



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Southern California

June 13, 2025

Chief Robert Rodriguez
Commander Jorge Lopez
Public Information Officer Natalie Garcia
Senior Assistant City Attorney Tamara Bogosian
Santa Ana Police Department
60 Civic Center Plaza
Santa Ana, CA 92701

Sent via email to Public Information Officer Garcia and Senior Assistant City Attorney Bogosian

RE: Use of kinetic energy projectiles and chemical agents at protests in violation of Assembly Bill 48

Chief Rodriguez,

We write with grave concerns about the Santa Ana Police Department’s (“SAPD”) conduct during recent protests, which appear to have violated multiple Assembly Bill 48 (A.B. 48) requirements for use of kinetic energy projectiles and chemical agents. A.B. 48 added Penal Code section 13652, which prohibits the use of kinetic energy projectiles and chemical agents “to disperse any assembly, protest, or demonstration” except in limited circumstances. The Los Angeles Times has reported wanton use of projectiles, leaving protesters with “bloody welts from rubber bullets.”¹ Additional media reporting, recorded video, and first-hand accounts have also shown that SAPD has indiscriminately subjected protesters to tear gas and pepper bullets. Our office has received multiple intakes describing SAPD’s use of kinetic energy projectiles at recent protests in Santa Ana, including episodes that resulted in significant physical injury.

SAPD’s reported use of kinetic energy projectiles and chemical agents, including, but not limited to, rubber bullets, pepper balls, and tear gas, clearly violates the law. As protests continue into this weekend and next week, we urge SAPD to immediately cease their unlawful use of kinetic energy projectiles and chemical agents and to instead allow residents to exercise their First Amendment rights without illegal law enforcement obstruction or abuse.

Under Penal Code section 13852(b), “[k]inetic energy projectiles and chemical agents shall only be deployed by a peace officer . . . if the use is objectively reasonable to defend against a threat

¹ Arrellano, Gustavo, “Protesters Gather at Santa Ana Federal Building: This is the Healthiest Thing to Do,” Los Angeles Times, <https://www.latimes.com/california/story/2025-06-10/immigration-raids-protesters-at-santa-ana-federal-building>

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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. The statute further provides that these projectiles and agents may only be used 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 towards 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.

SAPD's indiscriminate use of kinetic energy projectiles and chemical agents in response to protest conduct that was not "objectively dangerous" and did not pose "a threat to life or serious bodily injury" directly contradicts the statute and is thus impermissible.

Our office would like to meet with you by Wednesday, June 18 to discuss this pressing issue. Please confirm that officers in your Department will follow the requirements of the statute in response to all future protests and provide a date certain by which we can meet.

Sincerely,



Jacob Reisberg
Senior Policy Counsel

Tiffany Bailey

Deputy Director of Police Practices and Criminal Justice Project

Summer Lacey

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