

**TO:** LIBRARY BOARD OF TRUSTEES

**FROM:** Library Services Department

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**TITLE:** Staff procedures for customers viewing graphic or disturbing images on the public computers.

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At the November 4<sup>th</sup> 2013 Library Board Meeting, a member of the public questioned the manner in which Library staff manages customers who view graphic or disturbing images on the public Internet computers. He suggested that requesting patrons to stop viewing graphic or disruptive images was indicative of Library staff monitoring or dictating customer's use of the Internet.

From a staff perspective, viewing graphic or disruptive images is a Library Use policy issue. The Library is open to all members of the public without restriction. The Library's primary concern is to make public areas available on an equitable basis for all customers, for using the services, materials, or facilities for reading, studying, or obtaining information. The Library Use Policy serves as a guide for customer behavior that is consistent with these specific purposes.

If customers complain about another customer viewing graphic or disturbing images, or if Library staff sees a customer viewing graphic or disturbing images, Library staff asks them to stop. Staff states to the customer that the Library is a public facility for people of all ages and sensibilities, and those customers who view disturbing or graphic images are disrupting the abilities of other customers to use the Library. Displaying graphic or disturbing images on computers also creates a hostile workplace environment for Library staff, thus interfering with their ability to perform their duties. Staff uses this procedure consistently regardless if the customer is accessing graphic or disturbing images on Library computers or on their own personal devices. Customers who persist in accessing these images in view of others are asked to leave the Library.

This is reflected in the Library Use Policy:

*"The following behavior will invite a reminder from staff that such conduct is prohibited in the library. Customers who continue to engage in these activities will be asked to leave the facility:*

- 1. Interfering with other customers' use of library facilities or staff's ability to perform their duties."*

Newport Beach Public Library's staff procedure is similar to other local public libraries. In response to this issue, Newport Beach Public Library staff conducted a survey regarding Internet use and the viewing of graphic or disturbing images. All the public libraries in Orange County, California, and the Orange County Public Law Library were contacted to share their procedures, and the methods utilized to

enforce their Use policies with customers. Our procedures are similar to the other Orange County libraries who responded to the survey:

- **Buena Park Public Library:** The Buena Park Public Library uses a tiered system to manage the public Internet computers. With this system, the staff is able to view the screen a customer is viewing if another customer complains so the staff can verify the material. The staff then sends a message to the customer stating that the material may not be viewed, and allows the customer to remove the material within 30 seconds. If the customer does not comply within 30 seconds, the staff shuts down the computer and blocks the customer for one week. If the customer continues to view objectionable material after the one-week block, the staff can disable the account from 6-12 months up to a lifetime ban. If the customer's access is reinstated after 6-12 months, a verbal reminder is given to the customer not to view objectionable material.
- **Fullerton Public Library:** The staff is instructed to intervene with a customer if another customer has voiced objections or concerns, unless staff observes patently offensive material or child pornography. The staff will speak with the customer to explain the objection or concern, and document the interaction. If a staff member is uncomfortable dealing with the customer, a manager may be called to intervene. The Library Director and managers review all situations in which a customer may lose library privileges, and decide on the course of action.
- **Mission Viejo Public Library:** Approximately 10 years ago, the Mission Viejo City Council decided to filter all City computers, including staff and public library computers. Gambling and adult content sites are blocked. If a customer does access objectionable material, such as via an email attachment, the staff will inform the customer that they need to close the material. A dated note is then placed in the customer's record to alert other staff of the incident. If a customer continues to view objectionable material, a 6-month Internet block is placed on the customer's record. The customer must speak with the staff to have Internet privileges reinstated.
- **Orange Public Library:** Customers viewing objectionable material are warned to cease the activity; if they do not they can lose Internet access for the day and have a note placed on their record. Customers in some instances may have to speak to the Librarian in Charge to have Internet privileges reinstated.
- **Orange County Public Law Library:** The staff is empowered to end customer's sessions only if pornography is being viewed. The staff discusses the infraction with the customer and gives the person a chance to stop viewing the material before the session is ended.
- **Yorba Linda Public Library:** The Adult Services Manager has created and added a page in the employee Operations Handbook addressing enforcing the Internet Use Policy. The staff is empowered to end a customer's session after providing a warning, and many opt to involve a manager in that process.

The member of the public also expressed concern that the Library may also be violating patron privacy laws. California Government Code § 6267 deals with the confidentiality of Library records (i.e. Library card accounts and borrowing habits). These laws do not address customer Internet viewing habits or preferences. Moreover, Library staff does not record Library card account information when requesting

customers to stop viewing graphic or disturbing images. The Library PC management software, CASSIE, is not configured for staff to monitor customer sessions on the public computers. Library staff does walk the public areas, including the public computer area, to assist customers. During these sweeps of the public areas, Library staff will address Use Policy issues, as it is staff's responsibility to ensure a positive experience for Library customers.

In summation, staff treats viewing graphic or disturbing images in the Library as a disruptive activity, and as a violation of the Library Use policy. The Library has policies and practices that balance the protection of First Amendment rights with the rights of customers and staff. The Newport Beach Public Library staff addresses these concerns directly with customers. The intent of the procedure is to ensure a comfortable experience and access to services and resources for all Library customers. Staff recommends that the Library Board maintain the existing Library Use Policy and the staff procedure derived from the Use Policy.

## NBPL Use Policy

### **What are the guidelines for using the Newport Beach Public Library?**

The Newport Beach Public Library is open to all members of the public without restriction. Customers may remain in the library during posted business hours to use the services, material or facilities for reading, studying or obtaining information. However, customers may be directed to leave the library with or without advance warning, when their behavior disrupts other customers or staff, or is inconsistent with library purposes.

A. The following behavior will invite a reminder from staff that such conduct is prohibited in the library. Customers who continue to engage in these activities will be asked to leave the facility:

1. Smoking;
2. Sleeping;
3. Occupying furniture in a manner that suggests lounging, as evidenced by lying down on the furniture, or propping feet on chairs, sofas, or tables;
4. Occupying more than one space during peak times of library use;
5. Eating or drinking food or beverages in such a manner that customers or staff are made uncomfortable.
6. Not wearing shoes;
7. Wearing cleats, skates, rollerblades or other items that could damage the facility;
8. Creating an unreasonably loud noise such as loud talking or banging on furniture;
9. Using audible devices without headphones or with headphones set at a volume that disturbs others;
10. Using cell phones, pagers, and other communication devices in a manner that disturbs others. Audible cell phone and pager ringers must be turned off;
11. Interfering with other customers' use of library facilities or staff's ability to perform their duties;
12. Soliciting or collecting funds (except for staff's collection of overdue fines, fees, proceeds of book sales, rentals, and library donations);
13. Bringing animals into the facility except service animals such as guide dogs;
14. Failure to use library computers or other information resources in the manner directed, e.g., use of computers over the time limit when others are waiting; refusal to provide access to limited reference materials when others are waiting;
15. Bringing any containers, packages, briefcases, parcels, or bundles into the library which singly or collectively exceed 24"x18"x6". All items are subject to inspection;
16. Bringing shopping carts or wheeled conveyances into the building, with the exception of wheelchairs and baby strollers/carriages used for the actual transport of a person or child or wheeled backpacks and book carriers not exceeding 24"x15"x12" (excluding handles);
17. Bringing sleeping bags, bed-rolls, or blankets into the building (blankets for small children are acceptable); and
18. Parking a bicycle, wheeled conveyance, shopping carts or other wheeled cart in any area other than at a designated bicycle rack.

B. The following behavior is illustrative of conduct which will warrant an immediate order to leave the facility:

1. Any physical interference with customers or staff;
2. Any illegal activity;
3. Any threatening or abusive language or gesture directed towards customers or staff;
4. The lack of personal hygiene or use of perfume or fragrance which produces odors that interfere with other customers' use of library facilities or materials or interfere with staff's ability to perform their duties; and
5. The failure to comply with any warning or request to change or stop conduct.

**Final Approval by the Board of Library Trustees - February 6, 2012.**

**Adopted - January 24, 1994**

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