

KINGSTON LIBRARY GUIDELINES FOR LAW ENFORCEMENT INQUIRIES

Mission Statement

The Kingston Library supports the efforts of our country to preserve and protect the security of our nation. The Library, however, recognizes its position of special trust with members of the public. As the choice of books and other library materials, along with the use of information resources of the Library is essentially a private endeavor on the part of each individual patron, the Library has the responsibility of protecting the rights and privacy of our patrons in accordance with NYS law 4509.

Strengthening

Civil Practice Laws and Rules (CPLR) Section 4509 Library records, (signed into law June 13, 1988) states (see addendum)

Policy

1. In the event that the Kingston Library is served with a formal written and legitimate request (Court Order) by federal and/or state authorities under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) or the Foreign Intelligence Surveillance Act (FISA), the Kingston Library Director and Staff will comply with all specific 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 Assistant Director should be contacted.
- 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.
- The Library Director or person acting in his/her stead should then immediately call Counsel* for assistance. *If neither the Library Director nor the Assistant Director is reachable, the staff person should contact Counsel directly.* If the agent presents a court order (search warrant, subpoena, or other judicial process) it should be immediately shown to Counsel for approval.

* As of 06/30/16 legal counsel for the Kingston Library is Robert Schofield One Commerce Plaza - 19th Floor Albany, NY 12260, Phone: 518-487-7616

If he/she cannot be reached, the Director/Assistant Director may contact the attorney acquired by the Mid-Hudson Library System at (. Should neither of these attorneys be reachable, counsel may be sought through the Office for Intellectual Freedom ([1-800-545-2433 x 4223](tel:1-800-545-2433)) and inform the staff that you need legal advice – DO NOT disclose the reason you need legal assistance or the existence of a 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
- If you are served a warrant, contact the Director. If the Director cannot be reached try to contact the person in charge in their absence. Should no one be readily available, cooperate with the agent to the best of your ability and continue to try to contact the above.
- Cooperate with the search only to the extent of the records identified on the warrant. Gather records identified in the warrant and present them rather than those allowing non-library personnel to go through the Library's databases or records. The employee executing the warrant should make an inventory of the records or items seized. If possible copies should be made for the agent so as to keep the originals.

If the court order is in the form of a **SUBPOENA**:

- A subpoena does not require an immediate response. Accept the subpoena from the agent, make a copy of it and submit it immediately to the Director who should contact and submit the subpoena to legal counsel.
- Through Legal Counsel, if the subpoena is in good order, follow the subpoena strictly. Only provide information specified in the subpoena.
- Through Legal Counsel, if the subpoena is found to have any legal defect, Council can advise the Library on the best method to decline the subpoena.
- If disclosure is required, the Library may ask the court for a protective order keeping the information confidential and limiting it to the particular case and the specified purpose for which it was requested. Ask that access be restricted to those persons working directly on the case.

AFTER the visit and search:

The Director shall be responsible for communicating with the public and media.