

Law Enforcement Inquiry Policy and Procedure

Library Policy:

The Catskill Public Library and Palenville Branch Library ("the Library") will assist members of law enforcement and comply with law enforcement requests subject to the limitations and procedure(s) described below.

Consistent with the ALA and NYLA Code of Ethics, the Catskill Public Library considers any record of information that indicates an individual's use of library services and/or facilities to be a library record under CPLR 4509, unless specifically excluded by this policy. CPLR 44509 does leave room for mandatory disclosure "when otherwise required by statute".

Therefore, it is the Policy of the libraries to advise law enforcement of the need to consult the Director, or his/her designee.

A patron's use of the library and our services are confidential. If anyone asks about a patron using or being at the library, our standard reply is ***"Since patron information is confidential, I need to refer you to the Director"***.

Procedure:

The laws protecting personal privacy and criminal process are complex. Thus all requests for information should be referred to legal counsel to review the request and interpret any documents such as warrants, court orders or subpoenas. Personal information that may be protected from disclosure includes a patron's name, address, birth date, library records and information that may be stored on library computers and/or equipment.

If law enforcement personnel request personal information about a patron or seek library records, computers or equipment, staff will proceed as follows:

- Ask for identification and obtain copies of any relevant documents.
- Ask the requesting person to wait and advise him/her that the Library policy requires you to obtain authorization before complying with any request.
- ***"Since patron information is confidential, I need to refer you to the Director"***.
- Immediately contact the Director or his/her designee.
- The Director or designee will then seek legal advice from the library attorney or, if the attorney is unavailable, contact the ALA Office for Intellectual Freedom and ask for a referral to legal counsel.

- Again, refrain from turning over any information until authorized to do so.

Complete an Incident Report documenting:

1. Officer's name, badge # and affiliation (e.g. Police, Sheriff or FBI);
2. Nature of the information being sought;
3. The basis of the request; and
4. Attach all documents.

Attorney: **Whiteman, Osterman & Hanna: (518) 487-7600**
1 Commerce Plaza, 99 Washington Avenue, Albany NY 12206

ALA Office for Intellectual Freedom: **(800) 545-2433 x4226 4.** Ask for referral to legal counsel

Resolution: Adopted on September 18, 2019 by unanimous vote of the Board of Trustees of the Catskill Public Library.
Resolution: Amended on May 18, 2022 by unanimous vote of the Board of Trustees of the Catskill Public Library