



June 11, 2025

VIA E-MAIL

Interim Police Chief Paul Yep
San Francisco Police Headquarters
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Re: San Francisco Police Department's Interference with Press Rights at Protests

Dear Interim Chief Yep:

The First Amendment Coalition and the Society of Professional Journalists of Northern California write to express our alarm over officers' interference with lawful newsgathering activity during recent demonstrations. We call on you to take immediate steps to ensure press rights are protected at protests.

It's our understanding that on Sunday and Monday, officers detained numerous journalists for varying lengths of time, halting their ability to report the news. On Sunday, Daily Californian journalists were detained for about an hour, after being kettled into barricaded areas while they were reporting on confrontations between protesters and officers, and for at least 30 minutes on Monday, despite identifying themselves to police as press, according to an editor's column detailing and condemning these events.¹ The journalists presented press identification, and one staffer wore a helmet that said "PRESS." Officers responded at one point that they "did not care they were press," and pushed a staffer, causing that journalist to fall to the ground, the editor's reported. News reports and witnesses indicate that during at least one kettling multiple reporters, photographers and other media workers were confined as officers prepared for mass arrests.²

Other journalists were obstructed from observing newsworthy events because they followed orders to not cross police lines, diminishing their lines of sight and sound. When San Francisco Chronicle reporter Aldo Toledo recorded officers on Market Street, police shoved him, causing him to fall, despite his visible press badge and telling officers he was a reporter. Based on video of the events, it appears an officer knocked Toledo's smartphone from his hand, raising concerns about whether that was intended to interfere with the First Amendment right to film

¹ Daily Californian Upper Mgmt., *Ed.'s Note: Condemning SFPD's Det. of Daily Cal Staffers & Suppression of Student Journalism*, The Daily Californian (June 10, 2025), https://www.dailycal.org/blogs/editor-s-note-condemning-sfpd-s-detention-of-daily-cal-staffers-and-suppression-of-student/article_3a306ca7-0a14-428a-8eb6-c3b01b9ffea7.html.

² James Croxton, "No Food, No Water, No Phone Call. I Wasn't Read My Rts." 154 Arrests at Anti-ICE Protest in S.F., Left Coast Right Watch (June 10, 2025), <https://leftcoastrightwatch.org/articles/no-food-no-water-no-phone-call-i-wasnt-read-my-rights-154-arrests-at-anti-ice-protest-in-san-francisco/>.

police in public. Later, an officer returned the phone to Toledo, with a remark that he should comply with orders in the future.

Further, on Monday, even after journalists explicitly invoked and referred officers to Department General Order 8.03, SFPD officers did not permit members of the news to enter closed areas to cover the SFPD's protest response.

Based on our understanding of these events, we have serious concerns that officers appear to have violated your department's general orders, California law and the First Amendment. We're troubled that this interference with lawful newsgathering was intentional: when officers declared an unlawful assembly, they also said it applied to those with cameras, which members of the press understood was incorrectly directed at them.

As your department's [policies](#) recognize, California law provides reporters with strong protections, both against being arrested or attacked while covering protests, including protests that have been dispersed. [California Penal Code section 409.7](#) requires journalists be permitted to access areas that are closed or blocked off by police responding to protests, and it prohibits any efforts to obstruct journalists from doing their jobs. California lawmakers provided this specific press protection for moments just like these, in recognition of the important role journalists play in serving as the eyes and ears of communities.

Additionally, officers are subject to constitutional standards that uphold the right of the press to inform the public without fear of assault or injury. "The First Amendment protects the right to photograph and record matters of public interest," including "the right to record law enforcement officers engaged in the exercise of their official duties in public places." *Askins v. U.S. Dep't of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018). Under the First Amendment, journalists who are merely reporting on events and not interfering with federal operations cannot be subject to general dispersal orders and "cannot be punished for the violent acts of others," and the "proper response" to any unlawful conduct is "to arrest those who actually engage in such conduct, rather than to suppress legitimate First Amendment conduct as a prophylactic measure." *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 834 (9th Cir. 2020) (citation omitted).

The First Amendment thus requires that any law enforcement response to unlawful or violent conduct by some persons at a protest must be narrowly tailored to addressing the specific conduct of those individuals. To the extent that officers may lawfully use force against certain individuals who commit illegal acts, the force must be limited to responding to the conduct of those individuals, not used indiscriminately. Nor may officers target members of the press or public who are observing or reporting the news or otherwise exercising First Amendment rights. The Police Executive Research Forum recently provided specific recommendations to protect constitutional rights in similar circumstances.³

³ Police Exec. Rsch. Forum, *Police-Media Interactions during Mass Demonstrations: Practical, Actionable Recommendations*, U.S. Dep't of Just. Cmty. Oriented Policing Servs. (2024), <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1167-pub.pdf>.

As we hope you agree, the press plays an essential role in our democracy as the public's eyes and ears. The timely reporting of news is necessary to provide the public with complete information, especially about controversial issues such as federal immigration policy or enforcement or related protests. Law enforcement response to protests itself is newsworthy.

Given the fundamental rights at stake and importance of the free flow of information about newsworthy events, we ask that you promptly confirm that you are taking any and all immediate steps to ensure officers respect the role and legal rights of the press at protests. We urgently request the opportunity to discuss these issues with you, including potential revisions to your general orders.

FIRST AMENDMENT COALITION

Ginny LaRoe
Advocacy Director

SOCIETY OF PROFESSIONAL
JOURNALISTS, NORTHERN CALIFORNIA

Joe Fitzgerald Rodriguez
President

cc: San Francisco Mayor Daniel Lurie
San Francisco Board of Supervisors