

5-06/000.36 - Media Access to Command Posts During Civil Disorder Events

This policy was implemented to comply with Senate Bill 98/California Penal Code Section 409.7.

Penal Code section 409.7 applies to command posts established at demonstrations, marches, protests, or rallies where individuals are engaged in an activity that is protected pursuant to the First Amendment of the United States Constitution or Article I of the California Constitution.

Any duly authorized representative of the media (news service, online news service, newspaper, or radio or television station or network) may have access to the closed immediate area surrounding any command post, police line, or rolling closure.

Department members shall not intentionally assault, interfere with, or obstruct a duly authorized representative of the media who is gathering, receiving, or processing information for communication to the public.

Note: Penal Code 409.7 does not prevent Department members from enforcing other applicable laws if the person is engaged in activity that is unlawful.

A duly authorized representative of any news service, online news service, newspaper, radio, television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Penal Code Section 148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

Due to the very general definition of the term media, personnel in charge of safety and security of the media behind a closure or surrounding a command post shall be constantly aware of evolving threats and issues. The threat of individuals posing as members of the media is real and has been used as a tactic by criminal elements.

Threats to personnel may include but are not limited to: the launch of a violent attack on unprotected Department personnel, the gaining of access to confidential information, or disrupting the activities of emergency personnel performing their duties.

Department personnel shall ensure the media do not have direct observation of/or access to confidential information. These include, but are not limited to:

- Phone numbers, not for public release;
- Names of department members, witnesses, informants, or suspects;
- Confidential operational plans;
- Law Enforcement Only databases and information sources; or

- An individual's personal medical information.
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