### GIVE US YOUR TIRED, YOUR POOR, YOUR HUDDLED MASSES, AND MAKE THEM BEHAVE

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#### **TOPIC**

- Discuss need for policies regarding disruptive patrons.
- Review criminal laws which may apply.
- When and how to apply them.
- Develop policies to implement.

## WHY DO WE NEED TO DISCUSS THIS?

#### WHY?

• Libraries biggest benefit to the community is that it provides equal access to everyone.

 However, this availability also makes the library vulnerable to people who might engage in disruptive or illegal activities.

#### **EXAMPLES**

- Yelling or screaming at patrons/staff.
- Excessive use of profanities.
- Using drugs on premises.
- Interrupting or impeding programs or group meetings.
- Unlawful harassment (sexual, racial, etc.) of patrons/staff.
- Physical violence.

#### WHY?

- Potential Liability:
  - Civil lawsuits brought by staff for harassment/hostile work environment by patrons.
  - Civil lawsuits brought by patrons for injuries received by other patrons.
  - Decrease use of library by public.

## WHEN DOES PATRON BEHAVIOR BECOME ILLEGAL?

#### CRIMINAL PENALTIES

- Types of crimes:
  - Felonies
    - Class A 20 years to life in prison
    - Class B 10 to 20 years in prison
    - Class C 5 to 10 years in prison
    - Class D I to 5 years in prison
  - Misdemeanors
    - Class A up to I year in jail
    - Class B up to 90 days in jail
  - Violations fine only. No jail.

#### HARASSMENT/DISRUPTION CRIMES

- Acts must be done with intent to intimidate, harass, annoy or alarm; and
- Acts serve no legitimate purpose.

#### Examples:

- Disorderly conduct, first degree (KRS 525.055)
  - Violent or threatening behavior;
  - Making unreasonable noise;
  - Creating a hazardous or physically offensive condition.
  - Class A misdemeanor.

#### HARASSMENT/DISRUPTION CRIMES

- Harassment (KRS 525.070)
  - Threatens or actually strikes, shoves, kicks, or otherwise subjects person to physical contact;
  - Offensively course utterance, gesture, or use of abusive language in a public place;
  - Follows a person in a public place;
  - Repeatedly commits acts which alarm or annoy another person.
  - Violation/Class B misdemeanor (depending on severity)

#### HARASSMENT/DISRUPTION CRIMES

- Harassing Communications (KRS 525.080)
  - Calls, mail, email or other communication that causes alarm or annoyance.
  - Class B misdemeanor.
- Disrupting meetings and processions, second degree (KRS 525.150)
  - Intentionally prevents or disrupts lawful meeting or gathering.
  - Class B misdemeanor.

#### **DRUGS**

- Possession of a Controlled Substance, first degree (KRS 218A.1415)
  - Individual possesses any Schedule I or II controlled substances.
  - Examples:
    - Heroin
    - Methamphetamine
    - Cocaine
  - Class D Felony.

#### **DRUGS**

- Possession of Drug Paraphernalia (KRS 218A.500)
  - Pipes;
  - Syringes;
  - Rolling papers;
  - Baggies;
  - Straws, etc.
- Class A misdemeanor.

#### **DRUGS**

- Public Intoxication, Non-Alcohol (KRS 525.100)
  - Appears in a public place manifestly under the influence of a controlled substance or other intoxicating substance.
  - Alcohol intoxication KRS 222.202
  - Class B misdemeanor.

#### **VIOLENCE**

- Assault, fourth degree (KRS 508.030)
  - Physical touching resulting in minor physical injuries.
  - Class A misdemeanor.
- Assault, second degree (KRS 508.020)
  - Intentionally causing serious physical injury.
  - Class C felony.

#### VIOLENCE

- Assault, first degree (KRS 508.010)
  - Intentionally causes serious physical injury by use of a deadly weapon.
  - Showing extreme indifference or wantonly engages in conduct which creates a grave risk of death to another.
  - Class B felony.
- Terroristic threatening, third degree (KRS 508.080)
  - Threatening to commit a crime likely to result in death, serious physical injury, or substantial damage to property.
  - Intentionally making a false statement for purpose of causing evacuation of a building.
  - Class A misdemeanor.

## WHAT DO WE DO IF WE OBSERVE A CRIME?

#### **REMEDIES**

- If patron is currently engaging in activities and will not stop or leave the premises, contact your local law enforcement agency for immediate response.
- If patron has left, you can file a report with law enforcement or County Attorney.

#### **REMEDIES**

- If you intend to press charges, have all witnesses (staff and patrons) document what happened with written statements.
- Collect any videos or photographs.
- Ensure contact information of all patron witnesses are taken down so that police can follow up with.

#### **REMEDIES**

- If charges are filed, ask that condition of resolution include provisions to prohibit offending patron from entering library premises.
- Make staff available for any hearings or trials to ensure that charges are fully prosecuted.

#### CONCLUSION

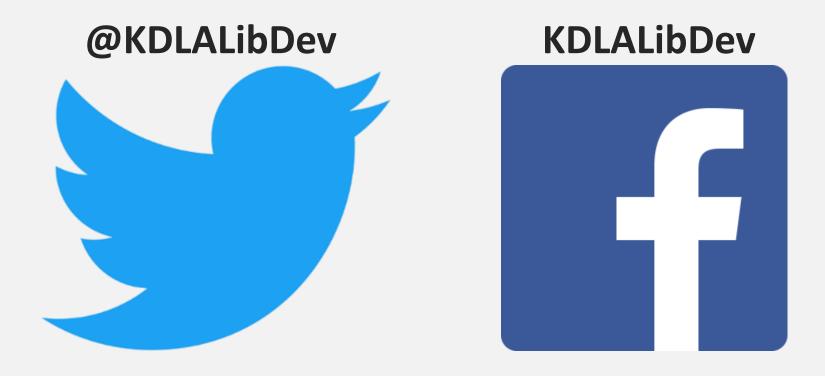
- Libraries need to balance the interests of keeping it open and available to all, while also maintaining a safe environment for patrons and staff.
- Consistently enforcing policies with respect to criminal activity will ensure that all patrons and staff have a positive and safe experience.

### QUESTIONS?



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# THANK YOU FOR ATTENDING!

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