

**\*\*\*Press Advisory\*\*\***

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**Lawsuit Settlement Brings Fairness to  
Toledo Police Department News Media Policies**

TOLEDO, Ohio — In a victory for freedom of the press, the Toledo Police Department has made sweeping changes to its media policies thanks to a civil rights lawsuit brought by two professional news photographers who were arrested in violation of their constitutional rights while covering a Nazi demonstration/counter-demonstration in December 2005.

The City of Toledo agreed to a monetary settlement and Police Departmental policy-change with photographers Jeffrey Sauger of Royal Oak, Michigan and Jim West of Detroit, who brought a federal civil rights action after Toledo police officers violated their civil rights when they were arrested while covering a neo-Nazi rally in December 2005. Sauger and West were covering the rally and accompanying anti-Nazi protest for the European Pressphoto Agency and the Southern Poverty Law Center respectively. They were charged with misdemeanors; West was acquitted at trial and Sauger's conviction was reversed by the Ohio Court of Appeals.

The City's policy changes should reduce the possibility of arbitrary and unfair arrests of news personnel in the future. Sauger, for instance, was arrested for criminal trespass *while standing in an area reserved for media*.

Per the settlement and policy change, the Toledo Police Department must now recognize all legitimate news media at newsworthy public events. In addition, the Department has changed its policy regarding who is considered a "legitimate" member of the news media and how officers are directed to interact with the news media.

Among other things, the new policy prohibits police from erasing or destroying images on photographers' cameras. That is what happened to a third photographer arrested on the same day, Jeffrey Willis of the Toledo Journal. (Willis was not a party to the civil rights lawsuit only because he was intimidated into signing a waiver of his rights in exchange for the dismissal of the bogus criminal charges brought against him.)

"It's extremely rare for a police agency to agree to change its policies as a result of a civil rights lawsuit. So, we're very proud of this settlement," said Kathryn Bruner James, of Goodman & Hurwitz, P.C., the attorneys for the photographers. "We also wish to thank Mickey Osterreicher, General Counsel for the National Press Photographers Association (NPPA) who was extremely helpful in drafting the new policy language," she added.

Sauger and West agreed to a substantial but lesser monetary award in exchange for the policy changes. The City, as well as Lucas County, settled with the plaintiffs before going to trial.