

SUBPOENAS FOR RECORDS

3.01 PURPOSE

The purpose of this regulation is to establish policy and procedures for the Subpoena Processing Unit, regarding the receipt of, and response to, Subpoena Duces Tecum (for records), received by the Department.

3.02 POLICY

It is the Department's policy that all investigative reports are nonpublic records, and a Subpoena Duces Tecum must be received and addressed to the Commissioner or Custodian of Records in order to comply with a request, except for a Police Crash Report for involved parties, pursuant to Title 75, Vehicle Code, Section 3751. Subpoenas for court appearances are addressed in FR 5-5, Subpoenas and Court Appearances. Court orders for copies of reports shall also be complied with.

3.03 DEFINITIONS

For the purpose of this regulation, the listed terms shall have the following meanings:

- A. Invoice: An Invoice is to be used to itemize fees incurred by the Department (refer to Appendage E).
- B. Nonpublic Records: Investigative reports or documents; documents or reports which access to or publication of is prohibited, restricted, or forbidden by statute, order, or decree of court; reports and documents which would operate to the prejudice or impairment of a person's reputation or personal security; reports and documents which would result in the loss of federal funds by the Commonwealth, any of its municipalities, commissions, state authority, or municipal authority.
- C. Out-of-State Subpoena: A subpoena issued from another state, other than Pennsylvania. Federal subpoenas from another district other than Pennsylvania do not fall within this category.

- D. Overbroad and Burdensome: This term will be interpreted as any request of a large volume of material that is not specific; i.e., a request of all Pennsylvania State Police (PSP) manuals/directives/orders.
- E. Reasonable Time: For the purpose of this regulation, a "reasonable time" with which to comply with a subpoena shall be defined as a minimum of three working days from receipt.
- F. Redaction: The process of removing a portion of a document that is not subject to release.
- G. Rejection Letter: A form letter is to be used to reject or return a subpoena. Additional comments may be added after any marked reason(s) for further explanation (refer to Appendage A).
- H. Response Letter: A form letter is to be used to send out information requested in the subpoena. These response letters may be modified, as necessary (refer to Appendages B and C).
- I. Subpoena: A command by a court or administrative body to appear at a certain time and place and give testimony upon a certain matter. A Subpoena Duces Tecum requires production of books, papers, and/or other items relative a specific incident. A subpoena will have the word "SUBPOENA" written on it, and will bear a seal or other identifying mark of the court or administrative body.
- J. Subpoena Coordinator: An individual designated for every Department installation by the Troop Commander or Bureau/Office Director, pursuant to FR 5-5.
- K. Subpoena Processing Unit: A Unit within the Bureau of Records and Identification located in Department Headquarters, which will process all subpoenas for records.

3.04 ORIGIN OF SUBPOENAS

A subpoena may originate from a federal, state, or municipal court, or an administrative body.

- A. Federal Subpoena: Originates from the "United States District Court." A federal subpoena from a federal court in another state is a federal subpoena, not a state subpoena.

- B. State Subpoena: Originates from the Commonwealth of Pennsylvania "Court of Common Pleas" or a state court from another state. A subpoena from a district justice shall be considered a state subpoena.
- C. Municipal/Administrative Subpoena: Originates from a municipal body, e.g., township, school board, etc.; or administrative body, e.g., Judicial Conduct Board, etc.; or is not from a court. This term does not include subpoenas issued in arbitration matters between the Commonwealth and any bargaining unit which are not covered under this regulation.

3.05 TIMING

A subpoena is a command from a court and cannot be ignored. Subpoenas are date/time sensitive and shall be processed prior to the date of compliance on the subpoena, or within 14 days of receipt for state subpoenas, if no compliance date is listed. If the subpoena is received on or after the date of compliance on the subpoena, the subpoena must be processed as soon as possible. Pursuant to Title 28, Federal Rules of Civil Procedure, Rule 45, pertaining to federal subpoenas, a written objection (Rejection Letter) must be sent within 14 days of receipt. These time limits may be extended with the permission of the person issuing the subpoena.

3.06 DUTIES AND RESPONSIBILITIES

- A. Bureau of Records and Identification, Subpoena Processing Unit:
 - 1. Receive, track, and respond to all Subpoena Duces Tecum.
 - 2. Contact the Subpoena Coordinator at Troop and Bureau/Office as necessary.
 - 3. Consult with the Office of Chief Counsel on any question on validity of a subpoena.
 - 4. Submit to the Office of Chief Counsel requests for certain reports for response.

5. Respond to telephone inquiries from the public and Pennsylvania State Police (PSP) members/employees, regarding subpoena procedures.

B. Office of Chief Counsel:

1. Assist the Subpoena Processing Unit on questions regarding validity of any Subpoena Duces Tecum.
2. Respond to a Subpoena Duces Tecum for all Internal Affairs Division (IAD) investigations.
3. Consult with the Deputy Attorney General on how to respond when the PSP or one of its members/employees is named in the caption of a subpoena.
4. Respond to Motions to Compel or Motions for Contempt, with respect to a Subpoena Duces Tecum.

C. Troop Commanders and Bureau/Office Directors:

1. Assign a Subpoena Coordinator as liaison to assist the Subpoena Processing Unit, and to locate and copy reports.
2. Ensure that any subpoenas addressed to the Commissioner are accepted at each installation, and are immediately forwarded to the Subpoena Processing Unit, Bureau of Records and Identification, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110.
3. Ensure negatives and videos are forwarded to the Bureau of Forensic Services, when requested.

D. Bureau of Forensic Services:

1. Director, Bureau of Forensic Services:
 - a. Ensure requests for photographs and videos pursuant to a subpoena are routed to the Bureau of Forensic Services, Photographic Section.

- b. Ensure a price list is acquired from the Commonwealth Media Services and updated, as necessary.

2. Photographic Section:

- a. Process requests for photographs and videos in a timely fashion due to response to subpoena.
- b. Prepare and send an Invoice with photographs and videos.
- c. Return negatives to the Troop.
- d. Forward a copy of Invoice to the Subpoena Processing Unit.

3.07 PROCEDURES FOR PROCESSING SUBPOENA DUCES TECUM

A. Log In Document Received:

1. Time/date stamp subpoena along with logging into the database any document received by the Subpoena Processing Unit from the Commissioner's Office, mail, personal delivery, or any other manner.
2. An identification number will be assigned by the database.

B. Prepare file based on the identification number assigned by the database, and file chronologically according to number.

C. Identify Type of Subpoena:

1. Look for the word "Subpoena" on the document:
 - a. If the document is something other than a subpoena, like a lawsuit, complaint, or writ of summons, immediately forward to the Office of Chief Counsel using Appendage F, noting the date and manner of receipt.
 - b. If the document is a letter from another government entity or criminal justice agency

requesting a report, refer to AR 6-1, Public Information.

- c. If there is a question as to the requester's criminal justice status, forward to the Office of Chief Counsel, using Appendage F.
- d. If the document is a letter from an individual or attorney requesting an Incident Report, send a Rejection Letter marked SUBPOENA REQUIRED using Appendage A.
- e. If the document is a letter from an individual or attorney requesting a Police Crash Report, send a Rejection Letter marked POLICE CRASH REPORT, using Appendage D.
- f. If the document is a court order signed by a judge, the court order shall be complied with in the same manner as if a valid subpoena was received.

2. Determine if it is a proper subpoena:

- a. A proper subpoena must contain a caption, i.e., names of the parties, and a docket number issued by the court.

Exception: Subpoenas issued in an uninsured or underinsured motorist case may not have a docket number. These types of subpoenas are acceptable without a docket number.

- b. A proper subpoena must contain a signature, either by the court (for state subpoenas), or by the court or an attorney (for federal subpoenas).
- c. If the subpoena is missing a caption, docket number, or signature, send a Rejection Letter marked MISSING INFORMATION.

3. Determine who the subpoena is addressed to:

- a. Subpoena Duces Tecum (for records) must be addressed to the Commissioner or Custodian of Records to be accepted. If not properly

addressed to the Commissioner or Custodian of Records, send a Rejection Letter marked CUSTODIAN OF RECORDS.

- b. Subpoenas for active members/employees shall not be accepted. Send a Rejection Letter marked SERVICE and notify requester of the proper Station location for that active member/employee.

Exception: A criminal subpoena issued by a district attorney (state subpoena) or U.S. attorney (federal subpoena). These subpoenas may be accepted at any PSP location and shall be forwarded to the proper location for the addressee.

- c. Subpoenas addressed to a member/employee, but requesting records, send a Rejection Letter marked CUSTODIAN OF RECORDS.

4. Determine if the subpoena is state or federal:

- a. A state subpoena will list "Court of Common Pleas of _____ County," Pennsylvania.
- b. An out-of-state subpoena is not honored unless there are letters rogatory issued pursuant to Title 42, Judiciary and Judicial Procedure, Section 5326, which is a procedure where an out-of-state lawsuit can have a Pennsylvania subpoena issued.

NOTE: If an out-of-state subpoena is received, send a Rejection Letter marked OUT-OF-STATE SUBPOENA. However, we will cooperate with prosecutors in other states when they issue subpoenas.

- c. A federal subpoena will list "U.S. District Court" for the _____ District of _____.

5. Determine if the subpoena is civil, criminal, or administrative:

- a. A civil subpoena will have the word "Civil" on the subpoena. It will also have parties listed as "Plaintiff v. Defendant."
- b. A criminal subpoena will have the word "Criminal" on the subpoena, and the parties will be "Commonwealth v. Defendant" for state criminal subpoenas and "U.S. or United States v. Defendant" for federal criminal subpoenas.
 - (1) Requests for reports from a district attorney or U.S. attorney shall be complied with. They do not require a subpoena, but may issue one.
 - (2) For all criminal subpoenas received from the defense, contact shall be made with the criminal investigator and the district attorney or U.S. attorney assigned to the case to determine if they have any objections to the subpoena issued by the criminal defendant. If no objections, proceed to next Section.
 - (a) If objections, request the district attorney or U.S. attorney to file objections, and if they agree to do so, make a notation on the subpoena and close it out.
 - (b) If the investigator or district attorney or U.S. attorney has objections to the release, and the district attorney will not file objections, send to the Office of Chief Counsel, using Appendage F.
 - (3) Administrative subpoenas may be issued by various entities, including other Commonwealth agencies, school boards, townships, Judicial Conduct Board, and others. Most of these administrative organizational segments possess subpoena powers; however, if a question arises, submit it to the Office of Chief Counsel, using Appendage F.

6. Determine how the subpoena was received:
 - a. State subpoenas may be served by mail: regular, special, or personal service.
 - b. Federal subpoenas must be personally served, pursuant to Title 28, Federal Rules of Civil Procedure, Rule 45. If a federal subpoena is received and was not personally served, send a Rejection Letter marked FEDERAL SERVICE; however, we will accept subpoenas from a U.S. attorney by mail.
 - c. Fax service is not acceptable.

NOTE: If a fax subpoena is received, send a Rejection Letter marked FAX. However, fax subpoenas will be accepted from a district attorney or U.S. attorney.
 - d. A Subpoena Duces Tecum addressed to the Commissioner may be served at any PSP installation, and may be received by the Subpoena Processing Unit from another Troop or Bureau/Office.
7. If a subpoena is received for a separated member/employee, send a Rejection Letter marked SEPARATED PERSONNEL.

D. Review Request:

1. Check for due date of compliance. If there is not reasonable time with which to comply, send a Rejection Letter marked UNREASONABLE PERIOD OF TIME, and continue to process the subpoena to comply with the request within 14 days of receipt.
2. Check how compliance shall be completed:
 - a. Subpoenas may request that a copy of the report be mailed to their office and that will suffice for compliance.

- b. Subpoenas may request that a member/employee bring along the report to a deposition or a hearing. Contact member/employee to determine if they have received a subpoena for attendance, appropriate witness fee, and mileage check, pursuant to FR 5-5.
 - (1) If so, and a valid Subpoena Duces Tecum was received, permission may be granted to that member/employee to take the report with them. Either provide member/employee with copy of report, or if a Station copy is available, they may take a copy with them to give to the attorney or requester.
 - (2) If not, send a Rejection Letter marked TESTIMONY AND CUSTODIAN OF RECORDS.
- 3. If there is an Acknowledgment of Receipt of Subpoena by Mail enclosed, personnel shall not sign an Acknowledgement of Receipt of Subpoena, or similar statement, acknowledging receipt of the subpoena by regular mail.
- 4. All investigative reports (excluding Police Crash Reports):
 - a. Incident Reports, Form SP 7-0050, may be released only upon receipt of a Subpoena Duces Tecum addressed to the Commissioner or Custodian of Records.
 - b. If no incident number is listed on the subpoena and more information is needed, call the attorney or person who issued the subpoena to seek the necessary information. If you do not receive a return call within three days from your inquiry, send a Rejection Letter marked MORE SPECIFIC INFORMATION.
- 5. Police Crash Report:
 - a. Available, pursuant to Title 75, Vehicle Code, Section 3751(b), to any person involved in the

crash, their attorney or insurer, and other authorized parties. The Application to Obtain Copy of Police Crash Reporting Form, Form SP 7-0015, is available to the public on the PSP website at www.psp.state.pa.us.

- b. Subpoenas for Police Crash Reports will also be received, and must be addressed to the Commissioner or Custodian of Records.
 - c. If no incident number is listed on the subpoena, identify the report being requested. If more information is needed, call the attorney or person who issued the subpoena to seek the necessary information. If you do not receive a return call within three days from your inquiry, send a Rejection Letter marked MORE SPECIFIC INFORMATION.
 - d. Collision Analysis and Reconstruction Reports, photographs, videos, and other attachments are not part of the Police Crash Report and must be specifically requested.
 - e. If the subpoena requests Police Crash Reports from a specific location over a length of time, send a Rejection Letter marked LOCATION AND TIME FRAME.
6. Photographs and/or videos:
- a. Subpoena Processing Unit:
 - (1) Contact the Troop Commander of the Troop in possession of the negatives and videos, and send a request to forward them to the Bureau of Forensic Services for further compliance using Appendage H.
 - (2) Forward a copy of the subpoena and any related correspondence to the Bureau of Forensic Services for their information, along with a copy of the memo referenced in Appendage H.

- (3) Ensure compliance and processing of the subpoena is accomplished within the time parameter described in the subpoena.
 - (4) Serve as liaison between the requester described in the subpoena, and the organizational segment of the Department involved in complying with the subpoena request(s).
 - (5) Follow-up, log, and monitor all processes, internal and external, for compliance.
- b. Troop Commanders and Bureau/Office Directors shall ensure that a proof sheet is made and retained prior to forwarding the requested negatives to the Bureau of Forensic Services. Videos will not be copied since Troops and Bureaus/Offices do not have the appropriate equipment. The negatives and videos shall be forwarded to the Director, Investigation and Operational Support Division, Attention: Photographic Section, via Certified Mail, Return Receipt Requested.
- c. Director, Bureau of Forensic Services:
- (1) Ensure that all requests for photographs and videos pursuant to a Subpoena Duces Tecum are routed to the Photographic Section for processing.
 - (2) Ensure that a price list containing prices to be charged for photographs and videos is acquired from Commonwealth Media Services and updated as necessary.
- d. Photographic Section:
- (1) Make prints from negatives, reproduce the videos furnished, and forward the photographs and videos together with an Invoice, Form SP 3-403A (Appendage E), to the requester.

- (2) Determine the amount to be charged for the photographs and videos by utilizing the price list established by Commonwealth Media Services. Governmental agencies and political subdivisions shall be exempted from fees charged for photographic services.
 - (3) Return the negatives and videos to the Troop or Bureau/Office that submitted them, via Certified Mail, Return Receipt Requested.
 - (4) Forward a copy of the Invoice form to the Subpoena Processing Unit for attachment to the original subpoena.
- e. All requests made in conjunction with criminal prosecutions pursuant to Title 234, Rules of Criminal Procedure, shall be handled in accordance with OM 7-7, Crime Laboratory.
7. The Bureau of Integrity and Professional Standards shall ensure any subpoena requesting a copy of a report from the Bureau of Integrity and Professional Standards or an Internal Affairs Division Report, be forwarded to the Office of Chief Counsel with the appropriate cover sheet attached (refer to Appendage F).
8. Pennsylvania State Police or Department personnel, as a defendant, shall ensure any subpoena requesting a copy of a report, where the defendant is the Pennsylvania State Police or a member/employee of the Pennsylvania State Police, be forwarded to the Office of Chief Counsel with the appropriate cover sheet, in the format of Appendage F. The Office of Chief Counsel will notify the Deputy Attorney General handling the case for the Department and the Subpoena Processing Unit on compliance.
9. If the regulation, manual, or directive being requested will endanger personnel or disrupt Department operations by its release, send a Rejection Letter marked GOVERNMENT DOCUMENT PRIVILEGE.
10. If the subpoena requests copies of disciplinary matters of a member/employee of the Pennsylvania State Police,

send a Rejection Letter marked CONFIDENTIAL INFORMATION.

11. If the subpoena requests training materials of the Pennsylvania State Police, send a Rejection Letter marked CONFIDENTIAL INFORMATION.
12. If the subpoena requests contents of Deoxyribo Nucleic Acid (DNA) Data Bank profiles, and samples in the DNA Data Bank, send a Rejection Letter marked DNA DATA BANK.
13. If the subpoena requests documents of which the contents may contain any confidential verbal or written communications from the Office of Chief Counsel, send a Rejection Letter marked CONFIDENTIAL INFORMATION.
14. Personnel information:
 - a. Public information is defined in Management Directive (M.D.) 505.18, Amended, February 14, 2003, as information which may be released. It consists of last name, first name, position, title, date of birth, biweekly salary, appointment date, and voting county.
 - b. Nonpublic information requests are to be handled pursuant to M.D. 505.18, Amended, February 14, 2003. A copy of the subpoena shall be faxed to the Office of Administration (OA), Deputy Secretary for Human Resources and Management. OA will notify the Subpoena Processing Unit as to how to respond.
15. Voluminous request:
 - a. The subpoena may request voluminous or multiple documents, which could be construed as being an overbroad and burdensome request.
 - b. If it is determined to be an overbroad or burdensome request, send a Rejection Letter marked OVERBROAD AND BURDENSOME, accompanied by an explanation of why this request is being interpreted as overbroad and

burdensome, and request more specific information.

16. Subpoena from a District Judge which demands documents normally the subject of discovery in a criminal case shall be denied, send a Rejection Letter marked DISTRICT JUDGE DISCOVERY REQUEST.

E. Obtain Report:

1. Police Crash Reports can be queried through Q-Term, by using the FSADM Command (refer to FR 6-4, Vehicle Crashes).
2. Incident Reports can be queried through the CLEAN System via the FS QIC Command by the incident number, or name of involved party which appears on the subpoena:
 - a. If there is an incident number on the subpoena, and the query into the system comes up "No record on file," obtain from the Subpoena Coordinator at the Station the Assignment Report, Form SP 7-003, in order to comply with the subpoena.
 - b. If the incident number shows a "NTC" beside it in the query, that refers to a "Non-Traffic Citation," which are kept on Station. Obtain from the Subpoena Coordinator at the Station the NTC in order to comply with the subpoena.
3. For other types of reports requested, send correspondence, Form STD-501, in the format of Appendage G, to the Bureau listed below, along with a copy of the subpoena for the Bureau's file, seeking the items subpoenaed:
 - a. Collision Analysis and Reconstruction Reports are kept on file in the Bureau of Patrol.
 - b. Motor Carrier Safety and Assistance Program Reports are kept on file in the Bureau of Patrol.
 - c. Lab Reports are kept on file in the lab where the evidence was processed.

- d. Liquor Control Enforcement Reports are kept on file in the Report Examination Unit in the Bureau of Liquor Control Enforcement in Harrisburg.
 - e. Personnel records are kept on file in the Bureau of Human Resources in Department Headquarters.
 - f. Municipal Police Officers' Education and Training Commission records are kept on file at the Municipal Police Officers' Education and Training Commission.
 - g. Megan's Law records are kept in the Megan's Law Section of the Bureau of Records and Identification.
 - h. Communication Logs are located at each Station or Consolidated Dispatch Center.
 - i. Radio transmissions are located at each Station or Consolidated Dispatch Center and have a 60-day retention.
- 4. If the report requested is not yet on file at Department Headquarters, the Subpoena Processing Unit shall contact the Station Subpoena Coordinator to obtain a copy of the report.
 - 5. Each of the organizational segments listed above will assign a subpoena contact person, pursuant to FR 5-5, for the Subpoena Processing Unit to contact when a subpoena for their records is received. The Bureau Contact Person will provide the Subpoena Processing Unit with a copy of the requested report, along with a notation of the number of copies, and any concerns about the release of any information.
 - 6. If the items/documents requested are no longer available because it has been purged, pursuant to AR 1-3, Records Management, send a Rejection Letter marked PURGED.
 - 7. If the report requested is not a PSP incident number, send a Rejection Letter marked NOT PSP RECORDS.

F. Review Report:

1. Review the report to make sure it is complete. If it does not appear to be complete, call the Subpoena Coordinator to check for more pages that may be on file in Department Headquarters, and obtain the additional pages from the Troop. If the additional pages still don't make the report complete, amend the response letter to indicate that there are no further supplements at this time.
2. If the report to be released contains any of the following information, follow the instructions in that paragraph:
 - a. Juvenile information relating to the accused or suspect may not be released, pursuant to the Juvenile Act, 42 Pa.C.S., Section 6308, Law Enforcement Records:
 - (1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public unless one of the following apply:
 - (a) The child has been adjudicated delinquent by a court as a result of an act or acts committed when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult; murder, voluntary manslaughter, aggravated assault as defined in 18 Pa.C.S., Section 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S., Section 3301(a)(1), involuntary deviate sexual intercourse, kidnapping, rape, robbery as defined in 18 Pa.C.S., Section 3701(a)(1)(i), (ii) or (iii), robbery of a motor vehicle,

attempt or conspiracy to commit any of the offenses in this subparagraph.

(b) A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts subject to a hearing pursuant to the Juvenile Act, 42 Pa.C.S., Section 6336(e) (Conduct of Hearings) and the child previously has been adjudicated delinquent by a court as a result of an act or acts which include the same elements enumerated in Section (a) of this subsection.

(2) If the conduct of the child meets the requirements for disclosure as set forth above, then the law enforcement agency shall disclose the name, age, and address of the child, the offenses charged, and the disposition of the case.

(3) If the report does not meet the criteria contained in Section 6308, send a Rejection Letter marked JUVENILE INFORMATION.

(4) Juvenile Act does not apply if the juvenile in the report is the victim.

b. Pending criminal investigation:

(1) Notify the district attorney of the county from which the case is pending and the criminal investigator listed on the report.

(2) If the release of the report would jeopardize the case or the investigation in the opinion of the district attorney or

investigator, send a Rejection Letter marked PENDING CRIMINAL INVESTIGATION.

- c. Confidential informants:
 - (1) Review the report to determine if there were any confidential informants used in the investigation. Often these individuals are referred to as "CI" in the reports.
 - (2) If so, any and all information on that CI must be redacted from the report. Stamp the report with the "Redacted" stamp.
- d. If the subpoena requests documents of which the contents may contain any confidential wiretap information, send a Rejection Letter marked CONFIDENTIAL INFORMATION.
- e. If the subpoena requests documents that may reveal the contents of records maintained by the Pennsylvania Instant Check System (PICS), send a Rejection Letter marked CONFIDENTIAL INFORMATION.
- f. If the subpoena requests documents that may reveal the contents of any intelligence information maintained under the Criminal History Record Information Act (CHRIA), send a Rejection Letter marked CONFIDENTIAL INFORMATION.
- g. If the subpoena requests a report marked "Expunged," we can provide the report. CHRIA information, i.e., arrest and disposition information of the individual, must be redacted, and stamped "Redacted."
- h. Human Immunodeficiency Virus (HIV)-Related Information:
 - (1) If the subpoena requests a report which contains HIV-related information, certain portions shall be redacted.

- (2) Redact information that a person has been tested, is required to be tested, will be tested, the person is infected, or the person has an Acquired Immune Deficiency Syndrome (AIDS)-defining condition, and any other treatment that would indicate a person has HIV: stamp "Redacted" on the report.

G. Comply with Subpoena:

1. If a valid Subpoena Duces Tecum was received, and there are no objections to the release of the material requested, the following procedure shall be followed:
 - a. Prepare an Invoice for copying charges to the requester for civil subpoenas only.
 - b. Use "Certified Copy" stamp, if requested.
 - c. Send the report and Invoice for civil subpoenas only with a Response Letter.
 - d. Affix a copy of the subpoena to the original report and return same for filing.
 - e. Log out in database:
 - (1) Response date.
 - (2) List of documents sent.
 - (3) Invoice amount.
 - f. File copy of response and Invoice in proper file.
2. If a Certificate of Compliance form is received with the Subpoena Duces Tecum, we are required by Title 28, Federal Rules of Civil Procedure, to complete same and return with the documents or things produced to the party serving the subpoena. If the Certificate of Compliance is not received with the subpoena, we have no obligation to prepare or complete.

- H. Invoice Procedures (for civil subpoenas only):
1. Copying charges:
 - a. 1-10 photocopies No charge
 - b. 11+ photocopies \$.15 per copy
 - c. Redaction \$1.00 per page
 - d. Certified photocopies \$1.00 per copy
 2. Only certified checks or money orders are accepted as payment for Invoices.
 3. Keep a separate file of Invoices. When payment is received, pull the Invoice, mark it paid, and file it in a separate file marked "Paid Invoices."
 4. Send check to **Bureau of Commonwealth Payroll Operations, P.O. Box 8006, Harrisburg, PA 17105**, with the following wording and coding written directly on the check as follows:

Revenue Code: 001910-020000-101
Account Code: 001-020-181-YR-1-(4 digit ORG code)-396
 5. Log the date of payment and amount of the payment in the database.

3.08 WHEN A MOTION TO COMPEL OR MOTION FOR CONTEMPT IS RECEIVED BY THE SUBPOENA PROCESSING UNIT

- A. Pull and copy the entire file in the Subpoena Processing Unit, which is the subject of the Motion to Compel or Motion for Contempt.
- B. Forward a copy of the file to the **Chief Counsel's Office** with the cover sheet completed (refer to Appendage F).
- C. **Chief Counsel's Office** will assign an attorney to the matter, and advise the Subpoena Processing Unit.

3.09 MEMORANDUMS OF UNDERSTANDING

- A. The following organizational segments have entered into written Memorandums of Understanding with the Department to have access to Department reports without a subpoena or formal request letter to the Commissioner.
 - 1. Defense Security Service.
 - 2. U.S. Consumer Product Safety Commission.
 - 3. Department of Environmental Protection.

- B. The following organizational segments have entered into verbal understanding with the Department to have access to Department reports without a subpoena or formal request letter to the Commissioner:
 - 1. Pennsylvania Commission on Crime & Delinquency.
 - 2. Pennsylvania Department of Corrections.
 - 3. Pennsylvania Department of General Services.

3.10 FILE RETENTION

- A. The original subpoena attached to subpoenaed record and retained for its retention period, as enumerated in AR 1-3.

- B. Working files generated by the Subpoena Processing Unit shall be maintained in hard copy for a period of six months from the date of receipt of the subpoena.

- C. After six months, the files shall be scanned and imaged for a retention period of five years.