

More information for victims:



DEPARTMENT OF JUSTICE  
Civil Rights Unit  
Bias Response Hotline: 1-844-924-BIAS (2427)  
We Accept All Relay Calls  
Using interpreters for 240+ languages  
[StandAgainstHate.Oregon.gov](https://standagainsthate.oregon.gov)

More information for law enforcement:



## **Bias Crimes and Incidents**

### **Oregon Law Enforcement Bulletin**

We know that law enforcement seeks to protect all community members in Oregon so that individuals and families can live healthy, safe, productive lives. But Oregon communities, just like other communities throughout the United States, continue to be affected by bias crimes and incidents. These incidents have a devastating and long-lasting impact on individuals, families, as well as communities. Treating bias victims with patience, compassion, and dignity, while also accurately and uniformly identifying, investigating, and tracking these incidents is essential for law enforcement agencies. In fact, it is now required under Oregon law.

#### **What is a Bias Crime?**

A bias crime is a criminal offense, including threats of or actual physical violence, property damage, or harassment, committed against a person or property that is motivated, in whole or in part, by the offender's bias against another person's race, color, religion, disability, gender identity, sexual orientation, or ethnicity/national origin. Oregon bias crimes are codified under ORS 166.155 and 166.165.

When investigating a bias crime, law enforcement should investigate if the suspect's motivation for the crime is even partially due to their perception of the victim's protected class. (A suspect who believes a victim is Muslim and damages his property due to this belief would be guilty of a bias crime, even if the victim isn't Muslim or in any protected class.)

It is not always a bias crime when the victim of a crime belongs to a protected class. The officer needs to investigate for bias indicators, which are objective facts, circumstances, or patterns attending a criminal act that, standing alone or in conjunction with other facts or circumstances, suggest that the offender's actions were motivated, in whole or in part, by any form of bias.

#### **Bias indicators law enforcement should look for include:**

- Differences, whether actual or perceived by the offender, in victim's race, color, ethnicity, gender, gender identity, national origin, religion, sexual orientation, disability status, or other cultural expression.
- Victim was engaged in activities promoting or advocating for a specific group or identity.
- Incident coincided with a holiday or date of particular significance to the victim's or offender's group.
- Bias-related language, written statements, or gestures were made by the offender.
- Bias-related drawings, markings, symbols, and graffiti on offender's clothing, person, or property were left at the scene of the incident.
- Objects, words, or items that represent the work of organized hate groups were left (e.g. - white hoods, burning crosses, nooses, etc.).

- Previous bias crimes have been committed at the same location.
- Location represents a safe, special, gathering, or holy space for the group.
- Victim or witness perceives that the incident was motivated by bias.
- Offender was previously involved in a similar incident or is a member of/associates with organized hate group.
- Offender engages in hate activity in person and/or online.
- Victim was previously harassed or verbally abused based on their affiliation with a targeted group.
- Lack of other motives for the incident.

The presence of a bias indicator does not always mean the crime is a bias crime. But bias indicators mean the officer should look and investigate deeply and gather more information and cues to try to determine the suspect's motivation.

### **What is a Bias Incident?**

A bias incident differs from a bias crime in that a bias incident cannot be charged under the bias crime statute. The Oregon bias crime statute under ORS 147.380<sup>1</sup> defines a bias incident as a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

For example, a person reports a road rage incident where they were called a derogatory name related to their race. Although not a bias crime, the bias incident should still be documented. In fact, ORS 147.380<sup>1</sup> requires law enforcement to refer the reporting party to a qualifying local victim service agency or to the Bias Response Hotline (1-844-924-BIAS, accepting all Relay calls, [StandAgainstHate.Oregon.gov](https://standagainsthate.oregon.gov)).

### **What is a qualifying local victim service agency?**

Qualifying local victim service agencies provide safety planning, trauma management, and data reporting, and are located in the same geographic area as the law enforcement agency that responds to the bias crime or bias incident. Qualifying local victim service agencies must be designated by the Oregon Department of Justice<sup>1</sup>, whose administrative rule identifies these agencies as community based or non-profit organizations with a history of fostering a safe and welcoming community and whose mission is to support victims of hate and bias activity. A listing of designated agencies will be available on our website at [StandAgainstHate.Oregon.gov](https://standagainsthate.oregon.gov) as these agencies are identified. If a local agency is not available, law enforcement is required to refer victims to the Bias Response Hotline.

### **Why should bias crimes and incidents be investigated?**

Bias crimes and incidents affect entire communities. They can make both individuals as well as entire sections of a population feel unwelcome or unsafe in their own community. Bias crimes and incidents are traumatic for those who experience or witness them and can create division and tension among citizens. Properly identifying these types of incidents, documenting them in reports, and handling the victims with sensitivity, compassion and dignity, are important steps to ensure that hate crimes do not go unreported or uninvestigated. Holding offenders accountable when they commit a bias crime also demonstrates to the victim, the offender, and the community that these types of crimes won't be ignored or tolerated.

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<sup>1</sup> SB 577; Oregon Laws 2019, chapter 553, section 8; ORS 147.380