

Know Your Rights: Documenting Bait Traps, Roundups, and Holding Facilities

This handout explains the basic rights of observers who photograph or record wild horse and burro operations from public lands, public roads or private land you have permission from the owner to be on, without interfering with operations. **This handout provides general information and is not legal advice.**

Core rule

If you are standing in a place you are lawfully allowed to be, you generally have a First Amendment right to photograph and video what is plainly visible in public, including government officials performing public duties.

On public land or public roads

If you are on open public land, a public road, or another lawful access point, you can generally document trap sites, vehicle loading, trailers, contractors, BLM personnel, and facilities that are visible from those locations. Your right to document does not depend on whether the recording is for advocacy, journalism, personal use, or later publication.

Closures and restricted areas

BLM may lawfully close specific areas for safety or operational reasons, and you must respect posted closures and lawful orders not to enter restricted zones. But a closure does not automatically erase your right to record from outside the closed area.

Officials cannot make you delete recordings

Officials generally cannot make you delete photographs or videos. If you are not under arrest, they also generally cannot search the contents of your phone or camera without a warrant or your consent.

Non-interference matters

Your strongest position is to remain clearly non-interfering: stay outside closure lines, do not block roads, gates, or equipment, and follow reasonable safety directions that regulate movement rather than speech. Officials may regulate where people stand for safety, but they cannot lawfully use safety as a pretext to suppress documentation of public activity that is visible from a lawful vantage point.

Best practices in the field

- Stay on public roads, rights-of-way, or public land open to access.
- Do not cross posted closure boundaries or move barricades.
- Keep enough distance that no one can plausibly claim interference.
- Record identifying details, including time, date, GPS location, vehicle numbers, trailer plates, and names if visible or stated.
- Back up files as soon as possible and keep a written log to preserve evidentiary value.

Why this matters in bait trapping

Public oversight is critical because bait trapping and holding facilities often operate with limited public visibility, leaving agency logs and contractor accounts as the main public record. When independent observers cannot document operations, it becomes harder to challenge inconsistent numbers, unexplained injuries or deaths, and facility practices that may violate welfare standards.

Quick response if stopped

- Ask calmly whether you are free to leave.
- Ask whether the area you are standing in is closed by written order or posted notice. If so, ask where you can access that written closure document.
- State calmly: "I am on public land / a public road, I am not interfering, and I am documenting what is visible from a lawful location."
- Do not consent to deletion of files or a search of your device.
- If safe, continue documenting the interaction itself.
- If you feel unsafe it is always best to document why you feel unsafe and leave.