POPLAR CREEK PUBLIC LIBRARY DISTRICT
RESPONSE TO LAW ENFORCEMENT POLICY

Section 1: Confidentiality of Patron Records:

The Poplar Creek Public Library District (PCPLD) complies with and enforces the Illinois Library Records Confidentiality Act, 75 ILCS 70/1 ("the Act") which prohibits, except in limited circumstances, the making of any information contained in registration and circulation records public, or available to the public.
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 or search warrant which is served upon PCPLD by a sworn law enforcement officer.

Additionally, 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. PCPLD maintains a Security Surveillance Policy with provisions for Access/Use/Disclosure of Video Records that are applicable to the Response to Law Enforcement Policy.

The **Law Enforcement Request for Information Form** should be completed by the officer requesting information when a court order has not been issued as well as when a court order or search warrant has been presented to staff of the Library. This form also serves as law enforcement officer's acknowledgement of information/materials received and as a record of information obtained for library records and review.

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.

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 designee 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 the review by the Executive Director or designee.

The Executive Director or designee will identify and review any records that are subject of the subpoena. The Executive Director or designee 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 designee 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 designee 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 4: Law Enforcement Request for Information:

Library staff should utilize the **PCPLD Law Enforcement Request for Information Form** (addendum to this policy) and consult **Procedures for Responding to a Subpoena or Search Warrant**.

PCPLD Board Trustee Approved: April 15, 2021, February 15, 2024