

SUBPOENA PROCEDURES AT THE UPPER MACUNGIE TOWNSHIP POLICE DEPARTMENT

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 department. This subpoena must be accompanied by a witness fee and mileage check or the witness will not appear.

WITNESS FEES:

Pennsylvania State Court (Fees are set by 42 Pa.C.S. §5903)

- \$5.00 a day
- \$.07 a mile - round trip (estimated from police headquarters to deposition/hearing location and return)

Federal Court (Fees are set by 28 U.S.C.A. §1821)

- \$40.00 a day
- \$.32 a mile - round trip (estimated from police headquarters to deposition/hearing location and return)

Only certified checks or money orders will be accepted and should be made payable to "Upper Macungie Township".

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

- Faxed subpoenas will not be accepted;
- 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;
- The subpoena must contain a docket number, caption, and signature;
- Overbroad, burdensome, vague or all-encompassing subpoenas will not be honored;
- A proper subpoena for records does not require a witness fee; however, documents are billed at the rate of \$.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", Custodian of Records, and mailed or hand-delivered to 37 Grim Road, Breinigsville, PA 18031.

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", Custodian of Records, and mailed or hand-delivered to 37 Grim Road, Breinigsville, PA 18031

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 INDIVIDUAL 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 \$300 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.

Fees shall be paid only by certified check or money order made payable to "Upper Macungie Township".

CONTINUANCE:

Subpoenas remain in full force and effect until compliance is completed. However, the Upper Macungie 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.

QUESTIONS AND CONTACT INFORMATION:

Custodian of Records
Upper Macungie Township Police Department
37 Grim Road, Breinigsville, PA 18031
P# 484-661-5911