

1 This matter came before the Court on _____. Having considered the evidence presented and
2 arguments of counsel, and good cause appearing, the Court GRANTS Plaintiffs' request for injunctive relief
3 and ENTERS the following Permanent Injunction against Defendants:

4 **I. Duration and Continuing Jurisdiction:** This Injunction shall be of unlimited duration and
5 shall be enforceable in federal court pursuant to 42 U.S.C. §1983.

6 **II. Injunctive Relief:**

7 **A. Less Lethal Munitions**

8 1. Defendants shall not deploy less lethal weapons nor chemical munitions indiscriminately but
9 must make reasonable efforts to target only those individuals who are engaging in conduct that poses an
10 imminent threat of death or serious bodily injury, and must do so in a manner that minimizes the risk of
11 harm to non-threatening individuals and bystanders.

12 2. Defendants shall not use batons, or "less lethal" impact and/or kinetic munitions, including
13 but not limited to 40mm launchers, less lethal shotguns, pepper ball launchers or guns, rubber- or foam-
14 based bullets or projectiles, or bean bag shotguns, in connection with any demonstration or crowd event in
15 the City of Sacramento, unless the use is objectively reasonable to defend against an imminent threat to life
16 or serious bodily injury to any individual, including any peace officer. In situations where use is deemed
17 appropriate, Officers should only use them against people whose behavior warrants their use, and they
18 should use great caution to ensure that people whose conduct does not warrant their use are not struck.

19 3. Defendants shall not use tear gas, OC spray, or other chemical agents for purposes of crowd
20 management, crowd control, or crowd dispersal in connection with any demonstration or crowd event in the
21 City of Sacramento except upon a determination based upon available facts that:

22 a. the use is objectively reasonable to defend against an imminent threat to life or
23 serious bodily injury to any individual, including any peace officer; and

24 b. officers have first given clear and unambiguous audible dispersal orders using the
25 LRAD whenever possible and sent a plain clothes officer to the back of the crowd to ensure
26 that any announcements are sufficiently audible; the subjects were notified that
27 noncompliance with dispersal orders would result in force being used; and the subjects were
28 provided with an objectively reasonable opportunity to disperse; and

1 c. prior authorization for use has been given by a commanding officer or incident
2 commander.

3 4. SPD shall use the minimum amount of chemical agent necessary to obtain compliance.

4 5. If crowd control chemical agents and/or less lethal munitions are contemplated in crowd
5 situations, SPD shall have medical personnel on site prior to their use and shall make provision for
6 decontamination and medical screening to those persons affected by the chemical agent(s). Medical
7 assistance shall be promptly provided for injured persons when it is reasonable and safe to do so. An
8 objectively reasonable effort will be made to identify and extract individuals in distress.

9 6. Defendants shall not engage in the tactic of overwhelming less lethal force – that is, using
10 multiple, simultaneous applications of force as an affirmative police tactic – as a crowd control measure.

11 7. When less-lethal force is used, a Use of Force report shall be prepared providing the factual
12 basis used to justify the use of force, identifying all officers involved who deployed less-lethal weapons or
13 chemical munitions, the number and types of less lethal rounds, canisters and grenades deployed and any
14 injuries sustained as a result of the deployment.

15 8. Defendants shall implement a system requiring officers to check out and return less lethal
16 weapons and munitions, and shall maintain an objective, contemporaneous log documenting the quantity
17 and type of munitions issued and returned and to whom they were issued, for the purpose of tracking and
18 accounting for munitions utilized.

19 **B. Sacramento's Response to and Interactions with Protestors**

20 1. Defendants shall adopt and adhere to a policy to provide guidelines for police response to
21 members of the public who exercise their First Amendment rights, including but not limited to public
22 assemblies, and photographing or audio/video recording (including live streaming) department employees,
23 vehicles, and interactions with protestors, which is consistent with the terms of this Agreement and includes:

24 a. Recognizing that police involvement in the exercise of those rights should be limited to
25 the extent necessary to preserve the peace, protect life, prevent the destruction of
26 property, to facilitate the exercise of First Amendment rights, and to provide for the
27 legitimate needs of law enforcement in addressing on-going criminal activity.

28 b. Recognizing that each assembly is unique, and therefore it is imperative that SPD's

1 actions are proportional to the behaviors encountered; and the balance between
2 enforcement actions and de-escalation should always be considered.

3 c. Providing that whenever feasible, SPD's actions should allow for the continuation of the
4 assembly and exercise of First Amendment rights while addressing public safety and
5 criminal behavior as safely as possible.

6 d. The goal of keeping an action involving First Amendment rights peaceful is seldom
7 served by making wholesale arrests for minor violations.

8 3. Uses of force must be viewpoint neutral and not based on the content of expressive activity.

9 4. Defendants shall incorporate protections for the public's right to record law enforcement
10 without interference.

11 5. Defendants shall not use force, issue dispersal orders, make arrests or otherwise interfere
12 with individuals lawfully engaged in First Amendment activity unless circumstances necessitate the
13 preservation of human life when imminent threat of death or serious bodily injury is present.

14 6. Defendants shall limit the issuance of dispersal orders in response to public demonstrations
15 or protests to circumstances where there exists a specific, articulable, and significant threat to public safety.
16 Dispersal orders shall not be used as a standard or presumptive response to public assemblies protected
17 under the First Amendment. Such orders may be lawfully employed only when necessary to prevent
18 imminent and substantial harm—such as widespread property destruction, looting, or violence—and when
19 no less intrusive means are sufficient to mitigate that harm. When unlawful conduct is limited to a subset of
20 individuals within an otherwise lawful assembly, law enforcement officers shall, to the greatest extent
21 practicable, focus enforcement efforts against only those individuals directly responsible, rather than
22 dispersing the entire gathering.

23 7. Defendants shall hold command level staff accountable for violations of the policy by the
24 personnel they supervise, through existing disciplinary procedures.

25 8. Defendants shall fully incorporate all recommendations from the California Department of
26 Justice's Phase I and Phase II Recommendations for SPD into official policies and practices.

27 9. Defendants shall amend Defendants' Use of Force reporting policy to include Use of Force at
28 public demonstrations or protests as one of the types of force subject to the highest level of review per the

1 Administrative Review policy.

2 10. Defendants shall limit the use of skirmish lines in response to public demonstrations or
3 protests to instances where there is a demonstrable need to protect public safety. Skirmish lines shall not be
4 used for intimidation or to suppress lawful expression. They should only be used when there is an
5 articulable reason for their use, such as lawfully preventing access to a building, property, or area.

6 11. Defendants shall, where feasible, attempt service of protest-related misdemeanor and non-
7 violent felony arrest warrants via mail before conducting in-person arrest operations.

8 12. Defendants shall require every SPD uniformed officer, engaged in crowd control activities,
9 or authorized to use non-lethal force during crowd control activities, including those assigned to special
10 operations units whose uniforms often differ from those of patrol officer, to wear a uniform and wear an
11 uncovered badge, nameplate, or other device on the outside of his or her uniform that bears the agency name
12 and identification number or name of the officer, at all times while engaged in law enforcement activities in
13 connection with any protest, demonstration, or crowd event in the City of Sacramento.

14 13. Defendants shall require all SPD officers engaged in crowd control activities or authorized to
15 use non-lethal weapons during crowd control activities, to utilize a Personal Digital Recording Device
16 (PDRD) and shall have that device activated whenever taking any enforcement action or when ordered to
17 activate their PDRD by a supervisor or commander during a crowd control situation in the City of
18 Sacramento.

19 14. Defendants shall ensure recommendations by the Sacramento Community Police Review
20 Commission are timely agendized for City Council vote within 30–60 days.

21 15. The Office of Public Safety Accountability (OPSA) shall have full concurrent investigatory
22 authority over complaints involving SPD misconduct.

23 **C. Mutual Aid**

24 1. On any occasion in which the Sacramento Police Department requests mutual law
25 enforcement aid for large demonstrations and mass gatherings, SPD shall do the following:

26 2. SPD shall ensure mutual aid agencies are briefed on SPD's Crowd Control Policy.

27 3. SPD shall brief mutual aid agencies on SPD's Command structure and, to the extent possible,
28 ensure mutual aid agencies follow it.

1 4. Under SPD’s Command structure, only SPD Commanders may authorize the use of chemical
2 agents for crowd control and dispersal. However, SPD officers and mutual aid officers may use reasonable
3 or necessary force as allowed by law against an individual in self-defense or in defense of another person or
4 officer.

5 5. SPD shall inventory the types of less-lethal crowd control weapons brought by mutual aid
6 agencies. Should a mutual aid agency bring less-lethal crowd control weapons that are not authorized under
7 SPD’s Crowd Control Policy and this Injunction, SPD shall do the following:

- 8 a. Require those agencies to quarantine the weapons that are not authorized; or
9 b. Assign officers of those agencies to support functions that will not have primary contact
10 with crowds and thus are not likely to involve the use of crowd control weapons not
11 authorized by SPD, unless there is a public safety emergency.

12 6. While SPD cannot direct or control all uses of force by officers of mutual aid agencies, to the
13 extent possible, SPD shall ensure that officers of mutual aid agencies do not use weapons or force that is
14 prohibited under SPD’s Crowd Control Policy or this Injunction.

15 **D. Conforming Policies and Procedures**

16 SPD shall amend all policies, guidance and training materials, including but not limited to GO
17 580.02, to reflect the requirements of this injunction within 180 days of the entry of this Order.

18 **E. Expedited Enforcement**

19 For a period of five (5) years from its effective date, Magistrate Judge Allison Claire shall retain
20 jurisdiction to enforce this Injunction on an expedited basis. During that period, in the event that any party
21 asserts that another party is failing or has failed to abide by the terms of this Agreement, the parties shall
22 promptly enter into discussions in an effort to resolve that dispute. If the dispute is not resolved and reduced
23 to a written agreement within 30 calendar days of the notification, or another timeline agreed to in writing
24 by the parties, or in the event exigent circumstances require the Court’s immediate intervention, any party
25 may invoke the jurisdiction of this Court. The Court shall schedule such proceedings as may be necessary to
26 hear and resolve the dispute and to enter a final and binding order on said matter.

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1 **IT IS SO ORDERED.**

2 Dated: _____, 2025.

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John A. Mendez
United States District Judge