



Authorized By:		Salt Lake County Library Board				
Subject:		<b>Theft or Defacement of Library Materials Policy</b>				
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**Policy Statement:**

The purpose of the policy is to protect library property and to describe actions library employees may take against those suspected of destruction or theft of library materials.

**Theft or destruction of library materials is a crime under Utah law. (See appendix, U.C.A., §§ 76-6-801, -803)**

**Regulations**

**1.0 Theft or Destruction of Materials**

- 1.1 All library materials must be properly checked out to an eligible borrower before they can be removed from the library. It is considered library theft if a person:
- a) Willfully conceals or removes any library materials from the premises of a library facility without authority ; or
  - b) Intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials ; or
  - c) Fails to return any library materials which have been loaned to said person by the library facility, within thirty (30) days after demand has been made for the return of the library materials, or
  - d) Fails to pay the replacement value of the materials within thirty (30) days, after being notified, if the materials are lost or destroyed.

**2.0 Actions by Library Employees in Cases of Suspected Library Theft**

- 2.1 If a library employee has reasonable suspicion that the borrower has taken library materials with the intent to steal them, the employee may detain a borrower for a reasonable time in a reasonable manner in order to investigate the suspected theft and to attempt to recover the materials.
- a) "Reasonable suspicion" means suspicion based on specific facts that the employee can articulate that are drawn from all of the circumstances facing the employee at the time of the encounter.
  - b) The sounding of a library security alarm may constitute reasonable suspicion to detain a borrower and inspect any library materials

- 2.2 If a library employee has probable cause to believe that a borrower has committed library theft, the employee may detain the borrower for a reasonable time in a reasonable manner for any or all of the purposes listed in section (b) below.
- a) "Probable cause" means that the employee has knowledge of facts and circumstances sufficient for a reasonable person to believe that library theft has been or is being committed.
  - b) Upon probable cause, a borrower may be detained:
    - To inquire whether the borrower has concealed library materials;
    - To request or verify identification;
    - To make a request to place or keep in full view any library materials;
    - To inform a peace officer of the detention;In the case of a minor, to inform a peace officer, or the minor's parent or guardian of the detention.
  - c) A detention may occur on the premises of the library facility, or if the library employee immediately pursues the borrower, the detention may occur off premises.
- 2.3 If a library employee has probable cause to believe that an adult has committed library theft, the employee may surrender custody of the adult to a peace officer.
- 2.4 If an employee has probable cause to believe that a minor has committed library theft, the employee may surrender custody of the minor to a peace officer or parent or guardian.

### **3.0 Penalties for Theft or Destruction of Materials**

- 3.1 The theft or destruction of library materials may result in criminal prosecution and/or civil liability.

Adopted by the Salt Lake County Library Services Board of Directors, September 28, 2009.  
Reaffirmed with no revisions, May 18, 2015 by Salt Lake County Library Services Board of Directors.

## APPENDIX

### **U.C.A. § 76-6-801. Acts constituting library theft.**

A person is guilty of the crime of library theft when he willfully, for the purpose of converting to personal use, and depriving the owner, conceals on his person or among his belongings library materials while on the premises of the library or willfully and without authority removes library materials from the library building with the intention of converting them to his own use.

### **U.C.A. § 76-6-802. Presumption of intent.**

A person who willfully conceals library materials on his person or among his belongings while on the premises of the library or in its immediate vicinity is prima facie presumed to have concealed library materials with the intention of converting them to his own use. If library materials are found concealed upon his person or among his belongings, or electronic security devices are activated by the person's presence, it is prima facie evidence of willful concealment.

### **U.C.A. § 76-6-803. Mutilation or damaging of library material as library theft.**

A person is guilty of the crime of library theft when he intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials.

### **U.C.A. § 76-6-803.30. Failure to return library material as library theft -- Notice -- Failure to pay replacement value -- Written notice.**

- (1) A person is guilty of library theft when, having possession or having been in possession of library materials, he:
  - (a) fails to return the materials within 30 days after receiving written notice demanding return of the materials; or
  - (b) if the materials are lost or destroyed, fails to pay the replacement value of the materials within 30 days after being notified.
- (2) Written notice is considered received upon the sworn affidavit of the person delivering the notice with a statement as to the date, place, and manner of delivery, or upon proof that the notice was mailed postage prepaid, via the United States Postal Service, to the current address listed for the person in the library records.

### **U.C.A. § 76-6-803.60. Detention of theft suspect by library employee -- Purposes.**

- (1) Any employee of the library who has probable cause to believe that a person has committed library theft may detain the person, on or off the premises of a library, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
  - (a) to make reasonable inquiry as to whether the person has in his possession concealed library materials;
  - (b) to request identification;
  - (c) to verify identification;

- (d) to make a reasonable request of the person to place or keep in full view any library materials the individual may have removed, or which the employee has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, or for any other reasonable purpose;
  - (e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer; or
  - (f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of the minor as soon as possible of this detention and to surrender custody of the minor to this person.
- (2) An employee may make a detention under this section off the library premises only if the detention is pursuant to an immediate pursuit of the person.

**U.C.A. § 76-6-803.90. Liability -- Defense -- Probable cause -- Reasonableness.**

In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by an employee of the library, it is a defense to the action that the employee of the library detaining the person had probable cause to believe that the person had committed library theft and that the employee acted reasonably under all circumstances.

**U.C.A. § 76-6-805. Penalty.**

Any person violating the provisions of this act shall be subject to provisions of Section **76-6-412**.