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FOR FREEDOM OF THE PRESS

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Affiliations appear only for purposes of identification.

By email

April 28, 2022

Sheriff Alex Villanueva
Los Angeles County Sheriff's Department
211 W. Temple St.
Los Angeles, CA 90012

Re: Threat to investigate Los Angeles Times reporter Alene Tchekmedyian

Dear Sheriff Villanueva:

The undersigned are members of state and local news media, national news organizations with properties in California, wire services, and nonprofit groups that protect the rights of journalists to gather and report the news. We write to condemn in the strongest terms your threat to investigate *Los Angeles Times* reporter Alene Tchekmedyian for her coverage of a matter of clear public concern: misconduct in the Los Angeles Sheriff's Department (LASD).

As you know, Tchekmedyian has reported on an attempt by LASD officials "to cover up an incident in which a deputy knelt on the head of a handcuffed inmate for three minutes," an incident captured on surveillance video. Alene Tchekmedyian, *Fearing Bad Publicity, LASD Covered Up Case of Deputy Who Knelt on Inmate's Head*, L.A. Times (Mar. 26, 2022), <https://lat.ms/3LpJVz2>. Most recently, she covered the filing of a claim against the County of Los Angeles that alleges you learned of the incident shortly after it occurred but attempted to conceal it because "[w]e do not need bad media at this time." Alene Tchekmedyian, *Claim Alleges Sheriff Villanueva Directed Cover-Up of Deputy Kneeling on Inmate*, L.A. Times (Apr. 25, 2022), <https://lat.ms/3MEmtP3>.

At a press conference this week, you displayed Tchekmedyian's photo and listed her as one of "three people [who] have some important questions to answer" in a criminal probe of the video's disclosure, insisting that "[a]ll parties to the act are subjects of the investigation." Harriet Ryan & Brittny Mejia, *Villanueva Backs Off Investigation of Times Reporter Who Revealed Cover-Up*, L.A. Times (Apr. 26, 2022), <https://lat.ms/3xXjUTT>. Notwithstanding your belated clarification that the Department has "no interest in pursuing . . . criminal charges against any reporters," *id.*, your explicit threat to pursue a retaliatory investigation of a journalist covering the official conduct of you and the Department is an affront to the First Amendment and a violation of your public trust with the people of Los Angeles.

Despite your suggestion that the *Times'* reporting implicates "a huge, complex area of law," Tchekmedyian's rights are clearly established. Katie Robertson, *Los Angeles Sheriff, Accused of Cover-Up, Opens Investigation into*

Reporter, N.Y. Times (Apr. 26, 2022), <https://nyti.ms/3xXohhZ>. The press cannot be punished for publishing truthful, lawfully acquired information on matters of public concern—even where a source may independently have broken the law in sharing the information, and even where a reporter knew “or at least had reason to know” that the source acted illegally. *Bartnicki v. Vopper*, 532 U.S. 514, 517 (2001).

Your Department should be intimately familiar with that principle from a previous, unsuccessful effort to restrain the *Times*’ reporting about deputy misconduct. See *Ass’n for Los Angeles Deputy Sheriffs v. L.A. Times Commc’ns LLC*, 239 Cal. App. 4th 808, 816–20 (2015) (rejecting LASD deputy union’s claim that the *Times* acted illegally in “obtaining and publishing newsworthy information”—confidential personnel files—“through routine reporting techniques”). Tchekmedyian’s vital coverage of your Department comes well within the shield of that fundamental First Amendment rule.

Your treatment of Tchekmedyian is also part of a troubling broader pattern. Twice in the last two years, the Reporters Committee, media organizations, and the press-freedom community as a whole have been forced to respond to your efforts to use official powers to retaliate against and intimidate journalists who document the conduct of your deputies. See *Reporters Committee Letter Condemns Arrest of Journalist Josie Huang, Calls for LA County Sheriff’s Department to Drop Obstruction Charge*, Reporters Comm. for Freedom of the Press (Sept. 16, 2020), <https://perma.cc/M9DP-37P2>.

Even where no charges are ultimately brought, the hostile signal sent by these incidents can have a chilling effect on newsgathering in Los Angeles and thus on the flow of information to the public your office serves. And your rhetoric sharpens, too, the acute physical risks that already face journalists engaged in on-the-ground reporting about law enforcement. See Kirstin McCudden, *Another Record Year for Press Freedom Violations in the U.S.*, U.S. Press Freedom Tracker (Jan 10, 2022), <https://perma.cc/HTD8-V759>. We urge you to change course and take steps to ensure that reporters’ basic rights are given due respect at every level of the Department—from the deputy on the beat to the office of the Sheriff.

Please do not hesitate to contact Bruce Brown, Executive Director of the Reporters Committee, with any questions at bbrown@rcfp.org.

Sincerely,

The Reporters Committee
For Freedom of the Press

The Associated Press,
California News Publishers Association
Californians Aware
CalMatters
The Center for Investigative Reporting
(d/b/a Reveal)

Media Guild of the West, TNG-CWA
Local 39213
Media Law Resource Center
National Association of Black Journalists
News Media Alliance
The NewsGuild – CWA

Cityside
Committee to Protect Journalists
The E.W. Scripps Company, on behalf of
KGTV, San Diego; KERO, Bakersfield;
and KSBY, San Luis Obispo
Embarcadero Media
First Amendment Coalition
Free Press
Freedom of the Press Foundation
Gannett Co., Inc.
Hollywood Foreign Press Association
KQED Inc.
The Media Institute

Open Vallejo
PEN America
Society of Environmental Journalists
Society of Professional Journalists
Society of Professional Journalists–
Northern California Chapter
Society of Professional Journalists–
Greater Los Angeles Chapter
Southern California Public Radio, on behalf of
KPCC; LAist; and LAist Studios
TEGNA Inc., on behalf of
KFMB, San Diego; and KXTV, Sacramento
Tully Center for Free Speech
Voice of OC

cc: The Honorable Kathryn Barger
Board of Supervisors, County of Los Angeles

The Honorable Janice Hahn
Board of Supervisors, County of Los Angeles

The Honorable Sheila Kuehl
Board of Supervisors, County of Los Angeles

The Honorable Holly J. Mitchell
Board of Supervisors, County of Los Angeles

The Honorable Hilda L. Solis
Board of Supervisors, County of Los Angeles