

**M. G. Parker Memorial Library
Board of Library Trustees
Meeting Minutes
October 9, 2013**

The meeting was called to order at 4:31pm by Chairwoman Cheryl Storm

In Attendance: Cheryl Storm, James Nolan, John Dyer, Clee Ace, Linda Trouville, Diane Annunziato, Absent-Director Nanci Hill.

Community Input- Community Member Amy Spence was in attendance to observe.

Review of the minutes from September 11, 2013, a motion to accept was made by Clee Ace (with correction to the spelling of the name Deschenes) and seconded by Linda Trouville, accepted unanimously.

Review of Bills- from the weeks of September 5, 2013 through October 2, 2013, a motion to accept the bills were made by John Dyer and seconded by Clee Ace, approved unanimously.

Review of Payroll – Payroll from the weeks of September 1, 2013 through September 29, 2013, a motion to accept was made by John Dyer and seconded by Clee Ace; unanimously approved.

Union employees were given their retroactive pay raises the week of September 23, 2013.

Budget and Financial Report – (Addendum Attached)

Performance Overview- (Addendum Attached)

Director's Report- (Addendum Attached)

Clee Ace asked for an update on the donated James Joyce collection and the status of the missing books. It was reported that the books were located and the director is having the books prepared to be placed on the shelves.

Staff is working on the library card month campaign with a poster. John Dyer extended congratulations to the staff for library publicity and programming.

Diane Annunziato reported the staff CPR training was a great success. Chairwoman Cheryl Storm recommended we hold another staff development day in the spring. Topics have been discussed and recommendations will be forthcoming.

Unfinished Business-

Staffing update John wanted an update on our staffing. (Addendum) There are 6 vacant positions in the building, the director plans to work with the chair to try to get some of these positions reinstated. There was a discussion as to the feasibility of having some of these part-time positions made into one full time position. We would also need to have these positions unfrozen. The consensus was we need more staffing coverage for the library's operating hours. John Dyer moved to continue the discussion with the director next month, seconded by Clee Ace.

State Aid Financial Report has been completed and submitted to the Board of Library Commissioners.

Report- MVLC Libraries Use of State Aid- (Addendum) Chairwoman Cheryl Storm moved to continue the discussion.

Continuing Business- Still waiting on Trial Sheet Balances from Town Hall

New Business- ACLU letter to town of Medfield (Addendum) The letter was reviewed by the trustees and discussed to help explore our library's policy; the Parker Library has a policy in place.

Diane discussed the "Shadowing Program" within the MVLC with the Trustees. This is a program where staff visits other libraries and shadows an employee.

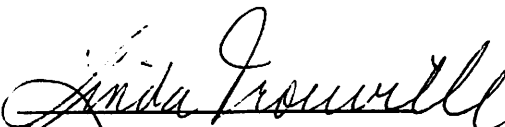
Next Meeting- November 13, 2013

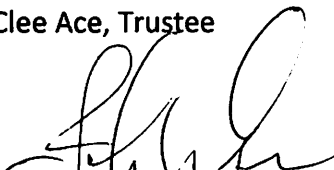
A community member requested a review of our social media policy be added to the next meeting's agenda. The Board declined and the chair will draft a letter in response.

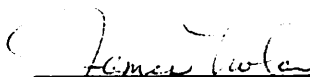
Hearing no objections Chair- Cheryl Storm adjourned the meeting at 5:54pm.


Minutes Approved by:


Cleo Ace, Trustee


Linda Trouville, Trustee


John Dyer, Trustee


James Nolan, Trustee


Cheryl Storm, Chair, Trustee

BOARD OF LIBRARY TRUSTEES

Dracut M. G. Parker Memorial Library

28 Arlington St
Dracut, MA 01826
(978) 454-5474
www.dracutlibrary.org

Agenda for October 9, 2013 Trustees Meeting

CALL TO ORDER

ATTENDANCE

COMMUNITY INPUT

REVIEW OF MINUTES FOR PREVIOUS REGULAR MEETING

REVIEW AND APPROVAL OF BILLS

REVIEW AND APPROVAL OF PAYROLL

BUDGET AND FINANCIAL REPORT

DIRECTOR'S REPORT

UNFINISHED OR CONTINUING BUSINESS

STAFFING UPDATE

STATE AID IN OTHER MVLC LIBRARIES

NEW BUSINESS

ACLU LETTER TO MEDFIELD LIBRARY

ITEMS TO BE ADDED TO NEXT MEETING AGENDA

COMMENTS

ADJOURN

Any person who has a qualifying disability as defined by the Americans With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact: Parker Memorial Library; 28 Arlington Street; Dracut, MA 01462; (978) 454-5474 so that any necessary arrangements can be made to accommodate each request. It is possible that members of and possibly a quorum of members of the governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

FY2014 Budget Update

		FY2014 APPROPRIATION	FY2014 SPENT	FY2014 UNSPENT	FY2014 % UNSPENT
5110	Department Payroll	391,325.00	86,224.08	305,100.92	78.0%
5120	Temp. / PT Payroll	92,000.00	20,077.20	71,922.80	78.2%
5140	Longevity	5,250.00	1,025.00	4,225.00	80.5%
5210	Electricity	39,000.00	7,782.45	31,217.55	80.0%
5212	Gas	21,000.00	158.50	20,841.50	99.2%
5230	Water Charges	1,900.00	493.66	1,406.34	74.0%
5231	Sewer Charges	650.00	-	650.00	100.0%
5241	Service Contracts	75,000.00	49,675.23	25,324.77	33.8%
5291	Custodial & Housekeeping	4,000.00	431.15	3,568.85	89.2%
5340	Telephone	1,500.00	354.06	1,145.94	76.4%
5341	Postage	1,200.00	10.46	1,189.54	99.1%
5420	Office Supplies	1,700.00	877.43	822.57	48.4%
5421	Computer Supplies	2,000.00	-	2,000.00	100.0%
5423	Duplicating Supplies	300.00	-	300.00	100.0%
5430	Building Main. Expense	5,700.00	1,163.78	4,536.22	79.6%
5432	Security Equipment	300.00	-	300.00	100.0%
5433	Equipment Maint. Expense	800.00	-	800.00	100.0%
5581	Library Supplies	5,000.00	689.31	4,310.69	86.2%
5586	Library Programming	1,000.00	45.98	954.02	95.4%
5712	Mileage Reimbursement	400.00	233.51	166.49	41.6%
5730	Dues & Publications	87,000.00	17,745.11	69,254.89	79.6%
5884	Machinery & Equipment	1,000.00	-	1,000.00	100.0%
TOTAL APPROPRIATION		738,025.00	186,986.91	551,038.09	74.7%

RESERVE/REVOLVING FUNDS	SPENT
22-3571-0000-5200	2,950.00
22-3571-0000-5400	-
TOTAL RESERVE/REVOLVING FUNDS	- 2,950.00

TOTAL LIBRARY OPERATING	738,025.00	189,936.91	551,038.09	74.7%
--------------------------------	-------------------	-------------------	-------------------	--------------

Parker Memorial Library
DIRECTOR'S REPORT– OCTOBER 2013

BUILDING MAINTENANCE

The lights at the main entrance to the library use light bulbs that are no longer made. Jason Mercier at Mercier Electrics has been contacted for a quote.

The funding has come in for the work that Control Technologies will be doing to replace the AHU-01 controller and failed heating valve actuator. This work, once completed, should resolve the heating issue in the old building.

We have asked David to contact Mike Buxton at the DPW regarding repair of the sidewalk behind the library building.

COMMUNITY OUTREACH

Skylar Unger, an 8th grader at Lakeview Junior High School, approached us about working with the library on a community service project. From 9/17/13 – 10/26/13, she has placed a Halloween costume collection box in the entry to the library. The costumes that she collects will be donated to underprivileged and homeless children.

A wedding was held in the old library in front of the fireplace. The wedding took place on 10/7/13 at 3:00 pm.

Our Library Card Sign-Up Month Campaign with Dracut businesses has begun. I am looking forward to seeing how many folks participate. So far, we have gone through 150 hand-outs. The fliers are expected to appear in the Lowell Sun and Valley Dispatch on this Friday and Sunday.

A thank you card has been sent to Deputy Fire Chief Richard Patterson for the time he took with our staff, providing training in both CPR and the use of our defibrillator.

A thank you card was sent to the Trustees, thanking them for allowing the staff to take ½ day training with Deputy Fire Chief Patterson.

A thank you card was sent to the Friends of the Library for providing the staff with a delicious lunch during our staff development ½ day.

FRIENDS OF THE DRACUT LIBRARY (FOL)

October is Friends of the Library Month. They have put together a display and raffle basket in the front of the library, near the display cubes.

The Friends have decided to hold a staff appreciation breakfast on December 19th. Details will be forthcoming.

Respectfully Submitted,

Nanci Milone Hill
Library Director

CIRCULATION

	2006	2007	2008	2009	2010	2011	2012	2013	% Change
January	8,102	16,424	17,818	21,186	20,677	20,724	20,196	15,948	-26.6%
February	7,917	15,700	18,760	21,967	21,459	19,668	21,812	20,938	-4.2%
March	10,320	17,832	19,914	23,674	22,823	23,655	22,865	20,555	-11.2%
April	762	15,922	18,689	22,166	19,967	20,477	21,206	21,352	0.7%
May	14,145	15,606	17,778	20,116	18,720	19,380	21,591	18,292	-18.0%
June	19,006	18,555	18,436	26,120	23,094	22,471	22,115	19,635	-12.6%
July	20,571	22,683	28,688	28,526	25,595	24,600	25,077	16,832	-49.0%
August	21,518	21,254	22,381	24,728	24,948	26,785	24,502	24,245	-1.1%
September	15,278	15,410	19,691	20,258	20,451	20,246	18,531	19,893	6.8%
October	16,460	18,294	20,920	21,789	21,412	20,717	21,054		
November	15,010	15,481	18,505	19,889	20,308	21,280	17,517		
December	12,294	12,604	16,327	19,606	17,846	17,772	15,949		
TOTALS	161,383	205,765	237,907	270,025	257,300	257,775	252,415		

PATRON ATTENDANCE

	2006	2007	2008	2009	2010	2011	2012	2013	% Change
January		12,011	12,492	12,750	12,352	10,869	12,191	12,089	-0.8%
February*		10,354	13,144	13,183	12,100	11,140	13,141	11,826	-11.1%
March		12,687	14,532	14,634	14,649	13,842	13,703	12,568	-9.0%
April		11,682	13,726	14,478	12,367	12,767	12,756	13,252	3.7%
May	9,336	10,780	12,172	11,898	11,582	11,969	12,138	11,271	-7.7%
June	10,502	10,604	13,903	15,650	13,046	13,063	12,114	10,779	-12.4%
July	13,879	14,763	17,528	17,236	14,440	14,343	14,768	14,321	-3.1%
August	16,460	15,857	15,684	15,151	14,854	15,663	15,200	14,321	-6.1%
September	12,784	10,944	12,812	12,234	12,151	12,425	11,874	11,819	-0.5%
October	13,231	12,553	13,158	12,883	12,529	12,960	11,979		
November	12,743	10,657	11,665	11,535	11,961	12,414	9,583		
December	9,809	9,036	10,415	11,145	10,065	10,879	10,455		
TOTALS	98,744	141,928	161,231	162,777	152,096	152,334	149,902		

FY2014 Performance Overview

FY 2014 PERFORMANCE OVERVIEW

	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	TOP 10	
First Time Checkout	24,837	19,852	16,457					Adult DVDs	3,817
Desk Renewal	1,020	1,154	730					JE or JJ Books	2,504
OPAC Renewal	2,167	1,900	1,780					Adult Fiction	2,127
Overdrive / Audio	114	100	91					Adult Nonfiction	1,415
Overdrive / e-Books	378	317	262					Easy Readers	1,099
Overdrive / TOTAL	492	417	353					J Fiction	756
Freegal Downloadable Music	295	486	220					Adult BOCD	636
Total Checkouts	28,811	23,809	19,893					Adult Periodicals	597
Total Checkins	26,564	24,245	20,383					Adult Music CDs	580
								J PB Fiction	564
Requests Placed at mdr	2,589	2,195	2,065					Adult Large Print	433
Requests Cancelled	389	369	309						
Holds Fulfilled	2,226	2,035	1,970						
Users Added	122	114	86						
Copies Added	263	160	695						
Bib Records Added	143	2	85						
Quiet Study Use	44	68							
Children's Programs	30	12	8						
Children's Attendance	1,538	462	306						
Young Adult Programs	4	2	3						
Young Adult Attendance	54	18	30						
Adult Programs	8	11	5						
Adult Attendance	95	17	96						
Community Meetings	3	11	10						
Community Meeting Attendance	31	97	2251*					*Town Election	
Quiet Study Use	49	68	63						
Quiet Study Room Attendance	12	17	252						
TOTAL Adult Volunteers	4	5	5						
TOTAL Adult Vol. Hours	63	56	61						

Staffing at M.G. Parker Memorial Library

Position	Filled By	Hours	Vacancies
Library Director	Nanci Milone Hill	35	0
Senior Librarian	Diane Annunziato	35	0
Staff Librarians - Adult Reference	Cathy Bence	35	0
Staff Librarians - Children's	Penny Berube	35	0
Staff Librarians - Circulation	Ellie Szfran	35	0
	Julie Sheehan	35	0
Staff Librarians - Technical Services	Judy Deschenes	35	0
Staff Librarians - Young Adult	Gemma Doyle	18	0
	Vacant	18	1
Library Assistants	Lois Regan	12	0
	Jeanne Lesniak	14	0
	Laura Sanscartier	12	0
	Vacant	6	1
Pages	Ashley Laferrier	18	0
	Cheryl Salem	18	0
	Christine Guile	18	0
	Colette Marion	15	0
	Shantelle Harty	11	0
	Andrew Karlson	9	0
	Jacqueline Courtier	11	0
	Vacant	13	1
	Vacant	7	1
	Vacant	3	1
	Vacant	7	1
Administrative Assistant	Carole Hamilton	35	0
Custodian	David Lamoureux	19	0
Total Vacancies			6
Total Hours Vacant			54

MVLC Libraries Use of State Aid

Library Name	Participate?	Without Appropriation?	If Not Library - Where?	Used for?
Andover Town Library	Yes	Yes	N/A	Anything Director wants. Conferences, prof. development.
Boxford Town Library	Yes	Yes	N/A	Local, Regional & National Conferences, professional dev.
Burlington Public Library	Yes	Yes	N/A	Conferences, staff development, furniture, equipment.
Carlisle Public Librar	Yes	Yes	N/A	Supplement personnel budget, purchase supplies.
Chelmsford Public Library	Yes	Yes	N/A	Continuing education, building repairs, materials.
Flint Library Middleton	Yes	Yes	N/A	Electronic sign, computer upgrades, building repairs.
Groveland Public Library	Yes	Yes	N/A	State, Regional & National Conferences; programs.
Hamilton/Wenham Library	Yes	Yes	N/A	Computers, equipment, electronic resources.
Haverhill Public Library	Yes	Yes	N/A	Pre-processing of materials.
Ipswich Town Library	Yes	Yes	N/A	Capital expenses, asbestos remediation.
Manchester-by-the-Sea	Yes	Yes	N/A	Volunteer recognition, bookmarks, posters, building.
Merrimac Public Library	Yes	Yes	N/A	Programs, collections, DVD cleaner.
Newbury Town Library	Yes	Yes	N/A	Supplement materials budget.
Newburyport Library	Yes	Yes	N/A	Equipment, supplement materials budget.
North Andover Public Library	Yes	Yes	N/A	Technology equipment, new collections, building.
Pollard Memorial Library Lowell	Yes	Yes	N/A	Travel reimbursement, conferences, supplies, programs.
Rockport Public Library	Yes	Yes	N/A	Supplement personnel budget & building expenses.
Rowley Public Library	Yes	Yes	N/A	Technology, conferences, professional development.
Rueben Haor Library Littleton	Yes	Yes	N/A	Supplement materials budget.
T.O.H.P Burnham Library Essex	Yes	Yes	N/A	Technology, professional development
Tewksbury Public Library	Yes	Yes	N/A	Supplement materials budget.
Topsfield Public Library	Yes	Yes	N/A	Supplement personnel budget & technology.
Tyngsboro Public Library	Yes	Yes	N/A	Library café, Update of YA area, travel expenses.
Wilmington Library	Yes	Yes	N/A	Publicity materials, new shelving, materials purchase.

Patrick Strawbridge
Direct Phone: +1.617.951.8230
Direct Fax: +1.617.951.8736
patrick.strawbridge@bingham.com

September 23, 2013

Board of Library Trustees
468 Main Street
Medfield, MA 02052

Re: Medfield Board of Library Trustees

Dear Library Trustees:

On behalf of the American Civil Liberties Union of Massachusetts and the Massachusetts Library Association, we write to express our concerns about the adequacy of the protections and process being afforded to public library users in Medfield. A recent event in Medfield prompted a decision by this Board of Library Trustees that failed to recognize the real privacy interests at stake when public-use computers are voluntarily turned over to police, without a court order or warrant. Although we understand the competing interests at stake, we hope that this letter will persuade the Board, in future cases, that it can follow well-established legal processes and protect library users' reasonable expectation of privacy without unduly hindering a legitimate law enforcement investigation.

We understand that the Library Board recently received a request from local law enforcement to turn over public-access computer records as part of a missing-persons investigation. Library staff recommended that the Board require a warrant before turning over data regarding patrons' computer usage, as the Library's confidentiality policy requires. The Board, however, ultimately declined to require any warrant and voluntarily provided the library's server to police. The Board may have done so based upon a mistaken view that the library has no obligation to protect its computer users' privacy, and that it had no basis for requiring a warrant.

We recognize the Library Board's natural desire to cooperate with a high-profile investigation into a missing person, but the actions it ultimately took were regrettable. In fact, there is ample legal authority and sound public policy reasons that support libraries' requiring a warrant or court order before turning over user information. Public libraries in and outside this state have repeatedly required warrants in these precise circumstances. Moreover, the warrant requirement is not particularly onerous; when police believe they have probable cause that library records may produce evidence of a crime, they can obtain a warrant in short order (even after normal business hours). In the end, requiring a warrant or court order serves vital public interests, protects innocent library users by ensuring that their data is not unnecessarily exposed to government review, and does not prevent or delay justifiable law enforcement investigation. Moreover, if the police believe the circumstances establish a true legally recognized emergency, without time to

seek a warrant, they can decide to seize the computers over the library's objection -- and thus bear the responsibility (and any liability) for balancing the competing interests and overriding the library's policies.

A. State and federal law, as well as Medfield's own policies, protect patrons' library records

Massachusetts law specifically protects the privacy of library patrons' records from disclosure: "That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record as defined by clause Twenty-sixth of section seven of chapter four." Mass. Gen. L. ch. 78, sec. 7. Although library authorities "may disclose or exchange information relating to library users for the purposes of inter-library cooperation and coordination," nothing in state law requires libraries to provide information about their users' activities in the library to police without a warrant or court order.

Moreover, the Fourth Amendment to the United State Constitution protects the right of the people and their effects to be free from unreasonable search and seizure. This right is amplified when law enforcement approaches libraries or booksellers in an effort to obtain information regarding the reading histories and habits of patrons, because this also implicates First Amendment interests. As one court has amply noted, "the First Amendment embraces the individual's right to purchase and read whatever books she wishes to, without fear that the government will take steps to discover which books she buys, reads, or intends to read." *Tattered Cover, Inc. v. City of Thornton*, 44 P.3d 1044, 1053 (Colo. 2002). Thus, a "search warrant directed to a bookstore that authorizes seizure of records that reflect a customer's purchases necessarily intrudes into areas protected by this right." Indeed, several courts have either suppressed or limited governmental attempts to obtain from third parties information about customers' purchases or reading histories -- even when the government has obtained a warrant or subpoena. *See id: In re Grand Jury Subpoena to Amazon.com*, 246 F.R.D. 570, 572 (W.D. Wis. 2007) (noting that grand jury subpoena "is troubling because it permits the government to peek into the reading habits of specific individuals without their prior knowledge or permission"); *In re Grand Jury Investigation of Possible Violation of 18 U.S.C. §1461 et seq.*, 706 F.Supp.2d 11, 18 (D.D.C. 2009) (placing limitations on a subpoena "seek[ing] records of customer purchases of expressive materials").

These statutory and constitutional protections are well-founded. People justifiably expect that their intellectual pursuits will not be readily disclosed. This is why the American Library Association has described the confidentiality of library records as "a core value of librarianship," and noted that

One cannot exercise the right to read if the possible consequences include damage to one's reputation, ostracism from the community or workplace, or criminal penalties. Choice requires both a varied selection and the assurance that one's choice is not monitored. For libraries to

flourish as centers for uninhibited access to information, librarians must stand behind their users' right to privacy and freedom of inquiry.

ALA Privacy Toolkit, *available at* <http://www.ala.org/offices/oif/iftoolkits/toolkitsprivacy/introduction/introduction>.

Indeed, Medfield's library has recognized these interests itself, and has specifically assured its patrons in its Confidentiality and Privacy Policy (posted on the library's website) that

Except in cases involving the USA Patriot Act, no records can be made available to any inquiries, governmental or otherwise, unless a subpoena has been served by a court of competent jurisdiction and the library administration has consulted with legal counsel to determine if it is proper to release the requested information. The only time that information has to be made immediately available is in the case of a search warrant.

Medfield Library Policy on Privacy and Confidentiality of Patron Records, *available at* <http://www.medfieldlibrary.org/user-services/policies/privacy-and-confidentiality/> (emphasis added).

We are concerned that the Library Board's recent actions cannot be reconciled with this policy, because there simply was no subpoena or search warrant. By ignoring the assurances it had made to its patrons the library has damaged users' confidence in its commitment to respecting user confidentiality and privacy.

B. Many libraries in Massachusetts explicitly require warrants or court orders before turning over patrons' records to law enforcement

Medfield's written policy is hardly the only one requiring a warrant or court order before it releases information about users' research and reading activities. Such policies are the rule, rather than the exception in this state. Consider just a few examples from Massachusetts libraries, large and small:

- The Boston Public Library's Patron Privacy Policy states that "[c]irculation, registration information, and information retrieval records" may be disclosed to "[r]epresentatives of any local, state, or federal government, pursuant to subpoena or search warrant authorized under the authority of federal, state, or local law relating to civil, criminal, or investigative power." See <http://www.bpl.org/general/policies/privacy.htm> (emphasis added).
- The Bedford Free Public Library's policy is in all ways identical to Medfield's, including the provision that "[e]xcept in cases involving the USA Patriot Act, no records can be made available to any inquiries, governmental or otherwise.

unless a subpoena has been served by a court of competent jurisdiction and the library administration has consulted with legal counsel to determine if it is proper to release the requested information.” See Privacy Policy, available at http://www.bedfordlibrary.net/about/policy_privacy.html.

- Even the law library system for the Massachusetts state courts requires state or federal authorities to provide a subpoena or warrant before it will provide any information regarding library records. See Policy on Confidentiality of Patron Records, available at <http://www.lawlib.state.ma.us/libraries/services/confidentiality.html>

C. Law enforcement agents can easily and quickly obtain warrants when searches are necessary

The desire to assist police in the investigation of a missing minor is, of course, understandable. Indeed, library staff was keenly aware of the need to cooperate and acted quickly in providing law enforcement with information about the event, including security footage.¹ When confronted with a request for user information, however, the staff properly requested that the police obtain a warrant -- although it did take steps to ensure any electronic information in its computers would be preserved.

As noted above, the staff's actions were entirely consistent with existing policy and the expectations of library users. It also did not represent any difficult obstacle to legitimate police inquiry. Indeed, recent examples reveal that police have little trouble quickly obtaining a warrant under similar circumstances.

- In 2008, police in Randolph, Vermont, arrived at the Kimball Public Library after receiving a tip that the missing girl had used its computers. Despite several requests from law enforcement, library staff held firm in requesting a warrant. Law enforcement ultimately obtained a warrant that same day.
- In January 2006, fifteen police officers and FBI agents appeared at the Newton library, seeking access to its computers as part of an investigation into a bomb threat at Brandeis University. Consistent with the library's policies, the staff (backed by the library's governing board) required a warrant. The FBI obtained a warrant later that night and was permitted to collect evidence from three computers.
- In the case of *Commonwealth v. Anthony*, 451 Mass. 59, 883 N.E.2d 918 (2008), police arrested a suspect while he was using a public computer at the Boston Public Library on suspicion of obtaining child pornography from a 12-year-old

¹ Sharing this footage does not reveal any information about a patron's intellectual pursuits, and thus does not raise the same policy concerns as revealing electronic or other library research records.

girl with whom he had an online relationship. Even though the arrest took place at the library, and the alleged crimes were believed to have taken place on the public terminals, police still obtained a warrant before seizing any computers or library records.²

These examples demonstrate that even under dire circumstances, requiring a warrant is neither unusual nor burdensome -- even if needed after hours. Moreover, library staff can take actions to ensure that any minor delay does not result in the destruction of evidence. In the meantime, it is incumbent upon law enforcement to recognize the need for a warrant under such circumstances and to act expeditiously when required.

Finally, there is a limited legal exception to the warrant requirement when "exigent circumstances" exist. This exception generally permits warrantless searches by police when evidence is subject to destruction or other circumstances prohibit the police from procuring a timely warrant. *See, e.g., Georgia v. Randolph*, 547 U. S. 103, 116, n. 6 (2006); *Minnesota v. Olson*, 495 U. S. 91, 100 (1990). Our understanding in this case is that the library's staff acted quickly to ensure no evidence would be destroyed while police sought a warrant. But if police believed there was inadequate time to obtain a warrant and that they had probable cause for the seizure, they simply could have taken custody of the relevant computers over the library's objection. In such cases, it is proper to let the police make the decision to proceed without a warrant and bear any legal risks associated with that decision. That way, the library can assure its patrons that it complied with its policy and protected their privacy.

* * *

For the reasons outlined above, we encourage the Library Board to revisit its actions and think clearly about how to better protect the reasonable expectation of privacy that library users have in their electronic library records, and comply with this policy going forward. We recommend the Board review these policies, and (as the policies provide) consult with an independent, non-conflicted attorney if any questions arise. The Board should also remember that even a crisis like the one the town recently endured should not lead it to ignore its policies; to the contrary, the Board's commitment to privacy and protection of confidential records is best measured by its response to tumultuous circumstances. We hope that in future cases, the Board follows the example of the Boston Public Library, Newton library, and Massachusetts court system (among many others) and acts reasonably to secure potential evidence while still adhering to the requirement of a warrant or court order. The people of Medfield and the patrons of its library deserve no less.

We would be happy to meet with you and provide further information upon request.

² As *Anthony* demonstrates (and the Medfield Library's own privacy policy confirms), the fact that a library is operated as a public, municipal institution does not extinguish its ability to require a warrant or patron's reasonable expectation that it will do so. We are not aware of any support for the contrary suggestion.

Board of Library Trustees
September 16, 2013
Page 6

Sincerely yours,

Patrick Strawbridge

cc: Sarah Wunsch, Esq., Staff Attorney, ACLU of Massachusetts
Mark Cerel, Esq.
Robert E. Meaney, Jr., Chief of Police

mn

LETTER TO U.S. REPRESENTATIVES AND SENATORS IN MASSACHUSETTS
DRAFT #1

Dear Representative _____/Senator _____:

In 2003 the Massachusetts Library Association adopted a resolution expressing concern about provisions of the USA PATRIOT Act that made it much easier for law enforcement and agencies of government to sweep up vast amounts of information about people, even if they are not suspected of any wrong-doing.

This summer's revelations about massive government collection of records related to telephone and Internet use are the latest and most dramatic evidence that our concerns were well founded. We have greatly appreciated your previous efforts to reform the USA PATRIOT Act, and [INCLUDE PREVIOUS CLAUSE ONLY IF TRUE]we are writing to urge you to enact legislation to restore the protections of the First and Fourth Amendments to the Constitution and to enhance congressional oversight.

We are joined in this request by the New England Library Association (NELA). The Massachusetts Library Association and NELA both are chapters of the American Library Association, a national association of more than 60,000 members. Since 1939, the American Library Association has affirmed the right to privacy in our Code of Ethics, which currently states: "We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed acquired or transmitted."

Librarians have long argued that the free exchange of ideas protected by the First Amendment is essential to a healthy democracy and to a free society. The First Amendment's promise of freedom of speech is meaningless without the corresponding right to seek and receive information without fear of surveillance, judgment, or punishment. We are concerned that when government and private entities monitor people's communication and use of Internet services, it creates a chilling effect, in which people may censor themselves and not seek the information they need or desire.

Libraries play a significant role in our democracy's marketplace of ideas. We make a diversity of viewpoints available through a diversity of formats and communication channels to a diverse population. We want to be able to assure our library patrons in Massachusetts that the library remains a sanctuary of inquiry, where free people can read and seek information freely, without fear of surveillance.

Please help us by working to reform laws such as the USA PATRIOT Act and restoring the protections of the First and Fourth Amendments.

Sincerely,

[Signed by presidents of MLA and NELA, and by intellectual freedom committee chairs of MLA and NELA]

Parker Memorial Library
CONFIDENTIALITY POLICY

That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such a library shall not be a public record...

General Laws of Massachusetts, Chapter 78, Section 7

Confidentiality extends to information sought or reviewed, and materials consulted, borrowed, and include databases search records, reference interviews, circulation records, interlibrary loan transactions, registration records, and all other personally identifiable uses of library materials, facilities, or services.

Circulation, registration, and information retrieval records may not be disclosed except to:

1. Persons acting within the scope of their duties in the administration of the library system.
2. Person authorized by the cardholder to inspect the individual's records and act as designated borrowers by the cardholder.
3. Representatives of any local, state, or federal government, pursuant to subpoena or search warrant authorized under the authority of federal, state, or local law relating to civil, criminal, or investigative power.

Parents or guardians who sign an application for a patron under the age of 18 are considered authorized to view that patron's record and are designated borrowers for that patron. If library staff are unable to confirm the identify of the parent or guardian, no confidential information will be supplied.

Approved by the Board of Library Trustees on April 13, 2011.