

Public Recording of Officer Activity

513.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record probation officer actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

513.2 POLICY

The Sonoma County Probation Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully by local law enforcement having jurisdiction.

Officers shall not resort to seeking highly discretionary arrests for offenses such as interference, failure to comply, or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

513.3 RECORDING OFFICER ACTIVITY

Members of the public who wish to record officer activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with officer activity. Examples of interference include but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a client or other individual.
- (c) The individual may not present an undue safety risk to self, to the officer, or to others.

513.4 OFFICER RESPONSE

Officers should promptly request that a supervisor or local law enforcement agency respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be relevant evidence. If practicable, officers should wait for the supervisor or responding agency to arrive before taking enforcement action.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing individuals to clear the area, an officer could advise individuals they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with officer activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

513.5 SUPERVISOR RESPONSIBILITIES

Whenever possible, a supervisor should respond to the scene when requested.

The supervisor shall review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practicable, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure, or other actions are constitutional and consistent with this policy and applicable state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.