

**Policy Template for Member Libraries**
Law Enforcement Inquiry Procedure

INTRODUCTION: With language from Woodstock Public Library District, “Law Enforcement Policy”.

[Member Library Name] Law Enforcement Inquiry Procedure

REFERENCES: [Member Library Name] Policy on the Confidentiality of Library Records; Civil Practice Laws and Rules Section 4509 Library Records

Procedures for library staff and volunteers: If a law enforcement officer requests library records or information about a library user or staff member:

* Ask for the officer's identification.
* Inform the officer that the Library Director is the individual authorized to respond to requests for records and information, and that library policy requires you to refer the officer to the Library Director.
* Refer the officer to the Library Director.

If a law enforcement officer requests library records or information about a library user or staff member and neither the Library Director nor designee is available:

* Ask for the officer's identification. Record the information on the identity card.
* Inform the officer that the Library Director is the individual authorized to respond to requests for records and information, and that library policy requires you to refer the officer to the Library Director.
* Attempt to reach the Library Director, or the president of the Board of Trustees. If you cannot reach the Library Director or Board President, utilize the procedures outlined below for use by the Library Director. A written report describing the officer's inquiry should be provided to the Library Director at the earliest opportunity.

Procedures for the Library Director or President of the Board of Trustees:

In all cases:

* Ask for the officer's identification. Record the information on the identity card.
* If possible, ask a colleague to be present during the interview with the officer.

Requests for voluntary assistance or warrantless searches (the officer does not present a subpoena or court order):

* Explain the library's privacy policy, informing the officer that library records and information about library users and library staff are not made available to law enforcement agencies unless a proper court order in good form has been presented to the library.
* If the officer persists, [if the library has an attorney] provide the officer with the contact information for the library's legal counsel and ask the officer to speak to the library's attorney. [**If the library has no attorney,** provide the officer with Southern Tier Library System Executive Director Brian M. Hildreth’s information: 607-962-3141 x212.]
* If the officer claims that an emergency or other circumstance requires the library to turn over records or provide information without a court order, call the library's legal counsel [if available] or [if no legal counsel is available] Southern Tier Library System Executive Director Brian M. Hildreth and ask for assistance.
* If the officer employs force to take possession of library records or other library property, do not obstruct the search in any way. Keep a written record describing the incident.
* If a library worker is required to respond to a voluntary request or a warrantless search in the absence of the Library Director or a designated alternate, all materials should be turned over to the Library Director.

If the law enforcement officer presents a subpoena or similar request for records:

* Accept the subpoena. Inform the officer that the library's legal counsel responds to subpoenas on behalf of the library.
* Turn the subpoena over to the library's legal counsel. If a library worker accepts service of the subpoena in the absence of the Library Director or a designated alternate, the subpoena should be turned over to the Library Director.
* The Library Director will work with the library's legal counsel to respond appropriately to the subpoena.

If the law enforcement officer presents a search warrant:

* Read the warrant and any attached documentation. Verify that it is signed by a judge and is issued by a local state or federal court. If you have questions about the validity of the warrant, call the issuing court to verify the validity of the warrant or order.
* Identify the items or records specified in the warrant. If the officer will not wait for legal counsel, you may assist the officer in locating the items or records identified in the search warrant in order to prevent review of records or items not named in the warrant.
* Do not agree to any additional searches, or volunteer information about the items or records in the warrant. Do not sign any documents on behalf of the library without the advice of the library's legal counsel.
* Ask the officers to provide an inventory of the items or records seized. Ask if it is possible to provide copies to the officers or to make copies for the library's own records.
* Do not obstruct the search in any way.
* If the law enforcement officials are unwilling to cooperate with you, simply step aside and let them do their job. Request that the officer sign an inventory receipt for the materials. Keep a written record describing the incident.
* If a library worker is required to respond to a search warrant in the absence of the Library Director, all materials related to the inquiry should be turned over to the Library Director.

Adopted by the [Member Library Name] Board of Trustees on [Date].