

Oregon Commission on Historic Cemeteries

Position Paper

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Filming and Photography in Historic Cemeteries

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The Oregon Commission on Historic Cemeteries (OCHC) has created a number of position papers to convey its opinion of best practices on various topics related to historic cemeteries. The following addresses filming and photography in historic cemeteries and may apply to all cemeteries, more generally.

Cemetery Managers, Managing Agencies, and Preservationists

As the result of changing attitudes and the rapid expansion of electronic and social media, unauthorized filming and photography in cemeteries has become a growing issue. More often than not, this occurs without the knowledge or permission of the owner/caretaker of the gravesite, or the individual/organization responsible for managing the cemetery. Regardless of intent, posting of such items can be quite upsetting to descendants.

Unfortunately, the legal system has failed to formally address this issue. The best strategy is to have regulations and a policy in place to addressing such issues. This information, along with the other rules for your cemetery, need to be prominently posted and available for all visitors to your cemetery.

If your cemetery does not already have a policy in place regarding this subject, you may want to consider doing so. For example, here is the language for Portland Metro cemeteries:

Use discretion when filming or photographing the landscape and graves. Commercial filming, photography or videography requires a special use permit. You are not allowed to...take videos or photos of people visiting a gravesite or at a gravesite service without their permission.

A number of other examples of language for guidelines regarding filming and photography in cemeteries has been compiled in a blog post by Judy Russell. These may assist you in getting a conversation started with your cemetery group or organization as to the possible need for putting a policy in place for your cemetery. Should unauthorized pictures be found on the Internet or other electronic media, a formal, written request to the person or organization responsible, asking that they be removed and what action will be taken if they are not, will in most cases help resolve the matter. Get the support of your Cemetery Commission, Mayor and City Council, Police Department and if possible, members of the family or families whose gravesites may have been photographed. Be sure to copy them all in on the letter as it will make your letter that much more credible, stronger and hopefully more meaningful.



Filmmakers and Photographers

Do you need permission to film or take photographs in a cemetery? As Judy Russell points out, the answer to this question is within the purview of property rights.

Now it may seem strange to think of cemeteries as property, particularly when they're owned by a governmental entity, but any landowner—public or private—has certain rights to control what happens on that land. Even when the land is publicly owned and dedicated to a public purpose, such as a park, the landowner is absolutely entitled to impose time, place and manner restrictions as to what can and can't be done on the land (Russell 2012).

If you are considering filming or taking photographs within a historical cemetery (or any cemetery, for that matter), the predicament is that there are no formal recommendations on this issue. At the same time, a simple, guiding principle is to treat the cemetery and those buried in it with respect and dignity. For general guidance, one may consider the following two sets of professional standards:

- Code of Ethics of the National Association of Press Photographers (https://nppa.org/code_of_ethics)
- Image-related News Values and Principles of the Associated Press (<https://diigo.com/05ns77>)

Summary Statement

The OCHC supports responsible, respectful, and sensitive filming and photography in our historic cemeteries. We encourage those considering these activities to check with the cemetery owners regarding applicable regulations before proceeding.

Information and Additional Resources

For information, advising, and additional resources, please contact Kuri Gill, Grants and Outreach Coordinator for Oregon Heritage and Program Coordinator for the OCHC.

Bibliography

“Code of Ethics.” National Association of Press Photographers. https://nppa.org/code_of_ethics.

“News Values and Principles.” Associated Press. <http://www.ap.org/company/news-values>.

Russell, Judy G. 2012. “Cemetery Photos: permission Required?” <http://www.legalgenealogist.com/blog/2012/10/22/cemetery-photos-permission-required/>

