



Memorandum

TO: Mayor and City Council

FROM: Vice Mayor Judy Chirco
Councilmember Ash Kalra
Councilmember Sam Liccardo

SUBJECT: **LIBRARY INTERNET ACCESS
AND COMPUTER USE POLICY**

DATE: April 10, 2009

APPROVED:

Sam Liccardo
RH

Judy Chirco MS

4-10-09

RECOMMENDATION

1. Direct City Manager to have staff create a "log-on" page that reminds library users of City access rules, warns of the illegality of exposing harmful material to minors, advises users to use computers responsibly, and requires users to affirmatively acknowledge agreement with these conditions before proceeding.
2. Defer consideration of any additional expenditures on any internet filtering technology greater than \$25,000, including staff time, until three conditions are met:
 - a. The San Jose Police Department's Sexual Assault Investigation (SAIU) and Internet Crimes Against Children (ICAC) Units are fully funded by City and grant sources to ensure proactive enforcement against on-line predators;
 - b. Library hours per branch return to their FY 00-01 levels (54 hours per week) with adequate staffing, to ensure full provision of services to our youth; and
 - c. The crossing guard program is fully funded to match expenditures needed to meet demand for crossing guard services citywide
3. Upon the completion of recommendation #2, council should assess the technological solutions available at that time, to ensure the most modern technology can efficiently and effectively be applied to minimize child exposure to harmful material.

BACKGROUND

We all agree on the need to prioritize child safety and protection with our scarce budgetary dollars. For that reason, we need to focus our dollars on those specific threats – online child predators, vehicular traffic, and inadequate after-school "safe places" for latch-key children, for example—that currently put children in harm's way.

In contrast, the risks posed to children by library computers seem minimal. The overwhelming majority of instances in which children are exposed to pornography occurs in the home and in schools, where parents and teachers need to assert authority necessary to protect our kids. During the 2007-2008 fiscal year, San Jose Public Libraries (excluding the King Library) had 4,945,047 visitors with 1,399,378 computer login sessions. During that same time period, there were only two complaints of instances of lewd behavior and one complaint to library staff regarding viewing of pornography in the branch libraries. For the same fiscal year, the King Library had 2,743,823 visitors

COUNCIL AGENDA:

ITEM:

Page 2

with 758,620 computer login sessions. During that same period, there were only two reports or arrests for lewd behavior. Over the past two fiscal years, the King Library had over 5.3 million visitors and almost 1.5 million computer sessions with only 14 complaints to library staff regarding the viewing of pornography.

This City faces a \$75 million deficit, which is likely to grow. Currently, budget cuts force senior detectives in the SAIU and ICAC to answer the phone because of the lack of support staff. We're cutting library hours so severely that many communities may lack access to their public library—often the only safe place for children to go after school-- for as many as two or three days a week. Our crossing guard program remains chronically underfunded.

Placing filters on computers appears to do little to address any of the real threats faced by our kids. In this budgetary climate, every dollar diverted for filters is a minute, hour, or day during which a library must shut its doors. The people of San Jose had the foresight to invest in our libraries when they passed the library bond measure in 2000, and expressed faith in the city to deliver a library system of which we can be proud.

For this reason, we urge a sober approach – one focused on sound policy over sound bites, and one that sets aside the divisive politics of culture wars in favor of common sense. To whatever extent our children need protection from computer pornography, we can and should engage in less expensive approaches – such as the use of “privacy screens,” and in public campaigns to urge parents to take greater responsibility for their kids' computer usage. It is difficult to justify imposing a cost on our General Fund for computer filters and software that savvy youth can avoid anyway.

If we institute a policy based on today's imperfect technology but decide to defer implementation, we will still expose our city to risks we can ill-afford at this time. The policy would certainly invite expensive lawsuits over First Amendment rights in our libraries. Additionally, it would imperil our relationship with San Jose State University --- an institution with a clear mission towards academic freedom --- with whom we share library and computer resources.

Whatever policy decision we may make today about filtering requires a technological solution. That technology will evolve quickly over time. Accordingly, it seems foolhardy to make those decisions today without awareness of what future technological change may bring.

When we revisit this issue in the future, internet filtering technology may well have evolved to the point that implementation becomes far less expensive, and far less disconcerting to those of us concerned about civil liberties. Let's take on this task when we have the resources, and the technology, to do so sensibly.