

Protected Health Information Cover Sheet
Required for
~Interoffice Mail~ US Mail & Other Mail

CAUTION

THE ATTACHED IS SOLELY FOR THE INTENDED RECIPIENT/PROGRAM. IT CONTAINS PROTECTED PRIVATE, PRIVILEGED OR PROTECTED HEALTH INFORMATION (PHI). IF YOU ARE NOT THE INTENDED RECIPIENT, ANY DISCLOSURE, COPYING, USE OR DISTRIBUTION OF THE INFORMATION ATTACHED IS STRICTLY PROHIBITED AND MAY SUBJECT DISCLOSURE TO CIVIL OR CRIMINAL PENALTIES UNDER STATE AND FEDERAL PRIVACY LAWS. IF YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY. THANK YOU.

RECIPIENT, PLEASE NOTE: PER FEDERAL SUBSTANCE ABUSE REGULATIONS [42 C.F.R. PART 2], DOCUMENTS CONTAINING PHI SENT TO YOU FROM A SUBSTANCE ABUSE TREATMENT PROGRAM MAY NOT BE RE-DISCLOSED WITHOUT SIGNED AUTHORIZATION FROM THE CLIENT.

DATE SENT:	
<u>FROM SENDER</u> Name: San Francisco General Hospital Program: Dept/Agency: Health Information Services Rm 2B1 Street Address: 1001 Potrero Avenue City/State/Zip: San Francisco, CA 94110 Phone: (415) 206-4427 Front Desk (415) 206-4432 ROI Desk (415) 206-8622 ROI Desk Fax: (415) 206-8623	<u>TO RECIPIENT</u> Name: Program: Dept/Agency: Street Address: City/State/Zip: Phone: Fax:

**SUPERIOR COURT OF
CALIFORNIA
County of Alameda**



**SEARCH
WARRANT**

**The People of the State of California
To Any Peace Officer in Alameda County**

Warrant No. _____

The affidavit below, sworn to and subscribed before me, has established probable cause for this search warrant which you are ordered to execute as follows:

Place(s) to be searched: San Francisco General Hospital
1001 Potrero Ave, San Francisco, CA 94110

Property to be seized: Production of medical/health records pertaining to the examination and/or treatment of DEMILO HODGE, [REDACTED] The records shall include all that are applicable below:

- ☐ Patient Data/Profile sheet
- ☐ Face and/or sign-in sheets
- ☐ Consent Form
- ☐ Visit Verification
- ☐ Emergency treatment documents
- ☐ Doctors= notes
- ☐ Nurses= notes
- ☐ Other Hospital Personnel notes
- ☐ Surgery
- ☐ Treatment and diagnosis records, including discharge orders and summaries
- ☐ Documentation of prescribed medications
- ☐ Radiology reports
- ☐ Imaging records, including X-rays, ultrasounds, nuclear medicine, and CT scans
- ☐ Other diagnostics, including EKG, EEG, ECHO
- ☐ Clinical lab tests and results, including blood and urine test results
- ☐ Pathology specimens, including pap smears, TB results, outside lab results
- ☐ Flow sheets
- ☐ Dental records
- ☐ Progress notes and reports
- ☐ Discharge summaries
- ☐ Billing
- ☐ Insurance

Affiant's name and agency: Brian Head Emeryville Police Department.

Incorporation: The facts in support of this warrant are contained in the Statement of Probable Cause which is incorporated by reference. Incorporated by reference and *attached* hereto are Exhibit 1A, describing the place(s) to be searched; and Exhibit 1B, describing the evidence to be seized.

Evidence type: (Penal Code § 1524)

HIPAA AND CMA COMPLIANCE NOTIFICATION

This subpoena permits immediate release of records to the Court only (by mail or by providing the records to a Detective with the Emeryville Police Department in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Confidentiality of Medical Information Act for the following reason(s):

- ☒ This subpoena constitutes a court order allowing disclosure without notification to, or authorization by, the person to whom the records pertain. (See 45 CFR ' 164.502(a)(1)(i); 45 CFR ' 164.512(e)(1)(i); Civ. Code, ' 56.10(b)(1).)

AND/OR

- ☐ This subpoena is accompanied by (i) a written statement and documentation demonstrating that there has been a good faith attempt to provide written notice (with sufficient information to allow for objections to be made to release of the information) to the individual described in the record, the time to raise such objection has elapsed and either no objection was filed or the objection was ruled upon by a court and the disclosures being sought are consistent with the court's ruling; and (ii) a qualified protective order prohibiting the parties from using or disclosing the records for any purpose other than litigation or proceeding for which the records have been requested and which requires the return to the covered entity or destruction of the records (and copies thereof) at the end of the litigation or proceeding. (See 45 CFR ' 164.512(e)(1)(ii); Civ. Code, ' 56.10(b)(3) C.)

AND/OR

- ☐ The patient has consented to/authorized the release of the records. (See 45 CFR ' 164.502(a)(1)(i); 45 CFR ' 164.508(a)(b)&(c); Civ. Code, ' 56.11.) The consent/authorization form is currently on file with the provider or is attached.

Would you also please mail copies of the records provided in response to the subpoena duces tecum to Emeryville Police Department 2449 Powell Street Emeryville, CA 94608.m

A simple Xerox of the records is sufficient. It is not necessary that these records be accompanied by any affidavit or comply with the procedures for packaging described in the subpoena duces tecum. Our request for copies is not made pursuant to the Evidence Code and is merely an informal request that does not require mandatory compliance.

The requested records may be disclosed to our office in response to this voluntary request (with or without notification to, or authorization by, the person to whom the records pertain) in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Penal Code section 1543 and the California Confidentiality of Medical Information Act for the following reason(s):

- ☐ The person to whom the records pertain has given written consent/authorization to the release of the records. (See Pen. Code, ' 1543(a)(1); 45 CFR ' 164.502(a)(1)(i); 45 CFR '

164.508(a)(b)&(c); Civ. Code, ' 56.10(b)(7).) See authorization on file with provider or attached consent/authorization.

- ☒ The intended recipient of the records is a law enforcement official (see 45 CFR ' 164.501; the records are sought for a law enforcement purposes (see 45 CFR ' 164.512(f)); and are requested in compliance with and as limited by a court-order/subpoena of a judicial officer (see 45 CFR ' 164.512(f)(ii)) which was issued after a showing of good cause (see Pen. Code, ' 1543(a)(1)); Civ. Code, ' 56.30(g).) See attached court order.
- ☒ The records are subject to mandatory reporting requirements under the law because they pertain to a wound or physical injury inflicted by the patient or another person by means of firearm (see Pen. Code, ' 11160(a)(1)) or a wound or physical injury inflicted upon the patient as a result of assaultive or abusive conduct (see Pen. Code, ' 11160(a)(2)) and indicate the character and extent of the injuries, the identity of the patient and possibly the person who inflicted the wound or injury or past injuries (see Pen. Code, ' 11161(b)(1)). (See 45 CFR ' 164.512(f)(1); Civ. Code, ' 56.10(b)(7).)
- ☐ The records are subject to the mandatory reporting requirement because they pertain to a victim of child abuse, child neglect, or child sexual assault (Pen. Code, ' 11166) and disclosure is necessary to prevent serious harm to the patient or other individuals. (See 45 CFR ' 164.512(c); Civ. Code, ' 56.10(b)(7).)

Good cause having been shown for release of the records, it is ordered that records pertaining to the identity, diagnosis, prognosis, and/or treatment of the person described in the good cause affidavit be released to **Acting Detective Sergeant Brian Head of the Emeryville Police Department.**

The records may not be used or revealed for any reason other than for use in the investigation and prosecution of the case designated above.

Declaration: I declare under penalty of perjury that the information within my personal knowledge contained in this affidavit, including all incorporated documents, is true.

10/4/17 12:18 PM

Date and Time Warrant Issued

Carol S. Brosnahan

Judge of the Superior Court

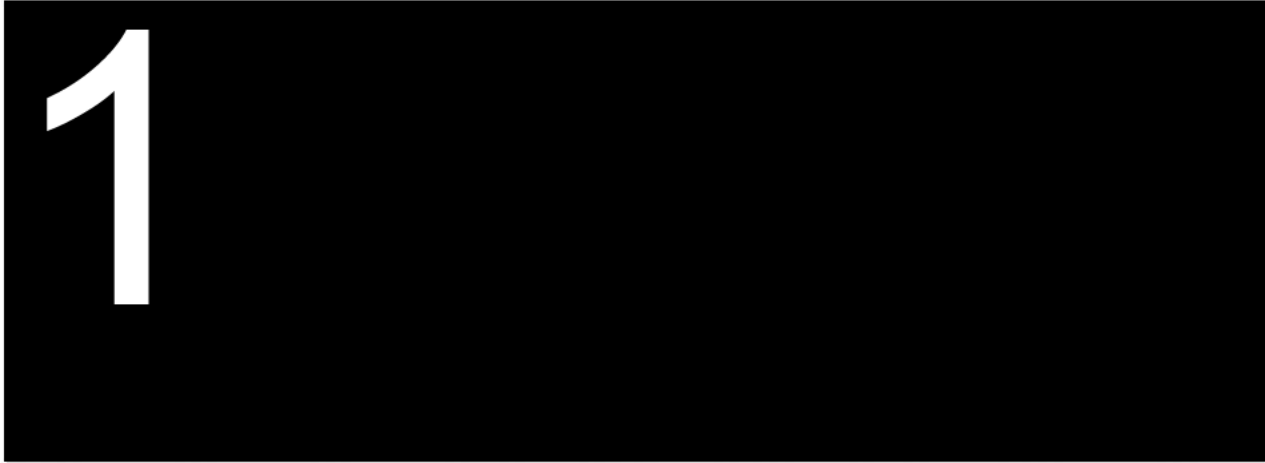
CAROL S. BROSNAHAN

Affiant

Date 10/4/17

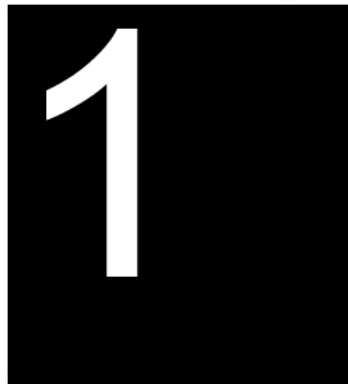
Department of Motor Vehicles Image - CAL-PHOTO

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:
HODGE DEMILO TRAYVON



SIGNATURE:

A handwritten signature in dark ink, appearing to read 'Hodge Demilo Trayvon'.



This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

EMERYVILLE POLICE DEPARTMENT



BRIAN HEAD

Detective

Telephone (510) 596-3774

Cellular (510) 407-1596

bhead@emeryville.org

Event/Report # 1709-2151

2449 POWELL STREET

EMERYVILLE, CALIFORNIA 94608

24 Hours: (510) 596-3700

Fax: (510) 653-5883

PROTECTING AND SERVING SINCE 1896

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