



Your Rights to Record and Observe Law Enforcement

This fact sheet talks about your legal right to record public interactions with law enforcement AND some of the risks.

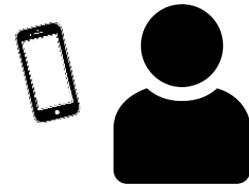
If you or someone you know was detained for *protesting or being a legal observer*: Call the National Lawyers Guild at 612-444-2654.

Who is part of Law Enforcement?

Law enforcement includes local law enforcement like police, sheriffs, and state patrol. It also includes federal law enforcement like ICE (Immigration & Customs Enforcement), Enforcement and Removal Operations (ERO), DEA (Drug Enforcement Administration), and FBI.

Can I legally record law enforcement in public?

Yes. Under the U.S. Constitution, you can film what you can easily see from a public space. This includes when law enforcement does things in public. For example, arresting someone on a public street or in a front yard if you can see it from the public sidewalk.



BUT it is not legal for you to interfere with (try to stop) what law enforcement does. They may ask you to stay a reasonable distance away. Staying 8-10 feet away is usually a good distance. Law enforcement may tell you to stop recording. You have the right to keep recording, **but it is ok to stop recording if you feel unsafe.**

Can law enforcement retaliate against me for filming?

Law enforcement cannot *legally* retaliate against you (get back at you). BUT that does not guarantee you are safe. They might still detain or arrest you. If they do, it can be hard to win a court case against them.

To win a court case, you have to prove that they would not have arrested you if you had not been filming. It is hard to win the case if law enforcement had probable cause to think you were committing a crime. This could be broad crimes like disorderly conduct or failure to obey a lawful order.

Remember: Situations can change and escalate quickly. Just because you have the legal right to observe law enforcement does not mean you will stay safe. Use your instincts and common sense to decide whether you are comfortable observing.

If you believe federal law enforcement violated your constitutional rights, you can report the incident to the ACLU of Minnesota. Fill out their form online at: www.aclu-mn.org/ice-feds-form.

What if law enforcement stops me?

If law enforcement stops you, ask, “Am I free to go?” If the answer is yes, calmly walk away. **Do not run.**

*Am I free to go?
I don't consent to any search.
I want a lawyer.*

You do not have to agree to be searched. Clearly say, “I do not consent to any searches.” BUT, even if law enforcement searches you illegally, **DO NOT PHYSICALLY RESIST** them. Keep your hands open and visible. Don't make any sudden movements. If law enforcement thinks you are resisting, it can be dangerous. You could be charged with resisting arrest.



You have the right to remain silent when law enforcement asks you questions. You can say something like, “I will not talk, I want my lawyer.”

For more tips, watch the videos on the We Have Rights website: www.wehaverights.us.

What are some tips for legally observing law enforcement?

General Tips

If you know that you are likely to be observing law enforcement:

- Tell a friend or family member where you are.
- Leave weapons or anything that could look like a weapon at home.
- Know that you may see difficult moments.
- It's a good idea to make sure your phone can't be used against you, like turning off your location services and biometrics. For more tips, check with community organizations that offer training on how to be a legal observer.

Don't give legal advice. BUT you can share information about people's **basic rights**:

- The right to **remain silent**.
- The right to **not sign any documents**.
- The right to **not open the door**. BUT, if law enforcement has a warrant signed by a judge, you have to let them in. The warrant should have the word “court” in the title and should be signed by a judge, magistrate, or clerk of court. If the warrant is from the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE), it is an “Administrative Warrant” and they can't come into your home without your consent.
- The right to **ask for a lawyer**.

If someone is being arrested, try to get that person's name. Try to get information about someone you can contact for them. If someone is detained by ICE, you can use the ICE Detainee

Locator System: locator.ice.gov/odls. It may be 24-48 hours until the system is updated with the person's location.

Tips If You Are Filming

If you are **filming**:

- Say out loud what's happening, using the **SALUTE** method to record important details:
 - **Size**: how many people and vehicles are there?
 - **Activity**: What are law enforcement and others doing?
 - **Location**: Where are you? Include cross-streets and landmarks.
 - **Uniform**: What is law enforcement wearing?
 - **Time**: What day and time is it?
 - **Equipment**: What weapons, tools, or other equipment do you see?
- If law enforcement asks you to move back, do what they ask. Point the camera at your feet as you move away to document that you are doing what they asked.
- Don't live stream or post the film on social media unless you have the permission of the people in the video. Share your video with the friends and family of the person in the video.
- Don't edit the video or change the file name.
- Watch the video called "When Documenting ICE Arrests" on the We Have Rights website for more tips: www.wehaverights.us.

Tips If You Are Taking Notes

If you are **taking notes** about law enforcement activity, use the **SALUTE** method to write down important details like:

- **Size**: How many people and vehicles are there? Write down badge numbers if you can see them.
- **Activity**: What are law enforcement and others doing?
- **Location**: Where are you? Include cross streets and landmarks.
- **Uniform**: What is law enforcement wearing?
- **Time**: What day and time is it?
- **Equipment**: What weapons, tools, or other equipment do you see?



Share your notes with the friends and family of the person in the video.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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