



May 1, 2020

Attorney General Xavier Becerra
Office of the Attorney General
California Department of Justice
1300 I Street
Sacramento, CA 95814

RE: Request for Further Actions to Address Rise in Hate Crimes

Dear Attorney General Becerra:

We are writing today to urge you to take further actions to address the rise in hate crimes due to the COVID-19 pandemic. Specifically, we are requesting that you implement policies to improve reporting on hate crimes and hate incidents, including having a clear designation for a hate crime or hate incident on reporting forms and requiring the use of supplemental report forms for each case. Additionally, we are asking you to require peace officers to take refresher training on hate crimes and that all law enforcement agencies adopt the model policy framework on hate crimes developed by the Commission on Peace Officer Standards and Training (POST). We appreciate that you issued guidance to law enforcement on hate crimes during COVID-19 and everything that you have done to protect Californians over the years, but due to the alarming surge in hate and increased danger to human lives, we are urging you to take all of the aforementioned actions.

Hate crimes and hate incidents have always been major concerns in California. Now, as COVID-19 disrupts every aspect of our society and evokes widespread racism, the need to effectively address hate has become even more urgent. On March 19, 2020, in response to the rise in hate crimes and hate incidents against the API (Asian Pacific Islander) community, the Asian Pacific Planning and Policy Council (A3PCON), Chinese for Affirmative Action (CAA), and San Francisco Asian American Studies Department at San Francisco State University launched STOP AAPI (Asian American Pacific Islander) HATE, a reporting center where individuals who have experienced or witnessed discrimination, harassment, and violence can submit a report. In just two weeks, the center received over 1,100 reports of hate events from across the country. Individuals are reporting that they're being targeted at grocery stores, pharmacies, and in their own neighborhoods. This is all very concerning and highlights the need for actions to address hate immediately.

In 2018, the California State Auditor concluded that there were misidentifications and underreporting of hate crimes based on an assessment of four major law enforcement agencies in an audit report entitled *Hate Crimes in California: Law Enforcement Has Not Adequately Identified, Reported, or Responded to Hate Crimes*. The audit was requested by

Assemblymember Kansen Chu, along with members of the Assembly Select Committee on Hate Crimes. The audit recommended the implementation and use of a supplemental report form to ensure accurate identification and reporting. The form would detail the type of bias motivation, bias indicators, and other identifying information relevant to the case. Such information can be helpful in the prosecution of the hate crime. Furthermore, in the case of a hate incident, the information can be useful for crime prevention, law enforcement planning, trend analysis, and potential evidentiary purposes. Because of the detailed information that a supplemental report form provides, it is vital that you implement this essential tool to help officers properly and effectively report hate crimes and hate incidents, in addition to increasing the prosecution rate.

During this time of crisis, it is important that hate crimes and hate incidents are adequately identified, reported, and responded to. Therefore, you should ensure that there is a clear designation on informational, incident, and crime reporting forms for officers to indicate that a case is a hate crime or hate incident. A simple and clear designation will allow officers to quickly and efficiently note that a case is a hate crime or a hate incident and then take the proper steps afterwards, such as completing a supplemental report form as recommended by the State Auditor. It is crucial that reporting forms have this simple tool because it will further help prevent the misidentification and underreporting of hate crimes and hate incidents. The Legislature has introduced various legislation, including AB 300 (Chu, 2019), which received bipartisan support, and AB 2879 (Chu, 2020), to improve hate crime and hate incident reporting in the same manner.

Ensuring that peace officers know how to properly identify, report, and respond to hate crimes is imperative at this time. Unfortunately, the 2018 audit by the State Auditor found that some law enforcement agencies have not provided refresher trainings, which contain critical procedures for identifying hate crimes. The audit noted that the lack of periodic refresher training is problematic and that a POST bureau chief said that additional hate crime training would be beneficial. We agree. In fact, the Legislature has introduced legislation to ensure that peace officers receive periodic refresher training. This includes AB 1052 (Chu, 2019) and AB 837 (Holden, 2019), both of which received bipartisan support, along with AB 2236 (Gabriel, 2020). Periodic refresher trainings help to reinforce essential skills and knowledge of current guidelines and updated information on trends, which can help officers better identify hate crimes and hate incidents. Therefore, we are requesting that you require all peace officers under Sections 830.1 and 830.2 of the Penal Code to undergo refresher training on hate crimes if they have not done so over the last three years. We are also asking that you encourage periodic refresher training, ideally every 3 years. The refresher training should be provided using up to date materials and courses. The refresher training should cover the fundamentals of hate crime law and investigation of hate crimes, along with updates on recent changes in the law, hate crime trends, and best enforcement practices. By having our peace officers receive periodic refresher training on hate crimes, we can ensure that they are equipped with the proper knowledge and skills to identify, report, and respond to hate crimes.

Finally, we are asking that you require all law enforcement agencies to adopt the model policy framework on hate crimes developed by POST and updated in 2019. The model policy is intended to assist law enforcement agencies in proper identification, investigation, and reporting of crimes motivated by hate or bias, along with the development and delivery of training. It also provides an outline for prevention, response, accessing assistance, victim assistance, and follow

up as related to law enforcement's role in handling hate crimes. Lastly, the model policy serves as a declaration that hate crimes are taken seriously and outlines how law enforcement agencies can best use its resources to investigate and address hate. AB 1985 (Ting, Chapter 26, Statutes of 2018) requires that any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy to include the aforementioned model policy. Unfortunately, not all law enforcement agencies throughout the State has adopted POST's model policy framework on hate crimes or updated their hate crimes policy to meet the same standards. This is problematic because the public is greatly relying on law enforcement for safety and protection during this stressful public health crisis. Therefore, it is imperative that every law enforcement agency has the proper guidelines and policy for handling hate in its locality. Requiring all law enforcement agencies to adopt this comprehensive model policy will ensure that.

As the Attorney General for the State of California, you are in a unique position to provide leadership on addressing hate, especially during this challenging time. Therefore, we are requesting that you implement the aforementioned tools to improve reporting on hate crimes and hate incidents, ensure that peace officers take refresher training on hate crimes, and require all law enforcement agencies to adopt the model policy framework on hate crimes developed by POST. By taking these actions, we can ensure the safety of all Californians and send a strong, clear message that hate is not tolerated in our diverse State. Thank you again for all the work that you do and for your consideration of the requests in this letter. If you have any questions, please feel free to contact (916) 319-2025. We are looking forward to hearing from you.

Sincerely,



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Assemblymember, 25th District



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Assemblymember, 16th District



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Assemblymember, 76th District



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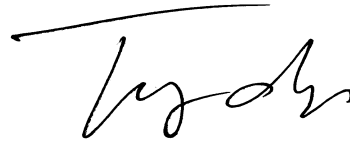
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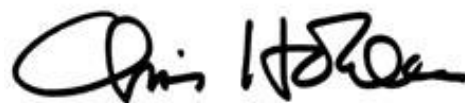
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BUFFY WICKS
Assemblymember, 15th District

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ANTHONY PORTANTINO
Senator, 25th District

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ROB BONTA
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