

THIS IS NOT LEGAL ADVICE

FILM THE POLICE

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YOUR RIGHTS AND YOUR SAFETY

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SAFE ACCESS FOR EVERYONE (SAFE)



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Photo Credit: Westord's *Brandon Marshall*

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Colorado Revised Statutes 16-3-311.

Peace officer incident recordings

- “(1) **A person has the right to lawfully record any incident involving a peace officer and to maintain custody and control of that recording and the device** used to record the recording. A peace officer shall not seize a recording or recording device without consent, without a search warrant or subpoena, or without a lawful exception to the warrant requirement.”
 - An officer can request to “obtain from a person a device used to record an incident involving a peace officer in order to access the recording as possible evidence in an investigation.” Tell them “**I do not consent or volunteer to you taking my camera.**”
- (e) Notwithstanding the provisions of this section, **a peace officer has the authority to temporarily seize and maintain control over a device** that was used to record an incident involving a peace officer for no longer than seventy-two hours to obtain a search warrant when exigent circumstances exist such that the peace officer believes it is necessary to save a life or when the peace officer has a reasonable, articulable, good-faith belief that seizure of the device is necessary **to prevent the destruction of the evidentiary recording** while a warrant is obtained.

Colorado Revised Statutes 13-21-128. Civil liability for destruction or unlawful seizure of recordings by a law enforcement officer

- There are many requirements—see the statute—but if met, you can recover damages (payment) for an officer destroying your video or your device:
 - “If a recording was damaged or destroyed, the owner may claim **five hundred dollars** as the value of the recording itself.”
 - The court may order punitive damages up **to fifteen thousand dollars** and attorney fees to the property owner upon a finding that the denial by the law enforcement agency to reimburse the person pursuant to paragraph (b) of this subsection (1) was made in bad faith.
 - If the court finds that an action brought by a person is frivolous and without merit, the court may award the law enforcement agency its reasonable costs and attorney fees.



**When exposing a crime is
treated as committing a crime,
you are ruled by criminals.**

Edward Snowden

KNOW YOUR RIGHTS

- CONSENT: IF AN OFFICER TALKS WITH YOU AND YOU CHOOSE TO ENGAGE, YOU ARE SAID TO CONSENT TO THE QUESTIONING
 - ASK “**AM I BEING DETAINED?**” IF THE ANSWER IS NO YOU ARE FREE TO LEAVE. IF THE ANSWER IS YES:
- TERRY STOP: AN OFFICER HAS AUTHORITY TO DETAIN YOU AND ASK FOR YOUR ID IF THERE IS **REASONABLE SUSPICION OF A CRIME**
 - THIS IS UNLIKELY IF YOU ARE FILMING, BUT IF IT DOES
 - THE MAGIC WORDS, ESPECIALLY IF THE COP INSISTS ON A SEARCH: “**I DO NOT CONSENT TO A SEARCH.**”
 - SUGGESTION: ASK “**WHY AM I BEING DETAINED / SEARCHED?**”

WHAT AN OFFICER CAN ASK YOU IF DETAINED

- **Colorado Revised Statute 16-3-103. Stopping of suspect**
- (1) A peace officer may stop any person who he reasonably suspects is committing, has committed, or is about to commit a crime and may require him to give his **name and address, identification if available, and an explanation of his actions**. A peace officer shall not require any person who is stopped pursuant to this section to produce or divulge such person's social security number. The stopping shall not constitute an arrest.
- Cops like to ask for date of birth and social security number. If you accidentally give the wrong number, you can be arrested:
 - CRS 18-5-113. Criminal impersonation **Criminal impersonation is a class 6 felony.**
 - Tell the officer, “I am providing my name and address as required. If you want an explanation of my actions, I’m filming the police, a protected right.”

YOU MUST STAY EIGHT FEET AWAY

- Boulder Revised Code 5-5-3: Obstructing a Peace Officer or Firefighter
- No person, upon being ordered by a police officer to move to a **distance of eight feet from the police officer**, or to a specific place which is **no more than eight feet from the officer**, while the officer is investigating what the officer reasonably suspects is a crime or violation of this code, is interviewing a suspect or potential witness, or is making an arrest, shall fail to comply with such order.
- It is helpful to state on video, even if not speaking to police, but rather the audience (think jury) “I am standing 10 feet away, safely beyond Boulder’s required eight foot limit when observing the police.”



Find this video at: <https://youtu.be/usH1TacNNoM>

PROTECTING THOSE YOU FILM

- Remember, the person's rights and safety you are filming have no idea what your intent is.
- You have the right to film in public (you can be asked to leave private property, such as on commercial property), even if the subject does not want to be filmed.
- If someone seems upset I'm filming during police questioning, I share "I'm filming to protect your rights and safety."



Find this video at: <https://youtu.be/7eqdcaeX3j0>