

MEDIA TOOL KIT FOR LIBRARIANS & TRUSTEES – Return of Library Materials

Governor Walker signed the Return of Library Materials bill into law on February 29 along with nearly 50 other bills. This legislation was supported by the Wisconsin Library Association (WLA).

The legislation clarifies how two different Wisconsin statutes work together; one is about library patron privacy (s.43.30) and the other about theft of library materials (s. 943.61). Some libraries already contracted with collection agencies or followed municipal ordinances that allowed law enforcement assistance. Other libraries had been advised by municipal attorneys that they could not.

Local media may be contacting individual community libraries to inquire about local policies.

Media coverage of the Return of Library Materials bill during the legislative process emphasized a library's potential use of police powers, referenced "library fines" as interchangeable with the retrieval of and payment for unreturned items, and trivialized the loss of library materials. While post-bill signing coverage following a timely WLA press release on February 29 has portrayed patron privacy protection and lost item retrieval more accurately, references to librarians snitching on deadbeat borrowers and confusion over police collecting ordinary fines continues to be imperfectly understood.

Please see page 2 for a copy of the WLA press release that can be shared with your local media, accompanied by a paragraph or two briefly explaining your particular library's current policies and practices. It's better to be proactive and tell your library's story in your own way than end up responding to a pre-set frame.

Be prepared for media questions about how this may affect your library: Does your library currently contract with a library collection agency? If so, what is the return on investment? If not, will you? Does your library already receive some kind of assistance from law enforcement to retrieve unreturned items? Are policy changes by the library board anticipated with this new law? How much on average does your library lose in unreturned materials in a typical year?

Here are the main talking points:

- **The legislation is directed at return of materials and replacement costs, not ordinary "nickel and dime" library fines.**
- **The legislation addresses a big problem: non-returned library materials cost Wisconsin taxpayers an estimated \$3 million annually.**
- Librarians are frugal and attentive guardians of the public's assets.
- Libraries respect and protect the privacy rights of citizens who utilize library services and resources.
- This legislation strikes the proper balance between patron privacy and the protection of public property while providing libraries with clear statutory authority.
- Information to be disclosed is limited to the individual's name, contact information, amount owed and the number and types of overdue materials (NOT the titles of the materials).
- The legislation is enabling, not mandatory. No library board will be obligated to contract with a collection agency.
- No law enforcement agency will be obligated to retrieve library materials or collect amounts owed for lost items. Mutually acceptable local agreements are constructed and implemented to appropriately fit each community's library and police policies.
- Our library board will review the new law to determine if any changes to our current policies are needed.

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Governor Signs Bill to Assist Return of Library Materials

Members of the Wisconsin Library Association (WLA) expressed appreciation as Senate Bill 466 was signed into law by Governor Scott Walker on Monday, February 29, 2016.

The bipartisan legislation coauthored by Senator Sheila Harsdorf (R-River Falls) and Representative Nancy VanderMeer (R-Tomah) is about retrieving unreturned public library materials and collecting replacement costs.

“This isn’t about nickel and dime fines for items that are returned late,” stated WLA Executive Director Plumer Lovelace. “This is a serious issue. More than three million dollars’ worth of taxpayer-owned library materials are simply not being returned to our public libraries each year, despite months of repeated notices and calls from library staff. Statewide, libraries are losing about 5% of their annual materials purchasing budget.”

The legislation clarifies how two different Wisconsin statutes work together; one is about library patron privacy (s.43.30) and the other about theft of library materials (s. 943.61). Some libraries already contracted with collection agencies or followed municipal ordinances that allowed law enforcement assistance. Other libraries had been advised by municipal attorneys that they could not.

Libraries take patron privacy seriously, as well as their responsibility for items purchased with tax dollars. The new law balances privacy with fiscal responsibility by authorizing public libraries to disclose a limited amount of information to third parties in order to retrieve missing library items.

The legislation allows libraries to share the patron name, amount owed, number and type of materials, but not the titles or subject matter, with collection agencies specializing in a soft but effective approach to library accounts.

The legislation also allows a library to choose to share the same limited patron information with local law enforcement for accounts with unreturned materials totaling over \$50 in value. The most common scenario is mailing a letter to the patron on police letterhead.

It is expected that local libraries choosing to use some variant of law enforcement assistance will craft agreements that take both the library board policies and municipal or county law enforcement policies into account when implementing a procedure that best fits their communities.