

# NAJA REPORTER ARREST GUIDE

## Journalism is Not a Crime: Tips to Stay Safe While Covering Protests

The Native American Journalists Association has compiled tips for journalists covering situations where arrests are a potential hazard.

1

THE FIRST AMENDMENT IS NOT A GET-OUT-OF-JAIL-FREE CARD. Generally, members of the public have the right to observe and record audio and video of events occurring in public as long as they are in a place that is legally allowable, such as a sidewalk or a park. However, if a citizen or journalist breaks the law or defies a law enforcement officers proper order while news-gathering, they may be arrested and prosecuted for that offense.

2

NAJA urges reporters to avoid arrest to the extent possible. That means obeying police directives and leaving when ordered to do so by law enforcement, even if you believe that order is improper. This may mean you are prevented from gathering desired information, but it is also the best way to remain free to continue reporting.

3

If protesters are trespassing and a journalist is among them, they are likely trespassing too and can be arrested. The same applies to journalists who remain in an area after law enforcement has ordered the crowd to disperse.

4

A journalist may also be arrested even if every effort is made to comply, particularly in volatile or chaotic situations. Law enforcement tend to arrest everyone in a situation and sort out which arrests were proper and which were not afterwards.

5

When a journalist is arrested, complying with the law and police orders are the best ways to preserve the possibility of a successful lawsuit against authorities.



Native American Journalists Association

If your media outlet or organization has questions about this guide or would like to host a NAJA representative to facilitate a newsroom discussion on these points, please contact us at [naja.com](http://naja.com).

NAJA understands it is not always possible to avoid arrest, and urges reporters

# TO BE PREPARED TO BE ARRESTED

*by taking the following precautions:*

- If the local police have a credentialing process in place, obtain media credentials. Make contact with the local public information officer or spokesperson so they know who you are and the outlet you represent.
- Always display your media credentials prominently.
- Let your news organization and others that you trust know where you are and where you plan to be. Help will be slower to come if no one knows you may have been arrested.
- Know ahead of time who you will contact if you are arrested. If possible, arrange for an attorney to be available to seek your release and possibly represent you in the criminal case.
- Memorize phone numbers or write them on your body.
- Know beforehand what procedures the relevant law enforcement agency uses when people are arrested. For example, find out what bond is usually required to be posted, and if possible, carry that amount in cash to accelerate release.

- Document everything. Make note of all serial numbers on your devices and equipment - camera, phone, recorder, etc. and store them in a safe place, preferably with your news organization or attorney. It will help you get them back if they are confiscated.
- If you are arrested, write down everything that occurred as soon as you are able. Try to get names and contact information of other witnesses to the events. Try to look for and memorize names and badge numbers of law enforcement officers involved.
- Dress the part. Try to avoid, to the extent possible, wearing items of clothing that will be confiscated such as belts or shoes with laces. Try to wear clothing in which you'll be comfortable for hours or days without changing.
- Assume that your phone will be monitored. In large events, such as protests, law enforcement agencies will use technology that can track, locate and at times eavesdrop on wireless communications. Investigate and employ applications that offer end-to-end encryption.

This is in no way an exhaustive list, and reporters are urged to research local statutes as well as information provided by Reporters Without Borders, The Committee To Protect Journalists and the Electronic Frontier Foundation.



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