

The background is a dark blue gradient with a subtle pattern of white dots. On the left side, there are several concentric circles and a scale. The scale is a semi-circular arc with tick marks and numbers ranging from 140 to 260. There are also some dashed lines and arrows pointing in different directions, creating a sense of movement or rotation.

FIRST AMENDMENT AUDITS

AUSTIN
PUBLIC
LIBRARY

ARTICLES

- December/January 2022
- <https://americanlibrariesmagazine.org/2022/01/03/uptick-in-first-amendment-audits-2/>
- Can Be Found on Gale One File:

WHEN FIRST AMENDMENT AUDITORS VISIT YOUR LIBRARY.



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FROM THE AMERICAN LIBRARIES' ARTICLE

DON'T GO VIRAL

Preparing for a First Amendment audit is often a library's best defense against a viral outcome. Library workers should take steps to limit an auditor's ability to cause harm. The below tips are adapted from the ALA Office for Intellectual Freedom (OIF) blog post, "Auditing the First Amendment at Your Public Library" (bit.ly/AL-1AAudit) by OIF Director Deborah Caldwell-Stone.

Understand the library's role as a limited public forum. In limited public forums, staffers are only obligated to allow free speech that is consistent with the nature of that forum. In other words, library behavior and privacy policies can often supersede an individual's right to film or photograph the space. As is the case in many courthouses, a library can regulate photography or filming inside the building even if the facility is open to the public.

Adopt or review written policies. Written policies can help staff members regulate behavior in a manner that respects every person's right to privacy and safety. Staffers should be familiar with these policies to

mitigate behavioral violations that may occur during an audit. As always, staff training and consultation with your state library or legal counsel are important parts of this process.

Know your rights and responsibilities. Public library workers are public employees. Several US Courts of Appeals have upheld a private citizen's right to record audio and video of public employees carrying out their duties in a public space regardless of their consent. However, this does not include the right to harass or interfere with public employees as they carry out those duties.

Label all private spaces. Libraries should clearly identify all nonpublic

spaces inside the building, such as bathrooms, offices, break rooms, work areas, and reservable private study spaces. Creating this identification can provide clearer guidance when a First Amendment auditor violates library policy.

Know when to engage. If a First Amendment auditor is not violating any behavior policies, avoid engaging. Most auditors enter these situations with a goal of getting a rise out of employees. If staffers do not give them that opportunity, auditors are more likely to leave without incident. •



APL PHOTOGRAPHY AND FILMING POLICY

- <https://cityofaustin.sharepoint.com/sites/AustinPublicLibrary/APL-ACAODivision/ACAO%20%20Public/Operations/Photography%20and%20Filming%20Release%202016.pdf?cid=2c22a786-fdaa-482e-ac05-b287ef0bcc20>

• OR

1. Go to [SharePoint](#)
2. Select Divisions v
3. Click on Administration
4. Select "Policies and Procedures" on the left hand side
5. Operations→[Photography and Filming Release](#)

The Don'ts & Do's of 1st Amendment Audits

The Don'ts

1. Confront
2. Cross your arms
3. Say, "Stop filming." or "Get out!"
4. Go running for the manager unadvisedly
5. Start filming or matching hostility with passive aggressiveness

The Do's

1. Be friendly
2. Provide the APL filming policy
3. Use best customer service skills you can muster
4. Explain what a limited public forum is
5. Give current contact information of Public Information and/or Communications Division

SPECTRUM OF AUDITORS

Typical behavior found with auditors		
Genuinely want to learn	Somewhere in between	Angry / Wants to pick a fight

- Please make sure “STAFF ONLY” signs are posted and well marked areas outside of the public area. You can be challenged by this, and an auditor may wish to enter a closed or restricted area. These areas remain off limits.
- Provide definitions and examples of “Limited Public Forum.”
 - The television affiliates like KVUE, KTBC, KXAN, KEYE, etc. have to get approval from Communications before filming in front of library shelves at the Austin Public Library.

Plenty of YouTube Videos of First Amendment Audits

THE GOOD

- Porterville Library – Kern County (CA) Library audit
- <https://youtu.be/WSBHEGdtGDo>
- Mesa (AZ) Public Library
- <https://youtu.be/JO6GItcxYc8>

Plenty of YouTube Videos of First Amendment Audits

THE BAD

- Uneducated Librarian Gets Educated
- <https://youtu.be/CubO5u6G8rg>
- Providence Public Library
- <https://youtu.be/EUFz-MGDJWY>

Plenty of YouTube Videos of First Amendment Audits AND IN AUSTIN, TEXAS

- The late Hyde Park (Austin) Post Office
- <https://youtu.be/0PrisxgroUA>
- State of Texas Department of Economic Development & Tourism
- <https://youtu.be/hDn6pvGxcco>
- Lamplight Village Police Substation
- <https://youtu.be/8S26BUOKPdY>

SOME THINGS YOU MAY HEAR...

- First Amendment audits
- Citizen journalists
- Independent journalism
- Citizen's rights
- "Frauditors"
- "This is a public place and I have a first amendment right to record here."
- "Why can't I go in there? This is a public place, and I'm a taxpayer."
- Austin—"no tourists allowed in tourism commission"
- "You're public employees."
- "You need a permit to film! You're commercial."
- Fails
- Schooled
- Aggressive
- Triggering
- Chaos
- Educated

SOME GENERAL RULES

1. Do not confront.
2. Engage when necessary.
3. Do not match hostility with hostility.
4. Be mindful of the photography and filming policy that allows filming by individuals at the library.
- The First Amendment is
 - 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.
 - <https://www.archives.gov/founding-docs/bill-of-rights-transcript>
5. Use this an opportunity as a teachable moment. The 1st Amendment is not a free license to film everything. The library is a **limited public forum** that requires consent from those filmed. The library does not hide things but also keeps customer records private. There are areas that are designated staff only but the majority of the floorspace within the library is open to the public.