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## **Purpose**

With the prevalence of digital cameras, cell phone cameras, etc, it is common for police incidents to be photographed and recorded by citizens as well as the media. Officer safety, the protection of the suspect or person being detained, including his/her right to privacy, and the safety of onlookers are the most important factors. With these factors in mind, this policy sets forth guidelines which seek to protect the rights and safety of all people involved.

## **Policy**

It is the policy of the Bemidji Police Department that people not involved in an incident may be allowed to remain in proximity of any stop, detention or arrest, or any other incident occurring in public so long as their presence is lawful and their activities, including verbal comments, do not obstruct, hinder, delay, or threaten the safety or compromise the outcome of legitimate police actions and/or rescue efforts.

### **I. Witnessing Stops, Detentions, Arrests and other Police Actions**

- A. Officers shall recognize and obey the right of persons to observe, photograph, and/or make verbal comments in the presence of police officers performing their duties.
- B. Citizens, regardless of their intent to video and/or audio record an activity, may not enter any marked and/or protected crime scene or a restricted area that would normally be unavailable to the general public. Officers and investigators will determine who enters or leaves a secure scene.
- C. In public areas, there is no distinction between citizens employed by news media organizations and those who are not. The existence of press credentials extends no special privileges to any citizen, nor does the absence of such credentials limit a citizen's free access to record law enforcement activities while in public, under most circumstances.

### **II. Bystander Filming of Officer-Suspect Contacts**

- A. It is increasingly common for bystanders, who are not involved in any criminal activity, to record contacts between officers and citizens. Bystanders have the right to record police officer enforcement activities, except when:
  - i. The safety of the officer or the suspect is jeopardized.
  - ii. Persons interfere or violate the law.
  - iii. Persons threaten others by words or action, or they attempt to incite others to violate the law.

- B. Although contact with citizens to obtain evidence is encouraged, officers will not detain citizens or seize their recorded media on the sole basis that the citizen recorded a police involvement.
- C. When recorded media is being sought from an uninvolved citizen for **evidentiary purposes**.
  - i. The first course of action should be a request for voluntary surrender of the media. This request and the citizen's response should be documented in the report.
    - 1. If the citizen surrenders the media they should sign a consent to search form, disclose any pin numbers or security code, case number and be given an evidence receipt.
  - ii. **If consent is not given**, officers may immediately seize the recording device. The device will then be held as evidence until a proper search warrant can be obtained. The citizen should be given a case number, an evidence receipt and they should be asked to provide any pin numbers or security codes for the phone.

**Reference or Revision Date(s):**

A. City of Seattle - Policy 5.160

REVISION DATE(S):