

Search Warrants and Subpoenas Policy

Section 1: Purpose

Michigan law continues to protect the confidentiality of Library Records under Michigan's Library Privacy Act MCL 397.601 and remains unchanged since Congress enacted the USA PATRIOT Act adopted on October 26, 2001. Libraries can only disclose library records if the person making the requests presents a judicially authorized subpoena or Search Warrant. Existence and execution of a Search Warrant is extremely confidential and library staff must not disclose any information concerning such a warrant to any other person, including other library staff.

Section 2: Subpoenas

Definition of a Subpoena:

A subpoena is a command to appear at a certain time and place to give testimony pertaining to a certain matter, and can be addressed to a specific individual or to an organization like a library. A subpoena may command a witness to bring certain documents, books, papers and other things, including, computers. Under library confidentiality law a judge must sign a subpoena.

If a subpoena is only signed by a lawyer or by a law enforcement officer, it is not adequate.

The Garden City Public Library can move to "quash" a subpoena to protect the confidentiality of innocent patrons.

Section 3: Search Warrants

Definition of a Search Warrant:

A search warrant is an order issued by a judge, authorizing a law enforcement officer to search and seize any property that constitutes evidence of the commission of a crime. If the police have a Search Warrant, they should be permitted to conduct a search.

In the case of a Search Warrant, The Garden City Public Library must honor this order on the spot.

- Search Warrants are usually sealed and kept secret until executed
- The library does not have to receive advance notice of a search warrant
- Police do not want suspects to learn of the search from the public domain
- There may be time to notify the Director and the Library Board
- Legal council should be consulted