



Here are three things to know about filming the police:

- You can take pictures of **anything in plain view in a public place** including federal buildings, transportation facilities, and the police, as long as you are not interfering with law enforcement.
- Police officers **may not confiscate or demand to view your digital photographs or video without a warrant**, and they cannot delete your photographs or video under any circumstances.

Here is what you should do if you are stopped by police because you were taking photos or video:

- Always remain polite and never physically resist a police officer.
- The right question to ask is, "Am I free to go?" If the officer says no, then you are being detained, **something that under the law an officer cannot do without reasonable suspicion that you have or are about to commit a crime or are in the process of doing so**. Until you ask to leave, your being stopped is considered voluntary under the law and is legal.
- If you are detained, politely ask 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.

On occasion, law enforcement officers may object to photography but most understand that people have the right to take photographs and do not interfere with photographers. They do have the right to keep you away from areas where you may impede their activities or endanger safety. **However, they do not have the legal right to prohibit you from taking photographs from other locations. You are under no obligation to explain the purpose of your photography nor do you have to disclose your identity** except in states that require it upon request by a law enforcement officer. **North Carolina does not have a "stop and identify statute"**. This means that if, for example, you are walking down the street, police cannot stop you and demand to know who you are or to see documentation of your identity. Furthermore, In North Carolina, **a law enforcement officer cannot detain a person without reasonable suspicion that that person is committing a crime**. However, an officer can, and oftentimes will, initiate voluntary contact (AKA consensual encounter) with an individual. However that does not mean that you have to identify yourself or say anything that makes you feel uncomfortable.

A CONSTITUTIONALLY PROTECTED ACTIVITY CANNOT BE AN ILLEGAL ACTIVITY UNDER THE LAW.