



Your Right to Take Photos and Make Video and Audio Recordings of Police

Your Right to Take Video and Photographs

- When in outdoor public spaces where you are legally present, you have the right to capture any image that is in plain view. That includes pictures and videos of federal buildings, transportation facilities (including airports), and police officers.
- When you're on private property, the property owner sets the rules about taking photographs or videos. If you disobey property owners' rules, they can order you off their property (and have you arrested for trespassing if you do not comply).
- Police should not order you to stop taking pictures or video. Under no circumstances should they demand that you delete your photographs or video.
- Police officers may order citizens to cease activities that are truly interfering with legitimate law enforcement operations. In general, a court will trust an officer's judgment about what is "interfering" more than yours. So if an officer orders you to stand back, do so.
- If the officer says they will arrest you if you continue to use your camera, it's usually better to put the camera away and call the ACLU for help, rather than risking arrest.
- Police officers may not generally confiscate or demand to view your photographs or video without a warrant. If you are arrested, the contents of your phone may be scrutinized by the police, although their constitutional power to do so remains unsettled. It is possible that courts may approve the seizure of a camera in some circumstances if police have a reasonable, good-faith belief that it

contains evidence of a crime by someone other than the police themselves.

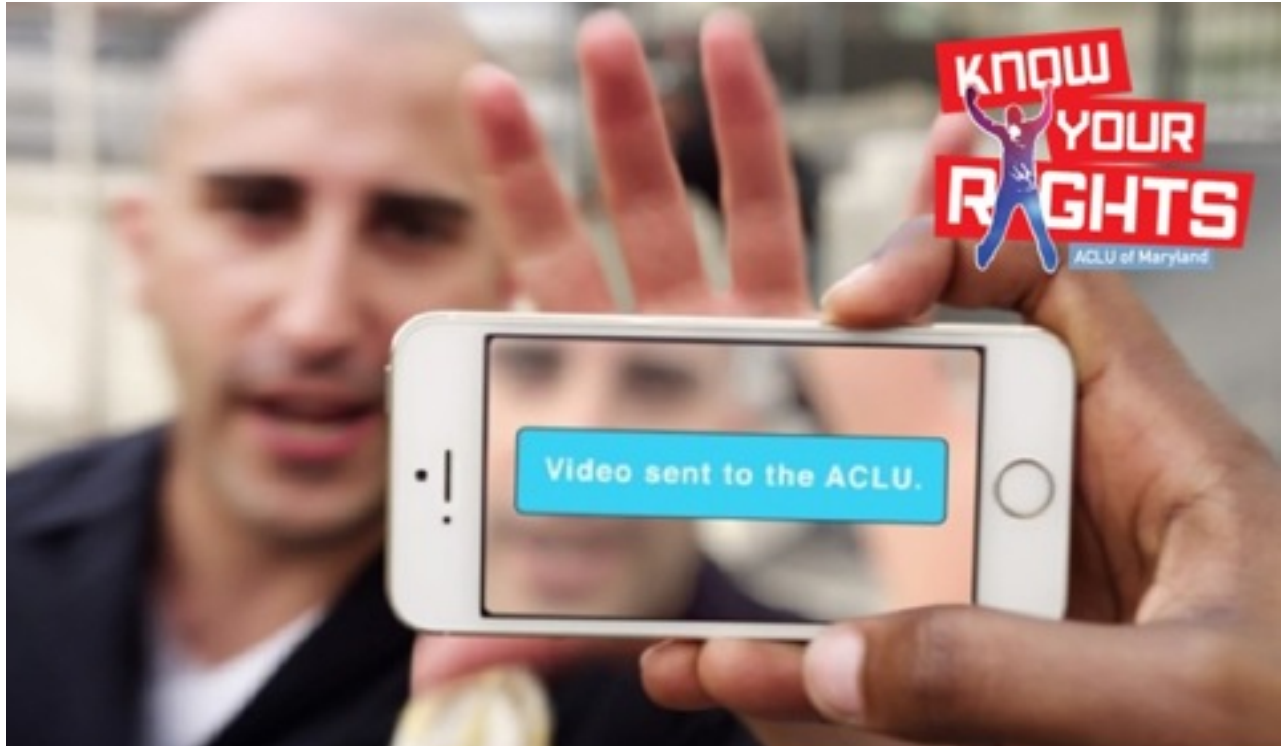
Using a Video Recorder (Including Cell Phones) With Audio Capacity

- You have a right to capture images in public places, but you don't always have a right to record what other civilians say.
- You have the right to videotape and audiotape police performing official duties in public. That means you can record an officer during a traffic stop, during an interrogation, or while he or she is making an arrest.
- You can record people protesting or giving speeches in public.

If You Are Stopped or Detained for Taking Photographs or Videos

- Always remain polite and never physically resist a police officer.
- If stopped for photography, ask if you are free to go. If the officer says no, then you are being detained, something an officer cannot do without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so. Until you ask to leave, your being stopped is considered voluntary under the law and is legal.
- If you are detained, politely state that you believe you have the right to take pictures or video and that you do not consent to the officer looking through or deleting anything on your camera. But if the officer reaches for your camera or phone, do not resist. Simply repeat that you do not consent to any search or seizure. You don't want to invite a charge for "resisting arrest."

**If you think your rights have been violated, contact the ACLU of Maryland.
aclu@aclu-md.org • www.aclu-md.org • 410-889-8555**



MOBILE JUSTICE

Use your right to record the police.

From Baltimore to Minneapolis to Baton Rouge, the importance of video for police accountability could not be more apparent. Civilians have a constitutional right to record police actions. To help make recording the police and reporting misconduct easier and more secure, ACLU has developed our **Mobile Justice App**. The app empowers individuals to hold Maryland law enforcement agencies accountable for their actions. It has three main functions, plus Know Your Rights information:

- The **record** button allows you to record exchanges between police officers and yourself or other community members in audio and video files that are automatically sent to the ACLU of Maryland, so the evidence can't be destroyed.
- The **witness** function sends out an alert when police stop someone so that community members can move toward the location and document the interaction.
- The **report** feature gives you the option to complete an incident report and send it directly to the ACLU of Maryland for review.
- A **Know Your Rights** section – in English and Spanish – provides an overview of your rights when you're stopped by law enforcement officers.



http://aclu-md.org/mobile_justice

