

IMPERIAL COUNTY FREE LIBRARY

Behavioral Policy

I. Prohibited Conduct.

The following conduct shall be prohibited on the premises of any Imperial County Free Library (“Library”) facility, and may result in the suspension of a patron’s Library privileges:

1. Engaging in any activity prohibited by law;
2. Engaging in disruptive or unsafe behavior, including running, interfering with Library employees, volunteers, and interns (“Library Staff”) in the performance of their duties, obstructing or intimidating other patrons of the Library, or entering non-public areas without authorization (California Penal Code Section 602.1(b));
3. Using loud, abusive, profane, or threatening language;
4. Engaging in loud or disruptive use of cell phones, tablets, laptops, or other electronic devices;
5. Engaging in sexual misconduct of any type, including but not limited to exposure or unsolicited physical contact;
6. Engaging in activities or behavior that may result in injury or harm to any Library Staff or patron, including verbal or physical threats or gestures;
7. Being in possession of any type of weapon while on Library premises;
8. Engaging in activities or behavior that may result in damage, loss, or theft, of Library materials/property, including attempts to damage or steal computer equipment, alter software configurations, or bypass security programs;
9. Eating, drinking, or displaying open food or liquid containers, except in areas designated for those purposes and/or when served with prior approval of the Library;
10. Failing to maintain personal hygiene to the extent that it interferes with the use and enjoyment of the Library by other patrons, or with the functioning of the Library, as determined by Library Staff;
11. Failing to wear appropriate clothing. All library patrons are required to wear tops, bottoms, and shoes at all times while on Library premises. Clothing must be of a length, thickness, and consistency to fully cover all intimate body parts.

12. Exposing Library Staff or other patrons to unsafe conditions or health risks;
13. Sleeping, smoking (including use of vaporizers and e-cigarettes), and misusing Library restrooms or water fountains (including but not limited to bathing, shaving, or washing clothes).
14. Bringing animals onto Library premises without prior approval of Library Staff. Service Animals, as defined in the Americans with Disabilities Act, are exempt from this rule.
15. Bringing bicycles, shopping carts, or other large-wheeled conveyances inside Library buildings, with the exception of wheelchairs and strollers. Rollerblades/skates, skate boards, and collapsible scooters are permitted, but must be carried at all times and may not be ridden or otherwise used while on Library premises. Items may be stored in designated Library spaces; however, the Library and the County of Imperial shall not be liable for theft of or damage to said items.
16. Petitioning, soliciting, or distributing/selling merchandise, conducting surveys, or collecting information from other patrons without the express permission of the County Librarian;
17. Staring at, observing, or following a Library Staff member or patron in a manner that can reasonably be expected to disturb him or her, including photographing or filming persons without prior consent.
18. Monopolizing Library space, seating, tables, stairways, or equipment to the exclusion of other patrons or Library Staff, or obstructing aisles or doorways with personal belongings;
19. Failing to adhere to any Library policy, or instruction or request from Library Staff. Library reserves the rights to limit the number of patrons who may sit together. Additionally, Library has the right to inspect all patron bags, purses, backpacks, briefcases, packs, and other containers.

II. Enforcement.

1. Minor and Major Violations. Library staff shall have discretion in determining the nature and severity of the violation. The following are guidelines for determining whether a violation is minor or major:
 - a. A Minor Violation is any violation that does not pose an immediate risk to the health, safety, or welfare of Library patrons or staff, or does not pose a significant risk to Library property. Examples of minor violations include, but are not limited to engaging in loud or disruptive activities, eating/drinking in non-designated areas, and monopolizing library space or equipment.

- b. A Major Violation is any of the following:
 - i. Repeatedly engaging in one or more Minor Violations during the same Library visit after having received warning of the violation(s) from Library Staff.
 - ii. Repeatedly engaging in one or more Minor Violations over multiple Library visits after having received warning of the violation(s) from Library Staff.
 - iii. Any violation that is contrary to criminal law, poses a substantial risk to the health, safety, or welfare of Library patrons or staff, or poses a substantial risk of damage to or loss of Library property. Examples of Major Violations include, but are not limited to sexual misconduct, possessing weapons on Library premises, and attempting to steal, vandalize, or otherwise damage Library property.

2. Library Staff Response to Violations.

- a. Major and repeated minor violations shall be documented. Files shall be kept on all patrons that have committed violations of Library policies (“Administrative File”).
- b. For Minor Violations, Library Staff shall issue verbal warnings informing problem patrons that repeated violations shall result in such patrons being asked to leave, and may result in the suspension of Library privileges.
- c. For Major Violations, Library Staff shall instruct problem patrons to immediately leave the Library premises. If a patron refuses to leave, or if Library Staff reasonably believes that a patron has violated a criminal law or poses a danger to Library patrons or staff, then staff should call local law enforcement to have the patron removed. Under no circumstances should Library Staff attempt to forcibly remove a patron from the Library premises.

3. Suspension of Library Privileges.

- a. A patron that has committed a Major Violation is subject to having his or her Library privileges administratively suspended for up to one (1) year.
- b. The County (Library Staff, County Librarian, County Executive Officer) has discretion in determining the appropriate level of suspension. However, the evidence present in a patron’s Administrative File must support all decisions for suspension of Library privileges. Examples of relevant information include but are not limited to:

- i. The nature and severity of the violation;
 - ii. Whether any criminal laws were broken;
 - iii. Whether Library patrons or staff were injured;
 - iv. Whether Library property was damaged or stolen; and
 - v. The number, nature, and degree of past violations.
- c. When a patron has his or her Library privileges suspended, he or she loses all rights to utilize Library property or visit Library premises. Any patron that has had his or her Library privileges suspended and attempts to visit a Library facility is guilty of trespassing under California Penal Code section 602, and may be removed from the premises by law enforcement.

4. Procedures for Suspension.

- a. *Suspensions of Three (3) Days or Less.*
- i. Library Staff shall have discretion to issue suspensions of up to three (3) days for Major Violations. Such a suspension may be administered without further review or approval, and is not appealable.
 - ii. Notice of such a suspension should be administered to the problem patron upon the occurrence of the Major Violation; however, if personal service of the notice is infeasible or impracticable, such notice must be mailed via registered mail, by the end of the next business day, to the address on record for the problem patron.
- b. *Suspensions Greater than Three (3) Days.*
- i. When Library Staff determines that a suspension time greater than three (3) days is warranted, Library Staff shall immediately prepare a report of the Major Violation and submit the report to the County Librarian for further consideration. The report shall include the patron's information, the date of the violation, the nature of the violation, past violations and determinations (if any), a copy of the patron's Administrative File, and the recommended time period for the suspension.
 - ii. The County Librarian shall have until the end of the next business day to review the report and other relevant information in the problem patron's Administrative File, and administer a decision.

The County Librarian has the discretion to raise or lower the proposed level of suspension recommended by staff; however, the evidence presented in the report and the patron's Administrative File shall support all decisions. The County Librarian's decision shall be mailed to the address on file for the problem patron via registered mail. The decision shall include the date of the violation, the nature of the violation, the effective date the suspension is to begin, the length of suspension, and if applicable, information on how the patron can appeal the decision to the County Executive Officer.

c. *Appeal.*

- i. Any suspension of Library privileges that is seven (7) days or less is considered a final action of the Library and is not appealable.
- ii. Any patron who has been issued a suspension of Library privileges by the County Librarian that exceeds seven (7) days may request an appeal of the decision to the County Executive Officer. All requests for appeal shall be in writing and must include the circumstances underlying the suspension and the reason(s) why the suspension should be reduced/overturned. A request for appeal must be submitted within the time period of the suspension.
- iii. The County Executive Officer shall have discretion to either grant or deny an appeal. If the County Executive Officer does not respond within the time period of the suspension, it shall be deemed as a denial of the appeal.
- iv. The County Executive Officer has the discretion to raise or lower the level of suspension set by the County Librarian; however, the evidence presented in the report, the patron's Administrative File, and the patron's written appeal request shall support all decisions. The County Executive Officer's decision shall be final.

d. *Restraining Orders.* Notwithstanding the above, the Library should forgo the suspension procedures listed herein, and instead seek a restraining order against a problem patron if any of the following circumstances apply:

- i. The problem patron has committed a Major Violation that is also a violation of criminal law (theft, sexual misconduct, assault, etc.);
- ii. The problem patron poses an substantial risk to the health, safety, or welfare of Library patrons or staff;
- iii. The problem patron poses a substantial risk of damage to or loss of Library property; or

- iv. In the opinion of the County Librarian or County Executive Officer, a suspension time period greater than (1) year is warranted.