
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

AB 57 (Gabriel) - Law enforcement: hate crimes

Version: May 24, 2021

Urgency: No

Hearing Date: July 15, 2021

Policy Vote: PUB. S. 5 - 0

Mandate: No

Consultant: Shaun Naidu

Bill Summary: AB 57 would require the Commission on Peace Officer Standards and Training (POST) to develop and update an interactive hate crimes course for in-service peace officers and to consult with subject-matter experts in developing a hate crimes course for basic training of law enforcement officers. It also would require peace officers to complete one in a list of specified hate crime courses, as specified, and require local law enforcement agencies that adopt or update a hate crime policy to include specified information on recognizing religion-bias hate crimes.

Fiscal Impact:

- **POST:** The commission estimates one-time costs ranging from minimal to as high as \$4.4 million to \$5.4 million for each peace officer to complete a hate crimes course by January 1, 2023. Actual costs would depend on which course is chosen, as POST currently has several certified hate crimes courses that range from 4 to 8 hours. Some of these courses are available at no cost and funded through the commission's Distance Learning Grant Program. The highest cost reflected would be if every officer takes the two-hour POST-facilitated course. (General Fund*)

Costs related to the requirement that in-service peace officers complete the course every six years also is variable and dependent on which course is chosen and if officers take the course during overtime or regular work hours. At the high end, if in-service peace officers take the two-hour POST-facilitated course all during the same year in overtime hours, costs to POST would be \$13.5 million. If it was charged at regular work hour rates, costs to POST would be \$9 million. If participation in the course is spread relatively evenly every year across the six-year period, annual costs to POST would be \$1.5 to \$2.25 million in overtime hours. (General Fund*)

Additionally, POST one-time costs of between \$250,000 and \$300,000 to develop an interactive course and costs of \$250,000 for each periodic update to the course. (General Fund*)

- **California Highway Patrol:** The department estimates costs of \$2 million if all of its officers are required to complete the two-hour POST-facilitated course and unknown costs for its in-service officers to attend a renewal course every six years, as these costs would depend on which course is chosen and the duration of that course. The department does not seek reimbursement from POST for its officers for these types of training. (Special fund**)
- **Department of Parks and Recreation:** The department estimates training costs of roughly \$110,000 for its 600 peace officers. Additionally, it may incur approximately

\$100,000 in one-time costs if new or revised POST guidelines resulting from this measure require the department to update its own policies. (General Fund)

*State Penalty Fund—structurally imbalanced

**Motor Vehicle Account, State Transportation Fund

Background: According to the analysis of this bill by the Assembly Committee on Appropriations:

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’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.”

Proposed Law: This bill would:

- Require POST to develop and periodically update an interactive 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.
- Require the course to cover the fundamentals of hate crime law and preliminary investigation of hate crime incidents and include updates on recent changes in the law, hate crime trends, and best enforcement practices.
- Require each peace officer, by January 1, 2023, and all in-service peace officers every six years, to take one of the following courses:
 - The course mentioned above (to be developed by POST).
 - The November 2017 video-facilitated course developed by POST entitled “Hate Crimes: Identification and Investigation.”
 - Any other POST-certified hate crimes course via the learning portal or in-person instruction.
- Require POST, for any basic course starting on or after June 1, 2022, to incorporate the November 2017 video course entitled “Hate Crimes: Identification and Investigation,” or any successor video, into the basic course curriculum and to make the video course available to stream via the learning portal.
- Require POST to consult with subject-matter experts, including law enforcement agencies, civil rights groups, and academic experts, and the Department of Justice, in developing guidelines and a course of instruction and training addressing hate crimes, as defined, for basic training.
- Require local law enforcement agencies that adopt or update a hate crime policy to include specified information on recognizing religion-bias hate crimes.
- Make a number of legislative findings and declarations.

Related Legislation: AB 1052 (Chu, 2019-2020 Reg. Sess.) would have required POST to incorporate a specific hate crimes video into the law enforcement officer basic training requirements and to develop a mandatory in-service hate crimes refresher course, as specified. AB 1052 was held on the Suspense File of this Committee.

AB 2236 (Gabriel, 2019-2020 Reg. Sess.) would have required POST to develop a hate crimes refresher course for in-service peace officers to be taken every five years. AB 2236 was held on the Suspense File of the Assembly Committee on Appropriations.

Staff Comments: Historically, officer training time costs paid by POST have been funded through fines, fees, and assessments for criminal and traffic violations deposited into the State Penalty Fund. The fund balance, however, has been declining continuously over the years due in large part to dropping revenue through the collection of fines and fees. The decline in revenue has led to the General Fund backfilling POST costs. For example, the Budget Act of 2021 appropriates \$35.102 million to POST for peace officer training. Consequently, costs to POST resulting from AB 57 likely would lead to an increase in General Fund backfilling to facilitate the commission's compliance with the measure.

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