

# Irresponsibility could cut off journalists' access to disasters

STORY BY TRACY BARBUTES

*Photojournalist Josh Edelson, wearing full fire gear, runs to his 4Runner and Santa Rosa Press Democrat photographer Chris Chung gets into his company car as the Hennessy fire crosses Knoxville Berryessa Road on August 18, 2020.*

*Photo by Kent Porter  
The Press Democrat*

NPPA member since 1983



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*If there's one thing 2020* taught us, it is to take nothing for granted. In the past year, more than 9,200 fires burned in excess of 4 million acres in California. That's just shy of 4% of California's land size. The state's Penal Code 409.5 allowed journalists access to the front lines and into the heart of danger. As more and more journalists arrive at fires, some wearing head-to-toe personal protective equipment (PPE) and others unprepared and uneducated about fire behavior, is it only a matter of time before someone from the journalism community is seriously injured or killed — or causes harm to first responders? If and when this happens, will the law continue to grant unfettered access to journalists?

The Penal Code exists to help ensure that emergency personnel can do their jobs without interference. Section (d) includes the same for media, stating: "Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section." According to Leslie Jacobs and James Wirrell from the McGeorge School of Law, this language has not changed since it went into effect in September 1957.

Los Angeles-based independent photographer Stuart Palley began documenting fires on his own in 2012 and has since acquired significant training, PPE and knowledge. "It's reckless and dangerous to show up without wearing gear, and it's unprofessional to show up without gear," Palley said. He added that shaming someone doesn't make much difference, but from his experience, education helps. "If someone is new to covering fires, they should consider going out with a public information officer (PIO) or with someone who can teach you. PIOs typically want to help."

Despite Palley's vast experience, he was denied entry to the Castle Fire on Sept. 14 near Camp Nelson. The day before, he had access to the fire, and the next day he was briefly detained and escorted away from the fire. This violated his rights according to Penal Code 409.5 and prevented him from doing his job.

There were similar issues with other members of the media at the 2020 Castle Fire that led the California Department of Forestry and Fire Protection (Cal Fire) to issue the following statement:

### **Current Issues with Media, California Penal Code 409.5**

*The Tulare County Sheriff, CAL FIRE, USDA Forest Service and National Park Service appreciate the vast majority of media partners who have cooperated with deputies and fire personnel and acted responsibly during this fire incident. It has come to our attention that a few members of the media have been impeding the progress of the firefighting effort and going on to private property without permission of the property owner. This activity cannot and will not be tolerated. Action will be taken if it persists.*

*We have been professional in our cooperation of providing access to areas and we expect the same level of professionalism and adherence to the rules from our media partners. State law (Penal Code section 409.5, please review here) grants the right of duly authorized members of the media to enter evacuated areas. It is widely understood that media personnel assume the risks involved when entering a closed area, and they cannot accept that liability on behalf of others. As an example, media cannot enter crime scenes, National Forest System lands under a Forest or Regional Order closing forest trails, roads or areas, or onto private property without prior permission. Nor can they impede the firefighting efforts of any fire incident.*

*It is our desire to help our media partners get the information they need to share with the public; however we will not tolerate blatant disregard for firefighter safety. The first responders appreciate those members of the media who adhere to the rules, and we know that there are only a small percentage of media personnel who are unaware of or disregard the rules and laws.*

*We ask that you share this information with your media partners. It is our desire to allow news organizations to share information without placing the first responders and the public in unnecessary danger.*

Noah Berger, also a freelance photojournalist, said that we need to "show firefighters that we're serious about our jobs," and one of the biggest issues he's seen at fires is people getting in the way of firefighters. "Nobody wants to prevent people from covering fires, but we want to ensure people are prepared and geared up properly."

Berger often travels to fires with one or two other veteran photojournalists, all of whom wear head-to-toe PPE and carry maps and scanners. He said he believes working in small groups is beneficial. The situation creates a smaller footprint, and it provides safety, knowing that others have your back. He added that it's good to have one person as a driver and another acting as navigator.

San Francisco Chronicle staff photographer Gabrielle Lurie said she began documenting fires in 2016 when she was a freelancer. Lurie received Cal Fire training through her employer, and she strongly recommends pursuing it.

"The best advice I can give a photographer who is interested in covering fires is to do a lot of research and go slowly. Just because you have the gear doesn't mean you are ready to jump in," Lurie said. "The dangerous part about a fire is that you don't always know what it is going to do."

**"The best tool that we have is between our ears: our brain."**

*- Stuart Palley*

You can have likely predictions by looking at the weather and wind speeds, but you just never know. You could be driving down the road and there's a spot fire on the shoulder, and suddenly, five minutes later that fire becomes much larger and cuts off the road or knocks over a tree, which then blocks the road and blocks you in. You never want to be in a situation where you are stuck, and if you don't know what to look for, it can be easy to get yourself into trouble."

She also suggested that those new to wildfire coverage should consider documenting the after-effects of a fire before heading to the front lines.

Justin Sacher, a meteorologist with Fresno's KSEE24/CBS47, has taken

*Story continues on page 58*



*Firefighters work to protect a house near Highway 236 as the CZU Lightning Complex fire rages near Boulder Creek, Calif., in August.*

*Firefighters had to leave the area because conditions were unsafe and the home was destroyed in the fire.*

*Photo by Nic Coury Independent*

NPPA member since 2009



Photo by Kent Porter, Press Democrat

Sonoma County workers Gino Dericco, Jesse Alkok, Anthony Reyes and Gabe Rosas create a human chain to climb out of a ravine east of Santa Rosa. They were cutting down damaged trees near the road in September 2020.

## Fire safety and access Continued from page 56

numerous wildland fire training courses throughout his career. Most recently, he took classes at Reedley College, receiving certification in Wildland Firefighting S-130, S-190, L-180. The two stations merged recently, and he no longer gets much time on fire lines, but he said, “If you don’t have the gear or the knowledge, how are you going to tell a useful story? It shouldn’t matter what kind of media you are; it should matter if you are prepared.”

Kent Porter, Pulitzer Prize-winning photojournalist with the Santa Rosa Press Democrat, has been documenting fires for more than 30 years and acknowledged he continues to learn new things about fires every year.

“I learned so much on a fire line this year. I knew nothing about area ignition. I learned very quickly how fast things can go downhill,” Porter said. “You have to have a solid sense of who you are and where you are. When the shit hits the fan, you have to realize who you are and how you react. This is not about bravado. It’s about going out and telling a story.”

It’s also about acting responsibly and with compassion. When Carlos Rodriguez and Gaby Muro of Central Valley TV covered the 2018 Camp Fire, they spent one morning sharing their cell phone with evacuees enabling them to phone loved

ones. “It’s not about us. We’re not there to exploit the event,” Rodriguez said. They share the philosophy that if they see someone who needs help, they will be the help.

“There are times when I think about those things that I have covered. I was standing in those exact places where people died, lost their homes. I’m human too, and as a journalist, I have to be there,” Muro said. “I have to tell those stories. These are all people who have loved ones.”

The two travel to incidents together and always pack an ice chest with drinks and snacks because they never know how long they will be covering stories. They’re constantly aware of their surroundings, pay very close attention to winds and agree that no coverage is worth risking their lives.

“We are very passionate about what we do,” he said. “It’s rewarding when people turn to us” for help and knowledge about an incident.

Being a responsible journalist is also about helping others within our own community. Beth Schlanker, a Pulitzer Prize-winning photojournalist with the Santa Rosa Press Democrat, offered, “It’s important that photojournalists look out for each other as much as possible on a fire. Competitiveness should take a back seat to being helpful and putting each other’s safety first,” she said.

“More experienced wildfire photographers should help less experienced journalists learn safety tips and with on

the job training. Kent Porter, for example, has been enormously helpful in mentoring me,” Schlanker said. “He has gone out his way to make sure our entire staff stays safe. It also benefits our industry and preserving our access (409.5) to future fires if all journalists remain safe.”

Monterey-based independent photojournalist Nic Coury recently discussed connecting with other photographers on fires near Santa Cruz. “We had constant conversations, talking about where we were going, where we would meet up after we got our photos. There was a lot of conscious action, not just snapping,” Coury said.

Porter stressed the importance of having situational awareness and proper gear. “When the Glass Fire hit Santa Rosa homes, it moved so quickly. The wind blew up, smoke picked up, within 20 seconds everything was orange and within five minutes homes caught fire. You could not see in front of you,” Porter said. “If you had not had proper gear on, you would not have been able to breathe, and you likely would have been burned or suffered radiation burns. If you hadn’t had a helmet, your hair would have been on fire. This is not a thrill-seeking job.”

Which begs the question of anyone wanting to document California’s fires: Ask yourself why you are there. What is your motivation? Are you there to provide factual and useful information to community mem-

bers? Do you have the necessary gear and awareness to safely document the fire?

Emily Kilgore, a Cal Fire public information officer (PIO) with the Tuolumne-Calaveras Unit, said she has seen journalists show up to fires in high heels and in house slippers. She’s been on several incidents where journalists, fresh to the job, arrive without any PPE and ask to be taken to the fire. “I cannot stop them, but I cannot safely escort them,” she said. “It’s not wise to take people into an unsafe situation.” She adds that she will not stop the media from doing their job.

Kilgore, who has been at her current position for approximately four years, has seen an increase of amateurs arrive at incidents. “There is an increase in media attention to wildland fires,” she said. “As the media population changes, there has been an increase in folks showing up unprepared.” She said social media have changed the environment. “I can’t be the one to interpret someone’s Facebook page. Who am I to determine who can, or cannot, cover a fire?”

“It’s our job to help you and get you information, but if fire equipment is coming into the area, get out of the way,” she said. If firefighters are unable to answer questions, direct your questions to PIOs. “Putting the fire out is the priority for firefighters.”

Asked if she felt the penal code could change, potentially limiting the media’s access, she said, “It would need to be something the courts would have to consider. The potential is there.”

“I do think there should be some kind of training mechanism to get safety information to journalists,” Kilgore said. “I’m not in a position, as a sole person, who can do something about it,” but she could attempt to move the idea up the chain of command. Kilgore said there are ways journalists can gain wildland fire education on their own.

FEMA offers a plethora of online, self-directed training, including courses that teach the incident command system — [ICS-100: An Introduction to the Incident Command System](#) — as well as a basic introduction to PPE and a [full catalog of wildland fire training courses](#).

Kilgore and most journalists interviewed suggested that members of the media should get to know the key players in their area and reach out to them. Introduce yourself to law enforcement officers, firefighters and public information officers so that they will likely recognize you on the scene of a fire.

Getting safety training and having proper PPE, including, at a bare minimum, Nomex top and bottoms, a helmet and wildland boots, are a part of the solution in protecting the penal code for journalist access. In the end, it’s up to the individual journalist, no matter the level of experience, to act responsibly to maintain California journalists’ access to disasters.

“Common sense. The best tool that we have is between our ears: our brain. You have to be an advocate for yourself and your safety,” Stuart Palley said. ■

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**View a video of [Del Puerto Canyon Fire](#) by Carlos Rodriguez and Gaby Muro, of Central Valley TV.**

## CHECK LIST

This gear and safety checklists were collected from Santa Rosa Press Democrat’s Kent Porter and Beth Schlanker, Central Valley TV’s Carlos Rodriguez and Gaby Muro, San Francisco Chronicle’s Gabrielle Lurie, and freelancers Nic Coury, Noah Berger, Stuart Palley, KSEE24/CBS47’s Justin Sacher and Tracy Barbutes, the author.

### MUST HAVES

- Media credentials
- Nomex or dual compliant top and bottoms
- Hardhat
- Leather gloves
- Work boots (not steel toe)
- Headlamp or handheld flashlight.
- Water, and plenty of it.
- Fire Shelter. You can find the old style yellow ones on ebay for under \$30, and it’s enough to satisfy requirements. The newer ones are blue and they are pricey (+/- \$450).

### OPTIONAL

- Fire shroud (neck cover)
- Fire goggles
- Police scanner programmed for fire channels
- Rooftop antenna for scanner
- Scanner app (Broadcastify and 5-0 radio are good options)
- Glow stick (mount on helmet at night)
- Inverter to power your laptop, battery chargers
- Fire extinguisher
- Chainsaw
- Two-day supply of food, water, for yourself and to share
- Cotton clothing worn under your fire gear
- Maps, downloaded to your phone or paper maps

### SAFETY SUGGESTIONS

Always keep in mind that the firefighters and emergency responders come first! Keep out of their way and be sure to park in spots that won’t hinder them. Pull over and let them go by, even if they don’t seem to be in a hurry. No matter how stressed you are about coming up with “the picture” or meeting a deadline, the media does not come first.

- Know and understand the terrain, weather conditions.
- Have your car headlights on at all the times in a fire zone.
- When driving in, make a mental note for turnouts and safety zones. This is important to remain out of the way of firefighters, as well as to find a safe place to shelter if you get blocked in.
- Leave your car engine running if you are near fire.
- Always park facing your exit route.
- Have a full tank of gas before entering a fire zone.
- Carry Fix-A-Flat.
- Park well out of firefighters’ way, and if possible, check to ensure you are parked safely.

### TRAINING

- FEMA There are many free online training courses available to the public, [click here](#).
- USFS National Wildfire Coordinating Group, [click here](#).
- Wildfire safety training and glossary, [click here](#).
- Committee to Protect Journalists, [click here](#).
- JOURNALISM COMMUNITY There is a lot of knowledge in our community. Check in with journalists who have wildfire experience – during the off season.
- COMMUNITY COLLEGES Check your local area community colleges – many offer fire science courses.