




Division of Pretrial
Detention and Services
Directive


Approved by:
Wendell M. France
Commissioner

Title: Handling Subpoenas for Division Records	Directive Number: DPDS.020.0001
Related MD Statute/Regulations: N/A	Supersedes: PDS 20-1, titled Handling Subpoenas for Division Records and issued on December 21, 2007
Related ACA Standards: N/A	Authorized by: DPDS Litigation Coordinator
Related MCCS Standards: N/A	Effective Date: October 31, 2010 Number of Pages: 3

.01 Purpose

- A. This directive establishes procedures for the handling of subpoenas for Division records.
- B. This directive establishes responsibility for the processing of subpoenas in compliance with all applicable laws and statutes.

.02 Scope.

This directive applies to all Division staff

.03 Policy.

Employees shall respond to subpoenas in a timely and thorough manner. Those who fail to adhere to this directive shall be subject to disciplinary action.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Division records" means all archives and active files in the possession of the Division pertaining to official Division business, to include: emails, tapes, computer generated print-outs/reports, recordings, photographs, maps and all paper or electronically stored letters, memos, etc.
- (2) "Routine subpoena" means a command that does not request the production of a personnel file or compromise facility security.
- (3) "Subpoena" means a command to appear at a certain time and place to give testimony or to produce documents.

.05 Responsibility.

With regard to subpoenas for the production of Division records:

A. Those subpoenas addressed to the DPDS Central Records Units, the Pretrial Release Services Program, or associated staff shall be processed in accordance with all:

- (1) Applicable statutes and regulations; and
- (2) Established standard operating procedures.

B Those subpoenas not governed by §.05 (A) of this directive shall be handled as followed:

(1) The receiving employee shall be responsible to immediately inform the shift commander/supervisor of the subpoena;

(2) The shift commander/supervisor shall be responsible to:

(a) Make a determination to either:

(i) Refer the subpoena to the Office of the Deputy Commissioner for a response as detailed in § .05 (B) (2) (b) of this directive; or

(ii) Instruct a knowledgeable and appropriately trained employee(s) to prepare records responsive to the subpoena as detailed in § .05 B (3) of this directive

(b) Ensure that each subpoena referred to the Office of the Deputy Commissioner:

(i) Is faxed/mailed to the Office of the Deputy Commissioner, along with a explanatory cover letter, (Appendix A) before the end of the shift on which the subpoena was initially received; and

(ii) The original subpoena, including, original envelope and the explanatory cover letter is immediately posted to the Office of the Deputy Commissioner via interdepartmental mail. During regular business hours, the shift commander/supervisor may elect to immediately forward the original items through receipted hand delivery to the Office of the Deputy Commissioner.

(3) The employee, assigned to respond to a subpoena, shall be responsible to:

(a) Locate and prepare an accurate and complete copy of all documents responsive to the subpoena;

(b) Complete a Statement of Authenticity, (Appendix B/C); and

(c) Prepare a packet to include:

- (i) The original subpoena and mailing envelope;
 - (ii) A copy of all records responsive to the subpoena;
 - (iii) An appropriate coversheet; and
 - (iv) A completed Statement of Authenticity.
- (d) No less than five (5) workdays prior to the due date of the subpoena, hand deliver/ ensure the immediate hand delivery of the prepared packet to the Office of the Deputy Commissioner; and
- (e) When assistance is needed, consult in a timely manner with:
- (i) The shift commander/supervisor; and
 - (ii) Staff assigned to the Office of the Deputy Commissioner.
- C. A subpoena for the production of personnel files or records which compromise the security of the Division shall be immediately referred to the Office of the Attorney General for a determination.
- D. Employees subpoenaed to give testimony in a case involving a claim against a State agency, official or employee shall follow procedures detailed in DPDS.020.0004, titled Service of Process.

.06 Attachment(s).

- A – Subpoena Coversheet
- B – Statement of Authenticity, Local
- C – Statement of Authenticity, Federal

.07 History.

- A. This directive rescinds DPDS 20-1, titled Handling Subpoenas for Division Records issued December 21, 2007.
- B. This directive supersedes provisions of any other prior existing Division communication with which it may be in conflict.

Department of Public Safety and Correctional Services
Division of Pretrial Detention and Services

Subpoena Coversheet

To: Office of the Deputy Commissioner/ 400 E. Madison Street / *facsimile*: (410) 209-4250.

Date: _____

From: _____ Facility: _____

Phone: _____ Shift: _____

Re: Subpoena Case No. _____

The enclosed subpoena is being:

forwarded F.Y.I.
This subpoena was received at DPDS on (date) _____.

referred to you for handling.
This subpoena was received at DPDS on (date) _____.

The original subpoena and original mailing envelope is enclosed.

The original subpoena and original mailing envelope was forwarded via the mailroom.

referred to you for review and forwarding to the requestor.
This subpoena was received at DPDS on (date) _____.

Along with the original subpoena and original mailing envelope please find an accurate and complete copy of all requested records and a completed (original) Statement of Authenticity.

Comments:



Department of Public Safety and Correctional Services

DIVISION OF PRETRIAL DETENTION AND SERVICES

(enter appropriate header)

STATE OF MARYLAND

GOVERNOR

LT. GOVERNOR

SECRETARY

DEPUTY SECRETARY

DEVISION OF PRETRIAL
DETENTION AND SERVICES

COMMISSIONER

DEPUTY COMMISSIONER

ASSISTANT COMMISSIONER

(1) I, am the Custodian of Records of or am the qualified to administer the records for:

The Division of Pretrial Detention and Services, and

(list or identify documents)

(2) the attached records:

- (a) are true and correct copies of records that were made at or near the time of the occurrence of the matters set forth, by or from the information transmitted by, a person with knowledge of these matters; and
- (b) were kept in the course of the regularly conducted activity; and
- (c) were made and kept by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct.

Signature _____

(title)

Division of Pretrial Detention and Services

Date _____



Department of Public Safety and Correctional Services

DIVISION OF PRETRIAL DETENTION AND SERVICES

(enter appropriate header)

STATE OF MARYLAND

GOVERNOR

LT. GOVERNOR

SECRETARY

DEPUTY SECRETARY

DEVISION OF PRETRIAL
DETENTION AND
SERVICES

COMMISSIONER

DEPUTY COMMISSIONER

ASSISTANT
COMMISSIONER

Certification under Federal Rules of Evidence 803(6) and 902(11)

I HEREBY CERTIFY that I, _____, am the Custodian of Records for the Division of Pretrial Detention and Services, with its principal place of business located at 400 E. Madison ST, Baltimore, MD 21202, I further certify that:

The accompanying *(list or identify documents)*

are true and correct duplicates of records of the Division of Pretrial Detention and Services, hereafter "the business", which are maintained under my supervision;

It is the regular practice of the business to make and maintain such records;

The records were made at or near the time of the occurrence(s) set forth thereon;

The records were made by a person or persons with knowledge, or from information transmitted by a person with knowledge of the matters contained thereon:

I submit this certificate pursuant to Federal Rule of Evidence 902(11) and understand that, while no further authentication of these records is necessary, the attorney for the government may require my presence as a witness nonetheless.

I declare under penalty of perjury under the laws of the United States of America that that the foregoing is true and correct.

28 U.S.C. §1746.

Signature

(enter title)

Division of Pretrial Detention and Services

Executed on

(enter date)