

CONCURRENCE IN SENATE AMENDMENTS  
AB 57 (Gabriel and Chiu)  
As Amended August 26, 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).

### Senate Amendments

Make development of the course contingent on funding in the annual Budget Act or other statute.

## COMMENTS

*As Passed by the Assembly, this bill:*

- 1) Required 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) Required 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) Provided that POST make the Hate Crimes: Identification and Investigation video available to stream via the learning portal.
- 4) Required 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) Provided 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) Required that the above hate crimes refresher course to be taken by in-service peace officers every six years.
- 7) Required 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) Made numerous legislative findings and declarations.

### **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 on file.

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee:

- 1) 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 in one year. 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\*)

- 2) 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\*\*)
- 3) 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

## 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

### ASSEMBLY FLOOR: 79-0-0

**YES:** Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

### SENATE FLOOR: 38-0-2

**YES:** Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Eggman, Stern

**UPDATED**

VERSION: August 26, 2021

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