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Philly Commish sets rules on civilians' pix

By [Jan Ransom](#) (Page 2 of 2 pages) [Become a premium member](#) to see this article and all articles as one long page. (# of views) 2 comments

Since the *Daily News* report last month, a handful of other civilians have come forward with tales of smashed cellphones and improper arrests.

John Wilder Jr., 31, thought it would be funny to film an interaction involving police and 11 of his friends who were busted in July climbing scaffolding on a church at 47th Street and Springfield Avenue. Moments after Wilder began recording the incident on his cellphone, a cop told him he had to put his phone away.

"I need you to stop filming," Wilder recalled the officer saying, followed by an order to hand over his phone.

He said that after a brief tug for the phone, the cop confiscated it, and that Wilder was then slammed against a police cruiser, arrested and charged with disorderly conduct and public drunkenness.

When police returned his phone, the screen was cracked and the memory card containing the video was missing.

All charges against him were dismissed in August.

Wilder filed a complaint with Internal Affairs for property damage but it was not sustained. He has also hired a lawyer.

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"My phone is broken and they stole my [memory] card," Wilder said. "That's some thuggish thing to happen."

In another case Cheryl Biren-Wright, a former managing editor for OpEdNews, was arrested while photographing a protest two years ago outside the Franklin Mills Mall.

Charges of failure to disperse and conspiracy were dismissed last year.

"The right of an individual to exercise First Amendment rights must be vindicated," said her attorney, Paul Hetznecker, who sued the city and eight cops last month.

"There must be some vigilance to protect these rights."

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By Jan Ransom (Page 1 of 2 pages) (# of views) 2 comments

reprinted from Philadelphia Daily News

PHILADELPHIA'S top cop has issued a memorandum to eliminate any confusion about a civilian's right to record, videotape or photograph officers in a public space.

The two-page memo by Commissioner Charles Ramsey circulated throughout the department on Sept. 23, roughly two weeks after the Daily News reported on several incidents involving cops who had wrongly arrested bystanders for using their cellphones to record what they considered violent arrests and who later emerged from police custody with smashed phones and no footage.

"It is not illegal to videotape a police officer," Ramsey said in a phone interview.

"Cameras are everywhere. [Officers] need to conduct themselves in an appropriate manner. If someone wants to videotape, they have the right to do so."

The memo said that officers "should reasonably anticipate and expect to be photographed, videotaped and/or be audibly recorded by members of the general public." Additionally, "officers have no authority to confiscate the recording devices" and should never intentionally damage or destroy them or delete images, the memo said. However, if an officer believes that the device contains evidence of a crime and fears that it may be destroyed, the officer can confiscate it without a warrant.

Watchdogs applauded Ramsey's move but questioned whether it's enough.

"What about the officers who have been doing this? Will they be disciplined?" asked Mary Catherine Roper, staff attorney at the American Civil Liberties Union.

"The anticipation in the neighborhoods is that the police will retaliate against you if you use a recording device. We'll be waiting to see whether [the Police Department] will make this an actual reality that can be seen on the streets."

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"If [officers] disregard the memo, they will be disciplined," police spokesman Lt. Ray Evers said this week.

He said that individuals with grievances should file a formal complaint and that some of the people featured in the Daily News report hadn't done so.

Those people were advised against filing complaints by lawyers who intend to file lawsuits against the department on their behalf.

The ACLU plans to file a lawsuit this month on behalf of four Philadelphians who had clashes with police. One plaintiff, Coulter Loeb, a student at the University of Cincinnati, was featured in the Daily News after being arrested this summer in Rittenhouse Square when he tried to photograph a cop escorting a woman out of the park.

The suit will also include a Community College of Philadelphia professor and a Penn student. The professor was arrested after stopping to watch an arrest in progress, and the student was arrested for recording an arrest on a cellphone in which police erased the footage, Roper said.

Similar recording clashes between civilians and police have occurred nationwide in recent years as cellphones equipped with video cameras have proliferated. Lawsuits have been filed in at least eight states and in Washington, and in August, the U.S. 1st Circuit Court of Appeals affirmed a Boston man's right to film police in a public place.

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