

Policy and Procedure: Corporate Compliance

Topic: Search Warrants

SCOPE OF POLICY

This policy applies to all CFS employees, including trainees, volunteers, consultants, contractors or subcontractors, providers and business vendors as well as The Board of Directors.

STATEMENT OF PURPOSE

A search warrant permits agents to immediately seize documents and other types of information. The execution of a search warrant can be seriously disruptive and frightening for many employees. Furthermore, if not handled properly, an organization subject to a search warrant may compound its problems. Therefore, The Center for Family Support has established this policy to advise all employees, contractors and Board Members how to appropriately respond to an official search warrant.

STATEMENT OF POLICY

1. Employees, contractors and Board Members will remain courteous and professional when dealing with agents executing a search warrant. Employees, contractors and Board Members will not interfere with the lawful execution of a search warrant. The senior staff member present is responsible for contacting the Program Director who will then contact the Executive Director and Corporate Compliance Officer. Legal counsel will be sought as warranted.

IMPLEMENTATION OF POLICY

1. Staff at the program should obtain and record the names and titles of all of the law enforcement personnel or at a minimum, that of the lead person, and the agency they represent. Do not attempt to photo copy the credentials of an agent as it is a violation of federal law.
2. Request to view and photocopy the search warrant document. If unable to photocopy, record on a piece of blank paper, everything the search warrant has on it.

3. Staff should then contact the Sr. Program Director and provide details of the search warrant. The Sr. Program will then contact the Director Executive Director and the Corporate Compliance Officer. The Executive Director will identify a Sr. Director to be responsible for responding to the agent's questions and will contact legal counsel as warranted.
4. The Sr. Director should examine the search warrant to check that it actually covers the location in question and to ensure:
 - It is being executed during the hours indicated on the warrant (most warrants limit the hours they can be executed, e.g. "daylight hours");
 - Ensure that it has not expired (all warrants have an expiration date); and
 - that it is signed by a Judge. As per HIPAA law, consumer information that contains protected health information (PHI) can not be surrendered unless there is a judicial search warrant or subpoena (Refer to policy regarding subpoenas).

The Sr. Director should politely object if any of the above described issues are noted with the search warrant or if the search personnel are searching anything or anywhere deemed to be outside the scope of the warrant. Do not interfere should they proceed with the search. Note that fact for legal counsel to support a possible future protest.

5. The Sr. Director should request a list of the documents and items taken during the search.
6. Other than providing the law enforcement personnel with items requested, do not submit to any form of questioning or interviewing.
7. Always remain present while the agents are conducting the search.