
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2023 - 2024 Regular Session

AB 2042 (Jackson) - Police canines: guidelines

Version: July 3, 2024

Urgency: No

Hearing Date: August 5, 2024

Policy Vote: PUB. S. 4 - 0

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: AB 2024 would require the Commission on Peace Officer Standards and Training (POST), to develop guidelines for the use of canines by law enforcement and require law enforcement agencies to adopt a policy for the use of canines, as specified.

Fiscal Impact:

- POST indicates significant one-time state costs (General Fund) to develop the guidelines required by this bill, from \$250,000-\$400,000. POST also indicates potential absorbable ongoing costs to occasionally update the guidelines.
- Unknown, potentially significant state costs (General Fund) to the California Highway Patrol (CHP) to implement this bill. CHP indicates that the department may have costs exceeding existing resources to comply with the requirements of this bill. However, those costs are contingent upon the POST guidelines to be released by July 1, 2026, at which point the department may request a BCP.
- Unknown, potentially significant state costs (General Fund) to the California Department of Parks and Recreation (State Parks) to implement this bill. State Parks indicates the department may have costs exceeding existing resources to comply with the requirements in these bills. However, those costs are contingent upon the POST guidelines to be released by July 1, 2026, at which point the department may request a BCP.
- Likely minor and absorbable costs to the California Department of Corrections and Rehabilitation (CDCR) to implement this bill.
- Possibly reimbursable costs (local funds, General Fund) of an unknown but significant amount to law enforcement agencies to adopt canine policies that meet POST standards. Notably, this requirement appears to apply to each law enforcement agency in the state, regardless of whether the agency has a canine unit. Taken together, one-time costs may be in the hundreds of thousands to millions of dollars. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

Background: Police canines used for apprehension are considered a less-than-lethal use of force option for law enforcement officers to deploy when trying to arrest or apprehend a suspect. However, police canines' bites have resulted in serious injuries.

In general, police use of force is disproportionately deployed against people of color. As pointed out in the analyses of this bill by the Senate Committee on Public Safety and the Assembly Committee on Public Safety, the lack of statewide data on use of police canines makes it difficult to analyze and evaluate outcomes from canine use.

Unlike other types of use of force by peace officers, there are no uniform, statewide standards that govern use of police canines. 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.

Proposed Law:

- Requires POST, on or before January 1, 2026, to develop guidelines for the use of canines by law enforcement.
- Provides that the guidelines shall be comprehensive and shall establish specified requirements.
- Specifies that POST may periodically amend the guidelines.
- Requires, on or before July 1, 2027, each law enforcement agency with a canine unit to adopt a policy for the use of canines by the agency that, at a minimum, complies with the guidelines developed by POST.
- Contains a contingent enactment provision, specifying that the bill shall only become operative if AB 3241 is enacted and becomes effective on or before January 1, 2025.

Related Legislation:

- AB 3241 (Pacheco) also requires POST to develop guidelines for the use of canines by law enforcement and requires law enforcement agencies to adopt a policy for the use of canines, as specified. AB 3241 is pending in this Committee.
- AB 742 (Jackson), of the 2023-2024 Legislative Session, would have prohibited 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. AB 742 was ordered to the inactive file in the Assembly.