

June 7, 2020

The Honorable Joyce E. Dudley, Chair  
Commission on Peace Officer Standards and Training  
c/o County of Santa Barbara District Attorney's Office  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

Manuel Alvarez, Jr., Executive Director  
Commission on Peace Officer Standards and Training  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605

Subject: Hate Crimes

Dear Ms. Dudley and Mr. Alvarez:

As leaders of California civil rights groups, we wish to express our gratitude to POST for the 2019 model hate crime policy pursuant to AB 1985 (Ting) of 2018. Your staff and subject matter experts developed the model policy under constraints including tight time pressures, and nonetheless produced an admirable product. We continue to actively encourage law enforcement agencies to adopt the model policy, so important at this time of increased hate crime activity throughout the state, and we are pleased that 23 state legislators in the attached May 1 letter to Attorney General Becerra likewise are seeking its use by all law enforcement agencies.

We appreciate, too, the adaptation of the 2017 DVD hate crimes course to the POST learning portal to make it available to all officers throughout the state and the production of the two recent Did You Know training videos on hate crimes.

As we're sure you are aware, hate crimes, harassment and the spread of vile conspiracy theories have spiked during the COVID-19 pandemic, particularly targeting Asians, Asian Americans, Jews, Muslims, Sikhs, African Americans and Latinos. This has come on top of the wave of hate crimes that has been growing since 2015. The legislators' letter goes into more details.

In response, we are writing to ask for two additional steps.

1. We ask POST, in consultation with subject matter experts, to review and update the hate crime model policy, DVD/learning portal course, academy training curriculum, and any other POST hate crime products to assure that they comply with Penal Code Sections 422.87, 422.9 and 13519.6, as the 2018 state audit recommended and new facts and circumstances. We know that POST is focused now on completion of the use-of-force work, so we ask that once that vital work is done, POST make every effort to complete this review and update in a timely manner.

We make this request because we understand each of the three products omits a few important provisions as required by law. None of these omissions are serious enough, in our opinion, to stop us from encouraging law enforcement agencies to use these POST products, but they are serious enough to ask POST to correct them. These include the facts that: (A) the model policy omits several required provisions, such as information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender (including anti-transgender) hate crimes and a plan for the law enforcement agency to remedy this underreporting; (B) the 2017 DVD/learning portal course does not yet incorporate the provisions of AB 1985 of 2018; and (C) the academy curriculum uses a definition of the term “hate crime” that is not the required statutory definition and omits some required provisions.

Many of our organizations have subject matter experts who we can make available to work with your staff to assure that all such items are identified and updated.

2. We ask that POST repeat the review and updating in the future whenever the Legislature amends the relevant Penal Code sections or other new facts or circumstances make it advisable.

Thank you again for POST’s vital work and for considering our requests.

We are including our email addresses in hopes you will respond to each of us.

Sincerely,



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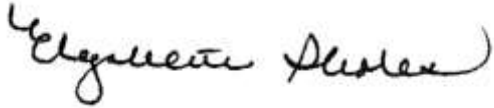
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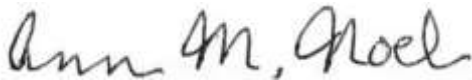
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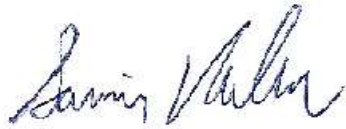
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cc: The Honorable Kansen Chu, Chair, Assembly Select Committee on Hate Crimes  
The Honorable Philip Ting, Author, AB 1985