



Roll Call Training Bulletin

Produced by: Lt. Ryan Bullard, Citywide Special Events
Prepared by: Officer Mark Kimble, PSU

Katherine Lester, Chief of Police
Volume 24-10

Assembly Bill 48 Refresher

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On September 30, 2021, Governor Newsom signed Assembly Bill 48 and Penal Code § 13652 into law. As the upcoming election season approaches, and First Amendment demonstrations increase across the city, it is essential that Sacramento Police Department officers stay updated on state law regarding the use of less-lethal munitions, while ensuring strict compliance with departmental policies.

AB 48 would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill. It would also prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control. The bill would define chemical agents to include, among other substances, chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas.

For more information on this bill, please utilize the following link: [Assembly Bill No. 48](#)

Penal Code § 13652 states that 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) De-escalation 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.



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- (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.

More information on this code can be found by utilizing the following link: [Penal Code § 13652](#)

Scenario

There is a crowd of approximately 50 people at a demonstration and two subjects in the crowd are launching frozen water bottles at officers. Can you begin deploying less lethal weapon systems targeting the whole crowd?

No, you must use strategic, selective less-lethal weapons systems on specific individuals engaged in illegal activity. Officers are prohibited from deploying less-lethal systems, such as CS gas or pepper balls, against an entire crowd. Additionally, you must consider your ability to take those specific individuals into custody.

Additional reference material:

[RM 532.11 First Amendment Assembly Manual.pdf](#)

[GO 580.02 - Use of Force.pdf](#)

[GO 580.03 - Use of Force Reporting, Investigations and Response](#)

[GO 580.10 - Conducted Energy Device \(CED\).pdf](#)

[GO 523.10 - Multiple Arrest Procedures.pdf](#)

[RM 580.07 Chemical Agents Manual](#)