



## What Are My Rights as a Bystander or to Record a Police Interaction?



### Is it legal for me to record a police interaction as a bystander?

If a friend gets stopped or you see someone stopped by police officers, **you are permitted to record the interaction.** You are allowed to take photographs, make an audio recording or record a video. If you choose to record a person being detained or arrested by police officers, you should be sure not to interfere.

As you record, it may be helpful to narrate the events as they occur. You can say things that might help a viewer understand what is happening or might point out any risks that you observe, to the officer or others. For example, you might count the number of individuals observing the interaction and make a verbal note of that in your recording or write it down after the incident is over.

**You should also be aware of what you are not permitted to do.** You cannot interfere with police officers while they perform their duties. While there is no law against talking to police officers when they are performing their duties, you need to be careful not say things that could escalate the situation, cause others to interfere with the police or cause others to resist arrest. If the officer interprets your speech as interference or disorderly conduct, you could be charged with a crime. Whether or not your actions amount to a crime will be determined by the details of the situation.



### What if I am stopped, can I record?

If you are the subject of a police stop, **you are not prohibited from making a recording; however, you want to be careful that your actions are not viewed as aggressive.** For example, if you reach for and lift your phone to film your interaction with the officer, that may be deemed as aggressive behavior or the officer may mistake your phone for a gun or weapon and act accordingly.

To make a record during a traffic stop, consider tapping the audio record button on your phone and placing it on the console or seat so that an audio recording can be made of your interaction. You are then able to keep your hands on the steering wheel and in plain view. If you are stopped and detained while walking, you should not reach for your phone to record as it may appear that you are reaching for a weapon. Keep your hands in plain view of the officer.



# What Are My Rights as a Bystander to a Police Interaction?



## What can I do if I feel that a police officer is being unfair to me or someone else?

It is important to remember not to argue with the officer. Remain calm and respectful even if the officer is not. A stop or arrest is not the time to argue guilt, innocence or inappropriate treatment. These are issues that can be addressed later in court. Do not touch the police or reach for them. Keep your hands where the police can see them.

You should ask the officers if they are recording the interaction on their body camera. If the officer is recording on their bodycam or dashcam, make sure that anything you say is clear enough and loud enough to be recorded. You can ask for the officer's badge number or note the department name on their car and/or car number.

If you feel that something inappropriate occurred, you should make written notes or otherwise document what happened (like a video or audio recording) during that interaction as soon as you are released by the officer.

It is important to remember that each situation is unique and that not all police interactions are negative. But if you feel that you have been treated unfairly or you have been charged with a crime, it is important that you confer with a lawyer who can fully advise you of your rights and responsibilities.

## Tips for any interaction with the police



**Take notes.** If you feel that something inappropriate occurred, document what happened (written notes, a video or audio recording).



**Do not interfere.** Be careful not say things that could escalate the situation, cause others to interfere with the police or cause others to resist arrest.



**Do not argue with the police.** A stop or arrest is not the time to argue guilt or innocence. That can be addressed later in court.



**Do not touch the police or reach for them.** Keep your hands where the police can see them.