

GUIDELINES FOR DPS TROOPERS REGARDING MEMBERS OF THE PUBLIC PHOTOGRAPHING OR VIDEOTAPING IN THE TEXAS CAPITOL BUILDINGS AND GROUNDS

Prologue

In general, non-commercial photography and videography in public government spaces is considered lawful unless specifically limited. Spaces where photography or videography is limited or forbidden for security reasons must be indicated by appropriate signage. However, individuals photographing in the Capitol complex may not impede law enforcement operations or the ingress/egress of people or vehicles entering or exiting the facilities and grounds.

General Guidelines for Approaching Individuals Regarding Photography or Videography Activities

If you approach an individual based on questions you have regarding the individual's photographing or recording particular locations or activities, the following procedures apply:

- Approach the individual in a professional and non-confrontational manner. This is a voluntary contact, not a detention.
- Identify yourself.
- Politely attempt to determine the purpose of taking photographs or videos of the facility and the identity of the individual. Do not demand or intimidate the individual.
- You may not further detain the individual or impede the individual's activities unless you develop reasonable suspicion or probable cause justifying an investigative detention or arrest.
- You may not seize the camera or its contents unless you develop probable cause that the individual is using the camera or recording device in the course of criminal conduct.
- You may not order the individual to "erase the contents" as this elevates the contact to an investigative detention which requires that you have at minimum, reasonable suspicion that the individual is engaged in criminal activity.

Photography and Videography in the Capitol Complex

In general, there are no restrictions on photography or video recording in the buildings and on the grounds of the Capitol Complex. However, certain restrictions have been adopted by the Texas Preservation Board for film and video production. These restrictions can be found in 13 Texas Administrative Code Chapter 111, Rule 111.15 (Use of the Capitol, Capitol Extension, Capitol Grounds, and General Land Office for Film or Video Production). The rule does not apply to news gathering by members of the press. Film or video production for commercial advertising purposes is strictly prohibited. Other film and video production must be approved by the State Preservation Board.

Certain areas, such as committee rooms, may be posted as permitting no photography or videography. If an individual violates the prohibition, normally the Sergeant-at-Arms for the legislative body is responsible for notifying the individual to cease the activity. DPS Troopers should get involved only if the individual refuses to comply and refuses to leave when asked to do so by the Committee Chair. This should be treated as a criminal trespass.

Troopers should take particular note of individuals photographing or recording areas or activities not commonly photographed by tourists.¹ Such activity, combined with other factors, could be indicators of pre-attack surveillance. However, the general guidelines must be followed because the mere fact that the person is photographing or recording in locations a Trooper considers unusual is not in itself sufficient to support reasonable suspicion of criminal activity.

¹ Security bollards, security camera locations, security screening equipment (metal detectors, x-ray machines), light patterns, manhole covers, doors that are not open to the public, Troopers during shift changes, etc.