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

The purpose of this training bulletin is to provide an update as to the media's access when covering a public demonstration, which could include a march, protest, rally, etc.

In recent years, it is not unheard of to see protests occurring throughout the United States. In years past, it was common to set up a staging area for the media and restrict their ingress to an area that poses an immediate risk. However, effective January 1, 2022, a recent law change has given the media more access and freedom when reporting these incidents. California Penal Code section 409.7, Public Peace; media access permitted, states:

**(a)** If peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, the following requirements shall apply:

**(1)** A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.

**(2)** A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.

**(3)** A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of

challenging the detention, unless circumstances make it impossible to do so.

**(b)** This section does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.

**(c)** This section does not impose, and shall not be used as the basis for, criminal liability.

In a previous training bulletin titled, "Amended: Journalist Rights to Access and Cover Public Protests (21-21)," California Penal Code section 409.5 was cited as it pertains to keeping all non-essential members out of an area that was deemed to be a "menace to the public health or safety." It is important to note this penal code section was also updated, incorporating the following subsection:

**(d)** This section shall not prevent a duly authorized representative of a news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

Although this is an adjustment from how members of the Kern County Sheriff's Office are used to operating under these circumstances, it is important that we allow the media to cover these incidents without any interference. Aside from the inclusion of media personnel into scenes of public demonstrations, it should go without saying that members of the Kern County Sheriff's Office will operate in the same manner when dealing with said public demonstrations.

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