

21-19 - 2022 Laws Regarding Civil Unrest

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services



2022 LAWS REGARDING CIVIL UNREST

PURPOSE

The purpose of this newsletter is to inform Department personnel of the changes to California law regarding responses to civil unrest and the operation of subsequent command posts that will take effect on January 1, 2022. Modifications are in progress to bring the Department's policy into compliance.

BACKGROUND

Assembly Bill 48 and Senate Bill 98 of the current session created Penal Code Sections 13652 and 409.7. The following is a limited summary of the new laws. **Department personnel should review the new laws in their entirety.**

Note: These laws ONLY apply to first amendment activities and civil unrest incidents. The use of chemical agents and kinetic energy projectiles at any other patrol incidents or incidents inside custody facilities will not be affected by these pending laws.

Penal Code Section 13652, Kinetic Energy Projectiles and Chemical Agents

Kinetic, less-lethal weapons (stun bag, 40 MM rounds, 37 MM rounds, direct-fired pepper balls, etc.), and chemical agents (tear gas, pepper spray, etc.) shall not be used to disperse any assembly, protest, or demonstration unless the following:

- A threat of serious bodily injury or life-threatening situation is present;
- De-escalation techniques or other alternatives to force have been attempted and failed;
- Repeated audible announcements are made from multiple locations and in multiple languages regarding law enforcements intent to use chemical weapons and/or kinetic energy projectiles;
- Persons are given a reasonable opportunity to leave;
- Use of these less-lethal weapons must be target specific and not indiscriminately fired to help avoid incidental impact on non-involved bystanders;
- Efforts have been made to extract individuals in distress; and
- Medical assistance is promptly provided for the injured.

Kinetic energy projectiles and chemical agents shall not be used when a violation of the law or threat is solely

a:

- Violation of curfew;
- Verbal threat; or
- Non-compliance with a law enforcement directive.

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 its use.

The law further requires a detailed public reporting on attributes of the crowd and the law enforcement response to it. This includes the size of the crowd, the amount and type of less-lethal weapons used, any injuries, and the justification for the use of less-lethal weapons. Any de-escalation or force mitigating tactics shall also be documented and published.

Penal Code Section 409.7, Media Access to Command Posts at Civil Unrest

Any duly authorized member of the media may have access to the immediate, closed area surrounding any command post, police line, or rolling closure.

Any duly authorized member of the media shall not be intentionally assaulted, harassed, or interfered with by law enforcement while they are documenting or reporting a news story.

Duly authorized members of the media are exempt from curfew, dispersal orders, and violations of Penal Code Section 148 while reporting or documenting a news story. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

The legislation in its entirety may be viewed by clicking the following links:

[Assembly Bill 48](#)

[Senate Bill 98](#)

If you require further information, contact Field Operations Support Services at [REDACTED TEXT]