

1st Amendment Audits

1st 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”

Illinois Law: Public Act 098-1142 gives citizens the right to legally (1) Record someone and (2) Record in a place where there is not a reasonable expectation of privacy. While children may be photographed or recorded per the law, the photos and recordings may not be published or uploaded to the internet or social media without parent/guardian consent.

Have a Policy in Place

Persons taking photographs and videos shall not

- (i) compromise a patron or staff member’s right to privacy,
- (ii) harass, intimidate, or threaten a patron or staff member, or
- (iii) block library aisles, walkways, stairwells, doors, or exits.

What should you do?



Be polite

Be polite and professional. If they need assistance, help them like you would any other patron. It is not illegal for them to film interactions with staff.



Don't Argue

Do not ask them to stop recording, touch their equipment, or argue.



Be aware of Tone & Body Language

If you do engage, stay calm. Be aware of your tone and body language.



Don't Engage....usually

Do not engage with individuals recording unless they need help conducting library interactions OR they are violating our [Public Code of Behavior](#) OR they are violating another individual's right to privacy.



Boring is Good

Here is an example of a well done audit <https://youtu.be/yDsHDIoGNM8>

What about filming kids?

As long as the person filming is recording openly, is not disrupting others in the library or violating the Photographing the Recording policy, is not blocking areas of egress, and is not entering private areas such as staff space, or invading others privacy (like trying to record work being done on computers, or library checkout interactions). In the case of children, photos and recordings may not be published or uploaded to the internet or social media without parent/guardian consent.

What we do at Northbrook

- If staff see someone taking a photo or video of a child, they will need to assess if the person is the child's parent/guardian/caregiver. If they are, there is no need to intervene. This may not require interaction with the patron. If you can visually assess whether or not a group is together, there is no need for further action.
- If staff assess that the person photographing or recording children is not their parent/guardian/caregiver, they should talk to the person filming and let them know that they need consent from the parents/legal guardian before publishing any photos or recordings. If the person recording is violating our behavior policy or photographing policy and refuses to stop, staff should call the PIC and/or Security Monitor.
- The PIC and Security Monitor will remind the person recording that they need consent from the children's parent/guardian if they are going to publish the video on the internet or social media.
- If a patron reports being uncomfortable/intimidated/harassed due to their child being filmed by someone, the PIC and/or Security Monitor should be called. The PIC and/or Security Monitor will tell the person to stop filming as they are making other patrons uncomfortable/feel intimidated/harassed. The PIC and/or Security Monitor should refer to our [Photographing and Recording Policy](#).

Resources & Contacts

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<https://bit.ly/1stAmendmentAudits>