

## **5-07/240.00 - Subpoena Duces Tecum - Criminal Cases**

When a member of this Department attends any court or legal proceedings and is required to deliver records or material in response to a subpoena duces tecum, the records or material shall be turned over to the deputy district attorney, the court clerk or in their absence, in a superior court, to the bailiff - never directly to the defense attorney. Personnel delivering records or materials are not to be unduly delayed by court clerks or deputy district attorneys.

When responding to a subpoena duces tecum with records or material at a federal court, the court clerk shall be contacted for instructions concerning the delivery of the subpoenaed items.

Department personnel receiving notice of a delay or postponement of a court or legal proceeding shall immediately relay the information to the concerned member or his supervisor.

When there is sufficient time, certified copies of subpoenaed documents for courts or other legal proceedings may be mailed to the district attorney in criminal cases, or the court clerk in civil cases with the exception of deposition proceedings.

If a member responds to a subpoena duces tecum regarding a deposition and a qualified court reporter or notary is not present to take a proper deposition, the records or materials brought to the deposition are to be returned to this Department without permitting inspection by any attorney.

When a subpoena duces tecum is received and the county or a contract city is one of the parties in the proceedings, the county counsel shall be contacted immediately to ascertain if there are any special instructions regarding compliance.

The Discovery Unit shall respond to court on all Pitchess motions for the Department which involve personnel records, i.e., citizen complaints, personnel information and/or results of administrative investigations.

When Pitchess motions, ordering the disclosure of personnel records, are received at the unit level, immediate notification shall be made to the Discovery Unit. Additionally, the unit shall, without delay, forward the subpoena, or a copy of the subpoena, to the Discovery Unit.

Subpoenas duces tecum received at the unit level ordering disclosure in matters other than personnel records, e.g., a specific Deputy Daily Worksheet (DDWS), inmate worker's records, jail gate book entries, station logs, etc., shall require the court appearance of a unit representative.