



106 Washington Avenue, Oshkosh, Wisconsin 54901-4985

## MEMORANDUM

**DATE:** July 20, 2020  
**TO:** Oshkosh Public Library Board of Trustees  
**FROM:** Jeff Gilderson-Duwe, Library Director  
**RE:** Proposed revisions to “Fines and Fees Policy” – eliminating overdue fines

### Key policy revisions for library board consideration:

1. Eliminate fines for overdue Oshkosh Public Library materials. Retain fines for overdue materials borrowed from other libraries. Retain charges for replacement of lost, damaged, or long overdue library materials.
2. Eliminate account processing surcharge for patrons who have been referred to collection agency for losing, damaging or keeping long overdue library materials.

### The case for eliminating fines for overdue library materials

- Starting with the “Safer at Home” period of the COVID-19 public health emergency and continuing until the present, Oshkosh Public Library has ceased to assess or collect overdue fines. At the onset of the emergency, we extended the due dates for library materials and ceased to assess fines on overdue materials. Although the Mt. Vernon Street book drops remained open throughout, we sought to alleviate anxiety about late library materials as our patrons sought to slow the spread of the coronavirus by staying home.
- Before the COVID-19 public emergency began, I had been considering making a proposal to the board to “go fines free” for some months. Discussions were underway within the library’s management team and with the library board President. We were unable to complete that process before being confronted with the COVID-19 emergency.
- In the past few years, many American public libraries – both large and small – have recognized that overdue fines are unjustly discriminatory; ineffective as incentives for the return of library materials; create barriers to use of public library collections for economically challenged children and their families; and put library workers in an enforcement role that damages relations between them and members of the public. It is my belief that elimination of fines for overdue materials has very quickly become a “best practice” in American public libraries.
- Many libraries in Wisconsin are already fines-free, including the Elisha D. Smith Public Library in Menasha and those in Fitchburg, Sun Prairie, Eau Claire, La Crosse, Waterford, Monona and Janesville.

*“A Library in Every Life”*

- Oshkosh Public Library has explicitly emphasized service to people and families who are coping with hardships arising from the COVID-19 crisis. The economic impacts of the pandemic will undoubtedly exacerbate poverty in Oshkosh – a community in which 21% of residents were living below the poverty line **before** COVID-19. Dismantling the barriers to library use created by overdue fines is one way of acting on that stated priority.
- Americans are today facing the challenge of making structural changes to systems that discriminate against people who are Black, Indigenous, or who otherwise identify themselves as people of color. Since these individuals are often disproportionately represented among those in poverty, eliminating overdue fines that may block them from using library collections and services is one small step toward equity and away from discrimination.
- Although elimination of fines will cause the Library to lose one source of non-levy revenues (estimated in summer 2019 at \$29,000 for the year 2020), our response to the COVID-19 crisis froze fine revenues at about \$6,300 by mid-March. There is no guarantee that OPL services will resemble “normal” anytime soon, making it unlikely that the Library will collect more overdue fines before the end of 2020. Thus, the Library has already absorbed the budget impact of the lost revenues in 2020. If the library board approves the proposal to eliminate overdue fines, we will build a 2021 operating budget with no fines revenues assumed.

#### The case for eliminating the collection agency account processing fee

- A \$15 account processing fee is currently assessed on each patron who has lost, damaged, or kept long overdue library materials, and whose account has been referred to the collection agency. Like overdue fines, these fees create barriers to use of the Library, especially to economically challenged families. The collection fee is assessed on top of the replacement cost of the lost or damaged library materials. Since the fee does not cover the library’s costs to process the patron account, it appears to be punitive.
- During last summer’s budget-making process, 2020 revenues from these fees were estimated to be \$4,000. We collected about \$1,000 by mid-March. As with the overdue fines revenues, we have already absorbed the reduction in our current budget year and have the opportunity to plan a 2021 budget that does not rely on those funds.

In the coming weeks, as we move into the budget-making period for 2021, I will have a clearer idea whether we may be able to discover expenditure savings commensurate with the reduced revenues for fines and collection agency fees. If this seems infeasible, we may wish to discuss the option of replacing some of these lost revenues with funds from the Library’s accumulated surpluses from past years (also known as “undesignated fund balance” or “carryover surplus”).

I believed that going “fines free” was the right thing to do before the COVID-19 crisis hit. In light of the protracted economic struggles that many in our community will face yet during this pandemic and in its aftermath, I believe that now is the time to make this a permanent change in policy.