



Subpoena Duces Tecum FAQs

1. When would a subpoena duces tecum be issued in a police oversight investigation?

A subpoena duces tecum is a legal order that requires a person or entity to produce documents, records, and tangible evidence for an administrative investigation. Unlike a standard subpoena, which compels someone to testify, a subpoena duces tecum specifically requires the production of materials. It may be issued when a civilian oversight agency cannot obtain necessary evidence voluntarily from the police department, witnesses, or other sources.

2. What kind of evidence can be requested using a subpoena duces tecum?

Oversight agencies typically request:

- Body-worn camera or dashcam footage of incidents under investigation.
- Use-of-force reports and other internal documentation.
- Personnel or disciplinary records to evaluate an officer's history of complaints.
- 911 call recordings and dispatch logs to verify incident timelines.
- Emails, text messages, or communications relevant to an investigation.
- Surveillance footage from nearby businesses or residences that captured an incident.

3. Can a subpoena duces tecum be used to obtain evidence from witnesses?

Yes. If a key witness refuses to voluntarily provide evidence, a subpoena duces tecum can compel them to produce relevant documents, videos, or records.

Example: A civilian recorded an alleged excessive force incident on their phone but refuses to share the footage. The oversight agency can seek a subpoena duces tecum requiring them to produce the video.

Example: A home security camera captured a police interaction in a neighborhood. If the homeowner is unwilling to share the footage voluntarily, the oversight agency can seek a subpoena duces tecum to obtain the video.

4. Does a subpoena duces tecum guarantee access to all requested evidence?

Not always. The recipient can challenge the subpoena, and a judge will decide whether the evidence must be turned over.