

RECORDING LAW ENFORCEMENT INTERACTIONS

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This content is taken from *Read Between the Lines* and is based on sex workers' knowledge and wisdom, notably of workers facing multiple forms of criminalization and state violence. For the complete document, and for info on sex work offences, go to [Stella's website](#) or contact us.

This document does not provide any legal advice. It is offered to sex workers, to people who use drugs, and to members of our communities who wish to improve their living and working conditions. This information is not intended to influence anyone to commit illegal acts.

 **There is no law that prohibits you from filming police interactions with the public.**

But police may abuse their power and try to prevent you from filming. For example, they might:

- lie (e.g. say that you are not allowed to film)
- tell you to do something you have no legal obligation to do (e.g. erase the recording)
- threaten to arrest you for a criminal offence (e.g. obstruction)
- threaten to take (seize) your phone
- actually take (seize) your phone

Generally, when you are in public police have no legal authority to prevent you from filming, to demand that you erase a recording, or to take your phone.



BUT THERE ARE SOME LEGAL LIMITS TO YOUR RIGHT TO RECORD POLICE INTERACTIONS WITH THE PUBLIC, such as:

- If recording the video actually does interfere with an active police investigation.
- If you are on private property and there are legal restrictions about what people are allowed to do on the private property (e.g. shopping mall).

Depending on your situation, trying to assert your rights with police might help protect you, but it also might escalate the situation and the risk of police abuse.



If you are witnessing a police interaction with another person, consider whether your video may be used against the person involved or cause other harm. Try your best to get the video to them or their lawyer and do not share it without their direction.

Although the police will rarely have the legal authority to seize your phone simply for recording an interaction with the public, they may do so anyways (e.g. they may claim that it now has evidence related to the event that they need for their investigation).

See *Seizure: When Police Can Take Your Things.*

REMEMBER: ANY TIME YOU SPEAK TO POLICE YOU ARE MAKING A STATEMENT.

- No matter where you are or who you are with, anything you say is a statement.
- This statement is EVIDENCE that can be used to charge and prosecute you or other people (e.g., people you live with, dealer/seller, client, partner, members of community or family).
- It could be used in your trial, in someone else's trial, or to influence someone to plead guilty or to provide information.



BE CAREFUL NOT TO MAKE INCRIMINATING STATEMENTS!

IF YOU PLAN TO FILM AN INTERACTION WITH POLICE, CONSIDER:

- Is my phone password protected?
- Can I immediately forward the recording to another contact, in case my phone is seized or the recording is deleted?
- Depending on the situation, would I live stream or preserve the evidence for later? If I do that, is there any evidence from the footage that could implicate me or others in a criminal offence? Who has access to the live stream? Do I have someone who will know to save the video in case it gets deleted?
- In what contexts would I be willing to risk having my phone seized if I try to record the event?
- If my phone were seized, is there evidence on the phone (images, texts, etc.) that could implicate me or others in a criminal offence?
- Is there other information on the phone about me or others that I would not want police to have (e.g. contact information, info about someone's health status, sex work status)?
- If police ask me to identify myself, what do I plan to say?
See *Identifying Yourself to Police*.
- If police say they need to seize my phone to have the recording as evidence, am I willing to tell them that I will not give them my phone but will give them the recording?
- Am I willing to give them contact info to follow-up? From what phone number or email address would I send the recording/photo?

See *Questions to Ask Yourself: Dealing With Police* about different situations and risks you may face.

THE RIGHT TO SILENCE

- ➔ **Other than identifying yourself** (legal name, address, birthdate) **in certain contexts:**
 - ~ You have the right to not answer any other questions or say anything else to police.
 - ~ You have no legal obligation to cooperate with a police criminal investigation.
- ➔ See *Identifying Yourself to Police* to know when you are legally required to identify yourself.
- ➔ If you do not want to make a statement, try to not react to their questions, comments, or behaviors. Try to maintain control over yourself, avoid conflict, and remain silent.



Your silence cannot incriminate you, but your statement might.



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