

## Mount Kisco Public Library

### Law Enforcement Inquiry Policy

The mission of the Mount Kisco Public Library is to promote a love of reading and a sense of wonder and discovery amongst our patrons. All members of the community are encouraged to enjoy the Library and its facilities, resources, and programs. The Library strives to provide a safe, enjoyable, and positive experience for our patrons.

Library records are protected by New York Civil Practice Law and Rules § 4509 (“CPLR 4509”), which provides that “library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.”

For purposes of this policy, “library records” includes any record — whether in paper or electronic form — that identifies or could reasonably be used to identify a patron’s use of library services, resources, or facilities. This includes circulation records, holds and reserves, interlibrary loan records, reference and research inquiries, public computer and Wi-Fi sign-in logs, browsing history on library devices, print or 3D-print job logs, meeting room and study room reservations, program registrations, library card application materials, and any patron contact information collected in connection with library use.

The Library Director has been designated as the person responsible for handling law enforcement requests. **All library staff should understand that it is lawful to refer the agent or officer to an administrator in charge of the library, and that the administration does not need to respond immediately to any request.** A librarian should contact the Library Director immediately. If the Library Director is not available, staff shall contact, in order: the Assistant Director or designated supervisor on duty; the Board President; and the Village of Mount Kisco’s legal counsel. Staff shall not respond to the request beyond noting that the matter has been referred to the Library Director.

**During or in response to a law enforcement request (in person, by phone, email, fax, or other means):**

1. If anyone approaches or contacts (in person, by phone, email, or fax) a staff member identifying themselves as, or claiming to be, a law enforcement official requesting information, **DO NOT DISCLOSE ANY INFORMATION.**
2. Ask for identification and then immediately refer the agent or officer to the Library Director or other designated staff. Record the officer's name, agency, badge or identification number, and contact information; request a business card if available.
3. The Library Director or their designee will meet with the agent and with the Village of Mount Kisco Counsel or another colleague in attendance.
4. Ask to see the court order(s) (for example, search warrant, subpoena, National Security Letter) authorizing law enforcement.
5. If the agent or officer does not have a court order compelling the production of records, the Library Director or designee should explain the Library's Privacy and Confidentiality Policy and/or New York State's confidentiality law (CPLR § 4509) and inform the agent or officer that users' records are not available except upon presentation of a valid subpoena, judicial warrant, or court order, or with the patron's written consent.
6. If there is no court order presented, federal and/or local law enforcement have no authority to compel cooperation with an investigation or require answers to questions (other than the name and address of the person speaking to them). The Library Director will explain that, consistent with professional ethics, First Amendment principles, and New York State law (CPLR § 4509), library staff will not respond to informal or voluntary requests for confidential patron information.
7. If the agent or officer does present a court order the Library Director should immediately refer the court order to the Village of Mount Kisco legal counsel for review.

**If the request is in the form of a subpoena:**

The Village of Mount Kisco's legal counsel will examine the subpoena for any legal defect including the manner in which it was served on the library, the breadth of its request, its form, or an insufficient showing of good cause made to a court. If a defect exists, counsel will advise on the best method to resist the subpoena.

Through legal counsel the Library Director will insist that any defect be cured before records are released and that the subpoena is strictly limited to require release of specifically identified records or documents.

The Attorney or Library Director will require that the agent, officer, or party requesting the information submit a new subpoena in good form and without defects.

The Attorney and Library Director will review the information that may be produced in response to the subpoena before releasing the information. They will follow the subpoena strictly and will not provide any information that is not specifically requested in it.

If disclosure is required the Village of Mount Kisco's Attorney will draft a request to the court to enter a protective order keeping the information confidential and limiting its use to the particular case. The document will ask that access be restricted to those persons working directly on the case.

**If the request is in the form of a search warrant:**

Search warrants are executable immediately. However, ask to have the Village of Mount Kisco's legal counsel present before the search begins to allow counsel to examine the warrant and assure that the search conforms to the terms of the warrant, although this request may not be granted.

Gather records identified in the warrant and present them rather than allowing non-library personnel to go through the Library's databases or records.

**If a search warrant or order is issued under the Foreign Intelligence Surveillance Act (FISA):**

The recommendations for a regular search warrant still apply. However, a search warrant or order issued by the Foreign Intelligence Surveillance Court (FISC) also contains a confidentiality provision. That means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant, except as permitted by law.

The library and its staff must comply with this order. Information about the warrant or the records produced may not be disclosed to any other party, including library staff who were not present when the warrant was served, or the patron whose records are the subject of the warrant.

The confidential nature does not change a library's right to legal representation during the search. The library can still seek legal advice concerning the warrant and request that the library's legal counsel be present during the actual search and execution of the warrant.

**If the request is in the form of a National Security Letter:**

The procedure is the same as for a search warrant. However, a nondisclosure order may apply. Under the USA FREEDOM Act of 2015, recipients of a National Security Letter have the right to challenge a nondisclosure requirement, and the government must periodically review whether continued nondisclosure is necessary. The Library Director will

immediately contact the Village of Mount Kisco's legal counsel. If the Library Director is not available, contact the Board President or, if unavailable, the Village Manager, who may request that the Village of Mount Kisco's legal counsel be present during the search and that the search be delayed until counsel examines the National Security Letter. If law enforcement chooses to proceed, the Library must comply.

**If the request is from U.S. Immigration and Customs Enforcement (ICE) or other federal immigration authorities:**

Consistent with guidance from the New York State Library (January 2025) and the American Library Association, the Library will not provide patron records or other library records to ICE or any other federal immigration authority unless presented with a judicial warrant, lawfully issued subpoena, or other valid court order.

Staff and the Library Director should be aware that immigration enforcement officers may present an "administrative warrant" (such as ICE Form I-200 or I-205). An administrative warrant is signed only by an immigration officer — it is **not** a judicial warrant and does **not** authorize entry into non-public areas of the library or compel disclosure of library records. A judicial warrant is signed by a federal or state judge or magistrate and is based on probable cause; only a judicial warrant authorizes entry into non-public spaces.

Library staff will not ask patrons about their immigration status and will not collect, maintain, or disclose information about a patron's immigration status. If an immigration enforcement officer enters the library, staff shall immediately notify the Library Director and follow the procedures in this policy. Public areas of the library are open to all; however, only a judicial warrant authorizes access to non-public areas, staff workspaces, or library records.

**Documentation of law enforcement contacts:**

The Library Director or their designee shall document every contact with law enforcement, including: the date and time of contact; the manner of contact (in person, telephone, email, fax); the agency, officer name, and badge or identification number; the information or records requested; any legal process presented (warrant, subpoena, court order, National Security Letter); and the Library's response. Documentation shall be retained in accordance with the Library's records retention schedule. Documentation involving a nondisclosure order shall be handled in compliance with that order.

**Staff training:**

The Library Director shall ensure that all library staff are trained on this policy upon hire and at least annually thereafter. Training shall include the procedures for responding to law

enforcement inquiries, the distinction between judicial and administrative warrants, and the protections afforded by CPLR § 4509.

The Board recognizes that it is only through continued public confidence in the fact that these guidelines are being upheld that the public can maintain its confidence in the public library.

**Policy review:**

In accordance with Commissioner's Regulation 8 NYCRR § 90.2, this policy shall be reviewed by the Board of Trustees at least once every five years, and sooner if changes in law or library operations make earlier review advisable. This policy shall be made available to the public both in the library and on the library's website.

Adopted by the Board of Trustees of the Mount Kisco Public Library on June 17, 2026.