

Date of Hearing: April 18, 2017

Consultant: Adam Smith

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 1199 (Nazarian) – As Introduced February 17, 2017

SUMMARY: Requires the Commission on Peace Officer Standards and Training (POST) to develop and implement training for peace officers regarding encounters with dogs. Specifically, **this bill:**

- 1) Requires POST to establish and keep updated a course of instruction for the training of law enforcement officers in safe encounters with dogs.
- 2) Provides that the course shall include, but not be limited to the following:
 - a) Understanding the behavior of dogs;
 - b) Tactical considerations and best practices during encounters involving dogs; and
 - c) Safe handling of and appropriate use of force against dogs.
- 3) Requires POST to include this training in the basic course on or before January 1, 2019.
- 4) Requires law enforcement officers who complete the basic course before January 1, 2019, to participate in supplementary training regarding safe encounters with dogs and complete this training on or before January 1, 2021.
- 5) States that further training courses shall be established by POST, as the commission deems necessary, to update the training instruction.
- 6) Defines “law enforcement officer” as “any peace officer of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University Police Departments, any deputy sheriff of a county, or any police officer of a city or of a district authorized by law to maintain a police department.”

EXISTING LAW:

- 1) Establishes the Commission on Peace Officer Training and Standards. (Pen. Code, § 13500.)
- 2) Provides that POST shall develop, and may update, guidelines and minimum standards, for local law enforcement officers in order to raise the level of competency among officers. (Pen. Code, § 13510, subd. (a).)

- 3) Requires POST to conduct research concerning job-related educational standards and job-related selection standards to include vision, hearing, physical ability, and emotional stability and adopt standards supported by this research. (Pen. Code, § 13510, subd. (b).)
- 4) Empowers POST to develop and implement programs to increase the effectiveness of law enforcement. (Pen. Code, §13503.)
- 5) Requires all peace officers to complete an introductory course of training prescribed by POST, demonstrated by passage of an appropriate examination developed by POST. (Pen. Code, § 832, subd. (a).)
- 6) Requires POST to establish a certification program for peace officers, which shall be considered professional certificates. (Pen. Code, § 13510.1, subd. (a).)
- 7) Requires specified categories of law enforcement officers to meet additional training standards pursuant to courses of training certified by POST. (Pen. Code, §§ 13515, subd. (a), 13515.28, 13515.55, 13518, 13518.5.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Current voluntary POST training regarding dog encounters is not enough to ensure the safety of California's cherished pets. Requiring mandatory police officer training will help educate *all* officers to understand the behavior and body language of dogs. Receiving this specialized training will help curb the epidemic of preventable dog shootings and equip officers with the tools and techniques necessary for safe handling of, and appropriate use of force against dogs. Being able to quickly discern between dangerous situations and salvageable ones will help diffuse these encounters so that officers can simultaneously protect citizens, beloved family pets, and themselves."
- 2) **Mandatory Training for Police Encounters with Dogs:** In a report titled "The Problem of Dog-Related Incidents and Encounters" by Community Oriented Policing Services, a component of the United States Department of Justice, data showed that in most police departments, the majority of intentional firearm discharges involve animals, and of those shootings, most frequently dogs. The report cites two primary causes for the frequency of these shootings: reckless dog ownership and insufficient training for law enforcement. <<https://ric-zai-inc.com/Publications/cops-p206-pub.pdf>> (as of April 4, 2017.) Due to the significant attachment that pet owners have to their animals, the fatal use of force against animals often has significant repercussions, including expensive litigation and negative media coverage related to the incidents. The lack of sufficient law enforcement training for dog encounters not only affects pet owners, but also jeopardizes the safety of law enforcement officers since they may be unable to recognize warning signs from pets and may accidentally escalate a situation.

Under current mandatory training standards, officers receive training regarding unusual occurrences, and this includes some information related to animal control problems in general. In addition, POST provides voluntary training materials for police encounters with dogs. AB 1199 would establish more thorough training by requiring POST to meet certain

requirements while developing a mandatory training program for encounters with dogs. By establishing mandatory training for safe encounters with dogs, AB 1199 will provide officers with additional tools and knowledge to avoid dangerous encounters while simultaneously addressing the concerns of California pet owners.

- 3) **Argument in Support:** According to *People for the Ethical Treatment of Animals (PETA)*, “Law-enforcement agencies across the country struggle to achieve balance when handling calls in which animals are present. Dogs, who *The Police Chief* magazine reports are likely to be encountered in 39 percent of residential locations, often are not a threat but are nevertheless shot because of fear and apprehension on the part of officers who have not received adequate training in the assessment of canine behavior. According to the U.S. Department of Justice, proactively creating tactical-response strategies ensures the safety of both dogs and the public, including bystanders and peace officers. Such training provides the tools necessary for officers to assess dogs’ behavior quickly in order to determine whether they pose a threat to the officer. It is crucial that officers, especially in situations in which they are entering private homes, understand that dogs protect their homes and will warn intruders by barking and growling. In most instances, the dogs are not attacking but simply warning, and officers should be trained to identify and defuse such situations, just as they try to do with humans who start shouting during a neighborhood altercation.

“Peace officers encounter dogs in almost every type of interaction with the public, from traffic stops to interviewing witnesses to pursuing suspects. It is vital that they receive the proper training to protect themselves, the dogs, and the public from undue harm.”

- 4) **Argument in Opposition:** According to the *Peace Officers Research Association of California (PORAC)*, “PORAC generally opposes additional mandatory training, as training and which training modules law enforcement manager sends their peace officers to should be based on that community’s needs and agency’s budget. Each time a statute is changed to require mandatory training, that new training mandate will generally replace a specialized optional training module desired by that local agency.

“Finally, peace officers in California have been dealing with animals in our communities for over a century and PORAC is unclear as to why we now need mandatory training to deal with this issue.”

- 5) **Prior Legislation:** SB 1321 (Calderon), of the 2013-2014 Legislative Session, would have stated the intent of the Legislature to enact legislation to require the commission to develop training requirements for peace officers in the humane treatment of canines when encountering canine behavior. SB 1321 died in the Rules Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Social Compassion in Legislation (Sponsor)
 AGWC Rockin’ Rescue
 All About the Animals
 Animal Legal Defense Fund (ALDF)
 Association for Los Angeles Deputy Sheriffs

ASPCA
Best Friends Animal Society
California Animal Control Directors Association
Davey's Voice
Eastwood Ranch Foundation
Greysave Rescue
Humane Society of the United States
Los Angeles Police Protective League
People for the Ethical Treatment of Animals (PETA)
Riverside Sheriffs Association
San Diego Humane Society
San Francisco SPCA
START Rescue
Take Me Home Rescue

Opposition

California State Sheriffs' Association
Peace Officers Research Association of California (PORAC)

Analysis Prepared by: Adam Smith / PUB. S. /