

Los Angeles Press Club's Tips For Safely Covering Protests

The following are considerations when you cover protests in California where police may declare an unlawful assembly and order everybody (potentially including press) to disperse. This is not a substitute for your newsroom policies or your own research. This is not legal advice, which can only be provided by a licensed attorney.

BEFORE YOU ARRIVE

Identify the law enforcement agency/agencies likely to have jurisdiction. While LAPD and LASD are the largest in our area and may provide mutual aid, there are many smaller jurisdictions and specialized units (ex: Santa Monica PD, LA Airport Police, UCLA PD, etc.).

Obtain contact information for the agency's Public Information Officer (PIO). Large agencies often have a PIO on call 24/7 for emergencies (they appreciate lead time for general inquiries). If you anticipate covering organized protests in their area, reach out early to discuss arrival (potentially parking and where to keep your car away from activity) and exit plans.

Carry a form of press ID. "Credentials" are a complicated topic. They're not the only factor that makes somebody press. Three entities issue them: employer, press organization and law enforcement. If your company ID lacks useful details, contact us for suggestions (pressrights@lapressclub.org). LAPD and LASD passes require background checks and take several days at best. LA Press Club issues press IDs to members who verify they're working journalists. At minimum, carry business cards and written work phone numbers (ideally a 24/7 newsdesk and/or corporate security desk). Freelancers should print (in case your phone fails) a letter of assignment. Also carry a government-issued ID like a driver license.

Carefully evaluate gear. Make a checklist to manage your go-bag and appropriate attire/shoes. Basic items include ear plugs, N95 mask (better: P100), sealed goggles (not swimming), water bottle, prescriptions and cash. Consider possible safety risks on your body: lanyards can snag or be yanked, makeup can interact with tear gas, many clothes can restrict evacuation. Leave valuables and bulky items at home. A "dummy" memory card can be handed over if threatened for recording. Seek expert advice on advanced PPE (gas masks, body armor, trauma kits). Just as important as having safety gear is knowing how to use it and keeping it in working order.

Your phone is a lifeline, protect it. Carry a backup battery pack. If it has sensitive information, consider turning off biometric access (fingerprint and face ID) and use encryption. Consider what would happen if your phone were lost or stolen (both data security AND getting home).

Tell your newsroom managers or trusted colleagues where you'll be. Plan to check in at a specific time so they know you're OK after. Make sure they have contact info for PIOs and an attorney you know will be reachable. Discuss risks, communications, and emergency plans.

Consider if you're in over your head. Most protests are relatively peaceful. However, in rare situations where violence may occur, you must know your limits. Consider risks of personal health conditions (ex: if you have asthma, tear gas is especially dangerous) or just if you're prepared to deal with physically demanding situations, aggression from protesters and police, multi-hour waits, and inclement weather. Consider if you should be working with experts in and out of your newsroom, including professional security consultants and on-site "backwatchers."

ON THE SCENE

Establish contact with law enforcement early. Connect with a PIO or supervisor on the scene (write down their name). Ask the best place to go if unlawful assembly is declared. Front-line personnel can change over quickly, so if there's confusion it can help to name your contact.

Be alert. Safety comes first. Identify multiple exit plans and meeting points. Use areas to the side/edges to avoid crossfire/clashes. Understand that in close proximity to demonstrators actively engaged in violence, law enforcement will likely prioritize eliminating and dispersing threats over determining your status as press. Consider how your appearance calls attention to you. Watch for potential hazards from both protesters (you may need to cover press insignia if you're targeted) and police tactics (conversely, you may need to prominently display press insignia to help separate you from protesters). Along with 360° awareness, look up and below. Set a phone timer for every 15 minutes as a reminder to look around and reevaluate.

Safety over lighting. Understand the impact camera lighting/flashes can have on potentially violent demonstrators as well as law enforcement. Lighting in the middle of unrest can have a "moth to flame" effect and draw unwanted attention. Camera lights glaring at approaching law enforcement could make it impossible for them to see your credentials. Consider low-lighting situations and techniques, which may be optimal when covering unrest at night.

Work as a team. Write an emergency contact's phone number on your arm. Use a buddy system and watch each other's backs. Exchange contact info with others on the beat.

Listen for an order to disperse. If you want to leave, consider if blending into the crowd is the safest exit or not. If you want to stay, communicate with police and consider safe positions.

Be clear to front-line officers that you are press. Police need indications to know your role. Be professional. Clearly show credentials or other work ID. Vocalize you are "press" AND who you're reporting for (be specific and give brief context, officers may not recognize outlets/call letters). Before reaching into a pocket or bag, explain you're reaching for your press credentials.

Don't interfere with police. Give a reasonable amount of room and don't stand close behind them, especially during arrests. Don't disrupt command posts. Be mindful of safety concerns.

Don't participate besides newsgathering. Many newsrooms don't allow employees to participate in protests, but it's also true that press and activism can overlap at times. If you participate besides newsgathering or if you break any law, the police will not treat you as press.

IF SOMETHING GOES WRONG

If detained, say you are press and ask for a PIO or supervisor. Be polite. Keep recording.

If asked for your recording equipment, do not consent. Remind them you are a journalist, the items are owned by your company, and they must first contact your company's attorney.

If arrested, contact a lawyer. Ideally, have a phone number in advance for one who will be reachable. If your newsroom doesn't provide one, several groups may be able to help (sometimes free) or provide referrals. None can guarantee representation, but if you have an active concern we suggest learning about the work of groups like Committee to Protect Journalists, First Amendment Coalition, NLG-LA, National Press Photographers Association, and/or Reporters Committee for Freedom of the Press.

Ask your lawyer about “factual innocence” to clear arrest records. Even if no charges are filed, an arrest may be reported to the FBI and CA DOJ, which each keep separate records.

Seek mental health resources. Journalists can face risk of trauma *and* vicarious trauma.

FREQUENTLY ASKED QUESTIONS

Do I have a First Amendment right to remain at unlawful assemblies? Philosophically, many journalists see this as not only a constitutional right but a responsibility. Meanwhile, many police agencies have taken the position that California statutes allow them to order anybody to disperse from an unlawful assembly. There are legislative proposals and court cases trying to sort this out. Police and press groups are also trying to find practical steps forward (like this tip sheet!). It’s a critical civic issue we encourage you to learn more about, but the time for a nuanced civil rights discussion is not on a skirmish line.

Am I exempted by PC 409.5(d) and/or PC 409.6(d)? These provisions of the California Penal Code may allow journalists to be in closed areas during disasters, but local law enforcement has indicated they do not consider them applicable to unlawful assemblies. There is active legislation that may eventually resolve this question for unlawful assemblies. Remember that if an officer at a disaster recommends you leave, you may be liable for your own safety.

What about a crime scene? California courts have held that 409.5(d) does not guarantee press access to a crime scene. Consider that investigators may need to preserve evidence.

What is the Crespo Settlement? After the 2000 DNC, there was a lawsuit between several journalists and LAPD (technically, the City of LA). This case was settled between the parties, and the agreement applies to LAPD but not to other law enforcement agencies. Among other things, it established LAPD policies about “news media viewing areas” and dispersal orders.

Who is “press” during an unlawful assembly? This has been a challenging question, so it’s important to look at the context. Our organization’s stance is that a free press ceases to exist if it must be licensed or approved by a government agency. That’s why law enforcement credentialing is only one tool in an ecosystem, not an enforceable requirement. We aren’t demanding special treatment as a class of people, but we do insist on constitutional protection for our principal activities like newsgathering in the public interest. Simultaneously, claiming “press” or posing as press is no excuse to break the law (just like being a police officer is no excuse to break the law), and we condemn such activity as a safety threat. Your conduct on the scene is critical to demonstrate that you are press. That’s why our own guiding principle is that “press” in the context of unlawful assembly is strictly somebody who is gathering news intended for public consumption, not participating in unlawful activity (other than observing/recording it), and not interfering with police. However, California law introduced questions about the concept of “duly authorized representatives” of news organizations, and there may eventually be legislation or litigation to establish a clearer legal definition.

How can I learn more or get involved? The Los Angeles Press Club is a 501(c)(3) nonprofit. We organize events and programming that support all aspects of our community: awards, mentoring, social gatherings, training, and grants/scholarships. We welcome you to join us (lapressclub.org) or just ask us questions on the issues above (pressrights@lapressclub.org).