



US Department of Homeland Security  
Federal Protective Service



**OPERATIONAL READINESS ORDER**

Date: March 30, 2018  
Report Number: HQ-ORO-002-2018  
Source: (b) (2), (b) (7)(E)  
Prepared By:  
Approved By:

Dissemination List:  
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**(U//FOUO) Photography and Videotaping Federal Facilities**

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**(U) BACKGROUND**

~~(U//FOUO)~~ Photography for news, advertising or commercial purposes is governed by 41 CFR 102-74.420. In October, 2010, FPS disseminated an FPS Information Bulletin (HQ-IB-012-2010) to the field addressing the photographing of the exterior of federal facilities. The purpose of the bulletin was to remind FPS personnel and PSOs that the public has the right to photograph the exterior of federal facilities from public forums. Since the publication of the bulletin, FPS has experienced an increase in the public's interest in photographing and videotaping both exterior and interior of federal facilities protected by FPS, to include individual's expressing their First Amendment-protected rights by intentionally photographing and videotaping the exterior and interior of a federal facility and law enforcement in the course of their duties to test FPS law enforcement and PSO response. Also, new case law impacts the interpretation and implementation of FPS enforced regulations.

~~(U//FOUO)~~ To address this increase in photography and videotaping by the public, this Operational Readiness Order reiterates the 2010 guidance; provides clarification on the public's right to photograph publicly accessible federal facility building entrances, lobbies, foyers, corridors and auditoriums; and directs FPS law enforcement personnel and PSOs to maintain security without adversely impacting the public's rights relating to photography and videotaping.

**(U) PHOTOGRAPHING THE EXTERIOR OF FEDERAL FACILITIES**

~~(U//FOUO)~~ For properties under the protective jurisdiction of FPS, there are currently no general security regulations prohibiting exterior photography of any federally owned or leased building, absent a written local rule or regulation established by a Court Security Committee or, in limited cases, a Facility Security Committee. Furthermore, it is important to understand that 41 CFR 102-74.420 does not prohibit photography by

individuals of the exterior of federally owned or leased facilities. Rather, this regulation describes when an individual may photograph the interior of federally buildings, i.e., "space occupied by a tenant agency" or "building entrances, lobbies, foyers, corridors, or auditoriums." (b) (2), (b) (7)(E)

(b) (2), (b) (7)(E)

(b) (2), (b) (7)(E)

~~(U//FOUO)~~ As a reminder, photography and videotaping, absent a criminal predicate, is a First Amendment protected activity. (b) (2), (b) (7)(E)

### ~~(U)~~ **PHOTOGRAPHING THE INTERIOR OF FEDERAL FACILITIES**

~~(U)~~ Title 41, Section 102-74.420 of the Code of Federal Regulations provides federal "policy concerning photographs for news, advertising or commercial purposes." It states, "Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of:

- a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;
- b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and
- c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes."

~~(U//FOUO//LES)~~ In applying this regulation to FPS protected federal facilities, FPS law enforcement personnel and PSOs should consider the following information when contemplating enforcement of the regulation.

REGULATION	APPLICATION
"Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of..."	Photography and videotaping the interior of federal facilities is allowed under the conditions set forth in (a) – (c) of the regulation unless there are regulations, rules, orders, directives or a court order that prohibit it.



~~(U//FOUO//LES)~~ This right, however, does not authorize a photographer to intrude on restricted space surrounding a security post, create loud or unusual noises or cause a nuisance, obstruct the usual use of entrances, lobbies and other commonly accessible space, impede or disrupt the performance of official duties by government employees or federal contractors, including the PSOs, nor prevent the public from obtaining government services provided in the facility in a timely manner.

(b) (2), (b) (7)(E)

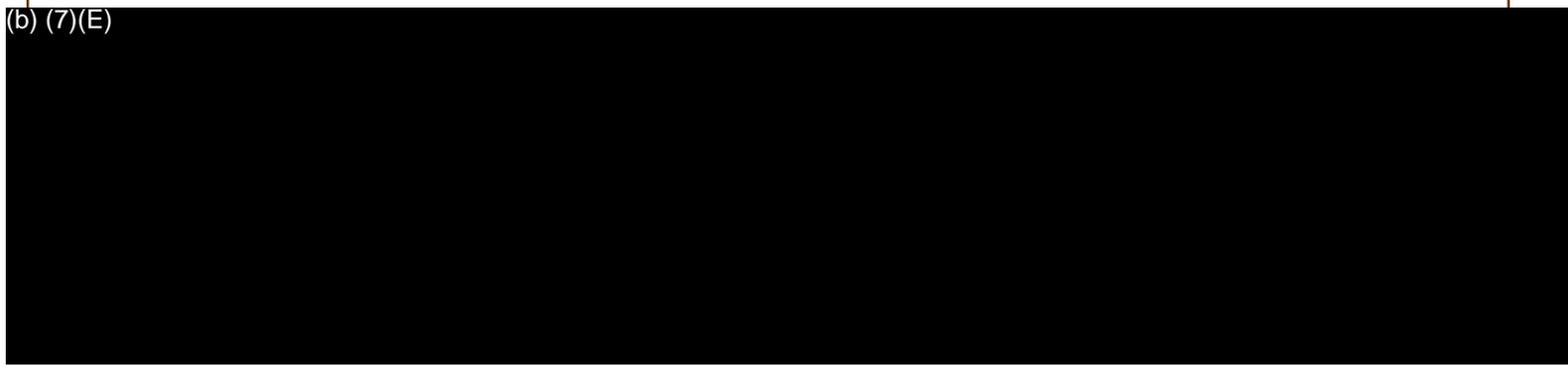


(b) (2), (b) (7)(E)



~~(U)~~ ANALYSIS

(b) (7)(E)



~~(U)~~ **GEOGRAPHIC AREAS OF CONSIDERATION**

~~(U//FOUO//LES)~~ Nationwide.

~~(U//FOUO)~~ This Operational Readiness Order becomes effective upon receipt and remains effective until canceled.

~~(U)~~ **RESOURCES**

~~(U//FOUO)~~ For additional information regarding photography of federal facilities and this Operational Readiness Order, please contact the Protective Operations Division, [FPSIMC@hq.dhs.gov](mailto:FPSIMC@hq.dhs.gov), ~~(b) (6), (b) (7)~~

~~(b) (6), (b) (7)(C)~~

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