

ASSEMBLY THIRD READING
AB 57 (Gabriel and Chiu)
As Amended May 24, 2021
Majority vote

SUMMARY:

Requires the basic peace officer course curriculum to include instruction on the topic of hate crimes which shall incorporate a specified hate crimes video developed by the Commission on Peace Officer Standards and Training (POST).

Major Provisions

- 1) Requires POST to consult with subject matter experts including but not limited to law enforcement agencies, civil rights groups, academic experts and the DOJ in developing guidelines and a course of instruction on "Hate crimes" for peace officers, and for persons not yet employed as peace officers but are enrolled in a training academy for law enforcement officers.
- 2) 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.
- 3) Provides that POST make the Hate Crimes: Identification and Investigation video available to stream via the learning portal.
- 4) Requires each peace officer, on or before January 1, 2023, to complete the above Hate Crimes video, or any other POST certified hate crimes course via the learning portal or in-person instruction
- 5) Provides that POST shall 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 and make the course available via the learning portal. The course shall cover the fundamentals of hate crime law and preliminary investigation of hate crimes incidents, and shall include updates on recent changes in the law, hate crime trends, and best enforcement practices.
- 6) Requires that the above hate crimes refresher course to be taken by in-service peace officers every six years.
- 7) Requires any local law enforcement agency that adopts or updates a hate crimes policy to include instructions for officers to consider whether there were targeted attacks, or bias references to, symbols of importance or articles of spiritual significance in a particular religion, in order to assist in recognizing religious-bias hate crimes.
- 8) Makes numerous legislative findings and declarations

COMMENTS:

According to the Author:

According to the author, "As hate crimes are on the rise, the Legislature must stand united against hate. Hate-motivated violence isn't theoretical – it deeply impacts our communities in California and it requires a forceful response. 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."

Arguments in Support:

According to the *Simon Wiesenthal Center and Museum of Tolerance*, "AB 57 would implement specific recommendations from the State Auditor to better prevent, respond to and document hate crimes in California. Most importantly, AB 57 strengthens existing training requirements for peace officers and requires improved guidance, outreach, data collection and reporting by the DOJ."

In 2018, the California State Auditor released a report with the key finding that law enforcement agencies have not adequately identified hate crimes, responded to them or reported them to the DOJ. The State Auditor recommended that the DOJ provide better guidance to assist local law enforcement agencies with the identification and investigation of hate crimes and with outreach to vulnerable communities.

Since the beginning of the COVID-19 pandemic, hate incidents directed against both the Asian American and Jewish communities have been on rise. The increase in hate-motivated violence and the increase in the number of hate groups have made improving law enforcement's ability to correctly identify and respond effectively to hate crimes a priority."

Arguments in Opposition:

None.

FISCAL COMMENTS:

According to the Assembly Appropriations Committee, one-time and annual costs (General Fund (GF)) in the low millions of dollars for 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 training course. Actual cost will depend on the need for officers to rely on overtime to take the refresher course.

VOTES:

ASM PUBLIC SAFETY: 8-0-0

YES: Jones-Sawyer, Lackey, Bauer-Kahan, Lee, Quirk, Santiago, Seyarto, Wicks

ASM APPROPRIATIONS: 12-0-4

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

ABS, ABST OR NV: Bigelow, Megan Dahle, Davies, Fong

UPDATED:

VERSION: May 24, 2021

CONSULTANT: Gregory Pagan / PUB. S. / (916) 319-3744

FN: 0000507