

June 11, 2025

VIA ELECTRONIC MAIL

Chief Jim McDonnell
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Dear Chief McDonnell and Sheriff Luna:

As organizations dedicated to protecting press freedom and ensuring the free flow of news to the public, we write to express alarm over officers' treatment of journalists covering ICE operations and related protests in the Los Angeles area over the past few days.

Particularly shocking is the widely distributed [video](#) of an LAPD officer shooting reporter Lauren Tomasi with a rubber bullet. Based on the footage, the officer appears to have intentionally targeted Tomasi, a U.S. correspondent from the Australian network 9News, without any provocation or justification. That use of force must be swiftly investigated, by LAPD, the District Attorney, or the Attorney General, and the officers responsible must face consequences. If the shooting was indeed targeted, those consequences must include termination from the police force.

But Tomasi's shooting by the LAPD is not the only disturbing incident that has occurred during the recent protests. Less lethal munitions fired by LASD officers hit photojournalist Nick Stern in the leg, opening a two inch hole that exposed muscle tissue and required surgery to remove a three-inch LLM casing. Los Angeles based journalist Ben Camacho was also hit by LASD munitions, while Sergio Olmos of CalMatters was hit by LAPD munitions. CNN reporter Jason Carroll was [detained](#) while on air and New York Post reporter Toby Canham [was shot in the head](#) with a munition that appears to be a rubber bullet. Multiple journalists report LAPD and LASD officers demanding to search their bags in order to gain access to areas they had a legal right to enter and report from. (In some cases, the alternative to acquiescing to the search was to walk towards tear gas and stinger grenades being deployed by other LASD officers). These searches present serious statutory and constitutional questions.

This is by no means a comprehensive list of press freedom violations during the ongoing protests. Adam Rose, press rights chair of the Los Angeles Press Club, is recording information about reported violations [in this spreadsheet](#), which is being continually updated as facts become available. So far, he has recorded at least 30 potential violations. This resulted in at least five journalists requiring treatment at an emergency room or urgent care facility. Dozens have suffered injuries. The [U.S. Press Freedom Tracker](#), a project of Freedom of the Press Foundation, is also covering attacks on the press.

Based on these incidents, it is apparent that LAPD and LASD officers are failing to meet their obligation to respect journalists' rights, protected by both the First Amendment and California statute, to gather and report news at protests—including after they're broken up by police.

Federal and constitutional protections

"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 Constitution 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.

Journalists are also protected by the Fourth Amendment's safeguards against unreasonable search and seizure and the Fourteenth Amendment providing equal protection and due process. The U.S. [Privacy Protection Act](#) of 1980 further shields journalists from searches and seizures, including of their phones and electronic devices.

Additional protections in California

California law provides reporters with strong additional protections, both against being arrested or attacked while covering protests (including protests that have been dispersed) and against searches and seizures. [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 prohibits any efforts to obstruct journalists from doing their jobs (shooting them qualifies as an obstruction). State law also provides additional [protection](#) against searches and seizures.

More generally, California prohibits the use of "kinetic energy projectiles and chemical agents ... to disperse any assembly, protest, or demonstration" in public except by a properly trained peace officer "if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with" numerous specific requirements detailed in the relevant statute. [Cal. Penal Code § 13652\(a\)–\(b\)](#). For example, the requirements include "[a]n objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts," and "[o]fficers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets." *Id.* § 13652(b)(4), (6).

Liability risks

Violations of these laws can lead to significant liability. Passed in 1987 to combat civil rights violations, California's [Bane Act](#) allows individuals to sue anyone who uses threats, intimidation, or coercion to interfere with their rights. To provide just a couple examples, LAist reporter Josie Huang reached a [\\$700,000 settlement](#) with the LASD over her violent arrest while covering a 2020 protest. The sheriff's department also [paid](#) a settlement to photojournalist Pablo Unzueta to settle claims for illegally arresting him for simply filming deputies and protesters, and for obtaining an illegal search warrant to search his cell phone. Numerous other settlements, including seven figure ones, are listed in the aforementioned [spreadsheet](#).

Outside California, despite the absence of the foregoing state law obligations, police departments from [Manhattan](#) to [Minneapolis](#) have settled cases over unconstitutional treatment of journalists covering protests. Police should not assume that freelance and independent journalists can't afford to assert their rights. Press freedom groups like the [Reporters Committee for Freedom of the Press](#), [Lawyers for Reporters](#) and the [Society of Professional Journalists](#) help journalists pay legal bills and secure representation from highly qualified lawyers.

It is likely that the actions of the LAPD and LASD so far will already subject them, and local taxpayers, to significant liability. You cannot change what has already happened but you can take measures to not make the problem worse.

Demands

We urge you to fully comply with state and federal law when interacting with journalists lawfully covering protests. Please immediately ensure that your officers and personnel, and anyone acting under their direction and control, refrain from any unlawful, indiscriminate, and excessive use of force, unlawful detainment or unlawful search and seizure against members of the press and public who are merely covering events of the utmost public concern in the Los Angeles area. Leadership needs to make sure—both through their words and the examples they set—that officers on the street understand that journalists are doing their constitutionally protected jobs and are among those they are required to protect. We further urge you to thoroughly and promptly investigate the violations that have occurred so far and send a clear message that officers who assault journalists or otherwise violate the constitution and the laws of this state will be held accountable.

Given the fundamental rights at stake and the importance of journalists being able to inform our communities without facing grave injury, we respectfully request a response to our concerns. Please contact Seth A. Stern, advocacy director, Freedom of the Press Foundation (seth@freedom.press); Adam Rose, press rights chair, Los Angeles Press Club (pressrights@lapressclub.org); and Ginny LaRoe, advocacy director, First Amendment Coalition (glaroe@firstamendmentcoalition.org).

Signed by:

ACLU of Southern California
Asian American Journalists Association's Los Angeles Chapter
First Amendment Coalition
Freedom of the Press Foundation
Los Angeles Press Club
Association of Foreign Press Correspondents USA
California News Publishers Association
CCNMA Latino Journalists of California
Committee to Protect Journalists (CPJ)
Defending Rights & Dissent
First Amendment Foundation
Foundation for Individual Rights and Expression
Media Alliance
Media Guild of the West (The NewsGuild-CWA 39213)
National Press Photographers Association
NLGJA: The Association of LGBTQ+ Journalists, Los Angeles Chapter
PEN America
Protect Democracy
Radio Television Digital News Association
Reporters Without Borders (RSF)
Society of Professional Journalists
Society of Professional Journalists, Greater Los Angeles Chapter
Society of Professional Journalists, Northern California Chapter
Society of Professional Journalists, San Diego
The NewsGuild-CWA

cc: California Attorney General Rob Bonta (rob.bonta@doj.ca.gov;
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