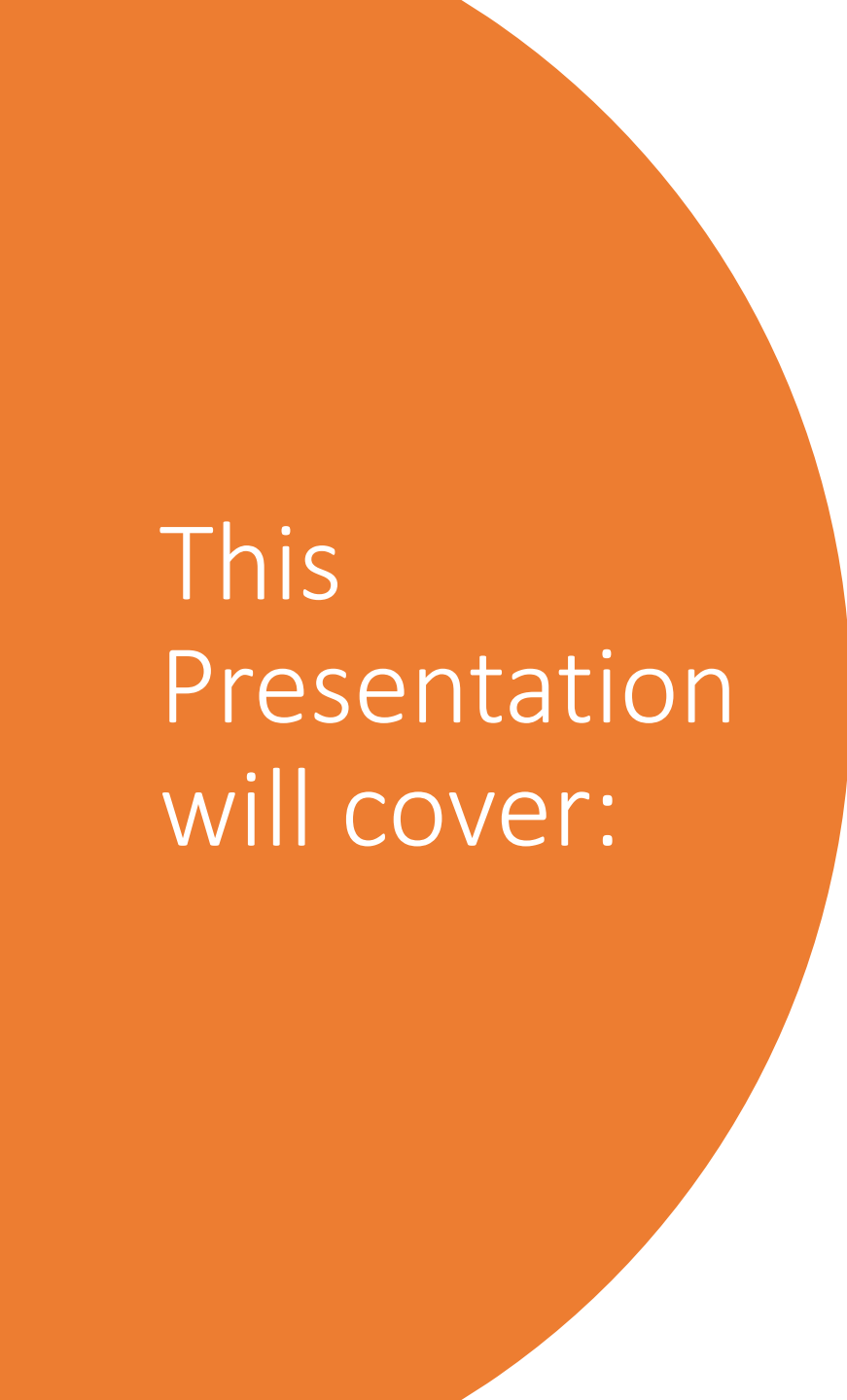



First Amendment Auditors: Do's and Don'ts



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This
Presentation
will cover:

- Who are First Amendment Auditors?
 - What do they believe?
 - What do they want?
 - What type of risk do they pose to you?
- 
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History lesson: Exercising our First Amendment Rights



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"GIVE ME LIBERTY, OR GIVE ME DEATH!"

PATRICK HENRY delivering his great speech on the Rights of the Colonies, before the Virginia Assembly, convened at Richmond, March 23^d 1775. Concluding with the above sentiment, which became the war cry of the Revolution.

Today's lesson: Exercising our First Amendment Rights



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First Amendment of the Constitution

- When it was ratified: 1791
- How it operates: It protects 5 basic freedoms: **speech, press**, religion, assembly, and right to petition the government
- Why do we have it: Founding Fathers demanded it. Much emphasis on freedom of religion and press
- *“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech, or of the press**; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*
- *Exceptions*

Who are 1st Amendment Auditors?

First Amendment Auditors are self-identified individuals who conduct photography and videography of facilities deemed sensitive, such as law enforcement agencies, military facilities, and government buildings.

These individuals take video and photos of facilities and personnel on public property to exercise their First Amendment right. First Amendment Auditors are known to take video and photography in customer service areas, lobbies, entryways, and the exterior of government facilities.

Individuals will attempt to draw attention to themselves by filming public and private facilities to encounter law enforcement and employees of such facilities. They may stand along public roadways or sidewalks, or enter interior areas with public access.

Activities of 1st Amendment Auditors

- Posting videos on social media to gain support from the public
- Filming with different types of equipment such as cell phones, bodycams, and handheld cameras
- Videoing outside of the facility and official vehicles
- Entering such facilities while already filming
- Refusing to identify themselves when asked by law enforcement or by employed personnel
- Inciting confrontation or refusing to answer questions when asked by employed personnel
- Threaten legal actions





Here's an example:

[NO Pictures In PUBLIC! Seneca
County Clerk Office PART 2 Follow-
up New Auditor! - YouTube](#)

What do Auditors Believe?

- [Auditors vow to descend on CT if law passed putting rules on First Amendment - Bing video](#)
- [Man who recorded video that led to Florence Co. deputy resigning from job speaks out - Bing video](#)



How should a public servant react? The Do's

- **Remember that shooting videography and photography is allowed in public places**
- **Remain calm**
- **Be professional at all times and be aware of your voice tone and volume**
- **Be conscious of your body language**
- **Keep interactions brief and limited**
- **Contact your Facility Protection Officer or Chain of Command**
- **Contact local law enforcement if subject(s) cause disruptions or impacts operations**

The Don'ts

- Don't tell subject(s) they cannot take photographs or film in a public area
- Don't try to take any of their equipment or block what they are filming
- Don't argue with subject(s)
- Don't use profanity
- Don't threaten or physically touch or assault anyone

Helpful Tips

- Practice how you would handle the situation
- Role play between employees
- Talk with your city or county attorney about how to react—get legal advice
- Remember that reaction is what is being solicited
- Never provoke—in this day and time we do not know what could happen
- Employees should be taught to put their safety first over privacy rights or their jobs
- Remember that Auditors have to be careful not to break the law

Not just Tennessee Problem:

- 'Remain calm & pleasant.' How state is asking employees to handle so-called '1st Amendment Auditors' (wxyz.com)
- 1st Amendment Auditor Doesn't Learn His Lesson And Gets Himself Arrested! - Bing video



Recent News Regarding Auditors

- <https://www.newstimes.com/news/article/Towns-prepare-for-YouTube-1st-Amendment-auditors-17637947.php>
- <https://freespeechproject.georgetown.edu/tracker-entries/police-officer-suspended-for-aggressive-arrest-of-self-described-first-amendment-auditor-later-resigns/>
- <https://www.police1.com/social-media-for-cops/articles/first-amendment-audit-leads-to-suspension-of-conn-officer-6T8XvLSGk0tPuHDx/>



Risks

- Embarrassment
- Your Position
- Arrest
- Physical Injury
- Lawsuit



In Summary

- Play it smart by playing it cool
- Have a game plan ready
- Know when to call for assistance if necessary
- If you don't know what to say, say nothing at all---Silence is Golden!

