

OFFICE OF THE CHIEF OF POLICE

NOTICE

1.14

September 12, 2025

TO: All Sworn Department Personnel

FROM: Chief of Police

SUBJECT: PRELIMINARY INJUNCTION REGARDING JOURNALISTS AT
DEMONSTRATIONS AND PROTESTS

PURPOSE

The purpose of this Notice is to inform all sworn personnel of a Preliminary Injunction issued on September 10, 2025, by United States District Judge Hernán D. Vera that prohibits all Department personnel from interfering with the rights of journalists at protests.

Freedom of the press is guaranteed by the Federal and State constitutions and duly authorized members of the press are also entitled to certain rights and protections under State law. It is critical that Department personnel respect and honor the legal rights of members of the media who are gathering, receiving, or processing information for communication to the public. This Notice also serves as a reminder of the responsibilities of police officers to safeguard that right.

REQUIREMENTS

All sworn personnel are required to read and acknowledge the receipt of this Notice in the Learning Management System (LMS), and shall not be deployed in response to any protest if they have not acknowledged review of this Notice. All commanding officers shall ensure that all their personnel have read and acknowledged this Notice upon the employees' next working shift and under no circumstances shall a sworn employee be deployed to a protest without having read and acknowledged receipt of this Notice.

The Preliminary Injunction prohibits Department personnel from:

- Arresting, detaining, or citing any journalist covering a protest in Los Angeles for not dispersing following the issuance of an order to disperse; and,
- Interfering with the rights of journalists to cover a protest in Los Angeles; retaliating against journalists for engaging in such coverage by using force against them; or arresting, detaining, or citing journalists who are covering such protests.

The Preliminary Injunction does not authorize journalists to impede, block, or otherwise physically interfere with lawful activities of LAPD officers, and does not prevent LAPD officers from detaining,

arresting, or citing any person, journalist or otherwise, who engages in such physical interference or commits an unlawful act, other than an alleged failure of a journalist to comply with a dispersal order.

The Preliminary Injunction also requires that if LAPD establishes a police line or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in First Amendment activity, LAPD officers are prohibited from:

- Prohibiting a journalist from entering or remaining in the closed areas, unless access will interfere with emergency operations, in which case access may be denied for only so long and only to such an extent as is necessary to prevent actual interference.
- Intentionally assaulting, interfering with, or obstructing any journalist who is gathering, receiving, or processing information for communication to the public (including by restricting journalists to areas from which they do not have sufficient opportunity to observe and report on protests, including the interaction between police and protestors).
- Citing, detaining, or arresting a journalist who is in a closed area for failure to disperse, curfew violation, or obstruction of a law enforcement officer for gathering, receiving, or processing information. **If a person who claims to be a journalist is detained or arrested, that person shall be permitted to promptly contact a Captain or above by either connecting them with a Captain at scene or calling the DOC for the on-call commanding officer assigned to the Area of protest, unless circumstances make it impossible to do so.**

In addition, the Preliminary Injunction prohibits LAPD personnel from:

- Using less-lethal munitions (“LLMs”) and other crowd control weapons (including kinetic energy projectiles (KEPs), chemical agents, batons, and flash-bangs) against journalists who are not posing a threat of imminent harm to an officer or another person.
- Using LLMs and crowd control weapons except when objectively reasonable to defend against an imminent threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

Prior to the use of LLMs or chemical agents in crowd control situations, LAPD personnel shall make repeated, audible announcements, announcing the intent to use kinetic energy projectiles and chemical agents. The announcements shall be documented, made from various locations, if necessary, and delivered in multiple languages, if appropriate, to ensure their communication. Additionally, personnel shall comply with the following:

- KEPs shall not be aimed at the head, neck, back, or any other vital organs (including face, eyes, kidneys, chest, groin, or spine).
- KEPs or chemical agents shall not be used solely due to any of the following:
 - A violation of an imposed curfew.
 - A verbal threat.
 - Noncompliance with a law enforcement directive.

Journalists shall be allowed to remain and/or allowed to move to an area outside the direct target area for the discharge of LLMs.

It is imperative that personnel understand the information contained in this Notice to protect journalists while they are engaged in newsgathering. It is not a violation of the Preliminary Injunction, if a journalist is incidentally exposed to crowd control devices after remaining in the area where such devices are being deployed and personnel have otherwise complied with the terms of the injunction, **including legally sufficient advance notice that the LLMs will be deployed.**

The Court's definition of a "journalist," is the same definition found in Penal Code section 409.7, which means any "duly authorized representative of any news service, online news service, newspaper, or radio or television station or network." To facilitate the identification of journalists protected under this preliminary injunction, the following shall be considered indicia of being a journalist:

- Visual identification as a member of the press, such as by:
 - Carrying a professional or authorized press pass;
 - Carrying professional gear such as professional photographic equipment;
 - Wearing a professional or authorized press badge or other official press credentials;
 - Wearing distinctive clothing that identifies the wearer as a member of the press; and,
- That the person is standing off to the side of a protest, not engaging in protest activities, and not intermixed with persons engaged in protest activities, although these are not requirements.

These indicia are not exclusive, and a person need not exhibit every indicium to be considered a journalist under the Preliminary Injunction. The Court understands that unintentional violations of the injunction may occur in the case of an individual who does not carry or wear a press pass, badge, or other official press credential, professional gear, or distinctive clothing that identifies the person as a member of the press. However, as soon as it is discovered that the person is a journalist, action shall be taken to remedy the error without delay.

A journalist may be detained or arrested if engaged in any unlawful activity other than remaining in a closed area or failing to disperse as discussed above. Personnel issuing otherwise lawful crowd-dispersal orders must keep in mind that members of the press are not subject to such orders.

SUMMARY OF COURT'S FINDINGS

The Court ordered LAPD to summarize its findings in this Notice. **As required by the Court order,** this Notice captures the following findings:

- Plaintiffs' evidence demonstrated that from June 6 to July 4, 2025, in at least 35 instances, LAPD excluded members of the media from public areas or subjected them to kinetic energy projectiles, tear gas, or other uses of force.
- Plaintiffs established a "strong likelihood" that they will succeed in establishing LAPD violated Penal Code sections 409.7 and 13652. Penal Code section 409.7 allows "duly authorized" members of the media to enter closed areas and prohibits peace officers from intentionally assaulting them or interfering with their newsgathering activities. Penal Code section 13652 prohibits peace officers from using kinetic energy projectiles and chemical agents to disperse any assembly, protest, or demonstration, and provides comprehensive rules for their proper use.

- Plaintiffs established a “serious question” as to whether LAPD violated the First Amendment by retaliating against journalists, deliberately targeting them, and impinging upon their right of access.
- Furthermore, since 2000, LAPD has a demonstrated history of using unlawful force against members of the media.
- In fact, the California Legislature enacted Penal Code section 409.7 and Penal Code section 13652 (partially) because of LAPD’s “long history of constitutional violations against the media.”
- Although LAPD’s “formal, written policies comport with the First Amendment...Plaintiffs have established that the LAPD has a consistent custom and practice of dispersing the press and subjecting them to unlawful uses of force.”
- Accordingly, Plaintiffs are entitled to the “complete [preliminary injunctive] relief they seek,” which is set forth in the preliminary injunction.

Refer to the Training Bulletin titled *Crowd Management, Intervention, and Control – Part II Media*, dated May 2025, for further guidance on determining media access to closed areas. If you have any questions regarding this Notice, please contact the Constitutional Policing and Policy Bureau at (213) 486-8730.



JIM McDONNELL
Chief of Police

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