



6520 Platt Ave. #445  
West Hills, CA 91307  
562-987-4545  
www.rtna.org

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Dear members of the press:

Los Angeles – The Radio & Television News Association of Southern California condemns the raids by the San Francisco Police Department on the home of freelance videographer Bryan Carmody and the offices of North Bay News, both of which were in complete disregard for accepted standards of police conduct under the First Amendment and California’s shield law. While the SFPD is certainly within its rights to investigate the leak of information pertaining to the death of Public Defender Jeff Adachi, it should do so by looking within its own ranks, not by employing the tactics of an authoritarian state.

Journalists and news organizations in California are protected under the First Amendment and California’s shield law, which is part of both the California Constitution and the state’s Evidence Code, from having to reveal confidential sources. It is well established that police departments never should use a search warrant to try to evade these clear protections. By using tactics familiar to totalitarian regimes around the world, the San Francisco Police Department undermines the benefits the free flow of information provides to society – benefits the First Amendment and California law protect by guaranteeing that, in most circumstances, journalists and news organizations never will be required to disclose the names of persons who provide information in confidence.

RTNA encourages the San Francisco City Council to investigate this egregious breach of normal procedures and practices by the SFPD and to take appropriate steps to ensure that the Police Department in the future will follow established guidelines for seeking information from journalists and news organizations.

The raids also appear to violate the federal Privacy Protection Act of 1980. Under that law, police are required to seek a journalist’s “work product materials” through a subpoena rather than a search warrant. Had the SFPD issued a subpoena to Mr. Carmody and the North Bay News, as police departments all over the country do on a routine basis, a judge would have had the opportunity to test the basis for the Department’s request and Mr. Carmody and the North Bay News would have been allowed to challenge the subpoena. Instead, the SFPD chose to trample not only the rights of Mr. Carmody and the North Bay News but also the rights of all journalists under federal and state law.

With the independence of journalists and news organizations under assault from prominent politicians, it is particularly distressing to have the San Francisco Police Department acting as if the First Amendment of the Constitution and California’s shield law don’t exist.

Chris Little

RTNA President