



Law Enforcement Inquiries

The Executive Director is the individual responsible for handling law enforcement inquiries. All system staff should refer any law enforcement agent or officer to the Executive Director, or if the Executive Director is unavailable, the Librarian in Charge.

Please note that the Finger Lakes Library System is required to uphold New York State [Civil Practice Law and Rules \(CPLR\) §4509](#) regarding the confidentiality of library records.

Responsibilities of System Staff

If a law enforcement officer requests library records or information about a library user, member library patron, or staff member:

- Ask for the officer's identification and record the information.
- Inform the officer that the Executive Director is the individual authorized to respond to requests for records and information and that system policy requires staff to refer such requests to the Executive Director.
- Refer the officer to the Executive Director, or in the absence of the Executive Director, to the Librarian in Charge.

If neither the Executive Director nor the Librarian in Charge is present, staff will:

- Ask for the officer's identification and record the information.
- Inform the officer that the Executive Director is the individual authorized to respond to requests for records and information and that system policy requires referral of such requests to the Executive Director.
- Attempt to reach the Executive Director, the Librarian in Charge, the System's legal counsel, or the American Library Association's Office for Intellectual Freedom and advise them that legal assistance is needed.
- If the Executive Director or Librarian in Charge cannot be reached, follow the procedures outlined below for the Executive Director or Librarian in Charge.

A written report describing the officer's inquiry should be provided to the Executive Director as soon as possible.

Responsibilities of the Executive Director or Librarian in Charge

In All Cases

- Ask for the officer's identification and record the information.
- Whenever possible, ask a colleague to be present during the interaction and to take notes in case a record of the encounter is needed in the future.

Requests for Voluntary Assistance or Warrantless Searches

(When the officer does not present a subpoena, court order, or search warrant for library records protected by New York State Law)

- Explain the Finger Lakes Library System's privacy policy and inform the officer that library records and information about library users and staff are not made available to law enforcement agencies unless a proper court order in good form has been presented to the system.
- If the officer persists, provide contact information for the System's legal counsel and advise the officer that requests for records may be made through appropriate legal channels, including their right to request records under Freedom of Information Law (FOIL).
- If the officer claims that an emergency or other circumstance requires immediate disclosure without a court order, contact the System's legal counsel for assistance.
- If the officer employs force to take possession of records or other System property, do not obstruct the search in any way. Maintain a written record of the incident.
- Provide all notes and records to the System's legal counsel. If a system employee is required to respond to a voluntary request or warrantless search in the absence of the Executive Director or the Librarian in Charge, all materials should be turned over to the Executive Director.
- In the event a request is made for video surveillance footage that, upon review by the Executive Director, does not violate protections afforded under New York State law, such footage may be made available to law enforcement upon written request.

If the Officer Presents a Subpoena or Similar Request

- Accept the subpoena.
- Inform the officer that the System's legal counsel responds to subpoenas on behalf of the Finger Lakes Library System.

- Immediately provide the subpoena to the System’s legal counsel. If a system employee accepts service of the subpoena in the absence of the Executive Director or the Librarian in Charge, the subpoena should be turned over to the Executive Director.
- The Executive Director will work with legal counsel to respond appropriately to the subpoena.

If the Officer Presents a Search Warrant

- Immediately contact the System’s legal counsel for advice and assistance.
- Ask whether the officer would be willing to delay the search until legal counsel arrives.
- Read the warrant and any attached documentation. Verify that it is signed by a judge and issued by a local, state, or federal court.
- If questions arise regarding validity, contact the issuing court to verify the warrant.
- Identify the records or materials specified in the warrant.
- If officers will not wait for legal counsel, assist only in locating the specific records or materials identified in the warrant to prevent review of records or items not covered by the warrant.
- Do not agree to additional searches or volunteer information beyond that required by the warrant.
- Do not sign any documents on behalf of the Finger Lakes Library System without advice from legal counsel.
- Request an inventory of all materials seized and, if possible, retain copies for System records.
- Do not obstruct the search in any way.
- If law enforcement personnel are unwilling to cooperate, step aside and allow them to proceed. Request a signed inventory receipt and maintain a written record of the incident.
- Provide all notes and records to legal counsel. If a system employee is required to respond to a search warrant in the absence of the Executive Director or Librarian in Charge, all materials should be turned over to the Executive Director.

Orders Issued Under the USA PATRIOT Act, USA FREEDOM Act, or Similar Federal Authority

If an FBI agent or other federal official presents an order related to a terrorism, intelligence, or espionage investigation that includes a nondisclosure order or a “gag order” (orders issued under the USA PATRIOT Act or USA FREEDOM Act):

- Contact the System’s legal counsel immediately.
- Read the order and any attached documentation.

- If the order provides time to respond, handle it in the same manner as a subpoena.
- Except for legal counsel, do not disclose the existence of the order to other staff or any other person unless authorized by legal counsel.
- If the order requires immediate surrender of records or materials, respond in the same manner as for a search warrant (described above).
- Ask whether the agent will delay execution of the order until legal counsel arrives.
- If immediate compliance is required, notify only those staff members necessary to produce the requested records or materials and instruct them that they may not disclose the existence of the order to anyone other than legal counsel. For example, it may be necessary to ask a member of the Computer Network Services Department to assist with the production of electronic or computer records.
- If a staff member receives such an order in the absence of the Executive Director or Librarian in Charge, they should notify the Executive Director as custodian of records as soon as legally permitted.

Related Authority

- [New York State Civil Practice Law and Rules \(CPLR\) §4509](#)
- [New York State Freedom of Information Law \(FOIL\)](#)
- Finger Lakes Library System Confidentiality of Patrons Records Policy