

Subpoena and Search Warrant

August 2024

Standard:

AccessCNY will comply fully with any lawful subpoena or search warrant. AccessCNY employees will remain courteous and professional when dealing with investigators or agents delivering a subpoena or executing a search warrant.

Procedure:

Subpoena

1. If a subpoena is received, either in person or via the mail, it must be immediately provided to the Executive Director, and the Associate Executive Director of Quality & Performance.
2. If delivered in person, the recipient shall obtain further information (e.g., the name, title, and telephone number of the serving agent/investigator and information provided by the agent/investigator).
3. Employees shall not volunteer information to an agent/investigator or submit to any form of questioning or interviewing without direction from legal counsel.
4. The Executive Director will identify the individual at the facility who is most qualified and available to assist legal counsel in responding to the subpoena.

Subpoena (Employee Related)

1. When a subpoena is received for Personnel File Information either in person or via mail, the Associate Executive Director of Human Resources shall be notified first. In the absence of the Associate Executive Director of Human Resources, the Associate Director of Human Resources shall be notified. If a subpoena is received via mail, it shall be reviewed by the Associate Executive Director of Human Resources or Associate Director of Human Services, in the absence of the Associate Executive Director of Human Resources, before the subpoenaed information is provided.
2. If delivered in person, the recipient shall obtain further information (e.g., the name, title and telephone number of the serving agent/investigator and information provided by the agent/investigator).

3. The Associate Executive Director of Human Resources or Associate Director of Human Resources shall not volunteer information to the agent/investigator regarding the subpoena or submit to any form of questioning or interviewing without direction from legal counsel.
4. A processing check for \$15.00 is sometimes received with the subpoena. This check shall be forwarded to the receptionist who processes mail to be logged into the check register and forwarded to the Finance Department. The check will not be deposited until the response to the subpoena has been provided to the requesting entity.
5. The Associate Executive Director of Human Resources shall notify the Chief Financial Officer and Executive Director when a subpoena is received.

Search Warrant

1. If a federal or state law enforcement agency arrives at AccessCNY or any site operated by AccessCNY with a search warrant, the employee greeting the agent shall ask for identification and immediately contact the Executive Director or the Associate Executive Director of Quality Enhancement, in the absence of the Executive Director.
2. The Executive Director or Associate Executive Director of Quality & Performance if necessary, shall contact outside legal counsel and follow legal counsel's direction.
3. Before the agent executes the search warrant, the Executive Director or Associate Executive Director of Quality & Performance shall view and photocopy the search warrant document. Carefully examine the search warrant (with legal counsel, if possible) to determine the following:
 - Determine the specific areas or locations it covers;
 - Ensure that it is being executed during the hours indicated on the document (most warrants should limit the hours they can be executed, e.g. "daylight hours");
 - Ensure that it has not expired (all warrants have an expiration date);
 - Ensure that it is signed by a Judge (all warrants should be signed by a Judge).
4. Politely object if any overt flaw in the warrant is apparent or if the agents are searching for anything you deem to be outside the scope of the warrant. Do not interfere should agents proceed and search. Note the fact for legal counsel to support a future protest.
5. The Executive Director or Associate Executive Director of Quality & Performance shall request an "inventory list" of the documents and items seized by the agents. A separate record of the areas searched, and items seized shall be maintained.

6. Other than providing information to direct the agents to information requested, AccessCNY employees shall not submit to any form of questioning or interviewing without the direction of legal counsel.
7. The Executive Director or Associate Executive Director of Quality & Performance will go to the site as soon as possible and remain present while the agents are conducting the search. However, program staff are not to prevent the search from happening prior to their arrival.