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| Chapter: | Access and Disclosure of Information | Classification: | Public Document |
| Subject: | Court Orders and Subpoenas | | |
| For: | Entire Division |  <small>Authorized by Executive Director</small> | |

1. Policy

1.1 Correctional Services staff will comply with all orders from judicial authorities.

2. Definitions

2.1 **Subpoena:** An order from the court commanding court attendance or the production order under penalty for failure to do so.

2.2 **Writ/Court Order:** A written legal order issued in the name of the court commanding the performance of a specified action, e.g., summons.

3. Procedures

3.1 Upon being served a court order or subpoena, the staff person is legally obliged to comply.

3.2 Upon receipt of a court order or subpoena, the staff member will promptly notify their immediate supervisor.

3.3 Should there be a concern regarding a court order or subpoena, the superintendent will contact Legal Services.


3.4 Before attending court at the time specified in the court order or subpoena, the staff member will, in consultation with management and/or Legal Services, become familiar with the

3.4.1 case

3.4.2 necessary evidentiary procedures

3.5 The staff member will ensure that, when providing evidence, the confidentiality of anything in oral or documentary evidence is maintained to the extent possible. In this way, the staff member will respond directly and fully to questions asked and will not offer extraneous information to the court.


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- 3.6 Staff will not accept financial reimbursement for court attendance. Such payments, if received, will be returned.
- 3.7 All documents prepared specifically for court will be
 - 3.7.1 provided in their original form, e.g., presentence reports
 - 3.7.2 copied and placed on Correctional Services files
- 3.8 Documents required by the court, for which Correctional Services is responsible for retaining the original copies, e.g., warrants, will not normally be released to the court. Staff will give the court certified true copies of the originals, duly certified by the superintendent, senior probation officer or other designated staff.
- 3.9 The court may require originals for inspection before admitting the certified true copies into evidence. Staff producing originals for inspection by the court are responsible for returning originals to the workplace.
- 3.10 Directors, superintendents, and other senior staff, with the approval of the court, may delegate responsibility for court appearances when another staff member can best provide the information requested and the proper approvals are received from the court issuing the Subpoena or Court Order.

4. Disclosure of Misconduct

- 4.1 In accordance with the 2009 Supreme Court *R v McNeil* decision, Correctional Services staff required to provide evidence or act as a witness are required to disclose the following personal information to the Crown (prosecution)
 - 4.1.1 findings of misconduct
 - 4.1.2 convictions or findings of guilt
 - 4.1.3 outstanding charges

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5. Clarifications

- 5.1 On occasion staff are required to address situations governed by conflicting or seemingly contradictory legislation or policies. In such cases, staff should consult with their immediate supervisor, who may, in turn, refer the matter to Head Office for further clarification before action.