

Law Enforcement Request for Information

Procedures for Complying with Law Enforcement Request for Information

Library staff will comply with law enforcement when supplied with a legal subpoena or search warrant.

Staff Procedures:

- If anyone approaches staff alleging to be a law enforcement official requesting information, staff will immediately contact the Library Director. In the Director's absence, the supervisor or Librarian-in-Charge who is on duty is responsible for working with the requestor.
- The Director or their representative will ask to see official identification and will photocopy the ID.
- If the law enforcement officer does not have a court order compelling the production of records, the Director or their representative shall explain the state statute regarding confidentiality of Library records under ss. 43.30. Staff will not disclose any information to law enforcement personnel without a court order.
- If the law enforcement official presents a subpoena, the Library Director or their representative will contact the City Attorney for advice on how to proceed. It is desirable for legal counsel to be present when the subpoena is executed. In the event that the City Attorney is not available, Library staff will attempt to contact another attorney in the City Attorney's firm. In the event neither can be reached, Library staff will contact the legal counsel for the American Library Association.
- If the law enforcement official presents a search warrant, it is executable immediately. The Library Director or their representative will notify the City Attorney and will attempt to have legal counsel present during the search to be sure that the search conforms to the terms of the warrant. If time does not allow for this, the search must be allowed to proceed. The Library Director or their representative will cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are viewed or scanned. Library staff should not interfere with the search and/or seizure of Library property.
- The Library Director or their representative will inventory any items removed from the Library as a result of the search warrant.
- The Library will keep a record of all legal requests.
- The Library will keep a record of all costs incurred by any search and/or seizures, including time spent by Library staff assisting in the search or the inventorying of items.

- If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA) (USA Patriot Act amendment), the warrant also contains a “gag order” which means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. The Library and its staff must comply with this order. No information can be disclosed to any other party except legal counsel; including the patron whose records are the subject of the search warrant. Failure to comply exposes individuals to criminal and civil penalties under the USA Patriot Act. The gag order does not change the Library’s right to legal representation during the search. An attorney should be called immediately, although the FBI does not have to wait until the Library receives legal counsel before acting on the court order. If the Library’s legal counsel cannot be reached, the Library Director or their designee will call the ALA Office for Intellectual Freedom (OIF) and state only “I need to speak with an attorney.” The OIF will put the caller in touch with an attorney familiar with FISA. The staff member should not inform OIF staff of the existence of the warrant.

Emergency Disclosures of Communication

If Library staff observes what could reasonably be construed as a threat of imminent danger to life, staff will immediately alert local law enforcement through the 9-1-1 emergency response system and then immediately inform the Supervisor or Librarian-in-Charge who is on duty. The Supervisor or Librarian-in-Charge who is on duty should then immediately contact the Library Director.