

SUBJECT: Responding to Subpoenas, Legal Process, Search and Arrest Warrants

PURPOSE: **To outline the policy and procedures for handling the receipt of subpoenas, summons, search and arrest warrants by employees of Woodhaven.**

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**Definitions**

**Subpoena** A legal document requiring a specific person to appear and testify in court as a witness.

**Subpoena Duces**

**Tecum** A legal document requiring a specific person or a “custodian” of records to produce any documents or records identified in the subpoena that are in his/her custody or control at a specified time and place. It may also require the person to accompany the records and appear as a witness.

**Summons and**

**Complaint** The first notice and initial document filed in court by on the part of a person bringing a lawsuit in a civil court action.

**Custodian of**

**Records** The person who is in charge of or who has custody of papers, records, or other property of Woodhaven.

**Arrest Warrant** A written order signed by a judge directed to a law enforcement officer and commanding him or her to arrest and detain an individual.

**Search Warrant** A written order signed by a judge directed to a law enforcement officer and commanding him or her to search for a person or persons, or a thing or things.

**B. Procedure**

1.0 Requests for Records or Things

The following procedures are to be followed by Woodhaven employees when presented with a **subpoenas duces tecum** or **warrants** requesting records:

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- 1.1 In instances where Woodhaven is called in advance of delivery of a search warrant or subpoena duces tecum, inform the caller that the Director of Human Resources or a member of the C-suite are the persons to be served.
- 1.2 Woodhaven employees who receive a warrant or a subpoena duces tecum should ask for and write down the name of the individual requesting the information along with a badge number and/or driver's license number and name of law enforcement agency. You should always request a copy of the actual warrant and provide it to Human Resources, or a member of the C-Suite as soon as possible.
- 1.3 Woodhaven employees who receive a search warrant or a subpoena duces tecum should immediately contact the Director of Human Resources or a member of the C-suite and alert them of the request before producing any documents in response to a subpoena duces tecum. If documents are being sought pursuant to a search warrant, you should politely request permission to contact the Director of Human Resources or a member of the C-suite prior to the execution of the search.
- 1.4 In no way are Woodhaven employees instructed or encouraged to interfere with legally served court orders or with local, state and federal laws. However, you should observe the search and make notes regarding the areas searched and identify any documents or things taken by the law enforcement officer.
- 1.5 During the execution of a search warrant, you are not obligated to be interviewed by the law enforcement authorities conducting the search. You have a right to legal counsel which you may request should a law enforcement authority request to interview you.
- 1.6 In the absence of a valid subpoena or warrant, direct the person requesting the information to the Director of Human Resources or a member of the C-suite. You are not authorized to consent to a search upon request where the law enforcement officer does not have a search warrant.

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- 1.7 Should a request for information be received by telephone or in person, explain to the person that “our policy is to consider requests upon receipt of legally served court orders. Until that happens, I cannot respond to any inquiries.” Provide the mailing address or fax number for the Director of Human Resources or a member of the C-suite.
- 2.0 Arrest Warrants
- 2.1 When a law enforcement officer arrives and presents you with an arrest warrant for another employee or individual, you should notify the Director of Human Resources or a member of the C-suite as soon as is practicable. In instances where Woodhaven is called in advance of the execution of an arrest warrant, notify the Director of Human Resources or a member of the C-suite of the call and the person who is the subject of the arrest warrant.
- 2.2 When presented with an arrest warrant for another employee or individual, you should read the warrant carefully. Unless specifically stated in the warrant, an arrest warrant does not permit a search of the premises for anything other than the subject of the warrant. You are not authorized to consent to a search upon request where the law enforcement officer does not have a search warrant. Should law enforcement officers conduct a search related to the arrest, you should not prevent them from doing so; rather, you should record the nature of the search and identify any things seized by law enforcement during the search.
- 2.3 In no way are Woodhaven employees instructed or encouraged to interfere with a lawful arrest warrant. However, where the subject of the arrest warrant is an individual, you should respectfully request permission to notify the Director of the respective program prior to the taking of the individual into custody if there is any medical condition or concern that should be taken into account by law enforcement officials.
- 2.4 Where the subject of the arrest warrant is an individual, you should request permission from law enforcement to arrange to escort the individual to a location that is out of view of other individuals so as to preserve the individuals confidentiality. You should request that the law enforcement officers provide you with the location of the individuals temporary custody and provide that information to your supervisor, Human Resources, or a member of the C-Suite as soon as possible.

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### 3.0 Subpoenas Requiring Testimony

3.1 When a Woodhaven employee is served with a subpoena requiring them to appear at a future date and time to give testimony in an action related in any way with Woodhaven, they should notify the Director of Human Resources or a member of the C-suite.

3.2 Any Woodhaven employee who is required to give testimony in any court or in the taking of a deposition in any civil action or proceeding involving Woodhaven shall be granted administrative leave for the time spent giving that testimony as well as reasonable travel time to and from the location of that testimony.

3.3 Unless so designated, Woodhaven is not custodian of records and is prohibited from producing records.

### 4.0 Summons and Complaint

4.1 Woodhaven employees are NOT authorized to accept a summons and complaint on behalf of Woodhaven or any Woodhaven office. All attempts to serve Woodhaven must be referred to the Director of Human Resources or a member of C-Suite.

4.2 When Woodhaven employees are named as defendants in a Woodhaven-related lawsuit, the individual employee should accept service on his/her own behalf only and make it clear that he/she is not accepting service for Woodhaven, any Woodhaven officer, or any other Woodhaven employee. The individual employee should indicate on the upper right hand corner of the document, the time, date of acceptance and how the documents were served.

4.3 If an individual is not available for service of a summons and complaint, the Director of Human Resources or a member of the C-suite should be contacted for assistance.

PROCEDURE NO. 4-10-34

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- 4.4 When an individual Woodhaven employee is named as a defendant in a personal, non- Woodhaven-related legal action, Woodhaven will not accept service on behalf of that employee.

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Human Resource Director