


<b>NORTHAMPTON POLICE DEPARTMENT</b> <b>Administration &amp; Operations Manual</b>		
<b>Policy: Recording &amp; Photographing of Police Officers</b>		<b>AOM: P-249</b>
Massachusetts Police Accreditation Standards Referenced:		Issuing Authority <hr/> John D. Cartledge Chief of Police
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## I. Introductory Discussion:

With the prevalence of digital and cell phone cameras in existence, it is common for police incidents to be photographed by citizens and media alike. Officer safety, the protection of the suspect or person being detained, including their right to privacy, and the safety of onlookers are important factors that must be kept in mind. The Northampton Police Department recognizes that members of the general public have a First Amendment right to record police officers in the public discharge of their duties, and that the right to record is not limited to streets and sidewalks – it includes areas where individuals have a legal right to be present. This includes, but is not limited to, an individual’s home or business, or other private property where the person has a right to be present, so long as their presence does not obstruct, hinder, delay, jeopardize, or threaten the safety of any officer, suspect, witness, victim, or bystander; or compromise the outcome of legitimate police actions and/or rescue efforts.

## II. Policy and Procedure:

A. Members of the general public and the press enjoy the same rights in any

area accessible to the general public. No individual is required to have or display 'press credentials' in order to exercise their right to observe, photograph, or record police activity taking place in an area accessible to, or within view of, the general public.

- B. Officers are prohibited from threatening, intimidating, or otherwise discouraging any individual from photographing or recording police activities.
- C. Officers are prohibited from deleting recordings or photographs, as well as damaging or destroying recording devices/cameras under any circumstances.
- D. A person may record/photograph public police activities, unless said person engages in actions that jeopardize the safety of the officer, suspect, or others in the vicinity; or violates the law or incites others to violate the law. Examples of such actions include, but are not limited to, the following:
  - 1. Repeatedly instructing a witness being questioned by a police officer to not respond to the officer's questions.
  - 2. Persistently engaging or attempting to engage an officer in conversation, so as to distract the officer(s) or otherwise interfere with them while the officer is in the midst of performing their lawful duties.
  - 3. Hindering a lawful arrest.
  - 4. Entering an established marked and protected crime scene or a restricted area that would normally be unavailable to the general public.
  - 5. Inciting bystanders to hinder or obstruct an officer in the performance of their duties.
    - a. An individual's recording/photographing of police activity from a safe distance, without any action intended to obstruct the activity or threaten the safety of others, does not amount to interference.
    - b. An individual's expression of criticism of the police or the police activity, does not amount to interference. The First Amendment does protect a significant amount of verbal criticism and challenge directed toward the police, including foul/obscene expressions of disapproval (gestures or language) toward the police or the police activity.
  - 6. If an individual is photographing or recording police activity from a

position that impedes, threatens, or interferes with the safety of all involved, an officer may direct that individual to move to another position. An officer shall not order that individual, however, to cease photographing or recording.

- E. The warrantless seizure of material protected by the First Amendment (photos, videos, etc) will be strictly scrutinized by the Court. In ordinary circumstances, the seizure of camera or recording devices without a warrant will not be reasonable, however based upon case law(s), there are special circumstances that allow for the warrantless seizure of said devices.