



Court Services and Offender Supervision Agency
For the District of Columbia
Office of the General Counsel

POLICY STATEMENT

Subpoenas, Court Orders, Garnishments, and
Other Legal Processes

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Overview

Background

Court Services and Offender Supervision Agency (CSOSA or Agency) and Agency employees routinely receive legal actions and processes during normal business. This policy addresses the legal practices to be followed for subpoenas, court orders, garnishment orders, and services of other legal actions and processes provided to the Agency and its employees.

This Policy Statement (PS) provides guidance on how legal documents are served, accepted and processed to:

- Conserve the time of the Agency's employees for conducting official business;
 - Minimize the possibility of involving the Agency in controversial issues that are not related to the Agency's mission;
 - Prevent the possibility that the public will misconstrue variances between personal opinions of the Agency employees and Agency policy;
 - Maintain a central repository for subpoenas;
 - Avoid using Agency resources for private purposes; and
 - Protect confidential and sensitive information.
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Summary of Changes

- Updated Authorities and References blocks.
 - Added "Disclaimer" block.
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Overview, Continued

Coverage

This PS applies to all CSOSA employees, regarding all Federal, state, and local court proceedings, as well as administrative and legislative proceedings.

Exceptions:

1. Proceedings where the United States or another Federal agency is a part of Congressional requests/inquiries or Congressional subpoenas for testimony and/or documents.
2. Requests from the public pursuant to the Freedom of Information Act (FOIA) and the Privacy Act.
3. Consultative services and technical assistance rendered by the Agency in executing its normal functions.
4. Employees making appearances in their private capacities in proceedings that do not relate to their duties at the Agency.
5. Employees making appearances in their official capacity for show cause hearings and United States Parole Commission (USPC) Sanctions hearings pursuant to Office of Community Supervision and Intervention Service (OCSIS) guidance.
6. Requests from law enforcement pursuant to the law enforcement exception of the Privacy Act.
7. Proceedings concerning facts or events that are outside of the scope of official business of the Agency, and do not involve professional or consultative services.

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Overview, Continued

Authorities

- Departmental Regulations, [5 USC § 301](#)
 - Garnishment of Pay, [5 USC § 5520a](#)
 - Installment Deduction for Indebtedness to the United States, [5 USC § 5514](#)
 - Freedom of Information Act, [5 USC § 552](#)
 - Privacy Act of 1974, [5 USC § 552a](#)
 - Automatic Stay, [11 USC § 362\(a\)](#)
 - Confirmation of Plan, [11 USC § 1325](#)
 - Restriction on Garnishment, [15 USC § 1673](#)
 - Effect on State Laws, [15 USC § 1677](#)
 - Consent by United States to Income Withholding, Garnishment, and Similar Proceedings for Enforcement of Child Support and Alimony Obligations, [42 USC § 659](#)
 - Collection by Offset From Indebted Government Employees, [5 CFR Part 550, Subpart K](#)
 - Purpose and Scope, [28 CFR § 802.24](#)
 - Definitions, [28 CFR § 802.25](#)
 - Receipt of Demand, [28 CFR § 802.26](#)
 - Compliance/Noncompliance, [28 CFR § 802.27](#)
 - Federal Claims Collection Standards, [31 CFR Chapter IX](#)
 - Confidentiality of Substance Use Disorder Patient Records, [42 CFR Part 2](#)
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Disclaimer

This guidance does not have the force and effect of law and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

References

- [PS 1103 Freedom of Information Act Policy](#)
 - [PS 1102 Standards of Employee Conduct](#)
 - [PS 1113 Privacy](#)
 - [OI-OGC-1103.1 Freedom of Information Act Procedure](#)
 - [HRD 752.1 Disciplinary and Adverse Actions](#)
 - [OI-OD-OPR-2015-01 The Office of Professional Responsibility](#)
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Overview, Continued

Supersedes	This Policy Statement recertifies the PS 1115 dated May 28, 2021, and is in effect until the next recertification date of 08/01/2027.
Administrator	The Office of the General Counsel (OGC) is responsible for the contents of this Policy Statement.

Policy

Principles

- All legal actions and processes provided to CSOSA and/or an employee must be received in, or served directly on, the OGC.
- The Agency reviews all legal actions and processes for applicability and legal sufficiency.
- Unless noted as exceptions under Coverage, the Agency receives, processes, and responds to legal actions and processes to:
 - Cooperate with judicial and law enforcement agencies while balancing the interests of the Agency;
 - Preserve the privacy and dignity of individuals; and
 - Adhere to standards parallel to those published by other Federal agencies.
- Except for the requests and information set forth under “[Exceptions](#)” on page 3 of PS 1115, all requests from outside sources relating to Agency business for legal proceedings must be forwarded to OGC as soon as the employee is notified of such a request or becomes aware of it, and the employee must consult with OGC before any action is taken.
- The Agency responds expeditiously and in compliance with the law in responding to all legal actions and processes.
- The Agency's responses to legal processes are reviewed and forwarded to the requestors by the OGC.

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Policy, Continued

Legal Process Specific Principles The Agency applies additional principles depending on the legal process.

Legal Process	Principle(s)
Subpoenas	The Agency prohibits employees from testifying, producing documents, or answering inquiries from a person not employed by the Agency on any information acquired while conducting the Agency's business without the OGC's legal sufficiency determination.
Court Orders	The Agency, through OGC, reviews and responds to all court orders regarding litigation, including third-party litigation, in accordance with the request outlined in the order and applicable law.
Garnishment Orders	<ul style="list-style-type: none">• The Agency prioritizes child support and alimony over commercial garnishments.• The Agency returns legally insufficient garnishments and requires them to be served again with adequate information.
Service of Process for the Agency Staff	<ul style="list-style-type: none">• The Agency does not tolerate the breaking of the letter or spirit of the law by its employees.• The Agency takes all receipts of any legal process of a personal nature (civil or criminal) against an employee seriously.

Definitions

Court Order	An order issued from a competent court that requires a party to do or abstain from doing a specified act.
Demand	A request, order, or subpoena for testimony or documents to use in a legal proceeding.
Employee	<ul style="list-style-type: none">• A person employed in any capacity by CSOSA:<ul style="list-style-type: none">– Appointed by, or subject to the supervision, jurisdiction, or control of the head of the Agency; or– Any current or past Agency official still employed by the federal government.• A person who is subject to the Agency's jurisdiction or control may include:<ul style="list-style-type: none">– A person who is hired as a contractor by the Agency;– A person performing services for the Agency under an agreement (e.g., an intern, volunteer, etc.); and– A person working with a hired consultant, contractor, or subcontractor.• A former employee is also considered an employee only when:<ul style="list-style-type: none">– The matter about which the person would testify is one in which he or she was personally involved while at the Agency; or– The matter concerns official information that the employee acquired while working at the Agency, such as sensitive or confidential agency information.
Garnishment	A judicial proceeding in which a creditor (or potential creditor) asks the court to order a third party who is indebted to or is a bailee for the debtor to turn over to the creditor any of the 'debtor's' property (such as wages or bank accounts) held by that third party.

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Definitions, Continued

Legal Proceeding

- Any pretrial, trial, and post-trial state of any existing or reasonably anticipated judicial or administrative action, hearing, or investigation.
- Any similar proceeding before a court, commission, board, agency, or other tribunal authority or entity, foreign or domestic.
- Any deposition or other pretrial proceedings, including a formal or informal request for testimony made by an attorney or other person.
- Requests for documents gathered or drafted by an employee.

Legal Process

Documents or an oral or written request, which are validly issued, served on the Agency to include subpoenas, court orders, records and/or information requests from law enforcement, garnishments, and civil and criminal matters. A summons or writ, especially to appear in court or produce documents or records.

Legal Sufficiency

A review conducted to determine whether the legal process is compliant with the legal form and contains adequate information for identification of the request and action to be taken.

Subpoena

A request to appear before a court or other tribunal or to order the production of documents or other effects as may be outlined in the request.

Roles and Responsibilities

Employees

- Adhere to CSOSA's [PS 1102, Standards of Employee Conduct](#).
 - Be familiar with the Agency's policy and procedures on subpoenas, garnishments, and other legal processes.
 - Inform OGC of the actions taken to comply (e.g., requesting documents from archives, providing a status update regarding documents being placed in interoffice mail).
 - Cooperate with subpoenas wherein a request is made to appear in court.
 - Forward all directly received legal processes to the OGC.
 - Refer all process servers to the OGC. Do not accept legal process documents.
 - Comply with requests to produce documents, disclose information, or provide material as part of the employee's official status only with prior authorization of the OGC, as necessary.
 - Give testimony, produce documents, or answer inquiries from a person not employed by the Agency only with the approval of the OGC following a legal sufficiency determination.
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Supervisors

- Perform all responsibilities listed under the employees' role.
 - Respond to OGC's request for assistance when a subordinate employee ignores or refuses to comply with a subpoena.
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Office of General Counsel (OGC)

- Receives all legal processes and responds promptly to all requests.
 - Conducts a legal sufficiency review of the received legal process and forwards the document to the appropriate office for compliance.
 - Receive documents consistent with the legal process from the appropriate office, review them, and apply any necessary redactions.
 - Forwards all information relative to the legal process to the requestor.
 - Informs Agency employees of court appearances to give testimony, produce documents, or answer inquiries from a person not employed by the Agency.
 - Upon receipt of a garnishment, conducts a legal sufficiency review and informs the Office of Human Resources (OHR) of the determination.
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Roles and Responsibilities, Continued

**Office of
General Counsel
(OGC),
continued**

- If OGC determines that the Agency should not comply with a subpoena:
 - OGC attempts to have the subpoena withdrawn or modified and, if necessary, obtains representation from the U. S. Department of Justice and moves to have the subpoena modified or quashed.
 - In the event of a legal process of a personal nature (e.g., garnishment, stay away or protective orders, civil, or criminal, etc.) regarding an employee that is received directly by OGC:
 - If necessary, informs the Agency Director and/or the Associate Director of OHR or other appropriate program office, or their designee, of the legal process received by OGC.
 - Manages legal responses and any litigation resulting from the Agency's response to the provision of documents responsive to legal process requests.
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**Office of Human
Resources
(OHR)**

Takes immediate action to process garnishments that have been determined to be legally sufficient.

**Office of
Professional
Responsibility
(OPR)**

Conducts administrative investigations on allegations of civil or criminal law violations by employees and supervisors, which could lead to disciplinary actions, adverse actions, or referral for criminal prosecution.

Agency Director

Ensures implementation and compliance with the Agency's subpoenas, court orders, garnishments, and other legal process policy.
