

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 57 (Gabriel) – As Amended March 25, 2021

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires the Department of Justice (DOJ) to conduct a review, every three years, of every law enforcement agencies (LEA) hate crimes policy and hate crimes statistical data for accuracy. Specifically, this bill:

- 1) Requires the Commission on Peace Officer Standards and Training (POST) make the November 2017 “Hate Crimes: Identification and Investigation” video (Hate Crimes Video) available to stream via the POST learning portal.
- 2) Requires each peace officer, on or before January 1, 2023, watch the Hate Crimes Video via the learning portal.
- 3) Requires POST, commencing on or after June 1, 2022, to incorporate the November 2017 video course entitled “Hate Crimes: Identification and Investigation” or any successor video thereto into the basic course curriculum
- 4) Mandates POST to do outreach to all law enforcement agencies to increase awareness of the DOJ’s Hate Crimes Rapid Response Team, as necessary.
- 5) Requires POST to develop and periodically update an interactive refresher course of instruction and training for in-service peace officers on the topic of hate crimes and make the course available via the learning portal.
- 6) Requires the course cover the fundamentals of hate crime law and preliminary investigation of hate crimes incidents, and include updates on recent changes in the law, hate crime trends and best enforcement practices.
- 7) Requires POST to mandate the hate crimes refresher course be taken by in-service peace officers every three years.
- 8) Creates a school based program in conjunction with school districts and local law enforcement agencies aimed at educating students on the negative consequences of, and how to recognize, bias, prejudice, harassment, and violence and report all suspected hate crimes to prevent future hate crimes.

- 9) Adds region-specific data fields to the DOJ hate crimes data base, as recommended by the State Auditor in its 2018 report on hate crimes.

FISCAL EFFECT:

- 1) One-time and annual costs (General Fund (GF)) of approximately \$4.4 million dollars to \$5.4 million dollars to POST for approximately 88,000 peace officers to take the Hate Crimes Video course. POST also estimates approximately \$250,000 to \$500,000 in one-time cost to develop and update an interactive refresher course. POST also estimates as much as \$9 million dollars annually for peace officers to take the hate crimes refresher course, the actual cost depending on the need for officers to rely on overtime to take the refresher course. For example, the California Highway Patrol (CHP) estimates a one-time cost of \$2 million dollars for all its officers to watch the two-hour Hate Crimes Video and an estimated \$1 million dollars annually thereafter for all officers to attend the refresher course every three years.
- 2) Annual costs in the millions of dollar for DOJ to audit as many as 900 LEAs statewide to evaluate the accuracy of each LEA's hate crimes policies and statistical data. Costs are likely to include additional staff, tracking software for regular audits of 900 LEAs and new equipment.

Additional one-time costs (GF) in the hundreds of thousands of dollars for DOJ to create outreach materials for law enforcement agencies on community engagement and hate crime trends. Costs will vary based on how many pieces of outreach materials DOJ will be required to create to reflect the needs of different communities in California.

Additional one-time and annual costs (GF) in excess of \$150,000 for DOJ to coordinate with local school districts to implement an education program aimed at recognizing bias.

- 3) Possible local reimbursable costs (GF/local funds) in the hundreds of thousands of dollars every three years for LEAs to coordinate with DOJ on the accuracy of its hate crime data. Costs will depend on whether DOJ decides it must conduct site visits of LEAs to determine the accuracy of hate crime information. Costs may also include overtime to backfill officers coordinating with DOJ during the review period. The cost to the GF will depend on whether the Commission on State Mandates determines the duties imposed in this bill constitute a reimbursable mandate.
- 4) Possible local reimbursable costs (Proposition 98/GF) in excess of \$150,000 for school districts statewide to coordinate with DOJ and LEAs on implementing bias training for students. There are 977 school districts in California. This bill does not specify whether the proposed program is aimed at a particular age group or if multiple programs will have to be implemented depending on the grade.

COMMENTS:

- 1) **Purpose.** According to the author:

AB 57 would implement specific recommendations from the State Auditor to better prevent, respond to, and document hate crimes in California. Most significantly, AB 57 would strengthen training

requirements for peace officers and require improved guidance, outreach, data collection and reporting by the California Department of Justice.

- 2) **Background.** The POST-certified Regular Basic Training Course is standard for police officers, deputy sheriffs, school district police officers and district attorney investigators, as well as other classifications of peace officers. The basic training includes a minimum of 664 hours of POST-developed training and testing in 42 separate “learning domains.” Most POST-certified basic training academies exceed the 664 hour minimum by 200 or more hours with some academies presenting over 1000 hours of training and testing. Peace officers are also required to undergo periodic continuing education courses. POST is partially funded through penalties, fees and assessments for traffic violations and the POST Training Fund balance has been steadily decreasing over the past several years. The 2019-2020 Budget allocated \$14.9 million dollars in additional GF dollars to restore POST training funding to its historic levels and provide new use of force training. POST’s basic training also includes a learning domain on investigating hate crimes. POST estimates approximately 1,300 peace officers have voluntarily completed the November 2017 video course entitled “Hate Crimes: Identification and Investigation.”

3) Prior Legislation.

- a) AB 301 (Chu), of the 2019 Legislative Session, was similar to this bill in that it required DOJ to carry out various duties related to documenting and responding to hate crimes, including conducting reviews of all law enforcement agencies every three years to evaluate the accuracy of hate crime data reported. AB 301 was held on this committee’s Suspense File.
- b) AB 1052 (Chu), of the 2019 Legislative Session, would have required the POST basic training course on hate crimes to include a specified video, and POST [?] to make the course available on-line and would have required all peace officers to have viewed the course by 2021. AB 1052 was held on the Senate Committee on Appropriations suspense file.
- c) AB 2235 (Gabriel), of the 2020 Legislative Session, was similar to this bill in that it required DOJ to carry out various duties related to documenting and responding to hate crimes, including conducting reviews of all law enforcement agencies every three years to evaluate the accuracy of hate crime data reported. AB 2235 was not heard by the Assembly Committee on Public Safety.