

**DATE:** DECEMBER 17, 2015  
**NUMBER:** F.13  
**SUBJECT:** SUBPOENA DUCES TECUM  
**RELATED SECTIONS:**

PURPOSE

To set a standard procedure for the acceptance and processing of a Subpoena Duces Tecum (SDT).

POLICY

Responsibility of acceptance and processing of a SDT will rest with the watch commander.

PROCEDURE

Any SDT will be directed to the watch commander. This includes subpoenas for support personnel (i.e., medical, kitchen, laundry, etc.). The Detention Information Assistant (DIA) will not accept the subpoena. It must be served on the watch commander. Prior to acceptance, the watch commander or designee will complete a search to ensure the inmate is in custody. (If the inmate is not in custody, refer the person serving the subpoena to the Sheriff's records division).

The watch commander will then:

- I. Log the SDT in the SDT log in the watch commander's office.
- II. Before acting on the SDT, scan and forward the SDT directly to the Sheriff's legal advisor. Fax a copy to the chief deputy district attorney (CDDA) of the proper division in which the case is being heard (El Cajon, Vista, or South Bay). For San Diego cases, fax a copy of the subpoena to the chief of the superior court division. In as much as these positions are subject to transfer in personnel, it is better to address the subpoenas to the title rather than the name or particular CDDA.

[REDACTED]

If the subpoena is sent via fax, follow through with a telephone call to the CDDA's office to make sure they received it and await further instructions. The DA may move to quash the subpoena or request that the Sheriff's legal advisor make the motion to quash. Alternatively, they may ask you to comply with the subpoena and to make their office duplicate copies of the records produced.

Notify the Sheriff's legal advisor with what the DA's instructions are with regard to each subpoena, so the legal advisor will know whether to move to quash it or not.

- III. Review the contents of the subpoena, and if it is believed that the records requested contain sensitive or confidential material or will be unduly burdensome to comply with, the watch commander will forward the subpoena to the facility commander. The facility commander should then review the subpoena with the Sheriff's legal advisor, who will decide whether to take appropriate legal action against it. (Refer to Department P&P Section 6.16)
- IV. If section III above does not apply and instructions are given to comply with the subpoena after completing section II, the watch commander will assign the appropriate personnel to gather the documents.
- V. The watch commander will make sure the documents are certified as being true and correct copies.
- VI. Assign the appropriate personnel to appear in the designated court with the required documents.
- VII. File a copy of the subpoena in the SDT log.