

Commission on the State of Hate

MEMBER HANDBOOK

Gavin Newsom, Governor
State of California

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Business, Consumer Services and Housing Agency

Kevin Kish, Director
Civil Rights Department

MEMBERS

Cynthia Choi – Governor Appointee
Regina Cuellar – Speaker of the Assembly Appointee
Andrea Beth Damsky – Senate Rules Committee Appointee
Cece Feiler – Speaker of the Assembly Appointee
Brian Levin – Governor Appointee
Russell Roybal – Senate Rules Committee Appointee
Bamby Salcedo – Governor Appointee
Shirin Sinnar – Governor Appointee
Erroll G. Southers – Governor Appointee

Commission on the State of Hate
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INTRODUCTION

Brief Overview of California Law on Hate Violence

The California Penal Code prohibits what are popularly known as “hate crimes.” Specifically, Penal Code Section 422.6 prohibits, by force or threat of force, willfully injuring, intimidating, interfering with, oppressing, or threatening any other person in the free exercise or enjoyment of a right or privilege because of a victim’s real or perceived disability, gender, nationality, race, ethnicity, religion, or sexual orientation. Penal Code section 422.56 defines these terms and clarifies that, for example, “gender” includes sex, gender identity, and gender expression; “nationality” includes immigration status and citizenship; and “race or ethnicity” includes ancestry and color. California law also prohibits knowingly defacing, damaging, or destroying the property of another person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege because of their real or perceived characteristic listed above. (Penal Code Section 422.6(b).)

Hate incidents – whether or not in violation of the Penal Code – may also violate the Civil Code, which provides civil remedies to those targeted by hate. In particular, Ralph Civil Rights Act provides every individual in California with the right to be free from violence or intimidation by threat of violence against their person or their property on account of their real or perceived sex, gender, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, or position in a labor dispute. (Civ. Code Section 51.7.) The Bane Civil Rights Act prohibits individuals from using threats, intimidation, or coercion to interfere, or attempt to interfere, with another individual’s exercise or enjoyment of their rights. (Civ. Code Section 51.2.)

Hate crimes and incidents may also violate federal and local laws, as well as other state civil rights laws, which are beyond the scope of this overview.

Civil Rights Department

The [Civil Rights Department](#) (CRD) is the institutional centerpiece of California’s broad policy against discrimination, harassment, and hate violence. Born out of a decades-long struggle to prohibit discrimination in employment, housing, and business establishments, CRD has been at the forefront of protecting civil rights in California since its inception. Today, CRD is the largest state civil rights agency in the country. As of 2022, CRD operates virtually and through six offices in Bakersfield, Elk Grove, Fresno, Los Angeles, Oakland, and Riverside.

CRD’s mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations (businesses), and state-funded and state-administered programs and activities, and from hate violence and human trafficking. To accomplish this mission, CRD receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act (FEHA), California Equal Pay Act, Unruh Civil Rights Act, Disabled Persons Act, Ralph Civil Rights Act, Trafficking Victims Protection Act, and statutes prohibiting discrimination in state-funded and state-administered programs and activities, among other civil rights laws. In 2022, CRD

changed its name from the Department of Fair Employment and Housing, the name of the department since 1980. CRD's new name more accurately reflects the department's role of enforcing a broad range of civil rights protections.

The state's various civil rights laws empower CRD to:

- Investigate and initiate complaints of individual and systemic discrimination,
- Facilitate mediation and resolution of disputes involving civil rights,
- Enforce the laws by prosecuting violations in civil court,
- Promulgate regulations and issue guidance,
- Collect data on the pay, hours worked, and demographics of California employees working for private employers with 100 or more employees, and
- Engage in public outreach and provide training and technical assistance to stakeholders, such as employers and employees, business establishments and consumer groups, and housing providers and tenants, regarding their rights and responsibilities under the law. The department's educational materials relevant to hate violence are available in multiple languages at: <https://calcivilrights.ca.gov/Posters/hateviolence>. The department's webpage on hate violence is at: <https://calcivilrights.ca.gov/hateviolence/>.

In addition, in 2022, CRD launched a major anti-hate initiative: the [CA vs. Hate Resource Line and Network](#). Built with significant community and stakeholder input, CA vs. Hate is an online and phone-based service that (1) informs victims of hate incidents and crimes about their options, such as culturally-competent health services, CRD's various services, and criminal law enforcement; (2) connects victims to the services they believe will benefit them and supports victims through the process; and (3) gathers information on hate incidents in California and their adverse effects on health, well-being, and the economy, to provide better understanding for community organizations, local governments, and service providers trying to meet the needs of people targeted for hate and for policy makers trying to more effectively direct resources and support.

Also in 2022, CRD launched a [Community Conflict Resolution Unit](#), which works with communities, and/or local and state public bodies, to constructively manage or resolve conflict, minimize or eliminate the potential for violence, reduce or eliminate antagonism within communities, or help them reach mutually acceptable outcomes. The unit works closely with stakeholder groups affected by conflict to ensure that solutions include community-driven input, because community collaboration is most effective in addressing concerns related to hate and discrimination-based community conflict.

The [Civil Rights Council](#) is a public body within CRD and promulgates regulations that implement California's civil rights laws, conducts inquiries and holds hearings on civil rights issues confronting the state, among other responsibilities. Among its subcommittees, the Civil Rights Council has a subcommittee on hate violence. On this topic, recently, the Council held a state-wide hearing on hate violence in 2020 ([viewable on CRD's YouTube page](#)); sponsored a free, public training on bystander intervention; and issued a letter to law enforcement agencies and city and county attorneys across California calling on them to inform victims of hate crimes and incidents, in addition to the general public, about CRD services and the availability of civil remedies and resources.

To learn more about CRD, visit the department's webpage at: www.calcivilrights.ca.gov. The department's annual reports are available at: <https://calcivilrights.ca.gov/legalrecords/?content=reports#reportsBody>

Commission on the State of Hate

In 2021, the California Legislature passed, and Governor Newsom signed, Assembly Bill 1126 (Bloom, Ch. 712, Stat. 2021) to strengthen California's efforts to research, prevent, and respond to hate activity by establishing the Commission on the State of Hate. The Budget Act of 2022 appropriated funding for the Commission, establishing it within CRD. The Commission is staffed by CRD subject-matter experts, including CRD's Assistant Deputy Director of Research and Strategic Initiatives. On September 13, 2022, Governor Newsom signed Executive Order N-16-22, requiring CRD to launch the Commission by January 1, 2023. The Commission will sunset on January 1, 2027.

AB 1126's provisions are codified at Government Code Section 8010. This law delineates four goals for the Commission, though the Commission's activities may extend beyond the Commission's statutory obligations. Government Code Section 8010(i) prescribes the following goals:

1. Provide resources and assistance to the Department of Justice, the Office of the Attorney General, the Office of Emergency Services, federal, state, and local law enforcement agencies, and the public on the state of hate in order to keep these entities and the public informed of emerging trends in hate-related crime.
2. Engage in fact finding, data collection, and the production of annual reports on the state of hate and hate-related crimes.
3. Collaborate with other subject-matter experts in the fields of hate, public safety, and other related fields to gain a deeper understanding to monitor and assess trends relative to the state of hate or hate-related crime.
4. Advise the Legislature, the Governor, and state agencies on policy recommendations to do all of the following:
 - a) Promote intersocial education designed to foster mutual respect and understanding among California's diverse population.
 - b) Suggest and prescribe recommended training for state officials and staff to recognize and address dangerous acts of hate and intolerance.
 - c) Advise on related matters periodically.

CRD has created a webpage for the Commission, which includes member biographies and access to the Commission's email listserv, accessible at: <https://calcivilrights.ca.gov/commission-on-the-state-of-hate/>.

Tasks of the Commission

AB 1126 charges the Commission with several tasks. However, the Commission may choose to adopt a broader scope and/or engage in additional activities in order to achieve its goals. At a minimum, the Commission must carry out the following tasks:

1. **Community Forums:** Host and coordinate at least four public community forums on the state of hate per year. Each forum must focus on local, state, and national evolving trends relative to the state of hate or hate-related crime and include presentations from subject-matter experts. (Gov. Code Section 8010(j).)
2. **Annual State of Hate Commission Report:** Issue a publicly available Annual State of Hate Commission Report by July 1 of each year. The first report must be made available by July 1, 2023. The Annual State of Hate Commission Report must:
 - a) Describe the Commission’s activities of the previous year, and its recommendations for the following year.
 - b) Provide a comprehensive accounting of hate crime activity statewide and report on relevant national hate crime trends and statistics.
 - c) Make recommendations to improve the practices, resources, and relevant trainings available to law enforcement statewide to respond to and reduce instances of hate crimes.
 - d) Make recommendations for actions to be taken by the Governor and the Legislature, including, but not limited to, policy solutions and legislation that will help the state respond to and reduce instances of hate crimes.
 - e) Make recommendations for actions to be taken by communities that will help them respond to and reduce instances of hate crimes.
 - f) Identify existing tools, practices, resources, and trainings that have proven successful in other states and countries that may be implemented by state law enforcement, the Governor, the Legislature, relevant state departments and agencies, and communities throughout the state in order to respond to and reduce instances of hate crimes. (Gov. Code Section 8010(k).)
3. **Report to the Legislature:** Beginning July 1, 2023, report to the Legislature annually through the Joint Committee on Rules. (Gov. Code Section 8010(l).)

Reporting Requirements

Reports issued by the Commission must adhere to the following requirements:

- Data acquired must be used for research or statistical purposes and may not disclose personal information that may reveal the identity of an individual. (Gov. Code Section 8010(k).)
- Comply with Government Code Section 9795, which enumerates specific requirements pertaining to the publication and distribution of the reports to the Legislature and the public. (Gov. Code Section 8010(m).)

COMMISSION MEMBERS

Membership

The Commission shall be composed of nine members, as follows:

- (1) Five Members appointed by the Governor.
- (2) Two Members appointed by the Speaker of the Assembly.
- (3) Two Members appointed by the Senate Committee on Rules. (Gov. Code Section 8010(a).)

Appointments to the Commission shall be considered among individuals who possess professional experience, expertise, or specialized knowledge in combating hate, intolerance, and discrimination on the basis of sex, color, race, gender, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, immigration status, or genetic information, including and especially persons who serve in human relations and community service positions, social scientists, researchers, data scientists, or other related civilian capacities. (Gov. Code Section 8010(b).)

Ex-Officio Members

Members of the Legislature, the Attorney General (or their designee), and the Director of the Office of Emergency Services (or their designee) may serve on the Commission as ex officio nonvoting Members and shall participate in the activities of the Commission to the extent that their participation is not inconsistent with their duties. (Gov. Code Section 8010(f).)

Senior Advisor and Legal Counsel

Upon appropriation in the annual budget act, CRD will appoint staff to assist the Commission with operations and the execution of its duties. The Senior Advisor for the Commission is a subject matter expert who will partner with the Commission on the execution of its duties, including the development of research studies, resources, and reports. The Senior Advisor is also responsible for the financial operations and integrity of the Commission and is the official custodian of records. The Senior Advisor is [Alec Watts](#), CRD Assistant Deputy Director of Research and Strategic Initiatives. CRD will also provide legal counsel to the Commission as needed. To access legal counsel on matters pertaining to the Commission, members should contact the Senior Advisor, who will direct the question to a CRD attorney.

Term and Removal

Members of the Commission serve at the pleasure of the appointing power.

Members are appointed for terms of four years, except for those who are first appointed, who shall serve for the following terms:

(1) Three members appointed by the Governor, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules shall each be appointed for a term of three years.

(2) Two members appointed by the Governor, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules shall be appointed for a term of four years. (Gov. Code Section 8010(c).)

The following members will serve terms of four years:

Cynthia Choi – Governor Appointee (Term end: July 20, 2026)

Andrea Beth Damsky – Senate Rules Committee Appointee (Term end: August 3, 2026)

Brian Levin – Governor Appointee (Term end: July 20, 2026)

The following members will serve terms of three years:

Russell Roybal – Senate Rules Committee Appointee (Term end: August 3, 2025)

Bamby Salcedo – Governor Appointee (Term end: July 20, 2025)

Shirin Sinnar – Governor Appointee (Term end: July 20, 2025)

Erroll G. Southers – Governor Appointee (Term end: July 20, 2025)

The terms of the following members are to be determined:

Cece Feiler – Speaker of the Assembly Appointee

Regina Cuellar – Speaker of the Assembly Appointee (Term end: TBD)

Resignation

If it becomes necessary for a Commission member to resign, a letter shall be sent to their appointing authority (Governor’s Office, Senate Rules Committee, or the Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. (Gov. Code Section 1750(g).) A copy of this letter shall also be sent to the Commission Chair and the Senior Advisor.

MEMBER ON-BOARDING & TRAINING

On-boarding

Commission members must submit the following no later than 30 days after their swearing-in:

1. Oath of Office
2. Commissioner Service Agreement
3. I-9
4. Race/Ethnicity Questionnaire
5. Emergency Notification Information
6. Form 700 – Statement of Economic Interest
7. Payee Data Record (STD.204)
8. Authorization to Use Privately Owned Vehicles on State Business (STD.261)
9. Incompatible Activities Statement
10. Acceptable Use Statement

Required Trainings

Commission members must complete the following required trainings within 30 days of their swearing-in and periodically thereafter:

- Sexual Harassment Prevention Training (once every two years)
- IT Security Training (annual)

MEETING PROCEDURES

Commission Meetings

Being a member of the Commission on the State of Hate is a solemn commitment to the people of the State of California. Commission members are expected to attend all scheduled Commission meetings. If a member is unable to attend, they must contact the Commission Chair and the Senior Advisor and provide a written explanation of their absence.

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act (“Bagley-Keene Act”). (Gov. Code Section 11120 et seq.) This Act governs meetings of state bodies, including commissions, and meetings of committees of those bodies where committee consists of more than two members. It specifies requirements for public access as well as appropriate notice of meetings and agendas. It also prohibits discussing or acting on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the statutory section and subdivision authorizing the closed session.

The Bagley-Keene Act governs communications broadly to include communication about official business, including e-mail communications. For example, an e-mail chain between three members about Commission business may constitute a public meeting and be subject to the requirements of the Bagley-Keene Act. Additionally, the Bagley-Keene Act applies to indirect communication, such as member A speaking with members B and C independently and relaying information to B and C (“hub and spoke” communication) or member A relaying information to B who then relays that information to member C (“chain” communication.)

Unless further authorized, through June 30, 2023, Commission meetings may take place on a teleconferencing platform, such as Zoom, provided they meet other specified requirements. Beginning July 1, 2023, the Commission must abide by specified requirements pertaining to physical locations of members.

Through training given to the Commission in the first meeting, and through their own initiative, Commission members should become familiar with the general Bagley-Keene Act requirements. If Commission members have questions about the law, they should contact the Senior Advisor.

Members can learn more about the Bagley-Keene Act requirements here: <https://oag.ca.gov/open-meetings>

Agenda Items

Commission members may submit agenda items for future Commission meetings during the “Future Agenda Items” section of a Commission meeting or directly to the Commission Chair and the Senior Advisor. To the extent possible, the Commission Chair will calendar each Commission Member’s request on a future Commission meeting. The Commission Chair will work with the Senior Advisor to formulate and finalize the agenda.

Notice of Meetings

Meeting notices, including agendas, for Commission meetings will be sent to persons on the Commission's email list at least 10 calendar days in advance of the meeting, as specified in the Bagley-Keene Act. To sign up for the Commission's email list, visit: <https://calcivilrights.ca.gov/subscriptions/>. All Commission members shall subscribe to this email list.

Notices will also be posted online at <https://calcivilrights.ca.gov/>.

Notices shall include the name, work address, and work telephone number of a staff person who can provide further information prior to the meeting.

Record of Meetings

The business conducted in open session by the Commission can be transcribed and/or audio- or video-recorded. When meetings are recorded, they may be made publicly available through the Commission's webpage.

Minutes or a summary of the open session may be taken. They shall be prepared by CRD staff and submitted for review to Commission members. Commission minutes or the summary will be considered and approved or disapproved at the next scheduled meeting of the Commission. The Commission may amend the minutes during the meeting prior to approval. When approved, the minutes shall serve as the official record of the meeting.

Properly convened closed meetings are required by law to have minutes taken of the closed session.

Recordings and minutes of each Commission meeting shall be maintained in accordance with CRD's retention policy.

Robert's Rules of Order

The Commission will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Act or other state laws or regulations) as a guide when conducting the meetings. The Commission Chair shall become familiar with Robert's Rules of Order and apply them during Commission meetings.

Quorum and Voting

The Commission must have a quorum of members present to take an action. The Commission's policy on voting is as follows:

- There must be a majority of all voting members appointed to the Commission present for the Commission to take an action or position on an item.
- A motion passes if a majority of those voting votes for the measure.

- Abstentions count as votes for purposes of establishing a quorum, but do not count as votes for or against the measure.
- Abstentions simply mean that the abstaining Commission member will go along with the majority decision of the Commission. For example, if seven voting members are present, and four members abstain from voting, then: a vote of 2 Aye, 1 Nay and 4 Abstain would mean that the motion passes (the majority vote is 2 versus 1, with 4 agreeing to go along with the majority of those voting).
- The Commission Chair may determine to vote or not vote on any matter before other Commission members.
- In the event of a tie, the motion fails.
- Should a Commission member recuse themselves from voting on a matter, that member is no longer counted for purposes of achieving a quorum. However, if the recusal results in a loss of a quorum, the person may participate under the “rule of necessity.” However, they should not participate in the discussion, and they should abstain from voting. If the reason for the recusal is controversial or substantial (e.g., the Commission is considering whether to award a contract to a member’s institution or organization), the Commission should wait until another meeting to vote on the matter if a quorum is not present. This may necessitate a special meeting.

Commission Member Attendance

Commission members shall attend each meeting and other events of the Commission. If a member is unable to attend, they must contact the Commission Chair and ask to be excused from the meeting for a specific reason. The appointing authority has the power to remove from office any member they appoint for continued neglect of duties, which may include unexcused absences from meetings. Commission members shall attend the entire meeting and allow sufficient time to conduct all Commission business at each meeting.

If a Commission member is unable to attend an activity of the Commission, they may authorize a representative to attend on their behalf. (Gov. Code Section 8010(g).) However, as a general rule, powers conferred upon public officers which involve the exercise of judgment or discretion are in the nature of public trusts and cannot be surrendered or delegated in the absence of statutory authorization. Therefore, matters that call for an exercise of the Commission’s special discretion or judgment may not lawfully be delegated because such authority is exclusively reserved, as a public trust, for the public body to which that authority has been conferred by law. If this were not so, the Commission would itself have little purpose. (See Opinion No. 07-103 Cal. Atty. Gen. (Nov. 6, 2007), available [here](#).)

A representative may engage in activities that are routine, preliminary, or ministerial in nature and that do not require the application of the Commission member’s special expertise. For example, a representative may appear at a Commission meeting or event but may not vote on matters before the Commission that require a Commission member’s special discretion or judgment.

Reasonable Accommodations

Meetings and other events of the Commission shall be accessible to individuals with physical disabilities. Anyone who requires a disability-related accommodation or modification of policies or procedures to participate in the event, should contact Mimi de Ville, CRD ADA Coordinator, at (844) 541-2877 (voice or via relay operator 711) or TTY (800) 700-2320 or via email: mimi.deville@dfeh.ca.gov or accommodations@dfeh.ca.gov as soon as possible or at least 72 hours before the event.

OFFICERS AND SUBCOMMITTEES

Officers of the Commission

The Commission members shall elect one member to serve as Chair of the Commission. The Commission shall determine the responsibilities and authority of the Chair. The Commission may, but need not, elect other officers and determine their roles, if any.

Election of Chair and Term

During the first meeting of the Commission during each calendar year, the Commission shall elect a chair. The first chair shall serve through 2022, 2023, and until the election of a chair during the first meeting of 2024. Thereafter, election of the Chair shall occur annually at the first meeting of each year. The election can only occur with a quorum present.

A member must first announce their willingness to be Chair. Thereafter, member(s) can be nominated by another member to be eligible to receive votes for Chair. A member can nominate more than one candidate. A member cannot nominate themselves. If agreed upon by a majority of the members present, a candidate can give a short statement explaining why they should be elected.

Votes are made publicly. If no candidate receives more than 50% of the vote, a second round of voting shall take place between the two candidates with the greatest number of votes in the first round. The candidate with the most votes becomes Chair and assumes duties at the end of the public meeting. In the event of a tie, the CRD Director or their delegate, shall break the tie at the meeting or in the next publicly noticed meeting. In the latter situation, the prior Chair shall retain their duties until the tie is broken.

Responsibilities of the Chair

The responsibilities of the Chair include:

- Coordinate regularly with the Senior Advisor to: be abreast of day-to-day operations of the Commission, establish meeting protocols, set meeting schedules, and set meeting agendas, including receiving agenda items from Commission members.
- Manage each meeting of the Commission to ensure orderly and efficient review of each agenda item and receipt of public comment. Prioritize, move, and remove agenda items, as needed.
- Familiarize themselves with, and apply during Commission meetings, Robert's Rules of Order.
- Represent the Commission before external entities as necessary.
- Ensure the Commission is in compliance with applicable laws, regulations, and policies, including AB 1126's requirements, the Bagley Keene Act, and the Public Records Act.

Upon a majority vote of the Commission, the Commission may expand the authority of the Chair.

Chair Vacancy

If the office of the Chair becomes vacant, the Commission shall elect a new Chair at its first meeting after the vacancy occurs.

Other Officers

The Commission may choose to appoint officers from its membership, as needed, to carry out its duties. The Commission shall determine the powers and duties of appointed officers. (Gov. Code Section 8010(e)(1).)

Advisory Committees/Subcommittees

The Commission may also form and disband subcommittees, as needed, to carry out its duties. When forming a subcommittee, the Commission shall determine its power and duties. Subcommittees may be formed for a limited duration or indefinite duration. Each subcommittee must be led by a Commission member who serves as the subcommittee's chairperson. The Commission shall determine the powers and duties of subcommittee chairpersons. A subcommittee may comprise members and, in appropriate circumstances, nonmember advisers who possess specialized knowledge or experience to inform the work and further the goals of the Commission, ensure that the work of the Commission reflects the current experience of the state's diverse population and communities, and promulgate the recommendations, practices, strategies, tools, and resources developed by the Commission. (Gov. Code Section 8010(e)(2).)

REPRESENTATION ON BEHALF OF THE COMMISSION

General Rules of Conduct

All Commission members shall act in accordance with their oaths of office, and shall conduct themselves in a courteous, professional, and ethical manner at all times. Commission members serve at the pleasure of their appointing authorities and shall conduct their business in an open manner, so that the public shall be both informed and involved, consistent with the provisions of the Bagley-Keene Act and all other Government Code and Civil Code sections applicable to similar public bodies within the State of California.

- Commission members shall comply with all provisions of the Bagley-Keene Act.
- Commission members shall maintain the confidentiality, privileged, and/or proprietary nature, as the case may be, of any confidential, privileged, or proprietary documents and information related to Commission business or CRD.
- Commission members shall recognize the equal role and responsibilities of all Commission members.
- Commission members shall act fairly and be nonpartisan and consider diverse points of view in their roles.
- Commission members shall treat all individuals in a fair, professional, courteous, and impartial manner.
- Commission members shall not use their positions on the Commission for personal, familial, or financial gain.
- Commission members shall abide by the Conflict of Interest Policy of the Commission (below) and the Incompatible Activities, Acceptable Use, and Social Media policies of CRD.

Communications with Other Organizations, Individuals, and Media

Communications on Behalf of the Commission

The power of the Commission is vested in the Commission itself and not with any individual Commission member. Consequently, communications on behalf of the Commission as a whole to any individual, organization, or a representative of the media shall be made only by the Commission Chair, the Senior Advisor, or their designees, unless otherwise authorized by the majority of the Commission.

In the event that a Commission member is contacted for a statement or position of the Commission, the member should promptly inform the Commission Chair, CRD's Communications Deputy, and the Senior Advisor of the contact and relay any information supplied by the requestor. In addition, if the contact is from a media representative seeking information or comment from the Commission, the member should promptly refer the media representative to the Chair, CRD's Communications Deputy, and the Senior Advisor. In both cases, the member shall not speak on behalf of the Commission without prior authorization.

Communications on Behalf of Individual Commission Members

Commissioners have been appointed because of their professional experience, expertise, or specialized knowledge in the subject matter of the Commission. They will predictably be contacted by individuals, organizations, and media representatives about areas within their expertise. Commissioners may speak about their own work and personal goals for the Commission. If they do so, they should clarify that they are speaking in their individual capacity, not on behalf of the Commission as a whole.

In the event that a Commission member is contacted by a media representative to comment in their individual capacity about an issue related to the work of the Commission, the member should inform the Senior Advisor of the contact, including the contact information of the media representative and a summary of the comments provided by the Commissioner, if any.

In all communications, Commission members are cautioned to not express their personal opinions as a Commission policy or position or represent that the Commission has taken a position on a particular issue when it has not.

Social Media Presence

Commission members shall adhere to the Social Media Policy set forth for employees of CRD. In general, Commission members shall not speak on behalf of the Commission unless specifically authorized to do so. Commission members shall not share to the public or others on social media confidential, privileged, or proprietary information held by the Commission or CRD.

OTHER POLICIES & PROCEDURES

Incompatible Activities

All Commission members shall adhere to the Incompatible Activities Policy of CRD. Members are prohibited from engaging in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to their duties as Commission members.

Conflict of Interest

A Commission member may not make, participate in making, or in any way attempt to use their official position to influence a governmental decision, including any decision of or on behalf of the Commission, in which they know or have reason to know they have a financial interest.

Any Commission member who has a financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision.

Any Commission member who feels they are entering a situation where there is a potential for a conflict of interest should immediately consult the Senior Advisor, CRD legal counsel, and/or Fair Political Practices Commission.

A Commission member who feels they have a potential conflict of interest in a specific case or issue should make his or her position known when the matter is discussed publicly (e.g., during a Commission meeting). Further, the member should reinforce this position by physically leaving the room, or, in the case of a virtual meeting, muting their microphone and turning off their camera until the discussion regarding the matter is concluded. Whenever possible, a Commission member should notify the Senior Advisor when they believe that the member has a conflict of interest. The Senior Advisor can help refer the Commission member to appropriate resources for assistance, including the Fair Political Practices Commission.

If the Commission adopts this or any other Conflict of Interest Policy, all Commission members shall complete and submit a Statement of Economic Interests (Form 700) no later than 30 days after the Commission adopts the policy or 30 days after taking their Oath of Office, whichever is later. If the Commission has not yet adopted a Conflict of Interest policy, completion of Form 700 is an optional best practice. Commission members shall report interests in real property located within the State of California; investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Upon receipt of the Form 700, CRD shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Ex officio members shall abide by the Conflict of Interest Policy of their respective offices.

Civil Liberties

In all its activities, the Commission shall seek to protect civil liberties, including, but not limited to, freedom of speech, freedom of association, freedom of religion, and the right to privacy in accordance with the United States Constitution and relevant law. (Gov. Code Section 8010(n).)

Service of Legal Documents

If a Commission member is personally served as a party in any legal proceeding related to his or her capacity as Commission member, he or she must contact the Senior Advisor immediately.

Honoraria Prohibition

As a rule, members of the Commission should decline honoraria for speaking at, or otherwise participating in, events, professional association conferences, and meetings in their official capacities.

Considering this prohibition, members should report all offers of honoraria to the Commission Chair so that they, in consultation with the Senior Advisor and CRD counsel, may determine whether the potential for conflict of interest exists.

Public Records

The Commission is a public body, the records of which are subject to the California Public Records Act (PRA). Under the PRA and other applicable statutes, a public record is broadly construed to include e-mail, data, paper records, computer hard drives, and audio and video recordings created, used, or retained by a government agency in the conduct of its official business. If a member uses their personal e-mail or computer to engage in Commission activities, both may be subject to search for records responsive to a PRA request.

Generally, government records are disclosable to the public, though certain categories of records are exempt from public disclosure. CRD Directive 600 explains CRD's general process for responding to departmental records requests under the PRA, including what may be disclosed, when, how, and to whom: <https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2018/04/DFEH-DIR600-PRAPolicy.pdf>

Through meetings with CRD staff and through their own initiative, Commission members should become familiar with the PRA. If Commission members have questions about the law, they should contact CRD counsel.

Members can learn more about the PRA here:

<https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/prapolicy.pdf>

Compensation and Expenses

Nonlegislative members of the Commission shall receive reimbursement for per diem and expenses while engaged in Commission activities. Legislative members, ex-officio members, and nonmember advisers of the Commission shall not receive compensation. (Gov. Code Section 8010(h).)

The following general guidelines shall be adhered to in the payment of salary per diem and reimbursement for travel and other necessary expenses:

- Commission members shall receive per diem compensation of one hundred dollars (\$100) for each day that the member participates in a Commission meeting or public event. Travel time is not included in this component.
- Generally, members shall be reimbursed for travel and other expenses necessarily incurred in the performance of official duties. Travel expenses must adhere to CRD's travel policy. (See below.) Any other expense must be approved in advance by the Commission Chair and Senior Advisor in order to be reimbursed.
- No salary per diem or reimbursement for travel-related expenses shall be paid to Commission members except for attendance at official Commission meetings or events. Attendance at gatherings, events, hearings, conferences, or meetings (other than official Commission or subcommittee meetings) in which a substantial official service is performed must be approved in advance by the Commission Chair and Senior Advisor in order to be expensed.

Travel Policy

Commission members shall adhere to the Travel and Reimbursement Policy of CRD. The Department must approve all travel prior to traveling. All travel shall be performed in the most economical and efficient manner that meets the Commission's business needs. The trip duration must be within reasonable times before and/or after official business.

State guidelines generally prohibit reimbursement for hotel expenses if the meeting is less than 50 miles from an individual's home address, unless preapproval is secured. Commission members who wish to request an exemption to stay at a hotel less than 50 miles from their home must contact the Senior Advisor to pursue this exemption at least two weeks before the meeting. The exemption must be approved by CRD before the meeting.

APPENDIX

The Ralph Civil Rights Act (Civil Code Section 51.7)

(a) This section shall be known, and may be cited, as the Ralph Civil Rights Act of 1976.

(b) (1) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

(2) For purposes of this subdivision, "intimidation by threat of violence" includes, but is not limited to, making or threatening to make a claim or report to a peace officer or law enforcement agency that falsely alleges that another person has engaged in unlawful activity or in an activity that requires law enforcement intervention, knowing that the claim or report is false, or with reckless disregard for the truth or falsity of the claim or report.

(c) (1) A person shall not require another person to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, as a condition of entering into a contract for goods or services, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any court or other governmental entity.

(2) A person shall not refuse to enter into a contract with, or refuse to provide goods or services to, another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any other governmental entity.

(3) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any other governmental entity shall be knowing and voluntary, in writing, and expressly not made as a condition of entering into a contract for goods or services or as a condition of providing or receiving goods and services.

(4) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section that is required as a condition of entering into a contract for goods or services shall be deemed involuntary, unconscionable, against public policy, and unenforceable. This subdivision does not affect the enforceability or validity of any other provision of the contract.

(5) A person who seeks to enforce a waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section has the burden of proving that the waiver was knowing and voluntary and not made as a condition of the contract or of providing or receiving the goods or services.

(6) The exercise of a person's right to refuse to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including a rejection of a contract requiring a waiver, does not affect any otherwise legal terms of a contract or an agreement.

(7) This subdivision does not apply to an agreement to waive any legal rights, penalties, remedies, forums, or procedures for a violation of this section after a legal claim has arisen.

(8) This subdivision applies to an agreement to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including an agreement to accept private arbitration, entered into, altered, modified, renewed, or extended on or after January 1, 2015.

(d) This section does not apply to statements concerning positions in a labor dispute that are made during otherwise lawful labor picketing.

(e) The Legislature finds and declares that this section was enacted as part of the Ralph Civil Rights Act of 1976, in Chapter 1293 of the Statutes of 1976.

(f) This section does not negate or otherwise abrogate the provisions of Sections 1668, 1953, and 3513.

The Tom Bane Civil Rights Act (Civil Code Section 52.1)

(a) This section shall be known, and may be cited, as the Tom Bane Civil Rights Act.

(b) If a person or persons, whether or not acting under color of law, interferes by threat, intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney may bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the peaceable exercise or enjoyment of the right or rights secured. An action brought by the Attorney General, any district attorney, or any city attorney may also seek a civil penalty of twenty-five thousand dollars (\$25,000). If this civil penalty is requested, it shall be assessed individually against each person who is determined to have violated this section and the penalty shall be awarded to each individual whose rights under this section are determined to have been violated.

(c) Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the United States, or of rights secured by the Constitution or laws of this state, has been interfered with, or attempted to be interfered with, as described in subdivision (b), may institute and prosecute in their own name and on their own behalf a civil action for damages, including, but not limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to protect the peaceable exercise or enjoyment of the right or rights secured, including appropriate equitable and declaratory relief to eliminate a pattern or practice of conduct as described in subdivision (b).

(d) An action brought pursuant to subdivision (b) or (c) may be filed either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which a person whose conduct complained of resides or has their place of business. An action brought by the Attorney General pursuant to subdivision (b) also may be filed in the superior court for any county wherein the Attorney General has an office, and in that case, the jurisdiction of the court shall extend throughout the state.

(e) If a court issues a temporary restraining order or a preliminary or permanent injunction in an action brought pursuant to subdivision (b) or (c), ordering a defendant to refrain from conduct or activities, the order issued shall include the following statement: VIOLATION OF THIS ORDER IS A CRIME PUNISHABLE UNDER SECTION 422.77 OF THE PENAL CODE.

(f) The court shall order the plaintiff or the attorney for the plaintiff to deliver, or the clerk of the court to mail, two copies of any order, extension, modification, or termination thereof granted pursuant to this section, by the close of the business day on which the order, extension, modification, or termination was granted, to each local law enforcement agency having jurisdiction over the residence of the plaintiff and any other locations where the court determines that acts of violence against the plaintiff are likely to occur. Those local law enforcement agencies shall be designated by the plaintiff or the attorney for the plaintiff. Each appropriate law enforcement agency receiving any order, extension, or modification of any order issued pursuant to this section shall serve forthwith one copy thereof upon the defendant. Each appropriate law enforcement agency shall provide to any law enforcement officer responding to the scene of reported violence, information as to the existence of, terms, and current status of, any order issued pursuant to this section.

(g) A court shall not have jurisdiction to issue an order or injunction under this section, if that order or injunction would be prohibited under Section 527.3 of the Code of Civil Procedure.

(h) An action brought pursuant to this section is independent of any other action, remedy, or procedure that may be available to an aggrieved individual under any other provision of law, including, but not limited to, an action, remedy, or procedure brought pursuant to Section 51.7.

(i) In addition to any damages, injunction, or other equitable relief awarded in an action brought pursuant to subdivision (c), the court may award the petitioner or plaintiff reasonable attorney's fees.

(j) A violation of an order described in subdivision (e) may be punished either by prosecution under Section 422.77 of the Penal Code, or by a proceeding for contempt brought pursuant to Title 5 (commencing with Section 1209) of Part 3 of the Code of Civil Procedure. However, in any proceeding pursuant to the Code of Civil Procedure, if it is determined that the person proceeded against is guilty of the contempt charged, in addition to any other relief, a fine may be imposed not exceeding one thousand dollars (\$1,000), or the person may be ordered imprisoned in a county jail not exceeding six months, or the court may order both the imprisonment and fine.

(k) Speech alone is not sufficient to support an action brought pursuant to subdivision (b) or (c), except upon a showing that the speech itself threatens violence against a specific person or group of persons; and the person or group of persons against whom the threat is directed reasonably fears that, because of the speech, violence will be committed against them or their property and that the person threatening violence had the apparent ability to carry out the threat.

(l) No order issued in any proceeding brought pursuant to subdivision (b) or (c) shall restrict the content of any person's speech. An order restricting the time, place, or manner of any person's speech shall do so only to the extent reasonably necessary to protect the peaceable exercise or enjoyment of constitutional or statutory rights, consistent with the constitutional rights of the person sought to be enjoined.

(m) The rights, penalties, remedies, forums, and procedures of this section shall not be waived by contract except as provided in Section 51.7.

(n) The state immunity provisions provided in Sections 821.6, 844.6, and 845.6 of the Government Code shall not apply to any cause of action brought against any peace officer or custodial officer, as those terms are defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or directly against a public entity that employs a peace officer or custodial officer, under this section.

(o) Sections 825, 825.2, 825.4, and 825.6 of the Government Code, providing for indemnification of an employee or former employee of a public entity, shall apply to any cause of action brought under this section against an employee or former employee of a public entity.

Penal Code Statutes on Hate Crimes (Penal Code Section 422.55, et seq.)

CHAPTER 1. Definitions [422.55 - 422.57]

422.55. For purposes of this title, and for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

(a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(1) Disability.

(2) Gender.

(3) Nationality.

(4) Race or ethnicity.

(5) Religion.

(6) Sexual orientation.

(7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) "Hate crime" includes, but is not limited to, a violation of Section 422.6.

422.56. For purposes of this title, the following definitions shall apply:

(a) "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs (1) to (6), inclusive, of subdivision (a) of Section 422.55.

(b) "Disability" includes mental disability and physical disability, as defined in Section 12926 of the Government Code, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. This definition is declaratory of existing law.

(c) "Gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior regardless of whether it is stereotypically associated with the person's assigned sex at birth.

(d) "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense, whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that the crime would not have been committed but for the actual or perceived

characteristic. This subdivision does not constitute a change in, but is declaratory of, existing law under *In re M.S.* (1995) 10 Cal.4th 698 and *People v. Superior Court (Aishman)* (1995) 10 Cal.4th 735.

(e) “Nationality” means country of origin, immigration status, including citizenship, and national origin. This definition is declaratory of existing law.

(f) “Race or ethnicity” includes ancestry, color, and ethnic background.

(g) “Religion” includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

(h) “Sexual orientation” means heterosexuality, homosexuality, or bisexuality.

(i) “Victim” includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

422.57. For purposes this code, unless an explicit provision of law or the context clearly requires a different meaning, “gender” has the same meaning as in Section 422.56.

CHAPTER 2. Crimes and Penalties [422.6 - 422.865]

422.6. (a) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

(b) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

(c) Any person convicted of violating subdivision (a) or (b) shall be punished by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both the above imprisonment and fine, and the court shall order the defendant to perform a minimum of community service, not to exceed 400 hours, to be performed over a period not to exceed 350 days, during a time other than his or her hours of employment or school attendance. However, no person may be convicted of violating subdivision (a) based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat.

(d) Conduct that violates this and any other provision of law, including, but not limited to, an offense described in Article 4.5 (commencing with Section 11410) of Chapter 3 of Title 1 of Part 4, may be charged under all applicable provisions. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision, and the penalty to be imposed shall be determined as set forth in Section 654.

422.7. Except in the case of a person punished under Section 422.6, any hate crime that is not made punishable by imprisonment in the state prison shall be punishable by imprisonment in a county jail not to exceed one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that imprisonment and fine, if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that other person's free exercise or enjoyment of any right secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States under any of the following circumstances, which shall be charged in the accusatory pleading:

(a) The crime against the person of another either includes the present ability to commit a violent injury or causes actual physical injury.

(b) The crime against property causes damage in excess of nine hundred fifty dollars (\$950).

(c) The person charged with a crime under this section has been convicted previously of a violation of subdivision (a) or (b) of Section 422.6, or has been convicted previously of a conspiracy to commit a crime described in subdivision (a) or (b) of Section 422.6.

422.75. (a) Except in the case of a person punished under Section 422.7, a person who commits a felony that is a hate crime or attempts to commit a felony that is a hate crime, shall receive an additional term of one, two, or three years in the state prison, at the court's discretion.

(b) Except in the case of a person punished under Section 422.7 or subdivision (a) of this section, any person who commits a felony that is a hate crime, or attempts to commit a felony that is a hate crime, and who voluntarily acted in concert with another person, either personally or by aiding and abetting another person, shall receive an additional two, three, or four years in the state prison, at the court's discretion.

(c) For the purpose of imposing an additional term under subdivision (a) or (b), it shall be a factor in aggravation that the defendant personally used a firearm in the commission of the offense. Nothing in this subdivision shall preclude a court from also imposing a sentence enhancement pursuant to Section 12022.5, 12022.53, or 12022.55, or any other law.

(d) A person who is punished pursuant to this section also shall receive an additional term of one year in the state prison for each prior felony conviction on charges brought and tried separately in which it was found by the trier of fact or admitted by the defendant that the crime was a hate crime. This additional term shall only apply where a sentence enhancement is not imposed pursuant to Section 667 or 667.5.

(e) Any additional term authorized by this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(f) Any additional term imposed pursuant to this section shall be in addition to any other punishment provided by law.

(g) Notwithstanding any other provision of law, the court may strike any additional term imposed by this section if the court determines that there are mitigating circumstances and states on the record the reasons for striking the additional punishment.

422.76. Except where the court imposes additional punishment under Section 422.75 or in a case in which the person has been convicted of an offense subject to Section 1170.8, the fact that a person committed a felony or attempted to commit a felony that is a hate crime shall be considered a circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

422.77. (a) Any willful and knowing violation of any order issued pursuant to subdivision (b) or (c) of Section 52.1 of the Civil Code shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than six months, or by both the fine and imprisonment.

(b) A person who has previously been convicted one or more times of violating an order issued pursuant to subdivision (b) or (c) of Section 52.1 of the Civil Code upon charges separately brought and tried shall be imprisoned in the county jail for not more than one year. Subject to the discretion of the court, the prosecution shall have the opportunity to present witnesses and relevant evidence at the time of the sentencing of a defendant pursuant to this subdivision.

(c) The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders issued pursuant to Section 52.1 of the Civil Code.

(d) The court may order a defendant who is convicted of a hate crime to perform a minimum of community service, not to exceed 400 hours, to be performed over a period not to exceed 350 days, during a time other than their hours of employment or school attendance.

422.78. The prosecuting agency of each county shall have the primary responsibility for the enforcement of orders issued pursuant to this title or Section 52.1 of the Civil Code.

422.8. Except as otherwise required by law, nothing in this title shall be construed to prevent or limit the prosecution of any person pursuant to any provision of law.

422.85. (a) In the case of any person who is convicted of any offense against the person or property of another individual, private institution, or public agency, committed because of the victim's actual or perceived race, color, ethnicity, religion, nationality, country of origin, ancestry, disability, gender, gender identity, gender expression, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, the court, absent compelling circumstances stated on the record, shall make an order protecting the victim, or known immediate family or domestic partner of the victim, from further acts of violence, threats, stalking, or harassment by the defendant, including any stay-away conditions the court deems appropriate, and shall make obedience of that order a condition of the defendant's probation. In these cases the court may also order that the defendant be required to do one or more of the following as a condition of probation:

(1) Complete a class or program on racial or ethnic sensitivity, or other similar training in the area of civil rights, or a one-year counseling program intended to reduce the tendency toward violent and antisocial behavior if that class, program, or training is available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

(2) Make payments or other compensation to a community-based program or local agency that provides services to victims of hate violence.

(3) Reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's acts.

(b) Any payments or other compensation ordered under this section shall be in addition to restitution payments required under Section 1203.04, and shall be made only after that restitution is paid in full.

422.86. (a) It is the public policy of this state that the principal goals of sentencing for hate crimes, are the following:

(1) Punishment for the hate crimes committed.

(2) Crime and violence prevention, including prevention of recidivism and prevention of crimes and violence in prisons and jails.

(3) Restorative justice for the immediate victims of the hate crimes and for the classes of persons terrorized by the hate crimes.

(b) The Judicial Council shall develop a rule of court guiding hate crime sentencing to implement the policy in subdivision (a). In developing the rule of court, the council shall consult experts including organizations representing hate crime victims.

422.865. (a) In the case of any person who is committed to a state hospital or other treatment facility under the provisions of Section 1026 for any offense against the person or property of another individual, private institution, or public agency because of the victim's actual or perceived race, color, ethnicity, religion, nationality, country of origin, ancestry, disability, gender, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, and then is either placed on outpatient status or conditional release from the state hospital or other treatment facility, the court or community program director may order that the defendant be required as a condition of outpatient status or conditional release to complete a class or program on racial or ethnic sensitivity, or other similar training in the area of civil rights, or a one-year counseling program intended to reduce the tendency toward violent and antisocial behavior if that class, program, or training is available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

(b) In the case of any person who is committed to a state hospital or other treatment facility under the provisions of Section 1026 for any offense against the person or property of another individual, private institution, or public agency committed because of the victim's actual or perceived race, color, ethnicity, religion, nationality, country of origin, ancestry, disability, gender, or sexual orientation, including, but not limited to, offenses defined in Section 302, 423.2, 594.3, 11411, 11412, or 11413, or for any hate crime, and then is either placed on outpatient status or conditional release from the state hospital or other treatment facility, the court, absent compelling circumstances stated on the record, shall make an order protecting the victim, or known immediate family or domestic partner of the victim, from further acts of violence, threats, stalking, or harassment by the defendant, including any stay-away conditions as the court deems appropriate, and shall make obedience of that order a condition of the defendant's outpatient status or conditional release.

(c) It is the intent of the Legislature to encourage state agencies and treatment facilities to establish education and training programs to prevent violations of civil rights and hate crimes.

CHAPTER 2.5. Law Enforcement Agency Policies [422.87- 422.87.]

422.87. (a) Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy shall include, but not be limited to, all of the following:

(1) The definitions in Sections 422.55 and 422.56.

(2) The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6, and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.

(3) (A) Information regarding bias motivation.

(B) For the purposes of this paragraph, “bias motivation” is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

(C) (i) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(ii) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in antisability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

(D) In recognizing suspected religion-bias hate crimes, the policy shall instruct officers to consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion. Examples of religions and such symbols and articles include, but are not limited to:

(i) In Buddhism, statutes of the Buddha.

(ii) In Christianity, crosses.

(iii) In Hinduism, forehead markings, known as bindis and tilaks, Aum/Om symbols, and images of deities known as murtis.

(iv) In Islam, hijabs.

(v) In Judaism, Stars of David, menorahs, and yarmulke.

(vi) In Sikhism, turbans, head coverings, and unshorn hair, including beards.

(4) Information regarding the general underreporting of hate crimes and the more extreme underreporting of antisemitism and antigay hate crimes and a plan for the agency to remedy this underreporting.

(5) A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Section 13023.

(6) A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency's hate crimes brochure, as required by Section 422.92.

(7) A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

(8) The title or titles of the officer or officers responsible for ensuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.

(9) A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

(b) Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

CHAPTER 3. General Provisions [422.88 - 422.93]

422.88. (a) The court in which a criminal proceeding stemming from a hate crime or alleged hate crime is filed shall take all actions reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of the alleged victim, or of a person who is a victim of, or at risk of becoming a victim of, a hate crime.

(b) Restraining orders issued pursuant to subdivision (a) may include provisions prohibiting or restricting the photographing of a person who is a victim of, or at risk of becoming a victim of, a hate crime when reasonably required to safeguard the health, safety, or privacy of that person.

422.89. It is the intent of the Legislature to encourage counties, cities, law enforcement agencies, and school districts to establish education and training programs to prevent violations of civil rights and hate crimes and to assist victims.

422.9. All state and local agencies shall use the definition of “hate crime” set forth in subdivision (a) of Section 422.55 exclusively, except as other explicit provisions of state or federal law may require otherwise.

422.91. The Department of Corrections and the California Youth Authority, subject to available funding, shall do each of the following:

(a) Cooperate fully and participate actively with federal, state, and local law enforcement agencies and community hate crime prevention and response networks and other anti-hate groups concerning hate crimes and gangs.

(b) Strive to provide inmates with safe environments in which they are not pressured to join gangs or hate groups and do not feel a need to join them in self-defense.

422.92. (a) Every state and local law enforcement agency in this state shall make available a brochure on hate crimes to victims of these crimes and the public.

(b) The Civil Rights Department shall provide existing brochures, making revisions as needed, to local law enforcement agencies upon request for reproduction and distribution to victims of hate crimes and other interested parties. In carrying out these responsibilities, the department shall consult the Civil Rights Council, the Department of Justice, and the California Victim Compensation Board.

422.93. (a) It is the public policy of this state to protect the public from crime and violence by encouraging all persons who are victims of or witnesses to crimes, or who otherwise can give evidence in a criminal investigation, to cooperate with the criminal justice system and not to penalize these persons for being victims or for cooperating with the criminal justice system.

(b) Whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.