



Kristen Nevious, President  
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June 13, 2025

*By email*

Connecticut Gov. Ned Lamont  
Attorney General William Tong

Maine Gov. Janet T. Mills  
Attorney General Aaron Frey

Massachusetts Gov. Maura Healey  
Attorney General Andrea Joy Campbell

New Hampshire Gov. Kelly Ayotte  
Attorney General John Formella

Rhode Island Gov. Daniel J. McKee  
Attorney General Peter F. Neronha

Vermont Gov. Phil Scott  
Attorney General Charity Clark

**Re: Protest-related Press Freedom and Newsgathering Issues**

Dear Governors and Attorneys General:

As protest activity spreads throughout our region, the New England Newspaper and Press Association ("NENPA")<sup>1</sup> urges you to ensure that the state and local personnel under your commands receive and follow comprehensive training on the current state of the law governing interactions between law enforcement authorities and the press during mass demonstration activity.

To that end, NENPA has joined today with 59 other news and press freedom organizations, led by the Reporters Committee for Freedom of the Press, to send a letter to federal and California officials in the wake of multiple reports of journalists being injured and detained while covering the protests in Los Angeles, including reports of possible targeting, which would violate the First Amendment.

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<sup>1</sup> NENPA is the professional trade organization for newspapers in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. As the principal advocate for newspapers in New England, our goal is to help newspaper professionals successfully fulfill their mission to engage and inform the public while navigating and ultimately thriving in today's evolving media landscape. NENPA represents and serves more than 450 daily, weekly and specialty newspapers throughout the region.

The letter offers several best-practice protocols for interactions between press and law enforcement at mass demonstrations. As protests appear to be spreading across much of the country, we are forwarding that letter to you to urge that you adopt such protocols in your state, as they serve the interests of law enforcement as well as the public's need for access to essential news and information in their communities.

The letter is appended to this one. We call your attention in particular to Section A, as well as the following guidance:

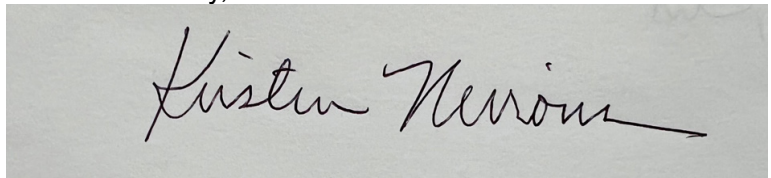
One particularly important best practice is that each agency or element involved in crowd control designate a 'persistent point of contact' – that is, an official with the bandwidth and authority to intervene if journalists are detained, arrested, injured, or are being prevented from effectively covering the mass demonstrations. We ask that you provide the contact information for that individual upon request by a news organization, and that you share it with the Reporters Committee [for Freedom of the Press] at [grottman@rcfp.org](mailto:grottman@rcfp.org).

In New England, we request that you also share the contact details for the "persistent point of contact" to NENPA at [l.conway@nenpa.com](mailto:l.conway@nenpa.com).

The letter also recognizes that the right to record police activity in public is clearly established in California, and an officer who violates that First Amendment freedom—especially through the use of force—enjoys no legal immunity. The law is similar in all New England states as to which the question has been addressed. See, e.g., *Glik v. Cunniffe*, 655 F.3d 78, 87 (1st Cir. 2011) (First Amendment right to record "government officials in public spaces"); *Gericke v. Begin*, 753 F.3d 1, 7-8 (1st Cir. 2014) (protection for filming and audio recording of "police carrying out their duties in public," unless the filming/recording itself is interfering with police duties).

We urge you to ensure that your personnel in the field are trained on the law and best practices relating to press interactions with law enforcement. Please do not hesitate to contact NENPA's general counsel, at [rob.bertsche@klarislaw.com](mailto:rob.bertsche@klarislaw.com), with any questions.

Sincerely,

A handwritten signature in black ink, reading "Kristen Nevous", is centered within a light gray rectangular box.

NEW ENGLAND NEWSPAPER & PRESS ASS'N  
By: Kristen Nevous, President

cc: Executive Director Linda Conway, [l.conway@nenpa.com](mailto:l.conway@nenpa.com) General  
Counsel Robert A. Bertsche, [rob.bertsche@klarislaw.com](mailto:rob.bertsche@klarislaw.com)

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*Affiliations appear only for purposes of identification.*

By email

The Honorable Pete Hegseth  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

The Honorable Kristi Noem  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

The Honorable Karen Bass  
Mayor, City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Sheriff Robert G. Luna  
Los Angeles County Sheriff's Department  
211 W. Temple Street  
Los Angeles, CA 90012

June 13, 2025

The Honorable Pamela Bondi  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

The Honorable Gavin Newsom  
Governor, State of California  
1303 10th Street, Suite 1173  
Sacramento, CA 95814

Chief Jim McDonnell  
Los Angeles Police Department  
100 West 1st Street  
Los Angeles, CA 90012

Re: Injuries and detentions of journalists during protests

Dear Secretary Hegseth, Attorney General Bondi, Secretary Noem,  
Governor Newsom, Mayor Bass, Chief McDonnell, and Sheriff Luna:

The undersigned news and press freedom organizations urge you to ensure that the federal, state, and local personnel under your respective commands receive and follow comprehensive training on the current state of the law governing interactions between law enforcement authorities and the press during mass demonstration activity.

We write in the wake of multiple reports of journalists being injured and detained while covering the protests in Los Angeles, including reports of possible targeting, which would violate the First Amendment. <sup>1</sup> While we

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<sup>1</sup> See, e.g., *CNN Crew Escorted Away From Protest Zone by LAPD*, CNN (June 2025), <https://perma.cc/M2CN-46U5>; Ali Watkins, *Some Journalists Are Injured While Covering L.A. Protests*, N.Y. Times (June 9, 2025), [nytimes-lauren-tomasi](https://www.nytimes.com/2025/06/09/us/politics/l-a-protests-journalists-injured.html); James Gregory, *British Photographer Injured by 'Plastic Bullet' in LA Protests*, BBC (June 9, 2025), [https://perma.cc/55LB-GTKE](https://www.bbc.com/news/health-67845678); Keiran Smith, *Australian Reporter Hit by Nonlethal Round During Live Report from LA Immigration Protests*, AP News (June 9, 2025), [apnews.com/immigration-raids-reporter-shot](https://apnews.com/immigration-raids-reporter-shot); David Proper, *Post*

also recognize the important role of law enforcement to protect public safety and crowd control, the right and ability of the press to document law enforcement and other government activity safely and effectively is foundational to self-government and has long been recognized and protected by the courts.

Below, we offer several best-practice protocols for interactions between press and law enforcement at mass demonstrations, which we urge you to adopt as they serve the interests of law enforcement as well as the public's need for access to essential news and information in their communities.

One particularly important best practice is that each agency or element involved in crowd control designate a “persistent point of contact” – that is, an official with the bandwidth and authority to intervene if journalists are detained, arrested, injured, or are being prevented from effectively covering the mass demonstrations. We ask that you provide the contact information for that individual upon request by a news organization, and that you share it with the Reporters Committee at [grottman@rcfp.org](mailto:grottman@rcfp.org).

We conclude below with the importance of protections for the press in three areas: the constitutional right to record and document government activity in public, recent caselaw applicable in California requiring that law enforcement responses to protest activity be tailored in a way that permits meaningful news coverage of those responses, and the importance of California Penal Code § 409.7, which expressly allows journalists to enter and remain in certain areas that are otherwise closed to the public during protest activity.

#### **A. Best practices for interactions between law enforcement and press at protests**

In the five years since the mass protests in 2020, various stakeholders, including both law enforcement and the media, have worked to identify best practices for interactions between those two groups at protests.<sup>2</sup>

Most notably, the Police Executive Research Forum published a detailed report in October 2024 based on a convening with senior police officials and media

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*Photographer Shot in the Head with Rubber Bullet in LA Anti-ICE Riots — and He Caught the Terrifying Moment on Camera*, N.Y. Post (June 9, 2025), <https://perma.cc/S2QL-5ECX>; Scott Nover & Jeremy Barr, *Journalists Come Under Fire Covering L.A. Protests*, Wash. Post (June 9, 2025), [washingtonpost.com/journalists-injured-la-protests](https://www.washingtonpost.com/journalists-injured-la-protests/); David Bauder, *With Reporters Shot and Roughed Up, Advocates Question Whether Those Covering Protests Are Targets*, AP News (June 11, 2025), [apnews.com/immigration-protests-los-angeles-media](https://apnews.com/immigration-protests-los-angeles-media).

<sup>2</sup> By “law enforcement,” we also refer to federal law enforcement officers, as well as federalized members of the National Guard and active duty servicemembers. To the extent these personnel are performing civilian law enforcement functions, these best practices would apply.

representatives. The PERF report included numerous “practical, actionable” recommendations to ensure that “journalists can inform the public while police can perform their duties essential to protecting public safety.” *See* Police-Media Interactions During Mass Demonstrations (2024), <https://perma.cc/JW2X-5CBX>. We urge you to disseminate this report, reflecting extensive input by active law enforcement, to the field.

In addition, we encourage you to adopt the following protocols:

- Instruct officers and staff that the detention, arrest, or physical attack of a journalist engaged in newsgathering, and who is not physically obstructing police, is a clearly established First Amendment violation;
- Ensure that crowd control tactics are narrowly tailored to address unlawful activity and to prevent collateral harm to journalists covering protests;
- Require officers to prominently display their badge numbers, names, and other identifying information;
- As noted above, dedicate one or more officials as a point of contact for press emergencies, who has the authority and bandwidth to intervene if journalists are detained, arrested, subjected to the use of force, or removed from the scene;
- Train line officers that, if a person identifies as press, they should be given the opportunity to confirm their status as such and, if they do, should be released quickly and allowed to continue to report;
- Take swift action to discipline any officer who is found to have detained, arrested, or assaulted a journalist engaged in newsgathering; and
- Release all information about detentions or arrests of, or physical interactions with, the press to the public to allow it to evaluate the legitimacy of police conduct, and guarantee that disciplinary records can be promptly released through public records requests.

## **B. The right to record in California**

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, photojournalists, and documentarians have an affirmative right to cover protest and policing of protest, which courts have repeatedly upheld when law enforcement has interfered with the exercise of that right. *See, e.g., Redmond v. San Jose Police Dep't*, No. 14-cv-02345, 2017 WL 5495977, at \*11-12 (N.D. Cal. Nov. 16, 2017); *see also Index Newspapers LLC v. United States Marshals Service*, 977 F.3d 817, 851 n.10 (9th Cir. 2020) (O'Scannlain, J., dissenting) (noting that targeting journalists at protests could present a *Bivens* claim against federal officers). Multiple California statutes also expressly confirm that recording police activity cannot constitute, for instance, obstructing or resisting law enforcement. *See* Cal. Penal Code §§ 69(b), 148(g).

To be sure, the right to record may be subject to reasonable time, place, and manner restrictions. As discussed directly below, however, courts have invalidated law enforcement restrictions on recording that broadly impair newsgathering because they are not tailored or necessary to address the unlawful activity that would otherwise justify the enforcement action at issue.

### **C. The *Index Newspapers* case**

In the *Index Newspapers* case arising out of the 2020 mass demonstrations in Portland, Oregon, the district court entered an injunction specifically barring federal officers from “arresting, threatening to arrest, or using physical force directed against any person whom they know or reasonably should know is a Journalist,” absent probable cause that the person has committed a crime other than failure to disperse. *Index Newspapers LLC v. City of Portland*, 480 F. Supp. 3d 1120, 1155-56 (D. Or. 2020). The U.S. Court of Appeals for the Ninth Circuit affirmed, rejecting the government’s argument that the injunction gave a “special exemption” to the press. *Index Newspapers*, 977 F.3d at 832.

On the contrary, the Ninth Circuit emphasized the press’s role as an essential “surrogate” for the public and how “in a society in which each individual has but limited time” to observe government activities, the public necessarily relies on the press to convey in “convenient form the facts of those operations.” *Id.* at 830-31. And in light of that clear public interest in press access, the court recognized that dispersing journalists was not “essential or narrowly tailored to serve the government’s interest.” *Id.* at 833.

The upshot of *Index Newspapers* is that basic First Amendment doctrine requires that restrictions on access to public property be necessary and narrowly tailored to address the unlawful conduct justifying the restriction. Removing journalists engaged in newsgathering who are not obstructing law enforcement activity would violate this principle. *See also* Bruce D. Brown & Gabe Rottman, *When Police Order Protesters to Disperse, Are Reporters Included?* Columbia J. Rev. (Nov. 19, 2024), <http://bit.ly/4mQZKlv>.

#### D. Cal. Penal Code § 409.7

California has been a pioneer in expressly recognizing the *Index Newspapers* principle in law. Under § 409.7(a)(1) of the Penal Code, a “duly authorized” journalist may enter certain closed areas during mass demonstration activity.<sup>3</sup> Specifically, when officers “close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or a rolling closure” at a demonstration, journalists in a closed area may not be cited for failure to disperse and, if detained, must be allowed to speak to a supervisor “unless circumstances make it impossible to do so.” *Id.* § 409.7(a)(1), (3). The law also prohibits law enforcement from assaulting or interfering with journalists. *Id.* § 409.7(a)(2).

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As the discussion above reflects, in the five years since the mass demonstrations of 2020, courts and policymakers have provided valuable guidance to better protect journalists covering these events and at the same time advance law enforcement interests. We urge you to ensure that your personnel in the field are trained on that law and those best practices. Please do not hesitate to contact Gabe Rottman, Vice President of Policy at the Reporters Committee, at [grottman@rcfp.org](mailto:grottman@rcfp.org) with any questions.

Sincerely,

The Reporters Committee  
for Freedom of the Press

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Bloomberg L.P.  
Boston Globe Media Partners, LLC  
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Committee to Protect Journalists  
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Harper’s Magazine  
HuffPost  
Gannett Co., Inc.  
Hearst Corporation  
Illinois Press Association  
The Intercept Media, Inc.

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<sup>3</sup> “Duly authorized” does *not* mean authorized by a state actor. Rather, “[i]n most cases, a ‘duly authorized representative’ is someone who has been ‘duly authorized’ by a news organization to go to the scene and report about the event for a news organization” and the “absence of media identification or credentials does not preclude an individual from being recognized as a member of the news media.” *See* Orange Cty. Sheriff’s Department, Training Bulletin, CPC 409.7 Media Access at Demonstrations and Protest Events, <https://bit.ly/4mS9YIT>. “Duly authorized” would also include, for instance, security personnel assigned to a reporting team.

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