

SPECIAL ORDER



DISTRICT OF COLUMBIA

Subject	Issuance of Subpoenas in Criminal Investigations
Number	SO-10-13
Effective Date	September 29, 2010
Rescinds:	TT-02-097-09 (Procedures for Issuance of Subpoenas) Effective Date, 02/27/09

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I. BACKGROUND

The Metropolitan Police Department (MPD) is tasked with preparing and serving subpoenas to secure records in criminal investigations. The proper preparation, authorization and execution processes are paramount in ensuring a successful criminal investigation.

II. POLICY

It is the policy of the MPD that the proper preparation and issuance of subpoenas to attempt to secure records in criminal investigations shall be timely, professional and complete.

III. DEFINITIONS

For the purpose of this order, the following terms shall have the meanings designated:

1. Applicant – Member submitting a subpoena for approval.
2. Subpoena – Writ commanding a person to appear before a court or other tribunal.
3. Subpoena Duces Tecum – Subpoena ordering the witness to appear and to

bring specified documents, records or things.

IV. REGULATIONS

- A. The Attorney General of the District of Columbia has been delegated authority by Mayors Order 2009-5 for the purpose of issuing subpoenas to witnesses in any criminal investigation or examination for the purpose of obtaining records.
- B. All records sought under subpoena must be evidentiary in nature and relevant to the investigation.
- C. Only the Assistant Chief, Investigative Services Bureau (ISB), may decline or refer the application for a subpoena to the Office of the Attorney General (OAG) of the District of Columbia for approval.
 - 1. The Assistant Chief, ISB, shall coordinate the request between the applicant and the OAG.
 - 2. No applicant shall contact the OAG directly without authorization from the Assistant Chief, ISB.
- D. No member shall serve an OAG subpoena that is not approved by the OAG.

NOTE: This order does not preclude service of a subpoena issued by another agency with subpoena authority.

V. PROCEDURES

- A. Responsibilities of the Applicant/Member

The Applicant/Member shall:

- 1. Prepare the subpoena.

NOTES: Applicants can locate a blank subpoena on the MPD Intranet. The subpoena can either be printed out and completed by hand or completed online and printed.

The subpoena cannot be saved on any computer or media. Applicants shall ensure that if the subpoena is completed online, it is printed prior to closing the document. Once the document is closed, all entered data will be lost.

- 2. Enter the application (written, oral and emergency) into the WACIIS system and place a copy in the investigative jacket regardless of the outcome of the application.
- 3. Once approval has been obtained through the applicant's chain of command, the applicant shall hand-carry the application and subpoena to the Assistant Chief, ISB.

NOTE: Once approved by the Assistant Chief, ISB, the applicant shall be provided an ISB transmittal form which shall accompany the application and subpoena to the OAG.

4. Once approved by the OAG, return the transmittal form and completed subpoena to ISB.
5. Assume responsibility for the service of the subpoena upon the target or an officer or agent of the company from which the information is requested. Service should be in-person. Facsimile or electronically transmitted service is acceptable, provided both parties agree to this form of service.
6. Assume responsibility for obtaining the documents once the subpoena has been approved.
7. Once the documents are obtained, itemize and list the documents in a separate WACIIS report that includes the exact date and manner in which the documents were received.
8. Deliver a copy of the WACIIS report and the completed subpoena to the OAG the following business day.
 - a. If no documents are received, the member/applicant shall generate a WACIIS report stating such and deliver the report to the OAG the next business day.
 - b. In all cases, the member/applicant shall provide the OAG a WACIIS report of the outcome of the subpoena within fourteen (14) days of the issuance of the original subpoena.
9. Include any documents obtained from the subpoena in the WACIIS system and the investigative jacket.

B. Emergency Requests

1. An emergency request for a subpoena may be applied for orally but shall be made through the chain of command, to the Criminal Investigations Division (CID) Watch Commander, who, if the emergency request is approved, shall contact the Assistant Chief, ISB, for review and consideration.
2. A written application shall be forwarded to the Assistant Chief, ISB, the following day.
3. If the oral application is approved, the name of every person in the approval flow, to include the name of the Deputy or Assistant Deputy from the OAG who provided the approval, shall be noted in the

WACIIS report.

C. Responsibilities of the Commanding Officials

Commanding Officials shall be responsible for compliance with these procedures and the procedures contained in General Order 304.01 (Operation and Management of Criminal Investigations.)

D. Responsibilities of the Assistant Chief, ISB

The Assistant Chief, ISB, shall:

1. Review and approve or disapprove subpoena applications in accordance with this order.
2. Ensure a log is maintained of every subpoena application and the log is available for inspection.
3. Ensure the subpoena log contains the following information:
 - a. ISB log #;
 - b. Date request received;
 - c. Requesting member's name;
 - d. Requesting member's unit;
 - e. Requesting member's CAD number;
 - f. Date approved by ISB; and
 - g. Date forwarded to the OAG.

VI. CROSS REFERENCES

1. General Order 304.01 (Operation and Management of Criminal Investigations)
2. Mayor's Order 2009-05 (Delegation of Authority to the Attorney General to Issue Subpoenas and Administer Oaths in any Criminal Investigation) dated January 16, 2009



Cathy L. Lanier
Chief of Police