

Dear Trustees of the Boston Public Library:

I urge you not to approve the proposed Photography, Filming and Digital Recording Policy that allows filming and photography of staff and patrons, as it preemptively sets the stage for individuals from the public to violate patron and staff privacy.

As a public library, the BPL is a limited public forum. In limited public forums, we are only obligated to allow free speech that is consistent with the nature of the forum. In other words, our library policies can 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." [-Uptick in First Amendment Audits, ALA \(January 2022\)](#)

[As the Shaker Library puts it in their Media Relations Policy](#): *While the library is a public place, it is considered a "limited public forum" under federal law. Public libraries may reasonably restrict the exercise of free speech rights in their buildings, particularly when the conduct would be disruptive to, or interfere with, the other customers or staff or be inconsistent with the library's mission.*

[Kreimer v. Bureau of Police for the Town of Morristown](#) (1992) is an example of a case in which the library won as a limited public forum that had policies in place that a patron violated.

In the more recent case [SHEETS v. CITY OF PUNTA GORDA, FLORIDA](#) (2019), the court upheld the right of the City to restrict videorecording as a limited public forum: "The Government, like any private landowner, may preserve the property under its control for the use to which it is lawfully dedicated." *Sentinel Commc'ns Co. v. Watts*, [936 F.2d 1189, 1201](#) (11th Cir. 1991) Likewise, a government "workplace, like any place of employment, exists to accomplish the business of the employer." *Cornelius*, [473 U.S. at 805, 105 S.Ct. 3439](#). "It follows that the Government has the right to exercise control over access to the [government] workplace in order to avoid interruptions to the performance of the duties of its employees." *Id.* at 805-06, 105 S.Ct. 3439.

BPL legal counsel cites the case [GLIK v. CUNNIFEE \(2011\)](#) in support of the proposed policy change. In this case, the court sided with Glik, upholding his first amendment right to film police officers, who are public officials, in a public space. Legal counsel asserts that we as library staff are public officials, and like police officers, can legally be filmed. However, this case is not directly applicable to the BPL because as a library — like a courthouse where filming is not allowed — we are not a public forum. We are a **limited** public forum. The setting in the GLIK v. CUNNIFEE case was the Boston Common, a park, which is traditionally considered a public forum — in other words, the setting in question was not a **limited** public forum. The limitations mentioned

in the case — "To be sure, the right to film is not without limitations. It may be subject to **reasonable time, place, and manner restrictions**. See Smith, 212 F.3d at 1333." — are applicable to a limited public forum setting such as a library or courthouse where filming is not allowed. The situations of filming location — public forum versus limited public forum — are not analogous.

Bullet point 3 and point 4 in the draft go further than they should, where the rights of library users must be balanced with the rights of those asserting their first amendment rights. Library users' expectations would create "place and manner" restrictions on the asserted right of First Amendment "auditors" to film and photograph.

Bullet point 4 is vague and open to interpretation using the phrases "...interfere with their use and enjoyment of Library resources..." and "...violate their privacy and confidentiality..."

### **Please note our peer libraries' policies:**

The Library of Congress policy [states](#): "Photography/videotaping other visitors, staff and volunteers is not permitted without their written permission. Photography/videotaping Police, guards or security areas is prohibited. Please respect others' privacy."

The New York Public Library policy [states](#) "Any kind of recording on Library premises requires the prior approval of the Library, and usually requires the approval of any person being photographed or recorded."

### **Other issues that will result from this proposed policy change:**

- This will discourage staff from working on the public service desk
- This sets a precedent across the state and country that other smaller libraries will no doubt follow simply because they believe we have better legal counsel and we are leaders in the space
- If staff are uncomfortable being filmed, they will possibly simply leave the desk to go to a non-public area – this option has been approved by management in previous discussions – and leave the area unstaffed. In other words, this is creating the conditions for bad public service.
- Violations of both staff and patron privacy
- The library not feeling like a safe place to work or come to for both staff and patrons

There do not seem to be any repercussions for not changing the policy as it is — at the end of the day this is determined in court when a case is presented, the ruling is made, and a precedent is set. Thus far no precedent has been set by a court ruling for a case involving an arrested self-proclaimed "first amendment auditor" filming to assert their supposed rights versus a library, therefore the law remains open to interpretation.

The [mission of the Boston Public Library](#) is focused on four core areas: reading and literacy, spaces and programs, reference and instruction, and special collections and cultural heritage." As a limited public forum we can have policies in place that are aligned with this mission to encourage reading and literacy, have spaces and programs that feel safe to our patrons and the staff providing them, provide private reference and instruction, and allow for access to special collections and cultural heritage without the monitoring presence of an "auditor."

Although my job is not on a public service desk M-F 9-5, I do work overtime a lot at the Central Library and Branches on weekends, and also have worked for several years as a Floater Librarian at most BPL locations. I support my colleagues who work in direct public service and their dissatisfaction with this proposed change.

Those working on a public service desk are already at greater risk for physical assault, verbal harassment and abuse, stalking (especially for our female staff), threats from patrons, and catching COVID-19 and other illnesses. I hope you have time to read the [2022 Urban Library Trauma Study](#).

Just the other day a colleague told me she suspected someone was calling in who was masturbating at the end of the line. I myself have witnessed one of our security guards be physically assaulted. Creating a more liberal filming and photography policy will exacerbate the inequality that currently still exists in enormous quantities at the BPL.

Sincerely,

Meia Geddes

Interim Manager of Web Services (at least verbally from the PSA Union, HR Director, and Chief of Staff) / Web Services Librarian

**From:** [Margaret Levine](#)  
**To:** [Pamela Carver](#)  
**Cc:** [Maty Cropley](#); [bpl.psa1@gmail.com](mailto:bpl.psa1@gmail.com); [Christopher Strunk](#)  
**Subject:** To Share With Trustees  
**Date:** Monday, March 20, 2023 3:09:15 PM

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Hello Trustees,

My name is Maggie Levine, and I've been a children's librarian here for eleven years. I'd be sharing this in person, but I have to do storytime this morning. Last year, I was one of the staff members in the room when protestors took over the space, filming staff and patrons. I stood outside, warning families coming into the room what was happening. I grabbed books for them while they waited outside, not wanting to bring their children into the situation. They didn't want to come into a room where they weren't safe. I watched as a patron I've known for years was called a pedophile, and their face streamed live without their consent. That experience was the most troubling one, to say the least, that I've had in my career, and it took days for me to feel comfortable walking into my workplace. It took a long time for that patron to return.

This proposed policy is dangerous, and I strongly urge you to reconsider.

Thank you,

Maggie

Maggie Levine  
Early Literacy Programs Librarian  
Central Branch of the Boston Public Library  
700 Boylston St | Boston, MA | 02116

**From:** [Jane Bickford](#)  
**To:** [Pamela Carver](#)  
**Subject:** Statement for Trustee's Meeting 3-21-23  
**Date:** Tuesday, March 21, 2023 12:28:09 PM

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Good Morning-

My name is Jane Bickford. I am a member of BPLPSA and a branch librarian. I have worked at the BPL all over the city for over 35 years and I've been a librarian for 39 years.

Privacy is a core library value as we serve everyone including, youth, people struggling with mental illness, substance abuse, housing insecurity and other very serious concerns. Privacy is vital for assisting these individuals and for doing our job effectively.

Patrons come in distraught, upset as they deal with issues like homeless or major illness. Our role is to provide them with the information & resources they need. Anyone filming a staff member would also be filming the interaction our staff have with patrons. Is this fair or just? Many of our patrons are the most vulnerable members of society- the elderly, disabled, undocumented etc. What would happen if a domestic violence survivor would be filmed and put on social media while talking to a staff member or using the facility...would they be identified and stalked by their abuser?

Allowing individuals to film and harass staff and the public in order to put the footage on their social media feeds will have a chilling effect on library services, the Library's reputation and overall support for the BPL.

I urge the Board to vote no on this very vague and unenforceable policy. Please keep staff and the public safe from harassment and ensure that the BPL can be a place where there is privacy for all.

Thank you-

Jane Bickford

My name is Ann Langone. I am a member of the BPLPSA and have been a Children's Librarian at the Boston Public Library for 16 Years. I am speaking out today to urge the Trustees not to accept these changes to the filming policy as put forth by library management but to help us craft a filming policy that is clear and thoughtful and respects the safety and the privacy of library staff and library patrons.

Instead, the current "changes" render our filming policy vague, confusing and unenforceable and endangers the safety and the privacy of all our staff and patrons.

Let's be clear. The problem is not with the media or wedding photographers or someone filming me at Storytime. The issue is with self-proclaimed "First Amendment Auditors" -- organized groups whose sole purpose is to disrupt library operations and harass staff and patrons, while filming the harassment and then uploading it to right wing blogs and outlets for clicks. This has already happened at some of our locations-- Central, Lower Mills, Hyde Park and Roxbury are some. And let's be clear about a few other things-- children and teens are all over the library, in every part of the building-- not just in the kids and teen rooms. It is impossible to film anywhere in the library and NOT be filming children. And the goal of these auditors is to disrupt-- they do not stand quietly and film-- they walk around and pepper staff with loud questions about things that have nothing to do with library service. In Lower Mills the auditor zoomed in on a staff computer screen with his camera and said he had the right to film it. That staff member needs multiple security codes to unlock that screen but this "auditor" believes he has the right to film it and post it online. Which he did. At central the adult auditors entered the children's room and planted themselves on a couch and refused to leave-- and when the cops came down, they refused to remove them. At Roxbury, a patron got angry at being filmed and things got hostile and there was almost an incident. Recently at the Cambridge Public Library there was a physical incident when an auditor tried to film some teens in the bathroom. When these people are told to stop, they do not. Period. They pepper us with ridiculous questions about the Law, history, politics, the constitution and refuse to get out of the way when we try to deal with a library patron behind them. You can go on the internet to see how ugly that got at the Hyde Park Branch last year. And they post these videos online and spread them through their networks where anonymous trolls subject the unfortunate staff member to nasty and vicious personal comments there, and then again on our personal social accounts.

The plan put forth today is no plan at all. No guidelines for what we should do when people who are looking for a confrontation do not just behave themselves. The BPL deserves a real, honest and well thought out plan that meets the requirements of the law, allows for excellent library service, and protects the safety and privacy of all patrons and staff.