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ACLU Challenges Police Seizure of Portland Woman's Cell During Live Broadcast

PORTLAND, Ore. – The ACLU of Oregon filed a lawsuit in U.S. District Court yesterday arguing that a Portland woman's constitutional rights were violated when a Gresham police officer snatched her phone away while she was livestreaming police activity.

Carrie Medina, a long-time live streaming journalist, was riding the bus home in February 2013 when she heard someone exclaim, "That must have hurt!" and saw several police officers tackle a young man. She got off the bus and started up a livestream video, narrating the events she saw taking place.

"Police should always act as they would if they knew there was a camera rolling," said Carrie Medina, plaintiff in the complaint, when asked why she films police encounters.

After Medina had been filming for several minutes, Officer Taylor Letsis of the Gresham Police Department demanded to see the footage Medina was in the process of capturing, telling her, "It is not a choice." Medina explained that the footage was streaming online and offered to provide the footage in response to a subpoena. Officer Letsis told her that if she did not allow him to search her phone that he would seize it. He then interrupted her live internet broadcast, seized her smartphone, and detained her while he searched it.

Video of the encounter was preserved and Medina shared it with the local news media shortly after the incident occurred. She also filed a complaint against the officer.

"The right to record and broadcast the public activities of police is protected by the First Amendment and provides a critical check and balance on the tremendous power entrusted to police," said Jann Carson, associate director of the ACLU of Oregon. "The widespread availability of recording technology makes it imperative that police agencies clearly direct and train all officers to respect the public's right to film police activities."

The ACLU lawsuit alleges that the police violated Medina's free speech and free press rights when they stopped her recording and broadcasting of the police activity. Additionally, the ACLU maintains that her rights against unreasonable search and seizure were violated when the officer seized and then searched her phone without her consent or a search warrant, and that the officer also unlawfully detained her that day.

Medina is a self-described "camera of accountability," whose livestream reports have covered topics ranging from a bicycle accident to the pepper-spraying of a Portland high school student. Her reporting has covered the Occupy protests, and she is a co-founder of Film the Police Portland, an organization dedicated to advancing police accountability by filming police encounters in the Portland area.

The ACLU of Oregon released a smartphone app last November that allows users to record police interactions called Mobile Justice. The video is uploaded immediately to the ACLU and no one can delete or destroy the file. The app is free to download in the Google Play store and has been downloaded over 750 times. An iPhone version is expected to launch later this month.

Representing Medina *pro bono*, in cooperation with the ACLU Foundation of Oregon, are Charles Paternoster of Parsons, Farnell & Grein LLP and Gregory Chaimov, Alan Galloway, and Tim Cunningham of Davis Wright Tremaine LLP.

Video clip of the encounter: <https://www.youtube.com/watch?v=oYjkyuLOVgw>

Photos of Carrie Medina and Mike Smith, cofounders of Film the Police Portland:
<https://drive.google.com/folderview?id=OB4kn6V23vqyfcEIIRoxFOTFzV2M&usp=sharing>

More information about the case: http://aclu-or.org/Medina_v_Portland_etal

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