

Subpoena and Warrant Procedures

WHAT IF I AM APPROACHED BY THE FBI OR THE POLICE?

The following procedures have been established to ensure that library staff at all levels respond appropriately in the event of a request by law enforcement to produce library records (e.g., items checked out, ILL requests, computer use, etc.).

If a person or persons asks to see library records, under Georgia Law 24-9-46, circulation and similar records of a library which identify the user of library materials are confidential and many not be disclosed except:

- To members of the library staff in the course of business
- Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward
- Upon appropriate court order or subpoena

If a law enforcement official requests information from Library records, request to see identification and refer the inquiry to the Library Administration in your Library.

THREE SCENARIOS

1. If they do not have a court order, subpoena or warrant, inform the law enforcement official that users library records are not available except when a court order in good form has been presented to the library. You should not answer any questions other than your name and address. Immediately direct the law enforcement official to Library Administration.
2. If they present a **SUBPOENA**, immediately direct either the person or the paper to the Library Administration. A subpoena for documents will be titled *Subpoena Duces Tecum*.

If it is after hours and no one is in Library Administration, direct the person or take the subpoena to the highest-ranking administrator or manager available. If the subpoena is delivered during evening or weekend hours, place the subpoena in the department head's mailbox and note the day and time of receipt on the back of subpoena. It is important to realize that subpoenas do not demand immediate action.

The Library Director or other administrator will contact the Office of General Counsel.

3. If they present a **WARRANT**, do not interfere with their search or seizure. Immediately inform the Library Administration. If no one in Library Administration is available, notify the highest-ranking administrator or manager available.

The Library Director or other administrator will contact the Office of General Counsel.

When the law enforcement officials leave with library property, they will leave a receipt concerning the items removed. Please pass this on to Library Administration.

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If the warrant has been issued under the provisions of the Foreign Intelligence Surveillance Act (US PATRIOT Act amendment), additional provisions apply:

- Staff are prohibited from disclosing that an information request has been made, or that records have been produced.
- In such a case, you may not tell the person(s) about whom the information is requested, nor speak to coworkers, the media or other government officials about the inquiry. Such requests may only be reported to a higher authority within the University.

What happens next?

Library Administration will notify [Emory University Office of General Counsel](#) (OGC)

Office of the General Counsel
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201 Dowman Drive
Atlanta, Georgia 30322
Phone: 404.727.6011
Fax: 404.712.5522

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