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Fwd: Citizens Videotaping in Public Buildings

1 message

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Fri, Oct 13, 2017 at 4:17 PM

To: staff <staff@neptunecitypolice.org>

----- Forwarded message -----

From: **Lori Linskey** <LLinskey@mcponj.org>

Date: Fri, Oct 13, 2017 at 1:53 PM

Subject: Citizens Videotaping in Public Buildings

To: Monmouth County Police Chiefs <MonmouthCountyPoliceChiefs@mcponj.org>

Good afternoon,

Some time ago, we alerted you to a Neptune City resident who drives to government buildings throughout the county to videotape, and then post online, her interactions with public employees at government agencies. The citizen, Jennifer Coombs, is back at this again and we have been alerted by some of your departments. This is understandably unsettling to the staff and law enforcement officers who work in the buildings in which this individual has been filming. Although this individual's conduct seems wrong, and our initial reaction as law enforcement is to have this citizen cease her videotaping, her actions are permitted as protected free speech under the First Amendment of the United States Constitution.

Opinions from the Civil Rights Division of the U.S. Department of Justice and both the New Jersey and United States Supreme Courts have collectively determined in many different cases that the use of videotaping by citizens, whether of law enforcement, public meetings or government activity, fosters openness which is an important touchstone of our democracy. Regardless of the holdings of our highest courts, it does not mean that the conduct of citizens videotaping in this manner is not disturbing to those of us who are confronted with it in the lobbies of our buildings. Fortunately, there are certain limited instances where such videotaping has been found to cross into territory that permits action on our parts.

Our courts have consistently noted that the right for citizens to record police is permitted, so long as their actions are not interfering with law enforcement operations and are not jeopardizing the safety of officers, suspects, others in the vicinity of the videotaping, or violates a specific law. It is unlikely that a citizen doing little more than videotaping in a public access area of a government building would be demonstrating conduct that would fall into one of these narrow exceptions.

So, what should you do if this individual or another citizen shows up in your lobby or another publicly accessible space and starts videotaping? Be courteous, ask if you can be of assistance, and ignore any comments the citizen may make designed to incite a response from you or your staff, regardless of how long the individual stays. Be mindful that anything that you or members of your staff say or do during that interaction will most likely end up online for all to see. Please make

sure that your officers and staff members are made aware of this information so that they can respond accordingly. If you are concerned that the actions of a videotaping citizen are stepping over the wide boundaries of free speech that our courts have set, please call your MCPO legal advisor for guidance.

We have attached a recent photo of Ms. Coombs for your reference.

Jennifer Coombs

DOB 06/17/1971

SBI: 663870D

If you have any questions or concerns, don't hesitate to let me know.

Lori



Lori Linskey

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Captain Matthew J. Quagliato
Neptune City Police Department
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5/1/2018

neptunecitypolice.org Mail - Fwd: Citizens Videotaping in Public Buildings

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