

January 21, 2019

The Honorable London Breed
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Email to: MayorLondonBreed@sfgov.org

Dear Mayor Breed,

We at the First Amendment Coalition, a California nonprofit that advocates for free press and open government, and the Committee to Protect Journalists, an independent press freedom advocacy group, write to request a meeting with you to discuss the unlawful police raid on San Francisco journalist Bryan Carmody earlier this year. As you begin your first full term as mayor, we would like to suggest concrete steps your office can take to ensure that the City of San Francisco is meeting its social and legal obligations to protect members of the press from government overreach.

We are pleased that you [said](#) on May 19 that you are “not okay with police raids on reporters,” and that you suggested that the city “need[s] a protocol going forward for how to handle investigations that involve members of the media.” However, nearly eight months have passed and the city has taken no visible concrete actions to establish any such protocol, or to ensure accountability for the unlawful raids on Mr. Carmody. We hope to meet to pursue a constructive dialogue on steps the city can take to prevent attacks on the free press in the future.

On May 10, members of the San Francisco Police Department and the FBI arrived at Mr. Carmody’s home. Officers used a sledgehammer and pickaxe to try to batter down the front gate of Mr. Carmody’s home. Guns drawn, officers placed Mr. Carmody in handcuffs for hours while they searched his home and later a second property that he used as his newsroom, seizing a trove of electronic devices and other materials. The raid was conducted following Carmody’s refusal to reveal the source of police documents that the journalist used in coverage of the death of San Francisco’s public defender, Jeff Adachi, coverage that some found unflattering.

The Police Department’s actions were widely condemned as a clear violation of California law, which prohibits the use of search warrants to seize a journalist’s unpublished materials. Later, Mr. Carmody and the public learned police had also tracked his telephone communications, with police having obtained three warrants related to his cell phone use. As Mr. Carmody’s lawyer, Thomas Burke of San Francisco, said in a recent [article](#) published by the Committee to Protect Journalists, “I know of no American journalist in recent times that has been more violated.”

Although all five search warrants executed on Mr. Carmody were ultimately quashed and the evidence seized was ordered to be destroyed, the harm this raid caused cannot be undone, or overstated. Both federal and California law provide robust protections for a journalist's sources and confidential notes, which were completely ignored in Mr. Carmody's case. The raids on Mr. Carmody sent a message to journalists and sources alike in San Francisco — as well as to the general public — that the city is willing to disregard these clear legal protections if and when the political climate seems to demand it. This is untenable, both as a matter of law and as a matter of public policy.

Going forward, we urge you to address this situation comprehensively, and we make the following recommendations for the city of San Francisco and its Police Department:

- Meet with FAC and CPJ, and take into account our input as to what city policies should be adopted or improved to prevent such affronts to the free press;
- Make public the results of any investigations the city has conducted into the raid on Mr. Carmody; and
- Require the Police Department to take proactive steps, such as increased training for officers on First Amendment issues and the California shield law, including training for those at the highest levels, including the chief of police, his command staff and the Police Department's legal counsel.

It is essential that San Francisco city officials and law enforcement safeguard the rights of journalists. We hope to engage with you in a constructive dialogue.

Your leadership on this matter is critical in restoring the public's trust that San Francisco city officials respect the constitutionally protected rights of journalists who are one of the key pillars of our representative democracy, and are essential to its proper functioning.

Thank you for your attention to this matter. We look forward to hearing from you soon.

Sincerely,

The First Amendment Coalition
Committee to Protect Journalists

Cc: Tara M. Steeley, tara.steeley@sfcityatty.org; Wayne K. Snodgrass, wayne.snodgrass@sfcityatty.org