Massena Public Library

Destruction or Detention of Library Property Policy

Purpose

The Destruction or Detention of Library Property Policy provides guidelines to address the intentional destruction or detention of Library materials, to safeguard the public's investment, and to preserve Library materials for future use by patrons.

New York State Education Law §264 Injuries to property

New York State Education Law §264 states "Whoever intentionally injures, defaces or destroys any property belonging to or deposited in any incorporated library, reading room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or by both such fine and imprisonment."

New York State Education Law §265 Detention

New York State Education Law §265 states "Whoever willfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or other property may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars, or by imprisonment in jail not exceeding six months, and the said notice shall bear on its face a copy of this section."

Policy

The Massena Public Library has been entrusted to provide materials for all members of the public. As stated in the Collection Development and Maintenance Policy, the goals of material selection include "maintaining a well-balanced and broad collection of materials for information, reference and self-study".

Any deliberate defacement, damage or destruction of Library materials, or the deliberate withholding of materials, represents a waste of public funds, a loss to the community, and prevents other members of the public from thoroughly benefitting from those materials. Patrons who damage or fail to return Library materials shall be charged a fee to repair or replace the item according to the Library's Circulation Policy. Patrons may lose borrowing privileges for additional materials until such fees have been paid.

When appropriate, intentional defacement, damage, destruction or detention of Library materials or other types of property will be reported to law enforcement authorities. Those persons committing such actions may be subject to criminal and/or civil penalties under New York State law. Disclosure to law enforcement is consistent with New York State Civil Practice Law & Rules §4509 and the Confidentiality of Library Records Policy as such disclosure is necessary for the proper operation of the Library.

This policy was adopted by the Massena Public Library Board of Trustees on October 14, 2025.