
THIRD READING

Bill No: AB 400
Author: Pacheco (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 7/1/25

AYES: Arreguín, Seyarto, Caballero, Pérez, Wiener

NO VOTE RECORDED: Gonzalez

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 71-0, 6/2/25 - See last page for vote

SUBJECT: Commission on Peace Officer Standards and Training: police
canines

SOURCE: California Police Chiefs Association

DIGEST: This bill requires, on or before January 1, 2027, the Commission on Peace Officer Standards and Training (POST) to study and issue recommendations to the Legislature on the use of canines by law enforcement, as specified.

ANALYSIS:

Existing law:

- 1) Declares the intent of the Legislature that the authority to use physical force, conferred on peace officers by existing law, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life, and that every person has a right to be free from excessive use of force by officers acting under color of law. (Penal (Pen.) Code, § 835a, subd. (a)(1)).

- 2) Includes a legislative finding and declaration that the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies. (Pen. Code, § 835a, subd. (a)(3)).
- 3) Authorizes a peace officer who has reasonable cause to believe that a 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)).
- 4) Permits a peace officer who is 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).
- 5) Provides that any person owning or having custody or control of a dog trained to fight, attack, or kill is guilty of a felony or a misdemeanor, as specified, except for a veterinarian, on-duty animal control officer while in the performance of his or her duties, or a peace officer if that officer is assigned to a canine unit. (Pen. Code, § 399.5).
- 6) Establishes POST to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites. Authorizes POST to cancel a certificate that was awarded in error or fraudulently obtained; however, POST is prohibited from canceling a properly issued certificate. (Pen. Code, §§ 830-832.10 and 13500 et seq.).
- 7) Provides that POST has, among others, the power to develop and implement programs to increase the effectiveness of law enforcement and, when those programs involve training and education courses, to cooperate with and secure the cooperation of state-level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs. (Pen. Code, § 13500.3, subd. (e)).
- 8) Requires POST to submit annually a report to the Legislature on the overall effectiveness of any additional funding for improving peace officer training, including the number of peace officers trained by law enforcement agency, by course, and by how the training was delivered, as well as the training provided and the descriptions of the training. (Pen. Code, § 13500.5, subd. (a) & (b)).

- 9) Requires POST to develop and deliver training courses for peace officers on a wide array of topics, including, the use of tear gas, SWAT operations, elder abuse, persons with disabilities, behavioral health, technology crimes, sexual assault, first aid, missing persons, gang and drug enforcement, use of force and human trafficking, among others. (Pen. Code, §§13514 – 13519.15).
- 10) Requires POST to implement a course or courses of instruction for the training of law enforcement officers in the use of force and to develop uniform, minimum guidelines for adoption by law enforcement agencies regarding use of force, as specified. (Pen. Code, § 13519.10).
- 11) Requires POST to post on its internet website all current standards, policies, practices, operating procedures and education and training materials, as specified. (Pen. Code, § 13650).
- 12) Requires each law enforcement agency to provide to the Department of Justice, on a monthly basis, a report of all instances when a peace officer that is employed by the agency is involved in shootings and use of force incidents, as specified. (Gov. Code, § 12525.2(a)).

This bill:

- 1) Provides that on or before July 1, 2027, POST shall study and issue recommendations to the Legislature on the use of canines by law enforcement.
- 2) Specifies that POST shall consider all of the following in its recommendations:
 - a) The use of canines by law enforcement personnel is of important concern to the community and law enforcement and law enforcement should safeguard the life, dignity, and liberty of all persons, without prejudice to anyone.
 - b) Officers shall carry out duties, including use of force with respect to canines, in a manner that is fair and unbiased.
 - c) Instances of appropriate patrol use with a canine, including standards for obedience, search, apprehension, and handler protection.
 - d) Instances of appropriate use with a canine for detection, including standards for control, alert, and odor detection.
 - e) Factors for evaluating and reviewing all canine use of force incidents.

- f) Other considerations that will keep the public, the handler, and the canine safe, including how to provide a warning to a suspect within a deployment area upon the potential release of a canine.
- 3) Provides that a report submitted pursuant to this bill must be submitted in compliance with existing laws regarding the submission of a report to the Legislature.
- 4) Specifies that the provisions of this bill are repealed on July 1, 2031.

Comments

California law enforcement agencies view the use of police canines as indispensable to protecting both the public and law enforcement personnel in the discharge of their duties. According to 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.

In 1992, POST approved a set of voluntary guidelines designed to assist agencies with minimum training and performance standards for two primary canine uses: patrol and detection. In January 2014, POST updated these guidelines keeping in mind the more specialized canine team functions that had developed in the two decades since initial publication, and noted that the guidelines “are sufficiently general to accommodate differing agencies’ policies regarding operational deployment of K-9 teams.” These guidelines were updated once again in 2024, although because the 2014 guidelines are no longer available to the public, most specific changes to the guidelines in the latest version could not be ascertained. According to the 2024 guidelines, which will be further discussed in comment 4 below, the “apprehension” competency provides:

Under the direction of the handler and while off leash, the K-9 will pursue and apprehend an agitator/decoy. 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 within a reasonable amount of time, on verbal command only, the K-9 will cease the apprehension. Handlers must

demonstrate a tactical release from a prone agitator/decoy. Handlers will identify supplemental equipment they will have available to aid with the release and demonstrate its use. Supplemental equipment may include but are not limited to breaker bar, e-collar, pinch collar or other devices.

As these guidelines are limited and provide only minimum standards, law enforcement agencies across the state have developed their own policies and practices related to canines. These policies often include standards and definitions that, while not inconsistent, are certainly not uniform, and may be amended completely at the discretion of the agency. For instance, the Sacramento Police Department canine policy sets forth the following:

The SPD's primary use of canines is to safely locate suspects in areas that are difficult or dangerous to search, while preserving the handler's option to use minimal force or avoid force altogether, to apprehend and place the suspect in custody. [...] The SPD primarily deploys canines using voice commands from the handler as a method of control. Repeated notice on the presence of a canine and request to surrender are given during a deployment when possible. The canines are deployed for suspects wanted for violent felonies, specific felonies provided in the policy, other crimes where a suspect is fleeing and officers believe the suspect is armed with a weapon, or when a suspect is actively resisting arrest.

By contrast, the Los Angeles 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 present a clear danger to deputy personnel who would otherwise conduct a search without a canine." Further, while the San Diego Police Department canine policy defines "dog bite" as "any gripping of a person's body or clothing by the dog's mouth, irrespective of injury or damage," the Orange County Sheriff's Office defines "canine bite" as "when there is a break in the skin, however slight."

Effective January 1, 2016, AB 71 (Rodriguez, Chapter 462, Statutes of 2015) required all law enforcement agencies in California to begin collecting specified data regarding use of force incidents and report that data to the DOJ beginning January 1, 2017. Pursuant to AB 71, law enforcement agencies have collected and reported various data elements related to the use of police canines. In 2023, the most recent year for which there is data, there were 94 use of force incidents involving a canine reported to DOJ, which amounted to 14.3% of the total use of force incidents. Arrests were made in 93 of the 94 incidents, and 60 of the 94 incidents were against people of color—12 Black individuals, 44 Hispanic individuals, 2 Asian/Pacific Islander individuals, 1 Asian Indian individual, and

one American Indian individual. The officer did not perceive the individual to be armed in 17 of the 94 incidents, and the civilian was later confirmed to be armed in 70 of the 94 incidents.

In 2024, two members of the Assembly, including the Author of this bill, advanced measures through the Legislature seeking to enact different approaches to regulating the use of police K9s. One measure, AB 2042 (Jackson), would have required POST to develop guidelines for the use of police K9s and required law enforcement agencies, by July 1, 2027, to adopt a K9 policy complying with these guidelines. The bill required that the guidelines include a specific K9 use of force standard, requirements related to apprehension of suspects by unleashed canines, a general prohibition on the use of canines for crowd control, and procedures to minimize harm to innocent bystanders by an unleashed canine. The bill was held in the Senate Appropriations Committee.

AB 3241 (Pacheco), the other of the two measures advanced last year, initially required POST to develop specific guidelines related to police canines and required law enforcement agencies to adopt policies consistent with these standards. An earlier version of the bill also required law enforcement agencies to publish specified data regarding the use of canines, required POST to develop police canine training courses, and critically, included a use of force standard for canines. Ultimately, the POST guideline and training course requirements, as well as the use of force standard, were removed from the bill in Senate Appropriations Committee, and the most recent version only included the data publication requirement and a requirement that POST study and issue recommendations to the Legislature on the use of canines by law enforcement. AB 2042 and AB 3241 were linked by contingent enactment clauses in both bills. Because this language was never removed, when AB 2042 failed in Senate Appropriations and AB 3241 advanced to the Senate Floor, the latter bill was ultimately moved to the Senate Inactive File, where it remained.

This bill, like the most recently amended version of AB 3241 from 2024, requires POST to study and issue recommendations to the Legislature on the use of canines by law enforcement, and requires POST to consider several specified factors in the development of those recommendations.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Unknown, potential costs to the Commission on Peace Officer Standards and Training to study the use of police canines and issue recommendations.

SUPPORT: (Verified 8/29/25)

California Police Chiefs Association (source)
American Kennel Club, INC.
Arcadia Police Officers' Association
Association for Los Angeles Deputy Sheriffs
Brea Police Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Peace Officers Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
League of California Cities
Los Angeles County Professional Peace Officers Association
Los Angeles County Sheriff's Department
Los Angeles School Police Management Association
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
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

OPPOSITION: (Verified 8/29/25)

ACLU California Action
California Public Defenders Association
Californians United for a Responsible Budget
Council on American-Islamic Relations, California
Initiate Justice
Initiate Justice Action

Justice2Jobs Coalition
LA Defensa

ASSEMBLY FLOOR: 71-0, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bonta, Bryan, Elhawary, Jackson, Kalra, Lee, McKinnor, Ward

Prepared by: Alex Barnett / PUB. S. /
9/2/25 17:56:27

**** END ****