



CITY OF BEVERLY HILLS
POLICE DEPARTMENT
Chief Sandra Spagnoli

464 N Rexford Drive ★ Beverly Hills, CA 90210 ★ www.beverlyhills.org/police

TRAINING BULLETIN

Citizen First Amendment “Audits”

Citizens committed to ensuring the protection of First Amendment rights, are actively conducting “audits” throughout Los Angeles County. When conducting an audit, a citizen may photograph or video record a public building, such as a police station, city hall or courthouse. If law enforcement personnel make contact, the citizen may refuse to cooperate with a consensual encounter by asserting their First Amendment rights, meanwhile video recording the police encounter. The citizen will evaluate how the officer(s) conducted the contact and may make a “Pass” or “Fail” determination. The resulting videos are typically posted to various Social Media platforms.

[REDACTED]

[REDACTED]

[REDACTED]

A few reminders if you are confronted with this type of radio call:

- Remain professional and courteous
- “A person generally has a **First Amendment right to record** what can lawfully be seen or overheard in public or in a place where the person has a right to be. This means that private individuals generally have a right to record **police activity and conversations**, as long as the recording does not delay or obstruct official duty.”ⁱ
- “The filming of government officials in their duties in a public place, including police officers performing their responsibilities, ” is protected by the First Amendment;

unreasonable seizure of the **person** or his/her **recording device** is prohibited by the Fourth Amendment.”ⁱⁱ

- “As of 1-1-16, California statutes **prohibit detaining or arresting** a person **merely because** s/he is taking a photograph or making an audio or video recording of an officer when s/he “*is in a place he or she has a right to be.*” PC §§ 69(b), 148(g).ⁱⁱⁱ

Consensual Encounter	Detention	Reasonable Suspicion	Probable Cause
<p>“A contact between an officer and an individual that is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate. You must not restrain the person or exert any authority over him. You do not need any objective reason or justification for initiating this type of contact.”^{iv}</p>	<p>“A detention occurs whenever a reasonable and innocent person would believe he is not free to leave or otherwise disregard the police and go about his business.”^v</p>	<p>“For a detention to be valid, you must have reasonable suspicion that:^{vi}</p> <ol style="list-style-type: none"> 1) Criminal activity may be afoot, and 2) The person you are about to detain is connected with that possible criminal activity.” 	<p>“Probable cause exists when the totality of the circumstances would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.”^{vii}</p>

ⁱ Los Angeles County District Attorney’s Office *One Minute Brief*, #2016-10, 04-05-2016

ⁱⁱ Los Angeles County District Attorney’s Office *One Minute Brief*, #2016-10, 04-05-2016

ⁱⁱⁱ Los Angeles County District Attorney’s Office *One Minute Brief*, #2016-10, 04-05-2016

^{iv} California Department of Justice, *2011 Field Guide for the California Peace Officers Legal Sourcebook* §2.6

^v California Department of Justice, *2011 Field Guide for the California Peace Officers Legal Sourcebook* §2.7

^{vi} California Department of Justice, *2011 Field Guide for the California Peace Officers Legal Sourcebook* §2.7

^{vii} California Department of Justice, *2011 Field Guide for the California Peace Officers Legal Sourcebook* §2.28