

TULLY FREE LIBRARY
USA PATRIOT ACT
POLICY PROCEDURE

SEARCH WARRANTS

A Search Warrant is a written court order entitling law enforcement to search a defined area and seize property, which constitutes evidence of commission of the alleged crime described in the warrant. A Search Warrant is available only in criminal actions.

PROCEDURE

1. All law enforcement personnel, state and federal agents should be directed to the Director or Assistant Director of the Library. The Director or Assistant Director should escort the person serving the Warrant to the office and immediately contact Riehlman, Shafer & Shafer, Attorneys & Counselors at Law, 397 Route 281, Tully, New York 13159-0430, Phone: 696-8918. The President of the Board of Trustees of the Tully Free Library should also be notified.
2. Identify the agent in charge of executing the warrant. Ask for a business card or record the name, title, agency, and telephone number of the agent. Ask for a copy of the warrant and any affidavit submitted to the court to obtain the warrant. Have the agent identify the prosecutor by name and phone number, if that person is not indicated on the document. (The agent is acting at the direction of the prosecutor.)
3. Inform the agent in charge that the Law Firm for the Tully Free Library has been contacted and is on the way. Request agent in charge not to proceed until counsel arrives.
4. If agent will not wait for counsel to arrive, take the following steps to monitor the search.
 - a. Carefully read the warrant.
 - b. Make sure the warrant has been signed by a judge or magistrate. If there is any discrepancy, notify the agent in charge.
 - c. Determine the scope of the warrant, the area to be searched and type of evidence to be seized. A Search Warrant permits the designated agent to search and seize property. If there is any discrepancy between the scope of the search document and the search actually conducted by the agent, notify the agent in charge. Attempt to assist the agent in retrieving those documents that are the subject of the search.
 - d. The Director or Assistant Director should assist in retrieving the documents, computer information, etc. Notify the agent in charge that you will help to ease the search with minimal disruption of business and that the volunteers are permitted to leave or continue helping patrons in the library.
 - e. The Director and Assistant Director should be aware that persons executing the warrant may ask them questions. It is their choice whether

or not they want to speak with the agent, they are not required to do so. It is recommended, but not mandatory, that the Director or Assistant Director refrain from answering any questions until such time as an attorney from the Law Office of Riehlman, Shafer and Shafer arrive.

- f. Monitor the search, but do not impede or obstruct.
- g. Photocopy each item seized. If the agent in charge refuses to permit you to photocopy, record in detail all items seized
- h. Agents sometimes number the rooms that they enter. Record the numbering scheme.
- i. Request back up copies of all document and computer disks, etc. before agents seize computers.
- j. If agents attempt to seize privileged (e.g. attorney/client privileged communications) documents that you believe are outside the scope of the warrant, notify the agent in charge. Ask that the privileged material be segregated from the other materials and marked as "privileged".
- k. The agent in charge will prepare an inventory of the items seized. Ask for a copy of that inventory before the agent leaves, but do not sign anything verifying the content or accuracy.
- l. Ask volunteers not to discuss the Search Warrant or any related events with the press, other volunteers or patrons.

SUBPEONA

A subpoena is an order directing the recipient to appear and testify at a specific time and place. A subpoena duces tecum requires the recipient to produce certain documents listed in the subpoena on the date and time designated in the subpoena. A subpoena does not grant authority to search the premises.

PROCEDURE

If the subpoena is directed at Tully Free Library the only person authorized to accept service would be the law offices of Riehlman, Shafer and Shafer. Please direct the individual attempting to serve the subpoena to the following location, 397 Route 281, Tully, New York 13159-0430. Phone: 696-8918. Fax: 315-696-6019.

If a volunteer has erroneously accepted the subpoena, please sign, date and fax the subpoena and contact the Riehlman, Shafer and Shafer office immediately.

Adopted by Tully Free Library Board of Trustees November 15, 2003