

Date of Hearing: March 21, 2023
Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Reginald Byron Jones-Sawyer, Sr., Chair

AB 742 (Jackson) – As Amended March 15, 2023

SUMMARY: Prohibits the use of canines by peace officers for arrest and apprehension, or in any circumstances to bite a person, but permits their use of canines for search and rescue, explosives detection, and narcotics detection. Specifically, **this bill:**

- 1) States 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.
- 2) Prohibits a peace officer from using an unleashed police canine to arrest or apprehend a person.
- 3) Prohibits a police canine from being used for crowd control at any assembly, protest, or demonstration.
- 4) Prohibits a police canine from being used in any circumstance to bite.
- 5) Prohibits a law enforcement agency from authorizing any use or training of a police canine that is inconsistent with any of the above.
- 6) Provides that police canines may be used by law enforcement for purposes of search and rescue, explosives detection, and narcotics detection that do not involve biting.
- 7) Includes legislative findings and declarations.

EXISTING LAW:

- 1) Authorizes a peace officer who has reasonable cause to believe that person to be arrested has committed a public offense to use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. (Pen. Code, § 835a, subd. (b).)
- 2) Authorizes a peace officer to use deadly force when the officer believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
 - a) To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or,
 - b) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a

peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. (Pen. Code, § 835a, subd. (c)(1)(A) & (B).)

- 3) Prohibits a peace officer from using deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (c)(2).)
- 4) Defines “deadly force” as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm. (Pen. Code, § 835a, subd. (e)(1).)
- 5) Provides that an arrest is made by an actual restraint of the person, or by submission to the custody of an officer, and that the person arrested may be subjected to such restraint as is reasonable for their arrest and detention. (Pen. Code, § 835.)
- 6) Permits a peace officer who authorized to make an arrest and who has stated their intention to do so, to use all necessary means to effect the arrest if the person to be arrested either flees or forcibly resists. (Pen. Code, § 843.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Since their inception, police canines have been used to inflict brutal violence and lifelong trauma on Black Americans and communities of color. It's time to end this cruel and inhumane practice and, instead, work towards building trust between the police and the communities they serve.”
- 2) **Police Canine Use and Deployment Policies:** Law enforcement agencies view the use of police canines as indispensable to protecting the public and law enforcement personnel. According the Los Angeles County Sheriff’s Department,

The prompt and proper utilization of a trained canine team has proven to be a valuable use of a unique resource in law enforcement. When properly used, a canine team greatly increases the degree of safety to citizens within a contained search area, enhances individual officer safety, significantly increases the likelihood of suspect apprehension, and dramatically reduces the amount of time necessary to conduct a search.

(Field Operations Direction (FOD): 86-037 Canine Deployment, Search and Force Policy, at p. 2; see also VanSickle et al., *When Police Violence Is a Dog Bite*, The Marshall Project (Oct. 2, 2020) <<https://www.themarshallproject.org/2020/10/02/when-police-violence-is-a-dog-bite>> [last viewed Mar. 16, 2023] [a joint investigation with USA Today, AL.com, and the Invisible Institute] and Kaste, *Videos Reveal A Close, Gory View of Police Dog Bites*, NPR (Nov. 20, 2017) <<https://www.npr.org/2017/11/20/563973584/videos-reveal-a-close-gory-view-of-police-dog-bites>> [last visited Mar. 16, 2023].) Despite their importance to law enforcement, the state has offered very little direction to local law enforcement on the use and deployment of police canines.

The Commission on Peace Officer Standards and Training (POST) has minimum training and performance standards for police canines. According to POST, “Patrol K-9 teams should meet minimum standards with regards to obedience, search, apprehension, and handler protection.” (POST Law Enforcement K-9 Guidelines, p. xiii <https://post.ca.gov/Portals/0/post_docs/publications/K-9.pdf> [last viewed Mar. 16, 2023].) POST apprehension guidelines require, “[u]nder the direction of the handler and while off leash, the K-9 will pursue and apprehend a person acting as a ‘suspect’ (agitator/decoy).” It adds, “The K-9 team will demonstrate a pursuit and call off prior to apprehension. On command from the handler, the K-9 will pursue and apprehend the agitator/decoy. From a reasonable distance and on verbal command only, the K-9 will cease the apprehension.” (*Id.* at p. 2.) POST detection guidelines advise “[t]he evaluator [to] be fully apprised of the pertinent agency policies and regulations prior to commencement of the exercise. The ‘correct’ response or reach of the handler, the dog, or the two acting together, may differ from agency to agency, based on prevailing agency policy.” (*Id.* at 5.) The detection exercise duplicates the apprehension procedure, “except in [the detection] scenario the agitator/decoy will not stop and the handler will send the dog to pursue, contact, and apprehend the agitator decoy.” (*Ibid.*) The exercise requires the police canine to “contact and control the agitator/decoy until called off by the handler.” (*Ibid.*) “During the apprehension and on verbal command only from the handler, the dog will disengage the contact.” (*Ibid.*)

These limited training and guidelines leave local law enforcement agencies to come up with their own use and deployment practices and procedures. Some agencies have limited the use of police canines. The Oakland Police Department, for example, provides that a police canine may be used “[t]o search for and assist in the apprehension of criminal suspects when there is reasonable suspicion to believe they committed a *forcible violent crime*, burglary, or a weapon-related offense”; or “[t]o pursue and apprehend criminal suspects who are attempting to actively evade arrest” for a forcible violent crime, burglary, or a weapon-related offense.” (Office of Chief of Police, Oakland Police Department, Revised DGO K-9, Department Canine Program (Aug. 1, 2006) p. 1 <<http://www2.oaklandnet.com/oakca1/groups/police/documents/webcontent/oak059998.pdf>> [last visited Mar. 16, 2023] [emphasis in original].)

Similarly, the Los Angeles County Sheriff’s Department provides for police canine deployment for “[s]earches for felony suspects, or armed misdemeanor suspects, who are wanted for SERIOUS crimes and the circumstances of the situation presents a clear danger to deputy personnel who would otherwise conduct a search without a canine.” (FOD: 86-037, *supra*, at p. 2 [emphasis in original].) The department’s guidelines further provide, “Searches for suspects wanted for Grand Theft Auto shall be limited to those who are reasonably believed to be adults, and are reasonably believed to be the driver of a confirmed stolen vehicle.” (*Ibid.*) Despite these limitations, the Special Counsel to the department recommended “winnowing the list of crimes for which canines should be used.” (33rd Semiannual Report of Special Counsel, Los Angeles County Sheriff’s Department (Sept. 2013) p. 14 <<https://scvtv.com/pdf/lasd100713.pdf>> [last visited Mar. 16, 2023].)

Would more robust statewide training and guidelines reduce the number and severity of injuries from police canine bites?

- 3) **Past Use of Police Dogs:** In July 2022, the California Task Force to Study and Develop Reparations Proposals for African Americans issued an interim report documenting the history of, among other things, the enslavement, racial terror, political disenfranchisement, and mistreatment of African Americans in the justice system. The report briefly discussed the role of police dogs in that history:

Slave patrols also used dogs to attack enslaved people by biting them but also to instill fear, and used bloodhounds to track down enslaved people. Freedom seekers learned to run without shoes and put black pepper in their socks to make the slave patrols' bloodhounds sneeze and throw them off their scent.

Much like slave patrols, police have continued to use dogs against African Americans in the 20th century through the present. Police used dogs against demonstrators during the civil rights movement. The United States Department of Justice noted in its 2015 report that the Ferguson Police Department “exclusively set their dogs against black individuals, often in cases where doing so was not justified by the danger presented.” In Baton Rouge, Louisiana, police dogs bit at least 146 people from 2017 to 2019 and almost all of whom were Black...

In the 1980s, the Los Angeles Police Department, which is the largest police department in California and one of the largest in the country, referred to Black suspects as “dog biscuits.” Victims of police dogs sued and alleged that the department disproportionately used dogs in minority neighborhoods, which resulted in police dogs inflicting 90 percent of their reported bites on African Americans or Latinos. In 2013, the Special Counsel to the Los Angeles County Sheriff’s Department, which is the largest sheriff’s department in California and the country, found that African Americans and Latinos comprised 89 percent of the total individuals who were bitten by the department’s dogs from 2004 to 2012. During the same time, the Special Counsel found that the number of African Americans that police dogs bit increased 33 percent.

(California Task Force to Study and Develop Reparations Proposals for African Americans, Interim Report (June 2022) p. 376, 380 < <https://oag.ca.gov/system/files/media/ab3121-reparations-interim-report-2022.pdf>> [last visited Mar. 16, 2023].)

There remain “stark racial disparities in police interactions and use of force, particularly for Black people.” (Premkumar et al., *Police Use of Force and Misconduct in California*, PPIC (Oct. 2021) <<https://www.ppic.org/publication/police-use-of-force-and-misconduct-in-california/>> [last visited Mar. 16, 2023].)

- 4) **Department of Justice Data on Use of Force Incidents Involving Police Canines:** According to data collected by the DOJ’s Criminal Justice Statistics Center, law enforcement used a police canine in a use of force incident that resulted in serious bodily injury or death 76 times in 2020, accounting for 10.2% of the total such use of force incidents by law enforcement.¹ (DOJ, Use of Force Incident Reporting (2021) p. 30 <[https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE OF FORCE 2020.pdf](https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE_OF_FORCE_2020.pdf)> [last visited

¹ The DOJ’s Use of Force Incident Reporting contains only incidents where use of force resulted in serious bodily injury or death. DOJ, Use of Force Incident Reporting (2021) p. 1 <[https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE OF FORCE 2020.pdf](https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE_OF_FORCE_2020.pdf)> [last visited Mar. 15, 2023].)

Mar. 15, 2023].) Of those 76 incidents, 49 were against persons of color—9 Black individuals, 33 Hispanic individuals, 3 Asian/Pacific Islander individuals, and 2 multi-race individuals. (*Id.* at 34 [2 individuals are identified as “other”].) In 29 of the 76 incidents, the officer did not perceive that the civilian was armed. (*Id.* at 37.) The civilian was later confirmed armed in 24 of the 76 of incidents. (*Id.* at 39.) In two incidents, the civilian did not resist. (*Id.* at 40.)

Moreover, according to the raw data on use of force incidents in 2020, 14 use of force incidents involving canine contact also involved the discharge of a firearm by the officer, six of which resulted in fatalities and three of which resulted in critical or serious injuries. Of those 14 incidents involving the use of both a canine and a firearm, eight were against people of color. (2020 URSUS Use of Force Data.)

In 2021, law enforcement used a canine in a use of force incident that resulted in serious bodily injury or death 77 times, or 11.7% of the total use of force incidents by law enforcement against a civilian. (DOJ, Use of Force Incident Reporting (2021) p. 31 <https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE_OF_FORCE_2021.pdf> [last visited Mar. 15, 2023].) Of those 77 incidents, 50 were against persons of color—13 Black individuals, 36 Hispanic individuals, and 1 American Indian individual. (*Id.* at 35.) In 37 of the 77 incidents, the officer did not perceive that the civilian was armed. (*Id.* at 38.) The civilian was later confirmed armed in 27 of the 77 incidents. (*Id.* at 39.) In five of those incidents the civilian did not resist. (*Id.* at 40.)

- 5) **Police Canine Bites:** Given the history and contemporary uses of police canines by law enforcement, the question is whether this particular law enforcement tool is unique.

Police canines are considered less than lethal. Law enforcement hopes that the presence of a canine will de-escalate a situation by intimidating the sought individual with the threat of a canine attack. The fear is supposed to make the person submit. If they do not surrender, and occasionally even when they do, law enforcement releases the canine who subdues the individual by biting them.

According to canine handlers, a police canine’s bite should not cause serious injury. (VanSickle et al., *supra.*) However, as one report observed, “police videos shows some officers using biting dogs against people who show minimal threat to officers, and a degree of violence that would be unacceptable if inflicted directly by the officers.” (Kaste, *supra.*) A police canine’s bite causes more damage than a domestic dog bite. According to one study, “Police dog bite victims were usually bitten multiple times...were bitten more often in the head, neck, chest, and flank. They were hospitalized more often, underwent more operations and had more invasive diagnostic tests.”

(<<https://www.sciencedirect.com/science/article/pii/S1572346106000596>>.)

Indeed, police canine bites are “strong enough to punch through sheet metal” and have been compared to shark attacks. (VanSickle et al., *supra.*) One article argued that “the police canine needs to be reconceptualized as the physical equivalent of a police baton with spikes three centimeters in length, the approximate length of German Shepherd teeth (i.e., a spiked impact weapon capable of sustained puncturing, compression-pressure, pulling and tearing).” (McCauley et al., *The Police Canine Bite: Force, Injury, and Liability*, The Center for Research in Criminology (Nov. 2008) <[k9-crc-report-11-08-final-for-pds_1_.pdf](https://www.iup.edu/~k9-crc-report-11-08-final-for-pds_1_.pdf) (iup.edu)>

[last visited Mar. 16, 2023].) By comparison, for the purpose of DOJ use of force investigations, a deadly weapon includes a billy or blackjack. (Gov. Code, § 12525.3, subd. (a)(1).)

Moreover, individuals suspected of a crime are not the only ones injured by police canines. Occasionally, a police canine bites an individual who is not a suspect of a crime. (VanSickle et al., *supra*.) Sometimes, a law enforcement officer is the victim. According to NPR, “In 2016, California’s workers compensation system recorded 190 law enforcement officers reporting on-the-job injuries involving police dogs.” (Kaste, *supra*.)

- 6) **Lack of Comprehensive Data:** Efforts to examine the effect and scope of police canine use by law enforcement agencies are stymied by a familiar problem: insufficient data. There currently is no statewide data on the use of police canines. No entity is charged with collecting information that would help contextualize existing practices.

For example, supporters and opponents of the use of police canines by law enforcement dispute the effectiveness of call-off procedures. Police dog-handlers “point out that a dog can be called back after it’s been unleashed — unlike the deployment of a Taser or the firing of a gun.” (Kaste, *supra*.) Indeed, the Los Angeles County Sheriff’s Department reasonably requires a handler to “call off the dog at the first moment the canine can be safely released.” (FOD: 86-037, *supra*, at p. 2.)

But opponents point to instances where police canines do not obey call-off commands by their handlers. One report states, “Although training experts said dogs should release a person after a verbal command, we found dozens of cases where handlers had to yank dogs off, hit them on the head, choke them or use shock collars.” (VanSickle et al., *supra*.) According to another, “Privately, handlers often talk about having trouble getting a dog to ‘out,’ or open its jaws. It’s a concern that comes up on discussion boards, and in this [K9 training video](#).” (Kaste, *supra*.)

Law enforcement does not appear to collect data on the frequency with which police canines obey call-off commands. Some agencies require officers to document how long a bite lasted, but that does not appear to be a consistent practice throughout the state. (See FOD: 86-037, *supra*, at p. 2 [providing that “[w]ithout exception, a reference to the duration of the canine’s contact with a suspect shall be included in the handler’s supplemental report”].)

Would robust data collection and comparative analyses of different agencies’ protocols assist in the development of policies and procedure that would limit the use of police canines to a handful of cases when their use is most justifiable?

- 7) **Bans on Use of Force by Law Enforcement:** The legislature has acted to limit the authority of law enforcement to use specific types of force. Following the death of George Floyd in Minneapolis, MN, California banned the use of carotid restraint control holds by law enforcement. (Gov. Code, § 7286.5; AB 96 (Gipson), Chapter 324, Statutes of 2020.) According to the DOJ’s Use of Force Incident Reporting data, these holds resulted in serious bodily injury or death at similar rates as police canines, and the racial disparities among those who suffered the injuries mirrored those of police canines. For example, of the 60 carotid restraint hold incidents in the year before the ban, 37 were used on people of color (DOJ, Use of Force Incident Reporting (2019) p. 34 <

[openjustice.doj.ca.gov/sites/default/files/2022-08/USE OF FORCE 2019.pdf](https://openjustice.doj.ca.gov/sites/default/files/2022-08/USE_OF_FORCE_2019.pdf)> [last visited Mar. 15, 2023].)

8) Arguments in Support:

- a) According to the *American Civil Liberties Union (ACLU) California Action*, the bill’s sponsor, “The use of police canines has been a mainstay in this country’s violent oppression of Black Americans and people of color for centuries – from their origins with slave patrols, through brutal disruptions of nonviolent protests during the Civil Rights Movement, to their present-day use of savagely attacking and killing community members and terrifying people engaging in peaceful demonstrations. In the 1980s, Los Angeles Police Department officers referred to Black suspects as ‘dog biscuits,’ and as recently as 2015 the US Department of Justice noted that canine units at the Ferguson Police Department exclusively bit Black people, noting that they ‘appear to use canines not to counter a physical threat but to inflict punishment.’ A report by special counsel to the LA County Sheriff’s Department found that over a six-month period, 100 percent of the people bitten by department’s canines were Black or Latino.

“According to the California Department of Justice, between 2020 and 2021 police canine units severely injured or killed more than 180 people, two-thirds of whom were unarmed, and two-thirds of whom were people of color.

“Police canines are bred and trained to ensure that their bite is far more severe than a normal dog bite; their bites have been likened to being attacked by a shark or run over by a car. These attacks often lead to permanent physical disfigurement, with injuries to bones, blood vessels, nerves, breasts, testicles, faces, noses, and eyes, sometimes causing blindness. Moreover, police canines often attack people who are surrendering or otherwise do not pose a threat – including police officers, young children, the bodies of the deceased, and people asleep in their own homes.

“These attacks fail to serve a legitimate public safety interest. Many law enforcement agencies in California do not use police dogs for arrest, apprehension, or crowd control. Those agencies do not have higher rates of police shootings, nor do they have higher rates of police officer injuries or deaths in the line of duty. Officers in those agencies are able to carry out their duties without using these brutal and unnecessary weapons. On the contrary, there is an abundance of evidence demonstrating the danger that police dogs currently pose to the safety and wellbeing of members of the public.

“Attack dogs escalate situations, making situations that could be resolved through safer methods and de-escalation more dangerous. A person who is panicked, terrified, and in pain because a dog is mauling them will not be able to listen to or comply with an officer’s commands; instead, they will instinctually take action to protect themselves by pushing the dog away or using defensive force. Police interpret these natural, instinctual actions – or even people writhing in pain – as threats and reason to use even deadlier force.

“The special counsel overseeing the LA Sheriff’s Department concluded that less harmful alternatives to police dogs can be used to apprehend hiding suspects – including negotiation and tear gas. Senior Sheriff’s Department officials agreed that generally a

suspect barricaded or hiding in a confined area like a shed or closet can be extracted without a dog bite. When police use canines to attack in these situations, they are choosing not to use tactics that could resolve a situation without injuries, and instead deploying a weapon that is guaranteed to result in serious injury or even death.

“Beyond the violence they directly inflict on their victims, police canines make people fear and distrust law enforcement, resulting in less safety and security for all, especially for communities of color. AB 742 would put an end to the serious public safety threat they pose.”

- b) According to the *California Public Defenders Association*: “Police canines have been used against Black Americans at rates far higher than any other population nationally and in California. A study of the use of police dogs by the Los Angeles Police Department showed that canines in the Los Angeles area were leveled solely against people of color for the first six months of 2013, and that the bite ratios against Blacks and Latinos remain disproportionately high. The Journal of Forensic and Legal Medicine last reported that Black people are disproportionately injured by police dogs in the U.S. According to the Marshall Project, police canines have mauled and even killed people who died from their injuries including an 89 year old Filipino man in his own backyard in Hayward, California.

“An article in the New Yorker magazine from March of 2015 offered one possible explanation of why this occurs. “(T)here is one social ill that all detection dogs, even the poorly trained ones, reveal with searing accuracy: the hidden racial prejudices of the police officers who deploy them.” Whatever the reason or explanation, it is simply unacceptable we permit law enforcement to use canines to attack citizens of this state.

“AB 742 is a beginning. While it will not prohibit law enforcement from using canines in investigations, it requires that canines be on leashes and not be used to control crowds.”

9) Arguments in Opposition:

- a) According to the *Los Angeles County Sheriff's Department*, “I am in agreement with the section of the bill that seeks to prohibit the use of canines for crowd control at any assembly, protest, or demonstration. In fact, my current policy resembles this prohibition. However, I cannot support a bill that severely restricts an officer's ability to employ a proven, effective, and less lethal force option that can de-escalate other potentially life-threatening situations.

“In expressing the need for this bill, you refer to a *Bloomberg* news article that in turn refers to a Police Assessment Resource Center (PARC) report published 10 years ago that studied the use of canines in my department. At the time, PARC was a non-profit organization focused on the oversight of police activities.

“Although the PARC report suggested the need to re-evaluate our use of canines, the report in no way suggested a sweeping ban on the use of police canines. In fact, to the contrary, the report highlighted the benefits of the use of police canines. The report stated, ‘Canines are a use of force tool that can play an important role in crisis situations, primarily where a dangerous suspect is hiding from deputies. Used properly,

this tool can greatly enhance the efficiency of resolving the crisis, prevent deputy-involved shootings, and improve officer safety.'

“The PARC report went on to issue a caution and note, ‘The ease of releasing a dog to go bite someone, however, is partly what led the overuse of canines in years past. The severity of a dog bite as a consequence, when compared to a youth joy riding in a car, or someone just running away from officers after committing a low-level crime, has never added up. For this reason, and as the direct result of our negotiations with the LASD, in 1994 the Department drafted its Field Operations Directive to limit the use of canines, and to bring clarity about when they can be used. According to the Directive, canines are only deployed in instances that include, “Searches for felony suspects, or armed misdemeanor suspects, who are wanted for SERIOUS crimes and the circumstances of the situation, present a clear danger to deputy personnel who would otherwise conduct a search without a canine.”’

“The preservation and reverence of human life is one of the core values of any officer. The use of a law enforcement canine and its handler in situations that warrant deployment offers one of the best chances to honor that value. Like any less lethal option, a law enforcement canine is unlikely to directly bring about the death of a suspect. Additionally, the use of a canine enhances officer safety, since any ambush planned by the suspect would not have a human law enforcement officer as its first target.

“My canine deployment policies reflect an understanding of the severe consequences the use of a law enforcement canine may cause. Our canine unit deployments are limited to searches for armed suspects, those who are wanted for serious or violent felonies, and/or where the circumstances of the situation would present a clear physical danger to the law enforcement personnel who would otherwise conduct a search without a canine.

“Our canine units are only deployed after extensive verbal warnings and announcements are given to the suspect, bystanders, and surrounding residents that a canine unit will be deployed. The Los Angeles County Sheriff’s Department plays pre-recorded announcements in both English and Spanish by way of loudspeaker public address systems located in our patrol vehicles and helicopters. We supplement those announcements by requiring the canine handler to repeat the announcements and warnings at the entrance to each property or building prior to the search whenever it is practical to do so. All of that is done in the hopes that an incident can be resolved without incident.

“Often, the mere presence (both audible and visible) of the canine is enough to dissuade criminal acts or compel a suspect in hiding to surrender without incident. In those instances, the canine’s intrinsic value as a de-escalation tool, and a means to obtain a peaceful resolution to a potentially life-threatening situation are most apparent.

“AB 742 would eliminate the use of a less lethal force option that has proven to save lives. It would lessen the chance that a dangerous offender might be taken in safely and would deny yet another measure of personal protection from the men and women who have sworn to uphold the laws of this state.”

- b) According to the *Redondo Beach Police Officers' Association*: "Canine training and use in California are fairly standardized across the State. The California Commission on Peace Officer Standards and Training (POST) has certification standards that all canines must pass once per year and a recommended training standard of 16 hours per month.

"This bill states in part, " ... ***be it in response to the Black Lives Matter protests over the murder of George Floyd, during the Los Angeles Race Riots and the Civil Rights Movement, or by slave catchers, police canines are a carryover from a dark past that is not often discussed.***" There is no argument that the use of dogs in the south during the civil rights movement was abhorrent. However, California in 2023 is not Selma, Alabama, in 1964. As a matter of training, police departments are not currently training police canine teams in tactics related to using police canines for crowd control purposes. There is no curriculum taught in basic police canine school, nor are there any classes or training associated with using police canines for crowd control purposes. There are many reasons for this.

"First and foremost, police canines are not an efficient or appropriate tool for riot control or crowd control purposes. Los Angeles Police Department policy prohibits canines from crowd control, and they were not used during the protests and riots described in the bill. Most Police Departments did not use canines until the 1980s, well after the civil rights marches.

"There is strong legislation today related to combatting bias in policing in California. Removing a de-escalation tool from officers' options, thus decreasing the options available to bring a potentially violent incident to a safe conclusion, does not remove alleged racially biased policing. Continued training combats bias in policing. Removing a tool like a police canine will only lead to more dangerous interactions between the police and violent offenders.

"Another section of the bill states "***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.***" Most injuries due to police canine bites do not conform to the definition of serious bodily injury. Many types of force used by police agencies across California can cause injuries. Each use of force should be considered individually and on its own merits. Police canine usage is no different. Injuries and hospitalizations caused by police canine bites vary by degree. However, these injuries and hospitalizations referenced by the bill are without context. Serious injuries due to canine bites are not typical, and when factored into the amount of police canine deployments is extremely low. In California, it is typical for a canine to locate criminal suspects, who are taken into custody 80 to 90 percent of the time without a bite.

"Death from police canine bites is almost non-existent. Compared to other uses of force (i.e., Taser, batons, firearms), death from a police canine bite has resulted only once in California. Comparatively, death from other forms of force employed by officers in California is much higher. However, the use of force during interactions between police and suspects in California is infrequent when compared to the number of police interactions overall.

"In 2006 the Los Angeles Sheriffs Department noticed an increase in officer involved

shootings following single deputy foot pursuits. Policy was changed and Deputies were required to stop chasing suspects on foot, contain the area and call for a canine to search. After this change, there was a substantial decrease in shootings. Lives were saved.

“In 1990 the Grand Jury in San Diego recommended increasing the number of Police canines to reduce Officer Involved shootings. The Police Department followed the recommendation and shootings decreased. In the 2000's The City of San Diego formed a committee of 71 community members and 66 members of the San Diego Police Department. The purpose of the committee was to address Use of Force and other policing issues. The committee unanimously agreed to expand the canine unit once again, so dogs would be available in every jurisdiction 24 hours a day. Another drop in shootings was seen.

“There has been an increase in California in training related to bias in policing, and Officers are required to complete mandated training. In many cases, police canines are utilized after a criminal incident has occurred, the suspects are believed to be armed, the crime committed was violent, the person is likely to be violent if encountered, and the offender is hiding from the police. Before using a police canine, the person is given a reasonable amount of time and every opportunity to peacefully surrender to the police. They are made aware through numerous announcements that the police are looking for them and that a police canine will be used if they choose not to surrender. The police canine being brought to a scene where a violent crime has been committed is, again, first and foremost, used as a tool for de-escalation. The suspect's race and gender are not factors in the decision to deploy or use a police canine. The factors used are the type of crime, the potential for violence, and whether the offender is armed, among other non-race related factors.”

10) Related Legislation:

- a) AB 79 (Weber), would prohibit a peace officer from using deadly force against or intending to injure, intimidate, or disorient a person by utilizing any unmanned, remotely piloted, powered ground or flying equipment except under specified circumstances. AB 79 is pending hearing in this committee.
- b) AB 1034 (Wilson), would prohibit a law enforcement agency from installing, activating, or using any biometric surveillance system in connection with an officer camera or data collected by an officer camera. AB 104 is pending hearing in this committee.

11) Prior Legislation: AB 1196 (Gibson), Chapter 324, Statutes of 2020, prohibited a law enforcement agency for authorizing the use of a carotid restraint or a choke hold, as defined, and further prohibits techniques or transport methods that involve a substantial risk of positional asphyxia, as defined.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action (Sponsor)
Alliance San Diego

Asian Americans for Community Involvement
Asian Law Alliance
Cair California
California Alliance for Youth and Community Justice
California for Safety and Justice
California Public Defenders Association (CPDA)
California-hawaii State Conference of The NAACP
Californians United for A Responsible Budget
Care First California
Care First Kern
Coalition for Justice and Accountability
Communities United for Restorative Youth Justice (CURYJ)
Drug Policy Alliance
Ella Baker Center for Human Rights
Fair Chance Project
Indivisible CA Statestrong
Initiate Justice
Lawyers' Committee for Civil Rights of The San Francisco Bay Area
Milpa (motivating Individual Leadership for Public Advancement)
NAACP Bakersfield Branch
National Police Accountability Project
Pacific Juvenile Defender Center
People's Budget Orange County
San Francisco Public Defender
San Jose Nikkei Resisters
San Jose Peace and Justice Center
Santa Cruz Barrios Unidos INC.
Silicon Valley De-bug
Smart Justice California
Social Compassion in Legislation
Techequity Collaborative
The Resistance Northridge-indivisible
Underground Grit
Vietnamese American Roundtable
Vietnamese Voluntary Foundation
Young Women's Freedom Center

4 Private Individuals

Opposition

Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
Association of Orange County Deputy Sheriffs
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Coalition of School Safety Professionals
California Fish and Game Warden Supervisors and Managers Association
California Force Instructors' Association

California Fraternal Order of Police
California Peace Officers Association
California Police Chiefs Association
California State Sheriffs' Association
California Statewide Law Enforcement Association
California Wildlife Officers Foundation
Claremont Police Officers Association
Corona Police Officers Association
County of San Joaquin
Culver City Police Officers' Association
Deputy Sheriffs' Association of Monterey County
Fullerton Police Officers' Association
Laguna Beach; City of
Long Beach Police Officers Association
Los Angeles County Sheriff's Department
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Redondo Beach Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
Sacramento County Deputy Sheriffs' Association
San Bernardino County Sheriff's Employees' Benefit Association
Santa Ana Police Officers Association
Shasta; County of
United States Police Canine Association
Upland Police Officers Association
Welsh Terrier Club of Southern California

13 Private Individuals

Analysis Prepared by: Andrew Ironside / PUB. S. / (916) 319-3744