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# Los Angeles County Sheriff's Department

## NEWSLETTER



Field Operations Support Services, (323) 890-5411

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### **CITIZENS TAKING PICTURES/VIDEO IN PUBLIC PLACES**

Members of the public, including the press, have a First Amendment right to observe, take photographs and record video in any public place where they are lawfully present.

Photography and the recording of video are common activities and are neither crimes nor indications of criminal activity, in themselves. Neither photography nor the recording of video, standing alone, can form the basis for a detention, arrest, or warrantless search.

Members of the public have the same right to take photographs and record video as members of the media (except for narrow circumstances authorizing media access to areas closed to the public pursuant to Penal Code § 409.5 due to the existence of a menace to public health or safety created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster).

Members of the public have the right to take photographs and record video of peace officers engaged in the public discharge of their duties, including in such activities as detentions, searches, and arrests, so long as the members of the public are in a place they have a legal right to be present. Deputies should assume they are being recorded at all times when on duty.

The types of places an individual has a right to be present include public streets and sidewalks, an individual's home or business, common areas of public and private facilities and buildings, and any other public or private facility at which the individual is lawfully present.

#### Interference with Taking Photographs or Recording Video

Department members are prohibited from interfering, threatening, intimidating, blocking or otherwise discouraging a member of the public, who is not violating any other law, from taking photographs or recording video (including photographs or video of police activities) in any place the member of the public is lawfully present. Such prohibited interference includes:

1. Ordering a person to cease taking photographs or recording video;
2. Demanding that person's identification;
3. Demanding that the person state a reason why he or she is taking photographs or recording video;
4. Detaining that person;
5. Intentionally blocking or obstructing cameras or recording devices (not including physical barricades or screens used as a part of a tactical operation or crime scene).

Nothing in policy bars officers from taking appropriate action if a person taking photographs or recording video is violating any provision of law; for example,

1. Engaging in actions that jeopardize the safety of the person, the deputy, or others.
2. Violating the law.
3. Interfering with or obstructing police actions through direct physical intervention.

Verbal criticism, insults, or name calling, or obscene gestures, directed at deputies or others do not in themselves justify a deputy taking corrective or enforcement action toward a member of the public, including one engaged in photography or video recording.

Nothing in policy bars deputies from initiating a consensual encounter with a person taking photographs or recording video. However, a person's refusal to answer questions or to speak with officers during a consensual encounter does not provide a basis for detention or search.

If a citizen's conduct related to the use of cameras or other recording devices rises to the level of necessitating an arrest for interfering or obstructing a peace officer's duties in violation of Penal Code sections 148, subdivision (a) or 69, deputies must adhere to Field Operations Directive 12-01, Procedures for Processing "Resistance, Delaying, and Obstruction Arrests" (148(a)(1) P.C., 69 P.C., and 243(b) P.C.).

Department members are prohibited from deleting or destroying any photographic, audio or video recording under any circumstances. A deputy may not require an individual to show the photographs that he or she has taken without a warrant. Procedures for involuntary and voluntary seizing of video and/or pictures are located in the Manual of Policy and Procedures, Section 5-04/110.12, Seizure of Photographic Evidence.

Information regarding the content of this newsletter may be directed to [Field Operations Support Services](#).