Laws to Stop or Limit the Filming of Police in the Name of Privacy are Misguided

March 25, 2022 - A variety of proposed and recent state laws that could limit the rights of Americans to film police officers making arrests are completely off the mark. The legislators behind them often mention that they are attempting to protect the privacy of the police officers, but that argument is actually on a very slippery slope. Those officers work for taxpayer dollars, and because of that it is difficult to see how the taxpayers have no right to film them when in public. And limiting the ability of citizens to film public employees does nothing to protect the rights of citizens themselves.

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The privacy rights of police officers aren't the only thing that lawmakers are concerned with. They have also mentioned limiting the doxing of officers. Doxing occurs when the officers personally identifiable information is made public. This can include names, badge numbers, home addresses, etc... The concern here isn't just for the officers but also for their family members. And in a day and age of highly partisan politics, it is a legitimate concern.

With that said, when officers are performing their duties, they are doing so as a public service. This means that the public has a right to know what they are doing and videos often add a layer of transparency that would otherwise be unavailable. As long as the person taking the video doesn't interfere with the officers' duties, then restricting the ability of the public to make such videos isn't in the public interest.

Fortunately, most of the court decisions currently on the books agree with our position here. Federal appellate courts have repeatedly ruled that the public has a right to film police officers while they work, even in high-pressure situations. But that isn't stopping some state lawmakers from moving forward with restrictions. Oklahoma, Florida and Arizona - just to name a few - are all in the process of debating legislation on this topic. If passed, these bills are likely to wind up in federal court at some point.

While we do understand that police officers have a difficult job, and that protecting them and their families is in the public interest, limiting the ability of citizens to document their activities isn't in anyone's interest. In fact, limitations such as this are far more likely to cause harm than they are to help.
by Jim Malmberg
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