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FOR FREEDOM OF THE PRESS

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for purposes of identification.*

By email

September 16, 2020

Sheriff Alex Villanueva
Los Angeles County Sheriff's Department
211 W. Temple St.
Los Angeles, CA 90012

Lt. John Satterfield
Sheriff's Information Bureau
Los Angeles County Sheriff's Department
211 W. Temple St.
Los Angeles, CA 90012

Re: Arrest of journalist Josie Huang

Dear Sheriff Villanueva:

The undersigned are members of state and local news media, national news organizations with properties in California, wire services, and nonprofit groups that protect the rights of journalists to gather and report news. We write to ask the Department to take immediate steps to prevent another incident like the arrest of Josie Huang—a reporter for KPCC, a National Public Radio member station owned and operated by Southern California Public Radio—who was violently arrested by your deputies and charged with obstruction in the lawful course of her reporting.

We urge that the citation against Ms. Huang be dismissed. The public interest would also be served by an accounting from your Department explaining why she was arrested and why your Department stated that Ms. Huang did not identify herself as a journalist when multiple video recordings show her doing so loudly and repeatedly.

The right to record police activity in public is clearly established, and an officer who violates that First Amendment freedom—especially through the use of force—enjoys no legal immunity. *See, e.g., Fordyce v. City of Seattle*, 55 F.3d 436, 439 (9th Cir. 1995); *Adkins v. Limtiaco*, 537 F. App'x 721, 722 (9th Cir. 2013). As the U.S. Department of Justice has explained, this right to record is “not only required by the Constitution” but also is “consistent with our fundamental notions of liberty.” *See* Statement of Interest of the United States, *Sharp v. Baltimore City Police Dep't*, No. 1:11-cv-02888-BEL (D. Md. filed Jan. 10, 2012).

Journalists and other citizens deprived of that liberty are entitled to relief under 42 U.S.C. § 1983, which permits those whose federal rights are violated under color of law to sue the official responsible. *See, e.g., Fordyce*, 55 F.3d at 438–39.

And as the California law for which Ms. Huang was cited and detained for more than five hours makes clear, the exercise of the right to record cannot amount to obstruction. *See* Cal. Penal Code § 148(g) (West 2016).

Based on multiple recordings of the incident, it appears that the Department's arrest of Ms. Huang violated these clearly established First Amendment rights. As numerous outlets have now reported, Ms. Huang was arrested near St. Francis Medical Center, where she had been covering your press conference about the ambush shooting of two deputies earlier that day in Compton. *See, e.g.,* Tim Elfrink, *L.A. Deputies Tackled and Arrested a Reporter. Her Videos Contradict Their Claims About the Incident*, Wash. Post (Sept. 14, 2020), <https://wapo.st/3hwUhNO>. On the streets outside the hospital, Ms. Huang covered the ensuing protest and began recording the arrest of a protester, who, according to your Department, had not complied with an order to disperse. *Id.*

In [the recordings](#), deputies shout at Ms. Huang to “back up” and, without giving her time to withdraw, grab and throw her to the ground. She can be heard clearly and repeatedly identifying herself as a journalist who works for KPCC; in separate videos, including one taken by [OnScene.tv](#), Ms. Huang's press lanyard and badge are visible. The Department nevertheless claimed that Ms. Huang “[did not identify herself as press](#)” and continued to direct reporters to that statement in response to questions about Ms. Huang's video evidence. *See* Allyson Waller & Marie Fazio, *California Deputies Shot in Ambush Are Expected to Recover, Authorities Say*, N.Y. Times (Sept. 14, 2020), <https://nyti.ms/3c2quLR>. A deputy cited Ms. Huang for violation of California Penal Code section 148(a)(1), obstructing a peace officer. *Id.*

The recordings show that Ms. Huang was clearly identifiable as a journalist, identified herself as such, and promptly attempted to comply with directives from the deputies to back up.

The Department has stated that Ms. Huang “later admitted she did not have [proper press credentials on her person](#).” But whether a journalist exercising her right to report and record has been formally credentialed by the jurisdiction that she is covering and that arrests her is, under the First Amendment, not the question here.

If an officer knows or has reason to know that a reporter is a reporter, and if that reporter complies with reasonable law enforcement requests, First Amendment protections apply. *Cf. Index Newspapers LLC v. City of Portland*, No. 3:20-cv-1035, slip op. at 58 (D. Or. Aug. 20, 2020), *appeal docketed*, No. 20-35739 (9th Cir. Aug. 21, 2020) (enjoining law enforcement from “arresting, threatening to arrest, or using physical force directed against any person whom they know *or reasonably should know* is a Journalist”) (emphasis added). A press badge, including a work badge from a press organization like the one Ms. Huang was visibly carrying during her arrest, is one sign that an individual may be a journalist; so is shouting “I'm a reporter,” and “I'm with KPCC” seven times, as Ms. Huang can be heard doing on the videos of her arrest.

Attached please find a letter from an earlier Reporters Committee coalition—sent this summer to officials across the state of California—laying out steps every jurisdiction

should take immediately to protect reporters engaged in lawful newsgathering. To support the strong public interest in local coverage of law enforcement activity, including in the coverage of the recent shootings in Compton, we urge that the Los Angeles County Sheriff's Department implement these steps in Los Angeles County.

We urge you, too, to cooperate fully with the L.A. County Inspector General's investigation of the incident involving Ms. Huang. *See* Alex Wigglesworth, *L.A. County Deputies Arrest Radio Reporter Covering Protest Outside Hospital*, L.A. Times (Sep. 13, 2020), <https://lat.ms/35C2j5G>. And, again, we urge that the obstruction citation against Ms. Huang be dismissed.

Please do not hesitate to contact Bruce Brown, Executive Director of the Reporters Committee, with any questions at bbrown@rcfp.org.

Sincerely,

The Reporters Committee
for Freedom of the Press

Asian American Journalists Association
The Associated Press
California Broadcasters Association
California News Publishers Association
CalMatters
Committee to Protect Journalists
Cox Media Group
Daily Breeze
The E.W. Scripps Company, on behalf of
KGTV, San Diego; KERO, Bakersfield;
and KSBY, San Luis Obispo
East Bay Times
Embarcadero Media
First Amendment Coalition
First Amendment Project
Free Press
The Fresno Bee
Gannett Co., Inc.
Greater Los Angeles Pro Chapter of the
Society of Professional Journalists
Hearst Corporation
Inland Valley Daily Bulletin
Investigative Reporters and Editors
KPBS
KQED Inc.
Long Beach Press-Telegram
Los Angeles Daily News

The National Press Club
National Press Club Journalism Institute
National Press Photographers
Association
Native American Journalists Association
The News Leaders Association
The NewsGuild - CWA
Nexstar Broadcasting, Inc./KTLA
Online News Association
The Orange County Register
Pacific Media Workers Guild (The
NewsGuild-CWA Local 39521)
Pasadena Star-News
PEN America
The Press-Enterprise
Radio Television Digital News Association
Redlands Daily Facts
Reporters Without Borders
Reuters News & Media Inc.
The Sacramento Bee
SAG-AFTRA
San Gabriel Valley Tribune
The (San Luis Obispo) Tribune
The Sun
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Society of Professional Journalists

Los Angeles Times Communications LLC
The Media Institute
Merced Sun-Star
The Mercury News
The Modesto Bee
Mother Jones
MPA – The Association of Magazine Media
National Association of Black Journalists
National Association of Broadcasters
National Association of Hispanic Journalists

Society of Professional Journalists-
NorCal Freedom of Information
Committee
Southern California Public Radio, on
behalf of KPCC and LAist
Student Press Law Center
Tully Center for Free Speech
Voice of OC
Whittier Daily News

cc: The Honorable Jackie Lacey
District Attorney, County of Los Angeles

The Honorable Kathryn Barger
Board of Supervisors, County of Los Angeles

The Honorable Janice Hahn
Board of Supervisors, County of Los Angeles

The Honorable Sheila Kuehl
Board of Supervisors, County of Los Angeles

The Honorable Mark Ridley-Thomas
Board of Supervisors, County of Los Angeles

The Honorable Hilda L. Solis
Board of Supervisors, County of Los Angeles

Mary Wickham
County Counsel, County of Los Angeles