

\$105K Settlement Obtained for Photojournalist Arrested in Retaliation for Exercising his First Amendment Right to Record



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The University of Georgia School of Law's First Amendment Clinic and civil rights attorneys Gerald Weber and L. Burton Finlayson have secured a \$105,000 settlement from the City of Atlanta on behalf of photojournalist Sharif Hassan. Mr. Hassan was arrested in Atlanta during the 2020 Black Lives Matter demonstrations in retaliation for exercising his First Amendment right to record the police as they were making an arrest of a protester in a public place.

The settlement additionally includes the following language regarding consideration of media in any future curfew orders:

The parties further agree that in the event an Executive or other Order, is necessary to establish a city-wide curfew, the City Law Department may consider including in the proposed text of such Executive Order(s) that working members of the media are included in any curfew exceptions or carveouts for people engaged in work activities, for people traveling to and from work, or for essential workers, provided such working members of the media do not intentionally impede or intentionally disrupt law enforcement.

“This resolution sends an important message that First Amendment rights must be protected, including, and especially, during times of political and social upheaval,” says First Amendment Clinic Director Clare Norins who represented Mr. Hassan in this matter. “It is essential that working members of the media be allowed to observe and report on matters of public concern, including after-curfew interactions between civilians and the Atlanta Police Department.”

On May 25, 2020, George Floyd was murdered by Minneapolis police, sparking nationwide protests, including in Atlanta. In response, on May 29, 2020, Atlanta Mayor Keisha Lance

Bottoms issued a blanket curfew order for the City, beginning at 9:00 pm. Unlike similar curfew orders in other major U.S. cities, Mayor Bottoms' order did not include any exception for members of the media engaged in newsgathering.

On the evening of June 1, 2020, Mr. Hassan was photographing the Black Lives Matter protests occurring in downtown Atlanta. Seconds after he began taking pictures of Atlanta police officers making an arrest on a public street, he was forced to the ground and handcuffed. This was two minutes after the curfew went into effect. Despite Mr. Hassan's repeatedly identifying himself as a working journalist, he was nonetheless arrested and charged with violating Mayor Bottom's curfew. Meanwhile, other members of the media in the same area of Mr. Hassan's arrest were permitted to continue their newsgathering after 9 p.m. without interference.

Mr. Hassan was put in jail overnight, where he was handcuffed in a cell by himself for many hours. He continued to face criminal prosecution for over six months, until the City dismissed the charge against him for what it claimed were "evidentiary reasons."

"I brought this lawsuit to hold the City accountable for hastily creating a police state while leaving our rights as journalists as an afterthought," Mr. Hassan explains. "Clarity and communication during these times [of public discourse] is critical for the safety of citizens, journalists and police officers. Unlawful arrest while being separated and handcuffed through the night is something that should not happen to members of the press. The goal is to ensure that our rights are protected in the future."

Mr. Hassan's attorney Gerry Weber notes that "because citizens now frequently film police brutality, eyes have opened, demonstrations have occurred, and more Americans have begun to understand systemic flaws in law enforcement. Yet, police interference with filming has become far too commonplace," says Weber. "Sharif Hassan was doing his job, as a journalist, and his arrest silenced him. That was the point."

Co-counsel Leigh Finlayson adds that "journalists and everyday citizens have a right to film police activities. As a society, we are all better off when such filming occurs, and the truth is recorded. No one should be jailed and put through Hell for exercising this sacred Constitutional right."

The First Amendment is not suspended during protests, even in the face of unrest and uncertainty. In fact, these are the situations in which First Amendment protections are most important.
