

OFFICE OF THE STATE ATTORNEY
TWENTIETH JUDICIAL CIRCUIT



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MEMO TO LAW ENFORCEMENT
LAW ENFORCEMENT SUBPOENA DUCES TECUM REQUESTS

Effective **September 1, 2022**, law enforcement subpoena duces tecum requests shall be submitted to the State Attorney's Office through the Document Exchange Portal (DEP) on the Criminal Justice Information Systems 20th Judicial Circuit Website.

All agencies shall discontinue sending requests by email. It remains that the Subpoena Request Form and Medical Information Attachment shall be used by all law enforcement agencies requesting a Subpoena Duces Tecum, Instanter Subpoena, or Subpoena Duces Tecum for Medical Records from the Office of State Attorney - 20th Judicial Circuit. **To ensure requests are routed to Investigations, uploads must be submitted with the sub type of Duces Tecum.** Important instructions for Document Exchange Portal submissions, Subpoena Request Forms, and the Medical Information Attachment can be found below.

DOCUMENT EXCHANGE PORTAL SUBMISSIONS

1. Law Enforcement personnel can access the DEP through their existing registered accounts. Personnel in need of an account can register on the website at [Home | CJIS 20th Judicial Circuit](#). For assistance, please contact the SAO Systems Integration and Development Department at 239-533-1023.
2. Subpoena Duces Tecum requests must be uploaded with the sub type of Duces Tecum to ensure they are routed to SAO Investigations. Urgent requests must be submitted with "Rush Request" in the description field.
3. Each request must be submitted in a singular submission with the applicable form and each request form shall be in its own submission through the DEP.
4. Approved requests will be processed as normal.
5. Agencies will be notified of denied or requests for additional information through email. Emails will be sent to the email account for the registered user that submitted the request through the DEP. The SAO Investigator's Name and Email will be listed in the email. *Note:* The DEP Description Field for re-submission of denied requests must be sent to the attention of the SAO Investigator that denied the request ("Attention: Investigator Name").

SUBPOENA REQUEST FORM

1. This form has been updated; version 06/2022 should be used (referenced at the bottom of the form). Please discard all previous versions.
2. Select the type of subpoena you are requesting in section one. ***If you are seeking medical records from Hospital Patient Records, Health Care Practitioner Records or Testimony, and EMS Records or examination or treatment you must also complete the MEDICAL INFORMATION ATTACHMENT.***
3. Complete all the fields in sections 2 through 9 being as detailed as possible.
 - a. **Sections 2&3:** the addresses and contact info must be filled in completely.
 - b. **Section 4 “INFORMATION BEING REQUESTED”:** Detailed Billing, Subscriber Information, incoming and Outgoing Tolls for phone number (123)555-1212 for the billing cycles which include the dates 01/01/2011 to 03/20/2011. **This should be specific with the ability to cut and paste for the subpoena. This is not the place for a narrative nor the words victim or suspect. **
 - c. **Section 5 “TYPE OF CASE”:** Robbery, Homicide, Burglary, Grand Theft etc.
 - d. **Section 6 “WHY DO YOU SUSPECT THE CRIME HAS OCCURRED”** example: **The victim reported a burglary to her residence on January 12, 2011. **This should be a brief summary of the facts****
 - e. **Section 7 “HOW DOES THE INFORMATION REQUESTED RELATE TO THE INVESTIGATION” (example for a Burglary case):** The suspect dropped a cell phone at the scene. The requested information was obtained from the cell phone. The subscriber and toll log will assist with identification of the perpetrators, etc.
4. Certify your request (with a sworn signature and date) and deliver the original request using the established DEP procedure.
 - a. **Note:** When the subpoena request is received by the SAO it will be reviewed to determine if sufficient information was provided and if a subpoena may be legally issued. If approved, the subpoena will be generated and forwarded to the requesting officer using local established procedures.

MEDICAL INFORMATION ATTACHMENT

1. Complete all the fields in sections 1 through 7 with as much detail as possible.
2. *You are required to exhaust all reasonable methods in identifying the present address for the patient where the notice will be sent.*
3. Based on the address you provide; the SAO will send the notice to the patient or next of kin for a hearing date; do not send a notice yourself.
4. Swear or affirm to the information, date the form, and have a notary or sworn officer attest to your signature and deliver the original subpoena request, medical attachment and using the established DEP procedure.
 - a. **Note:** The SAO will set a hearing set in front of a judge to obtain an Order to Subpoena Medical Records. This process supersedes and negates the previous 10-day notice practice. **It is essential that you attach any and all reports or documents regarding the incident** (to include crash reports, and sworn statements, if obtained). **This process can take up to a month or more to complete.** Once an order is obtained, the subpoenas will be produced and sent back to you via email.

Status of Submissions: If the medical records are required expeditiously or to verify the status of a submission, please contact the SAO Duty Investigator (in the designated county).

Memo Attachments: Subpoena Request Form and Medical Information Attachment