

# Princeton Public Library Policies

## Theft of Library Materials

There are two kinds of theft of library materials. One is theft by immediate, deliberate action (“shoplifting”). One is theft by withholding materials (failure to return items) long after they were due to be returned.

### Theft By Immediate, Deliberate Action

According to section 943.61 (3) of the Wisconsin State Statutes, the concealment of library material beyond the last station for borrowing this material is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been checked out in accordance with established library procedures and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or belongings of another is evidence of theft.

According to section 943.61 (4) of the Wisconsin State Statutes, an employee of the library who has probable cause for believing that a person has committed a theft in his or her presence may detain the person in a reasonable manner for a reasonable length of time in order to turn the person over to the police, or to the person’s parent or guardian.

The detained person shall be promptly informed of the purpose for the detention, but shall not be interrogated or searched against his or her will before the arrival of the police, who may conduct a lawful interrogation of the accused person.

### Theft By Unreturned Materials

According to section 943.61 (2) of the Wisconsin State Statutes, whoever intentionally takes and carries away, transfers, conceals, **or retains possession of any library material without the consent of a library official** with the intent to deprive the library of possession of the material may be penalized as provided.

Staff will make every reasonable effort to effect the return of library materials. Patrons are provided with an online library account, printed due date slip, overdue reminders via email, and mailed or emailed overdue reminders via the Winnefox Library System. Princeton library staff will further attempt to contact patrons by phone, email, and mail, informing them of what materials are overdue.

When 30 days have passed since the library items were coded “lost” by the Winnefox system, and when all previous methods have failed to produce results, debts of \$25 or more (excluding late fines) will be pursued legally. First, staff will send the possessing patron a certified letter. The cost of this certified letter will be added to the patron’s fines and fees.

This letter will give a final account of charges and missing materials, and inform the patron that if they do not return all the library materials within 10 days, theft charges may be filed with the

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local police department, who may issue a citation, and/or the debt may be collected through T.R.I.P.

T.R.I.P., the Tax Refund Interception Program, allows municipalities to seize a citizen's tax return, in full or in part, in order to pay any debts owed to that municipality. It is administered by the Wisconsin Department of Revenue Compliance Bureau. The minimum amount required by the program is \$20 in debts, not including late fees.

This library policy was passed by the Princeton Library Board on January 6<sup>th</sup>, 2020. It is backed up by an existing city ordinance: Chapter 275, Article III, Subsection 275-22.

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## City of Princeton Princeton Ordinances

### Chapter 275. Peace and Good Order

#### Article III. Offenses Against Property

##### § 275-22. Theft of library material.

A.

Definitions. For the purposes of this section, certain words and terms are defined as follows:

**ARCHIVES**

A place in which public or institutional records are systematically preserved.

**LIBRARY**

Any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the City of Princeton and school libraries.

**LIBRARY MATERIAL**

Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.

B.

Possession without consent prohibited. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

C.

Concealment. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

D.

Detention based on probable cause. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls,

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but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

E.

Damaging material prohibited. No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this subsection shall be subject to the penalties as set forth in § 1-3 of Chapter 1, Article I, Construction and Penalties.

F.

Return demanded. No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this subsection shall be subject to the penalties as set forth in § 1-3 of Chapter 1, Article I, Construction and Penalties.