

City of Fowler

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Police Department

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Chief of Police

Assembly Bill 48: 2023 Annual Reporting

Background

California Assembly Bill 48 (AB 48) enacts restrictions pursuant to Section 13652 of the California Penal Code, and as amended pursuant to Section 12525.2 of the California Government Code, restricting the types of force law enforcement can use in response to protests.

Generally, AB 48 prohibits the use of “kinetic energy projectiles” (such as rubber or plastic bullets, or “beanbag” rounds) and “chemical agents” (such as tear gas, pepper balls, and pepper spray) to disperse any assembly, protest, or demonstration, except in compliance with several requirements.

Specifically, in order for law enforcement to lawfully use these tools to disperse a protest, AB 48 requires that all of the following requirements are met:

1. They must only be deployed by a peace officer that has received POST-approved training on their proper use for crowd control.
2. The use must be objectively reasonable to defend against a threat to life or serious bodily injury to an individual, or to bring an objectively dangerous and unlawful situation safely and effectively under control.
3. De-escalation techniques and other alternatives to uses of force must have been attempted, when reasonable, and must have failed if attempted.
4. Repeated, audible announcements must have been made announcing the intent to use kinetic energy projectiles or chemical agents and the type to be used, when it is objectively reasonable to do so. These announcements must be made from various locations if necessary and be delivered in multiple languages when appropriate.
5. Persons must be given an objectively reasonable opportunity to disperse and leave the scene.
6. Law enforcement must have made an objectively reasonable effort to identify persons who are, or who are not, engaged in violent acts, with kinetic energy projectiles or chemical agents targeted towards those individuals who are engaged in violent acts. Projectiles must not be aimed indiscriminately into a crowd or group.
7. These munitions must only be deployed with a frequency, intensity, and manner that is proportional to the threat and objectively reasonable.
8. Officers must minimize the possible incidental impact their use of force may have on bystanders, medical personnel, journalists, or other unintended targets.
9. Medical assistance must be promptly provided or procured for injured persons, when it is reasonable and safe to do so.
10. Kinetic energy projectiles must not be aimed at the head, neck, or vital organs.
11. Kinetic energy projectiles and chemical agents must not be used solely due to a violation of curfew, verbal threat, or noncompliance with a law enforcement directive.
12. Only a commanding officer at the scene may authorize the use of tear gas.

Annual Reporting Requirement

AB 48 requires all law enforcement agencies to publish a summary of any incident where a peace officer employed by that agency uses a kinetic energy projectile or chemical agent for crowd control. These summaries must be published on the agency’s website within 60 days, or 90 days if the agency has “just cause” for the delay. The summary must include only the following, to the extent known at the time of the report:

1. A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and 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 used.
4. The number of documented injuries as a result of the deployment.
5. The justification for the deployment, including any de-escalation tactics or protocols or other measures taken at the time to avoid the necessity of deploying the kinetic energy projectile or chemical agent.

2023 Annual Report Findings for the Fowler Police Department

Number of assemblies, protests, demonstrations, or incidents as defined within AB 48 in calendar year 2023 in the City of Fowler:	0
Number of kinetic energy projectile or chemical agent deployments as defined within AB 48 in calendar year 2023 in the City of Fowler:	0
Number of rounds and/or quantity of chemicals used in 2023 as defined within AB 48 in 2023 in the City of Fowler:	0
Number of documented injuries resulting from the deployments from kinetic energy projectiles or chemical agents as defined within AB 48 in 2023 in the City of Fowler:	0
Justification for the deployment:	N/A