




Administrative Procedure

EXCLUDING INDIVIDUALS FROM THE SEATTLE PUBLIC LIBRARY	Approved by Marcellus Turner, City Librarian, on June 19, 2015; <i>Supersedes Guidelines for Excluding Individuals from The Seattle Public Library last revised April 21, 2014</i> 
Owner: Administrative Services Director	

BACKGROUND

Every member of the public has the right to use the facilities and resources of The Seattle Public Library. With that right comes the responsibility to comply with the Library’s established policies, procedures and other rules. Authorized Library staff members may exclude an individual who engages in conduct that violates the Library’s Rules of Conduct. Individual exclusion time periods range from a partial day to two years, with duration based on the category and severity of violation. Fair, reasonable and consistent enforcement of the Rules of Conduct is the job of every Library staff member.

While this procedure should guide a staff member’s execution of the exclusion process, varying circumstances necessitate the exercise of sound, independent judgment regarding enforcement of the Rules of Conduct. All staff members should avoid participation in enforcement activities that could reasonably jeopardize their safety or the safety of others.

STATEMENT

Individuals excluded from the Library for longer than seven days, who believe that they have been wrongly excluded, have a due process right to request an administrative review of the Notice of Exclusion. The Notice of Exclusion remains in effect pending the outcome of administrative review.

An individual requesting administrative review must do the following:

1. On or before the 14th calendar day after the individual is notified of an exclusion extension, the individual may request an administrative review of the exclusion order by writing to Administrative Review, 1000 Fourth Avenue, Seattle, WA 98104, or emailing adrev@spl.org. For those individuals who are disabled as defined by the Americans with Disabilities Act (ADA), the Library offers an interactive process to identify reasonable accommodations. If the individual believes that an accommodation would facilitate his or her successful use of Library services, he or she should note this in the request for administrative review.

2. The Administrative Services Director shall conduct a review of the incident and related written documentation and prepare an administrative review recommendation to the City Librarian. In certain cases, the Administrative Services Director will meet with the excluded individual to discuss possible ADA accommodations.
3. The City Librarian shall review the exclusion order and send a written final decision to the excluded individual on or before the 21st calendar day after the Library responds to the request for the administrative review.

Administrative review is a written process with specific time limits. Individuals with a disability who are unable to participate in this process may request a reasonable accommodation.

Exclusions

Which employees are authorized to exclude an individual?

The City Librarian and the Administrative Services Director are authorized to issue Notices of Exclusion for periods of time ranging from a partial day up to two years. The Facilities and Security Services Manager is authorized to issue Notices of Exclusion for a period of time up to 90 days. Security officers, Central Library managers, branch regional managers, and branch assistant managers are authorized to issue Notices of Exclusion for a time period of up to 14 days.

In the absence of the above-listed staff members, the highest-ranking staff member on duty is authorized to issue Notices of Exclusion for a time period of up to seven days. Upon the recommendation of the staff member issuing a Notice of Exclusion, the Administrative Services Director is authorized to extend the original exclusion time period for additional time, not to exceed a total exclusion period of two years.

Authorized Library staff members shall be provided guidelines (see Attachment 1) to aid them in determining the appropriate length of exclusion. The Facilities and Security Services Manager shall review all Notices of Exclusion and make a recommendation, if appropriate, to extend the exclusion period beyond the duration issued by the staff member. If an individual seeks administrative review of an exclusion order lasting longer than 30 days, the Administrative Services Director shall conduct a review of the incident and related written documentation and prepare a recommendation for the City Librarian, who will then uphold, reduce, or rescind the exclusion period as appropriate. A letter shall be sent to the last known mailing or email address of the excluded individual to notify him or her of the City Librarian's decision. The City Librarian's decision remains in effect even if the individual fails to receive the letter.

When does an individual's conduct warrant an exclusion order?

An individual's conduct warrants an exclusion order when he or she violates one or more of the Rules of Conduct. The attached guidelines include (1) offenses as categorized under the Rules of Conduct and (2) the typical corresponding periods of exclusion, if appropriate. Note that an individual's first commission of a Category A Violation would typically result in the issuance of a warning rather than a Notice of Exclusion.

When should staff members and security officers call 911?

Staff members and security officers should call 911 whenever immediate police assistance is needed because:

- An individual's behavior makes it unsafe for either the security officer and/or the staff member to attempt to exclude the individual.
- An excluded individual has returned to the Library during the exclusion period and refuses to leave when asked by a staff member or security officer to do so. In cases where the excluded individual is hostile or potentially violent, staff and security officers should avoid approaching the excluded individual and should call 911 for assistance. If the excluded individual trespasses by returning to the Library a second time during the exclusion period, staff should immediately call 911 for assistance (possibly leading to police arrest of the individual on suspicion of criminal trespass).
- An individual has carried, exhibited, displayed, or drawn a firearm in a manner that demonstrates the intent to intimidate another or that warrants alarm for the safety of others, is carrying an unlawful weapon, or has engaged in any unlawful activity, including theft and destruction of property.
- An individual assaults or threatens another person in or on Library property.
- An individual refuses to stop violating the Rules of Conduct and refuses to leave the Library when ordered to do so by a security officer or authorized staff member.
- Any other emergency has occurred, unrelated to Rules of Conduct enforcement, such as a medical emergency.

How is an exclusion order issued and carried out?

All exclusion activity must be conducted with safety in mind. 911 should be called in any immediate exclusion situation that poses a safety risk to any staff member (including security officers).

When on site, security officers will (1) ask the individual to provide valid photo identification after informing the individual that he or she has violated the Rules of Conduct, and (2) order the exclusion by providing a Notice of Exclusion and a copy of the Rules of Conduct. The security officer will perform these actions while another officer or staff member stands by. If a subject does not provide photo identification, the security officer will request verbal identification, attempt to identify the individual using other means, and provide an accurate and detailed physical description on the Notice of Exclusion.

When engaging in exclusion activity, trained security officers may utilize safe and minimal guiding and escorting techniques when necessary. While carrying out exclusion orders, trained security officers shall use only the minimum amount of force reasonably necessary to (1) protect themselves or another from assault or injury and/or (2) detain an individual for police pick-up when it is believed that the individual has committed a felony crime.

Only security officers are authorized to photograph an excluded individual, unless a Library manager is authorized by the Administrative Services Director. If it is safe to do so at the time the exclusion order is issued, an individual shall be photographed if any of the following circumstances apply:

- The individual is an adult (believed to be age 18 or older) who is issued an exclusion order reasonably expected to be approved for over 14 days;
- The adult individual refuses to produce government-issued identification when requested;

- The adult individual is being detained for police action; or
- The individual is under 18 years of age, has been observed committing a crime, and is being detained for police action.

The photograph of the excluded individual will be stored in Security Program records. In order to protect confidentiality, staff may only access this file in non-public areas.

All use of force will be detailed on the official incident report and reviewed by the Facilities and Security Services Manager and the Administrative Services Director (or designee) within 48 hours.

How is an exclusion order issued and carried out if a security officer is not available?

Staff members should approach each situation guided by training, judgment, and instincts. Safety should always come first. If a security officer is not available and it is safe to do so, an authorized staff member (backed up by another staff member) should utilize a “cautious contact” stance. The staff member should maintain a safe distance, identify the individual using the safest and best means, inform the individual that he or she has violated the Library’s Rules of Conduct, and instruct the individual to leave the property and not return to any Seattle Public Library property until a specific date (ranging anywhere from the next day to seven or 14 days).

If safe to do so, an attempt should be made to provide the individual with a Notice of Exclusion and a copy of the Rules of Conduct. Whether or not the subject is provided with a Notice of Exclusion, a Security Incident Report Form should be completed and sent electronically to Security Services as soon as possible, but no later than the end of the next day. Following a review of the Notice of Exclusion by the Administrative Services Director, Security Services shall inform Library staff members of the Notice of Exclusion, including the name of the individual excluded and the period of exclusion, through the Security Incident Report Database.

What steps should be taken if an individual violates an exclusion order?

If an excluded individual returns to the Library during the exclusion period, the individual is trespassing (committing the crime of criminal trespass) and must leave the Library. The situation should be carefully assessed to determine a safe and effective approach for ensuring the departure of the excluded individual. This assessment is best made in consultation with the Facilities and Security Services Manager, security officers, or the Administrative Services Director, since these people will often have the most information regarding an individual.

In all cases, every staff member in the work area should be made aware of the situation and no one should approach the individual alone. When the excluded individual has a known history of violence or hostile confrontation, 911 should be called immediately. Along with all pertinent information, the 911 dispatcher should be informed that the individual was “trespassed” from the Library (i.e., is subject to a current Notice of Exclusion) and that he or she has returned and is now “trespassing.” It is very important that you tell the dispatcher if the trespasser is potentially threatening (due to current or past conduct at the Library).

If the excluded individual does not have a known history of violence and hostile confrontation and is behaving in a calm and lucid manner, either security officers or staff members may instruct the individual to leave. 911 should be called if the individual refuses to leave when instructed to do so.

APPLICABILITY

This procedure applies to all incidents involving potential exclusion of an individual from the Library, as well as to any subsequent administrative appeals.

DEFINITIONS

City Librarian: The Seattle City Librarian, the acting City Librarian, or his or her designee.

Administrative Services Director: The Seattle Public Library's Director of Administrative Services, or its successor position, the Acting Director of Administrative Services, or his or her designee.

Exclusion order: A Notice of Exclusion.

RELATED LAWS, POLICIES AND PROCEDURES

Board Policy, *Rules of Conduct*.

Board Policy, *Rules of Conduct Enforcement*.

Attachment 1, Length of Exclusion Guidelines.

HISTORY

Previously titled *Guidelines for Excluding Individuals from The Seattle Public Library*. Supersedes *Guidelines for Excluding Individuals from The Seattle Public Library* adopted Aug. 1, 2013 and revised April 21, 2014.

Attachment 1: Length of Exclusion Guidelines, page 1 of 2

Duration 1st Offense under 13/13 & over**	2nd Offense* under 13/13 & over	3rd Offense* under 13/13 & over	Rule Violation Type
Category A (Library Specific Violations)			
Warning / Warning	1 day / 3 days	7 days / 30 days	Failure to comply with a reasonable staff request
Warning / Warning	1 day / 7 days	7 days / 30 days	Disruptive Behavior
Warning / Warning	1 day / 3 days	7 days / 30 days	Feet on Furniture
Warning / Warning	1 day / 3 days	7 days / 30 days	Food or Beverage (Unauthorized)
Asked to leave until correction is made	1 day / 3 days	7 days / 30 days	Hygiene, Bare Feet or Clothing Issue
Warning / Warning	1 day / 3 days	7 days / 30 days	Moved Library Furniture
Warning / Warning	1 day / 3 days	7 days / 30 days	Oversized Article(s)
Warning / Warning	1 day / 3 days	7 days / 30 days	Pet Animal in Library
Warning / Warning	1 day / 3 days	7 days / 30 days	Littering
Warning / Warning	1 day / 3 days	3 days / 7 days	Sleeping or Lying Down
Warning / Warning	1 day / 3 days	7 days / 30 days	Smoking/Tobacco Use On Property
Warning / Warning	1 day / 3 days	7 days / 30 days	Soliciting or Conducting Survey
Warning / Warning	1 day / 3 days	7 days / 30 days	Camping
Warning / Warning	1 day / 3 days	7 days / 30 days	Unattended Items
Warning / Warning	1 day / 3 days	7 days / 30 days	Using Wheeled Device
Warning / Warning	1 day / 3 days	7 days / 30 days	Computer Abuse - Procedural
Category B (Serious Library Specific Violations)			
30 days / 60 days	30 days / 90 days	30 days / 1 year	Returned During Active Exclusion
RDAE under age 18 Each RDAE offense for juveniles will add 30 days to a 2 year max.			
30 days / 60 days	45 days / 90 days	90 days / 1 year	Harassment (discriminatory, obscene, profanity)
30 days / 60 days	45 days / 90 days	90 days / 1 year	Restroom Misuse
Category C (Drug or Alcohol Possession or Use)			
45 days / 90 days	90 days / 180 days	180 days / 1 year	Being under the influence of alcohol or controlled substances
45 days / 90 days	90 days / 180 days	180 days / 1 year	Possession or use of alcohol
Category D (Violation Toward Person(s) or Property)			
45 days / 180 days	90 days / 1 year	180 days / 1 year	Perceived Threat or Intimidation to others
45 days / 180 days	90 days / 1 year	180 days / 1 year	Damaging or stealing personal or Library property valued under \$250

Attachment 1: Length of Exclusion Guidelines, page 2 of 2

Duration 1st Offense under 13/13 & over**	2nd Offense* under 13/13 & over	3rd Offense* under 13/13 & over	Rule Violation Type
Category E (Serious Violation Toward Person(s) or Property)			
180 days / 1 year	1 year	1 year	Assault / Fighting without injury and/or property damage
180 days / 2 years	1 year / 2 years	1 year / 2 years	Assault / Fighting resulting in injury and/or property damage
180 days / 1 year	1 year	1 year	Bomb Threat
180 days / 1 year	1 year	1 year	Selling, using, or possessing controlled substances or selling alcohol
180 days / 1 year	1 year	1 year	Indecent Exposure or Lewd Conduct
180 days / 1 year	1 year	1 year	Malicious Fire Alarm Activity
180 days / 1 year	1 year	1 year	Damaging or stealing personal or Library property valued at \$250 or above
30 days / 60 days	45 / 90 days	90 days / 1 year	Remain on Property Following Order of Exclusion (i.e. refuse to leave the premises)
180 days / 1 year	1 year	1 year	Robbery
180 days / 1 year	1 year	1 year	Threat of force against other patrons, volunteers, or staff - verbally, physically, or in writing, including all forms of electronic media
30 days / 60 days	45 days / 90 days	90 days / 1 year	Trespass in Nonpublic (staff only) Area
180 days / 1 year	1 year	1 year	Trespass - Sex Offender with Library Restrictions
1 year / 2 years	1 year / 2 years	1 year / 2 years	Carrying, exhibiting, displaying, or drawing any firearm in a manner that demonstrates intent to intimidate another or that warrants alarm for the safety of other persons.
180 days / 1 year	1 year	1 year	Possession of any other dangerous weapon

* Means second (or third) violation of the same rule within a one-year period.

** Individuals under age 13 will receive the shorter Notice of Exclusion period. Proof of age must be shown either at the time the Notice of Exclusion is issued or during an administrative review.

***Multiple Notices of Exclusion must be served consecutively, not concurrently.

Revised 6.18.15