requested by counsel or by the Court.
- E. When an officer receives a summons, he/she will notify his/her supervisor and prepare a P-650 to be submitted through the chain of command to the Commissioner, attaching a copy of the subpoena and any relevant reports.
- F. If the officer or a supervisor believes that there is a legal reason the officer should not attend the proceedings, an explanation will be offered in writing on a P-650 and the matter should be directed to the Legal Advisor. A motion to quash or modify the subpoena will be considered, if legally proper.
- G. Summonses for testimony require that the officers give testimony. They do not compel officers to contact or be interviewed by the party requesting their presence. Officers appearing pursuant to a summons by a criminal defendant should proceed directly to the Court Prosecutor's office on the appearance date.

IV. Service of Subpoenas in Civil Cases

- A. When a process server appears to serve a subpoena for a police officer witness in a civil matter, the front desk officer will follow the procedures set forth in **Section III** of this Policy. (74.2.1.)
- B. When an officer receives a summons, he/she will notify his/her supervisor and prepare a P-650 to be submitted through the chain of command to the Commissioner, attaching a copy of the subpoena and any relevant reports. The officer will indicate if this court appearance is a result of a work related activity.
- C. When a process server appears at the Police Station to serve a subpoena for records or documents, that person should be directed to the Supervisor in Charge of the Records Section.
- D. All witness fees will be submitted to the Records Section and a receipt will be provided.

Ronnie Watson
Police Commissioner