

# SPECIAL ORDER



Title	
<b>Issuance and Service of Grand Jury and Trial Subpoenas</b>	
Series / Number	
<b>SO-04-17</b>	
Effective Date	Distribution
<b>September 3, 2004</b>	<b>B</b>
Rescinds	
<b>General Order 701.2 (Departmental Service of Criminal Summonses and Subpoenas)</b>	

## DISTRICT OF COLUMBIA

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### I. BACKGROUND

The purpose of this Special Order is to apprise members of the proper procedures to be followed in the issuance and service of subpoenas.

Trial subpoena power and grand jury subpoena power are vested in the Court and the Grand Jury, respectively. Attorneys for the government are authorized by law to issue trial and Grand Jury subpoenas. Attorneys for the defendant are authorized by law to issue trial subpoenas. Police officers are not authorized by law to issue trial or grand jury subpoenas.

### II. POLICY

The policy of the Metropolitan Police Department (MPD) is to assist the District of Columbia Court System in the service of subpoenas. Members of the Department shall not serve subpoenas issued by private attorneys, in either criminal or civil cases.

### III. REGULATIONS

1. MPD members shall not issue trial or grand jury subpoenas.
2. MPD members shall not have blank trial or Grand Jury subpoenas in their possession, unless specifically authorized by the AUSA in a specific case.

### IV. PROCEDURAL GUIDELINES

- A. MPD members may serve subpoenas issued by a government attorney or the Court, on behalf of the Court or the Grand Jury.
- B. AUSA Issuance of Subpoenas
  1. All subpoenas in a particular case, must be issued by the Assistant United States Attorney (AUSA) assigned to the case, or, in certain circumstances, by another AUSA or supervisory AUSA. Under no circumstances shall an officer or investigator:

- a. Sign the name of an AUSA to a blank subpoena; nor
  - b. Insert the printed name of an AUSA onto a subpoena, unless specifically directed to do so by the assigned AUSA.
2. A subpoena that is partially completed may be issued by an AUSA under certain circumstances, including, but not limited to:
- a. Where a witness is evading service, the date may be left blank by the AUSA and the member may, upon locating the witness, serve the witness for the next business day.
  - b. Where a witness is known to law enforcement, but his true name is not known, an AUSA may issue a "John Doe" subpoena with as much identifying information as possible.
  - c. If, in a particular case, there is reason to believe that the member will discover additional witnesses, an AUSA may provide up to three subpoenas filled in with case name and number and provide these to the member.

NOTE: No such subpoena shall be issued without the member first contacting the AUSA or supervisory AUSA and receiving telephonic approval to issue the subpoena.

### C. Emergency Service of Subpoenas

If, during non-business hours, a newly discovered witness to a crime becomes known to a member, he/she shall advise the AUSA or supervisory AUSA.

- a. If, in the judgment of an AUSA, it is imperative that the witness be served at that time, for a Grand Jury appearance the next business day, the AUSA will make the determination that the US Attorney's Office is opening a Grand Jury investigation and may then fax, or e-mail, a completed Grand Jury subpoena to the member.
- b. The case number field of the subpoena should contain either the words, "Grand Jury Original" or "GJO", and, if there is no arrest, the case name field should contain the words, "In Re Violation of (the appropriate DC Code Section)".

- D. Unserved subpoenas shall be voided by the member and returned to the AUSA.

// SIGNED //  
Charles H. Ramsey  
Chief of Police

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