

2017-131 AUDIT SCOPE AND OBJECTIVES

Statewide Hate Crime Policies and Practices

The audit by the California State Auditor will provide independently developed and verified information related to the State's progress in implementing hate crime laws. The audit's scope will include, but not be limited to, the following activities:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. Identify and analyze policies, practices, and efforts at the California Department of Justice (Justice) to provide oversight and guidance to state and local law enforcement agencies regarding hate crimes. Assess any efforts by Justice to intervene in local agencies' practices, when necessary, and to cooperate with local, federal, and other state agencies.
3. Review best practices at the federal level and in other states regarding preventing, reporting, and prosecuting hate crimes. Identify any best practices related to cooperation among local, state, and federal agencies.
4. For the hate crimes data Justice collects from California law enforcement agencies, perform the following:
 - a. Determine whether Justice's hate crimes reporting system complies with existing laws. Determine whether Justice's reports include hate crime data reported by local law enforcement to federal agencies. To the extent possible, determine whether hate crimes in California committed based on, but not limited to, the victim's gender, disability, nationality, race or ethnicity, religion, and sexual orientation are underreported in Justice's data.
 - b. Identify and analyze trends in reported hate crimes by type of criminal act and category of bias.
 - c. Analyze Justice's efforts to address potential underreporting of hate crimes.
5. Determine whether the hate crime policy framework, guidelines, and training efforts of the California Commission on Peace Officer Standards and Training (POST) comply with relevant laws and regulations, as well as adequately recognize and respond to hate crimes involving the full range of victim characteristics in state law. Evaluate POST's current ability to measure and improve the effectiveness of its training regarding hate crimes.
6. Survey all state and local law enforcement agencies regarding hate crimes issue. The survey will include the California Highway Patrol, the California Department of Corrections and Rehabilitation, sheriffs' departments, police departments, district attorneys, and probation departments. The survey will include, but not necessarily be limited to, questions related those in the requesters' submitted questionnaire, and will cover agencies' hate crime policies, training, reporting, and public education efforts.

7. For a selection of four law enforcement agencies—one municipal police department with a relatively large number of reported hate crimes, one medium-sized university police department, one sheriff's office with a relatively low number of reported hate crimes, and one large state or local correctional agency—determine the agencies' compliance with hate crime laws and regulations by performing the following:
 - a. For a selection of crimes at each agency, determine whether the agency properly identified the incidents as hate crimes and classified and reported those crimes accordingly.
 - b. For a selection of crimes the agencies reported to Justice as hate crimes, determine the accuracy, completeness, and timeliness of the information reported.
 - c. Review the agencies' policies and procedures related to disseminating information on hate crimes—such as brochures—and providing hate crime training and public outreach.
8. Review and assess any other issues that are significant to the audit.