



## **Mendon Public Library Policy and Procedure for Immigration Authority Visits to the Library**

### **POLICY**

It is the policy of the Mendon Public Library to serve library users as outlined in its charter and mission without regard to immigration status, and to respond to any inquiry or visit from Immigration & Customs Enforcement ("ICE") as it would to any other visit from law enforcement.

To ensure compliance with this policy, the library shall adhere to the below procedures when addressing requests from or the presence of ICE ("ICE Agents") in the Library.

### **PROCEDURE**

#### **1. ICE AGENTS VISITING THE PUBLIC AREAS OF THE MENDON PUBLIC LIBRARY**

"Public Areas" Defined: These areas include reading rooms, computer area, stacks, bathrooms, in front of information and circulation desks, and study rooms.

How to Proceed: In the event that ICE Agents enter the library and remain in the public areas, Library employees will not impede their access to public areas or interfere with the visit, unless such ICE Agents are disruptive as defined by applicable conduct rules of the library, in which case the person in charge may request that disruptive behavior be discontinued.

#### **2. ICE AGENTS IN NON-PUBLIC AREAS OF THE MENDON PUBLIC LIBRARY:**

"Non-Public Areas" Defined: These areas include staff offices, any area behind the circulation desk, area around library assistant desk, custodial areas, and storage closet.

How to Proceed: In the event that ICE Agents enter the library and wish to access a non-public area, the library employee in charge should follow these steps:

- a. Ask the ICE Agent for his or her name(s), badge number, and contact information.
- b. Ask whether the agent(s) has a subpoena, court order, or duly executed signifier of statutory authority. **This is required by law to search in non-public areas.**
- c. If they do not have a subpoena, court order, or duly executed signifier of statutory authority, explain politely they do not have consent to enter the nonpublic area of the facility without a confirmed, written authority.

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Adopted: March 2, 2020*

d. If the ICE Agent tells you that he or she has a subpoena, court order, or duly executed signifier of statutory authority, ask to see it and ask to make a copy and file the copy along with an incident report.

Library employees will not attempt to determine whether the subpoena, court order, or duly executed signifier of statutory authority is valid; however, whenever possible, such documents should be reviewed by the library's lawyer before non-public areas are accessed.

### 3. *REQUEST FOR ACCESS TO DOCUMENTS OR CUSTOMER INFORMATION*

When the ICE Agent visits the library, he or she may be seeking an individual, but he or she may also ask for documentation that includes library user information.

"Library User Information" Defined: "Library user Information" includes a user's name, contact information, library card number, program participation, demographic information, 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, the use of audio-visual materials, films or records, and library security camera footage. This can be written information or information provided in a conversation, or information in another format. Library user information also includes whether the person is in the building at the time of the visit.

How to Proceed: In the event that ICE agents enter the library and wish to access an individual's information, the library employee in charge should follow these steps:

- a. Refer to the *Mendon Public Library's Circulation Policies, section Confidentiality and/or New York Civil Practice Laws and Rules Section 4509*.
  1. "Library records that contain names or other personally identifying details of users, including, but not limited to, the circulation of library materials, computer use, interlibrary loan transactions, reference queries, request for photocopies of library materials, reserve requests, or in-house use of library materials, shall be confidential and will not be disclosed except as required by law."
- b. Ask the ICE agent for his/her name(s), badge number, and contact information.
- c. Ask whether the agent(s) has a subpoena, court order, or duly executed signifier of statutory authority authorizing the library to provide access to the individual's records.
- d. If they do not have a subpoena, court order, or duly executed signifier of statutory authority, explain politely that you can't help them at this time.
- e. If the ICE Agents tell you that they have a subpoena, court order, or duly executed signifier of statutory authority, ask to see it and ask to make a copy and file the copy along with an incident report.

Library employees will not attempt to determine whether a subpoena, court order, or duly executed signifier of statutory authority is valid; however, whenever possible, such documents should be reviewed by the library's lawyer prior to user information being disclosed.

4. *REMOVAL OF MENDON PUBLIC LIBRARY USER BY ICE AGENTS*

Removal Defined: This is a situation in which an ICE agent(s) makes contact with a library user and tries to detain and/or leave the Library's facility with the individual(s) against their will or by force.

How to Proceed: In the event that an ICE agent(s) has detained an individual in the library and is leaving with the individual, the employee in charge should follow these steps:

- a. Do not assist the individual(s) in escaping or hiding, including using a backdoor or other staff-only exit.
- b. Do not make a false statement to the ICE agent(s).
- c. Do write a detailed incident report and file it with your library. If any behavior or concern by staff or other community member(s) occurred, discuss with appropriate leadership before finalizing the report.