

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

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August 28, 2013

File No.: 101.10899

Society of Environmental Journalists
Attention: Beth Parke, Executive Director
P.O. Box 2492
Jenkintown, PA 19046

Dear Ms. Parke:

The California Highway Patrol has received your letter dated August 7, 2013, regarding your concerns surrounding the arrest of news photographer Steve Eberhard at the Willits Bypass project on July 23, 2013. Thank you for the opportunity to explain the circumstances and the position of the California Highway Patrol (CHP) on this matter.

The mission of the CHP at the Willits Bypass project is clearly defined as follows:

- To respect and protect workers, media members and protester's First Amendment rights.
- To provide for the safety and security of all parties in the identified work zone.
- To protect the State property, employees assets and associated contract employees as well as to protect equipment against damage and destruction.

The CHP strives to maintain a balance of these three mission items. The CHP meets with contractors, protesters, Caltrans and the media on a regular basis to ensure basic ground rules and operational parameters are well understood.

Prior to the July 23, 2013, incident, Mr. Eberhard had several discussions with Caltrans and the CHP regarding site access and operational protocols. Additionally, he had visited the site many times since early February 2013, and had been granted access without incident. In other situations he was on site as part of a protest contingent, but had left voluntarily with the protesters when asked.

Gaining access to the issues that make up the news is at the heart of the journalistic enterprise and the CHP takes seriously its role in facilitating that process. The CHP does not want to see any member of the media arrested. Unfortunately on this particular day, Mr. Eberhard declined to conform to the well-defined set of operating standards. It was explained to him, no less than three times, that he was putting himself in a situation which could lead to arrest. Though originally acting as part of a group of protesters, when all other protesters had left the site as requested, Mr. Eberhard remained.



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He was given additional time to leave but chose not to, leaving officers with no other course of direction but to take him into custody for trespassing; for his safety, the safety of the workers, and the operational necessity of the project.

The CHP has a good relationship with the Willits News and will continue to work with Caltrans and the Willits News to improve opportunities for safe access to these sites and accommodate vital reporting and newsgathering activities.

Since the area in question is an active construction zone with large pieces of machinery, some additional measures are being implemented to increase safety and facilitate media access are:

1. Providing hard hats and reflective vests to media members to make them more visible and increase their safety.
2. Providing after-hours phone number of the local CHP dispatch center to media members. In the event a Caltrans representative is not available, a CHP representative should respond, provide the needed safety equipment, and escort the media member into the area.
3. Setting up routine discussions with media representatives to provide information, discuss project progression, and address concerns.

I hope this information addresses your concerns and that you take comfort in the positive steps the California Highway Patrol, in conjunction with other stakeholders in this project, are taking to facilitate the flow of information, uphold every person's Constitutional rights, and provide a safe environment for all. Should you have any further questions, please contact me directly at (530) 225-2715.

Sincerely,



B. T. LOTT, Chief
Northern Division

cc: Office of the Commissioner
Office of Assistant Commissioner, Field