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PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315]

(Part 4 added by Stats. 1953, Ch. 1385.)

TITLE 4.7. Law Enforcement Agency Regulations [13650 - 13670]

(Title 4.7 added by Stats. 2018, Ch. 978, Sec. 2.)

13650.

Commencing January 1, 2020, the Commission on Peace Officer Standards and Training and each local law enforcement agency shall conspicuously post on their internet websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(Amended by Stats. 2021, Ch. 615, Sec. 350. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

13651.

(a) Every police department, sheriff's office, or other entity that employs peace officers shall review the job description that is used in the recruitment and hiring of those peace officers and shall make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving, while de-emphasizing the paramilitary aspects of the job.

(b) This section is not intended to alter the required duties of any peace officer.

(c) The Legislature finds and declares that changes to these job descriptions are necessary to allow peace officers to feel like the public can trust law enforcement and to implement problem-solving policing and intelligence-led policing strategies in contrast with reactive policing strategies.

(Added by Stats. 2020, Ch. 322, Sec. 3. (AB 846) Effective January 1, 2021.)

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.

(Added by Stats. 2021, Ch. 404, Sec. 2. (AB 48) Effective January 1, 2022.)

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.

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(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).
(Added by Stats. 2021, Ch. 404, Sec. 3. (AB 48) Effective January 1, 2022.)

SEC. 2.

Section 13653 is added to the Penal Code, to read:

13653.

~~(a) It is the intent of the Legislature to prevent the use of police canines for the purpose of arrest, apprehension, or any form of crowd control.~~

~~(b) A peace officer shall not use an unleashed police canine to arrest or apprehend a person.~~

~~(c) A police canine shall not be used for crowd control at any assembly, protest, or demonstration.~~

~~(d) A police canine shall not be used in any circumstance to bite.~~

~~(e) A law enforcement agency shall not authorize any use or training of a police canine that is inconsistent with this section.~~

~~(f) This section shall not be interpreted as to prevent the use of police canines by law enforcement for purposes of search and rescue, explosives detection, and narcotics detection that do not involve biting.~~

~~SECTION 1. (a) The use of police canines has been a mainstay in this country's dehumanizing, cruel, and violent abuse of Black Americans and people of color for centuries. First used by slave catchers, police canines are a violent carry-over from America's dark past. In recent decades, they have been used in brutal attempts to quell the Civil Rights Movement, the LA Race Riots, and in response to Black Lives Matter protests. The use of police canines make people fear and further distrust the police, resulting in less safety and security for all, especially for communities of color.~~

~~(b) The use of police canines has severe and potentially deadly consequences for bite victims. In a Police Assessment Resource Center study of police canine bites, researchers found that bites resulted in hospital visits 67.5 percent of the time. In contrast, other uses of force, including batons and tasers, resulted in hospital visits 22 percent of the time or less. These same researchers found that police canine bites led to permanent physical disfigurement and injuries to bones, blood vessels, nerves, breasts, testicles, faces, noses, and eyes, sometimes causing blindness.~~

~~(c) Per the California Department of Justice Use of Force data from 2021, injuries caused by police canines accounted for nearly 12 percent of cases that resulted in severe injury or death. Of these cases, Black people are more than two times more likely than any other group to be subjected to this use of force.~~

13655.

(a) A department or agency that employs peace officers shall not authorize or allow its employees to wear a uniform that is substantially similar to any uniform of the United States Armed Forces or state active militia.

(b) A department or agency that employs peace officers shall not authorize or allow its employees to wear a uniform that is made from a camouflage printed or patterned material.

(c) For purposes of subdivision (a), a uniform is "substantially similar" if it so resembles an official uniform of the United States Armed Forces or state active militia as to cause an ordinary reasonable person to believe that the person wearing the uniform is a member of the United States Armed Forces or state active militia. A uniform shall not be deemed to be substantially similar to a uniform of the United States Armed Forces or state active militia if it includes at least two of the following three components: a badge or star or facsimile thereof mounted on the chest area, a patch on one or both sleeves displaying the insignia of the employing agency or entity, and the word "Police" or "Sheriff" prominently displayed across the back or chest area of the uniform.

(d) This section applies to personnel who are assigned to uniformed patrol, uniformed crime suppression, or uniformed duty at an event or disturbance, including any personnel that respond to assist at a protest, demonstration, or similar disturbance. It does not apply to members of a Special Weapons and Tactics (SWAT) team, sniper team, or tactical team engaged in a tactical response or operation.

(e) This section does not apply to the Department of Fish and Wildlife.

(Added by Stats. 2020, Ch. 336, Sec. 1. (SB 480) Effective January 1, 2021.)

13660.

(a) Any law enforcement agency that authorizes peace officers to carry an electroshock device shall prohibit that device from being holstered or otherwise carried on the same lateral side of the officer's body as the officer's primary firearm is holstered or otherwise carried.

(b) As used in this section, the following terms have the following meanings:

(1) "Electroshock device" means a taser, stun gun, or similar weapon that is designed to temporarily incapacitate a person through the controlled delivery of an electric shock, and is designed to be held in a manner similar to a pistol and operated using a finger trigger.

(2) "Law enforcement agency" means any agency or department of the state, or any political subdivision thereof, that employs any peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

CA AB 742 Police Canines, Revised 17 March 2023, amended in Assembly, March 15, 2023

(Added by Stats. 2022, Ch. 945, Sec. 1. (AB 1406) Effective January 1, 2023.)

13665.

(a) A police department or sheriff's office shall not share, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

(1) A police department or sheriff's office has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.

(2) A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.

(3) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

(b) (1) A police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime shall remove the booking photo from its social media page within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, unless any of the circumstances described in subdivision (a) exist.

(2) A police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a crime identified in subdivision (c) of Section 667.5 shall remove the booking photo from its social media page within 14 days, upon the request of the individual who is the subject of the social media post or the individual's representative, if the individual or their representative demonstrates any of the following:

(A) The individual's record has been sealed.

(B) The individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law.

(C) The individual has been issued a certificate of rehabilitation.

(D) The individual was found not guilty of the crime for which they were arrested.

(E) The individual was ultimately not charged with the crime or the charges were dismissed.

(3) This subdivision shall apply retroactively to any booking photo shared on social media.

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

(1) "Nonviolent crime" means a crime not identified in subdivision (c) of Section 667.5.

(2) "Social media" has the same meaning as in Section 632.01, except that social media does not include an internet website or an electronic data system developed and administered by the police department or sheriff's office.

(Added by Stats. 2021, Ch. 126, Sec. 2. (AB 1475) Effective January 1, 2022.)

13670.

(a) For purposes of this section:

(1) "Law enforcement agency" means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.

(2) "Law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

(b) Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination. A law enforcement agency shall cooperate in any investigation into these gangs by an inspector general, the Attorney General, or any other authorized agency. Notwithstanding any other law, local agencies may impose greater restrictions on membership and participation in law enforcement gangs, including for discipline and termination purposes.

(c) Except as specifically prohibited by law, a law enforcement agency shall disclose the termination of a peace officer for participation in a law enforcement gang to another law enforcement agency conducting a preemployment background investigation of that former peace officer.

(Added by Stats. 2021, Ch. 408, Sec. 2. (AB 958) Effective January 1, 2022.)

