

Warren County Board of Supervisors

RESOLUTION NO. 159 OF 2026

RESOLUTION INTRODUCED BY SUPERVISORS RUNYON, CROCITTO, DRISCOLL, ETU, MADAY, TURNER AND CONOVER

ADOPTING THE WARREN COUNTY FIRST AMENDMENT AUDIT PROTOCOL POLICY

WHEREAS, the Risk and Safety Committee recommended, and the Personnel Committee agreed, to approve the Warren County First Amendment Audit Protocol Policy and recommended that the same be advanced to the Board of Supervisors for consideration and adoption, now, therefore, be it

RESOLVED, that the Warren County First Amendment Audit Protocol Policy, annexed hereto as Schedule "A," be and the same is hereby adopted as the official policy for Warren County, and be it further

RESOLVED, that any and all prior Warren County Computer Use Policies, Resolutions or parts thereof inconsistent with the annexed Warren County First Amendment Audit Protocol Policy are hereby repealed effective April 17, 2026, and be it further

RESOLVED, that the Warren County First Amendment Audit Protocol Policy will automatically be incorporated into the Warren County Risk and Safety Manual which was adopted by the Warren County Board of Supervisors on January 16, 2026.

SCHEDULE “A”

WARREN COUNTY FIRST AMENDMENT AUDIT PROTOCOL POLICY

I. Policy

The purpose of this policy is to establish clear, uniform guidelines and protocols for County officials and employees when interacting with individuals conducting First Amendment audits on County property and within County workplaces. This policy is intended to ensure full respect for and compliance with constitutional rights, including lawful recording and expressive activity in public forums, while maintaining public safety, protecting confidential and restricted information, preserving orderly conduct of County operations, and safeguarding persons and property.

II. Definitions

Auditor: An Auditor or First Amendment Auditor is an individual who seeks to exercise their First Amendment Constitutional right in public by engaging in activities such as recording video or audio in public spaces to test and ensure compliance with First Amendment protections.

Confidential Information: Protected information from public disclosure by law, including but not limited to personally identifiable information protected health information, law enforcement-sensitive materials, attorney-client privileged communications or work product, non-public personnel records, and any information exempt from disclosure by applicable law.

Department Head: County officers or employees given the supervisory title of Department Head.

Disruption: Conduct that materially interferes with or impedes County operations, public safety, or others’ lawful use of County facilities, including persistent obstruction of ingress/egress, loud or threatening behavior or refusal to comply with lawful directives in restricted areas.

Employee: A person employed by the County of Warren on a full-time, part-time, or seasonal basis, and includes volunteers and interns, whether paid or unpaid.

“Employees Only” Signage: Confidential County workplaces governed by the **Red Flag Identity Theft Prevention Policy**.

Employer: The County of Warren (“County”).

First Amendment Audit: An activity conducted by an Auditor to evaluate and ensure compliance with First Amendment rights, particularly focused on the freedom of speech and press. A First Amendment Audit is a form of activism that involves recording video and audio in public spaces, such as government buildings or areas where public officials operate, to assess transparency, accountability, and adherence to constitutional protections by public entities and officials.

Nonpublic Access: Spaces not open to the general public, including, but not limited to secured offices, records rooms, employee-only workspaces, mechanical rooms, IT/server rooms, holding or detention areas,

and any area requiring keycard access, escort, or posted authorization.

Public Areas: County owned or controlled spaces open to the general public without the need for an escort or special authorization, such a building lobbies, publicly accessible hallways, public meeting rooms during open sessions, and outdoor areas open to the public, subject to reasonable time, place and manner restrictions.

Red Flags Identity Theft Prevention Policy: County of Warren Resolution No. 485 of 2024 is a Federal Trade Commission (FTC) regulatory framework that requires organizations that access and store an individual's personal information to establish a written Identity Theft Program (ITP) to identify and respond to potential incidents of identity theft. The Fair Credit Reporting Act's Identity Theft Rule and its subsequent updates have been adopted by the County to govern the safekeeping of personal information stored, maintained and accessed during County business operations in order to combat identity theft and related fraud.

Workplace: Any location where an employee performs any work-related duty in the course of their employment by the employer including County approved remote work assignments.

III. Guiding Principles

First Amendment Audits are carried out by individuals who equip themselves with video cameras and enter public spaces under the auspices of the First Amendment's rights to free speech in order to record staff violations. They may claim a right to film in any space accessible to the public, arguing that they're entitled to do so as taxpayers and citizen journalists.

Recording in public areas where there is no reasonable expectation of privacy is generally permissible, subject to lawful time, place and manner restrictions. County personnel shall not restrict recording or access based on the viewpoint, content, or purpose of the recording. Personnel shall remain calm, courteous, and consistent, avoiding argument and confrontations.

Reasonable steps may be taken to ensure safety, protect confidential information, and maintain orderly operations, without imposing restrictions broader than necessary. Clear signage and published rules for County facilities should be used to promote understanding and minimize conflict.

IV. Access and Recording Rules

The County has formally adopted privacy protocols associated with workplaces responsible for the provision of services who manage private personal information identified in the **County Red Flag Identity Theft Prevention Policy**. Any County workplace which handles information identified within this policy shall be deemed to be a confidential workplace with prohibited public access. These workplaces shall be labeled as "Employees Only" prohibiting public access.

Recording, photographing, note-taking, and observation in Public Areas are generally allowed if non-disruptive. The County reserves the right to establish reasonable, content-neutral rules to prevent disruption and obstruction to County services and/or entryways.

Open public meetings may be recorded, subject to rules that prevent disruption and protect safety. The County may establish reasonable, content-neutral rules to ensure meetings are held efficiently and in an orderly manner, as required by federal, state, and local law or resolution.

Access to Non-Public restricted areas is limited to authorized persons. Video and/or audio recording is not permitted within these designated areas. Staff shall politely instruct individuals attempting entry without authorization to stop and return to Public Areas. County departments shall post clear, conspicuous signs distinguishing public and restricted areas.

County officials and employees shall position all screens, files, and materials, to prevent public viewing of Confidential Information.

V. Department Head Responsibilities

Department Heads shall ensure staff are trained on this Policy and department-specific procedures. The Department Head shall designate a point of contact for auditor interactions. Department Heads shall identify and clearly mark Non-Public Areas and implement procedures to ensure the protection of Confidential Information. The Department Head and/or their designee shall notify the County Administrator's Office of the First Amendment Auditor's presence as soon as practicable.

VI. Employee Interaction Protocol

County staff should not engage with First Amendment Auditors who are filming in Public Areas not deemed to be "confidential." If asked about recording, County officials and employees shall indicate that recording is generally allowed in Public Areas, but not permitted in restricted areas, or areas designated as such. County officials and employees may specify that the County's public access rules are posted online. County officials and employees shall not attempt to demand identification, block cameras, demand deletion, or seize equipment.

In the event the behavior of the "auditor" rises to the level of harassment of staff members of the public, an employee should contact their Department Head, Department Head Designee, Supervisor or County Security Officers for assistance. For the purposes of this policy, harassment of staff and the general public might include the Auditor claiming a right to interrogate and demand answers from any individual inside a County facility, invading the privacy of the general public, or entering an area marked as "Employees Only."

County officials and employees are protected by the County's Workplace Harassment and Workplace Violence Policies in accordance with federal and state laws. Each of the policies should be followed with regard to reporting these types of incidents.

General guidance for staff includes, but is not limited to the following general principles:

- Be professional and polite. If they say they don't need help, do your best to ignore them and go back to your duties.
- Be calm. The best defense is patience.
- Be aware of your tone and body language.
- Don't tell them they can't photograph or video unless in a clearly marked area where it is prohibited.

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- Never try to take their camera or recording device.
- Don't argue, use profanity or physically touch anyone.

Should you have any concerns regarding an interaction within your County workspace, please inform your Department Head and/or Supervisor.

VII. Documentation and Record Keeping

Incident notes, detailing the date, time, location, personnel involved, and a factual description of events shall be recorded promptly following any concerning interaction with a First Amendment Auditor or individual who attempts to film or record in any Non-Public Area. All documented occurrences shall promptly be provided to the County Attorney's Office and maintained in accordance with County retention policies.

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