

## I. PURPOSE

The purpose of this policy is to maintain a safe, welcoming and secure environment for all Appleton Public Library (“APL” or “library”) users and staff, as well as ensure equitable access to materials and services for all library users in accordance with the library’s Rules of Conduct Policy.

## II. POLICY

1. Overview. The library welcomes all and is dedicated to free and equal access to information. The library is in a unique position to educate and serve as a gathering place for the community.

In order to facilitate an environment conducive to the library’s mission, patrons shall be engaged in activities typically associated with the use of a public library while in the building. No individual may engage in inappropriate conduct on library premises. Inappropriate conduct includes any individual or group activity which is unreasonably disturbing to other individuals lawfully using library facilities, materials, equipment and/or premises or is otherwise inconsistent with activities such as reading, studying, properly using library materials and other similar conduct typically associated with a public library.

When possible, staff will first educate individuals about the applicable policies before taking stronger measures to enforce those policies. In situations where library staff members feel that the health, safety or security of library users or staff members are threatened, they make take any and all appropriate action including, but not limited to, calling the police for assistance.

2. Monitoring. Library staff will monitor public behavior using staff and security equipment, subject to provisions of Wis. Stat. § 43.30 and the library’s Privacy Policy. The library reserves the right to inspect bags, briefcases, backpacks or other personal items.

3. Enforcement. Enforcement of this policy is the responsibility of all library staff. Staff members are expected to address any inappropriate behavior they encounter. Supervisors, professional librarians and operations clerks are expected to have a greater awareness of this policy and exhibit a willingness to step in and serve as a resource in helping other staff deal with problems.

a. Asking for Help. Staff members have the right to ask other staff members, security and/or the police for assistance and should provide assistance to other staff when able and requested.

b. Contacting Police. Staff members may contact the Appleton Police Department (“APD”) at any time to preserve their own safety, the safety of the public, and to request assistance in enforcing this policy and preserving the library environment as defined by the policies adopted by the library Board of Trustees (“library board”).

c. Using Judgment. Staff members who have acted with reasonable judgment in addressing violations of library policies and any other law, rule or regulation will be supported by their supervisor, the librarian in charge and the administration.

4. Responses to Inappropriate Behavior. Inappropriate behavior will be addressed with a response proportionate to the severity of the behavior.

a. Eviction. The library reserves the right at all times to immediately evict a patron that is dangerous or in any way threatening library staff or other patrons. Additionally, all staff have the ability to evict patrons for the remainder of the day should patrons ignore staff requests to comply with library policies.

b. Restriction. The library board delegates authority to restrict people from the library to the library director and assistant director. If the director and assistant director are unavailable, a supervisor may restrict an individual for up to fourteen (14) consecutive days. The library board may also restrict individuals from entering the library for a specified limited time, indefinitely, pending some specified legal condition or ruling, or permanently.

i. Length. The length of a restriction will be proportionate to the severity of the offense, whether there are prior offenses, and the safety of staff and patrons, as applicable, though other factors may be considered.

ii. Notice. The patron and the APD must be notified within 2 business days of the decision to restrict. The notice must include the duration of the restriction. The notice may be delivered by the library director, assistant director, the librarian in charge, the police, or delivered by certified mail and the information must be made available to library staff. Should a restricted patron return to the library in violation of the restriction, staff should contact the APD and the individual may be cited for trespassing.

iii. Documentation. The notice of restriction and all related records will be maintained in accordance with the library's Privacy Policy and Records Retention Schedule.

iv. Scope of Authority. This policy refers to restrictions and consequences imposed by the library but does not preclude or supersede other consequences or penalties that may be imposed by federal, state or local law.

v. Juvenile Patrons. If a juvenile patron violates this policy, or any other rule or regulation, staff may contact their parent/guardian.

1. As an alternative to restricting a juvenile, they may be restricted from independent use of the library for a specified period of time depending on the severity of the violation. During this time the juvenile whose library use is restricted may use the library only when the juvenile is accompanied by a responsible parent or guardian.

2. The juvenile's parent or guardian must be notified of the restriction via certified mail or the notice may be delivered by the APD. Failure to abide by the restriction may lead to restricting the juvenile from the library completely and they may be cited for trespassing by the APD.

c. Use of Equipment. Staff members may stop a patron from using library equipment, or may contact a supervisor about a patron's use of equipment, if the use violates a rule or policy. Supervisors may restrict patrons from using public access computers for 30 days if a violation is found. Should the violation warrant, the library director or assistant director may determine to restrict a patron from using the library in its entirety. Misuse or abuse of computers or internet access may result in suspension of

internet access, restriction from the library in its entirety as described in this policy and may also be subject to prosecution by local, state or federal authorities.

d. Warnings. Staff members may issue a verbal warning or may refer a problem to operations staff, the librarian in charge or a supervisor unless it involves a Class 1 offense pursuant to sections 6(a) herein, in which case the APD must be contacted.

e. Identification. Staff members are authorized to request identification from library patrons as necessary and appropriate for safety and security, or when library rules have been violated. Refusal to identify oneself under these circumstances may be grounds for contacting the APD.

f. Communication. Library staff will communicate disciplinary actions with one another, including reports to the supervisor, operations staff or the librarian in charge. All disciplinary actions must be documented by library staff.

5. Video Surveillance and Photography. Security cameras are used to enhance the safety and security of library users and staff to discourage violations of this policy, to assist library staff in preventing the occurrence of violations and when necessary, to provide law enforcement assistance in the investigation of a criminal occurrence on library property and in prosecuting criminal activity.

a. Video cameras may be located in indoor or outdoor locations where individuals lack a reasonable expectation of privacy. Cameras will not be installed in areas of the library where individuals have a reasonable expectation of privacy such as private offices or restrooms.

b. The City of Appleton ("City") may mount cameras on the exterior of the library building that provide surveillance of public spaces. These cameras are not library cameras and are not covered by this policy.

c. Video footage and photographs are used in accordance with the library's Privacy Policy and Record's Retention Schedule.

d. Cameras are not continuously monitored. Personal safety is the responsibility of the individual and the City is not responsible for lost or stolen property.

e. Staff members have the right to take photographs of patrons as needed to identify them for security purposes.

6. Classes of Behavior and Response. No policy can list all prohibited behaviors. Therefore, the guiding principle for acceptable behavior is: **Everyone has the right to use the Appleton Public Library without being disturbed by others. Disruptive, unsafe, illegal or damaging behavior is not allowed.**

a. Class 1 - Serious Danger or Overt Criminal Behavior. Staff response must include calling the APD and may result in the patron being immediately restricted from the library. Violating federal, state or city ordinance is not allowed in the library. Examples include, but are not limited to:

- i. Fighting or combative behavior,
- ii. Exhibitionism,
- iii. Any sexual behavior regardless of if it is unwelcome or consensual,
- iv. Threats,

- v. Refusal to leave when asked,
- vi. Physical abuse,
- vii. Stalking,
- viii. Possession of illegal drugs,
- ix. Possession of firearms or other weapons that pose a threat to staff or the public,
- x. Child pornography,
- xi. Theft, including theft of library materials,
- xii. Vandalism, or
- xiii. Intentional entry into restricted areas of the building.

b. Class 2 - Potentially Serious Behavior. Staff response will vary according to the severity of the disruption or threat, ranging from a warning to calling the APD to immediate restriction from the library. Examples include, but are not limited to:

- i. Alcohol or drug intoxication,
- ii. Possession of weapons that do not fall into Class 1,
- iii. Possession of alcohol, except as part of an approved program,
- iv. Verbal abuse of staff or other patrons,
- v. Loitering in a manner that interferes with others,
- vi. Excessively emotional, hostile, threatening or uncontrolled behavior,
- vii. Use of loud profanity, obscenity or obscene gestures,
- viii. Panhandling,
- ix. Using another person's card without permission to check out materials,
- x. Using another person's card to use the internet computers,
- xi. Leaving bags and other personal items unattended, or
- xii. Harassing and intrusive behavior, including staring at, stalking or following staff or patrons with the intent to annoy or harass, violating privacy, or interfering with staff performance of duties or patrons use of the library.

c. Class 3 – Annoying or Disruptive Behavior. Staff response will vary according to the severity of the disruption, ranging from tolerance to warning. In severe or repeated cases, eviction, calling the APD or a library restriction may follow. Examples include, but are not limited to:

- i. Bodily hygiene which is so offensive that it is a nuisance to patrons and staff,
- ii. Loudness,
- iii. Monopolizing the time of staff or otherwise interfering with staff members' performance of duties. This includes engaging in conversation or behavior that monopolizes the attention of a staff member for an inappropriate amount of time, making inappropriate personal comments or refusing to comply with staff requests,
- iv. Inappropriate public displays of affection,
- v. Blocking the library entry, sidewalk in front of the building or otherwise interfering with free passage of APL staff or users,
- vi. Loud profanity or obscenity in front of the building or in the parking lot,
- vii. Bringing in more than three bags, backpacks, boxes or wheeled conveyances. Personal belongings cannot exceed 32 by 18 by 15 inches individually or collectively. Exceptions are made for wheelchairs, strollers and musical instruments that do not violate library policies. Bedrolls, pillows, sleeping bags, shopping carts and garbage bags are not allowed. Exceptions are also made for items used in conjunction with programs or events.
- viii. Sleeping, napping or dozing in or on library premises,

- ix. Unhygienic behavior such as spitting or changing diapers in public areas,
- x. Bathing, shaving, washing hair or washing clothing,
- xi. Use of any cellphones or other communication or entertainment devices at a volume that disturbs others, with or without headphones,
- xii. Vaping and use of tobacco products in violation of the Smoking and Tobacco Use Policy,
- xiii. Entering the library without being fully clothed. Shoes and shirt must be worn,
- xiv. Neglecting to clean up any personal trash,
- xv. Rearranging furniture or utilizing it in a manner other than it was designed for. Furniture is limited to the number of people it was designed for, or
- xvi. Other violations of library policies.

7. Unattended Children. The library welcomes and encourages children to use materials and services and strives to provide a welcoming and safe environment.

a. Monitoring. Responsibility for the welfare and the behavior of children using the library rests with the parent, guardian, or responsible caregiver. While staff will always respond with care and concern, they cannot assume responsibility for children's safety and comfort when they are unattended.

b. Supervision of children.

i. Children under age 8 must be accompanied by an adult or a caregiver who is able to supervise them. Children 8 years of age and over who do not require additional supervision may use the library more independently but parents or caregivers of children under 8 are expected to remain in the library while children are attending library programs.

ii. Children 8 years of age and over who are able to maintain proper library behavior may use the library unattended, otherwise they should be adequately supervised by a parent, guardian, or responsible caregiver. All parents, guardians and caregivers are encouraged to use the library with their children.

iii. The City assumes no liability with regard to unattended children. Parents, guardians and caregivers acknowledge the risk of leaving a child unattended in the library and release the City from all claims which they may have.

c. Response.

i. Staff may, as needed, notify parents, guardians, or responsible caregivers whose children need additional supervision or contact authorities such as the police either to assist with the enforcement of discipline in the library or to ensure the safety of an unattended child.

ii. Staff will make a reasonable effort to assure that children leave the library comfortably and safely at closing time. At least two staff members will remain in the library if a minor child is in the building after closing. If any children remain at the library 15 minutes after closing, staff will contact the APD to ensure safe transport.

8. Appeals.

a. Individuals who are restricted from the library or from using library equipment may submit a written request for reconsideration of their restriction to: Library Director, Appleton Public Library, 225 N. Oneida Street, Appleton, WI 54911. The written request must describe the reasons for reconsideration of the restriction and include a return mailing address.

- b. For juveniles restricted, at the request of the parent or guardian, the library director may consider allowing the juvenile patron access to the library when in the direct supervision of a designated parent or guardian. The library director must approve the adult that will provide supervision.
  - c. The library director will respond to the reconsideration request in writing within fourteen (14) regular business days. The length of the restriction from the library shall remain as stated in the "Restriction from Library" notice unless the director issues a written determination altering the terms of the restriction.
  - d. If the person wishes to contest the decision of the library director, he/she may appeal to the library board pursuant to the library board's Bylaws.
  - e. Patrons may not enter the building without permission of the library director during the appeals process.
9. Non-Compliance with restriction – Trespassing. If a restricted individual enters the library before the return date listed on the "Restriction from Library" notice, APD will be called and the individual may be cited for trespassing under Appleton City Ordinance AC 10-26.

*Approved: 5/02. Amended: 4/05; 6/07; 8/16; 12/16; 11/17; 12/18*