



National Press Photographers Association, Inc.

The Society of Visual Journalists

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VIA FACSIMILE (312.745.6963)

March 19, 2012

Garry F. McCarthy
Chicago Superintendent of Police
3510 South Michigan Avenue
Chicago, IL 60653

RE: Interference & Detention of Journalists by CPD

Dear Supt. McCarthy:

As general counsel for the National Press Photographers Association (NPPA) I have just been made aware of an incident that occurred on March 17, 2012 involving Chicago Police officers who interfered with and detained WGN reporter Dan Ponce and WMAQ photographer Donte Williams, who were standing on a public sidewalk outside a hospital while covering the fatal shooting of a six-year-old girl. According to [reports and video recorded](#) at the scene one of your officers (identified by nametag as Ward, 010 District, Ogden) is heard using profanity as he orders journalists who are standing on a public sidewalk to move across the street. He is also heard to say “your first amendment rights can be terminated if you create a scene.” When asked how they were creating a scene he responded, “your presence is creating a scene,” when in fact there was no “scene” until this officer created one by issuing an unlawful order.

In a statement released yesterday, your department said that “members were attempting to protect and respect both the grieving family members of the child, and the memory of the child herself during a very stressful time for all parties involved.” The Mission Statement and Core Values of the Chicago Police Department states (among other things) that it “is committed to protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially.” NPPA asserts that your officers failed to uphold any of those values. Furthermore, it is neither a police officer’s duty or right to decide what is appropriate news coverage of any story. So long as news personnel are in a public forum and not violating any ordinances they have a right to gather news unfettered by the personal feelings or opinions of law enforcement. Anything less may be considered a form of prior restraint or censorship.

It is apparent that the two journalists were not charged because, despite your department’s self-serving statement, there was no criminal trespass and your officers’ overreaction by detaining them in a catch-and-release manner only served to prevent them from carrying out their professional and lawful function. It was nothing less than a blatant disregard of the First and Fourth Amendment.

As our organization, founded in 1946 with over 7,000 members, has pointed out to numerous groups and law enforcement agencies – reliance by officers to interfere with and detain those engaged in a lawful activity under color of law is reprehensible. At best, behavior that chills free speech and is used to seize a person is extremely unprofessional, at worst it is criminal.

While it may be understandable that your officers had a heightened sense of awareness during this incident, that is still no excuse for them to not recognize a journalist's right to record an event occurring in a public place. Law enforcement agencies are established to uphold and enforce existing laws not to use them as a pretext to punish someone exercising their free speech right to record in public.

NPPA is extremely concerned that the apparent lack of discipline and training of your officers will result in further incidents during the upcoming NATO Summit meeting in May. We take this opportunity to offer our assistance in working with your department to help develop reasonable and workable policies, practices and especially training in order to avoid similar situations. In the meantime we respectfully request that this incident be fully investigated. We further request that your department immediately issue orders directing officers to cease such activity and also that your department implement revised training for all officers regarding these matters.

Thank you for your attention in this matter. I look forward to your response.

Very truly yours,

Mickey H. Osterreicher

Mickey H. Osterreicher
General Counsel

cc: Hon. Rahm Emmanuel, Mayor, *City of Chicago* (via facsimile & email)
Mr. Frank Whittaker, General Manager, *WMAQ-TV* (via email)
Mr. Greg Caputo, News Director, *WGN-TV* (via email)
Sean Elliot, President, *NPPA* (via email)