


STATE OF MARYLAND  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	<b>PROGRAM:</b>	<b>GENERAL ADMINISTRATION</b>	
	<b>DCD #:</b>	<b>20-4</b>	
	<b>TITLE:</b>	<b>Service of Summonses for Inmates in Civil Proceedings</b>	
	<b>ISSUED:</b>	<b>September 15, 2006</b>	
	<b>AUTHORITY:</b>	<i>Patricia Allen</i>	<b>Patricia Allen</b> <b>ASSISTANT COMMISSIONER</b>
	<b>APPROVED:</b>	<i>John A. Rowley</i>	<b>John A. Rowley</b> <b>ACTING COMMISSIONER</b>

- I. Reference: None
- II. Applicable to: DOC Headquarters, Maryland Correctional Enterprises and all Institutions
- III. Purpose: To provide a procedure for Division staff for the serving of summonses, subpoenas or other civil court papers for inmates in civil proceedings.
- IV. Definitions:
  - A. Subpoena - A command to appear at a certain time and place to give testimony on a certain matter.
  - B. Summons - A writ, directed to the sheriff or other proper individual officer, requiring him/her to notify the individual named that an action has been commenced against him/her in the court where the writ was issued, and that he/she is required to answer the complaint in such action.
  - C. Civil Proceeding - A judicial proceeding for declaration, enforcement, or protection of a right or redress, or prevention of a wrong that is purely civil.
- V. Policy: It is the policy of the Division that employees of the Division of Correction are not to effect the service of summons, subpoenas, or other civil court papers on inmates on behalf of outside entities that are suing the inmate or seeking the inmate as a witness in a civil case.
- VI. Procedure:
  - A. Division staff shall not act as agents for any party in the service of a summons, subpoena or other civil court papers on inmates on behalf of outside entities that are suing the inmate or seeking the inmate as a witness in a civil case.
  - B. Whenever possible, institutional staff shall request 24-hour advance notice that a summons is being served and that the summons be served Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

- C. When an agent for any party reports to an institution to effect service, the shift supervisor shall be advised of the arrival of the individual. Upon request from the agent, the inmate shall be paged to an area of the institution used for attorney visits.
1. If an individual arrives with a summons to be served, institutional staff may request identification and the authority of the individual to serve the summons.
  2. Division staff are not to attempt to determine the authenticity of the document.
  3. Institutional staff are to make no attempt to provide the inmate with advance information outside of the information which is usually conveyed to an inmate when he/she is paged. The individual serving the summons may perform the notification function.
  4. In cases where the inmate is in special housing (i.e., protective custody, administrative segregation, disciplinary segregation, hospitalization, etc.), staff will so inform the individual serving the summons. Institutional staff will not be required to take extraordinary measures to cause the inmate to appear.
- D. If the inmate reports to the designated area, the agent shall be afforded an opportunity to serve the inmate with the summons, subpoena or other civil court papers. If the inmate refuses to visit the process server, or to accept the summons, subpoena or other civil court papers, institutional staff shall make no effort to coerce or force the inmate to accept the summons, subpoena or other civil court papers.
- E. If the inmate refuses to accept the summons, subpoena or other civil court papers, Division staff shall not attempt to develop a method for ensuring that the summons, subpoena or other civil court paper is served.
- F. If the inmate does not report to the designated area, the process server shall be so advised, and Division staff shall make no additional efforts to have the inmate report as requested.
- G. No institutional directive is required.

VII. Attachment: None

VIII. Rescission: DCD 20-4, dated June 1, 2004

Distribution: A  
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