

# Millbrook Library

## Policy Manual

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### Law Enforcement Policy

#### Guidelines for Law Enforcement Inquiries

The Library Director is the individual responsible for handling law enforcement inquiries. All Library Staff should refer the agent or officer to the Library Director. The Director will contact the Library's Legal Counsel. If the Director is not available, the Staff should contact the Board President, who will call Legal Counsel. If neither the Director nor the Board President is available, Staff will call Legal Counsel directly.

#### *Procedure for Library Staff/Volunteer:*

If anyone approaches a Staff member/volunteer alleging to be a law enforcement official requesting information, **DO NOT DISCLOSE ANY INFORMATION.**

- Ask for identification and photocopy the identification or take agent/officer's business card.
- Inform the agent/officer that the Library Director is the only individual authorized to respond to requests for records and information. Contact the Library Director immediately. If the Director cannot be reached, the Assistant Director should be contacted. The Library Director or person acting in his/her stead should immediately call Library Counsel. If neither the Director nor Assistant Director is reachable, the staff person should contact Counsel directly.
- The Director will meet with the agent with Library Counsel present. If Counsel is not available, the Library Board President, Board Officer, or Trustee should be in attendance during the meeting and should contact counsel at the Office for Intellectual Freedom (1-800-545-2433 x 4223). Do not disclose the reason you need legal assistance.
- Ask to see the court order(s) (for example, search warrant, subpoena, National Security Letter) authorizing law enforcement.
  - If the agent/officer does not have a court order compelling production of records, the Library Director or Counsel should explain the Library's confidentiality policy and inform the agent/officer that patron's records are not available except when a valid court order has been presented to the Library. Law enforcement has no authority to compel cooperation with an investigation or require answers to questions (other than the name/address of the person speaking with him/her) without a valid court order.
  - If the agent/officer does present a valid court order, the Director should immediately refer the court order to the Library's Counsel for review.

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### *Subpoena*

If the court order is in the form of a subpoena:

- A subpoena does not require an immediate response. Accept the subpoena, make a copy of it, and submit it immediately to legal counsel.
- Library Counsel will examine the subpoena for any legal defect. If a defect exists, Counsel will advise on the best method to decline the subpoena.
- The Library's Counsel or Director will require that the agent, officer, or party requesting the information submit a new subpoena in good form and without defects.
- The Library's Counsel and Director will review the information that may be produced in response to the subpoena before releasing the information. They will follow the subpoena strictly and will not provide any information that is not specifically requested in it.
- If disclosure is required, the Library's Legal Counsel may ask the court for a protective order keeping the information confidential and limiting its use to the particular case. The document also may stipulate that access be restricted to those persons working directly on the case.

### *Search Warrant*

If the court order is in the form of a search warrant:

- Search warrants are executable immediately and may be served to any employee. Library Counsel should be notified immediately and asked to be present before the search begins to allow Counsel to examine the warrant and assure that the search conforms to the terms of the warrant. This request may not be granted by the agent/officer. Should s/he not delay his/her search, the responding onsite designee should read the warrant to the best of his/her ability, in an attempt to insure that it is valid. If there is a question of validity, contact the local court for assistance.
- Cooperate with the search, only to the extent of identified records on the warrant. Should the agent request assistance in identifying or securing records, the employee will cooperate fully with the request. Do not allow non-Library personnel to access the Library's databases or records.
- The employee should record and keep an inventory of the records or items seized, and if possible, make copies for the agent/officer so as to keep the originals.
- Should the warrant be issued under FISA (Foreign Intelligence Surveillance Act), a "gag order" may be in effect and **no one, under any circumstances** should disclose that the Library was served with the warrant or that records have been produced pursuant to the

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warrant. ALL Staff must comply with this order. No information can be disclosed to any other party, including the Director, if not present at the time warrant is served nor the patron whose records are the subject of the search warrant.

- The gag order does not change a Library's right to legal representation during the search. The Library can still seek legal advice concerning the warrant and request that the Library's Counsel be present during the actual search and execution of the warrant.

### *National Security Letter*

If the court order is in the form of a National Security Letter the procedure is the same as for a search warrant. However, a gag order applies.

### *After the Visit/Search*

The Director and Legal Counsel are to review the court document (subpoena, search warrant, etc.) to ensure that the Library complies with any remaining requirements, including restrictions on sharing information with others. The Director is responsible for communicating with the public and the media.

*Approved by the Millbrook Library Board of Trustees on April 16, 2013*