



National Press Photographers Association, Inc.

The Society of Visual Journalists

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VIA EMAIL (KVespia@northportpd.com)

January 30, 2012

Chief Kevin Vespia
North Port Police Department
4970 City Hall Boulevard
North Port, FL 34286

Re: Arrest of Steven Horrigan and Seizure of Camera Equipment

Dear Chief Vespia,

As the general counsel for the National Press Photographers Association (NPPA) I strongly object to the treatment and arrest of NPPA member and freelance photojournalist Stephen P. Horrigan on January 25, 2012 as he was attempting to cover a traffic stop involving your officers in North Port, FL.

According to reports Mr. Horrigan was on public property and more than 150 feet from the officers. He was arrested and charged under FL Criminal Procedure and Corrections Law § 934.03(1a) and the “catch-all” § 843.02.

In addition to the arrest, the fact that Mr. Horrigan’s camera was unlawfully seized is also extremely troubling. We believe that his video of the incident will show that officers acted in an arbitrary, capricious and unprofessional manner and appeared to have no concept of the First and Fourth Amendment rights granted under the United States Constitutions as well as similar protections provided by Florida law.

While in some situations the press may have no greater rights than those of the general public, they certainly have no less right of access on a public street. The reliance by your officer to question, detain, interfere with, arrest and seize the property of someone engaged in a lawful activity under color of law is reprehensible. At best, behavior that chills free speech and unreasonably seizes property is extremely unprofessional, at worst it is criminal.

While it may be understandable that your officer had a heightened sense of awareness during this incident, that is still no excuse for them to not recognize a citizen/journalist’s right to record an event occurring in a public place. Law enforcement agencies are established to uphold and enforce existing laws not to use them as a pretext to prevent someone exercising their free speech/press right to take photographs/videotape in public.

NPPA stands ready to work with your department to help develop proper police-press guidelines and implement improved training in order to avoid similar situations. In the meantime please accept this letter as a formal complaint. Additionally, we respectfully request that the charges against Mr. Horrigan be immediately dropped; that his equipment and any recordings made by him be immediately returned; and that this incident be fully 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: Mr. Stephen Horrigan (via shorrigan@yahoo.com)
Sean Elliot, NPPA President (via email_president@nppa.org)