

Law Enforcement Inquiries Policy and Procedures

Approved on May 5, 2008

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The Kinderhook Memorial Library recognizes and strives to follow the practices of the *ALA Code of Ethics*, Article III, “We protect each library user’s right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted,” to the fullest extent of our abilities. Kinderhook Memorial Library will also support the rights and privacy of our patrons with the Civil Practice Laws and Rules Section 4509, Library Records.

In the event that the Kinderhook Memorial Library is served with a formal and legitimate request by federal and/or state authorities under the Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015 (**USA FREEDOM Act**) or the Foreign Intelligence Surveillance Act (**FISA**), the Kinderhook Memorial Library director and staff will comply with all specified requests.

Procedures

Should any staff member be approached by a state, federal, or local officer, they should immediately ask for identification, make a copy of that identification, and every attempt should be made to contact the Library Director. In the case that the Library Director cannot be reached, the President of the Board of Trustees should be contacted. If neither the Library Director nor the Board President is reachable, the staff person should contact the ALA Office for Intellectual Freedom (1-800-545-2433, x. 4223) and inform the staff that legal advice is needed, however, the reason that legal assistance is needed, including the existence of a warrant, should not be disclosed.

Without a court order, no officer or federal agent has the authority to compel cooperation with an investigation or require answers to questions. The staff member should only give their name and address if asked.

If the court order is in the form of a SEARCH WARRANT

A search warrant may be executed immediately and may be served to any employee. Should a warrant be served, the Director should be contacted. Should the Director not be reachable, the staff member will cooperate with the agent to the best of his/her ability and continue to try to contact the Director, or the President of the Board if the Director is unavailable.

The Library staff will ask the agent serving the warrant to wait for the Director or Board President to arrive to approve the warrant and assure that the search conforms to the terms of the warrant. The agent may or may not delay his/her search: Should s/he not wait, the responding onsite designee should read the warrant to the best of his/her ability, in an attempt to insure that it is valid.

The staff member will cooperate with the search, only to the extent of identified records on the warrant, and will gather records identified in the warrant and present them rather than allowing non-library personnel to go through the Library’s database or records.

The employee should record and keep an inventory of the records or items seized, and if possible, make copies for the agent so as to keep the originals.

Should the warrant served be issued under **FISA (Foreign Intelligence Surveillance Act)** a “gag order” may be in effect and, thus **no one**, under any circumstances should disclose that the institution was served with the warrant or that records have been produced pursuant to the warrant. This means that no information can be disclosed to the patron whose records are the subject of the search warrant. Under the March 9, 2006 reauthorization, the gag rule of who can be informed has been slightly loosened suggesting that anyone necessary to respond to the request can be called. **ALL** staff must comply with this order. Staff should still attempt to contact the Director and/or President of the Board.

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. The Director should be contacted. If the Director is not available, the President of the Board should be contacted. S/he may request that the search be delayed until an attorney examines the court document. If law enforcement chooses to proceed, the Library must comply.

If the court order is in the form of a Subpoena

A subpoena does not require an immediate response. The staff member should accept the subpoena, make a copy of it, and submit it to the Director.

The Director and the Board President will seek legal assistance as warranted prior to complying with the subpoena. If the subpoena is in good order, the Director will review the document for all requested information and will follow the subpoena strictly. Only information specified in the subpoena will be provided.

If disclosure is required, the Library may ask the court for a protective order keeping the information confidential and limiting it to a particular case and the specific purpose for which it was requested. The Library will ask that access be restricted to those persons working directly on the case.

AFTER the visit and search

The Director is to review the subpoena or search warrant to ensure that the Library complies with any remaining requirements, including restrictions on sharing information with others.

The Director and Board President shall be responsible for communicating with the public and the media as necessary.