

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 742 (Jackson) – As Amended March 15, 2023

Policy Committee: Public Safety Vote: 6 - 2

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill prohibits the use of police canines by peace officers in specified circumstances.

Specifically, this bill:

- 1) Prohibits a peace officer from using an unleashed police canine to arrest or apprehend a person.
- 2) Prohibits use of a police canine for crowd control at assemblies, protests, and demonstrations.
- 3) Prohibits use of a police canine to bite.
- 4) Prohibits law enforcement agencies from authorizing any use or training of a police canine that is inconsistent with the above prohibitions.

FISCAL EFFECT:

- 1) One-time costs around \$1,200,000 (General Fund) to the California Highway Patrol (CHP) to decommission dual-purpose canines and purchase, train, and certify new canines for detection purposes. CHP currently has 46 dual-purpose canines that are trained in both detection and apprehension. To ensure that these canines do not engage in apprehension activities prohibited by this bill, CHP anticipates retiring and rehousing its existing dual-purpose canines, and replacing them with canines that are trained only for detection.
- 2) Minor, likely absorbable costs (General Fund) to the Commission on Peace Officer Standards and Training Commission (POST) to ensure canine training conforms to the requirements of this bill, and provide updates to law enforcement agencies about this change in law.
- 3) One-time local costs (General Fund/local funds) of an unknown amount to law enforcement agencies that use police canines to conform their policies and trainings to this bill. Local costs to comply with this bill would be subject to reimbursement by the state to the extent that the Commission on State Mandates determines this bill imposes a state-mandated local program.

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) **Use and Oversight of Police Canines.** Police canines used for apprehension are considered a less-than-lethal use of force option for peace officers to deploy when trying to arrest or apprehend a suspect. However, police canines' bites are very powerful, and have resulted in serious injuries to those they bite. In general, police use of force is disproportionately deployed against people of color, particularly Black people. As pointed out in the analysis of this bill by the Assembly Committee of Public Safety, the lack of statewide data on use of police canines makes it difficult to analyze and evaluate outcomes from canine use in the aggregate. Unlike other types of use of force by peace officers, there are no uniform, statewide standards that govern use of police canines for apprehension. POST has developed guidelines for minimum training and performance standards for police canine patrol and detection, but the guidelines are voluntary and were specifically designed to accommodate the varying operational policies of law enforcement agencies. Individual law enforcement agencies may develop their own policies to govern use of police canines and related training. As a result, police canine policies may vary among agencies, and are not subject to statewide standards or oversight.

This bill prohibits use of unleashed police canines for arrest or apprehension, prohibits use of police canines for crowd control in specified circumstances, and prohibits use of police canines to bite in any circumstance. Additionally, the bill prohibits law enforcement agencies from authorizing any use or training of a police canine that is inconsistent with these prohibitions. The bill specifies that it does not prohibit use of police canines for non-biting purposes, including search and rescue, explosives detection, and drug detection, so law enforcement agencies may continue using canines for those purposes. Although the costs resulting from this bill are somewhat uncertain, state costs are likely to be lower than for prior legislation limiting police use of force because there are no mandatory statewide trainings that must be updated or administered as a result of this bill, and not all local law enforcement agencies use police canines.

- 3) **Statement in Support.** According to Californians for Safety and Justice:

According to the California Department of Justice, in 2021 police canine units severely injured or killed nearly 80 people – more than batons, Tasers, or any other weapons besides firearms. 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 bite people who are surrendering or otherwise do not pose a threat – including police officers, young children, and people asleep in their homes. These attacks fail to serve a legitimate public safety interest; on the contrary, they make situations that could be resolved through safer methods and de-escalation more dangerous. [footnotes omitted]

4) **Statement in Opposition.** According to the Association for Los Angeles Deputy Sheriffs:

Police K-9 units are a critical and invaluable non-lethal force option and an effective de-escalation tool. If K- 9 units are eliminated as a force option for police, California law enforcement agencies will lose a specialized and extremely effective de-escalation tool in the use of force continuum. K-9 units are typically deployed in situations which limit risk and danger to their human counterparts. Importantly, K-9's are also the only remaining force option which can be "recalled" or "called off" after being deployed but prior to an apprehension...Despite the claims of the proponents, strong accountability already exists amongst California law enforcement agencies preventing the use of K9s in low-level arrests or non-violent arrests. Additionally, the use of K9s in law enforcement undoubtedly de-escalates most use-of-force incidents, keeping police officers and community members safe, and help to avoid the use of deadly force by providing a less-lethal option.

5) **Prior Legislation.** AB 1196 (Gipson) Chapter 324, Statutes of 2020, prohibited law enforcement agencies from authorizing use of carotid restraints and choke holds.

AB 490 (Gipson) Chapter 407, Statutes of 2021, prohibited law enforcement agencies from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia.

AB 392 (Weber) Chapter 170, Statutes of 2019, revised standards for use of deadly force by peace officers.

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