



Smile, You're on Camera: Handling First Amendment Auditors the Right Way

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The First Amendment

*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.*



The First Amendment



Protects 5 basic freedoms:

- Speech
- Press
- Religion
- Peacefully Assembly
- Right to petition the government for grievances

Who are First Amendment auditors?



Individual or group of individuals who enter **public spaces** like police stations or government buildings with **cameras** to **record** their interactions with public officials and government employees, often in a **confrontational** manner, primarily to **provoke** a reaction that might indicate a violation of their rights.

Who are First Amendment auditors?

Auditors often **post these videos online to provoke a reaction**, which they believe demonstrates a violation of their constitutional rights.

These audits are frequently used to challenge law enforcement and other public servants, with the goal of creating viral content and generating income through ad revenue and lawsuits.

Revenue sources

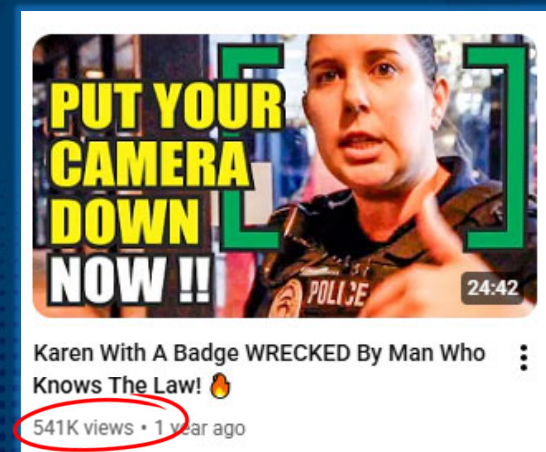
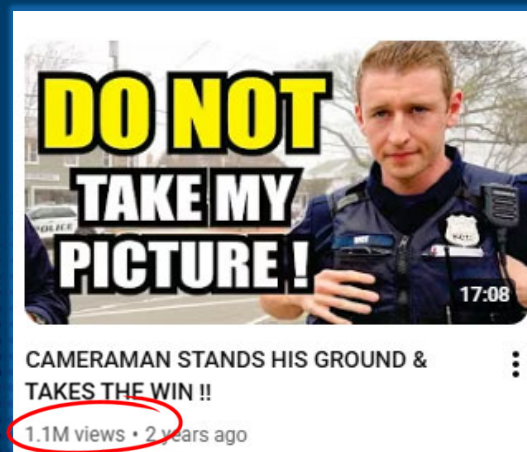


- YouTube, TikTok
- Lawsuits
- Sponsorships and donations

Revenue sources

For example, content creators earn approximately \$.01 to \$.03 per view on average from YouTube directly.

These videos get millions of views!



What not to do if you encounter a First Amendment auditor

- **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.

First Amendment auditor example



Press NH Now

How to react to a First Amendment auditor

- 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.

How to react to a First Amendment auditor

- **Keep interactions brief and limited:** you can ask them what they are doing and who they are, but they are not required to answer.
- **Contact** your chain of command.
- Contact local law enforcement **if subject(s) cause disruptions or impacts operations.**

How to react to a First Amendment auditor

[● REC]

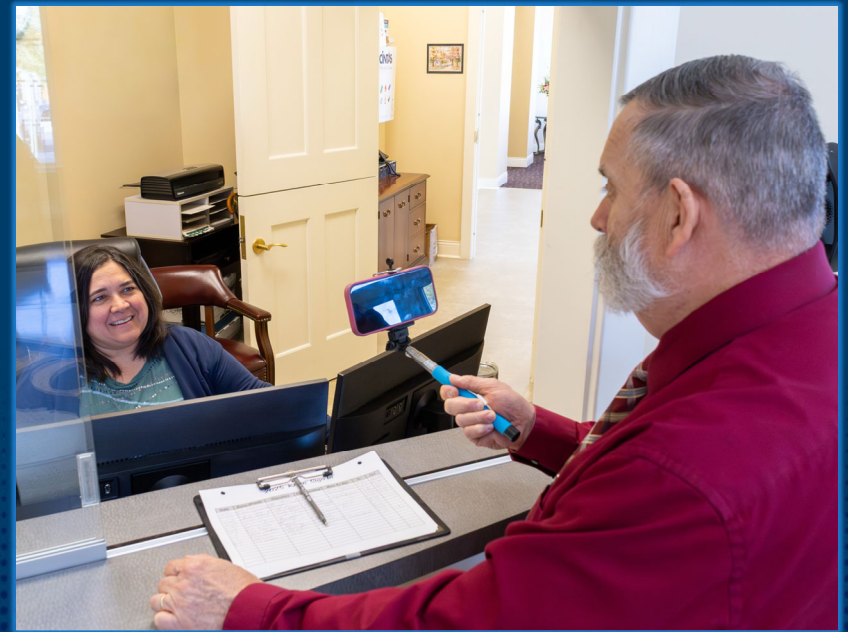


Don't react to the camera – respond the same as if no camera was present.

Good to **assume** that you are **always being recorded**.

In public, you have **no expectation of privacy**.

How to react to a First Amendment auditor



First Amendment auditor example



Livonia Police Department

How to react to a First Amendment auditor

- There is generally **no requirement to produce ID** in Kentucky
- Recommendation: don't adopt a "no record" order for courthouses
- First amendment auditors are not always right
- Auditors **cannot disrupt operations**
- Defer to the court system for prosecution of offenses



Remember to be professional



15 minutes of
**professionalism and
kindness** will prevent you
from being a YouTube
sensation for life.



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