



SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

**DATE:** July 8, 2003  
**TO:** Board of Supervisors  
**SUBJECT:** Filtering County Library Internet Computers

**SUMMARY:**

For more than six years, this Board of Supervisors has taken strong action to be vigilant when it comes to library patrons who access pornographic or illicit material on the Internet at County Libraries. The Board has in place one of the strictest Internet access polices in the nation and continues to strive to strengthen ways to protect our children from exposure to pornography, the effects of which can be damaging, even fatal.

Regrettably, filtering software sometimes blocks legitimate information as well as pornographic content. Therefore, placing filtering software on all Internet-enabled computers available to the public at our libraries has, until last month, been limited by the threat of First Amendment rights violations.

On June 23, 2003, the U.S. Supreme Court upheld the Children's Internet Protection Act of 2000, which mandates Internet filtering software on public library computers in order to receive federal library funding. The court said because libraries can disable the filters for any patrons who ask, the Internet filtering system is not too burdensome on First Amendment claims.

In light of this Supreme Court decision, today's action will request a plan of action and funding to install Internet filtering software on every single Internet-enabled computer available to the public in all of San Diego County's 32 libraries.

**Recommendation:**

**SUPERVISOR BILL HORN AND VICE-CHAIRWOMAN DIANNE JACOB:**

Direct the Chief Administrative Officer to report to the Board of Supervisors within 60 days on costs, legal considerations and an implementation plan to install filtering software on all County Library computers available to the public, as well as a protocol for adult patrons who wish to view library computers with the filter disabled.

**Fiscal Impact:**

Funds for this request are not budgeted. The Chief Administrative Officer will identify sources of funding.

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**Background:**

For more than six years, this Board of Supervisors has taken strong action to be vigilant when it comes to library patrons who access pornographic or illicit material on the Internet at County Libraries. On May 23, 1997, at the recommendation of Supervisors Dianne Jacob and Pam Slater, the Board approved one of the strictest Internet policies in the nation for San Diego County Libraries. The policy required County Library staff members or library volunteers to monitor computers with Internet access, and to ensure that Internet-enabled computers be in direct view of a reference or checkout desk. Parents must sign a consent form to allow their children to use the Internet, and all children under age 18 must check in with library staff to use a computer.

On July 25, 2000, at the recommendation of Supervisor Bill Horn, the Board approved a measure to place Internet filtering software on County Library computers to further protect minors from accessing pornography or other illicit material on the Internet.

Nonetheless, these precautions and safeguards have never completely protected minors from the damages caused by pornography. Studies show that more than 50% of child molesters admitted viewing sexually explicit material before committing their crimes. The Internet pornography business, a \$1 billion per year industry, provides the perfect opportunity for sexual predators to disguise themselves as chat-room friends to children. Because of this, minors are especially vulnerable even in public places or their own homes. One in five minors who use the Internet report having received sexual solicitation over the Internet, and one in 33 minors receive requests to meet in person.

Although San Diego County Libraries have filters on approximately 25% of all public computers, the possibility that taxpayer dollars could be enabling a library patron to cultivate a deviant and illegal use of public property is intolerable.

Fortunately, on June 23, 2003, the United States Supreme Court upheld the Children's Internet Protection Act that requires public libraries to install anti-pornography filtering software on computers under the threat of losing federal library funding. In this welcome decision, the court majority argued that the burden of disabling a filter for one user is outweighed by the benefit of protecting many others, including children, from being exposed to pornography.

The County's 32 Libraries routinely restrict the purchase or introduction of explicit sexual material such as magazines or videos from being displayed or available to the general public. In *Brown vs. Louisiana* (1966), the Supreme Court ruled that libraries are limited public forums. In addition, in *Kreimer v. Bureau of Police*, 958F.2<sup>nd</sup> 1242, the Third Circuit Court of Appeals determined that the public library is a designated, limited public forum. We believe that where a library does not offer pornographic content in its print or video collection, it is not censorship to continue the same policy on the Internet. Not having an obligation to "provide" is not the same as "censoring."

In light of the June 23<sup>rd</sup> Supreme Court decision, today's action will request a plan of

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action and funding to install Internet filtering software on every single Internet-enabled computer available to the public in all of San Diego County's 32 libraries.

Elected officials have a duty to protect the innocence of children. The money spent for library Internet filters is a small price to pay for protecting the most vulnerable among us. We urge our colleagues' support.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dianne Jacob". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

**BILL HORN**  
Supervisor, Fifth District

**DIANNE JACOB**  
Vice-Chairwoman, Second District

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**AGENDA ITEM INFORMATION SHEET**

**CONCURRENCE(S)**

|  |   |                              |
|--|---|------------------------------|
| <b>COUNTY COUNSEL REVIEW</b>                                     | <input checked="" type="checkbox"/> Yes |                              |
| Written Disclosure per County Charter<br>Section 1000.1 Required | <input type="checkbox"/> Yes            | <input type="checkbox"/> No  |
| <b>GROUP/AGENCY FINANCE DIRECTOR</b>                             | <input type="checkbox"/> Yes            | <input type="checkbox"/> N/A |
| <b>CHIEF FINANCIAL OFFICER</b>                                   | <input type="checkbox"/> Yes            | <input type="checkbox"/> N/A |
| Requires Four Votes  | <input type="checkbox"/> Yes            | <input type="checkbox"/> No  |
| <b>GROUP/AGENCY INFORMATION<br/>TECHNOLOGY DIRECTOR</b>          | <input type="checkbox"/> Yes            | <input type="checkbox"/> N/A |
| <b>COUNTY TECHNOLOGY OFFICE</b>                                  | <input type="checkbox"/> Yes            | <input type="checkbox"/> N/A |
| <b>DEPARTMENT OF HUMAN RESOURCES</b>                             | <input type="checkbox"/> Yes            | <input type="checkbox"/> N/A |

**Other Concurrence(s):**

**ORIGINATING DEPARTMENT:**

**CONTACT PERSON(S):**

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