

California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Veronica Gilliard, Chief/CIO 	INFORMATION BULLETIN	
Subject: Reports on Law Enforcement Agencies' Use of Kinetic Energy Projectile and Chemical Agents for Crowd Control Purposes	No. 24-07-CJIS Date: 07-15-2024	Contact for information: OpenJustice@doj.ca.gov

TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

Penal Code (PC) section 13652.1(a) requires each law enforcement agency to “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 [Penal Code] Section 13652, for crowd control,” within 60 days of each incident. Law enforcement agencies “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.” (Ibid.)

The Department of Justice (DOJ) is required by PC section 13652.1(c) to post on its internet website a compiled list linking each law enforcement agency’s reports. Law enforcement agencies with any reportable incidents pursuant to PC section 13652.1 should send to DOJ the link for the website where the required report is posted, using the process described in this Information Bulletin.

Submission Procedures:

1. Log into your California Law Enforcement Website (CLEW) account. If you do not have a CLEW account, click on the Create New Account tab.

<https://clew.doj.ca.gov/user/login>

2. On the CLEW Home Page, locate the Submit Reports section on the left-hand side of the page and click on the Kinetic Energy Report Links (AB 48, 2022).
3. Enter the following:
 - a. Select your *Law Enforcement Agency* from the list of values;
 - b. Enter in the link to the agency webpage where the kinetic energy and chemical weapon incident report is posted.
4. Click on the *Submit* button. The submission will prompt DOJ to verify the link and once verified, the link will be posted on DOJ’s OpenJustice Website here:

<https://openjustice.doj.ca.gov/resources/ab-48-reports>

Penal Code Sections

Penal Code Section 13652. (a) Except as otherwise provided in subdivision (b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.

(b) 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:

- (1) Deescalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (2) 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.
- (3) Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- (4) 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.
- (5) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (6) 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.
- (7) An objectively reasonable effort has been made to extract individuals in distress.
- (8) 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.
- (9) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (10) 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.

(11) 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.

(c) This section does not prevent a law enforcement agency from adopting more stringent policies.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "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.

(2) "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.

(e) This section does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation.

13652.1. (a) 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.

(b) For each incident reported under subdivision (a), the summary shall be limited to that information known to the agency at the time of the report and shall include only the following:

(1) A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.

(2) The type of kinetic energy projectile or chemical agent deployed.

(3) The number of rounds or quantity of chemical agent dispersed, as applicable.

(4) The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.

(5) The justification for using the kinetic energy projectile or chemical agent, including any deescalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

(c) The Department of Justice shall post on its internet website a compiled list linking each law enforcement agency's reports posted pursuant to subdivision (a).

If you have any questions, please email OpenJustice@doj.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Veronica Gilliard". The script is cursive and fluid.

VERONICA GILLIARD, Chief/CIO
California Justice Information Services Division

For ROB BONTA
Attorney General