LS 213 Law Enforcement Request for Information
Section:  200-Public services
Effective:   September 2022

Purpose
This policy is to ensure that library staff at all levels respond appropriately in the event of a request by law enforcement for information.

Policy
Library users, per Florida Statutes Section 257.261, have a right to privacy use of the library. Tampa-Hillsborough Public Library staff will cooperate with Law Enforcement Officials to allow access to items within the scope of a Search Warrant or Subpoena while at the same time seek to protect the rights of customers in accordance with Florida Statutes Section 257.261.

Before complying, the library will consult the Hillsborough County Attorney’s Office to ensure the document is in proper form.

To protect the privacy and confidentiality of customers, library staff will maintain and administer registration and circulation records as outlined in LS 102, Customer Record Privacy.

The USA Patriot Act of 2001 increases the authority of federal investigative agencies to compel the disclosure of personal information through use of orders duly issued by a federal court of lawful jurisdiction. Under provisions of the act, the Federal Bureau of Investigation (FBI) and law enforcement officials may seek court orders for library records for investigations. Libraries or librarians served with these orders may not disclose, under penalty of law, the existence of the orders or the fact that records were produced as a result of the orders. Library users cannot be told their records were given to law enforcement agencies or that they were the subjects of investigations.

Procedure
In the event Law Enforcement ask library staff for video surveillance recordings, staff will follow procedures as outlined in LS 544 Video Surveillance. Requests from law enforcement are referred to the County Attorney’s Office for verification and
review. Video surveillance recordings will not be released to law enforcement without review and approval of the County Attorney’s office.

In the event Law Enforcement ask library staff questions regarding customers, staff can answer the questions as long as they do not divulge information regarding a person’s registration and/or circulation records.

Example 1: A police officer has a photo of a person and asks library staff if they have seen this person in the library and when? Library staff can respond to this question.

Example 2: An FBI agent asks a library employee to call the police to notify them if a suspect visits the library. The police may provide the suspect’s name, physical description and/or a photograph. Library staff can follow up and call police if they see the individual in the library.

Example 3: An FBI agent asks a library employee if they’ve noticed what websites a specific customer has visited or what the customer was doing on the computer. Library staff cannot provide information on a customer’s use of the library, in this case what websites the person visited while using a library computer, as customers have a right to privacy of use of the library as outlined in Florida Statutes Section 257.261. The FBI agent would need an official Search Warrant or Subpoena to gain access to this information.

Example 4: A police officer hands library staff a checkout receipt and asks who has these items checked out. Library staff cannot look up the item barcodes in Polaris and tell the officer the name of the person who has the items checked out unless an official Search Warrant or Subpoena has been issued and all Search Warrant or Subpoena procedures (see below) have been followed.

Example 5: An FBI agent asks library staff if a specific person has a registered library card on file. Library staff cannot look up to see if the person does unless an official Search Warrant or Subpoena has been issued and all Search Warrant or Subpoena procedures (see below) have been followed.

Example 6: A police officer asks library staff to see the computer records of a customer. Library staff cannot provide any computer use records (dates/times logged into a
computer, names of who has logged into the computer, nor websites visited based off of URLs) to the officer unless an official Search Warrant or Subpoena has been issued and all Search Warrant or Subpoena procedures (see below) have been followed.

Example 7: A police officer asks library staff if a specific organization or individual has used a meeting space or made a meeting room reservation. Library staff cannot look up meeting room reservations and provide that information to an officer unless an official Search Warrant or Subpoena has been issued and all Search Warrant or Subpoena procedures (see below) have been followed.

Example 8: A police officer asks library staff to trespass a child from the library because the child is on the runaway list. It would be unconstitutional to remove any customer from a public space unless the customer is violating the code of conduct and causing a disturbance or engaging in otherwise illegal activity. Therefore, library staff should not trespass the child as requested by the officer.

In the event Law Enforcement Officials present a Search Warrant or Subpoena to library staff, notify the Branch Supervisor or highest-ranking staff member in the building.

The Branch Supervisor will then:

- Request and record identification from the Officials, including their name, badge number and agency
- Provide the Officials with a copy of this policy
- Ascertain the nature of the search warrant/subpoena and ask for a brief delay to contact Library Administration
- Request to scan the search warrant/subpoena and then send to the Library Director, General Manager, Division Manager of Public Services, and Regional Manager
- Offer to escort the Officials to a private area of the library
• Call the Regional Manager or Weekend In-charge Manager to inform them of the situation and await further instruction from Library Administration. Include the following information:
  o which areas the warrant states are to be searched
  o the sorts of evidence the warrant states are to be seized
  o the law enforcement agencies that are involved

• The Regional Manager will immediately contact the Library Director, who will then work with the Hillsborough County Attorney

• Disposition will be determined by the Hillsborough County Attorney.