

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JURISDICTION AND VENUE

1. This action to vindicate plaintiff's rights protected by the First, Fourth, and Fourteenth Amendments to the U.S. Constitution is brought under 42 U.S.C. § 1983. This Court has jurisdiction over this civil rights action under 28 U.S.C. §§ 1331 and 1343. This Court also has jurisdiction under 28 U.S.C. §§ 2201 and 2202 to declare the rights of the parties and to grant all further relief found necessary and proper.

2. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(a) in that the defendants are subject to personal jurisdiction within the Eastern District of Pennsylvania and the events that give rise to this action occurred within the Eastern District of Pennsylvania.

PARTIES

3. Plaintiff Christopher Montgomery is a resident of the City of Philadelphia in Philadelphia County in the Commonwealth of Pennsylvania.

4. Defendant City of Philadelphia is a political subdivision of the Commonwealth of Pennsylvania and manages, directs and controls the Philadelphia Police Department ("PPD"), which employs Defendant Killingsworth.

5. Defendant David Killingsworth was, at all times here mentioned, an officer with the PPD and was acting under color of state law. Defendant Killingsworth is sued in his individual capacity.

FACTUAL ALLEGATIONS

6. On the evening of January 23, 2011, Mr. Montgomery and a friend ascended from the Market-Frankford Subway station at 15th and Market Streets in Philadelphia at approximately 6:00 pm and waited there for some friends to arrive.

7. While waiting on the corner of 15th and Market Streets, Mr. Montgomery and his friend observed a verbal altercation taking place between a group of young people and an older individual at that location.

8. This altercation drew a crowd of onlookers, and the crowd moved south from 15th and Market Streets to the corner of 15th and Chestnut Streets. Some of the youths involved entered the Wendy's restaurant at that location.

9. Shortly after 6:15 pm, several police cars arrived and the officers moved down the block ahead of the crowd. Mr. Montgomery followed them down the block, as he was concerned with the size of the police response and wanted to observe their activity. The individual involved in the altercation began pointing out the youths involved to the police, who entered the Wendy's restaurant. Moments later, the police brought some young African American men out of the restaurant and placed them under arrest.

10. Upon the arrival of the police, Mr. Montgomery began using his iPhone to create a video and audio recording of the encounter between the police and the individuals they were arresting. When the police asked the crowd to step back, Mr. Montgomery complied. He continued to record the encounter while standing on a public sidewalk approximately ten to fifteen feet from the arresting officers. Mr. Montgomery wanted to film the encounter because he is a photojournalist.

11. At no time during the arrests did any officer suggest to Mr. Montgomery that he was in the way or obstructing police in any way.

12. After several of the youths were arrested, an additional young man exited the Wendy's and began arguing with one of the officers in a visibly agitated manner.

13. The officer proceeded to arrest this young man as Mr. Montgomery recorded.

14. During this arrest, Mr. Montgomery heard and recorded the officer tell the youth that he was being arrested “for being a dickhead.”

15. After that young man was secured, Defendant Killingsworth, who was one of the officers at the scene, approached Mr. Montgomery. As he neared Mr. Montgomery, Officer Killingsworth said “put that away, stop recording” and reached his hand out toward Mr. Montgomery’s phone.

16. Immediately upon reaching Mr. Montgomery, Defendant Killingsworth grabbed the hand with which Mr. Montgomery was holding his iPhone. Defendant Killingsworth then turned Mr. Montgomery, secured both his hands, walked him to his police vehicle and placed Mr. Montgomery under arrest.

17. At the police vehicle, Defendant Killingsworth took Mr. Montgomery’s iPhone from him, and placed Mr. Montgomery in handcuffs.

18. Defendant Killingsworth then transported Mr. Montgomery to the local police district.

19. Mr. Montgomery was placed in a holding cell for approximately forty-five minutes.

20. Upon information and belief, during his time in custody, Defendant Killingsworth and/or other officers of the PPD accessed Mr. Montgomery’s iPhone and deleted the video Mr. Montgomery recorded documenting the circumstances leading up to his arrest.

21. Mr. Montgomery was then released from custody and his belongings were returned, including his iPhone.

22. Upon release, Mr. Montgomery was issued a citation alleging violation of 18 Pa. Cons. Stat. § 5503(a)(4) relating to disorderly conduct.

23. At no time did Mr. Montgomery act in a fashion that provided probable cause to arrest him for disorderly conduct under § 5503.

24. At no time did Mr. Montgomery create a hazardous or physically offensive condition.

25. At no time did Mr. Montgomery recklessly create a risk of public inconvenience, annoyance or alarm.

26. Mr. Montgomery attended a hearing on his citation in Philadelphia's Community Court on February 22, 2011, where he was found guilty of disorderly conduct.

27. Upon conviction, the Court assessed Mr. Montgomery a fine of \$163.50 and 24 hours of community service.

28. Mr. Montgomery filed an appeal from his conviction on February 28, 2011.

29. As a matter of Pennsylvania law, appeals from convictions on summary offenses result in vacatur of the conviction and a trial *de novo* in the Court of Common Pleas.

30. On March 31, 2011, Mr. Montgomery appeared for his trial *de novo* in the Court of Common Pleas of Philadelphia County where he was represented by counsel and found not guilty.

31. Mr. Montgomery's recording of the police undertaking their official duties is protected by the First Amendment to the United States Constitution, and therefore cannot be the basis for any criminal citation, including disorderly conduct.

32. Mr. Montgomery's unlawful arrest was a direct result of the policies, practices, and customs of defendant City of Philadelphia ("City").

33. Prior to September 2011, PPD officers routinely instituted criminal proceedings against civilians who observed or recorded police activities.

34. Officers instituted these proceedings in order to intimidate civilians so that they do not continue to monitor and record police behavior, and in retaliation against civilians' constitutionally protected activity.

35. Supervisory police officials, up to and including Police Commissioner Charles H. Ramsey, knew that PPD officers routinely retaliated against civilians for watching and/or recording them. Those officials did nothing to halt these practices for years but instead, encouraged and directed such practices.

36. In March 2011, Commissioner Ramsey personally directed PPD detectives to “re-investigate” a February 13, 2011 incident involving Mark Fiorino, who was stopped and threatened – *but not charged* – by a Philadelphia police officer for openly carrying his licensed firearm. According to a PPD spokesperson, the Commissioner gave this order after learning that Mr. Fiorino had posted an audio recording of the February 13 incident on YouTube and the PPD had been alerted to the recording by a caller. As a result of this “re-investigation,” on April 15, 2011 – two months after the incident – a PPD detective initiated charges against Mr. Fiorino, alleging that his simultaneous possession of a licensed firearm *and an audio recorder* meant that Mr. Fiorino was trying to spark a violent police reaction. Mr. Fiorino was ultimately found not guilty of all charges.

37. In September 2011, Commissioner Ramsey issued a memorandum to “remove any confusion as to duties and responsibilities of sworn personnel when being photographed, videotaped or audibly recorded while conducting official business or while acting in an official capacity in any public place” and instructed PPD officers to allow themselves to be recorded. See, Memorandum from Charles H. Ramsey, Commissioner, Phila. Police Dep’t, to Phila. Police Dep’t personnel (Sept. 23, 2011) (attached as Exhibit A).

38. There have been numerous other incidents of PPD officers threatening to or actually arresting Philadelphians who watch or record the actions of on-duty police officers. Indeed, dozens of such incidents have been reported to the media and to Philadelphia civil rights groups.

39. For instance, on July 23, 2010, Melissa Hurling and Shakir Riley were assaulted by PPD officers when they attempted to use their cellphones to record what they considered to be a violent arrest. See, Jan Ransom, Even a Top Cop Concedes a Right to Video Arrests – but the Street Tells a Different Story, Philly.com, Sept. 3, 2011 (attached as Exhibit B; hereinafter Even a Top Cop Concedes Right to Record). According to reports, officers confronted Riley and destroyed his cellphone, along with the footage he had just recorded, while two other officers approached Hurling and, after exchanging a few words, arrested her. Riley and Hurling were charged with disorderly conduct, however the charges were later dismissed against both of them following a summary trial in March 2011. See Commonwealth of Pennsylvania v. Hurling, Docket No. MC-51-SU-0010415-2010, Mar. 10, 2011 (attached as Exhibit C); Commonwealth of Pennsylvania v. Riley, Docket No. MC-51-SU-0010571-2010, Mar. 10, 2011 (attached as Exhibit D).

40. The same article disclosed another incident that occurred on July 2, 2011. See Even a Top Concedes Right to Record, Exhibit B. There, Philadelphia resident Zanberle Sheppard was told by neighbors that PPD officers were beating her handcuffed boyfriend in an alley outside their home. Using her cellphone, she peered out a window of her home and recorded the arrest. Sheppard then ran outside into the alley where, following an altercation, the officers seized her phone. When Sheppard later received her phone back from the PPD, the battery was missing and the video was gone. Sheppard, who had no prior criminal record, was charged with disorderly conduct. Id. She was found guilty on August 22, 2011 following a summary trial and was fined. Commonwealth v. Sheppard, Docket No. MC-51-SU-0008673-2011, Aug. 22, 2011 (attached as Exhibit E).

41. More recently, a photojournalism student at Temple University was arrested on March 14, 2012. See, Angelo Fichera, After Arrest, Press Network Pushes for Dismissal of Charges, The Temple News, Mar. 26, 2012 (attached as Exhibit F); Kathy Matheson, Ian Van Kuyk, Temple Univ. Student Charged After Taking Traffic Stop Pics, The Huffington Post, Mar. 26, 2012 (attached as Exhibit G). According to reports the student, Ian Van Kuyk, was photographing a traffic stop as part of a course assignment for night photography. When Van Kuyk refused to stop photographing, PPD officers arrested him and his girlfriend, who attempted to rescue Van Kuyk's camera. Van Kuyk was charged with disorderly conduct, obstruction of justice, resisting arrest and hindering apprehension; his girlfriend was charged with obstruction and disorderly conduct. Six days after the incident, Van Kuyk's girlfriend entered an Accelerated Misdemeanor Program, agreed to 12 hours of community service and to pay a \$200 fine for her charges. Id. On November 27, 2012, Van Kuyk was found not guilty on all charges following a trial. Commonwealth of Pennsylvania v. Van Kuyk, Docket No. MC-51-CR-0010679-2012, Nov. 27, 2012 (attached as Exhibit H).

42. Further, the undersigned counsel are aware of additional instances of PPD officers retaliating against civilians attempting to record them in the performance of their official duties. Specifically:

- Alexine Fleck, was arrested on her home block for simply observing a police officer in his interactions with an apparently incapacitated man sitting on a stoop. Although she stepped back when the officer instructed her to, she would not leave the scene altogether and was therefore arrested and charged with "failure to disperse", which charges were later dismissed.

- Coulter Loeb had been observing and photographing police in Rittenhouse Square as they evicted an apparently homeless couple from the park. As the police walked the woman along the sidewalk leading to the street, Mr. Loeb followed at a distance. One of the officers directed Mr. Loeb to walk in the other direction. When Mr. Loeb refused, the officer accused Mr. Loeb of interfering with police business, then arrested him and charged him with disorderly conduct. The charges were later dismissed.

43. As the September 2011 Policy indicates, PPD officers should expect to be observed, photographed, videotaped or recorded while performing their official duties in public. Further, the Policy specifically orders that PPD officers “shall not interfere with any member of the general public or individuals temporarily detained” from photographing, videotaping or recording police personnel while they are acting in their official capacities.

44. Based on the numerous incidents identified above and the acknowledgment by the Police Commissioner of “confusion” concerning police responsibilities on these issues, at the time of plaintiff’s arrest, the custom of the officers of the Philadelphia Police Department was to regularly arrest persons who observed and documented their behavior, and the policy making officials of the Police Department and therefore the City of Philadelphia knew of this custom. At the time of plaintiff’s arrest, the policy making officials of the Police Department acted with deliberate indifference to the constitutional rights of the persons who watch or record police behavior in this City by: (a) failing to properly train, supervise and discipline PPD officers who retaliate against people who observe or record them; (b) inadequately monitoring PPD officers and their practices related to people who watch or record their activities; (c) failing to properly discipline PPD officers who initiate criminal proceedings against people who watch or record

their activities; and (d) failing to rectify the PPD's unconstitutional practice of instituting criminal proceedings against people who watch or record their actions.

45. At all times relevant to this Complaint, the conduct of Defendant Killingsworth was in willful, reckless and callous disregard of plaintiff's rights under federal law.

46. As a direct and proximate result of Defendants' actions, Plaintiff Montgomery suffered the following injuries and damages:

- a. Violation of his rights under the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, to be free from criminal prosecution or to be retaliated against for engaging in constitutionally protected expressive activity;
- b. Violation of his rights under the Fourth Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, to be free from malicious prosecution, false arrest, and false imprisonment;
- c. Loss of his physical liberty and deprivation of personal property;
- d. Monetary loss; and
- e. Emotional distress.

CAUSES OF ACTION

Count I – First Amendment Retaliation (Against All Defendants)

47. Plaintiff incorporates by reference the allegations of the preceding paragraphs as though set forth at length herein.

48. Observing and recording public police activities, without interfering with those duties, is a legitimate means of gathering information for public dissemination and is therefore expressive conduct protected by the First Amendment to the United States Constitution.

49. Defendant Killingsworth's arrest of and attempted prosecution of Plaintiff in absence of probable cause that he had committed a crime constituted unlawful retaliation by public officials for Plaintiff's engaging in activity protected by the First Amendment to the U.S. Constitution.

50. Defendant City of Philadelphia is responsible for the violation of Plaintiff's constitutional rights because Defendant Killingsworth's actions resulted from the City's custom, pattern, practice, or policy of allowing officers to arrest individuals for their expressive conduct in videotaping police undertaking their official duties.

Count II – Malicious Prosecution (Against All Defendants)

51. Plaintiff incorporates by reference the allegations of the preceding paragraphs as though set forth at length herein.

52. Plaintiff has a clearly established right under the Fourth and Fourteenth Amendments to the U.S. Constitution to be free from unreasonable seizure of his person. Defendant Killingsworth violated this right when he commenced and/or maintained the criminal proceeding against Plaintiff in retaliation for Plaintiff's constitutionally protected recording of Defendant Killingsworth's public activities as a law enforcement officer with the PPD and in absence of any probable cause that he had committed a crime.

53. The charges against Plaintiff Montgomery were later terminated in his favor.

54. Defendant Killingsworth pursued this prosecution of the Plaintiff with malice in retaliation for Plaintiff engaging in constitutionally-protected activity, and without any probable cause or reasonable basis for believing that Plaintiff violated Pennsylvania's disorderly conduct statute or committed any other crime in the Commonwealth of Pennsylvania.

55. Defendant City of Philadelphia is responsible for the violation of Plaintiff's constitutional rights because Defendant Killingsworth's actions resulted from the City's custom, pattern,

practice, or policy of allowing officers to arrest and charge individuals in retaliation for their expressive conduct in videotaping police undertaking their official duties.

Count III – Illegal Search and Seizure (Against All Defendants)

56. Plaintiff incorporates by reference the allegations of the preceding paragraphs as though set forth at length herein.

57. Plaintiff has a clearly established right under the Fourth and Fourteenth Amendments to the U.S. Constitution to be free from unreasonable seizure of his person and unreasonable searches of his property, a right Defendant Killingsworth violated by handcuffing and arresting Plaintiff, and by searching his cell phone without probable cause or reasonable belief that Plaintiff was committing any crime.

58. Defendant City of Philadelphia is responsible for the violation of Plaintiff's constitutional rights because Defendant Killingsworth's actions resulted from the City's custom, pattern, practice, or policy of allowing officers to retaliate against individuals for their expressive conduct in videotaping police undertaking their official duties.

Count IV – False Arrest and False Imprisonment (Against All Defendants)

59. Plaintiff incorporates by reference the allegations of the preceding paragraphs as though set forth at length herein.

60. Plaintiff has a clearly established right under the Fourth and Fourteenth Amendments to the U.S. Constitution to be free from unreasonable seizure of his person and unreasonable searches of his property, a right Defendant Killingsworth violated when, claiming to act under proper legal authority, he unlawfully detained and then arrested Plaintiff without any probable cause or reasonable basis for believing that that Plaintiff violated Pennsylvania's disorderly

conduct statute or committed any other crime in the Commonwealth of Pennsylvania.

61. Defendant City of Philadelphia is responsible for the violation of Plaintiff's constitutional rights because Defendant Killingsworth's actions resulted from the City's custom, pattern, practice, or policy of allowing officers to retaliate against individuals for their expressive conduct in videotaping police undertaking their official duties.

PRAYER FOR RELIEF

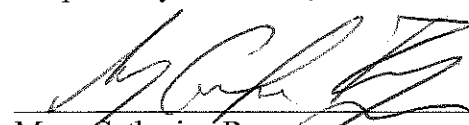
Wherefore, in light of the foregoing, Plaintiff respectfully requests that the Court:

- a. Enter a declaratory judgment that the Defendants violated Plaintiff's First Amendment right to observe police activity;
- b. Enter a declaratory judgment that the Defendants violated Plaintiff's Fourth Amendment right to be free from unreasonable seizure and malicious prosecution;
- c. Award compensatory damages against all Defendants, joint and severally, in an amount to be determined at trial;
- d. Award punitive damages against Defendant Killingsworth;
- e. Enter an award for costs, expenses, and counsel fees pursuant to 42 U.S.C. § 1988; and
- f. Enter such other relief as this honorable Court may deem just and deserving.

Plaintiff hereby demands a jury trial.

January 16, 2013.

Respectfully submitted,



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EXHIBIT A



PHILADELPHIA POLICE DEPARTMENT

MEMORANDUM (11-01)

(09-23-11)

**SUBJECT: PICTURES, VIDEO, AND AUDIO RECORDINGS OF POLICE OFFICERS
WHILE PERFORMING OFFICIAL FUNCTIONS IN PUBLIC SPACES**

I. PURPOSE

- A. To remove any confusion as to the duties and responsibilities of sworn personnel when being photographed, videotaped or audibly recorded while conducting official business or while acting in an official capacity in any public space.
-

II. POLICY

- A. All police personnel, while conducting official business or while acting in an official capacity in any public space, should reasonably anticipate and expect to be photographed, videotaped and/or be audibly recorded by members of the general public or individuals temporarily detained.
- B. As such, police personnel shall not interfere with any member of the general public or individuals temporarily detained from photographing, videotaping, or audibly recording police personnel while conducting official business or while acting in an official capacity in any public space.
- C. Under no circumstances will any recording device being used to photograph, videotape or audibly record any police personnel be intentionally damaged, destroyed or images deleted by police personnel. If any accidental damage occurs by police during the course of official duties, the procedures of Directive #83, Appendix "A", "Accidental and/or Intentional Destruction to Private Property During the Course of Official Police Actions" shall be followed.

III. SEIZURES OF ANY RECORDING DEVICES

- A. Generally, officers who have been photographed, videotaped or audibly recorded in a public space have no authority to confiscate the recording devices. However, if an officer has probable cause to believe the recording device contains evidence of a crime and the officer has an objectively reasonable fear that the evidence is being or about to be destroyed, deleted or otherwise lost, the recording device may be legally confiscated without a warrant under Pennsylvania law (Exception to General Warrant Requirement – Imminent Destruction or Removal of Evidence). Any evidence confiscated will be processed according to Directive 91, “Property Taken into Custody.”

Charles H. Ramsey
Commissioner

EXHIBIT B

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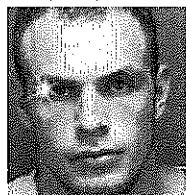
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Even a top cop concedes a right to video arrests - but the street tells a different story

September 03, 2011 | BY JAN RANSOM, ransomj@phillynews.com
215-854-5218

TAMERA MEDLEY begged the police officer to stop slamming her head - over and over - into the hood of a police cruiser.

Thinking they were helping, passers-by Shakir Riley and Melissa Hurling both turned their cellphone video cameras toward the melee that had erupted on Jefferson Street in Wynnefield, they said.

But then the cops turned on them.

Riley had started to walk away when at least five baton-wielding cops followed him, he said, and they beat him, poured a soda on his face and stomped on his phone, destroying the video he had just taken.

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Meanwhile, two officers approached Hurling, urged her to leave and, after exchanging a few words, slammed her against a police cruiser, Hurling said. They pulled her by her hair before tossing her into the back of a cop car, she said.

Although it's legal to record Philadelphia police performing official duties in public, all three were charged with disorderly conduct and related offenses, and officers destroyed Hurling and Riley's cellphones, erasing any record of Medley's violent arrest, the pair said.

Charges against Hurling and Riley were dismissed, but Medley was found guilty last month of disorderly conduct, resisting arrest, harassment and related offenses. She was fined \$500 but has filed an appeal.

Echoes of the incident, which was corroborated by a half-dozen witnesses, have been reverberating nationwide in recent years as the combination of cellphone video and police officers has simmered into what is an increasingly explosive formula. A growing number of bystanders have been misled, arrested or worse for using their cellphones to record what they perceive as excessive force by cops making arrests, watchdogs say.

"I grew up in the neighborhood and I saw stuff go down but it never happened to me," Riley said recently, adding that he did nothing wrong. "They stomped my phone and said it was a federal offense."

'Relevant for integrity'

The issue is gaining national attention. The American Civil Liberties Union has civil lawsuits pending in Washington, D.C., Florida, Illinois and Maryland. Last week, a federal appeals court in Boston ruled that police had violated the First Amendment rights of a lawyer who was arrested after filming cops arrest a teenager.

Suits have been settled in Pennsylvania, and this year, the ACLU plans to file a lawsuit on behalf of several Philadelphians.

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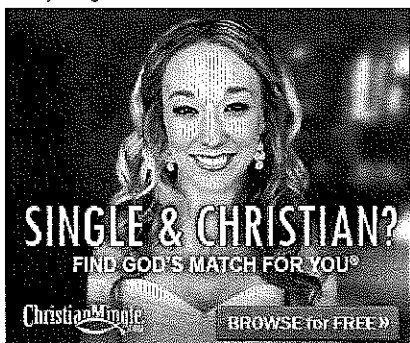
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"It is clear in our experience that police react badly to being caught on tape, on video," said Mary Catherine Roper, staff attorney at the ACLU of Pennsylvania's Philadelphia Office. "This is an opportunity for everybody to document what the police are doing." Roper wouldn't say who will be included in the Philly lawsuit.

Evan Hughes, a lawyer representing Medley, Hurling and Riley who plans to file a civil suit after Medley's case is resolved, said that the video could have aided in the investigation.

Story continues below.

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"When an officer uses excessive force, they will accuse the suspect of assaulting them," Hughes said. "It takes a video to prove it was in fact the police officer."

Some police officials argue that people who attempt to record often impede an investigation.

"It's a recipe for disaster. We have people getting in the way of an investigation," said John McNesby, president of the Fraternal Order of Police. "They have their right to tape, [but people have] to be mindful that officers are out there conducting an investigation. The safety of the officer is pertinent."

And police officials caution that any video shows only part of the story, usually leaving out what led up to a contentious arrest, as was the case when a news helicopter filmed the violent arrest of three suspects in Feltonville in 2008.

"With the video footage law enforcement receive at times, they don't get the full, complete incident," said police spokesman Lt. Ray Evers. "Things happen before and after. With video, it is what it is and the chips fall where they may."

For instance, in the Wynnefield incident, which occurred last summer, Medley was leaving a corner store when she stumbled upon a crowd watching police arrest a neighbor.

Medley, 27, said that an officer yelled at her to cross the street to get away from the scene, then charged toward her. The officer said in court last month that he restrained Medley because she was "loud and boisterous," wouldn't obey his orders and was resisting arrest. (Police said that Hurling and Riley were arrested because they didn't obey orders to leave the area.)

Even if Riley and Hurling's videos hadn't been destroyed, though, their videos wouldn't have shown whose version of the story was true.

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In other states, and in one case in Pittsburgh, authorities have used laws banning wiretapping as justification for filing charges against those who film police, but experts say those laws weren't intended to apply to a public servant performing job duties in a public place.

"Visual recording is a permanent part of our way of life. It's an accountability measure, so we know who does what," said Samuel Walker, author of several books on policing, criminal-justice policy and civil liberties. "When talking about public officials in a public space, that's relevant for integrity of the justice system."

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Philadelphians who find themselves corralled into this issue have mostly been charged with disorderly conduct, but even that goes too far if the only offense is filming police.

"We always try to make officers aware of the fact that they're being filmed by someone or something," said Deputy Police Commissioner Richard Ross. "You should always assume in today's climate, even as a private citizen, that your actions are being captured. Provided you don't put yourself in harm's way, we don't have the right to stop you."

'It was surreal'

Despite the department's training, Philly cops have clashed with several people trying to record them and are sometimes unaware of what the rules are.

In the Wynnefield incident, residents told the *Daily News* that cops went after people who were recording and confiscated or broke their cellphones. A neighbor found Hurling's phone bent, with its memory card missing.

"They're supposed to be public servants, not abusers of the people they serve," said Berusche Jackson, who witnessed the melee and said he saw a cop stomp Riley's phone. "It was surreal."

In another case last month, police allegedly began beating Darrell Holloway, who is legally blind, with flashlights and batons during a narcotics investigation on a West Philly street. There wasn't much his cousin Jamal Holloway could do but record the incident on his phone.

Jamal, 33, said that when officers spotted him filming, he was detained and taken to a police station at 55th and Pine streets. Before he was brought inside, an officer told him to delete the video.

"One female cop told me to delete the stuff and then I can walk," Jamal recalled, adding that the cop said she would confiscate his phone. "I was there close up. I can't believe it happened like - they beating my cousin like that and he's in the situation he's in."

Jamal said he opted to erase the footage.

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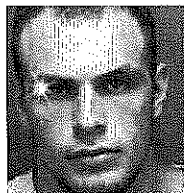
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September 03, 2011 | BY JAN RANSOM, ransomj@phillynews.com
215-854-5218

(Page 4 of 4)

"As part of the investigation, we're not aware of anyone brought to the station besides those that were charged," said Lt. John Walker of Southwest Detectives.

Then in July, Zanberle Sheppard, 24, said neighbors told her that police were beating her handcuffed boyfriend, Tayvon Eure, in an alley behind their home on 65th Street near Chester.

Sheppard said she peered out her back window and began to film the arrest. After officers saw her, she said, they banged on her neighbor's door. Sheppard ran outside and around to the alley with her cellphone, she said, and that's when a cop told other officers to grab her phone.

Story continues below.

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Arrest Records: 2 Secrets

1) Enter Name and State. 2) Access Full Background Checks Instantly.

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She claims that when she pulled away from the cops, one officer grabbed her by her hair and she dropped her phone. Neighbor Robin Artis, 17, said she saw a cop punch Sheppard in the face and stomp her. Sheppard had a black eye and a bruised lip.

The next time she saw her phone was when the cop who allegedly beat her boyfriend came into the police station where Sheppard was and threw it at her, she said. The back of her phone was broken, the battery was missing and the video was gone.

Evers said Sheppard was told to "back away from the patrol car that contained her boyfriend, who was arrested for narcotics. The defendant pulled away from the officer and actively resisted." Evers said Sheppard was arrested after a brief struggle.

Sheppard, a mother of three who has no criminal record, was charged with disorderly conduct.

"I never get in trouble with the law," Sheppard said. "I didn't do nothing. I was just recording."

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EXHIBIT C

MUNICIPAL COURT OF PHILADELPHIA COUNTY

DOCKET



Docket Number: MC-51-SU-0010415-2010

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Melissa Hurling

Page 1 of 2

CASE INFORMATION

Cross Court Docket Nos: PARS-MC-51-SU-0010415-2010

Judge Assigned:

Date Filed: 07/23/2010

Initiation Date: 07/23/2010

OTN:

Lower Court Docket No: MC-51-SU-0010415-2010

Initial Issuing Authority:

Final Issuing Authority:

Arresting Agency: Philadelphia Pd

Arresting Officer: NEWTON, CHERYLA

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1019067832

STATUS INFORMATION

Case Status: Closed

Status Date

Processing Status

Arrest Date:

07/23/2010

03/10/2011

Completed

07/23/2010

Awaiting Status Listing

CALENDAR EVENTS

Case Calendar Event Type	Schedule Start Date	Start Time	Room	Judge Name	Schedule Status
Arraignment Status	08/23/2010	5:00 pm	404		Scheduled
Summary Trial	03/10/2011	9:00 am	Community Court		Scheduled

DEFENDANT INFORMATION

Date Of Birth:

01/01/1984

City/State/Zip: Philadelphia, PA 19131

CASE PARTICIPANTS

Participant Type

Name

Defendant

Hurling, Melissa

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1		18 § 5503	Disorderly Conduct Engage In Fighting	07/23/2010	
2	2		CO § 101603B	Failure to Disperse	07/23/2010	

DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Disposition Date

Final Disposition

Sequence/Description

Offense Disposition

Grade Section

Sentencing Judge

Sentence Date

Credit For Time Served

Sentence/Diversion Program Type

Incarceration/Diversionary Period

Start Date

Sentence Conditions

Linked Offense - Sentence

Link Type

Linked Docket Number

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-SU-0010415-2010

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Melissa Hurling

Page 2 of 2

DISPOSITION SENTENCING/PENALTIESDispositionCase EventSequence/DescriptionSentencing JudgeSentence/Diversion Program TypeSentence ConditionsLinked Offense - SentenceDisposition DateOffense DispositionSentence DateIncarceration/Diversionary PeriodLink TypeFinal DispositionGrade SectionCredit For Time ServedStart DateLinked Docket Number**Proceed to Court**

Summary Initiation

07/23/2010

Not Final

1 / Disorderly Conduct Engage In Fighting

Proceed to Court

18§5503§§A1

2 / Failure to Disperse

Proceed to Court

CO§101603B

Dismissed

Summary Trial

03/10/2011

Final Disposition

1 / Disorderly Conduct Engage In Fighting

Dismissed

18§5503§§A1

2 / Failure to Disperse

Dismissed

CO§101603B

COMMONWEALTH INFORMATION**ATTORNEY INFORMATION**

Name: Philadelphia County District Attorney's
Office
Prosecutor

Supreme Court No:Phone Number(s):

(215) 686-8000 (Phone)

Address:

3 South Penn Square

Philadelphia PA 19107

Name:Supreme Court No:Rep. Status:Phone Number(s):**ENTRIES**

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	07/23/2010		Municipal Court - Philadelphia County
PARS Transfer			
1	03/10/2011		Jimenez, Nazario Jr.
Dismissed			

EXHIBIT D

MUNICIPAL COURT OF PHILADELPHIA COUNTY

DOCKET



Docket Number: MC-51-SU-0010571-2010

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Shakir Riley

Page 1 of 2

CASE INFORMATION

Cross Court Docket Nos: PARS-MC-51-SU-0010571-2010

Judge Assigned:

Date Filed: 07/26/2010

Initiation Date: 07/23/2010

OTN:

Lower Court Docket No: MC-51-SU-0010571-2010

Initial Issuing Authority:

Final Issuing Authority:

Arresting Agency: Philadelphia Pd

Arresting Officer: SANDERS, TERRANCE

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1019067831

STATUS INFORMATION

Case Status: Closed

Status Date

Processing Status

Arrest Date:

07/23/2010

03/10/2011

Completed

07/26/2010

Awaiting Status Listing

CALENDAR EVENTS

Case Calendar Event Type	Schedule Start Date	Start Time	Room	Judge Name	Schedule Status
Arraignment Status	08/23/2010	5:00 pm	404		Scheduled
Summary Trial	03/10/2011	9:00 am	Community Court		Scheduled

DEFENDANT INFORMATION

Date Of Birth: 05/08/1987 City/State/Zip: Philadelphia, PA 19131

CASE PARTICIPANTS

Participant Type	Name
Defendant	Riley, Shakir

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1		18 § 5503	Disorder Conduct Obscene Lang/Gest	07/23/2010	

DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event	Disposition Date	Final Disposition
Sequence/Description	Offense Disposition	Grade Section
Sentencing Judge	Sentence Date	Credit For Time Served
Sentence/Diversion Program Type	Incarceration/Diversionary Period	Start Date
Sentence Conditions		
Linked Offense - Sentence	Link Type	Linked Docket Number

Proceed to Court

Summary Initiation

07/26/2010

Not Final

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-SU-0010571-2010

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Shakir Riley

Page 2 of 2

DISPOSITION SENTENCING/PENALTIESDispositionCase EventDisposition DateFinal DispositionSequence/DescriptionOffense DispositionGrade SectionSentencing JudgeSentence DateCredit For Time ServedSentence/Diversion Program TypeIncarceration/Diversionary PeriodStart DateSentence ConditionsLinked Offense - SentenceLink TypeLinked Docket Number

1 / Disorder Conduct Obscene Lang/Gest

Proceed to Court

18§5503§§A3

Dismissed

Summary Trial

03/10/2011

Final Disposition

1 / Disorder Conduct Obscene Lang/Gest

Dismissed

18§5503§§A3

COMMONWEALTH INFORMATION**ATTORNEY INFORMATION**Name: Philadelphia County District Attorney'sName:

Office

Prosecutor

Supreme Court No:Supreme Court No:Rep. Status:Phone Number(s):Phone Number(s):

(215) 686-8000 (Phone)

Address:

3 South Penn Square

Philadelphia PA 19107

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	07/26/2010		Municipal Court - Philadelphia County
PARS Transfer			
1	03/10/2011		Jimenez, Nazario Jr.
Dismissed			

EXHIBIT E

MUNICIPAL COURT OF PHILADELPHIA COUNTY

DOCKET



Docket Number: MC-51-SU-0008673-2011

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania
v.

Page 1 of 4

Zanberle N. Sheppard

CASE INFORMATION

Cross Court Docket Nos: PARS-MC-51-SU-0008673-2011Judge Assigned:Date Filed: 07/02/2011Initiation Date: 07/02/2011OTN:Lower Court Docket No: MC-51-SU-0008673-2011Initial Issuing Authority:Final Issuing Authority:Arresting Agency: Philadelphia PdArresting Officer: GRAY-CASERTA, J'NEAN YCase Local Number Type(s)Case Local Number(s)

District Control Number

1112053468

STATUS INFORMATION

<u>Case Status:</u> Closed	<u>Status Date</u> 08/22/2011	<u>Processing Status</u> Sentenced/Penalty Imposed	<u>Arrest Date:</u> 07/02/2011
	08/22/2011	Awaiting Sentencing	
	07/02/2011	Awaiting Status Listing	

CALENDAR EVENTS

<u>Case Calendar Event</u> <u>Type</u>	<u>Schedule</u> <u>Start Date</u>	<u>Start</u> <u>Time</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u> <u>Status</u>
Arraignment Status	08/02/2011	5:00 pm	404		Scheduled
Summary Trial	08/03/2011	1:00 pm	Community Court	Judge Dawn A. Segal	Scheduled
Summary Trial	08/22/2011	1:00 pm	Community Court	Judge Kenneth J. Powell Jr.	Scheduled

DEFENDANT INFORMATION

Date Of Birth: 02/04/1987 City/State/Zip: Philadelphia, PA 19143Alias Name

Sheppard, Zanberte Nekole

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Sheppard, Zanberle N.

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1		CO § 101603A	Disorderly Conduct	07/02/2011	

DISPOSITION SENTENCING/PENALTIES

DispositionCase EventDisposition DateFinal DispositionSequence/DescriptionOffense DispositionGrade SectionSentencing JudgeSentence DateCredit For Time Served

MUNICIPAL COURT OF PHILADELPHIA COUNTY

DOCKET



Docket Number: MC-51-SU-0008673-2011

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Zanberle N. Sheppard

Page 2 of 4

DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>	<u>Link Type</u>	<u>Linked Docket Number</u>
<u>Linked Offense - Sentence</u>		

Proceed to Court

Summary Initiation	07/02/2011	Not Final
1 / Disorderly Conduct	Proceed to Court	CO§101603A

Guilty - Rule 1002

Summary Trial	08/22/2011	Final Disposition
1 / Disorderly Conduct	Guilty - Rule 1002	CO§101603A
Powell, Kenneth J. Jr.	08/22/2011	

COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's
Office
Prosecutor

Supreme Court No:

Phone Number(s):
(215) 686-8000 (Phone)

Address:

3 South Penn Square
Philadelphia PA 19107

ATTORNEY INFORMATION

Name:Supreme Court No:Rep. Status:Phone Number(s):

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	07/02/2011		Municipal Court - Philadelphia County
PARS Transfer			
1	08/22/2011		Powell, Kenneth J. Jr.
Guilty - Rule 1002			
2	08/22/2011		Powell, Kenneth J. Jr.
Order - Sentence/Penalty Imposed (Awaiting Payment)			

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-SU-0008673-2011

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Zanberle N. Sheppard

Page 3 of 4

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	08/31/2011		Municipal Court - Philadelphia County
Penalty Assessed			
1	09/01/2011		Municipal Court - Philadelphia County
Payment Plan Introduction Letter			
1	01/15/2012		Municipal Court - Philadelphia County
Delinquency Notice Filed - 115 Days Overdue			
1	10/19/2012		Sheppard, Zanberle N.
Return Case From Collection Agency - Court Request/Order			

PAYMENT PLAN SUMMARY

<u>Payment Plan No</u>	<u>Payment Plan Freq.</u>	<u>Next Due Date</u>	<u>Active</u>	<u>Overdue Amt</u>
<u>Responsible Participant</u>		<u>SID</u>	<u>Suspended</u>	<u>Next Due Amt</u>
51-2011-P67150	Single Payment	09/22/2011	True	\$393.50
Sheppard, Zanberle N.			False	\$393.50

Payment Plan History:	<u>Receipt Date</u>	<u>Payor Name</u>	<u>Participant Role</u>	<u>Amount</u>
-----------------------	---------------------	-------------------	-------------------------	---------------

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-SU-0008673-2011

SUMMARY DOCKET

Non-Traffic

Commonwealth of Pennsylvania

v.

Zanberle N. Sheppard

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CASE FINANCIAL INFORMATION

Last Payment Date:

Total of Last Payment:

Sheppard, Zanberle N.	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Total</u>
Defendant				<u>Payments</u>	
Costs/Fees					
State Court Costs (Act 204 of 1976)	\$7.90	\$0.00	\$0.00	\$0.00	\$7.90
Commonwealth Cost - HB627 (Act 167 of 1992)	\$7.90	\$0.00	\$0.00	\$0.00	\$7.90
County Court Cost (Act 204 of 1976)	\$29.20	\$0.00	\$0.00	\$0.00	\$29.20
CQS Fee Summary (Philadelphia)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
ATJ	\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
JCPS	\$10.25	\$0.00	\$0.00	\$0.00	\$10.25
Collection Fee (Philadelphia)	\$66.23	\$0.00	-\$66.23	\$0.00	\$0.00
Costs/Fees Totals:	\$159.73	\$0.00	-\$66.23	\$0.00	\$93.50
Fines					
Local Ordinance	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00
Fines Totals:	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00
Grand Totals:	\$459.73	\$0.00	-\$66.23	\$0.00	\$393.50

** - Indicates assessment is subrogated

EXHIBIT F

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News

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After arrest, press network pushes for dismissal of charges

A junior is facing charges after he took photos of police officers.

Not only does Ian Van Kuyk assert that his First Amendment rights were violated when he was arrested, but he said he's facing a number of charges for exercising those rights....

by [ANGELO FICHERA \(HTTP://TEMPLE-NEWS.COM/AUTHOR/ANGELO-FICHERA/\)](http://temple-news.com/author/angelo-fichera/) | 26 MARCH 2012



(<http://www.flickr.com/photos/templenews/6873049690/>)

ANGELO FICHERA TTN Ian Van Kuyk is facing multiple charges after he was arrested while taking photos of police officers near his home in South Philadelphia. The National Press Photographers Association has sent a complaint regarding the incident to the Philadelphia Police Department.

A junior is facing charges after he took photos of police officers.

Not only does Ian Van Kuyk assert that his First Amendment rights were violated when he was arrested, but he said he's facing a number of charges for exercising those rights. Before March 14, Van Kuyk had no brushes with the law, no serious blemishes on his record. So, he said, he didn't expect his first would come while taking photos for a class assignment.

Roughly two weeks ago, police officers pulled a vehicle to the side of the road near Van Kuyk's residence in South Philadelphia. Enrolled in a photojournalism course, the junior film and media arts major used the occurrence as an opportunity to take photos for a night-photography assignment.

As Van Kuyk tells it, he grabbed his camera and began taking photos of the occurrence. After being told to move away from the scene, Van Kuyk distanced himself but continued to take photos, he said. However, an officer soon after demanded Van Kuyk to stop taking photos, he said.

"He was pushing me, and I kept taking pictures and he didn't like it, and he...got real aggressive and threw me to the ground," Van Kuyk said.

When his girlfriend, Meghan Feighan, tried to pick up the camera, she was arrested and held for nearly 18 hours, he said. Van Kuyk was arrested and held for nearly 24 hours.

But Van Kuyk's relaying of the story several days later ignited a network response. Dr. Andrew Mendelson, chairman of the journalism department, learned of the incident and contacted Mickey Osterreicher, general counsel at the National Press Photographers Association.

Osterreicher formally addressed Philadelphia Police Department Commissioner Charles Ramsey in a March 22 letter, which he also sent to Mayor Michael Nutter and District Attorney Seth Williams. In the letter, Osterreicher condemns the officers for their actions and criticizes the charges brought upon Van Kuyk.

"Not only wasn't he committing any crimes, he was exercising a constitutionally protected form of free speech and free expression," Osterreicher told The Temple News. "The elements of most criminal charges contain a number of things, but they all have to have contained intent...his only intent at that point was to take pictures. I think they would have a very difficult time proving beyond a reasonable doubt proving those charges."

"It would be one thing to just have somebody say, 'You can't take pictures.' That would be bad enough," Osterreicher added. "His rights were not only stripped, they were trampled."

In September 2011, Ramsey issued a memorandum, reiterating police officers' expectation to be "photographed, videotaped or audibly recorded" by members of the public and by individuals temporarily detained.

"I hope [the commissioner] reasserts the importance of the document that he put out about the rights of citizens and journalists to record and photograph the police," Mendelson said.

Osterreicher said, "When you're in public, whether you're a police officer or a citizen, there is no reasonable expectation of privacy."

Six days after the incident, Feighan agreed at a preliminary trial to work 12 hours of community service and pay a \$200 fine for her charges, through the city's Accelerated

Van Kuyk said the charges he received include: obstructing justice, resisting arrest, hindering apprehension, disorderly conduct and disorderly conduct – fight II. The hindering apprehension charge is a felony offense. However, a court docket posted March 25 only lists three of the misdemeanor charges.

Osterreicher said in an email that he was attempting to learn the reason for disparity.

Van Kuyk's preliminary trial is scheduled for April 16.

The NPPA hopes the charges against Van Kuyk will be dropped upon review by the district attorney, Osterreicher said.

If in the event the charges are not dropped, Van Kuyk said, he has been in contact with resources that could guide him through the court process, including the American Civil Liberties Union and the Society of Professional Journalists.

"Unfortunately when these things go to court, there's a rebuttable presumption that the police officer is telling the truth about what happened. If it's your word versus the officer's, without witnesses, without any other supporting evidence, that's difficult," Osterreicher said.

The PPD Office of Media Relations did not return requests for comment by time of press. A representative for the office did reportedly tell the Associated Press that Van Kuyk and Feighan were arrested for "other things."

Both Mendelson and Osterreicher said knowing and protecting First Amendment rights are not only important to journalists, but to all citizens.

"When our constitutional rights are abridged, it has a chilling effect on the people and our ability to exercise those rights," Osterreicher said. "Unfortunately, [Van Kuyk] and other students...have found out firsthand how chilling that effect is."

Van Kuyk concurs.

"My rights were violated, my girlfriend's rights were violated, and this happens all the time to people. And no one really cares about it, but if it happens to you, you would care about it," Van Kuyk said. "You really need to know your rights and stand up for them."

"I went from never thinking I would be in trouble [with the law], to spending 24 hours in jail for taking a picture," Van Kuyk added.

Angelo Fichera can be reached at afichera@temple.edu.

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Knowing rights

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Wyatt faces fine, community service after being arrested on prostitution charges

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of- of- of-

charges- charges-

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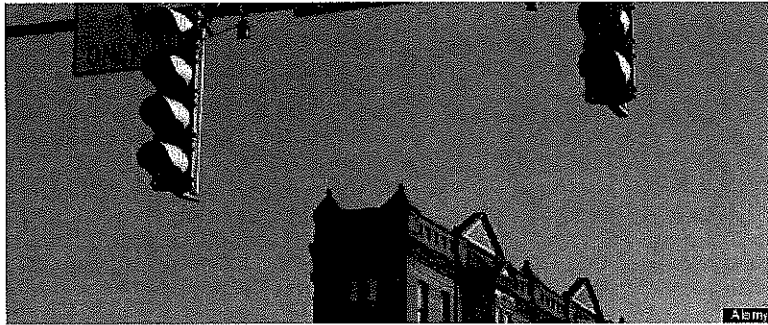
EXHIBIT G



January 14, 2013

HUFF POST COLLEGE

Ian Van Kuyk, Temple University Student Charged After Taking Traffic Stop Pics



By KATHY MATHESON 03/26/12 03:04 PM ET Associated Press **AP**

PHILADELPHIA -- Philadelphia police violated a college student's First Amendment rights by arresting him as he took photos of a traffic stop outside his house, a journalism advocacy group said Monday.

Temple University photojournalism student Ian Van Kuyk has been charged with obstruction, resisting arrest and disorderly conduct in a case described as "a miscarriage of justice" by a lawyer for the National Press Photographers Association.

"He was just taking pictures, as is his right, (as is) every citizen's right," attorney Mickey Osterreicher said Monday.

Police Lt. Raymond Evers said Van Kuyk and his girlfriend were arrested for other offenses, not for taking pictures.

"It's very clear the officers were aware of their First Amendment rights to take photos," Evers said, citing a police report. He later added, "Other things happened that caused them to be arrested."

Evers said that the department is investigating internally and that he could not release further details about the case, nor the police report on the March 14 arrest.

Osterreicher laid out the student's version of events in a written complaint to police Commissioner Charles Ramsey.

Van Kuyk was sitting on his front steps in the city's Point Breeze section when police pulled over a vehicle. The student began taking pictures to fulfill a course assignment for shooting at night. He was not using a flash and obeyed one police command to move back, Osterreicher said.

But officers then asked Van Kuyk to stop taking photos. When the student asserted his right to use the camera on public street, one officer reportedly said: "Public domain, yeah we've heard that before!" Police allegedly pushed, shoved and threw Van Kuyk to the ground before handcuffing him.

His girlfriend also was caught up in the scuffle as she tried to rescue Van Kuyk's camera, which belongs to Temple University. She was charged with obstruction and disorderly conduct; court records indicate she entered a community service program that could eventually allow her record to be expunged.

Police eventually returned the camera with the traffic stop images still on the memory card, according to Temple professor Edward Traves, who teaches the course for which Van Kuyk was shooting.

Andrew Mendelson, chairman of the university's journalism department, said he asked Osterreicher to get involved because the student's arrest could have a chilling effect on free speech.

"This is not just about journalists," Mendelson said. "This is about all citizens."

Van Kuyk did not immediately return a request for comment. His next court date is April 16.

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EXHIBIT H

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

Docket Number: MC-51-CR-0010679-2012

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Ian Vankuyk

Page 1 of 5

CASE INFORMATION

Cross Court Docket Nos: PARS-MC-51-CR-0010679-2012

Judge Assigned:

Date Filed: 03/15/2012

Initiation Date: 03/14/2012

OTN: N7937985

Lower Court Docket No: MC-51-CR-0010679-2012

Initial Issuing Authority:

Final Issuing Authority:

Arresting Agency: Philadelphia Pd

Arresting Officer: HIGGINS, SANTOS J

Case Local Number Type(s)

Case Local Number(s)

District Control Number

1217012035

STATUS INFORMATION

<u>Case Status:</u> Closed	<u>Status Date</u>	<u>Processing Status</u>	<u>Arrest Date:</u> 03/14/2012
	11/27/2012	Completed	
	11/27/2012	Awaiting Return of Bail	
	04/16/2012	Awaiting Trial	
	03/15/2012	Awaiting Status Listing	
	03/15/2012	Awaiting Preliminary Hearing	

Complaint Date: 03/15/2012**CALENDAR EVENTS**

<u>Case Calendar Event</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Preliminary	03/15/2012	5:41 pm	B08	Arraignment Court Magistrate	Scheduled
Arraignment				Timothy P. O'Brien	
Arraignment Status	04/16/2012	10:30 am	404	Judge Marsha H. Neifield	Scheduled
Trial	06/13/2012	10:00 am	503	Senior Judge Felice Rowley	Continued
				Stack	
Trial	08/15/2012	10:00 am	503	Judge Joseph J. O'Neill	Continued
Trial	10/12/2012	10:00 am	503	Judge Wendy L. Pew	Continued
Trial	11/05/2012	10:00 am	503	Senior Judge Felice Rowley	Continued
				Stack	
Trial	11/27/2012	8:00 am	803	Senior Judge Robert S. Blasi	Scheduled

DEFENDANT INFORMATION
Date Of Birth: 12/30/1987 City/State/Zip: Philadelphia, PA 19146
CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Vankuyk, Ian

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

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BAIL INFORMATION

Vankuyk, Ian

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	03/15/2012	ROR		\$0.00	Posted	03/15/2012

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1		18 § 5101	Obstruct Admin Law/Other Govt Func	03/14/2012	N7937985
2	2		18 § 5104	Resist Arrest/Other Law Enforce	03/14/2012	N7937985
3	3		18 § 5503	Disorderly Conduct Engage In Fighting	03/14/2012	N7937985

DISPOSITION SENTENCING/PENALTIESDisposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>	<u>Link Type</u>	<u>Linked Docket Number</u>
<u>Linked Offense - Sentence</u>		

Proceed to Court

Preliminary Arraignment	03/15/2012	Not Final
1 / Obstruct Admin Law/Other Govt Func	Proceed to Court	18§5101
2 / Resist Arrest/Other Law Enforce	Proceed to Court	18§5104
3 / Disorderly Conduct Engage In Fighting	Proceed to Court	18§5503§§A1

Not Guilty

Defendant Was Present

Trial	11/27/2012	Final Disposition
1 / Obstruct Admin Law/Other Govt Func	Not Guilty	18§5101
2 / Resist Arrest/Other Law Enforce	Not Guilty	18§5104
3 / Disorderly Conduct Engage In Fighting	Not Guilty	18§5503§§A1

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET****Docket Number: MC-51-CR-0010679-2012****CRIMINAL DOCKET****Court Case**

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COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's
Office
Prosecutor

Supreme Court No:

Phone Number(s):
(215) 686-8000 (Phone)

Address:

3 South Penn Square
Philadelphia PA 19107

ATTORNEY INFORMATION

Name: Robert Jeremy Levant, Esq.
Private

Supreme Court No: 077210Rep. Status: Active

Phone Number(s):
(215) 564-5959 (Phone)

Address:

Levant & Martin PC
320 N 18TH St
Philadelphia PA 19103

Representing: Vankuyk, Ian

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	03/15/2012		Municipal Court - Philadelphia County
PARS Transfer			
2	03/15/2012		O'Brien, Timothy P.
Bail Set - Vankuyk, Ian			
3	03/15/2012		Vankuyk, Ian
Bail Posted - Vankuyk, Ian			
1	04/12/2012		Minehart, Jeffrey P.
Order Granting Motion for Requesting Direct Preservation and Production of 911 Police Radio Tapes			
1	04/16/2012		Municipal Court - Philadelphia County
Trial Scheduled 6/13/2012 10:00AM			
1	06/13/2012		Municipal Court - Philadelphia County
Trial Scheduled 8/15/2012 10:00AM			

MUNICIPAL COURT OF PHILADELPHIA COUNTY**DOCKET**

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
3	06/13/2012		Stack, Felice Rowley
Order Granting Motion for Continuance			
Defendant Present On Bail.			
Defense Ready.			
Commonwealth Not Ready.			
Discovery Incomplete.			
Discovery To Be Passed 10 Days Prior.			
Next Court Date:8/15/12 Room 503.			
ADA:Gregory Engle			
Defense Attorney:Robert Levant			
Steno:Tom Campbell			
Court Clerk:Shante Fleet			
1	08/15/2012		Municipal Court - Philadelphia County
Trial Scheduled 10/12/2012 10:00AM			
3	08/15/2012		O'Neill, Joseph J.
Order Granting Motion for Continuance			
Defendant Present On Bail.			
Advance Defense Request.			
Defense Request For Further Investigation.			
Commonwealth Ready On Call.			
Next Court Date:10/12/12 Room 503.			
ADA:Nicole Pedicino			
Defense Attorney:Robert Levant			
Steno:Bill Geftman			
Court Clerk:Shante Fleet			
1	10/12/2012		Municipal Court - Philadelphia County
Trial Scheduled 11/5/2012 10:00AM			

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
3	10/12/2012		Pew, Wendy L.
Order Granting Motion for Continuance			
Defendant On Bail.			
Defense Request.			
Defense Request For Further Preparations.			
Commonwealth Ready In The Room.			
Must Be Tried Defense.			
Next Court Date: 11/5/12 Room 503.			
ADA: Elizabeth Kotchian			
Defense Attorney: Robert Levant			
Steno: Nancy McShane			
Court Clerk: Shante Fleet			
1	11/05/2012		Municipal Court - Philadelphia County
Trial Scheduled 11/27/2012 8:00AM			
11/05/12. Listing HUA by Hon. F. Stack per GT. Knox			
3	11/05/2012		Stack, Felice Rowley
Order Granting Motion for Continuance			
Defendant Present On Bail.			
Held Under Advisement			
Next Court Date: 11/27/12 Room 803.			
ADA: Elizabeth Kotchian			
Defense Attorney: Robert Levant			
Steno: Nancy McShane			
Court Clerk: Shante Fleet			
1	11/27/2012		Stack, Felice Rowley
Not Guilty			
Defendant found Not Guilty on all charges			
ADA: Kotchian DAtty: Levant			
Steno: Gary Paster Clerk: KMcGugan			
Judge Stack Room 803			