

	POLICY & PROCEDURE	SERIES # 1002	PAGE 1 OF 2
	USE OF SUBPOENA FOR WITNESS FORM		EFFECTIVE DATE 5/10/95
			OVERSIGHT Support Services
	DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P #1002 dated 10/28/94	

I. PURPOSE:

To establish the proper procedures for using the Subpoena for Witness Form in appropriate circumstances.

II. POLICY:

It shall be the policy of this Division to:

- A. Establish and implement procedures to be followed concerning the use of the form, and
- B. Encourage use of this form whenever possible, which will minimize the inconvenience to officers and citizens.

III. DISCUSSION:

AUTHORITY:

A. Virginia Motor Vehicle Code § 46.2-939:

- 1. Any police officer, in the course of their official duties in the investigation of a motor vehicle accident, may, at the scene of any accident, issue a subpoena to any witness to appear in court and testify with respect to any criminal charge brought against any person as a result of an accident.
- 2. This will have the same force and effect as if issued by the Court.

B. Code of Virginia § 16.1-260:

- 1. In cases where a juvenile is charged with an alcohol related offense and is released to the custody of a parent/guardian pending the initial court date, the officer shall issue the parent/guardian a Subpoena for Witness Form, at the time of release, for the same court date, in the case of the Commonwealth of Virginia vs. the juvenile charged.
- 2. This will likewise have the same force and effect as if issued by the court.

APPROVED:
CHIEF OF POLICE



IV. PROCEDURE:

- A. The subpoena will be filled out by the officer at the scene of the accident or prior to a juvenile's release.
- B. All information will be printed legibly so as to appear on all copies, with witness address directly below his name.
- C. Telephone number of witnesses will be obtained in case of continuances.
- D. The witness will be requested to sign the subpoena; issuance is affected without witness signatures, and recipients are legally bound to come to court.
- E. After the officer has signed the subpoena, the witness will be given their copy (#3).
- F. Officers will retain the fourth copy for their records and forward the other copies to the Court. If a summons is issued for the same case, the witness subpoena should be attached to it to ensure that they stay with the proper case.
- G. Should the officer to be notified of a continuance, all witnesses should be contacted by the officer to ensure their appearance on the new date. Should the Court notify the officer of a continuance by sending the officer a court copy of the subpoena form, the date and time the officer notified the witness should be noted on the form and the form returned to the Court.

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