

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 400 Author:(Pacheco)

As Amended Ver:September 5, 2025

Majority vote

SUMMARY

- 1) Requires, on or before July 1, 2028, 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.
- 2) Requires POST to 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; and,
 - f) Other considerations 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.

Senate Amendments

- 1) Remove existing bill language requiring every law enforcement agency with a canine unit to maintain a policy for the use of canines, as specified, and instead require the above POST study.
- 2) Changed the date by which POST must complete the study and issue recommendations from July 1, 2027, to July 1, 2028.

COMMENTS

- 1) *As passed by the Assembly:* This bill required every law enforcement agency with a canine unit, on or before January 1, 2027, to maintain a policy for the use of canines by the agency that, at a minimum, complies with the most recent standards established by the Commission on Peace Officer Standards and Training (POST).
- 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.¹

Despite their importance to law enforcement, there is limited direction to local law enforcement on the use and deployment of police canines.

In 2024, POST updated the minimum training and performance standards for police canines. According to POST, "Patrol K-9 teams should meet minimum standards regarding obedience, search, apprehension, control, de-escalation, and tracking/trailing."² POST apprehension guidelines require, "[u]nder the direction of the handler and while off-leash, the K-9 team will pursue and apprehend the agitator/decoy."³ 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."⁴ 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 K-9, or the two acting together, may differ from agency to agency, based on prevailing agency policy."⁵

Regarding "call-off" procedures, POST states that "[t]his function is critical and separates the K-9 from all other less-than-lethal force options in that the handler has the ability to call off the K-9 prior to making contact with the agitator/decoy, within reason, to avoid a use of force."⁶ POST training requires "[t]he K-9 [to] be sent on a directed apprehension, from approximately 30 yards, on a visible and accessible agitator/decoy... Once the K-9 is in the pursuit and committed to the agitator/decoy (approximately halfway), the handler will call off the apprehension using only voice commands."⁷

POST patrol guidelines also provide, "The release of a K-9 to search for or apprehend a suspect should be based upon the handler's reasonable belief that the suspect has committed, is committing, or is threatening to commit a serious offense under any of the following conditions: There is a reasonable belief that the suspect poses an imminent or immediate threat of violence or serious harm to the public or an officer. The suspect is physically resisting or threatening to resist arrest and the use of a K-9 reasonably appears necessary to overcome such resistance. Officers reasonably believe the suspect is

¹ 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 Apr. 4, 2024] [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 Apr. 4, 2024].

² POST, Law Enforcement K-9 Guidelines, p. ix <https://post.ca.gov/Portals/0/post_docs/publications/K-9.pdf> [last viewed Mar. 6, 2025].

³ *Id.* at p. 4.

⁴ *Ibid.*

⁵ *Id.* at 8.

⁶ *Id.* at 7.

⁷ *Ibid.*

concealed in an area where entry by a person would pose a threat to the safety of officers or the public. Unless the handler reasonably believes that it would pose an imminent threat of danger to the officer or other persons or substantially increase the risk of a suspect's escape, a warning, clearly audible, within the deployment area announcing the potential release of a police K-9 if the suspect does not surrender should be given prior to the release of the K-9. Once given, the handler should allow a reasonable opportunity for the suspect to comply with any warning, if feasible."⁸

This bill would require every law enforcement agency with a canine unit, on or before January 1, 2027, to maintain a police for the use of canines by the agency that, at a minimum, complies with the most recent standards established by POST.

- 3) *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.⁹ Of those 76 incidents, 49 were against persons of color—nine Black individuals, 33 Hispanic individuals, three Asian/Pacific Islander individuals, and two multi-race individuals.¹⁰ In 29 of the 76 incidents, the officer did not perceive that the civilian was armed.¹¹ The civilian was later confirmed armed in 24 of the 76 of incidents.¹² In two incidents, the civilian did not resist.¹³

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.¹⁴

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.¹⁵ Of those 77 incidents, 50 were against persons of color—13 Black individuals, 36 Hispanic individuals, and 1 American Indian individual.¹⁶ In 37 of the 77 incidents, the officer did not perceive that the civilian was armed.¹⁷ The civilian was later

⁸ *Id.* at 3.

⁹ 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%20OF%20FORCE%202020.pdf)> [last visited Apr. 4, 2024].)

¹⁰ *Id.* at 34 [2 individuals are identified as "other"].

¹¹ *Id.* at 37.

¹² *Id.* at 39.

¹³ *Id.* at 40.

¹⁴ 2020 URSUS Use of Force Data.

¹⁵ 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](https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE%20OF%20FORCE%202021.pdf)> [last visited Apr. 1, 2024].

¹⁶ *Id.* at 35.

¹⁷ *Id.* at 38.

confirmed armed in 27 of the 77 incidents.¹⁸ In five of those incidents the civilian did not resist.¹⁹

There were 63 use of force incidents involving a canine reported to DOJ in 2022, which amounted to 10.3% of the total use of force incidents.²⁰ Arrests were made in 62 of the 63 incidents, and 49 of the 63 incidents were against people of color—11 Black individuals, 36 Hispanic individuals, and two Asian/Pacific Islander individuals.²¹ The officer did not perceive the individual to be armed in 22 of the 63 incidents.²² The civilian was later confirmed to be armed in 26 of the 63 incidents.²³

The DOJ's 2023 report on the use of force by law enforcement found 94 incidents involving the use of canine, or roughly 14.3% of all reported uses of force.²⁴ Law enforcement made an arrest in 93 of the 94 reported incidents. Of the 94 incidents, police use of force using canines occurred 60 times against people of color—12 Black individuals, 44 Hispanic individuals, one American Indian, one Asian Indian, and two Asian/Pacific Islanders.²⁵ The officer did not perceive the individual to be armed in 17 of 94 incidents, and the civilian was later confirmed not to be armed in 23 of the 94 incidents.²⁶

- 4) *Limitations 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.²⁷ 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.²⁸

According to the Author

"AB 400 will ensure uniformity, accountability, and excellence in the use of police canines throughout our state, enhancing both officer and community safety. By implementing these comprehensive standards, California will continue to lead the nation in responsible and effective law enforcement practices."

Arguments in Support

According to the *California Police Chiefs Association*, a co-sponsor of the bill: "CPCA is committed to supporting legislation that ensures law enforcement agencies operate in a manner

¹⁸ *Id.* at 39.

¹⁹ *Id.* at 40.

²⁰ DOJ, Use of Force Incident Reporting (2022) p. 38 <<https://data-openjustice.doj.ca.gov/sites/default/files/2023-06/USE OF FORCE 2022f.pdf>> [last visited Apr. 1, 2024].

²¹ *Id.* at p. 32.

²² *Id.* at p. 35.

²³ *Id.* at p. 36.

²⁴ DOJ, Use of Force Incident Reporting (2023) p. 29 <<https://data-openjustice.doj.ca.gov/sites/default/files/2024-07/use-of-force-2023.pdf>> [last visited Mar. 5, 2025].

²⁵ *Id.* at p. 33.

²⁶ *Id.* at pp. 36-37.

²⁷ Gov. Code, § 7286.5; AB 96 (Gipson), Chapter 324, Statutes of 2020.

²⁸ DOJ, Use of Force Incident Reporting (2019) p. 34 <<https://data-openjustice.doj.ca.gov/sites/default/files/2022-08/USE OF FORCE 2019.pdf>> [last visited Apr. 4, 2024].

that prioritizes both public safety and the responsible use of force. Police K9 units have long been a valuable tool for law enforcement in executing critical duties such as tracking suspects, detecting narcotics, and ensuring officer safety in dangerous situations. It is essential that their use is governed by clear, up-to-date, and comprehensive policies that reflect best practices and maintain public trust.

"AB 400 mandates that, by January 1, 2027, every law enforcement agency with a K9 unit must have a policy that complies with POST's most recent standards for the use of K9s. This ensures that agencies adopt uniform, high-quality protocols that protect both the public and law enforcement officers.

"We understand the critical importance of ensuring that all law enforcement agencies adhere to consistent, evidence-based standards that improve public safety while maintaining a commitment to transparency and accountability. By supporting this bill, we believe California will further strengthen its leadership in responsible and professional law enforcement practices."

Arguments in Opposition

According to *Initiate Justice Action*, "Police dogs are currently used in a number of problematic ways. Despite what law enforcement tells us, public records from the last few years show that out of the hundreds of Californians who were disfigured by attack dogs, most were unarmed, about half exhibited signs of mental crisis before the dog was released, and many were suspected only of a minor offense, or no offense at all. In Richmond, police dogs caused 60% of all use of force incidents resulting in great bodily injury or death over a six-year period. Clearly, the Legislature must limit the use of these dogs as it does other severe uses of force by police. Unfortunately, AB 400 is not the answer.

"Beyond reviving language the Legislature recently rejected, POST's latest guidelines will not solve any issues as they simply repeat the policies most agencies already have in place, including those with proven records of abusively deploying police dogs. For example, every part of Bakersfield Police Department's canine apprehension policy, written by Lexipol, is found in POST's latest guidelines. And these policies have completely failed to stop egregious practices in Bakersfield – 89% of police dog attacks resulting in severe injuries were against Black or Latine residents, a federal DOJ investigation concluded that Bakersfield PD used police dogs "primarily" to "apprehend persons under the influence of drugs and/or alcohol or persons with mental illness," and an alarming 97% of dog deployments *were not* to "defend another or self." Instead of requiring substantial reform in light of these facts, AB 400 would give state approval to Bakersfield PD's policy, and the policies of most agencies, as is.

"Year after year, news articles report police dogs mauling or killing innocent Californians. In addition to the unimaginable human cost, these incidents also lead to million-dollar settlements out of local government budgets. Californians deserve real solutions to this problem. Sadly, AB 400 greatly misses the mark."

FISCAL COMMENTS

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."

VOTES:**ASM PUBLIC SAFETY: 8-0-1**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Sharp-Collins

ABS, ABST OR NV: Ramos

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 71-0-8

YES: 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

ABS, ABST OR NV: Bonta, Bryan, Elhawary, Jackson, Kalra, Lee, McKinnor, Ward

UPDATED

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