

Customer Policy
(adopted as agency policy by the
KDLA Coordination & Support Team on 5/9/05)

Mission Statement: The Kentucky Department for Libraries and Archives serves Kentucky's need to know by assuring equitable access to high quality library and information resources and services and by helping public agencies ensure that adequate documentation of government programs is created, efficiently maintained and made readily accessible.

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I. Introduction

The Kentucky Department for Libraries and Archives (KDLA) is a publicly supported institution that provides access to information and services. We strive to offer a safe and healthy environment for the enjoyment and comfort of both customers and staff. Guidelines exist for acceptable behavior and for the protection of the Commonwealth's information resources.

In addition to the civil rights guaranteed by the First and Fourteenth Amendments to the U. S. Constitution, library and archival professions are guided by relevant professional statements relating to service:

- A person's right to use a library should not be denied or abridged because of origin, age, background or views.--*Library Bill of Rights*
- We [Librarians] provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests. --*American Library Association Code of Ethics*
- Archivists strive to promote open and equitable access to their services and the records in their care without discrimination or preferential treatment, and in accordance with legal requirements, cultural sensitivities, and institutional policies. Archivists recognize their responsibility to promote the use of records as a fundamental purpose of the keeping of archives. Archivists may place restrictions on access for the protection of privacy or confidentiality of information in the records.--*Society of American Archivists Code of Ethics*

In providing service to the public, it is important that staff learn the difference between situations that require tolerance and those that require action. Guidelines included in this policy were adopted to ensure the safety of customers and staff and to preserve and protect library and archival resources and facilities.

II. Legal Definitions of Problem Behavior

The problem customer consciously or unconsciously disrupts the normal functioning of the library or archives, whether or not that disruption is intentional. The following are definitions according to the Kentucky Revised Statutes (KRS), Administrative Regulations (KAR) and/or Executive Orders:

A. Assault (KRS 508.030, 508.040)

A person is guilty of assault when he/she intentionally or wantonly causes physical injury to another person.

B. Criminal Mischief (KRS 512.020, 512.030, 512.040)

A person is guilty of criminal mischief when he/she intentionally defaces, destroys, or damages any property causing pecuniary loss.

C. Criminal Trespass (KRS 511.060, 511.070, 511.080, 511.090)

A person is guilty of criminal trespass when he/she knowingly enters or remains unlawfully in a dwelling, building or premise when he/she is not privileged or licensed to do so.

D. Damaging Library Materials (KRS 56.010)

The Finance and Administration Cabinet shall institute civil proceedings in the name of the Commonwealth for any trespass or injury to state property under its control.

E. Disorderly Conduct (KRS 525.060)

A person is guilty of disorderly conduct when in a public place and with intent to cause public inconvenience, annoyance or alarm, or wantonly creating a risk thereof, he/she:

- a) Engages in fighting or in violent, tumultuous or threatening behavior; or
- b) Makes unreasonable noise; or
- c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.

F. Harassment (KRS 525.070)

A person is guilty of harassment when with intent to harass, annoy or alarm another person he/she:

- a) Strikes, shoves, kicks or otherwise subjects him/her to physical contact or attempts or threatens to do the same; or
- b) In a public place, makes an offensively coarse utterance, gesture or display, or addresses abusive language to any person present; or
- c) Follows a person in or about a public place or places; or
- d) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

G. Indecent Exposure (KRS 510.150)

A person is guilty of indecent exposure when he/she intentionally exposes his/her genitals under circumstances in which he/she knows or should know this conduct is likely to cause affront or alarm.

H. Loitering (KRS 525.080, KRS 525.090)

A person is guilty of loitering when he/she loiters or remains in a public place for the purpose of gambling....engaging in or offering to engage in prostitution....or unlawfully using a controlled substance.

I. Menacing (KRS 508.050)

A person is guilty of menacing when he/she intentionally places another person in reasonable apprehension of imminent physical injury.

J. Public Intoxication (KRS 222.202, 525.100)

A person is guilty of public intoxication when he/she appears in a public place manifestly under the influence of alcohol, or a controlled substance, or other intoxicating substance not therapeutically administered, to the degree that he/she may endanger him/herself or other persons or property or unreasonably annoy persons in his/her vicinity.

K. Sexual Abuse (KRS 510.130)

A person is guilty of sexual abuse in the third degree when he/she subjects another person to sexual contact without the latter's consent.

L. Tampering with Public Records (KRS 519.060)

A person is guilty of tampering with public records when:

- a) He/she knowingly makes a false entry in or falsely alters any public record; or
- b) Knowing he/she lacks the authority to do so, intentionally destroys, mutilates, conceals, removes, or otherwise impairs the availability of any public records; or
- c) Knowing he/she lacks the authority to retain it, intentionally refuses to deliver up a public record in his/her possession upon proper request of a public servant lawfully entitled to receive such record for examination or other purposes.

M. Theft (KRS 514.010)

A person is guilty of theft when he/she withholds property of another permanently or with intent to restore only upon payment of reward or other compensation or to dispose of the property so as to make it unlikely that the owner will recover it.

N. Self-Defense (KRS 503.050)

Use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.

III. Sign Posted in Public Service Areas

Kentucky Department For Libraries And Archives

MISSION STATEMENT: The Kentucky Department for Libraries and Archives serves Kentucky's need to know by assuring equitable access to high quality library and information resources and services and by helping public agencies ensure that adequate documentation of government programs is created, efficiently maintained and made readily accessible.

CUSTOMER RIGHTS

KDLA customers have a right to expect certain behaviors from staff when they are requesting or using resources:

- The right to equal treatment regardless of race, color or national origin;
- The right to reasonable accommodation based on disability;
- The right to be treated politely;
- The right to conduct research in a safe environment;
- The right to request reasonable research assistance;
- The right to expect confidentiality when asking for research assistance;
- The right to submit a Suggestion Form.

While in this facility, customers will refrain from:

- Smoking;
- Consuming food or beverages except in designated areas;
- Being under the influence of drugs or alcohol;
- Harassing and/or verbally abusing other customers and/or staff members;
- Destroying, defacing or stealing state property;
- Allowing children unsupervised access to resources and equipment;
- Any behavior that obstructs others from using this facility.

STAFF RIGHTS

KDLA employees have rights which should not put them in conflict with the rights of customers:

- The right to be treated politely;

- The right to work in a safe environment;
- The right to ask the customer to abide by rules posted in public service areas;
- The right to ask the customer to abide by the rules on the Archives Research Room Registration Form;
- The right to ask customers to abide by the written policies and procedures for using Archival materials;
- The right to offer options when a customer's request exceeds agency resources.

Behavior in this building must conform to laws governing behavior in public facilities as stated in the Kentucky Revised Statutes.

Please enjoy the Library & Archives and respect its use by others.

IV. Who and When to Call for Assistance

Whenever a staff member feels uncomfortable with a customer, the informal "buddy system" may be enough to discourage a problem situation from developing. In any case, the area supervisor should be made aware of the employee's concerns.

If a customer becomes persistent, call another staff person or the area supervisor to help negotiate the customer's concern. The area supervisor should be made aware of the situation.

If a customer is disruptive, notify the supervisor who is responsible for the area or a supervisor who is the most readily available to handle the situation. Notification after the event should include first and second line supervisors and above. If the incident is considered significant, an incident report should immediately be filed by the staff person(s) most closely involved.

If an incident requires outside help such as "911" or the State Police, alert the Console (Ext. 0). The Console Operator will call 911 and then be able to verify to dispatchers that assistance is needed. The Console will also notify Security, the Facilities Manager, and the Building Superintendent that "911" has been called.

In a life threatening situation, if "9-9-911" is called, immediately notify the Console Operator (Ext. 0) who will follow specified procedures. Specified procedures are listed in the *KDLA Employee Handbook*, Employee Safety Program, Section III, Emergency Procedures.

If a customer demands to see "the boss right now," call a supervisor up through the Division Director level until one is available. If one is not immediately available, give the customer the Branch Manager or Division Director's name and telephone number for later contact.

When an Incident Report (Appendix B) is filled out, the form should be passed up the supervisory hierarchy and immediately filed in a central file with the Facilities Manager.

V. General Strategies for Managing Problem Customers

The following guidelines are designed to help the staff assess a potential customer problem and to provide ways to deal with problem customers:

- A. Listen carefully and give the customer your full attention.
- B. Assess the situation and give the customer a chance to ventilate.
- C. Speak slowly and use a calm tone of voice.
- D. Use phrases that would not be considered moralizing, condescending, or offensive.
- E. Use pauses and think carefully before responding.
- F. Maintain eye contact and keep an acceptable distance between yourself and the customer.
- G. Explain agency policy in firm, unambiguous language.
- H. Discuss only the issue under question. Avoid arguing or allowing the conversation to escalate into a shouting match.

- I. Contact a supervisor if the customer will not accept what you say.
- J. Provide a written copy of the rules and regulations to the customer.
- K. Offer a Suggestion Form (see Appendix A).

VI. Managing Problem Behaviors

The following are guidelines for staff to use in managing problem behaviors. Listed below are situations that may be encountered and steps that employees can take to deal with such situations. As a last resort, if all other options fail, an employee or supervisor can contact the Console for police assistance (see KDLA's Customer Policy, Section IV).

A. Angry or Irate Customers

The following guidelines have been adopted for dealing with an angry or irate customer:

1. Remain calm, listen attentively and elicit all information about the complaint.
2. Paraphrase the customer's statement in order to understand the problem or complaint. If inaccurate, paraphrase until the customer confirms your statement.
3. If the complaint conflicts with established policy, explain the policy in dispute in a calm, firm tone. Provide the customer with a written copy of the policy.
4. Try to find acceptable alternatives that might resolve the matter without violating policy.
5. If the customer persists, use the team approach. Ask another employee or supervisor for help.
6. If the customer is still dissatisfied, take further action:

- a. Notify the supervisor responsible for the area in question or the most readily available supervisor.
- b. If a supervisor is unavailable, offer a Suggestion Form (Appendix A).

B. Disruptive Customers (KRS 222.202; 525.060; 525.090; 525.100)

While disruptive behavior might not always be reported by other customers, staff is responsible for insuring that no one disrupts the normal functioning of the Library or Archives. Treat emotionally or mentally disturbed customers like everyone else unless they become disruptive. Disruptive behavior may include the following:

- loud talking or singing;
- tapping or banging;
- swearing;
- monopolizing a staff member;
- loud and noisy behavior;
- running and playing;
- misusing books, archival records, and equipment.

1. Once any form of disruptive behavior becomes apparent, staff members should advise the problem customer to discontinue said behavior.
2. Customers should be discouraged from engaging a staff member in a long, irrelevant conversation. The staff member should politely explain that he/she must return to work.
3. If the problem customer continues to be disruptive, staff should notify the supervisor for the area in question, or a staff person directly involved, or the most readily available supervisor.
4. The supervisor should attempt to mediate and defuse the situation.

5. If all attempts at resolution fail, the staff member directly involved or the supervisor may contact the Console (Ext. 0) for police assistance (see KDLA's Customer Policy, Section IV).
6. Immediately after the incident, the supervisor should inform security personnel, the branch manager and the Facilities Manager about the incident.
7. The supervisor should complete an Incident Report (Appendix B) and forward it to the appropriate personnel.

C. Verbal Abuse of Staff (KRS 525.070)

Staff members do not have to listen to obscene or abusive language. If a customer speaks to a staff member in an abusive or obscene manner, calmly tell the customer that such language is unacceptable. Tell the customer that if he/she persists with such language that you will call a supervisor. If the customer is persistent with obscenities, call a supervisor to try and defuse the situation. If the customer continues to be obscene, call the Console (Ext. 0) and request police assistance. Avoid physically detaining the individual, but be prepared to give a complete description to the responding officer.

Often customers can be verbally abusive without using obscenities. If a customer's remarks make you feel uncomfortable, offer to contact your supervisor or offer a Suggestion Form (Appendix B). If the customer persists, staff should tell him/her that his/her comments are inappropriate.

If a telephone caller uses abusive or obscene language, hang up. If repeated incidents occur, notify the Console (Ext. 0) so telephone complaints can be reported through the Commonwealth Office of Technology's Voice Support Office at (502) 573-0270. This office can provide information on how to investigate and prosecute the nuisance caller.

D. Lost or Unattended Children

Children separated from or left unattended by their parents may be frightened and should be reassured by the staff. If it is determined that the child is lost or left unattended, the staff should locate the parent or responsible guardian and firmly explain the department's policy on unattended children.

If the library or archives is closing and the parents or responsible adults have not returned for their child, or cannot be contacted, the staff member should call the Console (Ext. 0) who will notify the police. A staff member should remain with the child until appropriate arrangements have been made and the child is in the custody of the parents, police or appropriate responsible adult.

E. Assaultive or Menacing Customers (KRS 508.030; 508.040; 508.050; 525.060; 525.070)

When confronted by a customer whose behavior becomes assaultive or menacing, staff should remain as calm as possible. Avoid arguing with or physically confronting the individual. Attempt to distance yourself from the individual. Advise others in the area to leave the scene and request assistance from the Console (Ext. 0).

Use the team approach. A staff member who is physically unable to break away from an attacker should shout for help. In case of extreme emergency, dial "9-9-911", then notify the Console Operator as soon as possible.

According to KRS 503.050, the use of physical force is justified when a person believes "that such force is necessary to protect himself against the use or imminent use of unlawful physical force" by another person. The use of physical force is also justified in the defense of another party, i.e., a customer or a co-worker, who is being subjected to unlawful physical force. Staff members can use any technique of legal self-defense in order to halt or distract an attacker until law officers arrive on the scene.

File an Incident Report (Appendix B) with your immediate supervisor who will forward same accordingly.

F. Sexual Deviants (KRS 510.130; 510.150; 525.070)

Watcher: If it is determined that someone continuously watches or follows a staff member or customer, the area supervisor may warn the individual that the behavior is offensive, illegal, and may result in a police call. If the problem persists, police may be called using the established procedure (see KDLA's Customer Policy, Section IV). If police are called, file an Incident Report (Appendix B) immediately.

Flasher or masturbator: If this happens to a staff member, remain calm and do not show shock. Remember as much about the person as possible in order to give a description. Immediately alert your supervisor or a fellow staff member. Police will be called using the established procedure (see KDLA's Customer Policy, Section IV). File an Incident Report (Appendix B) immediately.

If either of the above happens to a customer, help the customer to remain calm and explain the procedure. Obtain a general description and the location of the incident. The staff member should follow the established procedure to notify police (see KDLA's Customer Policy, Section IV). If the offender is still in the building, the customer should be encouraged to have him/her arrested, but the decision should not be forced. Make sure that the customer has regained self-control before leaving. In the case of children, call their parents, and get the necessary information in order to fill out a report. File an Incident Report (Appendix B) immediately.

G. Thieves (KRS 514.010; 519.060)

To establish that a larceny has been committed, the Department must prove beyond any reasonable doubt that two elements were present at the time of apprehension:

- a. The taking away and current possession of property of value by the subject; and
- b. The intent to steal.

When these two elements are clearly present, apprehension, detention and arrest are appropriate.

Even if a customer is attempting to leave the Library with materials which have not been properly checked out, it cannot be assumed that theft was the intent. If a customer is attempting to exit the rooms with materials under his clothing or covertly wrapped in something, concealment can be used to prove intent to steal. If it is determined that a customer has willfully tried to violate the law and both possession and intent to steal seems clearly evident or provable, the staff member should tell the suspect that unless he/she surrenders the concealed state property, the state police will be called. If the material is not handed over, notify the console to call 9-1-1 and security. No attempt should be made to physically detain the individual. However, an authoritative tone of voice and manner may convince a customer to remain or hand over the materials. If the person leaves before the police arrive, give them his/her name, if known, or a general description. File an Incident Report (Appendix B) immediately.

In the event that a customer reports a theft of personal property, staff may:

- a. Check to see if the item has been turned in to Lost and Found at the security desk;
- b. Assist in a search for the item;
- c. Upon report of a theft, staff will make an immediate offer to facilitate a call to 9-1-1 to file a report. Note: If 9-1-1 is called, notify Security and the Console.

H. Vandals and Destructive Customers (KRS 56.010; 512.020; 512.030; 512.040;

519.060)

KDLA staff has a right and duty to protect public property. Examples of destructive behavior by customers are:

- Destroying or defacing materials, including the removal of pages from books, periodicals and newspapers or altering or removing public records;

- Vandalism of state property, including defacing of walls and furniture, damaging facilities (such as restrooms), breaking windows, etc.;
- Misuse of equipment, such as computers, microfilm readers, printers, etc.

Destructive customers can be careless, thoughtless, or dangerous. The staff member must evaluate the situation and decide the best method of handling it.

If it is determined that the customer has vandalized state property, the incident should be reported immediately to the supervisor and branch manager. The supervisor should assess the situation and make the determination to call the Console (Ext. 0). The supervisor also has the option of preferring charges against the customer or may choose to have the matter settled directly between the department and the customer. Restitution for any items damaged must be made.

If a staff member observes or receives a report that a customer is maliciously destroying state property, and is obviously not approachable, the staff member should immediately call the Console (Ext. 0) for police assistance. Again, avoid physically detaining the individual. Be prepared to describe the person to police officers. File an Incident Report and Subject Description Form (Appendices B & C) immediately.

Directive to Security:

"In unusual circumstances researchers or library customers may become verbally abusive or visibly upset. In any such situation if the patron makes a direct threat to the building or staff, or the situation in any way becomes an emergency, call the State Police immediately. Notify the Console that the State Police have been called and why. Notify the Facilities Manager of all emergency situations. Security guards do not apprehend or place under arrest any individual unless certified to do so." (*Security Procedures for KDLA, 1982; 1996, rev.*).

Directive to Console Staff:

If Security or Management or Staff ask you to call for help because of a disturbance or emergency situation, call 9-1-1 and report the type of disturbance. If the request did not come from Security or the Facilities Manager, inform them immediately of your actions.

Appendix A—Customer Suggestion Form

This form should be available at all service points.

KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES

300 COFFEE TREE ROAD; P. O. BOX 537

FRANKFORT, KY 40602-0537 502/564-8300

CUSTOMER SUGGESTION FORM

If you have any ideas or suggestions that you feel would help us to serve you, please indicate in the space provided below.

Name (optional):

Address:

City:

State:

Zip Code:

Telephone:

Idea/Suggestion:

Return to: Director, Public Records Division or

Director, State Library Services

Appendix B—Incident Report

This form should be available at all service points.

KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES

300 COFFEE TREE ROAD; P. O. BOX 537

FRANKFORT, KY 40602-0537 502/564-8300

INCIDENT REPORT

Type of Incident:

Accident/Injury Disturbance Theft Vandalism

Date: _____ Time: _____

Name of Employee Filing Report: _____

Name of Customer Involved (if known):

Address:

Telephone:

Description of Incident:

Other Witness(es):

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Staff Action (Notification of Supervisor; Console; Security; and Outside Help):

Appendix C—Subject Description

This form should be available at all service points.

KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES

300 COFFEE TREE ROAD; P.O. BOX 537

FRANKFORT, KY 40602-0537 502/564-8300

SUBJECT DESCRIPTION

Date of Incident: _____ Time of Incident: _____

Name (if known): _____

Address (if known): _____

City: _____

State: _____

Physical Description

Sex: MALE FEMALE

Race/National Origin: Caucasian African-American Asian Other:

Height:

Weight:

Hair Color:

Eye Color:

Any Identifying Features (tattoos, mustache, beard, scars, etc.):

Description of Subject's Clothing:

Hat:

Coat:

Shirt:

Pants:

Skirt:

Dress:

Shoes:

Glasses: