In 2020, Americans needed reliable information. And they demanded to be heard.

As the coronavirus pandemic raged, governments wielded extraordinary power over our lives and livelihoods, yet access to public information and institutions became harder than ever to get. Another deadly event — the police killing of George Floyd in Minneapolis — spurred a reckoning over racial injustice, giving new urgency to the fight to increase law enforcement transparency and therefore accountability.

Meanwhile, the eyes and ears of our communities — reporters and photographers — put their own health and safety at risk to keep us informed, and found obstacles to newsgathering at every turn.

It is against this backdrop that the First Amendment Coalition carried out its mission in 2020. We served a record number of constituents, arming them with information about their rights under the First Amendment and providing them with the tools they need to engage in civic affairs.

We went to court to combat secrecy in our legal system at a time when it was unfathomable to ask Americans to simply trust that what was going on behind closed doors was fair and just.

We provided open-government and press freedom defense training to journalists, lawyers and students in multiple states. Our cases continued to set legal precedents that ensure more sunshine on police misconduct. And we put new resources — like our Police Transparency Guide — in the hands of those doing the important work of sorting fact from fiction.

Our impact over these last 12 months in California, where we were founded 32 years ago, and beyond would not be possible without those who have invested in this work, standing with us every step of the way. We are proud of the coalition of supporters, volunteers and allies we have built. And we are determined to continue meeting the need to stand up for free speech, a free press and a more open and accountable government.

David Snyder
Executive Director, First Amendment Coalition
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>14</td>
<td>Live forums and specialized training sessions held on timely First Amendment and government transparency topics</td>
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<tr>
<td>775</td>
<td>Legal Hotline queries answered by attorneys, including more than 300 for reporters on deadline, over a 12-month period</td>
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<tr>
<td>7</td>
<td>Custom workshops conducted for journalists</td>
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<tr>
<td>200+</td>
<td>News stories and broadcasts featuring FAC's litigation, advocacy or commentary</td>
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<tr>
<td>16</td>
<td>Active cases and amicus briefs in state and federal court advancing First Amendment protections and government transparency</td>
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<tr>
<td>75+</td>
<td>Letters and public comments submitted to courts, lawmakers, police, prosecutors and policymakers advocating for transparency, freedom of the press or other First Amendment principles, many resulting in meaningful change</td>
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<tr>
<td>8</td>
<td>College classroom and high school conference appearances by FAC staff</td>
</tr>
<tr>
<td>800+</td>
<td>Participants engaged in live forums, workshops and seminars</td>
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<tr>
<td>1,000s</td>
<td>Of pages of police personnel records produced to news media by law enforcement agencies in California as a result of FAC's strategic litigation and open-records advocacy</td>
</tr>
<tr>
<td>$0</td>
<td>Cost to the press and public</td>
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Thanks to our supporters, FAC's resources and programs are always free.
For years, California was one of the most secretive states when it came to police misconduct and violent interactions with the public. That changed in 2019 when a landmark transparency law, backed by FAC, took effect. However, powerful police labor unions and government agencies waged aggressive efforts in court to weaken the law. FAC and allied organizations formed the resistance. In the last two years, FAC has engaged in nearly a dozen legal challenges beating back attempts to shield police records from public view.

In January, FAC and co-plaintiff KQED won an important ruling at California’s First District Court of Appeal requiring the state Department of Justice to turn over scores of misconduct and use-of-force records about officers employed by state law enforcement agencies.

Those records are already being used in groundbreaking accountability journalism. Additionally, FAC and a coalition of media organizations secured key trial court rulings that resulted in the release of troves of records from police departments and sheriff’s offices.

FAC’s fight to promote police transparency included friend-of-the-court briefs, including one in a case that resulted in a May California Supreme Court opinion stopping government agencies from charging exorbitant fees to redact and produce records, such as edited police bodycam videos. FAC also filed suit against the FBI under the Freedom of Information Act for records relating to a public official’s death, news of which led to a raid of a journalist’s home and office, an egregious violation of press freedom.

Our legal battles to pull back the blue curtain continue in multiple courts across the state. But our work doesn’t end at the courthouse steps.

In October, FAC published its Police Transparency Guide, a new handbook with a comprehensive Legal Compendium, an in-depth FAQ and sample request letters that any member of the press or public can use to request public information about police misconduct and use-of-force in California. It is the latest in a catalogue of FAC’s free guides and resources available to all at no cost.

“

The recent events have helped crystalize that it’s [about] … helping to contribute to the broader discussion of how to do policing in the United States and how we as a society oversee policing and regulate it. It’s critically important to have this information out there so people can have an informed discussion.”

— Tenaya Rodewald
Sheppard Mullin Richter & Hampton, pro bono counsel to FAC, quoted in the American Lawyer
The coronavirus pandemic created the **biggest disruption to press and public access to courts** in modern history. At the same time, it presented an opportunity for courts to embrace technology to fulfill their constitutional obligation to keep the courts open to the public, through remote technology, such as live-streaming. After the San Francisco Bay Area issued its first-in-nation shelter-in-place orders, FAC began an outreach campaign to state and federal courts, urging judicial leaders to preserve meaningful public access. FAC documented alarming instances of journalists and others being turned away from courthouses with no alternative way to exercise their First Amendment rights. **FAC rallied a coalition of allies to combat secrecy, leading to meaningful results and greater public awareness.**

FAC’s campaign for court access included:

- Advocacy letters to federal court leaders and presiding judges of **all 58 of California’s trial courts**
- An in-depth investigation of court access problems and **outline of recommendations for improvement** submitted to the California Judicial Council
- A **federal civil rights lawsuit** brought jointly with the ACLU of California to combat secrecy in a large court system in California’s Central Valley, resulting in live streaming and in-person access consistent with public health guidance

Separately, FAC’s lawyers **intervened in a death-penalty case** in Bakersfield, Calif., to oppose a motion to close all pre-trial proceedings to the public and press. The motion is set to be heard in early 2021.

**This is no time for government secrecy, particularly from the institutions we rely on to vindicate our rights. George Floyd’s death at the hands of police galvanized a movement and renewed focus on the disparate treatment of Black and Brown people who come in contact with the criminal justice system. Now is not the time to ask the public to simply trust that system is fair, impartial and just.**

— FAC, Public Justice and ACLU affiliates wrote in a letter to the California Judicial Council amid the coronavirus pandemic
In March, FAC launched its FOI Boot Camp program, providing customized workshops for journalists, with a focus on supporting those without regular access to open-government lawyers, including independent reporters, those working in small or nonprofit news organizations, and groups traditionally underrepresented in media. FAC attorneys with expertise in how to unlock public records, access public meetings, navigate the courts, and protect confidential sources led six interactive workshops, first in person and then remotely throughout the pandemic. This is an extension of FAC’s free Legal Hotline, which fielded more than 700 queries over 12 months, including more than 300 requests from journalists on deadline.

“As a small, nonprofit newsroom, we rely on resources like FAC’s FOI Boot Camps to give our reporters as many tools as possible to do their jobs of keeping our community informed. FAC armed us with knowledge to fight for public records and demand government transparency, strengthening our watchdog reporting and empowering our mission to hold the powerful accountable.”

— Ramona Giwargis, Co-Founder & Editor, San Jose Spotlight
The First Amendment’s protections are not self-enforcing. So while the U.S. Constitution guarantees freedom of speech and the press, it often requires lawyers to make that guarantee real. FAC’s in-house lawyers and a community of dedicated volunteer attorneys ensure that journalists in need get pro bono legal help and that someone steps in for the public to combat government secrecy. In 2020, FAC expanded its capacity to provide pro bono legal services, while also increasing the number of lawyers with expertise in First Amendment law among the next generation of legal advocates.

In June, FAC welcomed Legal Fellow Sherene Tagharobi, a former broadcast journalist now practicing law. Within weeks, she drafted a Freedom of Information Act (FOIA) lawsuit; filed a motion to prevent extraordinary secrecy in a death penalty case; moderated a roundtable discussion, "The First Amendment Under Fire"; obtained records under the California Public Records Act; moved to unseal records at the California Supreme Court; and began collaborating with journalists to break through barriers to information.

In the fall, FAC welcomed legal extern Betty Heesok Kim, who submitted public records requests to law enforcement agencies and assisted with drafting of court filings. About her experience, Kim said: "I could not have asked for more out of my externship with FAC. In addition to deepening my knowledge about local and national First Amendment issues, I gained invaluable insight into civil procedure, legal research, and brief writing. The warm welcome and mentoring that I have received … has been incredible and will not be forgotten.”

The Northern California Chapter of the Society of Professional Journalists awarded FAC its James Madison Award for standing up for press freedom and government transparency. In announcing the award, SPJ said: "When San Francisco police raided freelance journalist Bryan Carmody’s home and office and seized his notes, records and professional equipment, FAC jumped in immediately and led a legal fight to unseal the affidavits used to justify the search, later suing Mayor London Breed for records related to the raid. At the same time, FAC has been at the forefront of numerous battles over the scope of California’s new landmark policy transparency law. In the California Supreme Court, meanwhile, FAC challenged the governor’s practice of keeping entire files of clemency proceedings under seal." [Listen to the awards podcast.]

Also in 2020, the Los Angeles Chapter of the Society of Professional Journalists presented its Freedom of Information Award to FAC’s Executive Director David Snyder for fighting "legal battles across the state, winning key rulings resulting in the release of public records, often in the face of well-funded, powerful opponents who tried to keep police misconduct, search warrants, sexual misconduct and other public records a secret." [Watch the awards ceremony.]