

# REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

1156 15th St. NW, Suite 1020  
Washington, D.C. 20005  
(202) 795-9300 • www.rcfp.org

Bruce D. Brown, Executive Director  
bruce.brown@rcfp.org

## STEERING COMMITTEE CHAIR

STEPHEN J. ADLER

## VICE CHAIR

MARGARET LOW  
WBUR

## SECRETARY-TREASURER

MASSIMO CALABRESI  
TIME

## EXECUTIVE COMMITTEE MEMBERS

DAVID BOARDMAN  
Temple University

THEODORE J. BOUTROUS, JR.  
Gibson, Dunn & Crutcher LLP

GAIL GOVE  
NBCUniversal

LAURA HANDMAN  
Davis Wright Tremaine

DIEGO IBARGÜEN  
Hearst

THOMAS C. RUBIN  
OpenAI

## STEERING COMMITTEE MEMBERS

WOLF BLITZER  
CNN

SEWELL CHAN  
The Texas Tribune

LYNETTE CLEMETSON  
University of Michigan

JASON CONTI  
Dow Jones

NIKHIL DEOGUN  
Brunswick Group

MANNY GARCIA  
Houston Landing

EMILIO GARCIA-RUIZ  
The San Francisco Chronicle

JOSH GERSTEIN  
POLITICO

ALEX GIBNEY  
Jigsaw Productions

JAMES GRIMALDI  
The Wall Street Journal

KAREN KAISER  
The Associated Press

KIMBRIELL KELLY  
DAVID LAUTER

Los Angeles Times, Ret.

COLLEEN MCCAIN NELSON  
The McClatchy Company

JAMES NEFF  
Philadelphia Inquirer

NORMAN PEARLSTINE  
New York, New York

CHARLIE SAVAGE  
The New York Times

JENNIFER SONDAG  
Bloomberg News

NABIHA SYED  
Mozilla

ADAM SYMSON  
The E.W. Scripps Company

MATT THOMPSON  
The New York Times

VICKIE WALTON-JAMES  
NPR

*Affiliations appear only for purposes of identification.*

July 22, 2024

Sheriff Kevin McMahon  
Las Vegas Metropolitan Police Department  
400 S. Martin L. King Blvd.  
Las Vegas, NV 89106  
[pio@lvmpd.com](mailto:pio@lvmpd.com)

Re: Exclusion of Freelance Reporters from Crime Scene Briefings

Dear Sheriff McMahon,

The Reporters Committee for Freedom of the Press (“Reporters Committee” or “RCFP”) is a non-profit organization that provides pro bono legal representation, amicus curiae support, and other legal resources to protect the First Amendment and newsgathering rights of journalists across the country. It has come to our attention that the Las Vegas Metropolitan Police Department (“LVMPD” or the “Department”) has excluded certain journalists from its media distribution list and recent crime scene briefings. In addition to being inconsistent with the remit of the Department’s Office of Public Information (“OIP”) to ensure the public is informed about law enforcement-related issues, these actions raise serious First Amendment concerns. For the reasons herein, we ask that you rescind those restrictions and publicly commit, going forward, to provide all members of the press equal access to information issued by the Department, and an equal opportunity to attend briefings and other LVMPD events held on public property or that are generally open to the media.

It is our understanding that several photojournalists working for Las Vegas Live—a Nevada-based newsgathering service affiliated with the licensing company Onscene.tv—have been denied access to press conferences on a number of occasions and also have been excluded from the Department’s media distribution list for press releases. In one particularly troubling recent incident captured on video on June 27, 2024, Public Information Officer Laura Villicana moved a briefing from a public street to within a crime scene area for the purpose of excluding certain reporters, including reporters for Las Vegas Live, from the briefing. <https://perma.cc/D7QL-5ZWR>. A similar incident between the LVMPD and the stringer organization IHCT last year was also captured on video. <https://perma.cc/6A5A-Q2BK>. In that video, an officer tells an IHCT journalist that he is not entitled to the same access as employees of “recognized” news media organizations.

We have been provided a copy of the letter that Las Vegas Live’s President Doug Roberts sent to you regarding that incident, as well as

Assistant General Counsel Matthew Christian’s July 10, 2024 response. Unfortunately, Mr. Christian’s response fails to assuage our concerns. While Mr. Christian’s response asserts that “[t]here is no news content under the ‘livecoreproductions.com’ address,” and that “a Google search does not reveal anything at all about Live Core[,]” Mr. Roberts provided the web addresses LasVegasLive.news and onscene.tv in the first paragraph of his letter—both of which link to ample examples of the organization’s news coverage.

The First Amendment was intended to protect the “right of free public discussion of the stewardship of public officials . . . a fundamental principle of the American form of government.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 275 (1964). The protections of the First Amendment apply equally to traditional and non-traditional journalists and news organizations, including freelance reporters and stringers. And, indeed, the Nevada Supreme Court Rules define a news reporter as “any person who gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.” SCR 229(1)(c); *Solid v. Eighth Judicial Dist. Court*, 393 P.3d 666, 671 (Nev. 2017). This definition does not include any requirement that the journalist be employed by a particular type of news organization.

Similarly, the current version of Nevada’s reporters’ shield statute, NRS 49.275, applies to “reporter[s], former reporter[s] or editorial employee[s] of any newspaper, periodical or press association or employee of any radio or television station.” In 2019, the Nevada Supreme Court, in interpreting the application of that statute, clarified that courts “are not required to make a fortress out of the dictionary,” and explained that these protections extend to journalists, including bloggers, who are not employed by traditional news organizations. *Toll v. Wilson*, 135 Nev. 430, 434-35 P.3d 1215, 1218 (2019) (internal quotation marks omitted). As noted in Mr. Christian’s response letter, NRS 179A.100(4)(1) governs your office’s interactions with the news media and includes a definition of reporter that is consistent with the language of the shield law. As interpreted by the Nevada Supreme Court in *Toll*, there is little doubt that definition would include an established news service like Las Vegas Live whose news content is readily available online.

Finally, we write to emphasize the importance of stringer services like Las Vegas Live. While stringers are not permanent, full-time employees of news publications, they are paid to work “as needed” to provide “string”—or content—for breaking news stories. Melina Delkic, *What Makes a Good Editor? A Long List of Stringers*, N.Y. Times (Aug. 3, 2017), <https://perma.cc/MV7Y-ZJWC>. Editors at major media outlets often utilize large networks of stringers across the globe that can help

provide coverage in places without a national news presence. And as local news outlets continue to struggle—with the United States losing newspapers at a rate of roughly two per week—the need for stringers in order to provide effective local coverage has only increased. Erin Karter, *A newspapers close, struggling communities are hit hardest by the decline in local journalism*, Northwestern (June 29, 2022), <http://perma.cc/AM4X-QE5B>. Resources in newsrooms are scarce, and the availability of high-quality information gathered by a stringer could mean the difference between a news outlet covering an important local story or not. The Department’s policy of excluding stringers for not fitting into an unduly narrow definition of “press association” ignores the crucial role such journalists play in keeping the public informed.

For all these reasons, we urge your Department to commit to providing all members of the press—including journalists working for Las Vegas Live—equal access to press releases and other information issued by the Department, and an equal opportunity to attend briefings and other LVMPD events held on public property or that are generally open to the media.

Thank you for your attention to these matters. If you have any questions or would like to discuss, please feel free to contact Reporters Committee Deputy Executive Director and Legal Director Katie Townsend via email at [ktownsend@rcfp.org](mailto:ktownsend@rcfp.org), or via telephone at (202)795-9303.

Sincerely,

Reporters Committee for Freedom of the Press

cc: Sergeant Alejandra Zambrano, Office of Public Information  
Officer Laura Villicana, Office of Public Information  
Matthew J. Christian, Assistant General Counsel  
Las Vegas Metropolitan Police Department