189.0 Recording Police Employees

Right to Record Police Employees

A person has a right to photograph or audio or video record police employees in the performance of their duties, unless the person is interfering with lawful police activity or is otherwise violating the law. For the purpose of this procedure, police employees are defined as any sworn or non-sworn employee of the City assigned to the police department.

Interfering with Individuals Photographing or Recording Police Employees

Officers shall not interfere with, restrict, or inhibit, in any way, a person from photographing or audio or video recording police employees in the discharge of their duties, unless:

1. the person is subject to arrest; or
2. it is reasonably necessary to:
   a. secure a crime scene or incident;
   b. prevent injury; or
   c. prevent obstruction with official police duties.

In the event it is necessary for officers to direct a person photographing or recording to another location, they shall not order the person to stop photographing or recording.

For purposes of this procedure, taking photographs of or audio or video recording police employees, by itself, shall not constitute a reason to question, detain, or arrest a person.

Seizing Devices Used to Photograph or Record Police Employees

Officers shall not seize any device that is being used to photograph or audio or video record police employees in the discharge of their duties, unless:

1. an officer has a valid warrant to seize or search the device;
2. the person in possession of the device is under arrest; or
3. an officer has probable cause to believe the device contains evidence of a crime and
   a. the person in possession of the device consents to the seizure; or
   b. the officer has probable cause to believe (i) failure to seize the device would lead to destruction of the evidence of a felony crime or (ii) delay would endanger the life of another.

Searching Devices Used to Photograph or Record Police Employees

Officers shall not search a device that was being used to photograph or audio or video record police employees in the discharge of their duties, unless:

1. an officer has a valid warrant to search the device;
2. the person in possession of the device signs a consent to search waiver; or
3. an officer has probable cause to believe (i) failure to search the device would lead to destruction of evidence of a felony crime or (ii) delay would endanger the life of another.

Merely because the person in possession of the device is under arrest does not authorize officers to search the device.

Deleting Images/Recordings Prohibited

Officers are prohibited from deleting any images, recordings, or contents from any device that was being used to photograph or audio or video record police employees in the discharge of their duties.