

Public Radio Journalist Josie Huang Reaches \$700,000 Settlement With Los Angeles County and Los Angeles County Sheriff's Department

Firm News | November 7, 2023

Josie Huang, a reporter for NPR member station LAist 89.3 (formerly known as KPCC), reached a \$700,000 settlement agreement on Tuesday with Los Angeles County and the Los Angeles County Sheriff's Department (LASD) related to the journalist's violent and unlawful arrest while covering a protest in 2020. The Los Angeles County Board of Supervisors formally approved [the agreement](#) following pre-litigation negotiations between government lawyers and attorneys from the Reporters Committee for Freedom of the Press and Gibson, Dunn & Crutcher LLP, who represented Huang. Huang's attorneys also successfully represented her in obtaining [a ruling](#) from a California court that she was factually innocent of the offense for which she was arrested. The settlement — to the Reporters Committee's knowledge, the largest award to an individual journalist whose rights were violated in connection with protest coverage in 2020 — sets a new benchmark for journalists arrested or assaulted by law enforcement. The agreement is also significant for its training requirements, intended to help prevent local law enforcement officials from unlawfully arresting and assaulting journalists in the future. In addition to the \$700,000 payment to Huang, the settlement includes:

- A requirement that the LASD provide deputies with watch briefings on press rights before patrol assignments, like protests, in which they are likely to come into contact with members of the news media; and
- A requirement that the LASD issue written guidance to all employees on the law and policies governing their interactions with members of the news media.

Those laws include California's SB-98, legislation that protects journalists' rights to cover demonstrations, whose passage was spurred in part by public outrage at Huang's detention. "This settlement upholds the rights of journalists and helps ensure that what happened to me won't happen to other reporters. My arrest was traumatic, but I hope that some good can still come of this experience," said Huang, who plans to donate a portion of the monetary damages from this settlement. "Journalists in Los Angeles County should be able to record police activity in public without fear of unlawful arrest," she added. "As the public's eyes and ears, we must be able to cover protests and document how law enforcement responds to those protests." **Huang's unlawful arrest** Huang's arrest took place the night of Sept. 12, 2020, after her coverage of a press conference held by then-Los Angeles County Sheriff Alex Villanueva in Lynwood, California. Returning to her car, Huang witnessed LASD deputies responding to a peaceful protest and used her phone to film the interaction. As LASD deputies arrested one protester and put him inside a police vehicle, one deputy moved toward Huang and shouted at her to "back up." Without giving her time to comply, deputies aggressively tackled Huang to the ground, causing her injury, and later cited her for obstructing a peace officer. Two deputies then attempted to break Huang's phone by stepping on it. LASD deputies also attempted to prevent video journalists Nasser Baker and Hector Gerardo from recording the arrests they made that night, shoving Baker away from the scene and telling him and Gerardo to "get out of here." Huang was jailed overnight. While she was being detained, a fellow journalist recovered her phone from Martin Luther King Jr. Boulevard, where the deputies — after stomping on the phone in an apparent attempt to break the device — had left it. Huang's recordings, which were taken using her iPhone's Zoom function, had survived. They showed the run-up to her arrest, the arrest itself and some of the aftermath. Following Huang's arrest, LASD officials made a string of false claims about her conduct that evening, including that she failed to identify herself as a journalist and "interfered with the arrest." Substantial video evidence showed that those statements were false, but LASD continued to stand by them. In her recordings of the incident, Huang can be heard clearly and repeatedly telling the deputies that she was a journalist for KPCC. She was also wearing a visible press badge that identified her as a reporter. Then-Sheriff Villanueva continued to justify Huang's arrest for weeks after the incident, repeating LASD's false claims in a series of interviews and public appearances. Huang's arrest sparked outrage among journalists and press freedom advocates. On Sept. 16, 2020, the Reporters Committee and a coalition of 65 media organizations called on LASD to drop all charges against Huang. Instead, LASD not only "presented" the case to the Los Angeles County district attorney but also "conducted a follow up investigation in an effort to persuade the district attorney to prosecute" Huang, according to the Office of Inspector General for the County of Los Angeles. A week later,

however, the district attorney's office announced that it would not prosecute Huang, explaining based on all of the available evidence that "it does not appear that she was intentionally attempting to interfere with the deputies, but merely trying to record the occurrence" and that "when asked to back up, she is almost immediately grabbed by deputies and taken to the ground, giving her little if any time to comply." In May 2023, a Los Angeles County Superior Court judge [granted](#) Huang's [petition](#) for a finding of factual innocence, a procedure that enables individuals who were wrongly arrested to seek a judge's affirmative finding that they did not commit the offense for which they were detained. When granted, as in Huang's case, the authorities are required to seal and destroy the arrest records.

Sending a message and holding law enforcement accountable "This settlement sends a strong message and, importantly, holds officials accountable for what happened to our client. We're glad to have reached a resolution with LA County that will not only provide our client redress, but also will help prevent future unlawful arrests of journalists," said Katie Townsend, deputy executive director and legal director for the Reporters Committee for Freedom of the Press. "Journalists play a vital role in shedding light on the actions of law enforcement and how police interact with members of the public. We must safeguard journalists' ability to document police misconduct, which enables the public to hold officials accountable." "The attack on First Amendment press freedoms here was not limited to the improper arrest of a journalist filming a newsworthy event in a public street," added Michael Dore, a partner in the law firm of Gibson, Dunn & Crutcher LLP. "Law enforcement tried to destroy evidence rather than preserve it, and then the former sheriff made false claims about Ms. Huang's reporting work that the evidence refuted. That cannot happen. We hope this settlement helps prevent it from happening again." Of her experience seeking accountability, Huang said, "I want to thank my attorneys at the Reporters Committee for Freedom of the Press and Gibson, Dunn & Crutcher for their hard work over nearly three years to defend my rights and those of other journalists. I also want to thank my colleagues at LAist and throughout the journalism community for all the support they gave me both on the night I was detained and afterward."