

Responding to Warrants and Subpoenas
For Director or Designate
March 2008

If the law officer contacts the library in advance of the visit, ask the officer to send or FAX the material to [REDACTED] at the Office of the General Counsel:
FAX [REDACTED] or [REDACTED]

When the law officer(s) appear(s) in the library and has been referred to you:

- A. Be courteous
- B. Find out if it is a library request.
 - a. For ITS computer lab: call Violetta [REDACTED] and let ITS handle.
 - b. If UM-Dearborn Public Safety has not been called, call them (x35333).
 - c. Library staff should not respond to requests for information about the ITS computer lab.
- C. If it is a library request: determine if it is a subpoena or a warrant. Warrants and subpoenas are written documents; there are no verbal warrants or subpoenas.
- D. If it is a federal, state or local SUBPOENA (most likely):
 - a. If UM-Dearborn Public Safety has not been called, call them (x35333).
 - b. With the **officer**:
 - i. Ask for identification. (Not just a business card, although this is a useful addition).
 - ii. Accept it from the officer.
 - iii. Ask for the subpoena and the affidavit (You may not get the affidavit. Affidavits are labeled as such and often have the case number on them as well.)
 - iv. Tell the officer that an attorney from the Office of the General Counsel will be in touch.
 - v. Tell the officer that steps will be taken that requested evidence will be preserved from this point on.
 - vi. That finishes the work with the officer. Say goodbye.
 - c. With the **library systems department or Campus Media Services**:
 - i. Ask the library systems office or Campus Media Services to secure the resource or information requested (including a backup).
 - ii. If the subpoena has a gag clause, reveal it only on a need-to-know basis and tell involved persons that may not talk about this (ever).
 - iii. If the Office of the General Counsel asks that the information or resource be provided to the law officer, provide only what the attorney requests.
 - d. With the **Office of the General Counsel**:
 - i. Call the Office of the General Counsel ([REDACTED]) identify yourself and the library, and ask to speak with an attorney about a subpoena currently being served.
 - ii. If the documentation has not already been sent to the Office of the General Counsel, FAX the documents to that number (default: [REDACTED]).

This is the office of Kris [REDACTED] who receives all subpoenas and warrants.

e. Administrative

- i. Subpoenas and search warrants are kept in the top drawer of the contract file cabinet in the office of the Assistant Director. Please don't leave the information where others may see it.
- ii. If there is a gag order, you may communicate only to those necessary to carry out the requirements of the subpoena, the Office of the General Counsel, the director and the assistant director. The director may relate the information to a senior officer (usually the Provost), unless information about the senior officer forms part of the request.

E. If it is a FEDERAL SEARCH WARRANT (rare):

Warrants allow **immediate execution**. Federal warrants may be executed by federal officers and by state or local officers who are members of the Joint Terrorism Task Force.

a. If UM-Dearborn Public Safety has not been called, call them (x35333).

b. Ask the officer for identification (Card and badge, plus officer's business card with ID or badge number on it). Members of the Joint Terrorism Task Force will have written identification confirming that status.

c. If the documentation has not been sent to the Office of the General Counsel previous to the visit, request a copy of documents authorizing the search or retrieval of information, including, but not limited to, the warrant and an affidavit in support of the warrant. (We may not get an affidavit. Affidavits are labeled as such and often have the case number on them as well.)

d. Call the Office of the General Counsel and ask to speak with an attorney about a search warrant being currently served. [REDACTED]

e. If necessary, FAX paperwork to the attorney.

(Ask attorney for number or use the default [REDACTED] for Kris [REDACTED])

f. Respond cooperatively, but:

- i. Provide only what the warrant specifies
- ii. Appoint a note taker for each search team
- iii. Do not get in their way
- iv. Keep a library inventory of anything seized
- v. Do not sign their inventory
- vi. Photocopy requested records for our attorney's files
- vii. Remind staff of their roles; they should work at your direction.
- viii. We can legally decline to be interviewed without an attorney from the Office of the General Counsel present
- ix. Make an immediate Wizard backup, if appropriate.

g. Administrative

- i. Subpoenas and search warrants are kept in the top drawer of the contract file cabinet in the office of the Assistant Director. Please don't leave the information where others may see it.
- ii. If there is a gag order, you may communicate only to those necessary to carry out the requirements of the warrant and the Office of the General Counsel, the director and the assistant director. The director may relate the information to a senior officer (usually the Provost), unless information about the senior officer forms part of the request.

F. If it is a STATE or LOCAL SEARCH WARRANT (unusual):

- a. If UM-Dearborn Public Safety has not been called, call them (x35333).
- b. If the warrant asks for library records,
--- the Michigan Library Privacy Act (attached) controls release of library records for state and local requests. There are civil penalties for unauthorized release of library records.

Library records include:

- Circulation and acquisition records
- Inter-library loan requests
- Reading histories
- User preferences
- Computer authentication logs
- Reference questions.

--- follow the procedures for a subpoena. Do not provide immediate release of records unless the Office of the General Counsel directs you to release the records. (Michigan Library Privacy Act attached.)

- c. If the warrant asks for resources that are not library records and do not provide access to library records, follow the procedures for a Federal Warrant.

G. If officers are in hot pursuit of a suspect believed in the library,

- a. Follow their instructions. They have the authority to do their duty immediately.
- b. Get out of the way.
- c. Call Public Safety (x35333)

H. If any officer **DEMANDS immediate access** (without a federal warrant):

- a. Ask for identification and for authorizing documents. (Note: there are NO VERBAL warrants or subpoenas.) If the officer does not have a business card to go with the official badge and identification, write the information down.
- b. Ask the officer to wait for Public Safety. If UM-Dearborn Public Safety has not been called, call them (x35333).
- c. If the officer is insistent on immediate access, allow it.
- d. Follow procedures for a federal search warrant.
- e. When you contact the Office of the General Counsel, let the attorney know that an officer has demanded immediate access to library records.

Directory for Law Officer Response

<p><u>Director of the Library:</u> Tim Richards Office: x35445 Home: [REDACTED] Cell: [REDACTED]</p>	<p><u>Public Safety:</u> Rick [REDACTED] Director Lt. Ken [REDACTED] Supervisor Campus Safety ph: x3-5333</p>
<p>First alternate –Assistant Director for Campus Support Services: Bob Fraser: Office: x33740 Home: [REDACTED]</p>	<p><u>The Office of the General Counsel:</u> (Jack [REDACTED] or Donica [REDACTED] usually) Office: [REDACTED] FAX: [REDACTED] Jack Bernard's home: [REDACTED] Jack Bernard's cell: [REDACTED]</p>
<p>Second alternate -- Associate Director for Circulation and Technical Services: Barbara [REDACTED] Office: x35614 Home: [REDACTED] Cell: [REDACTED]</p>	<p><u>FBI Detroit Office:</u> 313-965-2323 Special Agent in Charge (Michigan): 313-965-2326</p>
<p>Third alternate – Head of Circulation: Kathy [REDACTED] Office: x35598 Home: [REDACTED] Cell: [REDACTED]</p>	<p>Violetta [REDACTED] (for ITS computer lab) Office: x35455</p>
<p>Fourth alternate – Head of Administrative Services: Diane [REDACTED] Office: x35446 Home: [REDACTED] Cell: 3[REDACTED]</p>	<p><u>For technical support:</u> <u>Library Systems Office</u> [REDACTED] (leaves text) Head of Systems: Janet [REDACTED] Office: x35615 Home: [REDACTED]</p>
<p><u>For technical support</u> <u>Campus Media Services</u> Media Engineer: Greg [REDACTED] Office: x35150 Home: [REDACTED] Pager: [REDACTED] [REDACTED]</p>	<p>Alternates: Patrick [REDACTED] Office: x35564 Cell phone: [REDACTED] Michael [REDACTED] Office: x33729 Cell: [REDACTED]</p>

March 27, 2008

STAFF INSTRUCTIONS:

IF A LAW OFFICER ASKS FOR INFORMATION

If a law officer calls the library, transfer the call to the director or his designate (in order) in item 2. Any time a law officer (federal, state or local) comes to the library seeking library information in his or her role as a law officer, please follow this procedure.

1. **Call Public Safety (x35333)**
2. **Escort the officer to the Director or his designate or talk to the Director or his designate in this order (present in the library first, then at home)**
 - a. **Tim Richards**
 - i. Office: Fourth floor administrative suite
 - ii. Office phone: x35445
 - iii. Home phone: [REDACTED]
 - b. **Bob Fraser**
 - i. Office: Fourth floor administrative suite
 - ii. Office phone: x33740
 - iii. Home phone: [REDACTED]
 - c. **Barbara [REDACTED]**
 - i. Office: 1260
 - ii. Office phone: x35614
 - iii. Home phone: [REDACTED]
 - iv. Cell phone: [REDACTED]
 - d. **Kathy [REDACTED]**
 - i. Office: 1274
 - ii. Office phone: x35598
 - iii. Home phone: [REDACTED]
 - iv. Cell phone: [REDACTED]
 - e. **Diane [REDACTED]**
 - i. Office: Fourth floor administrative suite
 - ii. Office phone: x35446
 - iii. Home phone: [REDACTED]
 - iv. Cell phone: [REDACTED]
3. **Unless you have escorted the officer to the appropriate office, you must talk with the Director or designate by phone. Do not leave a message on an answering machine.**
4. **Don't talk about it with other library staff or anyone else, ever (unless authorized).**
5. **Let the Director or designate respond.**
6. **Don't offer information to the officer, unless asked by the Director or designate.**
7. **If a Federal officer (or a member of the Joint Terrorism Task Force) has a written warrant and demands immediate access, cooperate. But also call Public Safety (x35333) and the library director or designate. State or local law enforcement officers who are not part of the JTTF do not have the lawful authority to demand an immediate search or to operate under the USA Patriot Act. State or local officers cannot lawfully demand immediate access to records.**

If law officers are searching the library with the Director or designate

1. Let the Director or his designate be spokesperson for the library.
2. Do not volunteer information unless the Director or his designate asks you.
3. Limit yourself to responding to what is asked.
4. Don't talk about it with others unless authorized by the Director or designate.

The University of Michigan-Dearborn
Mardigian Library
User Privacy Policy

It is the policy of the Mardigian Library that the privacy of all users shall be respected in compliance with University policies (SPG 601.11), federal and state laws, and professional standards. This policy applies to all resources regardless of their format or means of delivery and to all services offered by the Library.

Data on individuals will not be shared with third parties unless required by law. In Michigan, library records are protected by law: the Library Privacy Act (Act 455 of 1982; 397.601 - 397.606 of the Michigan Compiled Laws). For the Mardigian Library of the University of Michigan-Dearborn, such records include circulation and acquisition records, interlibrary loan transactions, reference queries, reading histories, user service preferences, and authentication logs for public workstations.

To aid understanding of the use or value of resources and services the Library may aggregate and retain user data for a reasonable period of time. It will, however, neither collect nor retain information identifying individuals except during the period when and only for the purpose that such record is necessary to furnish a specific service (for example, loaning a book, ordering a report, recording user service preferences, or for internal service evaluation).

Approved: Library A-Team
27 March 2008

THE LIBRARY PRIVACY ACT (EXCERPT)
Act 455 of 1982

397.603 Library record not subject to disclosure requirements; release or disclosure of library record without consent prohibited; exception; procedure and form of written consent; hearing.

Sec. 3. (1) Except as provided in subsection (2), a library record is not subject to the disclosure requirements of the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) Unless ordered by a court after giving the affected library notice of the request and an opportunity to be heard on the request, a library or an employee or agent of a library shall not release or disclose a library record or portion of a library record to a person without the written consent of the person liable for payment for or return of the materials identified in that library record.

(3) The procedure and form of giving written consent described in subsection (2) may be determined by the library.

(4) A library may appear and be represented by counsel at a hearing described in subsection (2).

History: 1982, Act 455, Eff. Mar. 30, 1983;—Am. 1996, Act 188, Imd. Eff. May 8, 1996.

THE LIBRARY PRIVACY ACT (EXCERPT)
Act 455 of 1982

397.604 Violation of § 397.603; liability; civil action; damages; attorney fees and costs.

Sec. 4. A library or an agent or employee of a library which violates section 3 shall be liable to the person identified in a record that is improperly released or disclosed. The person identified may bring a civil action for actual damages or \$250.00, whichever is greater; reasonable attorney fees; and the costs of bringing the action.

History: 1982, Act 455, Eff. Mar. 30, 1983.