

UNIT FIVE

Use of Body Worn Camera (BWC) protects liability

Legal Decisions on Use of BWC – Case Law

5.0 USE OF BODY CAMERAS

Can save you and your agency from:

- A. a civil _____,
- B. _____ (Lie).
- C. Identify person(s) that _____ you.



NIKE

“JUST DO IT”

- Immediately upon being dispatched.
- Upon any citizen contact
- Upon observing an crime



5.1 USE OF BODY CAMERAS

A. Many *officers are* _____ to alter their tactics.

B. Despite statistical evidence that 2015 will most likely be one of the safest years for officers in U.S. history, *police frequently feel* _____.

5.1 USE OF BODY CAMERAS

Citizens are now armed with _____ that can **capture and publish officer actions without giving viewers the benefit of full context.**

They are also **better informed of their** _____ and are *aware of police procedures, knowledge that can heighten confrontation*

5.2 CASE LAW on VIDEO TAPING

A. Sharpe vs Baltimore

B. Glik vs Cunniffe

C. Gericke vs. Begin

5.2 SHARPE Vs. BALTIMORE PD

Case 1:11-cv-02888-BEL Document 24 Filed 01/10/12

A. On May 15, 2010, while in the Clubhouse at the Pimlico Race Course, Plaintiff Christopher Sharp observed Baltimore City Police Department ("BPD") officers forcibly arresting his friend. 1 1 The United States assumes the facts presented in the Plaintiff's Complaint are true for the purposes of this Statement of Interest. See *Ashcroft v. Iqbal*, 556 U.S. 662, ---, 129 S. Ct. 1937, 1950 (2009).

1. Although not included in the Complaint, Defendants' to dismiss complaint or for

5.2 SHARPE Vs. BALTIMORE PD

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for Summary Judgment indicates that Mr. Sharp's friend was arrested for "striking a citizen in the presence of a police officer, resisting arrest, [and] assault second degree-law enforcement." See Def. Motion to Dismiss Complaint or for Summary Judgment at 2 & n.1, ECF. No. 20. Compl. at 9, ECF. No. 2.

2. Mr. Sharp used his cell phone camera to video and audio record the officers' conduct. Id

3. Several officers, in succession, approached Mr. Sharp and ordered him to surrender his

5.2 SARPE Vs. BALTIMORE PD Case 1:11-cv-02888-BEL Document 24 Filed 01/10/12

3.-Cont'd: phone. Id. at 10. After twice refusing to comply with officers' demands, Mr. Sharp surrendered his phone to an officer who indicated that he needed to review and possibly copy Mr. Sharp's recording as evidence. Id.

4. This officer left the Clubhouse with Mr. Sharp's phone. Id. at 11

5. When the officer returned with Mr. Sharp's cell phone, he ordered Mr. Sharp to leave the premises. Id. As Mr. Sharp left the Clubhouse, he discovered that officers had deleted all of the recordings on his cell phone, including the

5.2 SHARPE Vs. BALTIMORE PD Case 1:11-cv-02888-BEL Document 24 Filed 01/10/12

5. – Cont’d: phone. Id. at 10. After twice refusing to comply with officers’ demands, Mr. Sharp surrendered his phone to an officer who indicated that he needed to review and possibly copy Mr. Sharp’s recording as evidence. Id.

6. This officer left the Clubhouse with Mr. Sharp’s phone. Id. at 11


7. When the officer returned with Mr. Sharp’s cell phone, he ordered Mr. Sharp to leave the premises. Id. As Mr. Sharp left the Clubhouse, he discovered that officers had deleted all of the recordings on his cell phone, including the

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7. – Cont’d: two recordings of his friend’s arrest and at least twenty personal videos. Id. at 12. The personal videos included recordings of his young son at sports events and parties and other videos of great sentimental value. Id.

8. Mr. Sharp’s cell phone had also been reset so that it only permitted emergency calls. Id.

9. BPD initiated a roll call training on August 17, 2011, that informed BPD officers that “[i]t is lawful for a person to videotape activities by a law enforcement officer in a public place and in the course of a law enforcement officer’s regular duty.”



DEFINE & PROCESS

Explain: Brief Summary of what you learned from **SHARPE Vs. BALTIMORE PD.**

Process:

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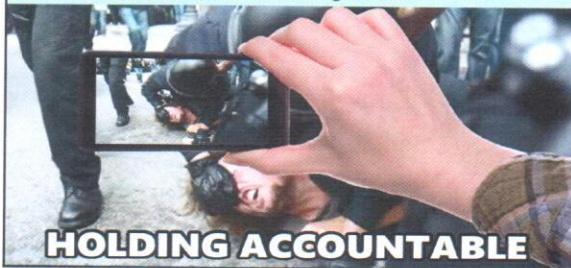
5.2 Glik vs Cunniffe

B. BOSTON -- The U.S. Court of Appeals for the First Circuit ruled unanimously late Friday that Simon Glik had a **right to videotape police in action** on Boston Common.

1. Mr. Glik sued three police officers and the City of Boston for violating his civil rights after police arrested him and charged him with illegal wiretapping, aiding the escape of a prisoner, and disturbing the peace--all for merely holding up his cell phone and openly recording Boston police officers who were punching another man on Boston Common in October 2007.

5.2 Glik vs Cunniffe – Cont’d:

2. As a defense, the argued the law was not clear, but the Court decisively rejected their claim of immunity from being sued.



5.2 Gericke Vs. Begin

C. The town of Weare. New Hampshire, settled a lawsuit last week for \$57,500 with a woman arrested for videotaping a police officer, adding to the growing list of settlements stemming from police officers' restriction of video and audio recordings in public places.

1. In **Gericke vs. Begin**, the U.S. Court of Appeals in Boston (1st Cir.) upheld a lower court opinion that Carla Gericke was **within her First Amendment rights to record a police officer at a traffic stop.**

**5.2 Gericke Vs. Begin -
Cont'd:**

2. Following that opinion, instead of choosing to continue with the trial, Weare settled the case with Gericke.

3. Mickey Osterreicher, general counsel for the National Press Photographers Association, said most of the cases in which citizens sue police for unlawfully arresting them or confiscating their cameras reach a settlement, although this settlement was low in comparison to others he has noticed.

KEEP HONEST COPS HONEST





DEFINE & PROCESS

Explain: Brief Summary of what you learned from *Gericke Vs. Begin*.

Process:
