



National Press Photographers Association

Judge Says California Shield Law Covers Student Photographer

SAN FRANCISCO, CA (July 20) – A San Francisco State University photojournalism student who was at the scene of a neighborhood street killing does not have to surrender his photographs to police, a judge ruled last week, because the student was working as a journalist in the eyes of the state's shield law.

Police were ordered to return evidence they had seized from the student's apartment after the 22-year-old SFSU student refused to talk to police about what he'd seen on April 17 when a 21-year-old man was shot and killed during a dice game. The photojournalist refused to answer police questions at the scene, according to the Reporters Committee for Freedom of the Press, so police obtained a search warrant to get the photographer's DNA and to search his apartment.

The student has not been identified by name, according to the San Francisco Chronicle, because he fears for his own safety.

Police response to the judge's ruling was crass, at best. "We're just going to try to find another angle - we're just going to find some witnesses who aren't cowards, like this student is, hiding behind the shield law," police Lt. **Mike Stasko** of the police homicide detail told the Chronicle. There have been no arrests made in the killing of **Norris Bennett**, the shooting victim.

Superior Court Judge **Tomar Mason** ruled that the California law that protects journalists allows them to keep sources confidential and to withhold unpublished information from law enforcement. Mason ordered police return the photographer's item to him and quashed the search warrant, ruling that the fact that the student was acting as a journalist at the time was "uncontroverted."

The student's attorney, **Michael Ng**, said his client had been working on a project on the Bayview-Hunters Point neighborhood when the incident occurred, and that the photojournalist had been trying to shop the essay around to papers such as the Wall Street Journal and the Bay Area News Group chain of dailies.

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Leonard 7 months ago

Having worked professionally in both the media (as cameraman and photographer), and also professionally in security and policing, I feel that I understand the concerns of both sides. However, in the end, we are all humans and any other labels we give ourselves (photojournalist, police officer, judge etc) are imaginary and meaningless in the end. Helping others is the right thing to do, and this unnamed student should certainly assist police, because one day the situation may be reversed and it may be he or his family who are murdered with no witnesses willing to stand up and be counted. Fearing for your own safety is legitimate, but in such an important instance of murder, there are always ways the Police can protect you while you do the ethically and morally correct thing. To hold out and try to profit from the incident, is the truly crass gesture here.

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