

# No Trespass Policy Lebanon Public Libraries

## **Overview**

Individuals who violate our Rules and Regulations Policy may be denied access to both libraries and their grounds through the issuance of a written No-Trespass Notice.

## **Issuance of No-Trespass Notices by Library Staff**

The procedure for issuing a No-Trespass Notice will preferably involve three library staff members coming to a consensus regarding whether or not to issue the Notice, and the length of time for which it shall be issued. The Library Director, or in their absence, the Deputy Library Director and the individual(s) on staff most knowledgeable regarding the situation leading to the issuance of a No-Trespass Notice should be involved in this process. Should this group not be able to come to a consensus, the Library Director or in their absence the Deputy Library Director will render a decision regarding the issuance of the No-Trespass Notice.

Each No-Trespass Notice must be in writing and specify:

- 1) The reason for the Notice
- 2) A description of the specific behavior(s) leading to the Notice
- 3) The scope and duration of the prohibition
- 4) The potential consequences of the violation of the prohibition
- 5) The appeal avenue available, described below

The scope, duration, and other stipulations of the No-Trespass Notices must be proportional to the underlying misconduct.

No-Trespass Notices will be sent via certified mail, or will be delivered by the Lebanon Police Department.

Copies of all No-Trespass Notices will be provided to the Chief of Police, and will be made available to library staff. Library staff will be notified of the name and length of time that a patron is trespassed whenever a letter is issued.

## **Appeal Procedures**

Patrons may appeal a No-Trespass Notice by submitting an appeal in writing, within fifteen days of the Notice issue date, to the Library Director. This period may be extended if delivery of the letter is not possible during this appeal period. The appeal will be sent to the Chair of the Board of Trustees, or another officer in their absence.

### **Consideration of Appeal**

In the written appeal, the basis of appeal should be stated as precisely as possible. The following bases of appeal will be considered:

- A compelling reason for needing access to the area from which one has been excluded (*e.g.*, attendance at Alcoholics Anonymous meetings). In the letter of appeal, the location and time of desired access and the reason for access should be included.
- A clear abuse of discretion by the official who authorized or issued the No-Trespass Notice.
- New information or evidence related to the incident or circumstances around the issuance of the No-Trespass Notice (*e.g.*, resolution of criminal or judicial case).

Upon receipt of an appeal request, a member of the Library Board of Trustees, the Chair or a board member designated by the Chair will review the appeal, consulting as needed with library staff to verify the need for access to the library, to gather additional information or advice, or to review the impact that an appeal may have on the other parties involved in the incident, and may also consult with the trespassed person. The appeal will be considered first and foremost in the context of the health, safety, and security of the patrons and staff at the libraries. For letters of trespass issued with a term of six months or less, the board member who reviews the appeal can determine if the appeal process should proceed to the entire board.

### **Appeal Decision**

The Library Board of Trustees will review the appeal at a regularly scheduled meeting, or one convened for this purpose. Following a vote by the board, the Library Board Chair or designee will render a written decision regarding the appeal. The appeal decision may 1) uphold the No-Trespass Notice, 2) modify it (*e.g.*, granting access to specific locations at specific times), or 3) vacate it.

### **Disclosure to Affected Parties**

In all cases, the aggrieved party will be notified of the decision of the board regarding their consideration of the appeal by email, mail, or an alternate method they may choose. If the original No-Trespass Notice is vacated or modified, the Library staff will be notified of the appeal decision.

### **Reporting a Potential Violation of a No-Trespass Notice**

Library staff should contact the Lebanon Police Department if they believe that an individual is present in the library or on its grounds in violation of a No-Trespass Notice.

### **Consequences of Violation of a No-Trespass Notice**

All persons who violate No-Trespass Notices may face prosecution for unlawful trespass under New Hampshire criminal and civil law.

Adopted by the Board of Trustees: October 22, 2019

Revised: April 26, 2022