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**Library**

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October 6, 2005

TO: Supervisor Gloria Molina, Chair
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FROM: Margaret Donnellan Todd
County Librarian

SUBJECT: **BOARD REPORT – INTERNET PORNOGRAPHY IN COUNTY LIBRARIES**

On August 16, 2005, the Board of Supervisors instructed the County Librarian to determine methods to ensure that children and other patrons are protected from exposure to pornographic materials being viewed on the Internet by others. On September 9, 2005, the County Librarian submitted an initial report and recommendations to the Board. After further discussion and review, the Library Department is submitting a revised report with recommendations for the Board's consideration.

The current County Library policy, which is in compliance with Federal law, allows parents to determine whether their children will receive filtered, unfiltered or no Internet access. While the current filtering system sometimes overblocks, library staff can access any appropriate site as requested by a child. Adults may select filtered or unfiltered access. Although the Library makes no attempt to determine which sites meet the legal test of obscenity, Library policy does require that law enforcement be called if an adult is viewing what appears to be child pornography. The Library's Internet policy has worked well and the Library has received very few complaints that could not be easily resolved. However, while this policy protects children as well as any adults who choose filtered access, from inappropriate sites, it cannot always prevent the inadvertent viewing of sites on other library users' computers. County Counsel and the County Librarian have explored various approaches to resolve this issue.

The Library has had privacy screens installed on its public access computers. These screens prevent individuals from viewing what others have on their computer screen. These screens work effectively to block the view from the left, right and from a distance. However, anyone who stands directly behind the computer user can view what is on the screen. In surveying the libraries, the Department determined that many of the privacy screens had been removed and broken by patrons and not replaced by staff because of the complaints regarding the loss of visual clarity due to the privacy screen. In the instance of the complaint at the Canyon Country Library, it was determined that the privacy screen had been removed. If the privacy screen had been in place, the patron would not have been able to view what the individual sitting next to her had on the screen.

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The Department considered the option of placing a filtering device on adult computers to attempt to filter out objectionable sites and met with County Counsel to discuss this approach.

County Counsel has advised us that the law in this area is uncertain. While it is permissible for the library to ban access to child pornography and obscenity, the legal definition of obscenity is dependent on community standards and very difficult to apply in the library setting. And the law remains unclear as to what action the Library can take to prohibit access to materials which are adult in nature but less than obscene. Further, given the potential for litigation around this issue, County Counsel has requested that they be closely consulted on the details of any filtering process employed by the Library.

The Department could completely block all objectionable sites for both adults and children. However, the library staff would need to unfilter sites whenever requested by a patron. Using a broad filter such as the Library Department uses for children would ensure an almost constant request for unfiltering. For example, Google images cannot be accessed with the filter in place. Health information, especially dealing with topics such as sexually transmitted diseases, would frequently be blocked. With the staffing levels available in the County's libraries, it is doubtful that staff could efficiently respond to requests for sites to be unblocked. Further, most adults would find the restrictions placed on their use of the Internet frustrating.

Since the Department would have great difficulty managing a broad filter on adult computers, the idea of placing a limited filter was explored but that too presented many problems. First, individuals would have the right to ask that a site be unblocked. Unless there are very clear legal grounds to refuse that request, the library staff would need to comply. At that point, the issue of preventing inadvertent viewing of the screen would remain unresolved. In addition, attempting to filter only the obscene material would still leave many sites that some individuals would find offensive. However, considering all the factors involved in this issue, the Department believes that a narrow filter for adult computers could be designed and managed in a manner that would respect the rights of adults while creating an additional safeguard for children. This filter would block explicit visual sexual sites. In keeping with the United States Supreme Court ruling however, adult library users can request that a site be unblocked. For those reasons, the Department believes that at present the best course would be to introduce a number of measures to reduce the incidence of inadvertent viewing of objectionable sites by others.

These include:

1. Provide a limited filter on adult computers which will block explicit visual sexual sites.

2. Permanently attach privacy screens on all library computers for adult use. Adopt a policy whereby any computer user who attempts to remove the privacy screen will lose Internet privileges. Instruct staff to continue to adopt improved privacy technology as it becomes available.

3. Filter all children's computers allowing staff to unblock sites as appropriate for children, as per their parents' direction. Adults requiring the limited filtering profile would be required to use computers in the adult area.

4. Recommend that the Board of Supervisors modify the Board motion of December 21, 1999 to require that any adult wishing to use a children's computer must first receive permission from the community library staff.

5. Change the location of computers in community libraries wherever possible to move adult computers away from the direct path of travel for children. In areas where this is not possible and there is concern that the public may try to remove privacy screens, the Library will install computer monitors with the privacy screens incorporated into the monitor. Since these new type monitors are significantly more expensive than standard monitors, this will need to be done on a case-by-case basis.

6. Post signs approved by County Counsel near adult computers informing the public that there may be sites viewed on adult computers that are not appropriate for children. In addition, the Library Department will revise materials provided to the public regarding the Internet to include information on filtering to ensure that parents are aware that only children's areas have all computers configured for the children's filtering profile..

These measures will make significant progress in addressing this issue in most of the County's libraries. However, the Department recognizes that in the County's very small library facilities, it is difficult to separate library use between adults and children. While these measures will help to some extent, the Department will need to assess each of these libraries' individual circumstances in order to develop options that will find the balance between the interests of adults and children in those smaller library facilities.

In any discussion of Internet use in the Library it is important to understand that filters are not fail-safe, they are simply a tool. Filters not only overblock but because of the dynamic nature of the Internet those filters can sometimes underblock as well. It is very important that the Public Library works with parents to help ensure a nurturing environment in the children's areas of our libraries. However, parents must understand that ultimately they have the responsibility to supervise their children's activities as they believe is best for their child.

If these recommendations are accepted, the Department will need additional funding in order to purchase servers and related equipment for the limited filter option. Implementation of the filtering option will require the purchase of this equipment. In addition, the Department would recommend the immediate purchase of monitors with privacy screens incorporated into the monitors. This new type of monitor will prevent the removal of privacy screens. In lieu of the new monitors, the Department could place new privacy screens on all computers. However, these standard screens can be removed by the public. Finally, the Department will require additional funds to complete reconfigurations of computer layouts

The total additional funding requested by the Department is $344,000. This total includes replacement of all monitors with the new 3M privacy screen monitor at a cost of $237,000. (In lieu of monitors, replacement of standard privacy screens on all computers will cost $124,000) The immediate completion of floor plan reconfigurations which are estimated at $32,000 and the implementation of the limited filtering option at a cost of $75,000.

The Library Department will provide a report to the Board in six months evaluating the effectiveness of these measures.

MDT:rmo
c_Board Motions

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors