

**Policy Regarding Public Access to and Video and Audio Recording on  
Town of Richland Property**

**PURPOSE**

The of the [TOWN/CITY] of [NAME] (the "Municipality") is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Municipality's employees and the general public who do business with or use the services of the Municipality. This policy (this "Policy") is intended to delineate those portions of the Municipality Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Town of Richland Property, and specify procedures for town employees who encounter those who wish to access Town of Richland Property for observational purposes.

**DEFINITIONS**

"Limited Access Area" means any designated area on Town of Richland Property that is not generally open to or occupied by the public; is open to or occupied by the public on only a limited, as-needed, or by-invitation basis; or is in an area generally open to or occupied by the public in close proximity to where private third parties conduct business with town employees. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Town of Richland from considering or treating an area as a Limited Access Area. The Town of Richland shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- a) Employee offices.
- b) Employee workspaces including copy rooms, mailrooms, and break areas.
- c) Employee parking lots, storage areas, access points, or other outside areas marked for use by town employees or vehicles only.
- d) Areas in close proximity to places, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.
- e) Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Limited Access Areas.
- f) Maintenance, storage, and warehousing facilities.
- g) Public works and public safety buildings, except for any designated waiting or reception areas therein.
- h) Water, sewer, and other public utility facilities.

"Town Official" means, for purposes of this policy:

- a) Any town law enforcement officer.
- b) Any person providing security services in any Property pursuant to contract with the Municipality or with any person, firm, or corporation managing a Town of Richland Property on the town's behalf.
- c) With respect to any building, facility, area, or space assigned to a town department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.
- d) The Town of Richland [Manager/Administrator], any Assistant town[Manager/Administrator], [*additional officers*], or any person that such officials specifically designate in writing.

"Town of Richland Property" means any real property owned by the Town of Richland or in which the town has a property interest or property management responsibility

"Public Area" means any area on Town of Richland Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area.

"Rules of Conduct" means the specific guidelines set forth in this policy.

## **RULES OF CONDUCT ON Town of Richland PROPERTY**

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at town Property, the Rules of Conduct in this section apply and are to be enforced at all Town of Richland Property except where specific rules of conduct or prohibitions have been adopted for designated Town of Richland Property.

Rules of Conduct Applicable to All Town of Richland Property. The following Rules of Conduct shall apply at all town Property, including both Public Areas and Limited Access Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Town of Richland Property for any purpose other than to conduct legitimate business with town offices or tenants located at Town of Richland Property, to enjoy publicly accessible amenities in Public Areas, to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The appropriate Municipality Officials may adopt specific policies with respect to Town of Richland Property under their custody and control to manage conditions for use of such Municipality Property including

without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.

- b) No person shall engage in any activity on Town of Richland Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of town business at Town of Richland Property, lawful use by town employees and authorized users at Town of Richland Property, or town-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of town employees or private third parties lawfully using Town of Richland Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- e) No person shall interfere or obstruct the free passage of town employees or authorized third parties in or on Town of Richland Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties. The Municipality may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or teller windows at which private third parties conduct business with town employees.

Limited Access Areas The following Rules of Conduct shall apply at all Limited Access Areas:

- a) Limited Access Areas shall be accessible only to the following: (i) employees, elected officials, and appointed officials of the Town of Richland; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with town employees.
- b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows: (i) any town Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any town Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.
- c) No person shall photograph, audio record, or video record any private third party lawfully entering into, using, or occupying a Limited Access Area without the express consent of such third party.

## **EXCLUSION**

If a person violates these Rules of Conduct while in or upon Town of Richland Property, any town Official may eject and direct such person to leave Town of Richland Property for a period of up to 24 hours. It shall not be necessary for such town Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such notice of exclusion; *provided* that violation of such notice of exclusion may be deemed a trespass under applicable law. The notice of exclusion shall be in writing, given to the person excluded and signed by the town Official. It shall specify the dates and places of exclusion and shall contain a warning of consequences for failure to comply with the notice of exclusion.

## **SECURITY PROCEDURES**

- a) Any person may photograph, film, or record audio of any Public Area. Any such activity should be reported to a town Official, preferably a law enforcement officer if possible.
- b) Town employees should refrain from engaging with photographers and videographers wherever possible. Town employees should monitor photographers or videographers on Town of Richland Property, but should refrain from engaging them unless they violate any Rule of Conduct. In the event that engagement is necessary, every effort should be made to respond calmly without escalating the encounter.
- c) A town employee who does not wish to be photographed or recorded may retire to a Limited Access Area.
- d) Town employees are not required to respond to questions or demands from any photographer or videographer, and should refrain from doing so if possible.

Town employees may invite a private third party conducting business with the Town of Richland and who do not wish to be photographed or filmed to retire to

- a) a more private Limited Access Area in order to complete any business or transaction.
- b) Town law enforcement officers may approach photographers and videographers upon a complaint from a member of the public or Municipality employees that the activity is suspicious or based upon their own observation that the activity is suspicious or inconsistent with this Policy. This Policy neither limits nor expands the authority of town law enforcement officers to initiate and pursue investigations, to perform pat downs or frisks based upon reasonable suspicion, or to conduct searches based upon probable cause in accordance with legal authority. Photography, audio recording, or video recording does not, in and of itself, rise to the level of reasonable suspicion or probable cause.