

Police officers may not confiscate or demand to view your photographs or video without a warrant, and they may not delete your photographs or video under any circumstances.

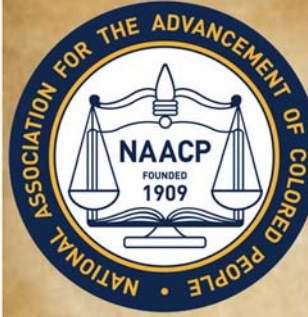
If an officer orders you to stop recording or orders you to hand over your phone, you should politely but firmly tell the officer that you do not consent to doing so, and remind the officer that taking photographs or video is your right under the First Amendment. Be aware that some officers may arrest you for refusing to comply even though their orders are illegal.

The arrest would be unlawful, but you will need to weigh the personal risks of arrest (including the risk that officer may search you upon arrest) against the value of continuing to record.



Whether or not you are able to record everything, make sure to write down everything you remember, including officers' badge and patrol car numbers, which agency the officers were from, how many officers were present and what their names were, any use of weapons (including less-lethal weapons such as Tasers or batons), and any injuries suffered by the person stopped.

If you are able to speak to the person stopped by police after the police leave, they may find your contact information helpful in case they decide to file a complaint or pursue a lawsuit against the officers.



# NAACP

Coraopolis Branch

**WHAT IF I'M STOPPED  
BY POLICE?**

**KNOW YOUR RIGHTS**

**YOUR RIGHTS WHEN RECORDING THE POLICE**

[www.coraopolisnaacp.org](http://www.coraopolisnaacp.org)

# YOUR RIGHTS WHEN RECORDING THE POLICE



The question about our right to film and take pictures of police officers in the line of duty has resurfaced in the aftermath of the Walter Scott’s killing in North Charleston, South Carolina.

The answer according to multiple courts across the country is yes. Federal Courts have continuously held that the First Amendment protects our right to take pictures and/or digitally record police officers engaging in their official duties. See Smith v. Cumming, 212 F.3d 1332, 1333 (11th Cir. 2000); Fordyce v. City of Seattle, 55 F.3d 436, 439 (9th Cir. 1995); and Robinson v. Fetterman, 378 F. Supp. 2d 534, 542 (E.D. Pa. 2005).

As with all protected speech, the government can place reasonable restrictions on this right, but cannot ban the right entirely—or arrest a person who complies with the restrictions, if any exist in the first place.

If you are in a public space—such as on the sidewalks, streets and locations of public protests— or any other place where you have the legal right to be, including the common areas of private businesses, then you have the right to film and/or take pictures of the incident.

This right is limited in so far as you are not interfering with the officer performing their duties or placing the officer or public in danger. (You should check your local police or governmental

More importantly, the officer and/or the government at large, does not have the right to threaten, harass, or otherwise prevent you from exercising this right.

If a reasonable request to leave the area due to a potential harm is made by the officer, you should comply in manner that would eliminate the threat.

Your right to film/record an officer does not allow you to break the law in an effort to capture the images—including, for example, trespassing on another’s property.

We have an incredible power in the palm of our hands to help hold all of our public officials accountable, including the police.

## What you can do if you think you’re witnessing police abuse or brutality

Stand at a safe distance and, if possible, use your phone to record video of what is happening. As long as you do not interfere with what the officers are doing and do not stand close enough to obstruct their movements, you have the right to observe and record events that are plainly visible in public spaces.

Do not try to hide the fact that you are recording. Police officers do not have a reasonable expectation of privacy when performing their jobs, but the people they are interacting with may have privacy rights that would require you to notify them of the recording. In many states you must affirmatively make people aware that you are recording them.