



COMMUNITY ADVISORY

LOS ANGELES POLICE DEPARTMENT
OFFICIAL PUBLICATION OF THE VAN NUYS AREA CRIME & COMMUNITY INTELLIGENCE CENTER

FIRST AMENDMENT AUDITORS (CONSTITUTIONALLY PROTECTED ACTIVITY)

What is a FIRST AMENDMENT AUDITOR?

A FIRST AMENDMENT AUDITOR is a largely American social movement that involves a person or persons photographing or filming from a public space.

For example, an AUDITOR will stand at a location open to the public (sidewalk, park, or other outdoor location open to the public), with the objective of filming anyone and everything. While this behavior can be perceived by many as unsettling, it is not illegal. This is a protective activity under the First Amendment and there is no Local, State or Federal Law that precludes filming of locations or individuals at/and from locations that are open to the public. The AUDITOR does not need permission to do this, and this activity can include the filming of children, following a person in public, or standing in front of a business, without disrupting the movement in and out of said business. The activity only becomes illegal if the individual(s) violates existing laws, such as touching a person, interfering in a person's movement, entering private property without permission and/or causing a disturbance.

Merely standing anywhere in a public place and filming, in itself does not violate existing laws.

In addition, many of these AUDITORS live stream their interactions through various social media outlets and some have monetized accounts that pay the AUDITOR money when they increase viewership and subscriptions. There have been several incidents when members of the public encounter an AUDITOR and respond to the AUDITOR's First Amendment protected activity in a violent or illegal manner. Often the AUDITOR's are trying to solicit a response hoping the member of the public will act out in a manner that violates the law. This is what the AUDITOR wants, and it is known as "Click Bait." Unfortunately, members of the public continue to "take the bait," and end up getting arrested. A common scenario is someone tries to hit or grab the camera from the AUDITOR'S hands or try to physically move the AUDITOR out of the way. These actions are illegal and constitutes the crime of Battery. In addition, the AUDITOR's tend to file civil lawsuits against the individual that battered them, with successful outcomes.

If you encounter an AUDITOR, it is recommended that you ignore them and not engage with the AUDITOR. If the AUDITOR's activity exceeds First Amendment protected activity and becomes criminal, members of the public are encouraged to report suspicious and illegal activity to law enforcement.