

Judge rules Austin man had right to record police

WFAA Staff, WFAA.com 12:54 p.m. CDT July 30, 2014



(Photo: WFAA)

CONNECTTWEETLINKEDINCOMMENTEMAILMORE

AUSTIN, Texas (AP) A federal judge has allowed a lawsuit to proceed that alleges Austin police violated the constitutional rights of a man who was arrested repeatedly for recording officers as they made arrests.

U.S. Magistrate Judge Mark Lane ruled that Antonio Buehler, 37, had a right to photograph and videotape the officers. Lane's order, filed Thursday, determined citizens can record officers in public places so long as they don't interfere, [according to the Austin American-Statesman](#).

The judge ruled that the officers in Buehler's case were not protected from allegations that they detained him and searched him without probable cause. Further, the city and its police department cannot escape liability for failing to establish a policy and for not training officers on how to proceed when they're recorded, according to the ruling.

But Buehler's claims of excessive force and malicious prosecution when arrested in 2012 were rejected. He has been arrested on two other occasions while filming police.

The U.S. Supreme Court hasn't ruled on the right to record officers and it has fallen on federal appeals courts to determine the law, according to the newspaper.

The city can appeal the decision to the 5th U.S. Circuit Court of Appeals. It had sought to dismiss the civil case on the basis that filming officers is not a recognized constitutional right.

Police officials and the city attorney's office declined comment.

'This ruling is a clear signal to law enforcement that the public can now photograph and videotape police officers so long as they don't interfere with the officer's duties,' said Buehler's attorney, Daphne Silverman.