

**PRINCE WILLIAM COUNTY POLICE DEPARTMENT  
MANUAL OF GENERAL ORDERS**

**General Order: 15.01**

**Effective: 05/12/2020**

**Supersedes: New**

**Number of Pages: 2**

**Response to Constitutional Matters: First Amendment - Right to Film, Record,  
and Photograph**

- A. Individuals have a First Amendment right to film, record, and photograph when they are conducting business in a public place and where the individual has a legal right to be present. This behavior may include, but is not limited to, filming, recording or taking photographs of sensitive areas in public.
- B. The right for the individual to film or photograph in these sensitive areas is not absolute. They may not impede vehicle or pedestrian traffic or materially interfere with government or law enforcement activities.
- C. An individual can be arrested **only** when the officer has **probable cause** to believe that a **violation of the law** has been committed. Arrest, citation, or other enforcement actions must **not** be based on the fact that the person is engaged in **filming, recording, or photography**.
- D. Law Enforcement Response to First Amendment Audits

First Amendment Audits occur when citizens deliberately engage in constitutionally protected behavior on public property or near sensitive facilities, such as police departments, courthouses, and other government buildings. These audits are designed to attract attention from law enforcement to test their knowledge of the law and in some cases engage officers in debate and confrontation.

- 1. Some auditors purposely engage officers in conversation and questioning to record their reactions and bait them into debates that are unnecessary and counterproductive.
- 2. Deflection and Disengagement - Officers who respond to calls for service or initiate contact with an individual engaged in this behavior should;
  - a. Deflect inflammatory comments
  - b. Develop disengagement techniques
  - c. Have a programmed response prepared
    - i. Tell them you know they have the right to record or take photographs.
    - ii. If they begin to interfere with a legitimate law enforcement action, give them clear direction, e.g. "Do not interfere with my investigation."
    - iii. If necessary, tell them where to relocate so they can continue to record or take photographs without interfering.
    - iv. If debate persists, ask if they would like to speak to a supervisor.
- 3. Enforcement action or detention may only occur if probable cause or reasonable articulable suspicion exists that a crime has been committed or is about to be

committed. The acts of simply filming, recording, or taking photographs on public property are not crimes.