



**Las Cruces Police Department**  
**GENERAL ORDERS**  
**ADMINISTRATION VOLUME 1**  
**GO-150 RIGHTS OF ONLOOKERS (Daily)**  
**Revised 02/08/2013**

**150 RIGHTS OF ONLOOKERS**

**PURPOSE**

The purpose of this General Order is to establish guidelines and procedures to protect the rights of people observing police activities.

**POLICY**

The Las Cruces Police Department (LCPD) respects the rights of the public to observe police activities as long as it is safe to do so.

**APPLICABILITY**

This General Order applies to all employees. This General Order supersedes all previous versions.

**REFERENCES**

- NMML ADM.21.01
- CALEA 45.2.1

**150.01 RIGHT TO OBSERVE**

A. The public, including members of the media, may observe police related activity without interference from the police except when:

1. The safety of the officer or the public is placed in jeopardy.
2. They interfere, obstruct, or violate the law.
3. The area has been cordoned off and marked with barriers and/or police tape as part of the crime scene or an area that contains evidence.
4. They incite others to violate the law by words or actions.
5. They have no legal right to occupy the location they are in.



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- B. Members of the public may approach close enough to overhear any conversation. Officers should make every reasonable effort to discuss details of an ongoing incident and/or have related conversations in a private area to avoid being overheard.

**150.02 INQUIRIES FROM THE PUBLIC**

- A. Observers may be permitted to make a short, direct inquiry as to the name of the suspect and whether the officer or suspect needs a witness. The suspect may be allowed to respond to this inquiry.
- B. An officer may request the name of a witness at a scene; however, the witness is not compelled to disclose such information.

**150.03 AUDIO/VISUAL RECORDINGS**

- A. The public and media have the right to photograph and/or record officers engaged in their duties by camera, video recorder, audio recorder, or other means. An officer may request a person voluntarily provide the audio/visual recording when the officer believes that the recording has captured evidence of a crime, and that evidence will be important for prosecution.
- B. Officers that have probable cause to believe that a recording has evidence of a crime that was committed may seize the recording device as soon as practical to avoid possible contamination or deletion of said evidence. The officer shall provide the person with an LCPD property receipt immediately upon taking the recording device into custody. The officer shall obtain a search warrant to recover the recording as soon as practical and return the recording device and a copy of the recording over to the owner of the recording device.
- C. When a person voluntarily provides an audio/visual recording and/or recording equipment to the department for evidence recovery, the officer shall provide the person with an LCPD property receipt. The receipt shall contain a written statement verifying that the recording and/or equipment has been voluntarily provided to the department and shall be signed by the person providing the recording and/or equipment.

**150.04 VIOLATIONS / COMPLIANCE**

As an alternative to arresting an onlooker who is in violation of City Ordinance Section 19-296 Resisting, Evading or Obstructing an Officer or another related offense, officers may order onlookers to leave the area and stop interfering with department operations.



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Onlookers shall not be ordered to move away any further than reasonably necessary to end the violation. If an arrest is made, a written report detailing the incident shall be made prior to going off-duty.