



VTPD TRAINING MEMO

Videotaping & Photographing

Introduction

The 1st Amendment of the Bill of Rights protects a person's freedom of speech. Freedom of speech not only means words that are spoken, but also includes actions and expressions. Examples of this could be photographing, videotaping or protesting by holding up a sign.

Recent court rulings have clearly defined a person's constitutional rights when it concerns videotaping and photographing police personnel as well as police departments civilian employees.

Overview

In a recent court case in Boston, MA Glik v Cuniffe a citizen was using his cell phone to record several Boston police officers engaged in the arrest of an individual. The citizen who was recording the police was arrested and charged with several offenses related to the use of his cell phone.

The court ruled **against** the police, stating that "The filming of government officials engaged in their duties in a public place, including police officers performing their responsibilities fits comfortably within the principles (of protected 1st Amendment activity)

WHAT DOES THAT MEAN TO YOU AS A POLICE DEPARTMENT CIVILAIN EMPLOYEE?

What this means is that citizens have a right to photograph, videotape or record police department personnel as long as they do not interfere with their duties. If you are uncomfortable with being filmed, that is OK! But it does **not** give you the right to order them to stop filming.

There are rules, however, for the person using the recording devices as well as the employee being recorded.

- A person **can** record employees who are performing their duties using video photography or audio as long as the focus of the material being recorded is:

IN PLAIN VIEW

IN A PUBLIC PLACE

- Officers generally may **not** confiscate or demand to view photos or video without a warrant

- Officers may not delete photos, video or audio under any circumstances
- Officers can order citizens to cease recording only if those activities truly interfere with legitimate law enforcement operations

REMEMBER...THE RIGHT TO RECORD DOES NOT GIVE A PERSON THE RIGHT TO BREAK THE LAW

Summary

Knowing the law and how it affects your job is part of your duty as an employee of the Voorhees Township Police Department. We are all obligated to stay current with new legislature that may influence our decisions during the performance of our duties.