

## 21. Receipt of Summons, Subpoena or Search Warrant

### **Introduction**

A “Court” is a judicial body such as the BC Supreme Court. For the purpose of this Policy, the word “Court” also includes administrative tribunals or an arbitrator whose position is governed by law. It also refers to any proceeding or activity in a Court, including proceedings or activities other than trials.

A person may be *compelled* (legally required under law, regardless of their own wishes), to appear and testify in Court. The documents requiring such appearance and testimony are called “Summons” or “Subpoena”. Alternatively, a person may *volunteer* to appear and testify in Court. One example of voluntary testimony is of an expert witness who is hired to assist the Court by providing special knowledge or judgment. Another example of voluntary testimony is of a person who has information about an accident, a crime, or business dealing and feels obliged to “do the right thing.”

### **Purpose**

Spectrum’s overarching purpose is to act in the best interests of the individuals we serve. The purpose of this policy is to ensure that employees and volunteers are aware of their responsibilities as citizens to testify when required and to tell the truth. This policy is also to make employees and volunteers aware that they:

- (a) Have some rights with respect to testifying in Court;
- (b) Have a duty to the Society as their employer;
- (c) Can exercise their rights;
- (d) Must disclose any request or summons to testify to the Society, well before any scheduled Court date.

The purpose is also, wherever legally possible, that employees, volunteers and sub-contractors of Spectrum:

- (a) Do not consent and are not required to testify in Court regarding any question that might, in any way, compromise the Society’s purpose and duty to act in the best interests of the people we serve;
- (b) Ensure that any information that is the property of the Society is not utilized in a Court without the Society’s permission, or at least its knowledge;
- (c) Ensure that information is not used in a manner inconsistent with the best interests of the people we serve.

## **Policy**

Employees, volunteers and sub-contractors of Spectrum have a duty to act in a manner consistent with the best interests of the Society and the people we support. If they receive a Summons or Subpoena, they have a legal duty to the Court. If the Summons or Subpoena is in any way related to their employment or to the business or purposes of the Society, they must notify the Executive Director. In the case of the Executive Director, he/she will inform the Board of Directors.

Employees may not agree to act voluntarily as a witness or as an expert witness in any Court proceeding which might affect, directly or indirectly, the best interests of the Society or the people we serve, unless they:

- (i) first notify the Executive Director, in writing, of their intention, and
- (ii) receive prior permission from the Executive Director, in writing, to do so.

Employees, volunteers and sub-contractors who become aware that information has been subpoenaed or otherwise compelled from the Society, as evidence in Court or by the police, must inform the Executive Director immediately. Only the Executive Director may provide such information or delegate the provision thereof. The Executive Director must notify the Board of Directors of all such requests before providing any information or delegating the provision thereof, where at all possible.

## **Search and Seizure**

A court may order the search of Spectrum's premises or the seizure of certain documents.

Should this happen the employee is to contact the Executive Director immediately so the documents may be examined and verified.

The Executive Director will notify the Board of Directors regarding any search or seizure action taken by the court.