



## Law Enforcement Searches-Library Procedure

The Stewart Library aims to protect the privacy of its users and the confidentiality of information sought or received and materials consulted, borrowed or acquired by a library user. As an integral component of the academic community, the Library seeks to create and maintain an environment that is safe, comfortable, and supportive of learning and the pursuit of knowledge and information on any topic. In response to requests for or inquiries regarding information contained in library records the Library will strive to uphold the privacy and confidentiality of users' free access to information by relying on existing laws and library policies. ***The Library strives to not disclose confidential library records in any format to a federal agent, law enforcement officer or other person unless a court of competent jurisdiction has entered a court order in proper form after showing good cause by the law enforcement agency or person seeking the records.***

### Procedures

Library personnel will follow the following procedures in response to requests for library records by law enforcement:

#### A. Response to law enforcement inquiries without a court order.

1. Immediately ask for and examine the ID of the agent/officer.
2. If reasonably possible, record the ID number and name of the agent/officer and the law enforcement agency.
2. Explain that you are not authorized to deal with this issue and University Police coordinates all interactions with external law enforcement agencies.
3. Refer the agent/officer to the University Police in the Public Safety Building and notify the University Police about the agent/officer.
4. Notify the Dean of the Library so the Dean of the Library can be prepared to potentially work with the University Police to respond to the law enforcement inquiry.

#### What will happen next?

The University Police will coordinate with University Legal Counsel to determine how to respond to law enforcement inquiries without a court order. The University Police and Legal Counsel will coordinate with the Dean of the Library on how to respond to these law enforcement inquiries.

#### B. Response to law enforcement inquiries with a subpoena

1. Immediately ask for and examine the ID of the agent/officer.
2. If reasonably possible, record the ID number and name of the agent/officer and the law enforcement agency.

3. Request the subpoena and make a copy/scan of the subpoena.
4. Explain that you are not authorized to deal with this issue and University Police coordinates all interactions with external law enforcement agencies.
5. Refer the agent/officer to the University Police in the Public Safety Building and notify the University Police about the agent/officer.
6. Send a copy of the subpoena to the University Police and to University Legal Counsel.
7. Notify the Dean of the Library so the Dean of the Library can be prepared to potentially work with the University Police to respond to the law enforcement inquiry.

What will happen next?

The University Police will coordinate with University Legal Counsel to determine how to respond to law enforcement inquiries with a subpoena. University Legal Counsel will consider whether the subpoena has defects. University Legal Counsel and Police will then coordinate with the Dean of the Library on how to respond to the subpoena.

### C. Response to law enforcement inquiries with a search warrant

[FYI: A search warrant is executable immediately, unlike a subpoena or court order. The agent or officer may begin a search of library records as soon as the warrant is served.]

1. Immediately contact University Police, Legal Counsel, and Dean of the Library for assistance.
2. Explain that you are not comfortable dealing with this issue and request that the search is delayed until you contact the University Police, who is responsible with coordinating with external law enforcement agencies, University Legal Counsel and the Dean of the Library.
3. If reasonably possible, record the ID number and name of the agent/officer and the law enforcement agency.
4. If the agent/officer refuses to delay the search, read the warrant and any attached documentation. Verify that: it is signed by a judge; it is issued by a local, state, or federal court in Utah or the United States of America; and it is current and has not expired. If you have questions about the validity of the warrant, call the issuing court to verify the validity of the warrant or order.
5. Identify the items or records specified in the warrant. If the agent/officer will not wait for University Police or University Legal Counsel to arrive, you may assist the agent/officer in locating the items or records identified in the search warrant in order to prevent review of other users' records or items not named in the warrant.
6. Do not agree to any additional searches, or volunteer information about the items or records in the warrant. Do not sign any documents on behalf of the library without the advice of University Legal Counsel.
7. Record and keep an inventory of the records or items seized from the library. Ask if it is possible to provide copies to the agent/officer or to make copies for the library's own records.

8. Do not obstruct the search in any way.

9. If the agent/officer is unwilling to cooperate with you, simply step aside and do not interfere with the agent/officer. Continue your attempts to contact University Police and Legal Counsel, and make every effort to keep a written record of the incident. Ask any witnesses to keep a written record of the interaction between the agent/officer and library employees and volunteers.

10. Request that the agent/officer sign an inventory receipt for the materials with a specific list of all materials seized.

11. Provide all notes and records to the University Legal Counsel and University Police. If a library worker or volunteer is required to respond to a search warrant in the absence of the Dean of the Library, all materials should be turned over to the Dean of the Library for coordination with University Legal Counsel and University Police.

What will happen next?

The University Police will coordinate with University Legal Counsel to determine how to respond to law enforcement inquires with a search warrant. University Legal Counsel will consider whether the search warrant has defects. University Legal Counsel and Police will then coordinate with the Dean of the Library on how to respond to the subpoena.

D. Response to an agent for the Federal Bureau of Investigation who presents an order and informs you that the order is issued as part of a terrorism or espionage investigation and is subject to a “nondisclosure order” or “gag order” (FISA court orders or National Security Letters):

1. Call the University Legal Counsel and ask for assistance and inform the Dean of the Library as the custodian of the records.

2. Read the order and any attached documentation. If it provides a period of time to respond to the order, respond to the order in the same manner as a subpoena. Except for University Legal Counsel and the Dean of the Library, do not inform other library staff or any other person about the order until authorized to do so by the University Legal Counsel.

3. If the order requires the immediate surrender of records or other items, respond to the order in the same manner as a search warrant. Ask the agent if they will delay the search until the University Legal Counsel arrives.

4. If required to turn over records or other items at once, do not notify any library staff except for University Legal Counsel, the Dean of the Library and those staff members necessary for the production of the requested records or other items. (For example, it may be necessary to ask a member of the information technology staff to assist with the production of electronic or computer records.) Instruct all staff members who assist in responding to the order that, with the exception of University Legal Counsel, they cannot inform other library staff or any other person about the order unless authorized to do so by the University Legal Counsel.

E. Response to Immigration and Customs Enforcement (ICE) officers who provide warrants.

1. ICE officers may present two different types of documents as warrants—a court issued search warrant and an administrative warrant.
2. Treat a court issued search warrant the same as any search warrant as described in Section C.
3. Treat an ICE administrative warrant the same as any law enforcement inquiry without a court order as described in Section A.
4. ICE administrative warrants are not search warrants because it is not reviewed by a judge or any neutral party to determine if it is based on probable cause. ICE administrative warrants are forms that direct ICE officers to arrest an allegedly deportable individual.
5. ICE administrative warrants do not permit ICE officers to enter private business areas or conduct searches. Do not give permission to ICE officers to enter private areas or conduct searches.
6. ICE administrative warrants do not grant ICE officers any more rights than their normal authority to detain allegedly deportable individuals in public spaces.

[Permission to reproduce these guidelines for training and educational purposes has been granted. These guidelines were prepared using information from the American Library Association’s website.]

**Approved by Library Council – Updated January 9, 2020**