

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTI POLICE-TERROR PROJECT, et al.,

Plaintiffs,

v.

CITY OF OAKLAND, et al.,

Defendants.

Case No. 20-cv-03866-JCS

**ORDER GRANTING MOTION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE
(CORRECTED)**

This matter came before the Court on June 18, 2020 at 1 p.m., on Plaintiffs' Application for a Temporary Restraining Order and Order to Show Cause. The parties stipulated to a Temporary Restraining Order, which was entered by the Court. *See* Docket No. 33. This Order corrects minor drafting errors found on page 2, lines 16-19 of the stipulated Temporary Restraining Order; it makes no substantive changes to Docket No. 33.

Based upon the agreement of the parties and good cause appearing, IT IS HEREBY ORDERED, pending further hearing and the Court's Order, that defendants City of Oakland, Police Chief Susan Manheimer, et al., and all persons acting on their behalf and under their supervision are forbidden from:

1. Using tear gas or any other chemical weapons against persons taking part in a protest or demonstration.
2. Firing rubber bullets or similar projectiles at persons taking part in a protest or demonstration.
3. Firing flash bang grenades at persons taking part in a protest or demonstration.

1 The prohibitions of paragraphs 1 and 3 do not apply where, upon the decision of
2 the OPD Operations Commander or Incident Commander, it is determined that the use of
3 tear gas or any other chemical weapon or flash bang grenades is reasonably necessary to
4 protect the lives of people, protect people from serious bodily injury, or prevent the
5 imminent destruction of property at Oakland City Hall, the OPD Administration
6 Building, or the OPD Eastmont Mall Substation. Flash bang grenades may not be fired
7 directly at persons but must be fired only in a safe direction. To the fullest extent possible,
8 such use of tear gas or other chemical weapons and flash bang grenades is allowed only
9 after an audible warning of their use has been issued and after sufficient time to comply
10 has been granted.

11 In all actions in which the Oakland Police Department calls in police personnel
12 from other jurisdictions under mutual aid agreements, to the fullest extent possible OPD
13 personnel shall endeavor to assume front line positions between mutual aid officers and
14 demonstrators.

15 This Order shall remain in effect until further Order of the Court. This matter shall
16 be heard by the Court on July 2, 2020, on Plaintiffs' motion for a preliminary injunction.

17 **IT IS SO ORDERED.**

18 Dated: June 18, 2020

19 
20 JOSEPH C. SPERO
21 Chief Magistrate Judge
22
23
24
25
26
27
28