

Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE AFFIRMING THE CITY'S COMMITMENT TO  
ADDRESSING HATE CRIMES BY DEVELOPING A  
COORDINATED, REGION-WIDE RESPONSE ALIGNING  
THE CITY'S EFFORTS WITH THE COUNTY**

**WHEREAS**, the United States, California, and Santa Clara County ("County") have experienced an overall rise in reported hate crimes since 2015, and currently are in the midst of a shocking and dreadful surge of hate crimes, calling for immediate action while the County studies and recommends longer-term plans; and

**WHEREAS**, better enforcement of California's hate crime laws and better community-based supports and services to victims are both essential to address these crime waves; and

**WHEREAS**, the State Auditor in 2018 found that "Law Enforcement Has Not Adequately Identified, Reported, or Responded to Hate Crimes," and recommended steps including better training of law enforcement officers; clearer law enforcement agency protocols for identifying, reporting, and responding to hate crimes; law enforcement agency use of supplemental hate crime report forms; and several steps to improve California Department of Justice support for law enforcement agencies; and

**WHEREAS**, the State Commission on Peace Officer Standards and Training ("POST") in May 2019 revised its hate crime model policy to include the supplemental report form (which it calls a "hate crime check list") and many of the other State Auditor recommendations and, in August 2020, at the instigation of Pastor Jethroe Moore, a public member of the POST commission and the president of the NAACP San Jose/Silicon Valley branch, POST updated its learning-portal course "Hate Crimes: Identification and Investigation"; and

**WHEREAS**, Penal Code Section 422.87 requires that every local law enforcement agency that has adopted or updated a hate crimes policy since January 1, 2019, or does so in the future, shall include in its policy all of the provisions listed in that section, including the content of the POST model policy framework and any content that POST may revise or add in the future; and

**WHEREAS**, Penal Code Section 13519.6(c) requires every state law enforcement agency, which includes the San José State University Police Department, to adopt the POST model policy; and

**WHEREAS**, Assembly Bill 57, introduced by California Assembly Member Jesse Gabriel, would mandate POST hate crime training for all officers; and

**WHEREAS**, the City desires to affirm its commitment to addressing hate crimes by developing a coordinated, region-wide response, aligning its efforts with the County, to help ensure that all local law enforcement officers have the most up to date training on hate crimes, and that communities are consulted on any changes and additions to law enforcement hate crimes policies;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City will 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.

2. The City will reach out to affected communities in its jurisdiction to consult fully on changes and additions to the City's hate crime policies, including the requirements of Penal Code Sections 422.87 and 13519.6(c), and will then adopt those changes and additions that the communities and law enforcement agencies agree upon or that are required by law.
3. The City will publicly announce the above two steps.
4. The City will work with the California Police Chiefs Association and California State Sheriffs' Association to encourage them to support AB 57.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk