

FINAL REPORT

Case #2099: San Joaquin County Library System

REASON FOR INVESTIGATION

A recent newspaper article referring to, in general, the types of materials children can check-out of the library without parental consent.

BACKGROUND

The newspaper article suggested that many libraries in the United States provided adult type material to children. Such material included movie videos with ratings including "X" and "R", magazines like Playboy, and Internet connections with ties to pornography.

METHOD OF INVESTIGATION

Members of the Schools and Libraries sub-committee and other interested Grand Jurors visited various libraries in the county. Those libraries visited included libraries in Manteca, Ripon, Thornton, Lodi and Stockton (both the El Dorado branch and the Benjamin Holt Branch). Investigation included a brief tour of the library's video,

magazine and computer sections. These arenas were checked to see what was available for check-out. In several instances, library personnel were questioned as to what type of material was available for check-out. In several instances, magazines lists were provided to the investigators. Written policy and procedures for checking out material and the types of material checked out were requested and received via mail from the Stockton-San Joaquin County Library and Lodi Public Library. Interviews were conducted with the head librarians for Lodi and Stockton.

FINDINGS AND CONCLUSIONS

The Stockton-San Joaquin Library System operates differently than the Lodi Public Library System. Lodi is the only independent public library system in the county and all other libraries visited throughout the county operate as the San Joaquin County Library does.

San Joaquin County Library System

All books, videos, and magazines are circulated amongst other county library branches. There are no restrictions as to what a child may check-out. Any library cardholder has the capability of checking out any material the library has to offer. This check-out system is based on a bar-code system. A generic computerized program is utilized to coordinate the bar coded information. The computerized system does allow for library specific information to be input, although the type of information may be limited by the system's capacity of modification. A child applying for a library card may do so without the permission of an adult. No parental/guardian signatures are necessary.

Video Check-out

While there are no "X" rated videos available in the system, there are "R" rated videos available for check-out. All videos are stored on shelves in the movie section of the library. Any library cardholder can check-out or request any movie available in the library system. The rules that apply to movie theater admittance (for example, admission restricted unless accompanied by an adult) do not apply to check-out of a movie at the library. The only restriction placed on the check-out of videos involves the purchase of a video check-out card. For \$5, a family may purchase the right to check-out a video. This video card must be purchased annually. The purchaser of this card may designate who in the family may use the card.

Magazine Check-out

Adult-type magazines are available for check-out by children. Some, but not all magazines are stored in the magazine section of the library. The County System does not subscribe to Playboy magazine. It is not stored with the rest of the magazines. It is kept behind the check-out counter and must be requested. The rules that apply to sales of magazines at stores (for example, sale of Playboy is restricted to adults only) do not apply to check-out of a magazine at the library. Any library cardholder may ask for and check-out Playboy magazine. Even though Playboy magazine is available, it is not included in their magazine list.

Internet

Internet sites are monitored routinely, and computer terminals are kept in trafficked, public areas. There are no restrictions as to which sites may be accessed.

Parents of children can find out what their child is checking out of the library only by asking the child or by obtaining written permission from the child to access their check-out history. San Joaquin County Library Services will not give out library usage history to a parent unless permission from the child is first obtained. The San Joaquin County Library System feels that it is the parent's responsibility to monitor the child's choice of viewing and reading materials, thus supporting the child's First Amendment rights.

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Lodi Public Library

The Lodi Public Library maintains their own inventory and circulation of books, videos and magazines. There are no restrictions as to what a child may check-out. Any library cardholder has the capability of checking out any material the library has to offer. There are no restrictions based on age. In order for a child to obtain a library card, parental guardian signatures are required. The Lodi Public Library states in their application that a restriction of a child's library material is the responsibility of the parent/guardian.

Video Check-out

The current policy at the Lodi Public Library is to not stock entertainment videos. There are no videos with ratings available, with the exception of "G" rated videos as children's educational videos. All videos are stored on shelves in the movie section of the library. There is no fee charged to check-out a video.

Magazine Check-out

The Lodi Public Library stocks juvenile, young adult and adult magazines. They do not stock Playboy magazine. The magazines they stock are listed on the magazine list. All magazines are stored in the magazine area of the library.

Internet

Internet access is similar to that of the County Library. Terminals are kept in highly trafficked, public areas and are subject to monitoring. The Lodi library has a policy in effect that children, the age of fourteen and under, are to have a parent come into the library, read the policies and procedures, then sign a permission slip granting their child access to the internet.

RECOMMENDATIONS

The San Joaquin Civil Grand Jury recommends that the San Joaquin County Library adopt similar policies in regard to applications for the library card that Lodi Public Library has enforced. We recommend that library cards be issued to children only with permission of the parent/guardian and that any restriction of a child's library material is the responsibility of the parent/guardian.

We further recommend that the San Joaquin County Library utilize their computerized bar code system to restrict videos and magazines that are not legally allowed viewing by underage individuals outside of the library system to be not allowed inside the library system as well. These items would include, for example, the check-out of "R" rated movies and Playboy magazine to underage individuals. Any community business could be in violation of the Penal Code Section 313.1(a) of the State of California when underage individuals are permitted to rent adult videos, view restricted movies, and buy adult magazines. Since the San Joaquin Library System sells the right to video check-out, we recommend the San Joaquin County Library should adhere to the same standards enforced upon our local businesses. We feel that the county library system is acting differently than the community standard. Our community restricts the sale and viewing of adult videos and magazines to underage individuals. We recommend that the County Library should similarly restrict the check-out of these items to underage individuals as well.

RESPONSE REQUIRED

The head librarian of the San Joaquin County Library System in conjunction with the San Joaquin County Board of Supervisors shall comment in writing to the Presiding Judge of the Superior Court within (90) days of the publication of this report on:

Section 933.05 of the Penal Code, requires that as to each finding in the report, the response indicate one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding with an explanation of the reasons therefore.

Section 933.05 of the Penal Code, also requires as to each recommendation, the response indicate one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be, with a timeframe for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a timeframe not to exceed 6 months.
- d. The recommendation will not be implemented, with an explanation therefore