



CALN TOWNSHIP POLICE DEPARTMENT
CHESTER COUNTY, PENNSYLVANIA



SUBPOENA PROCEDURES

TO SUBPOENA AN OFFICER'S APPEARANCE ONLY:

A subpoena, complete with caption and docket number, should be addressed to the officer and served at the police station. This subpoena must be accompanied by a witness fee and mileage check or the witness will not appear.

Witness Fees:

Due to the limited resources and limited Court and overtime budgets, litigants are expected to pay for the costs associated with an officer's attendance at deposition or appearance in Court. The costs are as follows:

WITNESS FEES:

Pennsylvania State Court

- Reasonable fee to reimburse CTPD for expenses incurred.
- \$.07 a mile - round trip (estimated from police station to deposition/hearing location and return)

Federal Court

- Reasonable fee to reimburse CTPD for expenses incurred.
- \$.32 a mile - round trip (estimated from police station to deposition/hearing location and return)

If the matter requiring attendance is prolonged from one day to the next and is more than 50 miles from the Caln Township Police Station the officer shall be paid commutation of lodging and subsistence for each such night.

When a matter is adjourned, continued or postponed for more than one day, or is prolonged from one week to the next, an officer present both before and after such interval shall be paid an additional travel allowance for each such interval.

An officer who attends any matter under subpoena, but who is not called to testify therein, shall receive the same compensation and expenses as if actually called to testify.

Only certified checks or money orders will be accepted and should be made payable to the "Caln Township Police Department".

EXCEPTION: Witness fees will not be required from government/prosecuting entities, such as the U.S. Attorney, the District Attorney or the Office of Attorney General, although travel expenses for overnight travel will be claimed.

TO SUBPOENA RECORDS ONLY:

General:

- Subpoenas will not be accepted via fax or email;
- Subpoenas should be as specific as possible regarding an incident or individual;
- Subpoenas should contain as much demographic information as possible so as to speed processing;
- Overbroad, burdensome, vague or all-encompassing subpoenas will not be honored;
- A proper subpoena for records does not require a witness fee; however, you will be billed an administrative fee at the rate of \$0.25 per page;
- Photographs, audio and video tape reproductions will be billed at the current laboratory rate for such reproduction. Allow approximately 30 days for reproduction.

Pennsylvania State or Municipal/Administrative Court

A subpoena duces tecum, complete with caption and docket number, must be properly executed in the name of Chief of Police, Caln Township Police Department, 253 Municipal Drive, Thorndale, PA 19372.

Federal Court

Subpoenas issued in Federal court must be hand-delivered, pursuant to Fed.R.Civ.P. 45. Federal subpoenas must contain the complete caption and docket number, and must be properly executed in the name of Chief of Police, Caln Township Police Department, 253 Municipal Drive, Thorndale, PA 19372.

Out-of-State

A civil subpoena from another state is not effective in Pennsylvania unless accompanied by a Pennsylvania court order domesticating the subpoena under the Pennsylvania Uniform Interstate and International Procedure Act (refer to 42 Pa.C.S. §5326). Subpoenas not received under these circumstances will be returned and not honored.

TO SUBPOENA BOTH AN OFFICER AND RECORDS:

If the civil subpoena is not only for testimony, but also requires the witness to bring documents or tangible evidence, the subpoena will be returned so that two separate subpoenas may be reissued in its place. The first subpoena must be issued to the person for testimony. A second subpoena for records or tangible evidence must be issued and served on the Chief of Police as Custodian of Records (please see above).

NOTE: All subpoenas must be in compliance with the respective Rules of Civil Procedure or Rules of Criminal Procedure.

SUBPOENAS FOR EXPERT TESTIMONY:

A civil subpoena requiring expert testimony must include an expert witness fee of \$400 per day. An "expert witness" is an individual who possesses scientific, technical, or other specialized knowledge by virtue of their skill, experience, training, and education. It is the policy of the Department that personnel may only provide expert testimony to civil litigants in cases in which they are already involved in the course of employment.

Personnel working as specialists in the following areas are considered to be experts for purposes of this section: Collision Analysis and Reconstruction.

Fees shall be paid only by certified check or money order made payable to the "Cain Township Police Department".

CONTINUANCE:

Subpoenas remain in full force and effect until compliance is completed. However, the Cain Township Police Department requires written notification to the individual the subpoena is addressed to in the event of a continuance, both for the fact a continuance has occurred and for the new appearance date.

CERTIFICATE OF COMPLIANCE:

All documents or things required to be produced pursuant to the subpoena shall contain the following:

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA TO PRODUCE DOCUMENTS OR THINGS
PURSUANT TO RULE 4009.23**

I, _____, (person served with subpoena) certify to the best of my knowledge, information and belief, that all documents or things required to be produced pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____

(Signature of person served with subpoena)

QUESTIONS AND CONTACT INFORMATION:

Operations Lieutenant
Cain Township Police Department
610-383-1821 Ext. 180
253 Municipal Drive
Thorndale, PA 19372
610-384-6507 (FAX)