

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

Louis D. Kelly

Commonwealth's Attorney

54th Judicial Circuit

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 – 1 to 5 years in prison
 - Misdemeanors
 - Class A – up to 1 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?



**Thank you to the
Institute of Museum and Library Services (IMLS)
for sponsorship of this webinar.**

Follow KDLA on Social Media!

@KDLALibDev



KDLALibDev



SAVE THE DATE

Register on the [KDLA CE Events Calendar](#)

Almost Painless Politics: or How to Conduct a Civil Candidate Forum

Tuesday, May 21, 2-3 pm ET (1-2 pm CT)

Girls Who Code: Join the KDLA Partnership!

Wednesday, May 22, 2-2:30 pm ET (1-1:30 pm CT)

Public Library Trustee Certification Program

Tuesday, June 18, 12-12:30 pm ET (11-11:30 am CT)

Public Library Trustee Certification Program

Friday, June 21, 10-10:30 am ET (9-9:30 am CT)

More webinars are available on our **Archived Webinars** page:

<https://kdla.ky.gov/librarians/staffdevelopment/kdlaarchivedwebinars/Pages/default.aspx>

**THANK YOU FOR
ATTENDING!**

Louis D. Kelly
Commonwealth's Attorney
54th Judicial Circuit
lkelly@prosecutors.ky.gov

[KDLA CE Events Calendar](#)
[KDLA Archived Webinars](#)
[Certification Program](#)
KDLA.Certification@ky.gov