



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

Lili Bosse, Mayor

March 27, 2023

The Honorable Reginald Jones-Sawyer
Chair, Assembly Public Safety Committee
State Capitol, Room 126
Sacramento, CA 95814

Re: AB 742 (Jackson) – Law enforcement: police canines
City of Beverly Hills – OPPOSE

Dear Chair Jones-Sawyer:

On behalf of the City of Beverly Hills, I write to you in respectful **OPPOSITION** to **AB 742 (Jackson)**. Current law allows police officers to use reasonably necessary force when making an arrest and requires them to maintain policies around using that force. However, this bill would make it illegal for law enforcement to use an unleashed police canine to apprehend a suspect and prohibit their use for crowd control.

Police dogs are an invaluable, non-lethal part of agencies across the country. To eliminate the use of canines would be a huge loss for law enforcement in California. It could also potentially create more dangerous environments for criminals during apprehension by removing a non-lethal tool used by officers.

Since January 1, 2018, the Beverly Hills Police Department's Canine Unit has had 259 deployments (patrol, not including detection) with 184 suspects located. Eight (8) of the found suspects were physically apprehended (bit) by the canine, a 4.3 percent bite rate. During this same time period, there were no deaths associated with our police canines, nor any injuries requiring extensive medical care.

We believe our police canines frequently assist with the safe apprehension of armed and dangerous suspects and prevent the use of deadly force. For example, in February 2023, there was a police pursuit of a vehicle being driven by a suspected armed and dangerous person. The vehicle became disabled due to a traffic accident and the driver fled on foot into a residential area. A perimeter was established and our police canines were used to search the area. One of the canines indicated there was the potential of a person inside a guest house at one residence. The police officers announced clearly, and loudly, that the person should safely exit the building or the canine would be released into the guest house to perform the search. The armed and dangerous suspect surrendered to police officers with no use of force being required due to the presence of the canine.

Additionally, our City hosts many events including the Golden Globes, Los Angeles Marathon, Vanity Fair Oscar After Party, and many other prominent events as well as hosting visits by the President of the United States. Our police canines have a secondary job performing bomb detection at all of these

events as well as at our election sites. They are truly indispensable for the value they provide to our residents, our businesses, and our visitors.

Finally, every deployment of our canines is well thought out and in compliance with our Department policies. Additionally, due to *Graham v. Connor*, 490 U.S. 386 (1989), which ruled that every claim of excessive force by law enforcement during an arrest, stop, or other seizure of an individual is subject to the objective reasonableness standard of the Fourth Amendment, rather than a substantive due process standard under the Fourteenth Amendment. In other words, the facts and circumstances related to the use of force should drive the analysis, rather than any improper intent or motivation by the officer who used force. Due to this, every bite by a canine needs to be justified including if they release the initial bite and reengage for a subsequent bite.

While we are understanding of the author's intent for this legislation, we are very concerned about removing a non-lethal force for de-escalation and what those potential impacts may mean for safely apprehending a suspect. As noted above, for the past five years, our police canines located 184 suspects and bit 8 of them – a rate of 4.3 percent, with none of the subjects needing serious medical treatment. These statistics are in stark contrast to ones used by the author to justify this legislation.

Our police department utilizes canines to protect the public and our officers from injury at the hands of violent criminals as well as to avoid more lethal intervention when officers encounter violent offenders. Our officers utilize canines to help avoid encounters that might escalate to use of deadly force. Additionally, canines have proven themselves repeatedly as a deterrent to criminal activity. For these reasons, the City of Beverly Hills must respectfully **OPPOSE AB 742**. Thank you for your consideration.

Sincerely,



Lili Bosse
Mayor, City of Beverly Hills

Cc: The Honorable Corey Jackson, Assemblymember, 60th District
Members and Consultants, Public Safety Committee
The Honorable Ben Allen, Senator, 24th District
The Honorable Rick Zbur, Assemblymember, 51st District
Andrew K. Antwih, Shaw Yoder Antwih Schmelzer & Lange