

# Madison County Health Department

## Search Warrants

### Policy & Procedures

**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, Madison County (sometimes referred to as “County” or “the County”) has established this policy to advise all employees how to appropriately respond to an official search warrant.

**DATE ADOPTED:** December 27, 2012

**REVISED:** February 18, 2014

- POLICY:**
1. The Department Head/designee present is responsible for contacting the County Attorney who will contact the Compliance Officer and County Administrator identified in the Compliance Plan and carry out the response procedures.
  2. Employees will remain courteous and professional when dealing with agents executing a search warrant.
  3. Employees will not interfere with the lawful execution of a search warrant.

- PROCEDURE:**
1. Immediately contact the County Attorney and provide him/her with details of the search warrant. The County Attorney will contact the Compliance Officer and County Administrator identified in the Compliance Plan, and provide details of the search warrant. The Chairman of the Board of Supervisors will identify one employee to be responsible for responding to the agent’s questions.
  2. Obtain and record the name of the lead agent and the agency they represent. *Do not attempt to photocopy the credentials of an agent – it is a violation of Federal law.*
  3. Request to view and photocopy the search warrant document.
  4. Request an “inventory list” of the documents and items seized by the agents. Ensure that it is detailed enough to properly identify the documents and items taken by the agents. Maintain a separate record of the areas searched, listing the documents/items seized from the area.
  5. Other than providing information to direct the agents to information requested, do not submit to any form of questioning or interviewing.
  6. Always remain present while the agents are conducting the search.

**Senior Management Responsibilities**

Legal Counsel will carefully examine the search warrant to:

- 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 should have an expiration date); and
- Ensure that it is signed by a Judge (all warrants should be signed by a Judge).

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Politely object if there is any overt flaw in the search warrant (as described above) or if the agents are searching anything deemed 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.