

**Manheim Township Police Department
Lancaster, Pennsylvania**

Policy Manual

Subject: Persons Recording Police Employees

Policy 7.1.3

Date of Issue: December 11, 2007

Rescinds: G.O. 06-11

References:

I. Purpose

The purpose of this policy is to establish guidelines for reacting to and interacting with persons who are using an audio/video recording device to take sound and/or pictures of Department employees and/or police activity.

II. Policy

It is the policy of the Manheim Township Police Department to recognize the legal standing of members of the public to make video/audio recordings of police officers and civilian employees who are carrying out their official police duties in an area open to the public, and by citizens who have a legal right to be in an area where police are operating, such as a person's home or business. However, this right does not prevent officers from taking measures to ensure that such activity and recording does not interfere or impeded with the officer's law enforcement and public safety purpose.

III. Procedures

A. Persons Not Involved in Police Action

1. Police personnel will not normally interfere with persons in a public place who are using audio/video recording devices to record police activities. This will also apply to authorized persons on private property.
2. When a person who is not the subject of a police action records or is about to record police activity and is located in a position that impedes or interferes with the safety of police personnel or the ability of police personnel to perform their law enforcement function or public safety duties, a police officer shall direct the person where they can move so that they are safely away from the scene but still in a position to use the device.

B. Persons Who Are Involved in or the Subject of Police Action

Whenever a person who is the subject of a police action produces a camera within close proximity to the officer and begins to film or indicates that they are going to point it at the officers and start recording, the officer shall:

1. Immediately inquire if the person is both audio and video taping. If audio taping then the officer shall proceed as described in Section C.
2. Inform the person that for safety reasons, they must either put the camera down and out of reach or present it to the officer for inspection.
3. After inspection, the officer shall return it to the person and allow them to videotape the officer from a distance from which the camera could not be used as an impact weapon, which is believed to be approximately 21 feet.
4. If the officer needs to be in close proximity to complete the task at hand, the officer shall request that the person put the camera out of reach until the officer has completed the task.
5. If the subject refuses to put the camera out of reach and there is a genuine law enforcement reason to be in close proximity to the subject, the officer may forcibly take away the camera, just as any other object that could be used as a weapon.

C. Audio Taping

The courts have made a distinction between simply videotaping an officer and videotaping with audio. When a person is out in public, he or she is voluntarily presenting their visage to the public and therefore can have no expectation that someone may photograph that person's actions. However, when a person engages in discourse with another, as provided in the Wiretapping and Electronic Surveillance Control Act, 18 PA C.S.A. 5701, et seq. ("Pennsylvania Wiretap Act"), that person is entitled to expect that the discourse will remain private and not be shared with others through a recording device unless specifically consented to by the person speaking. Therefore, whenever a videotaping situation presents itself, when involving persons described in Sections A or B above:

1. If the officer would normally have an expectation of privacy and the officer observes the person being addressed audio taping or videotaping with audio, the officer may inform such person that he or she does not consent to the audio portion of the taping and request that the audio be shut off.
2. If the request is not complied with, the officer should advise the person that the audio taping is a violation of the Pennsylvania Wiretap Act and failure to comply with the request can lead to the seizure of the recording device and arrest for such violation.

3. If the person continues to fail to comply, the officer may seize the recording device and turn it off and arrest the person for violation of the Pennsylvania Wiretap Act.

D. High Risk and Confidential Police Activities

In the event police are engaged in law enforcement activities that are of a high risk or confidential nature, and the video recording of such event would jeopardize the immediate police mission, the subject will be ordered to stop recording or be removed to a location where he/she cannot effectively record, and any tape or disc will be taken and retained by police until the danger has passed. If necessary, the tape or disc will not be returned to the owner until reviewed for confidential activities/identities. Examples are: hostage situations, barricaded gunman situations, and undercover operations where the recording of officers and/or informants would jeopardize their safety during the operation or thereafter.

By Order of:

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