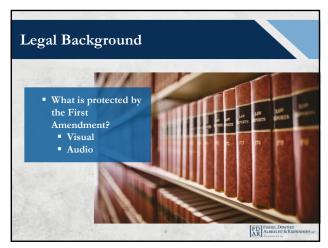


What is a First Amendment Auditor? Activists or citizen ■ Purpose is a test of journalists targeting a the 1A government facility, employee or event broadcast to the public via social Likely demanding media + YouTube answers and attempting to explore ■ Primary goal is to a building or crime provoke a ■ Encounters are lawsuit recorded

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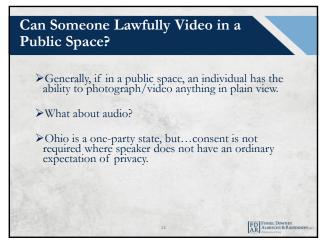
8

What are First Amendment Auditors Recording?

- ➤ Public buildings
- ➤ Parking lots
- ➤ Individuals on a public sidewalks
- **▶** Parks
- ➤ Public Vehicles (including confirming locked while parked)
- ➤ Personal Vehicles

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Legal Considerations

- > Freedom of the press includes the right to record video and audio.
 - Am. Civil Liberties Union of IL v. Alvarez, No. 11-1286 (7th Cir. 2012).

The act of *making* an audio or audiovisual recording is necessarily included within the First Amendment's guarantee of speech and press rights.

• Lovell v. City of Griffin, 303 U.S. 444 (1938).

The press comprehends every sort of publication which affords a vehicle of information and opinion.



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Legal Considerations

- *▶ Branzburg v. Hayes*, 408 U.S. 665 (1972).
 - The First Amendment does not provide the press a right of special access to information not otherwise available to the public, generally.
- Glik v. Cunniffe, No. 10-1764 (1st Cir. 2011).
 - Recording police and other government officials in the discharge of their duties is explicitly allowed



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How to Respond?

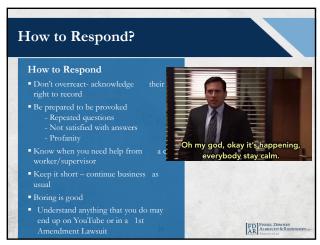
How to Prepare

- Know how to recognize auditors
- Ensure public areas of building are clearly marked
- Educate your employee
- Establish guidelines
- Ensure police personnel are prepared for out-of-building encounters

- Consult with your attorney
- Know the law and their right
- When in doubt...contact law enforcement

Sov communicator taking he bait and getting frustrated First Amendment Auditor posting your reaction to YouTub





Are There Any Limitations? Cannot interfere/disrupt services Block access Secure areas where video recording is prohibited No greater access to facility Establish policies Limit business in public areas

