

## **INITIAL STATEMENT OF REASONS**

### **Commission Regulation 1081; Hate Crimes Framework and Policy**

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Penal Code §13519.6 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers or who are enrolled in a training academy for law enforcement officers. The passage of Senate Bill 1234 (Kuehl) in 2004 added topics to be addressed in POST hate crimes training. The bill also expanded the POST-developed guidelines requirement to include a framework and possible content of a general order/policy on hate crimes that each state law-enforcement agency shall adopt. Finally, the bill requires POST to encourage local law enforcement agencies to adopt the framework and general policy and includes a July 1, 2007 implementation date.

This proposal addresses only the framework and general order/policy requirements for POST hate crime guidelines.

In 2004, an ensemble of subject matter experts made up of law enforcement and community organizations developed the *2004 Draft Hate Crime Policy and Training Guidelines*. Because the initial draft of the policy guidelines document has received limited attention since 2004, POST conducted an internal review, in the second quarter of 2007, of the policy guidelines to ensure compliance with the mandate. Then, in late July 2007, a subject matter expert (SME) group convened to finalize the draft documents created in 2004. This group consisted of representation from various disciplines and specialties as they relate to hate crimes such as gender-bias, disability-bias, homelessness, race / nationality, victim compensation, and sexual orientation. The subject matter group also included representatives from several State of California agencies with enforcement authority - Department of Consumer Affairs, Department of Motor Vehicles, Department of Alcohol Beverage Control, California Highway Patrol, Department of Fish & Game, Department of Justice, and Department of Parks & Recreation - as well as the California Sheriffs Association and the California Chiefs Association.

The SME group also closely examined the model policy on hate crimes enforcement created by the International Association of Chiefs of Police (IACP). Subsequently, the SMEs modified the IACP model policy to reflect California laws and protocols and incorporated the modified policy into the *Hate Crimes Policy Guidelines* for use by California law enforcement. After re-grouping with the subject matter expert (SME) group to review the draft document, to update it to reflect current issues, and to solicit feedback from the SMEs, the finalized document was created. At its January 2008, meeting, the Commission approved the proposal to adopt the new guidelines, subject to successful completion of the rulemaking process.

The proposed *Hate Crimes Policy Guidelines* includes the seven hate crimes guidelines, the message from the agency chief executive, and the model policy framework. Topics in the framework document include the purpose, Policy; Definitions and Laws; Response and Reporting Procedures - First Response Procedures, and Supervisory and Investigative Responsibilities; Training Resources; and Planning and Prevention.

The updated guidelines and the new model policy framework both address the three new topics added to the training requirements stated in Penal Code §13519.6. Briefly, these topics are the following: developing techniques and methods to identify and handle hate crimes or incidents committed that specifically involve specified hate crime categories, gaining knowledge of specified multi-mission criminal extremists, and preparation and response for specified possible future crime waves.

The reference to the updated hate crimes policy guidelines and the requirement for every state local law enforcement department to a framework and formal policy will appear in Regulation 1081, Legislatively-Mandated Training.

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#### **Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, Including Small Businesses**

The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

#### **Cost Impacts on Representative Private Persons or Businesses**

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

#### **Assessment**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **Considerations of Alternatives**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.