

Village of Ossining Policy for Recording in Village-Owned Buildings

The purpose of this policy is to ensure the orderly functioning of the Village of Ossining government, the safety of Village employees, the safety of the general public, and the security of confidential government records. “Recording” as defined by this policy includes audio recording, video recording, livestreaming and photography.

This policy will also act to establish clear guidelines on the uses of Village-owned municipal buildings including but, not limited to: Village Town Hall, John-Paul Rodrigues Operations Center, the Birdsall-Fagan Police/ Court Facility, the Joseph G. Caputo Community Center, the Indian Brook Water Treatment Plant, and all Village-owned firehouses (Fire Department Headquarters, Holla Hose Company #5, Cataract Hose Company #2, Monitor Hose Company #4, and Northside Fire House).

Introduction

While the Village of Ossining welcomes expressive activity in traditional or designated public forums, restricting these actions in certain government-owned locations for purposes of public and staff safety and the confidentiality of records is within the purview of the Village Board of Trustees. This distinction has been upheld by the Supreme Court in *Minnesota Voters Alliance v. Mansky*, which maintains that the government, “no less than a private owner of property”, retains the “power to preserve the property under its control for the use to which it is lawfully dedicated.” The Supreme Court also concluded that “government may impose some content-based restrictions on speech in non-public forums, including restrictions that exclude political advocates and forms of political advocacy.”

As widespread access to mobile phones has become the norm, the Village Board of Trustees wishes to set restrictions on areas of Village-owned property that may be recorded by members of the public. Courts have upheld the right of the public to record government officials conducting their duties in public forums (*Irizarry v. Yehia*, Tenth Circuit Court of Appeals), so long as recording does not disrupt the public forum (examples being publicly-noticed meetings, public hearings, etc.) However, the right to record in what are determined to be non-public forums can be limited by formal action of the governing board.

Policy

1. As to the interiors of Village-owned properties covered by this policy, recording of Village staff members, visitors to Village-owned properties, and Village offices/ facilities by members of the public is allowed in areas demarcated by signage reading “Recording Allowed Here”, so long as such recording takes place during normal business hours, and is done in a manner that is not disruptive to municipal

operations or unsafe. These signs will be posted in the public lobbies of all buildings covered by this policy.

2. As to the interiors of Village-owned properties covered by this policy, recording by members of the public is not allowed in areas demarcated by signage reading “No Recording Beyond This Point—The Use of Video and Audio Equipment is Prohibited”.
3. Further, as to Village-owned properties covered by this policy, access to some areas of Village-owned buildings shall not be open to the public. Any such area will also be demarcated by signage reading “Authorized Personnel Only”.
4. In instances where members of the public fail to comply with posted signage, municipal employees will notify the individual of this policy and may provide a copy upon request. Municipal staff will receive, as part of their annual safety training, further direction on how to address instances of conduct prohibited by this policy.

Conclusion

The Village of Ossining has developed this policy and procedure to ensure that all employees and members of the public visiting Village buildings remain safe, and that municipal records requiring confidentiality are protected. Any questions regarding this policy and procedure should be brought to the attention of the Village Manager.

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