

FRANKLIN PARK PUBLIC LIBRARY DISTRICT RESPONSE TO LAW ENFORCEMENT POLICY

Section 1: Confidentiality of Patron Records

Personally identifiable information about library users must be kept confidential in accordance with the Illinois Records Confidentiality Act ("the Act"). The Act provides that confidential library records (records pertaining to an individual patron's use of library materials or resources) may not be released or made available in any format to a federal agent, state or local law enforcement officer, or other person without a court order. At the same time library staff must cooperate with federal, state, and local law enforcement agencies when they are acting within the scope of a lawfully issued court order.

However, Public Act 95-0040 allows an exception to the Library Records Confidentiality Act. Enforcement officers may request information in emergency situations regarding the identity of suspects, witnesses, or victims where the officer believes there is imminent danger of physical harm provided:

1. A sworn law enforcement officer represents to the library it is impractical to get a court order as a result of an emergency; and
2. The officer has probable cause to believe there is imminent danger of physical harm; and
3. The information requested is limited to identifying a suspect, witness or victim of a crime; and
4. The information requested does not include records reflecting materials borrowed, resources reviewed, or services used at the library.

Only information identifying a suspect, witness or victim of a crime may be disclosed to an officer without a court order. All other information remains confidential without a court order.

The "Police Request for Information Form" should be completed by the officer requesting information when a court order has not been issued.

The Library may ask a court to review whether an officer's request complied with the law. Libraries are protected from patron claims that disclosure under the law constitutes a breach of confidentiality.

Section 2: Subpoenas

A subpoena is a document that requires someone to give testimony and/or produce documents pertinent to a pending case. A subpoena specifies an appearance in court or production of documents at a designated time and location. The time period between the date a subpoena is served and the date of compliance affords time to discuss with the Library's attorney procedures for subpoena compliance.

Through the issuance of subpoenas, law enforcement agencies and other third persons involved in legal matters to which the library is not a party may seek to compel production of library records that they consider relevant to such matters. Subpoenas may present issues of confidentiality and may also be subject to other valid objections in some cases.

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To protect the interests of the Library and Library users, any Library employee who is served with a subpoena relating in any way to Library operations will immediately forward the subpoena to the Executive Director or Board President for review. In no event shall the employee receiving the subpoena undertake actions to comply with or respond in any way to the subpoena before review by the Executive Director or Board President.

The Executive Director or Board President will identify and review any records that are subject of the subpoena. The Executive Director or Board President may consult legal counsel as to any legal issues involved, including determining whether the subpoena is valid and what procedures are to be followed in complying with the subpoena.

The Executive Director or Board President will give written notice to the user whose records have been subpoenaed and the user's legal counsel, if known, that a subpoena has been served. However, users and/or their attorneys will not be contacted in those circumstances when the Library is notified that the court has ruled that the issuance of the subpoena is to be kept confidential.

The Executive Director or Board President will arrange for an appropriate response to be made to the subpoena within the required time constraints.

Section 3: Search Warrants

A search warrant is a court order issued by a judge directed to a law enforcement officer authorizing the search and seizure of property described in the search warrant. Unlike a subpoena, a search warrant is executable immediately. The law enforcement agent or officer may begin a search of Library records as soon as the search warrant is personally delivered to Library staff.

Section 3.1: Search Warrant Procedure

1. The officer serving a search warrant should be directed to the Executive Director or the designated Library staff member in charge.
2. The Director (or designated individual) should confirm the identification of the officer serving the search warrant, including name, badge number, and agency.
3. The Director (or designated individual) will cooperate with law enforcement officials to help identify the records/evidence falling within the scope of the search warrant while prohibiting access to records not identified in the search warrant or beyond its scope.
4. Do not disclose the receipt of the search warrant to anyone except the Executive Director (or designated individual), Library Board, and the Library attorney.
5. The Director (or the designated individual) should note in writing as soon as possible the details surrounding the serving of the search warrant and the items viewed and/or removed from the premises.
6. The Director may wish to consult with the Library attorney regarding the search warrant.

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POLICE REQUEST FOR INFORMATION FORM

1. Name: _____

2. Position: _____

3. Identification/Badge No.: _____

4. Particular information requested (please describe the specific records required):

5. Information required by the following date: _____

6. How will this information be used? What will be done with the information after its intended use?

7. Will this information be shared with any other persons/organizations during the course of the investigation or after it is complete?

Signature of Officer

Date

Phone Number

Email Address

The Right of Information and Protection of Privacy Act limits information that a public body may provide relating to the personal information of patrons.

