

# Wisconsin Photographers Bill of Rights

**PHOTOGRAPHERS IN WISCONSIN** have the same rights of access as other citizens; if the general public can photograph or videotape a location or event, the media can too. And, in their recognized role as “surrogates of the public,” members of the media are sometimes afforded special accommodation, such as access to crime and accident scenes and the ability to videotape court proceedings.

*Some particulars:*

**1. PUBLIC MEETINGS.** Wisconsin Statute 19.90, part of the state’s open meetings law, requires all public bodies to “make a reasonable effort to accommodate any person desiring to record, film or photograph the meeting,” so long as this does not interfere with the meeting.

**2. PUBLIC AREAS.** Photographers may freely photograph activity that occurs within public areas, including streets, sidewalks, beaches, parks, town squares, and bus and train stations. Photography in federal buildings and at airports is subject to restrictions. *Oak Creek vs. King*, a Wisconsin Supreme Court case decided in 1989, held that a news photographer had no right to trespass to gain access to an airplane crash scene.

**3. PRIVATE PROPERTY.** Photographers may not take photographs from private property without permission, but under most circumstances can photograph private property plainly visible from public property, such as a street or sidewalk, or from other private property with permission. It is not proper to use cameras to peer into places where people have a reasonable expectation of privacy, no matter where the cameras are based. It is permissible, albeit not always advisable, to photograph people in their cars.

**4. PRIVATE AREAS OPEN TO THE PUBLIC.** Photos are generally allowed in restaurants, business offices, shopping malls and movie theater lobbies, so long as no one objects, but permission should be obtained before taking photographs in these areas for publication or broadcast.

**5. SCHOOLS.** Photography of students in public schools, K-12, is subject to restrictions, such as parental permission; contact the individual school principal. Photography at public events, such as a sporting event or band concert, is permitted. Photography is permitted within all public university classrooms and campuses, although working with school officials is encouraged.

**6. COURT PROCEEDINGS.** Federal courts in Wisconsin do not permit cameras or recording equipment. Under Supreme Court Rule Chapter 61, state courts generally allow photography with the judge’s permission, but it should be as unobtrusive as possible. Jurors may not be photographed, and judges may, with cause, bar photography of victims, police informants, undercover agents, relocated witnesses and juveniles. Photographers should seek written permission from the judge at least three days in advance, when possible. See [www.wisfoic.org/cameras.html](http://www.wisfoic.org/cameras.html) for guidelines.

**7. MEDICAL FACILITIES.** Photographs may be taken within medical facilities only with permission. Photographers are advised to get signed releases from any persons whose photograph they take, or who show up as identifiable individuals in the background; this includes visitors and people in waiting areas.

**8. PRISONS.** Permission is needed to take photographs within penal institutions, although state administrative rules (DOC Chapter 309 for adults and Chapter 379 for juveniles) do encourage prison officials to accommodate media access.

**9. MUSEUMS.** Public museums may restrict or prohibit photographs of certain artworks and exhibits. (For instance, some museums allow only non-flash photography.) Private museums have authority to set their own policies regarding photographs.

**10. CASINOS.** Photography within casinos is generally prohibited; express permission is always required.

## *Special advice for news photographers:*

- Carry your media credentials and a government-issued photo ID at all times.
- Never trespass on private property.
- Always politely request access and obey any restrictions.
- Follow any orders made by police officers or security officials, even those that seem unreasonable, unless you are willing to risk arrest.
- Never take anything (except photographs) from a crime or accident scene.
- Never willingly surrender cameras, video discs or tape recordings to anyone.

*This pamphlet was jointly produced by the Wisconsin Freedom of Information Council and Wisconsin News Photographers Association. For copies, visit [www.wisfoic.org](http://www.wisfoic.org).*

