



PHILADELPHIA POLICE DEPARTMENT

MEMORANDUM (11-01)

(09-23-11)

SUBJECT: PICTURES, VIDEO, AND AUDIO RECORDINGS OF POLICE OFFICERS WHILE PERFORMING OFFICIAL FUNCTIONS IN PUBLIC SPACES

I. PURPOSE

- A. To remove any confusion as to the duties and responsibilities of sworn personnel when being photographed, videotaped or audibly recorded while conducting official business or while acting in an official capacity in any public space.
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II. POLICY

- A. All police personnel, while conducting official business or while acting in an official capacity in any public space, should reasonably anticipate and expect to be photographed, videotaped and/or be audibly recorded by members of the general public or individuals temporarily detained.
- B. As such, police personnel shall not interfere with any member of the general public or individuals temporarily detained from photographing, videotaping, or audibly recording police personnel while conducting official business or while acting in an official capacity in any public space.
- C. Under no circumstances will any recording device being used to photograph, videotape or audibly record any police personnel be intentionally damaged, destroyed or images deleted by police personnel. If any accidental damage occurs by police during the course of official duties, the procedures of Directive #83, Appendix "A", "Accidental and/or Intentional Destruction to Private Property During the Course of Official Police Actions" shall be followed.

III. SEIZURES OF ANY RECORDING DEVICES

- A. Generally, officers who have been photographed, videotaped or audibly recorded in a public space have no authority to confiscate the recording devices. However, if an officer has probable cause to believe the recording device contains evidence of a crime and the officer has an objectively reasonable fear that the evidence is being or about to be destroyed, deleted or otherwise lost, the recording device may be legally confiscated without a warrant under Pennsylvania law (Exception to General Warrant Requirement – Imminent Destruction or Removal of Evidence). Any evidence confiscated will be processed according to Directive 91, “Property Taken into Custody.”

Charles H. Ramsey
Commissioner