

12.810 SUBPOENAS

Purpose:

Set a uniform procedure throughout the Department for handling subpoenas.

Procedure:

A. Receiving Subpoenas:

1. Officers picking up subpoenas at the Prosecutor's Office will:
 - a. Immediately hand deliver subpoenas to supervisor.
 - 1) If the person who normally handles subpoenas for the unit is not available, the supervisor will remove subpoenas for the next court day, enter them in the Subpoena Book, and direct an officer to serve them.
 - a) The supervisor will collect the subpoenas at the end of the shift and make the necessary entries in the Subpoena Book.

B. Recording Subpoenas:

1. Enter subpoenas not for Department employees in the unit Subpoena Book. Subpoena Books contain the following information:
 - a. Date/time received
 - b. Name and address of subject subpoenaed
 - c. Courtroom
 - d. Returnable date
 - e. Name of serving officer
 - f. Disposition: date/time and method of service (on person, residence, etc.) or reason for failure to serve
2. Enter subpoenas for Department employees in the Court Notify Book.

C. Serving Subpoenas:

1. Serve subpoenas immediately.
 - a. Serve the subpoena at least 48 hours before the court date.

2. The courts prefer personal service. "Served on Residence" is acceptable when:
 - a. The serving officer determines the subject lives at the address.
 - b. The reason for the service is on the duplicate subpoena, e.g., "Not home March 30, 1993, 1000 hours. Left under door."
 3. The serving officer will complete the reverse side of the duplicate subpoena (yellow copy), listing the service information in the space provided, and return directly to the Clerk of Courts via interdepartmental mail no later than 24 hours after the subpoena has been served.
 4. If the serving officer is unable to locate the witness, and unable to make service, the above procedure will be followed. In addition, the original subpoena (white copy) will be sent directly via interdepartmental mail to the agency that typed the subpoena, e.g., City Prosecutor's Office, etc.
 5. Officers will record the following information:
 - a. Date and time service was executed/attempted.
 - b. Name of officer(s) executing/attempting service.
 - c. Name of person on whom legal process was served/executed.
 - d. Method of service or reason for nonservice.
 - e. Address of service/attempt.
- D. Serving Subpoenas on Citizens:
1. Serve criminal and traffic court subpoenas for persons living or employed within the Cincinnati corporate limits.
 - a. The Hamilton County Municipal Court Bailiff's Office serves subpoenas in the Hamilton County area outside the Cincinnati limits.
- E. Reluctant Witnesses:
1. The Hamilton County Prosecutor's Office forwards the subpoena to the arresting officer when the Arrest and Investigation Report (Form 527) and the Grand Jury praecipe show a witness is a "Reluctant Witness."
 - a. The arresting officer will serve the subpoena "On Person." Do not serve on the witness' residence.

- F. Serving Subpoenas on Suspended Department Employees:
1. If the suspension is more than seven days, the employee's supervisor must submit a Form 17 stating the effective dates of the suspension to the Court Control Unit.
 - a. A supervisor will serve the subpoena on the employee at home.
 - 1) Get help in serving the subpoena from the suspended employee's resident district or the district closest to the residence.
 - b. The Department will not compensate for these appearances.
 2. If the suspension is for seven days or less, the employee's supervisor must forward a completed Change in Court Appearance (Form 678) to the Court Control Unit for each subpoena the employee receives. The Court Control Unit will request a continuance until the employee returns to duty.