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Submitted Department: County Manager's Office

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Reviewed and Approved by County Counsel

☒ Yes ☐ No

Reviewed and Approved by County Manager

☒ Yes ☐ No ☐ N/A

Assembly Bill 557

Asm. Muratsuchi, District 66, Hate crimes: hotline

Version Date:

☐ New Bill ☒ Amended Bill ☐ Gut & Amend

Amended in the California State Assembly on March 25,
2021

Summary

Assembly Bill 557 would require the California Attorney General to establish and maintain an accessible toll-free hotline number and an online form for reporting hate crimes and hate incidents.

Background/Analysis

Existing law defines a "hate crime" as a criminal act committed, in part or in whole, because of actual or perceived characteristics of the victim, including: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of the previously listed actual or perceived characteristics.

Local law enforcement agencies are required to report hate crimes to the Department of Justice in accordance with State law.

Challenge

According to the California Department of Justice (DOJ), there were 17 hate crimes events committed in San Mateo County in 2019, the most recent year with available data. According to the same report, the number of hate crime events in California has gone up and down over the last decade. However, California, as well as the nation as a whole, have seen a recent increase in hate crime activity.

Locally, and according the District Attorney's (DA) Office, between January 2018 and January 2021, a total of 21 hate

Recommended Position

☐ Sponsor ☐ Support
☐ Support if Amended ☐ Oppose
☒ Other & Describe

Board President David Canepa has requested support for this measure.

crimes were referred to his office for review and charging. The DA has filed a total of 19 misdemeanor and 2 felony cases. Prosecuted cases have involved hate crimes against Latino, African American, and Asian residents of the County with a noticeable uptick in anti-Asian cases in January 2020.

Anti-Asian rhetoric surrounding the COVID-19 pandemic has led to a spike in verbal and physical assaults against Asian Americans in the past year. According to Stop AAPI Hate, over 2,800 anti-Asian hate incidents have occurred nationwide since February 2020 with over 1,200 of those occurring in California. Additionally, hate crimes involving bias against someone who is Jewish or someone who is Latino increased substantially in 2018. Due to the nature of the communities being targeted, such as immigrant communities, many incidents go unreported for fear of interactions with local law enforcement authorities. A Federal Bureau of Justice Statistics report found that 54% of hate crimes between 2011 and 2015 were not reported. These communities remain especially vulnerable and often feel as though they lack recourse for being targeted by hate crimes.

The 2001 final report of the California Civil Rights Commission on Hate Crimes recommended that the California DOJ should "facilitate the reporting of hate crimes by establishing and publicizing a toll-free hotline and providing on-line hate crime reporting forms on the Attorney General's Web site."

Moreover, several California cities and counties, as well as other states, have implemented hate crime hotlines. Both the New York and Massachusetts systems have led to increased substantive reports of hate crimes, which validates the fact that these crimes often go unreported and provides valuable data to law enforcement agencies. In addition, residents have reported that they found value in the ability to contact a sympathetic resource and have their experiences documented, even when the perpetrator remains unidentified and the incident is unresolved. The offices of the Alameda and San Francisco District Attorneys have implemented similar hate crime hotlines and are expecting similar benefits.

Solution/Recommended Proposal

AB 557 would require the Attorney General to establish, maintain, and publicize a toll-free public hotline telephone number for the following purposes:

- a) Reporting hate crimes and connecting with local law enforcement agencies;
- b) Connecting people who experienced or witnessed a hate crime or hate incident to other appropriate local resources. The Attorney General may establish a list of community-based organizations from which to provide referrals; and,
- d) Disseminating information about the characteristics of hate crimes, and hate incidents, classes of individuals protected under California hate crimes law, civil remedies that may be available for victims of hate crimes, and reporting options.

AB 557 provides that the hotline shall be accessible to people with disabilities, and people who do not speak English. It requires the hotline to operate Monday to Friday from 9 a.m. to 5 p.m., except for federal and state holidays. When not in operation, the hotline shall provide a recorded message directing callers to dial 9-1-1 in case of an emergency or otherwise to call their local police nonemergency dispatch number.

AB 557 states that callers to the hotline should be advised that the filing of a false police report is punishable as a misdemeanor.

Lastly, AB 557 requires the Attorney General to post, maintain, and publicize a reporting form for hate crimes and hate incidents on their Internet website that can be completed and submitted online. The Attorney General's Internet website shall provide the public with the same resources and information as provided by the toll free public hotline.

Departments Impacted & Why

It is anticipated that information specific to San Mateo County reported through the proposed statewide toll-free public hotline would be shared by the Attorney General's Office with local law enforcement in the County for follow-up investigation.

Fiscal Impact

There is no direct fiscal impact to the County as a result of the Board's support of the measure. Investigations resulting from reports through the new toll-free public hotline would be investigated by the Sheriff's Office in a similar manner to cases reported through other hotlines (e.g., child abuse and neglect).

Support

Anti-defamation League (Sponsor)
California Charter Schools Association
California Strategies & Advocacy, LLC
County of Santa Clara
Hadassah, the Women's Zionist of America, INC.
Japanese American Citizens League National
Santa Barbara Women's Political Committee
Sustainable Food Policy Alliance
The Arc and United Cerebral Palsy California Collaboration

Opposition

There is no known opposition at this time.

Status

3/25/2021—Referred to the Assembly Public Safety Committee
4/20/2021—Passed out of the Assembly Public Safety Committee
4/21/21—Re-referred to the Assembly Committee on Appropriations