

**San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures**

DATE: MAY 2, 2022  
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

The watch commander is responsible for accepting and processing an SDT.

PROCEDURE

- I. All SDT's will be directed to the watch commander, including subpoenas for support personnel (e.g., medical, kitchen, laundry, etc.).
  - A. The detention information assistant (DIA) will not accept the subpoena. It must be served on the watch commander.
  - B. Prior to acceptance, the watch commander or designee will complete a search to ensure the individual is in custody. If the individual is not in custody, refer the person serving the subpoena to the Sheriff's Records Division.
- II. The watch commander will:
  - A. Log the SDT in the SDT log in the watch commander's office.
  - B. Before acting on the SDT, scan and forward the SDT directly to the Sheriff's legal advisor.
  - C. Fax a copy to the chief deputy district attorney (CDDA) of the proper division in which the case is being heard (i.e., 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 particular CDDA.

- 1. The CDDA's fax numbers, mail stations and telephone numbers are:

<u>LOCATION OF HEARING</u>	<u>FAX NO.</u>	<u>MAIL STATION</u>	<u>PHONE NO.</u>
Vista	Phone number - 7922.000	N-160	Phone number - 7922.000
El Cajon		S-127	
South Bay		S-109	
San Diego		C-16	

2. 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 district attorney 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.
- D. Notify the Sheriff's legal advisor with the district attorney's instructions regarding each subpoena so the legal advisor will know whether to move to quash it or not.
  - E. Review the contents of the subpoena and if they believe 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).
  - F. If instructions are given to comply with the subpoena, the watch commander will assign the appropriate staff to gather the documents.
  - G. The watch commander will make sure the documents are certified as being true and correct copies.
  - H. Assign the appropriate staff to appear in the designated court with the required documents.
  - I. File a copy of the subpoena in the SDT log.