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## Rights Of Onlookers

### 433.1 RIGHTS OF ONLOOKERS

This establishes the policies regarding when persons are permitted to remain as onlookers, their — right to overhear any conversations between the officer and the suspect, and their right to act as a witness.

### 433.2 RIGHTS OF ONLOOKERS

#### I. POLICY

WITNESSING STOPS, DETENTIONS, AND ARRESTS. It is the policy of the East Palo Alto Police Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions, and arrests of suspects occurring in public areas, except under the following circumstances:

- (a) When the safety of the officer or suspect is jeopardized.
- (b) When the person interferes or violates the law.
- (c) When the person threatens by words or actions, or attempts to incite others to violate the law.

OVERHEARING CONVERSATION. If the conditions at the scene are peaceful and sufficiently quiet, and the officer has stabilized the situation, persons shall be allowed to approach close enough to overhear the conversation between the suspect and the officer except when:

- (a) The suspect objects to persons overhearing the conversation.
- (b) There is specific and articulable need for confidential conversation for the purpose of police interrogation.

#### INQUIRES

- (a) Persons shall be permitted to make a short, direct inquiry as to the suspect's name and whether the officer or the suspect wishes a witness. The suspect shall be allowed to respond to the inquiry.
- (b) If a citizen is a witness to the activity for which the suspect was detained or arrested, the officer may request his/her name, however, the citizen is not compelled to disclose such information.

BYSTANDERS FILMING OFFICER/SUSPECT CONTACTS. (Refer to Public Recording of Law Enforcement Activity, Policy 425)