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## Maryville Public Library Policy

### Section D: PUBLIC ACCESS & SERVICES

Subject 701: Request from Law Enforcement,  
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## Requests from Law Enforcement Officers

The Board of Trustees of the Maryville Public Library authorizes the Library Director to receive all requests for library records from law enforcement officers. The Director will confer with the library's legal counsel before determining the proper response to such a request. The Maryville Public Library shall not make any library record available to any agency of federal, state or local government unless a subpoena, warrant, court order or other investigatory document is issued by a court of competent jurisdiction that shows good cause and is in proper form.

In an instance of exigent threat, when the law enforcement officer has reasonable cause to believe that there is immediate danger of death, bodily harm, extensive property damage and/or public alarm and panic, the Board of Trustees authorizes the Library Director, upon advice of the library's legal counsel, to waive the requirement for a subpoena, warrant, court order or other investigatory document, and respond immediately to the officer's request, on the understanding that the appropriate documents subsequently will be provided by the officer. In an emergency situation, the Assistant Library Director may act in the absence of the Director.

In all other instances, no library employee except the Library Director is authorized to give out personally identifiable information from any patron record to any law enforcement officer. All such requests for information must be referred to the Library Director. It is lawful to refer an officer or agent to the Director even if the Director is not immediately available.

The passage of the USA Patriot Act has changed the ways in which the library responds to requests for information in some instances. Federal laws supersede state and local laws, and there are differences in what is required based on the kind of order involved and the issuing authority.

### Library employees shall follow these procedures:

- A local, state or federal officer or agent who **requests** information should be referred to the Library Director. It is lawful to refer the officer or agent to the Director even if the Director is not immediately available.
- Any local, state or federal officer or agent who presents a **subpoena** should be referred to the Library Director. It is lawful to refer the officer or agent to the Director even if the Director is not immediately available.
- If a local, state or federal agent presents a **search warrant**, library employees are required to stand back and allow the officer or agent to execute the warrant. Library employees should not interfere with their search or seizure. However, library employees should ask for a copy of the search warrant and contact the Library Director **immediately**.
- At the request of any local, state or federal agent, the library shall preserve computer terminal logs or records for 90 days pending the issuance of a court order or other process. Any local, state or federal agent may request, and the library shall grant, up to an additional 90 days for a total time period of maintenance of the records of 180 days.
- If a federal officer or agent (such as the **FBI**) arrives with a subpoena, warrant or court order issued pursuant to an investigation under the **USA Patriot Act**, library employees should contact the Library Director **immediately**. Also be aware that the USA Patriot Act includes a **gag order** that prohibits library employees from sharing any information about the visit, the order or the information obtained under the order, with anyone other than their supervisor and the library's legal counsel.