



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Esparza

SUBJECT: SEE BELOW

DATE: 05/24/2021

Approved *Maya Esparza*

Date: 5/24/2021

**SUBJECT: STRATEGIES TO COMBAT HATE CRIMES AND VIOLENCE AGAINST
ASIAN AMERICAN/PACIFIC ISLANDERS**

RECOMMENDATION

Accept the staff report and recommendations from the 5/21/2021 Memo from Councilmembers Peralez, Arenas, and myself, and additionally:

1. Coordinate closely with the work of the County and the County Hate Crimes Task Force. This should include adoption by Council of the resolution referred by the County Hate Crimes Task Force to the Board to Supervisors, which will be considered next month, and recommends the following:
 - a. That each law enforcement agency in Santa Clara County, including county, city, state, and campus police agencies, take these immediate steps:
 - i. Require all officers to take the POST learning-portal course “Hate Crimes: Identification and Investigation” as updated in August 2020, beginning with officers who have not taken any version of the course and proceeding to those who have taken prior versions.
 - ii. Reach out to affected communities in their jurisdictions to consult fully on changes and additions to their hate crime policies, including the requirements of Penal Code Sections 422.87 and 13519.6(c) and then adopt those changes and additions that the communities and law enforcement agencies agree upon or that are required by law.
 - iii. Publicly announce the above two steps.
 - iv. Work with the California Police Chiefs Association and California State Sheriffs’ Association to encourage them to support AB 57.

BACKGROUND

The County Hate Crimes Task Force was established in Fall of 2019 following unanimous Council approval to form and participate in the Task Force. I have been honored to co-chair this

effort, along with Supervisor Chavez, to develop and adopt a county-wide response to all hate crimes that occur within our communities. Tragically, hate crimes of all types against all minorities have been on the rise over the past 4 years, fueled and encouraged by the racism and xenophobia of the prior presidential administration. Although staff's report focuses specifically on the AAPI community, feedback from the seventy-plus members of the Task Force included overwhelming consensus to amend language in the proposed resolution from an AAPI focus to more inclusive language, in order to reflect the reality that nearly all of our communities of color are living with increased threats of violence spurred by hatred. The Task Force, which is composed of a broad cross-section of community leaders and stakeholders, felt it was crucial to not prioritize the wounds of one group over the wounds of another, and to support an intersectional approach to addressing hate crimes, inclusive of all our diverse communities.

Developing a coordinated, region-wide response requires our continued close engagement with all stakeholders, including the County, DA, Sheriff, other law enforcement agencies, nonprofit and community partners, and of course our residents. As the Task Force continues this work, it behooves us as a City to closely coordinate on this work, including moving toward the adoption of the resolution, referred to the County Board of Supervisors by the Hate Crimes Task Force at its April 30, 2021 meeting, to recommend additional law enforcement training, policies, and community outreach on hate crimes.

These recommendations stem in part from the results of a 2018 state auditor report which found law enforcement had not adequately identified and reported responses to hate crimes and recommended various steps for better training for law enforcement officers, and clearer protocols for identifying, reporting, and responding to hate crimes. AB 57 would mandate POST hate crime training for all officers, mandate California Department of Justice supports for law enforcement agencies, and require the California Department of Justice, alongside civil rights, law enforcement, and academic experts, to review all law enforcement agency hate crime policies.

SJPD already incorporates the most up-to-date POST hate crime training as part of its Academy, as well as additional training above and beyond POST requirements. This training includes 32 hours of cultural diversity/anti-discrimination training, 8 hours of training on procedural justice and implicit bias, and 4 hours dedicated to training on anti-Muslim bigotry.

Adoption of the resolution by the City will affirm our commitment to aligning our efforts with the County, and help ensure that all of our local law enforcement officers have the most up to date training on hate crimes, and that our communities are consulted on any changes and additions to law enforcement hate crimes policies.