

August 18, 2014

Colonel Steven G. O'Donnell
RI State Police
311 Danielson Pike
Scituate, RI 02857

Dear Colonel O'Donnell:

As groups and organizations concerned with community/police relations, and in light of recent national events, we are writing to ask you to issue a memo to your officers emphasizing the right of private individuals to video record, without interference, the actions of police in most circumstances.

As you know, members of the public have a First Amendment right to video record the activities of police officers, as long as they do not directly interfere with the ability of officers to perform their duties. In two key decisions, the U.S. Court of Appeals for the First Circuit, which has jurisdiction over Rhode Island, has emphasized both the importance of this right and the fact that it is a clearly established right that all police officers should be fully aware they must respect. See *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011) (“Though not unqualified, a citizen’s right to film government officials, including law enforcement officers, in the discharge of their duties in a public space is a basic, vital, and well-established liberty safeguarded by the First Amendment.”); *Gericke v. Begin*, 753 F.3d 1 (1st Cir. 2014) (same, addressing the video recording of a police traffic stop).

Unfortunately, as we have seen with recent events in Missouri, in situations of heightened tension, that right is sometimes infringed. Other police departments across the country, including the Washington, DC and New York police departments, have issued memos to their patrol officers to make sure they are aware of their obligations under the First Amendment in this regard. We believe that, by acting proactively and issuing a memo that makes this point clear, your department can also help avoid or minimize conflict between officers and the community in the future when individuals seek to exercise this right.

If you decide to promulgate a policy or issue a memo regarding this issue, which we strongly encourage you to do, we would appreciate receiving a copy. Thank you for your time and attention to this matter.

Sincerely,

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