

Memorandum

**TO: RULES AND OPEN GOVERN-
MENT COMMITTEE**

FROM: Jane Light

SUBJECT: SEE BELOW

DATE: January 9, 2008

Approved

Christine J. Shippin

Date

1/11/08

**COUNCIL DISTRICT: Citywide
SNI AREA: N/A**

**SUBJECT: STATUS REPORT RELATING TO INTERNET FILTERING PROPOSAL
AND COMPUTER USE AT SAN JOSE PUBLIC LIBRARIES**

RECOMMENDATION

Approve status report for Library workplan relating to Internet filtering proposal as approved at November 14, 2007 Rules and Open Government Committee.

OUTCOME

The Library Department will provide an update to the Rules Committee on progress since November, 2007 relating to policy review research and analysis, including review of options relating to filtering Internet access at San Jose Public Library branches and the King Library.

BACKGROUND

On October 24, 2007, Councilmember Pete Constant asked the Rules Committee to consider a policy change for the Library Department that would include installing Internet filters and software on all public access computers.

Administration reported back on November 14, 2007 with responses to specific Council questions from the October 24, 2007 Rules Committee meeting, as well as with a policy review plan and workload assessment to gather more information for City Council prior to Council making a final policy decision.

This is a status report on activities performed by staff between November 14, 2007 and January 7, 2008. In addition, this report responds to questions Councilmember Judy Chirco asked about the current status and conditions at the San Jose libraries regarding Internet use and customer behavior.

ANALYSIS

The purpose of this memorandum is to provide an update on Administration's policy review and analysis which is currently underway. The information provided in this memo covers a period of approximately six weeks since last action by the Rules Committee. In addition, this memo responds to Councilmember Chirco's question about the current status.

1. WHAT IS THE CURRENT STATUS AT KING LIBRARY AND BRANCHES?

The San José Public Library has a number of policies and practices in place to proactively and efficiently handle public behavior in the library. These policies help create an atmosphere that is pleasant and welcoming for all of our users, and the policies are enforced by well-trained and dedicated library professionals. San José's award winning library system is among the busiest in the United States. In fiscal year 2006-07, a total of 7,639,614 visitors checked out or renewed 14,060,019 items and logged into library computers 2,109,135 times.

Limited numbers of computers are available to the public in our eighteen library buildings. These computers are designated for various age groups: 12 years old and under (Children's Area), ages 12-18 years (Teen Area), and ages 12 through adult (Technology Center). The computers are located in sections of the library that are designed with materials and furnishings that are appropriate to the ages described. Most library buildings have wireless Internet access. Adults are not permitted to use their laptop computers in the children's or teen rooms unless they are working with a child.

Complaints about behavior of other customers while using computers are seldom received, but if so, are always acted on immediately by SJPL's professional librarians and paraprofessional staff. Any verbal complaints to staff are dealt with immediately, usually by asking the computer user to refrain from viewing sites that others find offensive and interfere with their ability to comfortably use the library. The computer user may also be asked to use a privacy screen or move to a computer in a less conspicuous location. This action by library staff resolves customer concerns in a prompt manner, and this intervention would continue to be expected regardless of the filter environment in the library system. Staff members are always present in the public areas of our libraries to assist customers with their needs, monitor facility issues and customer behavior, and immediately respond to any customer complaints.

The joint King Library has many more public-access computers available to support San José State University's academic research environment at that facility and because the King Library serves as the City's main library, it holds the bulk of research resources. The Children's Area on the first floor of the King Library is not located near these research areas. Adults not accompanied by a child are not permitted to loiter or otherwise use the children's and teen areas, unless they are using library books and collections that are housed in the children's and teen areas. Children's Area staff proactively ensure that adults are not in the area without good reason.

Branch managers and supervisors of the branches and units of the San José Public Library monitor the behavior and actions of customers using our facilities. There is no tolerance of illegal or inappropriate behaviors, and all necessary measures are taken to stop any such

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behaviors immediately, including the suspension of some offenders. Staff will contact the San José Police Department or San José State University Police Department when necessary. Currently, SJPL has one Security Officer position available to cover all branch libraries, responding primarily to after-school behavior concerns, and various gang issues at library branches. The security officer also gives advice to staff at branches and reviews incident reports. Branch library staff are trained to call the Police Department for assistance when security is not available. Inadvertent viewing of adult materials has never been a significant issue in the daily operation of the library system.

At King Library, 13.5 FTE Community Service Specialists provide basic security, with a minimum of four staff on duty at any time during open hours. They are trained to respond to a variety of situations and monitor the numerous on-site security cameras. When supervisory intervention is necessary, staff call upon two full-time sworn SJSUPD police officers who provide full coverage for the open hours of the King Library facility. These positions are funded jointly by the City and University to provide security to the King Library. This amount of coverage is significantly greater than the security officer coverage provided by the City at the old Dr. King Main Library prior to moving to the joint facility in 2003.

Taking into account the millions of visitors annually, inappropriate sexual behavior cases are few and far between. Allegations have included a rape in the King Library; however, UPD verified that there has never been a rape in the library. NO cases of arrests by SJPD at branch libraries are recorded for fiscal year 2006-07. There have been only three arrest reports in the past two fiscal years at branch libraries for incidents of a sexual nature. There have been twenty-nine arrests by SJSUPD at King Library in the past two years for disorderly conduct/lewd acts, sex offenses, or other issues of a sexual nature. The on-site UPD officers take immediate action for any incident of illegal activity. These represent fewer than 5% of the total arrests and citations made at the King Library during that period. In a large public building with more than 2.5 million visitors annually, the King Library is fortunate to have onsite law enforcement available during open hours. It is fair to conclude that branch libraries and King Library are safe public places.

My career as a library director began long before the Internet. Lewd acts, although infrequent, have always occurred in public and public academic libraries and staff have been trained to be alert and respond appropriately. Internet access has not materially increased such incidents and there is no identifiable causative link between Internet access and illegal sexual behavior.

A summary of King Library and the branch libraries is shown below.

LOCATION By fiscal year	FORMAL WRITTEN COMPLAINTS about pornography on computers	POLICE ARRESTS re: sex crimes TOTAL	POLICE ARRESTS re: sex crimes @ computers	COMPUTER RESERVATIONS # of annual sessions	GATE COUNT # of annual visitors
King Library					
2005-06	10*	13	1	732,163	2,632,821
2006-07	11*	16	12	731,239	2,628,273
SJPL Branch Libraries					
2005-06	0	3	0	1,111,324	4,683,569
2006-07	1**	0	0	1,377,896	5,011,341

* submitted on customer suggestion/complaint form

** documented phone call

POLICY REVIEW WORKPLAN STATUS REPORT

Data Gathering and Analysis (November 2007-April 2008)

1. Identify and Research Options

City staff has identified various options for Internet use and the final report to Council will include a detailed discussion and analysis including operational and cost impacts of alternatives. The options presented for final consideration will have been reviewed by SJSU's Library Dean, University Administration, and the University Library Board. The City Attorney's Office will prepare an analysis of any proposed policy changes to be considered by City Council. Each of the options identified for customer behavior management and use of Internet content control software will be reviewed by the City Attorney to address the requirements of the Joint Library Operating agreement and other possible legal challenges.

2. Review Filtering Policies and Implementation Elsewhere

Ten major urban library systems are being surveyed about policy, operational, and technical impacts and costs to implement Internet filtering. SJPL staff will conduct telephone interviews with multiple staff in the ten systems, in most cases, based on expertise and experience in each of the three subject areas. Because most other libraries are now providing WiFi access, they will be asked about their policies and how WiFi relates. The survey should be complete by early February.

Ten Northern California library systems were surveyed in March, 2007; the reconfirmed data is indicated in the table below.

Entity	Children's Area Access Filtered?		Adult/General Area Access Filtered?		User-based removal of filter?	Staff-based removal of filter?	If WiFi available, is it filtered?	Use of Privacy Screens	
	computer	none	computer	none	Y/N	Y/N	Y/N	permanent	available
Alameda County	X			X	-	-			X
Oakland		X		X	-	-			X
San Francisco		X		X	-	-			X
Mountain View	X			X	-	-	No	X	
Palo Alto		X		X	-	-	No		X
Sacramento	X		X		N	Y	Yes		X
San Mateo		X		X	-	-			
Santa Clara City		X		X	-	-			
Santa Clara County	X		X		Y	N	Yes	X	
Sunnyvale	parental permission required	X		X	-	-		X	X

3. Test Filter Programs

Several content control software programs, selected based on other library systems' usage, apparent flexibility, and prior public review, will be analyzed, tested, and compared by a team of professional librarians, including a representative of the San Jose State University Library, during January, 2008. The research by staff will include testing results from a set of consistent search terms used on each of the filter programs. City IT Department staff will review and consult with the Library Department regarding this test.

Discussion and Community Outreach (Present-February 2008)

On November 26, 2007, background information about Councilmember Constant's proposal and the current policies of San Jose Public Library were presented to the Youth Commission. The Commission will have an action item on its January 28, 2008 agenda.

Information was presented by SJPL staff at the December 12, 2007 Library Commission, and comments were made by a number of community members. Councilmember Oliverio, the Council liaison to the Library Commission, recommended that all vendors of filter software be invited to demonstrate their products to staff. The Library Commission plans to make a recommendation to City Council after its February 14, 2008 meeting.

Outreach by Library staff was made to community agencies to provide information about the proposal, seek input and information, and welcome questions. Agencies contacted included the

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Santa Clara County Public Health Department, Kaiser Permanente Health Education Services, the YWCA, Billy DeFrank GLBT Community Center, San Jose State University Police Department, the San José Police Department's Internet Crimes Against Children (ICAC) Unit, the ACLU, and San Jose State University's Student Health and Counseling Center.

Staff met with the SJSU Library Dean, Ruth Kifer, and SJSU's Library Board to share information, due to King Library's unique situation. The San José State University Academic Senate passed Resolution SS-F07-5 on November 19, 2007 which affirmed San José State University's commitment to complete academic freedom in the use of library resources, and

"call[s] upon the City of San José to honor the commitment it made when it joined the University in undertaking to create our unique and valuable joint library, promising to "honor the current policy of both the University and the City to provide for unrestricted access to all Library Material within the Library Collections and services within the Joint Library for all Members of the General Public and the University Users."

As options are identified and researched, staff will continue to meet with the SJSU Library Board and SJSU Administration.

Interim Status Report to Rules Committee

This memorandum is the Interim Status Report.

EVALUATION AND FOLLOW-UP

This report is submitted for the Rules Committee's approval. It is anticipated that the research and analysis identified in this report will be completed for final Council action in March/April, 2008.

PUBLIC OUTREACH/INTEREST

This memorandum will be posted to the Rules and Open Government Committee Agenda via the City's website. As described above, a broad outreach effort to solicit comment and input to any policy change to the current computer use policy at San José Public Library has been taken, despite the fact that, at this time, there is no relevant public outreach Criterion.

Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)

Criterion 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)

Criterion 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

HONORABLE CHAIR OF THE RULES COMMITTEE

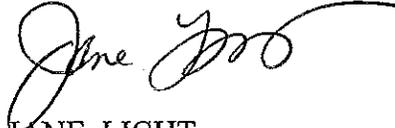
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COORDINATION

This memorandum has been coordinated with the City Attorney's Office and San José State University Library.

A handwritten signature in black ink, appearing to read "Jane Light", with a long, sweeping flourish extending to the right.

JANE LIGHT
Director, Library Department

For questions please contact Jane Light, Director, at (408) 808-2150.