



November 9, 2009

Honorable Edmund G. Brown, Jr.  
 Attorney General  
 1300 L Street  
 Sacramento, CA 95814

Dear Attorney General Brown:

Economic hardship and political change in the United States have created conditions that increase the threat of hate crimes and what Penal Code Section 13519.6(b)(6) calls multi-mission criminal extremism. As leaders of major California civil rights organizations, we are writing to urge you to take two immediate steps to help combat the threat of hate crimes and these closely related violent crimes.

The Department of Homeland Security warned of these crimes in an assessment distributed to law enforcement agencies on April 7, 2009. Likewise, the Southern Poverty Law Center reported earlier this year that white supremacist groups claimed a post-election surge of new members and heavy traffic to their websites. This surge came after scores of racially charged incidents — beatings, effigy burnings, noose displays, racist graffiti, threats and intimidation — were reported across the country following the 2008 election.

Since then, the threat has become even more real with crimes such as the murder of African American security guard Stephen Jones in an attack on the Holocaust Museum in Washington, D.C., the murder of abortion provider Dr. George Tiller in an Evangelical Lutheran church in Wichita, Kansas, and the murders of six law

enforcement officers by criminal extremists throughout the country. In addition, a new U.S. Department of Justice report found that, in 2007, one in five violent crime victims with disabilities believed that they were targeted because of their disabilities; this would mean more than 143,000 violent anti-disability hate crimes in that year.

In California, the most recent state Department of Justice figures indicate a 13.5% increase in hate crime offenses in 2007, including increases in hate crimes against almost every racial, ethnic, and religious category of victims, the first overall statistical increase since the anti-Islamic hate crime wave following 9/11 in 2001. The most recent state statistics include almost no anti-disability or anti-female hate crimes, evidently continuing the well-documented, extreme under-reporting of these categories of hate crime in California and nationwide. There also were reports of increased anti-GLBT, anti-Mormon, and anti-Catholic hate crimes in California before and after the 2008 election. In addition, an ADL report found a 21% increase in anti-Semitic incidents in California in 2008.

Perhaps most disturbingly, there have been recent formal charges of what have been perceived as an anti-black hate crime by a BART police officer in the shooting of Oscar Grant in Oakland, numerous anti-Latino hate crimes by Maywood Police Department officers, and a guilty plea to four anti-Latino hate crimes by a CHP officer in Ventura County. In the Ventura County case, the district attorney also accused other CHP officers of refusing to cooperate with the Oxnard Police Department in the investigation of these hate crimes.

U.S. Department of Justice research indicates that hate crimes are consistently under-reported by law enforcement throughout the United States, indicating that hate crimes are also under-enforced because officers too often fail to recognize when a crime is a hate crime. University of California and California Senate Office of Research studies reach the same conclusion here, especially concerning anti-disability hate crimes. They also show that the key to better reporting of hate crimes is the adoption by law enforcement agencies of formal policies alerting their officers to the agencies' serious commitment to combating hate crimes and spelling out specific procedures for the identification and investigation of hate crimes and the arrest of the criminals who commit them.

In 2004, the Legislature enacted and Governor Schwarzenegger signed Senate Bill 1234 by Senator Sheila James Kuehl, an omnibus law attacking hate crimes.

University of California research had found that half of California law enforcement agencies had no formal hate crime policies, and SB 1234 therefore directed the Commission on Peace Officer Standards and Training (POST) to develop a model policy, directed all state law enforcement agencies to adopt it, and encouraged all local law enforcement agencies adopt it (Penal Code Section 13519.6(c)). SB 1234 also directed POST to revise its basic hate crime curriculum (Section 13519.6(a)), required every state law enforcement and correctional agency to train its officers using the revised curriculum, and required every local law enforcement agency to

train its officers using the revised curriculum, to the extent that local requirement does not create a state-mandated local cost (Section 13519.6(d)(2)). POST also developed a new officer-training telecourse on hate crimes and multi-mission criminal extremism, reflecting the law as amended in 2004.

SB 1234 further authorized the Attorney General to require every law enforcement agency to submit any hate crime policies that it has adopted, and any other relevant information on hate crimes. This is Penal Code Section 13023.

Finally, we note that the Matthew Shepard and James Byrd, Jr. Hate Crime Prevention Act provides \$10 million in federal funds to state and local agencies to assist in hate crime law enforcement.

Therefore, we urgently request that you start immediately to do each of the following:

1. Begin the process of applying for California's share of the federal assistance for hate crime law enforcement.
2. Exercise your authority under Penal Code Section 13023 to require each law enforcement agency to submit its hate crime policy, if any. We believe you should also require every state and local law enforcement and correctional agency to submit information on how many officers it has trained on the law as amended in 2004, which POST materials it has used to train them, whether it plans to train the rest of its officers and, if so, when.

The principal purpose of requiring all the agencies to submit this information is to encourage them to adopt formal hate crime policies and train their officers. To do that, we believe you should give them at least six months to submit their responses, which should become the basis of a published report indicating which agencies have hate crime policies, which have policies that fully comply with the law, which have trained their officers, and which have not. Please make it clear to them that your intent is not to embarrass them in public with a report that shows they have not complied with the intent of the law, but to produce a report showing that every law enforcement and correctional agency has complied.

Recognizing that your department's budget is severely limited and you probably have no resources to analyze the information and prepare the report, we have confirmed that University of California researchers – who did much of the work leading to passage of SB 1234 – can take the information your department collects, analyze it, and prepare the report. Some people in your department have resisted turning to UC for this research, but we believe the university's well-deserved worldwide reputation for quality research, and its faculty's experience researching this particular aspect of hate crime law enforcement, make UC the ideal institution to do this analysis.

If you agree to our requests, please give us the name of a contact person in the Department of Justice that we and UC can work with to bring these things about,

including drafting your notice to law enforcement and correctional agencies. In addition, if you wish, we would be happy to join you in publicly announcing this initiative. On the other hand, if you have any concerns about our requests, we request a meeting with you personally to discuss it.

Sincerely,

*Dwight Stratton*

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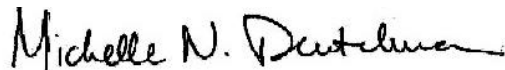
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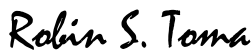
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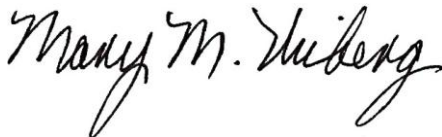
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