



CITY OF PHILADELPHIA

POLICE DEPARTMENT
Headquarters, Franklin Square
Philadelphia, PA 19106

CHARLES H. RAMSEY
COMMISSIONER

March 23, 2012

Mickey H. Osterreicher
General Counsel
National Press Photographers Association, Inc.
1100 M&T Center
3 Fountain Plaza
Buffalo, NY 14203

RE: Ian Van Kuyk

Dear Mr. Osterreicher:

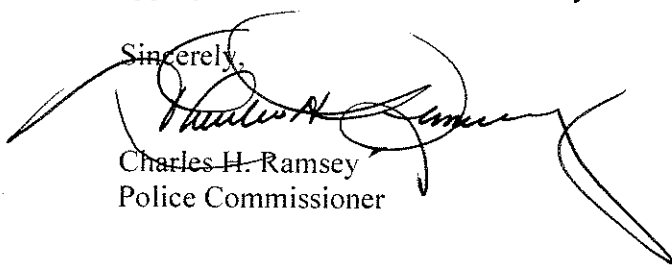
I have received your letter of March 22, 2012 and have initiated an investigation into your allegations involving Mr. Van Kuyk and Ms. Feighan. While I can not speak to the facts of this case until the investigation is completed, I can state that the mission statement that you quoted in your letter was created under my leadership to express, at the highest level within the Philadelphia Police Department, the importance of safeguarding the constitutional rights of all people.

I have always supported and defended the freedom of speech and the right of people to peaceably assemble. The tolerance, patience and respect displayed by the Philadelphia Department during the recent Occupy encampment clearly demonstrated my position.

With the advent of cellular technology and digital photography, the issue of police officers being photographed in public has become a nationwide issue, but one that I have proactively addressed in Philadelphia. Specifically, to ensure and protect the First Amendment rights of people to photograph or videotape police officers while in public space, I have issued a very clear and succinct policy that states in part that police shall not interfere with any member of the general public from photographing, videotaping, or audibly recording police personnel while conducting official business in any public space. For your convenience, I am attaching a copy of this policy.

In closing, please let me reiterate that safeguarding the constitutional rights of all people is a part of the mission of the Philadelphia Police Department. The actions of my officers and the policies of my Department demonstrate this fact everyday. Any aberrations will be fully investigated and the appropriate actions taken if necessary.

Sincerely,


Charles H. Ramsey
Police Commissioner

(rec'd 3-28-12)



PHILADELPHIA POLICE DEPARTMENT

MEMORANDUM (11-01)

(09-23-11)

**SUBJECT: PICTURES, VIDEO, AND AUDIO RECORDINGS OF POLICE OFFICERS
WHILE PERFORMING OFFICIAL FUNCTIONS IN PUBLIC SPACES**

I. PURPOSE

- A. To remove any confusion as to the duties and responsibilities of sworn personnel when being photographed, videotaped or audibly recorded while conducting official business or while acting in an official capacity in any public space.
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II. POLICY

- A. All police personnel, while conducting official business or while acting in an official capacity in any public space, should reasonably anticipate and expect to be photographed, videotaped and/or be audibly recorded by members of the general public or individuals temporarily detained.
- B. As such, police personnel shall not interfere with any member of the general public or individuals temporarily detained from photographing, videotaping, or audibly recording police personnel while conducting official business or while acting in an official capacity in any public space.
- C. Under no circumstances will any recording device being used to photograph, videotape or audibly record any police personnel be intentionally damaged, destroyed or images deleted by police personnel. If any accidental damage occurs by police during the course of official duties, the procedures of Directive #83, Appendix "A", "Accidental and/or Intentional Destruction to Private Property During the Course of Official Police Actions" shall be followed.

III. SEIZURES OF ANY RECORDING DEVICES

- A. Generally, officers who have been photographed, videotaped or audibly recorded in a public space have no authority to confiscate the recording devices. However, if an officer has probable cause to believe the recording device contains evidence of a crime and the officer has an objectively reasonable fear that the evidence is being or about to be destroyed, deleted or otherwise lost, the recording device may be legally confiscated without a warrant under Pennsylvania law (Exception to General Warrant Requirement – Imminent Destruction or Removal of Evidence). Any evidence confiscated will be processed according to Directive 91, “Property Taken into Custody.”

Charles H. Ramsey
Commissioner