

Your rights

When you are lawfully present in any public space, you have the right to photograph anything in plain view, including federal buildings and the police. (On private property, the owner may set rules about photography or video.) However, they may order citizens to cease activities that are truly interfering with legitimate law enforcement operations.

If you're not under arrest, a law enforcement officer needs a warrant to confiscate your device or to view its contents without your consent. If you are arrested, an officer may take your phone but still needs a warrant to search its contents. The government may never delete your photographs or videos under any circumstances.

If you are videotaping, be aware that there is an important legal distinction between a visual photographic record (fully protected) and the audio portion of a videotape, which some states have tried to regulate under state wiretapping laws.

What to do if you are stopped or detained for taking photographs

Always remain calm and never physically resist a police officer.

Police cannot detain you without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so.

If you are stopped, ask the officer if you are free to leave. If the answer is yes, calmly walk away.

If you are detained, ask the officer what crime you are suspected of committing, and remind the officer that taking photographs is your right under the First Amendment and does not constitute reasonable suspicion of criminal activity.

What to do if you believe your rights have been violated

When you can, write down everything you remember, including the officers' badge and patrol car numbers and the agency they work for.

Get contact information for witnesses.

Take photographs of any injuries.

Once you have all of this information, you can file a written complaint with the agency's internal affairs division or civilian complaint board.