

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Director's Subpoenas</b>	PAGE <u>1</u> OF <u>2</u>
	NUMBER: 09-INV-02
RULE/CODE REFERENCE: 5120.30	SUPERSEDES: 09-INV-02 dated 04/26/02
RELATED ACA STANDARDS:	EFFECTIVE DATE: August 18, 2015
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Ohio Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

This policy is also issued in compliance with Ohio Revised Code Section 5120.30 which empowers the Ohio Department of Rehabilitation and Correction to make such investigations as are necessary in the performance of its duties and priorities. The Director of the Ohio Department of Rehabilitation and Correction shall have the same power as a Judge of a County Court to administer oaths and enforce the attendance and testimony of witnesses and the production of books and papers.

**II. PURPOSE**

The purpose of this policy is to establish a standard procedure for the request, review and issuance of subpoenas from the Director of the Ohio Department of Rehabilitation and Correction.

**III. APPLICABILITY**

This policy applies to all persons employed by or under contract with the Ohio Department of Rehabilitation and Correction.

**IV. DEFINITIONS**

**Director's Subpoena** – For purposes of this policy, a written legal order issued by the Director of the Ohio Department of Rehabilitation and Correction, under the authority of Ohio Revised Code Section 5120.30, directing a person to give testimony and/or to produce specified records.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to conduct thorough and appropriate administrative investigations, in part, by requesting, reviewing, processing and issuing Director's subpoenas consistent with Ohio Revised Code 5120.30.

**VI. PROCEDURES**

- A. When a Director's subpoena is deemed necessary for an investigation, the Managing Officer shall forward a written request for a subpoena to the Chief Inspector/designee. The request shall provide a brief description of the investigation, the investigation case number, and the reason the Director's subpoena is being requested.
- B. A written request for a Director's subpoena to enforce the production of documents must also contain a description of the documents to be subpoenaed and the name and address of the staff member to whom the subpoenaed documents should be forwarded. If a Director's subpoena for telephone records is being requested, the written request shall, whenever possible, contain the telephone number for which the records are being requested, the complete name and address of the telephone company servicing the number, and the time frame the records should cover.
- C. A written request for a Director's subpoena to enforce the attendance and testimony of a witness shall contain the full name, the last known address, and the date and location where the witness is to report.
- D. The Chief Inspector/designee shall review the request for the Director's subpoena and, if recommended for approval, prepare the subpoena for the Director to sign. If the request for the Director's subpoena is denied the Chief Inspector/designee shall respond to the requestor stating the reason for the denial.
- E. Once the documents are received and reviewed by the investigator, the investigator shall provide a follow-up report to the Chief Inspector/designee stating whether or not the subpoenaed information provided was useful in furthering the investigation for which the information was sought.