



State Passes Bill That Could Jail People for 30 Days for Filming the Police

Description

USA: Frequent readers of the Free Thought Project know that filming the cops is not a crime. Despite this being a widely known provision — held up with multiple court precedents — cops continue to violate the First Amendment protected right of citizens to film the police. Last month, the Arizona House Appropriations Committee approved a bill that would criminalize filming cops on the job, dealing a massive blow to First Amendment rights. And this month, the Senate passed it.

It now moves to Governor Doug Ducey's desk for signature, where it will become law.

Republican Representative John Kavanaugh, who is a former police officer, is the lead sponsor of [the legislation](#). According to the bill, it is illegal “for a person to knowingly make a video recording of law enforcement activity, including the handling of an emotionally disturbed person, if the person does not have the permission of the law enforcement officer” and is within 8 feet of the cop.

Kavanaugh originally stipulated a 15-foot radius; however, it was later amended after multiple objections. But for many, this is still too far.

As Valera Voce, points out, the law also classifies unlawful video recording of law enforcement activity as a petty offense, unless a person fails to comply with a verbal warning of a violation or has been previously convicted of a violation in which case an offense is a class 3 misdemeanor. A class 3 misdemeanor comes with a [minimum of 30 days in jail](#). Finally, the bill explicitly declares that it “does not establish a right, or authorize any person, to make a video recording of a law enforcement officer.”

“It’s crazy thinking about that for a second. The video that led to the criminal conviction of the police officer who killed George Floyd would itself be a criminal act. And that makes no sense whatsoever,” attorney Dan Barr [told](#) FOX 10.

“We believe that this bill stacks the deck against the public check on officer misconduct,” [Timothy Sparling](#), a lawyer and legislative advocate for Arizona Attorneys for Criminal Justice, said during a Senate Judiciary Committee hearing last week. Sparling argued that the bill leaves too much up to the discretion of the officers. “When officers have such wide discretion to determine, say, what is lawful conduct or what is unlawful conduct on the ground and that is not properly defined ... it’s ultimately up

to whatever the officer wants it to be,” Sparling said.

Indeed, it is, and this is a dangerous notion.

“Can you be arrested for standing still while wearing a GoPro under this statute?” asks T. Greg Doucette, an attorney who specializes in criminal defense and free speech law, according to [Reason](#). “It seems the answer here is yes, which would violate the First Amendment (since standing still isn’t interfering with an officer’s duties).”

The sorts of proposals are “to chill speech, absolutely,” Doucette added. “It will empower cops to say, ‘I’m going to arrest you if you don’t stop.’ And even though many of those arrests would get dismissed as First Amendment violations, you’ll have a bunch of people who plead to avoid trial or go broke trying to vindicate their rights.” Those who violate the Arizona bill—which passed the committee 7–5 along party lines—would be subject to a [30-day jail sentence](#) if he or she refused to stop filming after an officer demanded it.

What’s more, Barr says there are already laws on the books to prevent these kinds of problems, like getting arrested for interfering with an officer, and he’s right.

It is already illegal to interfere in police investigations. Yelling at cops or heckling them while they do their job can be construed as interfering and if it reaches a certain level to where it endangers the officers, it should probably not be tolerated.

But merely filming should never be considered a crime.

[George Floyd](#), [Eric Garner](#), [Alton Sterling](#), [Alexander Gonzales](#), [Walter Scott](#) and countless others all have one thing in common — their last moments alive were captured on cellphone videos as police killed them. These videos and others like them led to charges against those involved, with some of them putting killer cops in jail for a long time.

Not only did these videos lead to charges against cops, but they showed the world the reality of police many interactions and how the escalation of force can and will result in the death of those accused of petty offenses.

Without citizen video, the country would still be in the dark about the nature of police violence in the land of the free; and thanks to bills like this one, we could possibly revert back to that darkness.

The bottom line here is this: much of America’s law enforcement have never liked public accountability and have consistently objected to laws that make it easier to hold them accountable. From keeping body camera footage secret to passing ordinances like this one, cops will do everything in their power to make sure you can’t see what they don’t want you to see — even if it takes place in public spaces and directly affects you.

This law will undoubtedly be used by police to further oppress those who attempt to assert their right to film the police and hold them accountable. It is shameful and needs to be voted down immediately.

Source: [The Free Thought Project](#)

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