
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 400 **Hearing Date:** July 1, 2025
Author: Pacheco
Version: February 4, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Law enforcement: police canines*

HISTORY

Source: California Police Chiefs Association

Prior Legislation: AB 3241 (Pacheco), died on Senate Inactive File, 2024
AB 2042 (Jackson), held in Senate Appropriations, 2024
AB 742 (Jackson), died on Assembly Inactive File, 2023

Support: 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 Police Chiefs 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: 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 Vote: 71 - 0

PURPOSE

The purpose of this bill is to require, on or before January 1, 2027, every law enforcement agency with a canine unit to maintain a policy for the use of canines that, at a minimum, complies with the most recent standards established by the Commission on Peace Officer Standards and Training (POST).

Existing law 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. (Pen. Code, § 835a, subd. (a)(1).)

Existing law 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).)

Existing law 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).)

Existing law 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.)

Existing law 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.)

Existing law 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.)

Existing law 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).)

Existing law 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).)

Existing law 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.)

Existing law 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.)

Existing law 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.)

Existing law 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 provides that on or before January 1, 2027, every law enforcement agency with a canine unit shall maintain a policy for the use of canines by that agency that, at a minimum, complies with the most recent standards established by POST.

This bill defines “law enforcement agency” as any department or agency of the state or local government, special district, or other political subdivision thereof that employs any peace officer, as provided.

COMMENTS

1. Need for This Bill

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.

2. Background on Use of Police Canines

Brief History of Police Canines

While the use of canines in connection with personal and civil security can be traced back centuries, the practice of utilizing canines in the modern law enforcement context dates to roughly the late-19th Century. In the 1890s, police departments in France and Germany began deploying police dogs to control rampant gang activity, and in 1899, the first police canine training facility was established in the city of Ghent, Belgium in 1899, where the Malinois breed became the industry standard due to its intelligence and agility.¹ Word of the practice spread and

¹ Handy, William et al. “The K-9 Corps: The Use of Dogs in Police Work.” *Journal of Criminal Law and Criminology*, Vol. 52; Issue 3. Fall 1961, at p. 328. [The K-9 Corps: The Use of Dogs in Police Work \(northwestern.edu\)](https://www.northwestern.edu); Wasilczuk, Madalyn. “The Racialized Violence of Police Canine Force.” 11 *Georgetown Law Journal*. 1125, 1130, 1156-57 (2023). [The Racialized Violence of Police Canine Force \(georgetown.edu\)](https://www.georgetown.edu)

in 1907, New York City Police Commissioner Theodore Bingham implemented a police canine program in that city, but was met with only moderate success.² Consequently, dogs were used only sporadically in American police work until the early 1950's, when the successful use of canines during World War 2 and by the London police inspired renewed efforts in this country. Between 1958 and 1958, over roughly 40 new police canine programs were established in the United States, including the 'preeminent' St. Louis program. By the 1960s, police canine units had become ubiquitous, with hundreds of such units having been established across the country.³

This dramatic increase in police canine units coincided with America's racial, political and cultural upheaval in the 1960s. Supporters of the practice lionized the use of police dogs as crime-fighters and riot controllers – one Baltimore canine officer at the time concluded that “the dog is the most potent, versatile weapon ever invented,” and noted that a gun couldn't shoot around a corner, but a dog could.⁴ However, a surge of police canine programs were discontinued in 1965 after the brutal use of dogs against civil rights and anti-war protestors. As one scholar on the topic notes:

Iconic images of German shepherds attacking students appeared in newspapers across the country. The photographs, like the protests themselves, evoked disparate meaning depending on the racial positionality of the viewer, [but] depictions of the police response to protests in the white mainstream press often failed to capture the full brutality of police dogs.⁵

Despite a brief reduction in police canine units during the Civil Rights era of the late 1960s, the mid-1970s saw a resurgence of implementation nationwide. As incarceration and police agency budgets increased into the 1980s, “the white cultural memory of police dog terror faded quickly, giving way to dogs' role as furry police mascots.”⁶ During this period, the role of police dogs expanded significantly, encompassing an array of functions including detection (primarily of narcotics and explosives), search and rescue, apprehension, and patrol, operating in scenarios where it is either too dangerous or too difficult for a human officer to accomplish an objective.

Critics of the use of police canines, including several groups in opposition to this bill, argue that the unnecessary and disparate harms that characterized the use of police dogs throughout history persist today. In particular, they argue that police use attack dogs to inflict serious injuries on people who do not in fact pose a threat to officers or the public, that canines are too often used to perpetrate racialized violence and threaten individuals experiencing behavioral health crises, that police are often unable to control canines leading to attacks on bystanders, and that state law and police canine policies fail to prevent unnecessary violence or hold operators accountable.⁷

² Handy, *supra*, p. 329.

³ Wasilczuk, *supra*, pp. 1140-1141

⁴ Wills, Matthew. “The Police Dog As Weapon of Racial Terror.” JSTOR Daily. 9 February 2023. [The Police Dog As Weapon of Racial Terror - JSTOR Daily](#)

⁵ Wasilczuk, *supra*, pp. 1141-1142.

⁶ *Ibid.* Scruff McGruff, the anthropomorphic police crime dog, created in 1980 by the National Crime Prevention Council, is emblematic of this shift. [McGruff History - National Crime Prevention Council \(ncpc.org\)](#)

⁷ “Weaponizing Dogs: The Brutal and Outdated Practice of Police Attack Dogs.” American Civil Liberties Union. January 2024. At p. 3. [ACLUReport Weaponizing-Dogs_1.10.2024.pdf \(aclucalaction.org\)](#)

Existing Statewide and Local Agency Canine Policies

California law enforcement agencies view the use of police canines as indispensable to protecting the 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.⁸

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.”⁹ 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.¹⁰

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

⁸ Los Angeles County Sheriff's Department, Field Operations Direction (FOD): 86-037 Canine Deployment, Search and Force Policy. [86-037 Canine Deployment, Search and Force Policy - PARS Public Viewer \(lasd.org\)](https://www.lasd.org/86-037-Canine-Deployment-Search-and-Force-Policy-PARS-Public-Viewer-lasd.org)

⁹ “POST Law Enforcement K-9 Guidelines.” Commission on Peace Officer Standards and Training. January 2014. *No longer available online.*

¹⁰ *Ibid.* These guidelines total roughly 10 total pages of instructive content.

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.¹¹

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."¹² 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."¹³

3. Use of Force Data on Police Canines

Effective January 1, 2016, AB 71 (Rodriguez, Ch. 462, Stats. 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 2020, law enforcement used a police canine in a use of force incident that resulted in serious bodily injury or death 76 times, accounting for 10.2% of the total such use of force incidents by law enforcement.¹⁴ 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. In 29 of the 76 incidents, the officer did not perceive that the civilian was armed. The civilian was later confirmed armed in 24 of the 76 of incidents. In two incidents, the civilian did not resist. 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.¹⁵

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. Of those 77 incidents, 50 were against persons of color—13 Black individuals, 36 Hispanic individuals, and 1 American Indian individual. In 37 of the 77 incidents, the officer did not perceive that the civilian was armed. The civilian was later confirmed armed in 27 of the 77 incidents. In five of those incidents the civilian did not resist.¹⁶

¹¹ Sacramento Police Department General Orders: 580.14, "Use of Canines." 27 June 2022. [GO-58014--Use-of-Canines.pdf \(cityofsacramento.gov\)](https://www.cityofsacramento.gov/GO-58014--Use-of-Canines.pdf)

¹² FOD 86-037, *supra*.

¹³ "San Diego Police Department Canine Unit Operations Manual." Revised August 2019, at p. 31. [canineopsmanualaugust2019-redacted.pdf \(sandiego.gov\)](https://www.sandiego.gov/canineopsmanualaugust2019-redacted.pdf); Orange County Sheriff-Coroner Department: SD Policy Manual. Policy 318, p. 1. [Policy 318 Canine Program.pdf \(ocsheriff.gov\)](https://www.ocsheriff.gov/Policy%20318%20Canine%20Program.pdf)

¹⁴ The DOJ's Use of Force Incident Reporting contains only incidents where use of force resulted in serious bodily injury or death – thus it does not reflect all canine deployments, or even all canine deployments where a canine made contact with an individual.

¹⁵ DOJ, Use of Force Incident Reporting (2020), pp. 30-40. [USE OF FORCE 2020.pdf \(ca.gov\)](https://www.doj.ca.gov/USE-OF-FORCE-2020.pdf)

¹⁶ DOJ, Use of Force Incident Reporting (2021) pp. 30-40. [Use of Force Incident Reporting 2021 \(ca.gov\)](https://www.doj.ca.gov/USE-OF-FORCE-2021.pdf)

In 2022, there were 63 use of force incidents involving a canine reported to DOJ, which amounted to 10.3% of the total use of force incidents. 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 2 Asian/Pacific Islander individuals. The officer did not perceive the individual to be armed in 22 of the 63 incidents. The civilian was later confirmed to be armed in 26 of the 63 incidents.¹⁷

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.¹⁸

4. Prior Legislation and Effect of This Bill

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), 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. AB 2042 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.

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.

As mentioned above, POST updated its K9 guidelines in 2024, and in doing so, incorporated much of the language from the earlier version of AB 3241 described in the previous paragraph. That is, the 2024 POST K9 guidelines reflect the guidelines required in AB 3241, and also incorporate AB 3241's use of force standard as its "patrol guidelines," which state the following:

¹⁷ DOJ, Use of Force Incident Reporting (2022) pp. 30-40. [USE OF FORCE 2022f.pdf \(ca.gov\)](#)

¹⁸ DOJ, Use of Force Incident Reporting (2023) pp. 30-40. [2023 - Use of Force Incident Reporting - Criminal Justice Statistics Center - California Department of Justice](#)

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:

1. 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.
2. The suspect is physically resisting or threatening to resist arrest and the use of a K-9 reasonably appears necessary to overcome such resistance.
3. Officers reasonably believe the suspect is concealed in an area where entry by a person would pose a threat to the safety of officers or the public.
4. 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.
5. Once given, the handler should allow a reasonable opportunity for the suspect to comply with any warning, if feasible as defined in Government Code section 7286.

In general, the K-9 should not be used for crowd control at an assembly, protest, or demonstration.¹⁹

This bill requires every law enforcement agency with a canine unit, on or before January 1, 2027, to maintain a policy for the use of canines by that agency that, at a minimum, complies with the most recent standards established by POST. Consequently, if this bill is signed, law enforcement agencies with canine units will be required to comply with guidelines adapted verbatim from a measure that never advanced out of the Legislature. The Committee should be aware that the use of force standard included in the latest POST guidelines was removed from AB 3241 in committee amendments prior to the bill passing out of this committee.

5. Argument in Support

According to the California Peace Officers' Association:

The California Peace Officers' Association supports Assembly Bill 400 (Pacheco) which enhances the responsible use of police K9 units across California. Our state has a duty to ensure that law enforcement agencies operate with policies that prioritize public safety, officer protection, and community trust. AB 400 takes an important step toward achieving this goal by establishing clear, consistent, and modern standards for the deployment of K9 units. Police K9s are an indispensable asset to law enforcement, assisting in vital tasks such as tracking suspects, detecting illegal substances, and safeguarding officers in high-risk situations. However, their effectiveness and legitimacy depend on the existence of comprehensive, up-to-date policies that reflect best practices.

AB 400 addresses this need by requiring all law enforcement agencies with K9 units to adopt policies aligned with the most recent standards set by the California

¹⁹"POST Law Enforcement K-9 Guidelines." Commission on Peace Officer Standards and Training. November 2024, p. 3. [K-9 Guidelines](#)

Commission on Peace Officer Standards and Training (POST) by January 1, 2027. This mandate ensures uniformity and excellence in K9 operations statewide. AB 400 promotes transparency and accountability while reinforcing public confidence in law enforcement. It recognizes the dual importance of supporting our officers in their duties and protecting the communities they serve. This bill is a practical and forward-thinking measure that will help California maintain its position as a leader in professional and ethical policing practices.

6. Argument in Opposition

According to ACLU California Action:

AB 400's fundamental flaw is its reliance on POST to come up with genuine limitations on the use of police attack dogs – an approach the Legislature rejected just last year. Time and time again, POST has allowed police special interest groups, such as Lexipol and PORAC, to undermine use of force policies and trainings in ways that endanger public safety for all Californians. With this experience in mind, the Legislature rejected AB 3241's initial approach of asking POST to create guidelines for the use of police attack dogs. Instead, the Senate Appropriations Committee amended the bill to require POST to study the issue of police attack dog violence and issue recommendations to the Legislature. That version of the bill was never voted on by the full Senate. Rather than continue the debate where it left off, in the summer that followed, POST updated its canine standards to repeat verbatim the very same lackluster standards contained within the previous version of AB 3241. In an attempt to obfuscate the legislative process, AB 400 now asks the Legislature to approve POST's faulty standards as statewide policy instead of following last year's request for a study or allowing the Legislature to set the much-needed limits themselves. Moreover it is inappropriate for the Legislature to make POST's standards statewide policy while conversations about the need for amendments are ongoing within POST.

AB 400 will continue to allow law enforcement officers to use police dogs to indiscriminately harm vulnerable Californians based on law enforcement's reliance on the Fourth Amendment's vague "reasonableness" standard. The POST standards that AB 400 would require police agencies to adopt repeat the same flaw, with a focus on the "reasonable belief" of individual officers. This standard that falls short of the U.S. Department of Justice's best practice of only using police dogs when a person is suspected of being armed or committing a violent crime. While the recent POST standards refer to deploying dogs in response to a "serious offense", the standards will not limit law enforcement officers improper deployment of canines because the phrase is not tethered to a clear legislative definition. This opens the door to agencies using a definition of "serious offense" that captures the entire spectrum of harmless conduct they currently respond to with vicious dogs, such as public intoxication.

– END –