



**NEVADA
COUNTY**
CALIFORNIA

BOARD OF SUPERVISORS

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NEVADA COUNTY BOARD OF SUPERVISORS

BOARD AGENDA MEMO

MEETING DATE: May 23, 2023

TO: Board of Supervisors

FROM: **Supervisor Lisa Swarthout, District III and Supervisor Sue Hoek, District IV**

SUBJECT: Letter of Opposition to AB 742 (Jackson) proposing to prohibit the use of canines by peace officers for arrest and apprehension, or in any circumstances to bite a person, but permits the use of canines for search and rescue, explosives detection, and narcotics detection.

RECOMMENDATION: Approve and authorize the Chair to sign and submit the attached Letter of Opposition

FUNDING: N/A

BACKGROUND: On February 13, 2023 Assembly Member Jackson introduced AB 742, later amended on March 15, proposing to prohibit 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. As the attached analysis outlines, persisting law authorizes allows the use of canines in cases where 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; and b) to use deadly force when the officer believes, based on the totality of the circumstances, that such force is necessary under certain criteria of the following reasons so long as the subject to the action is believed to pose a danger to themselves or others.

The intent of the bill outlines that the use of canines disproportionately impacts Black American and other communities of color. However, the majority of law enforcement agencies and affiliate associations explain that the use of canines is indispensable to protecting the public and law enforcement personnel. Opponents to the bill include, but are not limited to, thirty-two law enforcement associations including the California State Sheriff's Association.

Nevada County Sheriff Shannan Moon is also in full opposition and identified that canines are a critical tool for rural counties, especially in large areas of responsibility with few officers. Trained canines are considered a less lethal option for a use of force situation. Typically, their presence alone assists with the de-escalation of a high stress incident. Canines also provide added safety for our deputy sheriffs when backup is not available or many miles away. In addition, Nevada County Risk Manager outlined that canines assist in the reduction of officer injury overtime. Combative persons resisting arrest cause more deputy injuries than other types of risks; the presence of a canine unit more often deters an altercation with deputies and thereby promotes a peaceful resolution. Finally, law enforcement canine programs play an important role in officer recruitment strategies and increase morale within the department. Should AB 742 be passed by the legislature and signed into law by the Governor, a critical tool for law enforcement officers would be removed and could place law enforcement in increased risk.

Therefore, we urge the Board of Supervisors to approve and authorize the Chair to sign the attached Letter of Opposition to AB 782 (Jackson).

Sincerely,

Lisa Swarthout
District III Supervisor

Susan Hoek
District IV Supervisor