

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 11.52	PAGES: 1 of 2
	RELATED ORDERS: P.C. 1326, 13332 ITR Operations Manual 2.4.10	
	ISSUED DATE: July 1, 1989	
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CHAPTER: Intake, Transfer, Release and Records	SUBJECT: Subpoena DUCES TECUM	

- I. **PURPOSE:** To establish a procedure to address a Subpoena DUCES TECUM in a timely manner.
- II. **POLICY:** The Records Deputy will respond to all Subpoena DUCES TECUM in a timely manner.
- III. **DEFINITION:** SUBPOENA DUCES TECUM: “An ancient writ, having for its object the production of evidence to be used, so far as admissible, in a trial. In the modern sense, a subpoena which, in addition to the usual clauses, requiring the attendance of the witness in court to testify, contains clauses directing him/her to produce at the same time for use as evidence in the litigation, certain described books, papers, records, and documents.”
- IV. **PROCEDURE:** Such subpoenas are normally directed to the Litigation Sergeant at Santa Rita Jail. He/she will handle all subpoenas regardless of how the subpoena is addressed.
 - A. **EXAMINATION, COPIES AND FILING:** The Litigation Sergeant will examine the subpoena to determine if it is a criminal or a civil matter. The Litigation Sergeant will also determine if it is criminal in nature. The Litigation Sergeant will also determine the exact documents requested. The Litigation Sergeant will identify whether or not the information can be processed as requested. If the request cannot be fulfilled the Litigation Sergeant will contact the court or the requesting party and identify why the request cannot be fulfilled. If the request can be fulfilled the record in question shall be photo-copied. One copy shall be stamped indicating a true copy under the penalty of perjury, signed by the Litigation Sergeant, sealed in an envelope (with a copy of subpoena affixed), and forwarded to the court and department of jurisdiction where the court will disseminate the request to the appropriate parties. A declaration will be forwarded to the court with the requested documents, along with a copy of the subpoena. A copy of all documents shall be retained by the Litigation Sergeant as confirmation of what records were forwarded; this copy will also serve as a backup if the Litigation Sergeant is later required to appear on the case.

- B. Copies of all records collected regarding a civil Subpoena Duces Tecum shall be routed directly to the recipient listed on the Subpoena Duces Tecum.
- C. Original documents shall never be forwarded. If originals are needed, the Litigation Sergeant shall appear in court with originals and certified copies for submission. Original records shall never be turned over, unless ordered to do so by a judge.
- D. If the subpoena appears vague and ambiguous, a call to the requesting attorney to clear matters is suggested; note the date and time of the call, and clarification requested.
- E. When a subpoena is received from a defense attorney, the district attorney handling the case shall be notified. If the district attorney requests a copy of the information going to the defense attorney, the request will be complied with.
- F. In cases where the Litigation Sergeant is not the custodian of the records (e.g.: visiting, classification records), the actual employee designated to make the physical appearance if required, will be determined by the facility Commanding Officer.