June 2, 2020

The Honorable Kansen Chu  
California State Assembly  
State Capitol, Room 3126  
Sacramento, CA 95814

The Honorable Rebecca Bauer-Kahan  
California State Assembly  
State Capitol, Room 2130  
Sacramento, CA 95814

The Honorable Tasha Boerner Horvath  
California State Assembly  
State Capitol, Room 4130  
Sacramento, CA 95814

The Honorable Cristina Garcia  
California State Assembly  
State Capitol, Room 2013  
Sacramento, CA 95814

The Honorable Wendy Carrillo  
California State Assembly  
State Capitol, Room 4167  
Sacramento, CA 95814

The Honorable Ed Chau  
California State Assembly  
State Capitol, Room 5016  
Sacramento, CA 95814

The Honorable Steven Choi, Ph.D  
California State Assembly  
State Capitol, Room 2016  
Sacramento, CA 95814

The Honorable Tyler Diep  
California State Assembly  
State Capitol, Room 4153  
Sacramento, CA 95814

The Honorable Laura Friedman  
California State Assembly  
State Capitol, Room 2137  
Sacramento, CA 95814

The Honorable Jesse Gabriel  
California State Assembly  
State Capitol, Room 4139  
Sacramento, CA 95814

The Honorable Mike Gipson  
California State Assembly  
State Capitol, Room 3173  
Sacramento, CA 95814

The Honorable Chris Holden  
California State Assembly  
State Capitol, Room 5132  
Sacramento, CA 95814

The Honorable Ash Kalra  
California State Assembly  
State Capitol, Room 2196  
Sacramento, CA 95814

The Honorable Sydney Kamlager  
California State Assembly  
State Capitol, Room 4015  
Sacramento, CA 95814
Dear Assemblymembers Chu, Bauer-Kahan, Horvath, Garcia, Carrillo, Chau, Choi, Diep, Friedman, Gabriel, Gipson, Holden, Kalra, Kamlager, Levine, Limón, Maienschein, Quirk, Reyes, Ting, Wicks, and Bonta, and Senator Portantino:

Thank you for your May 1, 2020, letter regarding hate crimes during the COVID-19 pandemic. As Attorney General, I share your deep commitment fighting for the rights of everyone in California—no matter where they are from, who they love, or how they worship. During this pandemic, with Americans already reeling from a public health crisis, it’s all the more essential that we prevent trumped up rhetoric from tearing our communities apart. I commend the California State Legislature for its leadership on this important topic and agree that further action must be taken to address hate crimes in California.

I want to bring to your attention several recent actions the California Department of Justice (DOJ) has taken to address hate crimes. On April 30, 2020, we issued an information bulletin to provide an updated summary and reminder to local law enforcement agencies about the multiple California criminal laws that prohibit hate crimes and provide enhanced penalties for specified hate-related acts. And just last week, on May 21, 2020, we submitted a support-if-amended letter for Assembly Bill (AB) 2236 (Gabriel, 2020). As we explained in the letter, DOJ
supports the objectives of AB 2236 in requiring the Commission on Peace Officer Standards and Training (POST) to develop and periodically update a hate crime interactive refresher course of instruction and training. We recommend that the legislation be amended to expand the group of law enforcement—specifically, supervisors and command staff—who would be required to complete the updated POST training.

Also, as you mentioned the May 2018 California State Auditor Report on Hate Crimes, I want to ensure you that we’ve taken numerous steps to address the audit’s findings, including launching a Hate Crimes Prevention webpage, updating the Hate Crime Rapid Response Protocol, creating a new hate crimes brochure, and releasing several information bulletins on Hate Crime Laws and local law enforcement training. In December of last year, we also distributed an information bulletin reminding law enforcement of AB 1985 (Ting, Chapter 26, Statutes of 2018), which requires any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include, among other things, the model policy framework developed by the POST and information regarding bias motivation.

The DOJ received a portion of the funding that was requested in the budget for Fiscal Year 2019-2020 to implement the Auditor’s recommendation that the DOJ audit and train the 730+ local law enforcement agencies throughout California and track and monitor first-hand research received from the community. Specifically, the DOJ received funding for five new positions in the California Justice Information Services (CJIS) division to implement several of these recommendations. I am pleased to report that all of the positions have been hired as of May 1, 2020. The portion of the request that was not funded would have allowed the DOJ to have a dedicated attorney responsible for outreach and coordination between and among law enforcement agencies, regional and county human rights and relations commissions, advocates, and other stakeholders and to address issues requiring legal analysis. On May 31, 2020, we submitted our annual recommendation status update to the State Auditor.

In addition, DOJ has prepared public education materials that includes a Hate Crime video featuring messages from the Chairs of the following caucuses: the California Latino Legislative Caucus, California Legislative Women’s Caucus, California Asian Pacific Islander Legislative Caucus, California Legislative Black Caucus, California Legislative Jewish Caucus, and California Legislative LGBTQ Caucus. The video urges Californians to stand united against hate and report suspected hate crimes to their local law enforcement. A tool kit with materials translated into 14 different languages will also be shared with stakeholders, elected officials, and specialty media throughout the state.

With respect to other recommendations that you mention in your letter, we stand ready to provide technical assistance and consider and support appropriate legislation that would bolster law enforcement identification, reporting, and responses to hate crimes. As previously noted, DOJ supports AB 2236, if amended. In 2019, we supported AB 1052, which would have required comprehensive training on hate crimes for law enforcement.
Thank you again for your letter. I look forward to continuing to work with you to ensure that all Californians have the resources they need to stay safe.

Sincerely,

XAVIER BECERRA