



## Police Sergeant to Uber Driver: Stop Recording or “I’m Going to Take You To Jail.”

In late February, police officers and deputies in Wilmington, North Carolina, stopped a car driven by an Uber driver because they said the house he had just visited was “a known drug house.” When the driver used his smartphone to record the officers, he was told that doing so was illegal and that if he didn’t stop recording, he would be arrested. What the police officers and deputies did not know was that the Uber driver, Jesse Bright, is also a defense attorney.



Bright has been doubling for the past few years as an Uber driver to help pay off his college loans. When he was stopped by officers from the Wilmington Police department (WPD) and deputies from the New Hanover County Sheriff’s department (NHCSO) in the early evening of February 26, he assumed they were only interested in his passenger. But, as a lawyer, he followed his own advice to clients: He recorded the encounter using the video camera on his phone and refused to consent to a search of his vehicle.

Bright told *The New American*, “I tell all my clients first of all to record all their interactions with police. Mainly, that is because — though the police have body cams that record everything — [there is] a North Carolina law that makes [those recordings] not public.” Since a court order is required to obtain those recordings, Bright said, “I tell my clients to record everything so that they have a copy of it. It’s really difficult to get a copy of a police body cam [recording], especially if no charges were filed.”

Bright also said complying with the police is important. “I tell clients always to be polite and cooperative with the police,” adding, “I tell them to know their rights, be cooperative with everything that the officer says.” He explained, “With [the client] not being an attorney, if they are not sure whether something is illegal or not,” they should “err on the side of caution, but make sure it’s recorded.”

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But what about when a client does know his rights? “Stand firm to them,” Bright said. “If they know they have a right to refuse a search of their car or their person [in the absence of a warrant], no matter how many times the officer asks, keep telling them, ‘I do not consent to any searches.’”

On February 26, Bright had picked up an Uber passenger to take him on a round-trip fare to pick up a check he was owed for some dog grooming he had done as a side-job to his normal employment as a dog groomer. When Bright took the passenger to the address “he ran inside, grabbed the check, and came back,” Bright said, adding that within “a couple blocks” of pulling away from the house “I was pulled over by an officer.”

Within minutes there were a total of five officers and deputies on the scene. “They came to my car and told me I had just left a known drug house and asked if they could search me and my car and my passenger, Bright told *The New American*. Bright said they could not search him or his car, but the



Written by [C. Mitchell Shaw](#) on March 14, 2017

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passenger volunteered to allow a search of his person. As Bright explained, “they found nothing on him, but while they were searching him, I began to record them.”

So far, so good. But that’s when things went out of bounds. “A police officer saw me recording and told me it’s against the law to record and told me to turn it off.” All of this is clearly seen on the video of the incident, which Bright posted to Facebook and YouTube. Others — including the media — have reposted that video and it has since gone viral. The *New York Post*’s YouTube video (shown below) has over 1,154,000 views as of this writing.

Taking his own advice that when you know your rights, “stand firm to them,” Bright said, “I told them that it’s my right to record and that I would not stop.” The officer can be seen in the [original video posted by Bright](#) telling Bright, “Hey bud, turn that off, OK?” Bright is polite, but firm. He replies, “No, I’ll keep recording, thank you. It’s my right.” The officer, Sergeant Kenneth Becker — a 22-year veteran of the police force — says, “Don’t record me, you got me?” Again, Bright stands firm, but polite, saying, “Look [as he turns the camera to face the Becker], you’re a police officer on duty. I can record you.”

Becker can clearly be seen walking around to the driver’s side and saying, “Turn it off or I’m going to take you to jail.” Bright continues to record and asks, “For recording you?” He adds, “I’m sitting in my car recording you.” Becker says he has already told Bright he’s not allowed to record. Then, in response to Bright’s question as to what law bars him from recording, Becker attempts to open the car door. Bright holds the lock button down. And — having had his bluff called — Becker backs down. At least part of the way. He says, “You better hope we don’t find something in your car, OK?”

Of course, since Bright had already refused consent for a search, Becker’s statement makes no sense, unless he intends to search the car anyway. And that appears to be exactly what happened. As the video shows, Bright calmly told Becker, “They’re not searching my car.” Becker replied with confidence, “We are going to search your car.” He then called for a K-9 officer to the scene.

Bright — who can be seen wearing his law school jersey in the video — attempted to tell the officer that, as an attorney, he knows there is no law in North Carolina about recording police officers. Becker seems doubtful. When Bright says, “I am an attorney, so I would hope I know the law,” Becker replies, “And a Uber driver?”

As Becker stepped away to wait for the K-9, he asked a deputy to watch Bright. That deputy can also be clearly seen and heard in the video telling Bright that a new law has been passed making it illegal to record police officers.

In fact, Bright was correct. No such law exists. In a public statement, Police Chief Ralph Evangelous wrote: “Taking photographs and videos of people that are in plain sight including the police is your legal right. As a matter of fact we invite citizens to do so when they believe it is necessary. We believe that public videos help to protect the police as well as our citizens and provide critical information during police and citizen interaction.”

The New Hanover County Sheriff’s department issued a similar statement.

*The New American* asked retired Henrico County (Virginia) Police Sergeant John Slater about his attitude toward citizens videoing police officers in the performance of their duties. Slater said, “Civilian law enforcement are the guardians of constitutionally protected rights. And the free exercise of those is one of the things that we have to be vigilant about.” Slater added, “A recording — in its entirety, and I have to reinforce in its entirety because a mere couple of seconds doesn’t paint the whole picture most



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often — the entire recording is proof positive of what was said, what wasn't said, what happened, and what didn't happen."

Slater also said that some officers seem to have a "certain mindset" that would cause them to say "I don't want you recording." He said, "it creates the illusion of two classes of people [police officers and everyone else], which does not exist." Since North Carolina has no law prohibiting the recording of officers and the officer said there is a law and threatened "I'm going to take you to jail," Slater said, "it sounds like in this case it's like poker — it's a bluff. And if you call the bluff, you could risk going to jail." It appears that — knowing his rights — lawyer-by-day/Uber driver-by night Jesse Bright was willing to take that chance. And as Slater pointed out, "It seem that if the officer had reason to make him stop recording and he continued, he would have arrested him." That seems to indicate that the officer knew he was bluffing and that there was no such law.

In the end, the officer handling the K-9 said the dog alerted on the vehicle, and Becker — fulfilling his own prophecy — searched the car. That search can be seen in [the second video posted by Bright](#), though — since the dog is on the other side of the vehicle from Bright's recording — it cannot be conclusively stated whether the dog actually alerted or not. No drugs were found — either on the passenger or in the car — and everyone was allowed to leave without being charged.

The Wilmington Police Department has launched an internal investigation into the matter. In response to our questions, Linda Rawley Thompson, public affairs officer for WPD, forwarded *The New American* the following statement:

The Wilmington Police Department has launched an internal investigation regarding a recent video-tape of a February 26, 2017, interaction between one of our Police Sergeants and an Uber Driver. While we are not at liberty to discuss the investigation, we do believe it is crucial that we address a question that has surfaced as a result of that video-tape.

The statement also says that the statement from Police Chief Ralph Evangelous saying that citizens do have the right to video officers "will be disseminated to every officer within the Wilmington Police Department."

When asked what he would like to see come from the investigation, Bright said, "It doesn't really concern me much with what happens to this particular officer, but I hope it's a lot more well known that people are able to record the police. What I'm hoping is that if everybody starts recording the police in every interaction, maybe we'll cut down on a lot of the incidents that we have with the police — violent incidents and things like that." And while Bright made a point of mentioning violent incidents, his remarks go both ways. He said, "Once both sides know that they're being recorded and that there's a record being kept, people will mind themselves a little more."

And Bright — despite what some may think — does not have a bad opinion of police officers. He told *The New American*, "I think it's a case of a few bad apples. For the most part, I've never had an issue with police officers," adding, "And even during the stop, once I got out of the car and they were searching it — although I think, illegally — the other officer that came and did the search of me said he didn't have a problem with me recording. So, there seemed to be an understanding [with that officer] that me recording was within my rights."

Sergeant Becker certainly appears, from the video, to be a "bad apple," and as Bright points out, it is not likely a lack of training. If 22 years on the police force has not taught Becker that — as Slater put it — "Civilian law enforcement are the guardians of constitutionally protected rights. And the free



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exercise of those is one of the things that we have to be vigilant about,” another workshop or reading another manual isn’t likely to change that.

As to those who would take the “few bad apples” and make them into a pretext for federalizing police forces under the control of Washington, Bright said, “I would definitely agree more with a local model [of police being accountable to the communities they serve]. Every town is a little bit different and it would not be effective to have one set of overarching rules. What works for New York City isn’t going to work in Wilmington, N.C. and what works for Miami, Fla. isn’t going to be applicable to a small town in North Dakota.”



*Image: screenshot from New York Post's YouTube video of incident*



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