



# National Press Photographers Association, Inc.

*The Society of Professional Photojournalists*

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**VIA EMAIL & FACSIMILE (585.428.6093)**

June 21, 2011

Chief James Sheppard  
Rochester Police Department  
185 Exchange Boulevard  
Rochester, NY 14614

## **Re: Interference with Public Photography**

Dear Chief Sheppard,

As general counsel for the National Press Photographers Association (NPPA) I have just been made aware of an incident that occurred in Rochester, NY on May 12, 2011, where your police officers arrested a woman standing on her own property who was videotaping those same officers performing a traffic stop. This is a blatant violation of her First Amendment rights. See:

<http://www.pixiq.com/article/rochester-police-arrest-woman-for-videotaping-them>

While it may be understandable that your officers had a heightened sense of awareness that is still no excuse for them to not recognize a citizen's right to take photographs/video of an event occurring on a public street. Recently in Egypt, Syria and Libya citizens and photojournalists have risked, and in some cases given, their lives to provide visual proof of repressive governmental activities. It is truly a shame that what is viewed abroad as heroic is considered as suspect at home.

Law enforcement agencies are established to uphold and enforce existing laws not to act in a lawless manner. Public photography is a free speech/free press right protected by the First Amendment. Photography may not be restricted in a public place by officers wishing to avoid the documentation of their actions.

As our organization, founded in 1946 with over 7,000 members, has pointed out to numerous groups and law enforcement agencies, photography by itself is not a suspicious activity. Unfortunately the reliance by your officers to question, detain, interfere with and arrest those engaged in lawful activities under color of law is reprehensible. At best, behavior that chills free speech is extremely unprofessional, at worst it is criminal.

This is just the most recent incident in a rash of similar police abuses across the country. NPPA stands ready to work with law enforcement agencies to help develop reasonable and workable policies and practices in order to avoid similar situations. In the meantime we would respectfully request that any and all charges against this woman be immediately dropped and that the officers involved be investigated. We further request that your department immediately issue orders directing officers to cease such activity and also that your department implement revised training for all officers regarding these matters.

Thank you for your attention in this matter. I look forward to your response.

Very truly yours,

*Mickey H. Osterreicher*

Mickey H. Osterreicher  
General Counsel

cc: Mayor Thomas S. Richards (via email)  
Sean Elliot, NPPA President (via email)  
Dottie Savage, Rochester Democrat & Chronicle (email)