

**TO THE COUNCIL OF THE
CITY OF LOS ANGELES**

Your

ARTS, PARKS, HEALTH AND AGING

Committee

reports as follows:

ARTS, PARKS, HEALTH AND AGING COMMITTEE REPORT relative to legal options to address the viewing of pornography on public computers at the City's neighborhood libraries while being cognizant of the First Amendment rights of all citizens.

Recommendation for Council action, pursuant to Motion (Reyes – Perry):

INSTRUCT the Library Department and REQUEST the City Attorney to investigate the Chinatown Library incident and report to Council with the City's legal options to address the viewing of pornography on public computers at the City's neighborhood libraries while being cognizant of the First Amendment rights of all citizens.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

SUMMARY

At its regular meeting held on April 12, 2011, the Arts, Parks, Health and Aging Committee considered Motion (Reyes – Perry) relative to instructing the Library Department and requesting the City Attorney to investigate a recent incident at the Chinatown Branch Library in which an individual was seen viewing pornographic material on a public computer while in plain view of several adults and children who were able to see graphic images as they checked out and returned library books. Since the First Amendment gives the public certain rights, the Library reports it cannot prohibit patrons from viewing pornography. Therefore, in light of the Chinatown Library incident, the Motion also requests the City Attorney to report to Council with the City's legal options to address the viewing of pornography on public computers in the City's libraries while also being cognizant of the first amendment rights of the public.

The City Librarian and the Library's Interim Director of Branch Library Services appeared before the Committee to report on the Chinatown Library incident and what steps the Library Department has taken to prevent such incidents in the future. The incident occurred on January 6, 2011 when a patron was using the 15-minute public access computers (computers that do not require a reservation) adjacent to the circulation desk to view graphic sexually explicit material while in full view of other patrons waiting at the circulation desk. A complaint was made to the Branch Librarian who immediately relocated the patron viewing the explicit material to another computer, and turned off the computer he had been previously viewing.

The incident was of great concern to the local Chinatown community and a neighborhood business association met with the Library Department. During that meeting, a suggestion was made to move the 15-minute computers away from the circulation desk. The Library agreed and subsequently moved the 15-minute computers at the Chinatown Library and ensured the installation of a privacy screen on each computer.

The Committee questioned the Library Department regarding how often incidents, similar to that of the Chinatown Library, occur and whether the Library Department has made an assessment of the sightlines at its branch libraries and Central Library relative to limiting the visibility of the computer screens without compromising security. The Library reports that it has given a directive for Central Library and each branch library to review the location of public access computers and to ensure that privacy screens are installed on all such computers. Additionally, the Library reports that it has been diligent in terms of installing signage warning that removal of privacy screens is prohibited; and by ensuring that individuals who remove the screens, reposition the computer monitors, or entice other patrons to view explicit material on the computers are immediately removed from the library and that Library Security and/or the Police are summoned. Lastly, the Library noted that out of hundreds of thousands of uses of public access computers viewing throughout the Library system, it has received very few complaints (2-3 per year).

During the Committee meeting, a representative of the City Attorney was also present and reported to the Committee that in terms of protected speech, pornography is not illegal, while obscenity and child pornography are not protected speech and are clearly illegal to access. However, regarding First Amendment rights, there is a balance between protecting speech for those who want access to it and shielding those from seeing things that they don't like. The Library is addressing this situation through the positioning of the computers and the privacy screens.

After providing an opportunity for public comment, the Committee recommended approval of Motion (Reyes – Perry). This matter is now submitted to Council for its consideration.

Respectfully submitted,

ARTS, PARKS, HEALTH AND AGING COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
LABONGE:	YES
WESSON:	YES
REYES:	YES

REW
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Not Official Until Council Acts