

LINDENWOOD

LINDENWOOD UNIVERSITY ST. CHARLES, MISSOURI

Office of the President

November 1, 2014

Colonel D. Sam Dotson III
Chief of Police
St. Louis Metropolitan Police Dept.
1915 Olive St.
St. Louis, MO 63103

Re: Lindenwood University Student Reporters

Dear Colonel Dotson,

This letter is to bring to your attention a serious matter involving St. Louis Metropolitan Police officers at the District Six North Patrol Division, located at 4014 Union.

On Monday, October 27th, 2014, around 2:00 p.m., two Lindenwood University LUTV News student reporters were detained and intimidated by approximately 15 officers with neither probable cause nor reasonable suspicion to believe they were involved in a crime.

In written statements, the reporters, Nicola Muscroft and Isis Wadleigh, describe the following events:

In the course of working on an assignment involving the recent thefts of musicians' equipment at St. Louis venues, these reporters sought comments from you related to this story. After unreturned phone calls, the reporters arrived in person at the station in an effort to find you or someone from the department for an on-camera interview. The reporters learned from the person working the front desk at District Six that your office was not located at this precinct as a Google search had led them to believe.

As they were leaving the station and heading to your office on Olive, they recognized an opportunity to gather generic video of St. Louis police cars they could use when editing their story. Though not required by law to do so, they spoke with one officer in a patrol SUV on the station lot and asked permission to shoot video of the parked police vehicles. The officer told them the obvious— "Stay on the sidewalk when shooting video and you'll be fine."

The reporters proceeded to set up their large video camera and tripod on the sidewalk and gathered the generic video they needed of the police cars. As they packed up and headed out in their vehicle, a patrol car pulled in front of them, stopping them from moving forward. The students report that at that moment, close to 15 officers exited the building on foot and surrounded them for questioning.

These young women identified themselves to the officers as Lindenwood University students working on a class project as student reporters which would be televised on LUTV. They explained that they shot their video on a public sidewalk, yet the officers were unrelenting in their intimidation. The students say the officers searched their vehicle and their personal bags. The uniformed officers then detained the students, saying they must wait until detectives arrive to speak with them. After requesting to see the video footage, police received permission from the students and watched the video of police cars that

were recorded. Furthermore, they demanded the reporters' social security numbers and home addresses. Although police had no legitimate reason to investigate and detain the two student reporters, the latter cooperated with all of the officers' and detectives' demands over a period of an hour and a half.

Without question, a tense relationship between the press and law enforcement exists in our region following the August death of Michael Brown in Ferguson, MO. At times, we've heard the argument from law enforcement that it is difficult to determine who is a credentialed reporter and who is not. Despite this tension, what happened to these student reporters in this incident is unacceptable.

The First Amendment protects the rights of all citizens, credentialed media or not, to take photos and record video of objects visible in plain sight from a legal vantage point such as a public sidewalk. This is not a "gray area" in which any legitimate safety concern justified such a substantial intrusion on these students' privacy and liberty interests. (Although the students acceded to the officers' demand to view their video, such a demand is inappropriate in light of the strong federal policy embodied in the Privacy Protection Act, 42 U.S. Code § 2000aa, against the seizure or search of journalists' work-product materials without a court hearing and order.)

As an institution for higher education, Lindenwood University is dedicated to protecting our students' rights, including the rights of student reporters. Tenets of our university's mission statement relevant to this dialogue include: "...supporting academic freedom and the unrestricted search for the truth, affording cultural enrichment to the surrounding community, promoting ethical lifestyles, developing adaptive thinking and problem-solving skills, and furthering lifelong learning." As a result, we are working with the nonprofit Student Press Law Center to continue the dialogue about student journalists' rights while news gathering.

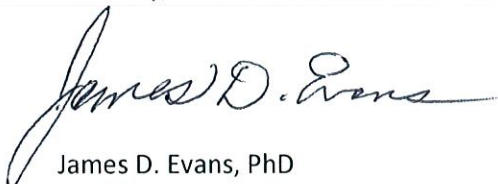
Lindenwood University requests that you make an inquiry into the officers' behavior and utilize this opportunity to remind them of the First Amendment and lawful treatment of the press—in this case, student press. We request a statement from your office indicating that you take these allegations seriously, and intend to promote a culture where officers do not infringe upon press rights.

Finally, we request that either the officers involved or your office issue a written apology to these two student reporters for the above-referenced actions.

If you have any further questions concerning this matter, please do not hesitate to contact us at 636-949-4617.

Kindest regards.

Sincerely,



James D. Evans, PhD
President
Lindenwood University



Eric O. Stuhler
Attorney at Law
Lindenwood University In-House Legal Counsel

cc:
Francis G. Slay, Mayor of St. Louis
Chris Koster, Missouri Attorney General