

**TRAINING BULLETIN NO. 2017-001(a)**

**DATE:** 5/25/2017  
**TO:** Police Personnel  
**FROM:** Warren Spencer, Legal Advisor  
**RE:** Update - Issues pertaining to persons videotaping the police

In January we issued TB 2017-001. That bulletin discussed the issues surrounding arresting persons who were videotaping the police. The US 5<sup>th</sup> Circuit has now decided that a person has a 1<sup>st</sup> amendment right to videotape police activities.

This does not mean that videographers have the right to break other laws or that their filming can interfere with officers' duties. It does mean that an officer who interferes with the videotaping can now face a civil rights lawsuit for unlawfully interfering with the taping process – i.e. violating the 1<sup>st</sup> amendment.

Officers may still investigate possible criminal activity by videographers. Officers are cautioned once again that the mere act of videotaping, by itself, may not establish reasonable suspicion of criminal activity. The new cause of action regarding the 1<sup>st</sup> amendment will give videographers yet another option when suing officers and the department.

**Prepared by:** Warren Spencer, Legal Advisor

**Date:** 5/25/17

**Reviewed by:** 

**Date:** 6/15/17