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**TRAINING BULLETIN**

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## **AMENDED: JOURNALIST RIGHTS TO ACCESS AND COVER PUBLIC PROTESTS**

The purpose of this training bulletin is to clarify law enforcement's relationship and treatment of the press during critical incidents, including riots and protests.

Over the past year, the United States has seen an uptick in both peaceful and non-peaceful protests. Recently, the American Civil Liberties Union Foundation (ACLU) published a document that cited several incidents occurring in southern California where journalists were detained, arrested and their First Amendment right to gather and disseminate information to the public was interfered with. The ACLU cited the following incidents:

- In May of 2020, LAPD shot a reporter with a rubber bullet as she held her press badge over her head.
- In May of 2020, Long Beach PD hit a reporter with less lethal munitions in the neck.
- In September of 2020, LASD deputies arrested a reporter who was taken to the ground during the arrest.
- In October of 2020, members of LAPD arrested a reporter who was taken to the ground during an arrest.

The relationship between law enforcement agencies and the media is and always has been a delicate balancing act. The partnership between journalists and news outlets can be vital to a law enforcement agency. Law enforcement is driven by a commitment to public safety. It is necessary for law enforcement to allow journalists to gather information and report that information to the public while maintaining the integrity of any peacekeeping operation.

Typically, law enforcement works with journalists and provides a safe location for them to gather footage and information that is provided to them from law enforcement. If the integrity of the mission is compromised, the press has no right of special access to information and they can be excluded from crime and disaster scenes to the same extent as the public. Penal Code 409.5(a) states the following:

*Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, any officer*

*or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (f) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (e) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards **to any and all persons not authorized by the lifeguard or officer** to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.*

During a protest or a riot, it is important for law enforcement to reach out to the media so journalists can attempt to cover the incident. In large scale incidents, supervisors of the Kern County Sheriff's Office can request our Public Information Officer liaison between the media and our units on scene. This will free up additional personnel to assist with scene security or other duties. If a journalist takes it upon themselves to enter a protest that later becomes deemed an unlawful assembly, or begins to interfere with law enforcement duties, then the journalists, just like other law violators, need to disperse. It is not expected that a law enforcement official will be able to discern between a member of the media and other law violators, especially if they appear to be taking part in a civil unrest.

Even though law enforcement needs to work with the media, it should not come at the expense of public safety or compromise the safety of officers in the field.

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