

MEMORANDUM OF LAW

DATE: November 14, 1994

TO: William W. Sannwald, Director, Library Department

FROM: City Attorney

SUBJECT: Damage to Library Property and Legality of Excluding
Library Patrons

We have been asked by Library staff to assist in providing a solution to the problems created by patrons who damage Library materials or who are suspected of damaging such materials. More specifically, we were asked to discuss tampering with Library computers, theft of or damage to Library property, and under what circumstances patrons' Library privileges may be suspended or revoked.

The attached memorandum from Senior Legal Intern Joan N. McNamara discusses those concerns in detail and provides specific answers to the questions raised. Relevant California Penal Code sections and case law are included that provide authority for the conclusions reached in that memorandum. It is important to emphasize that patrons who are suspected of theft or tampering with Library materials may not be excluded on suspicion alone. There must be evidence of tampering or theft before a patron's privileges may be revoked.

We will be happy to provide further assistance on these issues if you desire.

JOHN W. WITT, City Attorney

By

MKJ:mb:273(x043.2) Mary Kay Jackson

Attachment Deputy City Attorney

cc Ellen Sneberger,
Supervising Librarian
Central Library

ML-94-91