Cameras are everywhere today, including in most people’s pockets. As mobile photos and new tools like Facebook Live and Periscope become prevalent, our Police Department recently issued a new policy about anyone who might record police activity, whether it be something they see as a passerby or a direct interaction with an officer.

According to the Police Department, the policy was created and implemented to ensure the protection of everyone’s First, Fourth and Fourteenth Amendment rights. The new policy includes guidance to officers who encounter individuals recording them while they are performing their public duty, including:

Anyone has the right to “observe, photograph, or record police activity in an area accessible to, or within view of the general public.”

Officers shall not inform or instruct anyone that recording police activity, if within their legal right, is prohibited nor shall officers otherwise obstruct the ongoing recording.

The filming of such activity may not interfere with officers engaged in the public discharge of their duties, jeopardize their or others’ safety, violate the law or incite others to violate the law.

If officers feel the recording is interfering with the performance of their public duties or poses a safety hazard for the person recording or anyone at the scene, an officer may request or redirect that person to a safer location, while still respecting their right to film in the public domain.

Should a person who is recording be found in violation of a criminal law (e.g., obstructing an investigation, disregarding an established crime scene perimeter), they may be subject to criminal charges.

If a person who is filming police activity also captures evidence of a crime being committed, an officer is likely to request from the person filming that they voluntarily provide them with a copy or allow the officer to temporarily take custody of the phone for evidentiary purposes. It is with rare exception that an officer may seize a recording device without consent from its owner; the policy provides specific instruction to officers.