

ORANGE COUNTY SHERIFF'S DEPARTMENT



S.A.F.E. Division

USE AND DOCUMENTATION OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS

With the passage of Assembly Bill 48, as of January 1, 2022, CPC § 13652 was added to limit the use of kinetic energy projectiles to only certain situations by peace officers who are specifically trained. Additionally, in the circumstances where kinetic energy projectiles are permitted, CPC § 13652.1 added documentation and public reporting requirements.

USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS:

More specifically, CPC § 13652(a) states *“kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration”* except by properly POST trained peace officers under specific limited circumstances:

- Deescalation and/or other force alternatives have been attempted, when objectively reasonable, and have failed.
- When objectively reasonable to do so, repeated, audible announcements (from various locations and in multiple languages, if appropriate) have been made announcing the intent to use kinetic energy projectiles and/or chemical agents and the type to be used.
- Persons are given an objectively reasonable opportunity to disperse and leave the scene.
- An objectively reasonable effort has been made to target only those persons identified as being engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
- Kinetic energy projectiles and chemical agents are used in proportion to the threat and objectively reasonable; efforts to minimize the incidental impact on bystanders, i.e., media, medical personnel, etc., shall be made.
- An objectively reasonable effort has been made to extract individuals in distress and medical assistance is promptly provided for injured persons when reasonable and safe to do so.
- Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

***The limitations described above do not apply to kinetic energy projectile and/or chemical agent use within a jail facility.

DOCUMENTATION OF USE (FOR SUPERVISORS):

If any kinetic energy projectile or chemical agent is deployed in the field to disperse any assembly, protest, or demonstration, it must be documented, posted on OCSheriff.gov within 60 days, and reported to the DOJ. To more easily facilitate this, the “Crowd Control Less Lethal Deployment Report” form was created and must be completed. The form is available on My-18 Document Center. Also, CRM has been updated to include a check box noting the use of tools related to crowd control and AB 48, as shown below:

- Sergeant Present
- Off Duty Incident
- SWAT UOF
- K9 UOF
- Pursuit
- AB 48 / Crowd Control

For more details, please refer to OCS Policy 300, OCS Policy 384, CPC § 13652, and CPC § 13652.1.

