

Showdown on campus: When press freedoms and protests collide



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“Where can I shoot?”

- Press pass is NOT a license to trespass or jaywalk
- Whatever you can see from a legal vantage point (street corner, sidewalk) is yours to record
- No “invasion of privacy” in a location that is open to foot traffic (and that INCLUDES minors, too)
- “HIPAA” is always the wrong answer
- You can’t be *arrested* for “invasion of privacy”



“What are the police allowed to do?”

- NEVER legal to delete or destroy images, or order the journalist to do so
- **Privacy Protection Act of 1980 (42 U.S.C.S. §2000aa)** says no seizure or search of journalists' work product without a hearing in open court
- Fourth Amendment prohibits “fishing” in anyone's cellphone without a warrant or probable cause (*Riley v. California* (2014))



“What are the police allowed to do?”

- Federal courts say there’s a First Amendment right to record (audio and video) of police doing official business in public
 - ✓ *Glik v. Cuniffe* (1st Cir. 2011)
 - ✓ *ACLU v. Alvarez* (7th Cir. 2012)



- No law against taking photos of the exterior of “sensitive buildings” (Federal Protective Services issued 2010 bulletin: “*Photographing the Exterior of Federal Facilities*”)

Staying safe while covering chaos

1. Make sure newsroom knows where you're going, and carry/memorize phone numbers of key contacts
2. Never escalate a confrontation by laying hands on an officer or directly defying an order
3. Upload photos and video regularly, in case it gets erased when your cameras are seized or damaged
4. Call someone trusted the moment it appears you're going to be arrested, and if possible keep the phone line open
5. Ask for legal representation if you are being interrogated, then stop the conversation

Questions?



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