

Hedberg Public Library  
A208 Theft or Damage of Library Materials  
Board Policy  
Last update – July 2002

Janesville City Ordinance:

- prohibits the removal of any library materials from the library unless they are properly checked out in accordance with established library policy (Section 9.60.055);
- empowers adult library employees to detain persons suspected of theft (Section 9.60.056);
- establishes penalties for such violations (Section 9.60.060).

In addition, damage to property in the amount of two hundred dollars or less is a violation of city ordinance 9.66.010, and section 9.66.040 establishes penalties for damage to such property.

It is the policy of HPL to detain persons suspected of attempted theft and/or damage to library property and to call the police or, in the case of a minor, parents or guardian, when there is cause to believe a theft has been attempted, as defined in Section 9.60.055, or library property has been damaged. Whether the police are called or not, persons who have been caught damaging or attempting theft of library materials may have their library privileges suspended at the discretion of the Director or Assistant Director.

Library patrons may be charged up to the replacement cost of each item stolen or damaged. In addition, municipal penalties may apply.

The sections of the city ordinance referred to above read as follows:

**9.60.055 Taking library materials without consent.** No person shall take and carry away any materials of the Hedberg Public Library without consent. “Consent,” as used in this section means that such materials were properly checked out in accordance with established policy, or were otherwise authorized to be taken by the library director in accordance with established policy. (Ord. 79-154 s1, 1979)

**9.60.056 Detention of violators.** An adult library employee or agent who has probable cause for believing that a person has violated Section 9.60.055 in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and shall be permitted to make phone calls, but he shall not be interrogated or searched against his will before the arrival of a peace officer, who may conduct a lawful interrogation of the accused person. Compliance with the section entitles the employee or agent affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty. (Ordinance 79-154 s2, 1979).

**9.60.060 Violation—Penalty.** Any person violating any of the provisions of this chapter shall forfeit and pay to the City a penalty not to exceed one hundred dollars, together with the costs of prosecution for each offense and in default of the payment of such penalty, the violator shall be imprisoned not more than thirty days. Each day’s continuance of any violation constitutes a separate offense. (Prior codes 17.12)

**9.66.010 Damage to property.** No person may intentionally cause damage in the amount of two hundred dollars or less to any physical property of another without the owner's consent. (Ord. 85-429s. (part), 1985).

**9.66.040 Violation—Penalty.** Any person violating any provision of this chapter shall forfeit and pay to the city a forfeiture not less than fifty dollars nor more than five hundred dollars, together with the costs of prosecution, and in default of payment shall be imprisoned in the Rock County jail until the forfeiture and costs are paid, but not to exceed ninety days. (Ord. 85-429s. (part), 1985).