



El Segundo Police Department
Training Section
348 Main Street, El Segundo, CA 90245
Phone (310) 524-2253

TRAINING BULLETIN

January 13, 2022

AB 48

Law Enforcement: Use of Force

Assemblies, Protests and Demonstrations

Background

Kinetic projectiles like rubber bullets, beanbags and foam rounds have caused serious bodily harm, including broken jaws, blindness and traumatic brain injury. Despite being considered “less lethal” weapons, California has had no minimum standards on their usage.

Assembly Bill 48 was enacted and amends Section 12525.2 of the Government Code and adds Sections 13652 and 13652.1 to the Penal Code, relating to law enforcement. These changes are effective January 1, 2022, and impact aspects of law enforcement policies and training.

Changes to Penal Code

Per Penal code Section 13652, kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to **disperse any assembly, protest, or demonstration**, unless:

1. Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for **crowd control** if the use is objectively reasonable to defend against a 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, and only in accordance with all of the following requirements:

- a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- b. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- c. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- d. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
- e. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and are objectively reasonable.
- f. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- g. An objectively reasonable effort has been made to extract individuals in distress.
- h. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons when it is reasonable and safe to do so.
- i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- j. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:

- a. A violation of an imposed curfew.
- b. A verbal threat.
- c. Noncompliance with a law enforcement directive.
- k. If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

2. This section does not prevent a law enforcement agency from adopting more stringent policies.

3. For the purposes of this section, the following terms have the following meanings:

a. "Kinetic energy projectiles" means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

b. "Chemical agents" means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

Per Penal Code Section 13652.1, each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control.

However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

Key Points

AB 48 requires officers to be trained on the safe use of kinetic projectiles and chemical agents for situations where any person's life is threatened or they are at risk of serious injury. In these instances, officers would be required to expend other de-escalation techniques before using projectile weapons and they must provide prompt medical assistance to any person injured. The bill prohibits aiming these weapons at the head, neck or other vital organs.

AB 48 also creates necessary disclosure requirements on how often and when these weapons are deployed by requiring data collection on the use of, and any resulting injuries from, these "less lethal" weapons by law enforcement within 60 days of each incident. By specifically requiring a justification for why the use was necessary and why de-escalation tactics failed.