

FORT WORTH POLICE ROLL CALL TRAINING



First Amendment Right to Record Police Activity February 21, 2017

The Fifth Circuit Court of Appeals has found that individuals have a First Amendment right to record police officers.

Recently the Fifth Circuit Court of Appeals (the court that includes the state of Texas) ruled that individuals have a First Amendment right to record police officers. The case, *Turner v. Driver, et. al*, involved Fort Worth Police Officers who detained an individual filming a police station. The officers argued that at the time of the incident the law on filming police officers was not clearly established. The Court found in favor of the officers on this issue, but held that going forward officers are now on notice that individuals have a First Amendment right to record them, subject to limited time, place, and manner restrictions.

What Does This Mean For Me?: Officers cannot detain/arrest an individual **solely** because the individual is recording a police building, a vehicle being driven by a police officer, or a police officer in the performance of their duties. If an officer detains someone who is filming police activities the officer must be able to **articulate** a reason why that person was detained in addition to the fact that the person was recording police activity (i.e., the person was in the middle of the street and didn't move back when requested). This right is subject to reasonable time, place, and manner restrictions, however those restrictions must be "narrowly tailored to serve a significant governmental interest."

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