

Appendix N

Procedures for Responding to Requests from Law Enforcement Officers for Patron Records

There are, on occasion, times when law enforcement officers from the local, state, or federal level may approach Whitman County Library staff with requests for information about patrons' use of the library and its resources. It is our policy that law enforcement agencies must obtain a court order or present a signed Subpoena Duces Tecum or a warrant from their jurisdiction's authority. In the case of officers from the Federal Bureau of Investigations, the request may also come in the form of a search warrant issued under the USA Patriot Act Amendment. Any staff members who are approached by law enforcement officers should use the following guidelines.

When Visited by Law Enforcement Person:

Ask them for their identification to ensure that they are official law enforcement officers.

Ask to see their court order. Choose the appropriate steps below depending on their response:

1. If no court order, subpoena, or warrant are presented:
 - a. Do not provide information being requested.
 - b. Assure officer/agent that, while we do comply with the law, procedures must be followed.
 - c. Refer officer/agent to the library director, associate director, or person in charge in Colfax
2. If the court order is in the form of a subpoena:
 - a. Refer any person attempting to serve legal documents relating to a court order, summons, and complaint or subpoena to the director, associate director, or person in charge in Colfax.
3. If the court order is in the form of a search warrant:
 - a. Information or property identified in a warrant must be available immediately.
 - b. Ask agent/officer to give warrant to the director, associate director, or person in charge.
 - c. Supervisor may ask agent to have library counsel present before the search begins to assure that the search conforms to the terms of the search warrant.
 - d. Director, associate director, or person in charge will direct the warrant immediately to legal counsel.
 - e. Do not interfere with the agent's search or seizure.
 - f. Make a list of all items removed from the facility.
4. If the court order in the form of search warrant issued under the USA Patriot Act Amendment (Foreign Intelligence Surveillance Act, FISA):
 - a. Same procedure as for a search warrant **except** there is a *gag order*.
 - b. No information can be disclosed to any other party, including the patron whose records are the subjects of the search warrant. You must comply with this order.

- c. Call the director, associate director, or person in charge, to get legal assistance.
- d. If unable to reach the director, associate director, or person in charge, contact the library's legal counsel immediately. Gary Libey 509-397-4345.