

Senate Bill 577 (2020) Report

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Oregon Criminal Justice Commission

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Executive Director

The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems

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Executive Summary

During the 2019 legislative session, the legislature passed and the Governor signed Senate Bill 577. Section 9 of this bill requires the Oregon Criminal Justice Commission (CJC) to review all data pertaining to bias crimes and non-criminal bias incidents and to report the results annually on July 1. This is the second annual report and covers data on bias crimes and non-criminal bias incidents that occurred in Oregon during calendar year 2020. Anyone interested in viewing the report in its entirety may do so by requesting a copy from the Criminal Justice Commission at 503-378-4830 or by accessing this link: <https://www.oregon.gov/cjc/CJC%20Document%20Library/SB577ReportJuly2021.pdf>. General inquiries regarding this report should be directed to the Criminal Justice Commission at 503-378-4830. Specific questions regarding the contents of this report can be directed to Ken Sanchagrin, the Director of the Criminal Justice Commission, at 971-719-6000 or ken.sanchagrin@oregon.gov.

The full report displays summary data of bias crimes and non-criminal bias incidents from several data sources including the Bias Response Hotline established by the Oregon Department of Justice (DOJ) dedicated to assisting victims, witnesses, and other reporters of bias crimes and non-criminal bias incidents. In addition, the report displays data on bias-related offenses taken from Oregon's National Incident Based Reporting System (NIBRS) housed within the Oregon State Police (OSP), data on the prosecution of bias crimes from three district attorneys' offices that were involved in a data collection pilot with CJC, arrest data taken from the national Law Enforcement System (LEDS), court data for bias crimes taken from Oregon's Odyssey data system, and conviction and sentencing data for bias crimes from Oregon's Department of Corrections (DOC).

Key Findings

- 1,101 reports of bias were made to the Hotline¹, of which 304 were determined to be bias/hate crimes and 606 were determined to be bias incidents by the hotline advocate. A majority of reports to the Hotline were reports of race-based targeting, and a majority of those were anti-Black/African American bias. The latter half of 2020 saw a 134% surge in Hotline reporting compared to the first 6 months of reporting in 2020².
- Of the 394 calls made to the hotline by telephone, 50% initially went to voicemail. For all reports from May 1 through December 31 of 2020 when the hotline began tracking response time, 26% of reports were responded to immediately, 69% were responded to within a day, and all but one were responded to within a week.
- NIBRS law enforcement data showed that 377 bias crimes were *reported* to Oregon law enforcement (LE) agencies in 2020, indicating a 38% surge in reporting from 2019 (272 reports to LE).
- Statewide data from the Law Enforcement Data System (LEDS) indicate that in 2020 there were 78 *arrests* with a charge of Bias Crime in the First Degree (ORS 166.165) or Bias Crime in the Second Degree (ORS 166.155) in Oregon. When comparing this to the NIBRS data, this is associated with approximately 1 arrest per 5 bias crimes reported to law enforcement.
- Prosecution data for adult perpetrators were collected from three district attorneys' offices – Multnomah, Lane, and Benton Counties – from July, 1 2020, through December 31, 2020. Those counties had 31 bias crimes *referred* for consideration of criminal prosecution by law enforcement

¹ Of which, 31% were perpetrated by the government and 14% of all reports were perpetrated by law enforcement.

² The Hotline started collecting data on bias occurrences related to specific global, social and political events, and saw spikes in anti-Black/African American bias reporting that corresponded with the Black Lives Matter movement in summer 2020, reports of surging anti-Asian bias in spring 2020 paralleling the beginning of the COVID-19 pandemic in the U.S., and a rise in doxxing leading up to the 2020 U.S. Presidential Election.

agencies. Of those, 27 were filed as bias crimes, and 16 have been indicted as Bias Crime in the First Degree felonies.

- Statewide data taken from Oregon’s eCourt or Odyssey system show that in 2020, there were 82 cases that included a bias crime *charge filed* of Bias Crime in the First Degree (ORS 166.165) or Bias Crime in the Second Degree (ORS 166.155). Of those, 34 were disposed - 19 resulting in a conviction for a bias crime, and 15 in the dismissal of the bias charge.
- According to statewide data from the Oregon DOC, 18 defendants were convicted of a bias charge in 2020. Of those, 17 were sentenced to probation, while 1 received a prison sentence.
- These data suggest there are gaps in Oregon’s bias response systems, from the Hotline to the criminal justice system. In addition, the number of cases with bias crime charges diminish precipitously as those cases move from the initial report to law enforcement through sentencing.

Recommendations

1. The high volume of calls going to voicemail and the lag in response for many reports to the Hotline indicate that increased hotline staffing may allow for improved capacity to measure the magnitude of bias motivated incidents and crimes in the state, and allow for enhanced victims’ services and advocacy.
2. Ongoing training is necessary for law enforcement to ensure that bias crimes and incidents are properly received, documented, investigated and prosecuted, and that victims are referred to appropriate services. Hotline data show that 26% of hotline advocate contacts are spent engaged in follow-up to investigators rather than focusing on victim support. [DOJ’s Law Enforcement Bias Response Toolkit](#) issued in June 2020 to all Oregon, tribal, and federal law enforcement agencies and district attorneys is a good resource.
3. Continued efforts to educate community members about Oregon’s bias crime laws as well as outreach to rural communities are necessary to obtain reports from rural communities, raise the profile of the hotline, and ensure appropriate resources are provided to victims and survivors of bias crimes and incidents.
4. Continued improvement of data collection and analysis would enhance the State’s ability to estimate the scope of the problem, and plan resources accordingly. For example, CJC’ implemented a statewide victimization survey to estimate the incidence and prevalence of crime victimization throughout the state in 2020, including crimes motivated by bias. In-depth analyses of these data will be published in the coming months, and may help fill some of these gaps.

This report provides a preliminary look at data collection efforts that are in their infancy. And while it focuses on the quantitative data required for an initial assessment, studies show that such data often underestimate the extent of the problem due to vast underreporting. Bias crimes and incidents cause intense, deep, and lasting harm to people who are targeted and while bias incidents and crimes sometimes target specific individuals, this targeting often causes ripples of harm, violating an entire group or community’s sense of safety and belonging even going as far as to erode our common humanity and society’s civility standards. More information on the experiences of bias victims can be found in the *Effects of Bias Incidents on People, Families, and Communities* section of the full report.

Background

In 2019, the Oregon Legislature passed and Governor Kate Brown signed Senate Bill 577. Section 9 of this bill, now codified in ORS 137.678, requires the Oregon Criminal Justice Commission (CJC) to review all data pertaining to bias crimes and non-criminal bias incidents and to report the results annually on July 1. This is the second annual report.

SB 577 led to significant changes in the way that the State of Oregon classifies crimes motivated by bias as well as to the manner in which data concerning bias crimes are, and will soon be, collected across the state. Section 1 of SB 577 bill modified ORS 166.155, changing the name of the crime from “intimidation in the second degree” to “bias crime in the second degree.” Similarly, Section 2 modified ORS 166.165, changing the name of the crime from “intimidation in the first degree” to “bias crime in the first degree.”

In addition to changing the names of both first and second degree bias crimes, SB 577 also brought about significant changes to what types of behavior fall into these two classifications. Before 2019, the determining factor in whether criminal behavior motivated by bias was classified as a first or second degree offense was whether the act constituting a bias crime was committed by an individual alone or within a group of two or more individuals. If criminal behavior motivated by bias was committed by a single individual, then it qualified as intimidation in the second degree, a misdemeanor. Alternately, if criminal behavior motivated by bias was committed by a group of individuals, then it qualified as intimidation in the first degree, a felony.

Under the new elements ushered in by SB 577, the nature of the harm to a victim now determines the seriousness of the charge. As such, a first degree bias crime is now warranted when an individual, motivated by bias, engages in physical violence or the threat of physical violence against another person. Property damage, vandalism, harassment, and other similar behaviors, however, are now classified as second degree bias crimes. Finally, for both first and second degree bias crimes, SB 577 also added gender identity as a distinct protected class identity separate from sexual orientation in the definition of the crime, creating seven total protected classes under these statutes: race, color, national origin, sexual orientation, gender identity, religion, and disability.

Beyond the substantive changes to what constitutes a bias crime, SB 577 also ushered in several new requirements concerning the collection and reporting of data on bias crimes. Section 3 of the bill modified ORS 181A.225, which requires law enforcement agencies to submit data on reported crime information to the Oregon State Police (OSP). Section 3 added gender identity as a bias motivation for reported crime data and also added a requirement that OSP provide incident data concerning bias crimes to the CJC for reporting purposes.

Second, Section 5 of the bill created a collection process for data on prosecution of bias crimes. Three district attorneys’ offices serve as pilot counties, and started data collection on July 1, 2020, recording data on the prosecution and case resolution process for cases that include bias crimes. The three pilot counties are Multnomah, Benton, and Lane Counties. The bill then requires all other district attorneys’ offices to start data collection on July 1, 2022.

Finally, Section 8 of the bill, now codified under ORS 147.380, identifies a new legal term called a bias incident, defined as a hostile expression of animus targeting a person due to their perceived protected class where law enforcement does not develop probable cause of the commission of a crime. Importantly, this statute required the Oregon Department of Justice (DOJ) to establish a staffed hate crimes telephone hotline dedicated to assisting victims, witnesses, and other reporters of bias crimes and non-criminal bias incidents. The hotline opened on January 2, 2020, and provides a resource to victims of bias crimes and non-criminal bias incidents by responding to all reports received, providing assistance, assisting with

safety planning, and coordinating with organizations to provide support services. The bill also requires DOJ to provide data on reported bias crime and non-criminal bias incidents to the CJC for reporting purposes.

Effects of Bias Incidents on People, Families, and Communities

Bias crimes and incidents cause intense, deep, and lasting harm to people who are targeted based on immutable, often visible identities, including their race, color, national origin, sexual orientation, gender identity, religion, and disability. The word bias itself is a euphemism, attempting to reduce the impact for the user—in actuality, we are talking about hate: racism, discrimination, homophobia, transphobia, anti-Semitism, Islamophobia, colorism, ableism, and xenophobia. The intent of hate and bias is to degrade, embarrass, dehumanize, alienate, silence, scare, and make people feel unwelcome.

While bias incidents and crimes sometimes target specific individuals, this targeting often cause ripples of harm, violating an entire group or community's sense of safety and belonging. But the harm doesn't stop there. Bias crimes and incidents erode our common humanity and society's civility standards; when we hear biased language or see such conduct occur uninterrupted, the bar for our treatment of each other is lowered. Hate and bias threaten the promise of safe, healthy, livable towns and cities, strip decency and certainly kindness from the places where we live, work, and attend school and destroy our unity of purpose necessary for our families, children, loved ones, and friends to grow and thrive.

Bias crimes and incidents reported to the hotline in 2020 included over one-thousand reports of people experiencing or witnessing hateful slurs; violent threats online and in person, including threats to rape or kill young children; assaults; stalking; doxing; swatting; spitting; grocery stores and restaurants refusing to serve people; runners and dog walkers chased and shoved to the ground in parks; campers driven out of campsites; people's cars and property painted with swastikas and other universal symbols of hate; weapons such as pipes and knives wielded to scare and utilized to crush skulls and bones and strike flesh; nooses left on doorsteps and in school yards; employers and schools requiring employees and students to use alternate entrances and materials from colleagues and peers; Zoom-bombing in our children's school classrooms; animal carcasses left on lawns near signs of affirmation; law enforcement flashing known hate symbols while on duty; local government approving hate groups to adopt a highway; death threats and targeted, biased propaganda received by mail to homes and workplaces; and race-based murder.

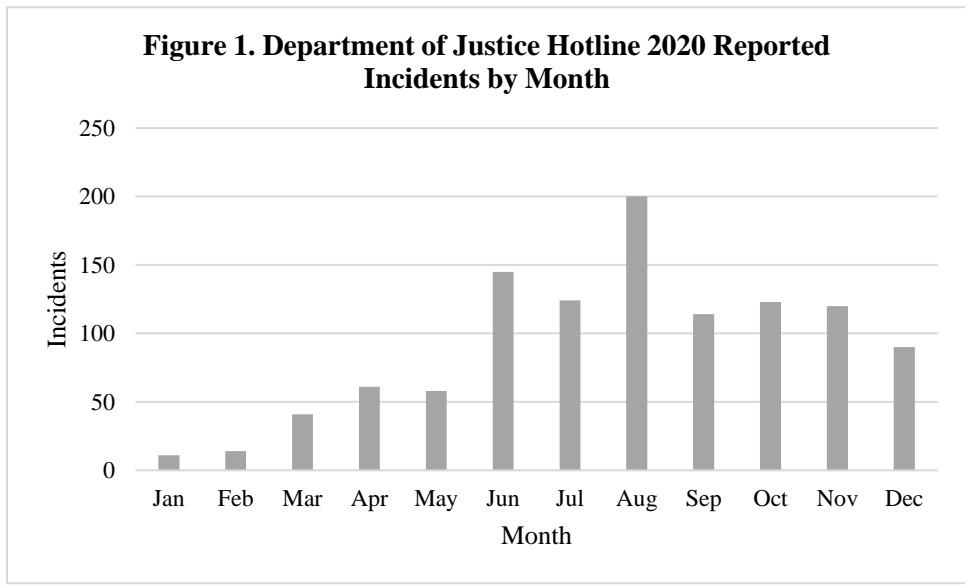
Government requires and likes quantitative data to understand an issue. This report will provide the quantitative data required for an initial assessment; however, we know these data underestimate the extent of the problem due to vast underreporting³. And we cannot lose sight of the qualitative information that individuals share on the hotline and to law enforcement, which speaks to the human lives targeted and the impact of hate and bias. Real people's lives are turned upside down in horrific, scary, and very real ways.

In 2020, victims shared on the hotline that due to bias, they were forced to move their families out of neighborhoods, towns, and this state altogether; they caused or exacerbated mental health harms; they sent victims into hospitals for emergency surgery resulting in astronomical medical bills; they divided families, workplaces, and neighborhoods, creating feelings of isolation and loneliness; they prompted victims to drop out or graduate early from high school; they resulted in victims being physically unable to work, unable to provide for their families, evicted, and left without the ability to care for family and loved ones; they caused victims to lose their jobs; they resulted in the Oregon community losing the talents, insight, and gifts of people who found it untenable to remain in a state where hate and bias thrive. These traumas are compounded when the systems that are supposed to assist and support (the hotline) or

³ See: Pezzella FS, Fetzer MD, Keller T. The Dark Figure of Hate Crime Underreporting. American Behavioral Scientist. January 2019. doi:10.1177/0002764218823844

investigate and hold accountable (law enforcement), are inadequate and do not meet the needs of victims and survivors due to gross staffing deficiencies, lack of training, or lack of care.

Department of Justice (Hotline) Data



A dedicated BRH Coordinator started in her role on March 30, 2020. Since that time, in consultation with community partners and the Hate Crimes and Bias Incidents Steering Committee, pursuant to Section 8 (5)(a)(A), now ORS 147.380 (5), DOJ coordinated with CJC to develop a standardized intake process for all reports of bias crimes and bias incidents, collect

all necessary data elements, and provide the data to CJC. Figure 1 shows an increase in Hotline reporting from January through June 2020 as this intake process began implementation. This increase in reporting corresponded with a growing awareness of the BRH in the State. For monthly counts, see Table A1 in the Appendix.

Section 8 of SB 577, now ORS 147.380 (3), requires the DOJ to establish a staffed hate crimes telephone hotline (Bias Response Hotline, or BRH) dedicated to assisting victims, witnesses, and other reporters of bias crimes and bias incidents. The DOJ opened the Bias Response Hotline on January 2, 2020⁴, accessible online⁵ and at 1-844-924-BIAS (2427), accepting all Relay calls⁶, offering multiple avenues for anyone to report hate and bias. Reports come in to the hotline in a variety of ways, including through the web portal⁷, readily available in eight languages, on the hotline phone utilizing the services of Language Link with interpreters in over 240 languages, to an individual DOJ Attorney General Office employee, or via a community partner, for those who are connected with and trust in an existing culturally-specific agency. Hotline staff continue to connect with culturally specific organizations around the state to promote and offer the hotline as a point of support for bias victims.

Core Values

⁴ <https://www.doj.state.or.us/oregon-department-of-justice/bias-crimes/report-a-hate-and-bias-crime/>
⁵ StandAgainstHate.Oregon.gov, available in eight languages and translated into an additional language upon request.
⁶ For people who are Deaf, Blind, Hard of Hearing, or have a speech disability, the BRH utilizes Telecommunications Relay Services, including Text-to-Voice TTY, Voice Carry Over, Speech-to-Speech Relay Service, Captioned Telephone Service, Internet Protocol Relay Service, IP Captioned Telephone Service, and Video Relay Service.
⁷ <https://justice.oregon.gov/CrimeReporting/BiasCrime>

In establishing foundational priorities, the BRH has prioritized six main tenets in its structure and services: accessibility, belief, trauma-informed care, victim-centered approach, promoting safety, and cultural humility and responsiveness. It is so important that the hotline establishes and earns trust by showing victims that advocates are patient, trauma-informed, listening ears, ready to support, and knowledgeable to refer folks to additional resources if they choose. If advocates honor their boundaries and wishes, and protect their stories, BRH hopes to continue to show that it is a safe place to share their experiences and realities.

The hotline prioritizes access so that bias victims who choose to reach out have the opportunity to receive support services. Many bias victims have endured and been scarred by repeated bias victimization throughout their lifetimes and perhaps have never had a safe place to receive support for their experiences. The BRH starts from a place of acknowledging the challenges of reaching out and tries to reduce the barriers to accessing support. The hotline created a PSA in late 2019⁸, and started airing the PSA in January 2020, messaging that Oregon is not a place for hate, and that advocates are available to support victims and witnesses in the aftermath of a bias incident. The PSA continues to run, educating Oregonians that there is now a place to report and receive support for those who have experienced or witnessed bias. Although both the hotline phone and web portal do not require that a reporter provide personal information such as name, phone number, email address, or other identifying information, thus far, the web portal has been most utilized, reflecting that many reporters want the protection of anonymity offered online. Often reports received via the hotline phone reflect urgency and are those reporters who are sharing an experience very close in time to the call.

At the core of the hotline is the foundational principle of belief. All hotline callers and experiences shared are believed. The hotline engages in no investigation, and it is not the hotline advocate's role to evaluate evidence or judge decisions shared by the reporter. Crime victims feel and experience belief, and never doubt or judgment, from the hotline advocates.

The hotline aims to provide trauma-informed care, which means the hotline's structure and services are welcoming, engaging, and acknowledging of the trauma experienced by those reporting to the hotline. Hotline policies follow the Substance Abuse and Mental Health Services Administration's (SAMHSA) four Rs in that they 1) Realize the widespread impact of trauma and understand potential paths for recovery; 2) Recognize the signs and symptoms of trauma in clients, families, staff, and others involved with the system; 3) Respond by fully integrating knowledge about trauma into policies, procedures, and practices; and 4) seek to actively Resist re-traumatization⁹ (Substance Abuse Mental Health Administration, 2012)¹⁰. Hotline advocates are fully trained in trauma-informed care and all hotline practices and responses reflect this ideology. Advocates understand the prevalence and impact of trauma among bias victims and reporters to the hotline. Advocates commit to providing victims safe space and allowing for emotional safety on the hotline. The hotline operates from an empowerment and strengths-based model, focusing on strength, resilience, options, and choices in an effort to facilitate healing and avoid re-traumatization (Hopper, Bassuk, & Olivet, 2010).

As a significant shift from traditional systems' response, the hotline aims to be victim-centered, allowing victims and reporters to the hotline autonomy and empowerment to make decisions in the aftermath of a bias incident. For decades, peer-reviewed research has shown that victims experience greater feelings of justice as well as pathways to healing if they are given control in sharing their experience and voice.

⁸ <https://www.doj.state.or.us/oregon-department-of-justice/bias-crimes/about-the-law/>

⁹ Substance Abuse and Mental Health Services Administration. (2012). SAMHSA's Working Definition of Trauma and Principles and Guidance for a Trauma-Informed Approach.

¹⁰ Hopper, E. K., Bassuk, E. L., & Olivet, J. (2010). Shelter from the Storm: Trauma-Informed Care in Homelessness Services Settings.

There is no hotline investigation or criminal justice process with a defendant on whom to focus, and therefore victims' needs, voice, safety, and choice drive hotline responses. Victims and reporters are acknowledged for whatever stage they are in, validated and affirmed no matter their response to the traumatic experience, empowered with options for next steps, and given choice and control in taking those steps. With the exception of mandatory reports of child abuse, elder abuse, and abuse of a person who is disabled and in danger of further abuse, hotline reporters choose to whom, when, and where to share their bias experience as well as what they do after accessing the BRH.

Every reporter who chooses to engage with the hotline works with an advocate to establish a safety plan. Hotline advocates assist victims and reporters in creating a personalized, individual plan to address specific safety concerns resulting from the hate or bias incident, manage risk factors of reencountering hate or bias activity, identify natural or personal support resources, and collaborate with the victim to establish actions and options to increase safety and well-being. This includes safety in the community and at home, safety and privacy online, as well as choice in accessing civil and criminal justice systems in state, federal, and/or tribal courts. The hotline recognizes that bias incidents are physically dangerous, create feelings of emotional vulnerability, and intend to otherize and separate victims from larger communities. Victims and reporters are offered the opportunity to establish a specific safety plan during each call to the hotline.

Finally, hotline advocates practice cultural humility and aim to provide services in a culturally responsive and relevant manner. Hotline advocates recognize and reflect on the privilege and power that come from being part of a system and that may exist in their own cultural identities. Advocates approach each call with openness, self-awareness, and humbleness in an effort to recognize the caller's intersectionality and to investigate and explore together opportunities of empowerment in making next decisions and steps. Seeing the victim or reporter as a whole, nuanced person with many contributing life experiences that impact and create an individual with a specific cultural identity, and avoiding generalizations that can come from cultural competency, guide hotline response. As part of being victim-centered, advocates continue to learn about identities and cultures, and regularly ask victims and callers to help identify what supports, processes, and steps would best meet the caller's cultural and individual needs.

Hotline Response Procedure

The BRH established a process vetted by the Hate Crimes and Bias Incidents Steering Committee to ensure these six tenets are incorporated when responding to reports received via any reporting avenue. When the hotline advocate contacts the reporter or victim, the advocate begins the call with an informed consent process, reviewing the scope of the hotline program to ensure the victim can make an informed decision about engaging with the hotline and consents to proceeding with the call. Information shared by the advocate includes that:

- the hotline serves as a support and information and referral hotline, and does not have the authority to open an investigation, or prosecute or sanction someone for perpetrating bias;
- advocates are mandatory reporters of child abuse, elder abuse, and some situations of abuse of a person with a disability;
- the hotline collects de-identified data to share with the CJC and ultimately the legislature and public;
- public records requests may require DOJ to share non-identifying information from each report; and
- advocates are not able to engage with callers who are represented by an attorney without attorney permission.

If the victim consents to proceeding with the hotline call, hotline advocates listen, providing trauma-informed and culturally responsive emotional support. Advocates collect data and categorize the character of the bias conduct, using the following definitions:

- Assault – hands-on contact that causes offense or injury, including physical or sexual abuse.
- Harassment – language or conduct intended to alienate, offend, or degrade, including stalking, mimicking, mocking, threats, and hate speech.
- Vandalism – graffiti or damage to someone else’s property.
- Institutional – system-wide excluding, offensive, degrading, or discriminatory conduct by a public or private sector organization, often resulting in loss of access to economic, social, and/or political resources.
- Refused service/accommodation – individual conduct intending to exclude or not meet stated needs; can be in a public or private business setting.
- Doxing – publicly publishing or sharing personal, private, or identifying information about another individual with malicious intent.
- Swatting – calling 911 on another person in an attempt to bring about unnecessary law enforcement response or consequence to that person.
- Murder – the intentional killing of another person.

In addition, hotline advocates categorize the bias conduct as a bias incident pursuant to ORS 147.380, a bias crime pursuant to ORS 166.165, or 166.155, if bias occurred against a person not protected under ORS 147.380, 166.165, or 166.155, or if the reporter is calling for a reason other than reporting or seeking services for a bias or hate incident. Hotline advocates inquire:

- 1) Was a protected class under ORS 147.380, 166.165, or 166.155 implicated in whole or part?
- 2) Was there a hostile expression of animus based on a protected class in whole or in part?
- 3) Does the victim/witness/reporter believe the offender was motivated by bias?

Hotline advocates look for yes answers to be classified as bias incident or hate crime.

BRH advocates engage in extensive safety planning with the reporter, as outlined above. If resources and referrals are requested and/or identified as a necessary option, advocates provide some options, including reporting to law enforcement. Advocates may also follow-up with systems such as law enforcement to address concerns and issues if the victim requests. Advocates inquire if the reporter would be open to additional outreach approximately one week after their initial report as an opportunity to check in, revise the safety plan, and see if there are new or additional needs that hotline advocates could provide.

Hotline Services

In providing services and supports to victims, hotline advocates work with reporters and victims to determine what their needs and goals are in the aftermath of a bias incident. At the victim or reporter’s direction, the hotline provides:

- information about the criminal and civil justice systems,
- information about accessing victim rights,
- referrals to victim service programs,
- referrals to other community and governmental programs that offer services, supports, and resources, and
- coordination with outside organizations to provide services and individual advocacy to assist in securing rights, remedies, and services from other agencies for victims.

The BRH started collecting statistics about referrals and services provided in May 2020, so the below data are not a reflection of services provided to all victims and reporters in this CJC report. However, in an

effort to center the victim and focus on their needs, safety, and next steps, BRH provides this snapshot of data for the 974 reports made to the hotline between May 1, 2020 and December 31, 2020:

- Hotline advocates made 2,001 contacts with victims and reporters via the hotline and web portal. The median number of contacts per report was 2.1 and the number of attempted contacts per report ranged from 1 to 27.
- Victims and reporters requested information about the criminal and civil justice systems, including the process of reporting and the flow of a prosecuted case in the system 229 times.
- Victims requested information about accessing civil protective orders 54 times.
- Victims received 91 referrals to victim service programs specifically designed to deliver services to victims of crime.
- Victims received 593 referrals to other services, supports, and resources from non-victim service agencies, including counseling options, governmental programs, and culturally-specific community programs.
- Hotline advocates engaged in individual advocacy for victims 701 times, meaning advocates made calls, emails, and other contacts to assist victims in securing rights, remedies, and services from other agencies.

Hotline Data

Table 1. Department of Justice Hotline 2020 Reported Incidents by Intake Type

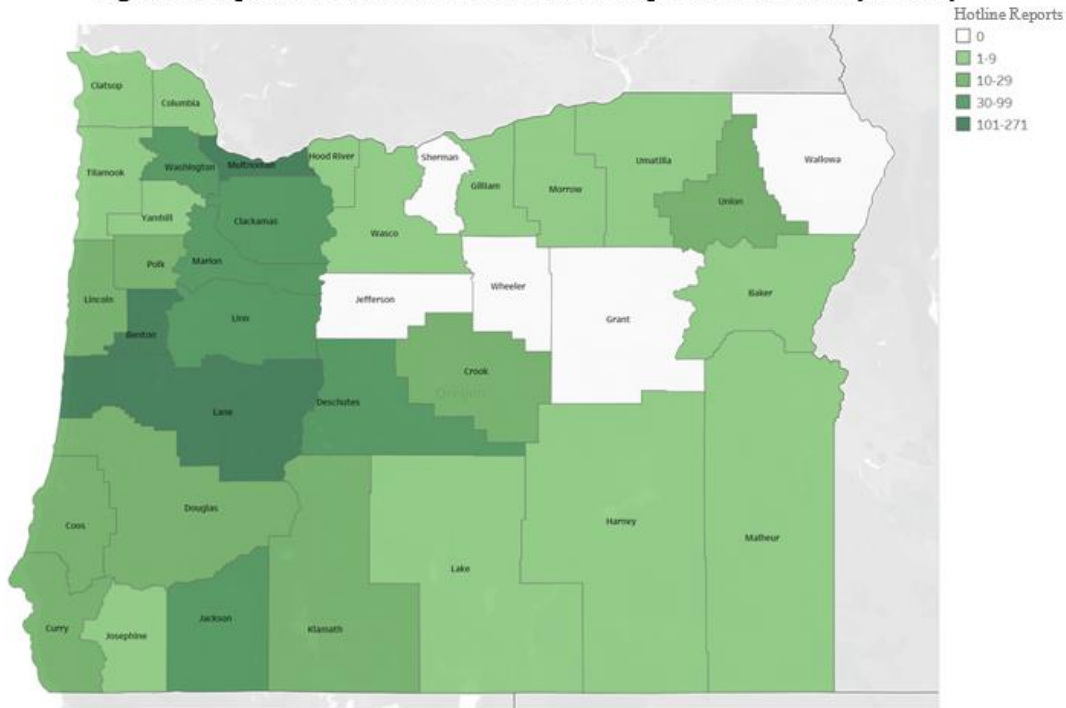
Intake Type	Incidents	Percent
Web	441	40%
Hotline	192	17%
Hotline voicemail	189	17%
Agency referral	239	22%
Community referral	22	2%
Web and hotline	17	2%
Total	1,100¹¹	100%

Tables 1-3 and Figures 2 and 3 display summary measures of the reported bias crimes and non-criminal bias incidents collected by DOJ. Hotline reports increased steadily through the summer, peaking in August, before falling again in the fall (Figure 1). During the 2020 calendar year, the hotline collected 1,101 reports of bias crimes or non-criminal bias incidents. A plurality of reports (40%) were received via the website, with 35% received from the hotline. Of those reports made to the hotline, 50% initially went to voicemail (Table 1). Figure 2 shows that in 2020, Multnomah County made the

highest number of reports (n=271), followed by Benton (n=136) and Lane (n=104) counties. For further county information, see Table A2 in the Appendix.

¹¹ One of the 1,101 reports from 2020 was missing information on the intake type.

Figure 2. Department of Justice Hotline 2020 Reported Incidents by County



Well over half of the reports show race as the protected class (63%), followed by color at 47%, and national origin at 28%, as shown in Table 2.

Table 2. Department of Justice Hotline 2020 Reported Incidents by Protected Class

Targeted Class	Reports	Percent*
Race	695	63%
Color	519	47%
Disability	165	15%
National Origin	162	15%
Sexual Orientation	97	9%
Religion	75	7%
Gender Identity	51	5%
Additional Targeted Class (not protected under bias statutes)	211	19%

*Incidents often include multiple targeted protected classes, so percentages will not add to 100%

For reports where race is the protected class, 55% were anti-Black or African American, followed by 16% anti-Hispanic or Latinx, while anti-Asian and anti-American Indian or Alaska Native each made up 10% and 9% of reports involving race respectively (Table 3). Note that targeted protected class data reflect the perpetrator’s perception of identity; a person who actually identifies as Pacific Islander may be targeted with specifically anti-Asian bias, or a person who actually identifies as multi-racial may be targeted with anti-Black/African American bias. Also, many people contacted the hotline to report targeting based on class/identity that is not protected under the bias statutes; most often these reports were from individuals targeted for their protected class in addition to a non-protected class. For example, a person with a physical disability wearing a t-shirt supporting a political candidate reported bias based on disability and political affiliation. The hotline received only 39 reports of targeting solely due to non-protected identity

in 2020, but 211 reports of bias targeting protected class identity and non-protected class identity. Additional targeted classes in 2020 included protesters, gender, age, housing status, political affiliation, income, criminal history, addiction, police/military, media, mask-wearing, and familial status.

Table 3. Department of Justice Hotline 2020 Reported Incidents Involving Race by Race

Race	Reports*	Percent
Anti-Black or African American	454	65%
Anti-Hispanic or Latinx	110	16%
Anti-Asian	68	10%
Anti-American Indian or Alaska Native	65	9%
Anti-Arab	22	3%
Anti-White	21	3%
Race Unspecified	133	19%

*Some incidents involving race had no specific race information recorded, while others had multiple races recorded, so incidents will not add to 695.

Figure 3 shows the average number of days between when an incident occurred and when it was reported to the hotline. While 35% reports occurred within a day of the incident, the median number of days between bias and reporting to the hotline was 6, and many reports were made months or years after the bias experience; the trauma memory is lasting.

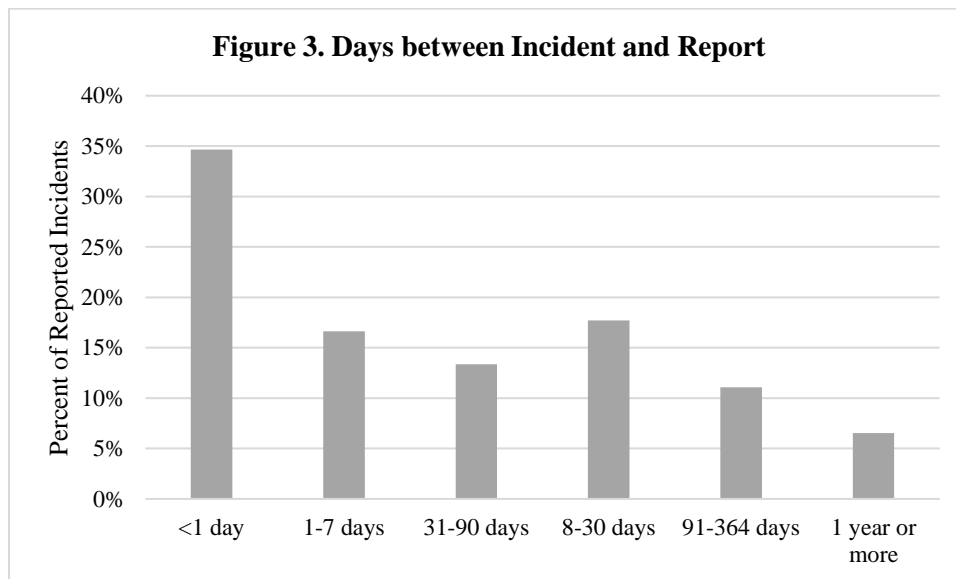


Figure 4 displays the amount of time between when a report was initially made and when it was responded to by a Hotline representative. Of the 534 bias reports from May through December of 2020 where a response time was recorded, 26% (n=127) of reports were responded to immediately, 69% (n=371) were responded to within a day, and all but one were responded to within a week.

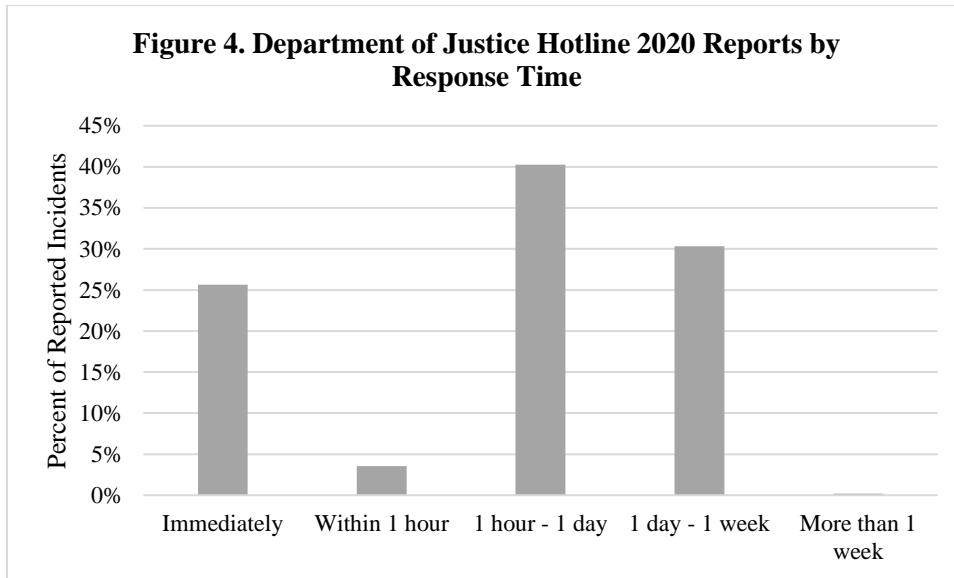


Table 4. Department of Justice Hotline 2020 Reported Incidents by Determination

Determination	Incidents	Percent
Bias incident	606	55%
Hate crime	304	28%
Bias criteria not met	70	6%
Bias against unprotected class	410	4%
Repeat report	13	1%
Unable to determine	78	7%
Total	1,101	100%

Tables 4 and 5 provide more information about the types of incidents that were reported. Slightly more than half of the reports were determined to be a bias incident (55%), and 28% were determined to be hate crimes (Table 4). Hotline advocates made these determinations using information provided by the individual making the report. Hotline advocates did not investigate reports of bias to the hotline. Instead, centered on the tenet of belief, the advocates categorized the reports into one of six

categories shown in Table 4. For more detailed information on how these determinations were made, please see the section *Bias Response Hotline Procedure for Determining Bias* in the Appendix.

According to Table 5, nearly half of the reports were for harassment (45%). The next most commonly reported types of conduct were institutional (23%) and assault (13%). When looking at bias determinations by targeted class, the data show that incidents targeting the following classes were most likely to be categorized as hate crimes (as opposed to bias incidents or some other determination): color (39%), race (36%), and sexual orientation (35%). When looking at bias motivation, the incidents targeting the following groups were most likely to be categorized as hate crimes: Latinx individuals (42.7%), Black and African American individuals (39%), and those targeted for multiple races (52%). Incidents targeting Jewish individuals were also highly likely to be categorized as hate crimes (56%). In addition, reports of bias against the following groups were most likely to involve assault: sexual orientation (21%), gender identity (20%), and color (17%), while those targeting these groups were most likely to involve harassment: sexual orientation (56%), race (50%), and color (48%). For incidents targeting race, those targeting Latinx individuals (25%), individuals of multiple races (17%), American Indians (15%) were most likely to involve assault. For a more detailed break out of bias designation and conduct type by targeted class and race, see Tables A10 through A13 in the appendix.

**Table 5. Department of Justice Hotline 2020
Reported Incidents by Incident Type**

Incident Type	Reports	Percent
Harassment	492	45%
Institutional	252	23%
Assault	142	13%
Vandalism	75	7%
Refusal of service	51	5%
Doxing	12	1%
Murder	1	0%
None/unable to determine	76	7%
Total	1,101	100%

Tables 6-8 provide additional summary information on incidents reported to the Hotline in 2020. As shown in Table 6, the most common incident settings were an individual's home (22%), on the internet (17%), or some other public setting (15%).

**Table 6. Department of Justice Hotline 2020
Reported Incidents by Setting**

Setting	Reports	Percent
Home	237	22%
Internet/cell phone/cyber	186	17%
Other public setting	163	15%
Mall/shopping center	113	10%
Place of employment	38	3%
Institutional setting	37	3%
Driving	34	3%
School	31	3%
Parks	21	2%
Other	75	7%
Not reported	166	15%
Total	1,101	100%

According to Table 7, incidents were most often reported by the victims themselves (40%), followed by a witness to the incident (28%), and a family member (2%).

**Table 7. Department of Justice Hotline 2020
Reported Incidents by Who Reported**

Reported By	Reports	Percent
Victim	437	40%
Witness	311	28%
Family	18	2%
Law enforcement	6	1%
Perpetrator	4	0%
Other	173	16%
Not specified	152	14%
Total	1,101	100%

In 35% (n=389) of reports, the reporter said that the offender was known to the victim. The most common relationships between the victim and offender was that of a stranger (22%), a neighbor (9%), and a city official (8%). In addition, the reporter mentioned that the government was involved in the perpetration of 343 (31%) of these reported incidents, and that 149 of those (14% of all incidents) were perpetrated by law enforcement.

**Table 8. Department of Justice Hotline 2020
Reported Incidents by Victim/Offender Relationship**

Victim-Offender Relationship	Reports	Percent
Stranger	241	22%
Neighbor	104	9%
City official	93	8%
Police	82	7%
Unknown	71	6%
Employer	24	2%
Landlord	19	2%
Service provider	15	1%
Acquaintance	12	1%
Other	204	19%
Not reported	236	21%
Grand Total	1,101	100%

Hotline Data – 2020 Events

2020 saw multiple global health, social and political events that escalated biased violence and targeting against Blacks/African Americans, Asians/Pacific Islanders, people with disabilities, and Muslim and Jewish people, as well as brought a surge in reports related to domestic extremism, both in the state of Oregon, and nationally. These events included the murder of George Floyd and subsequent Black Lives Matter (BLM) protests, the COVID-19 pandemic, and the 2020 U.S. Presidential Election. Because of these events, the hotline began collecting information on whether victims/witnesses/reporters identified their bias experience as related to these events. As with other events in U.S. history of scarcity, illness, wartime, or panic, biased targeting based on visible identity (race, color, and physical disability), xenophobic scapegoating, and anti-Semitism and Islamophobia surged coinciding with these 2020 events. Figures 5-7 show the frequency of bias reports to the hotline where the reporter indicated the incident was motivated by each type of event. Figure 5 shows the number of reports related to the BLM protests. The frequency of such reports remained high throughout the summer before trailing off in the fall and winter. Figure 6 displays the frequency of reports related to the COVID-19 pandemic starting in March. Again, the highest frequency of reports occurred during the spring when the pandemic first started, and trailed off somewhat during the year before seeing another spike at the beginning of winter. Finally, Figure 7 shows the frequency of reports related to extremism by month. It indicates a spike in September, which happened to fall right before the 2020 Presidential Election.

Figure 5. Events Related to Black Lives Matter per Month

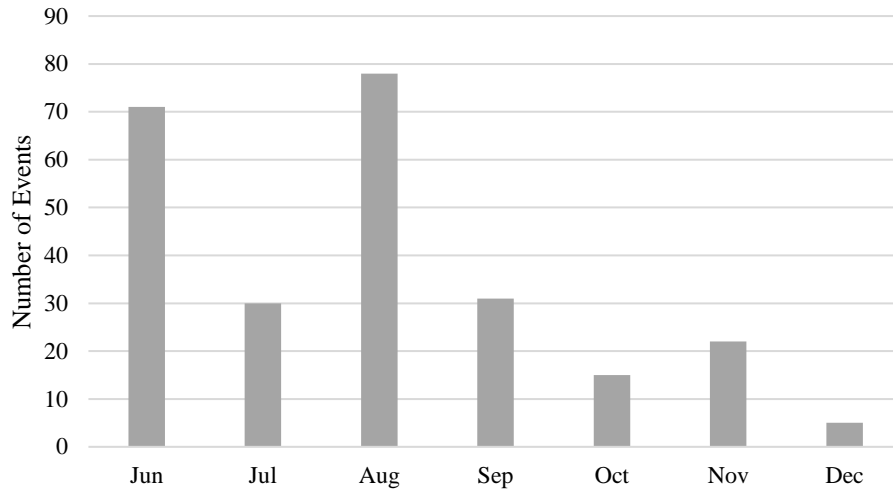
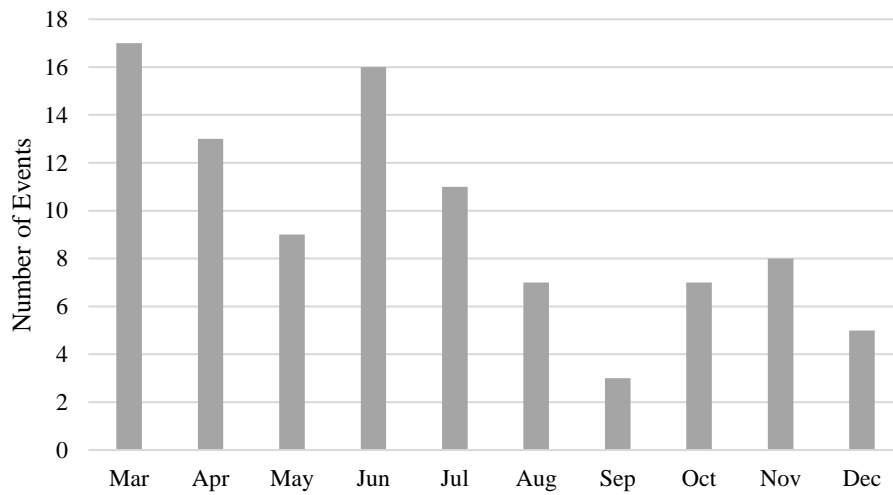
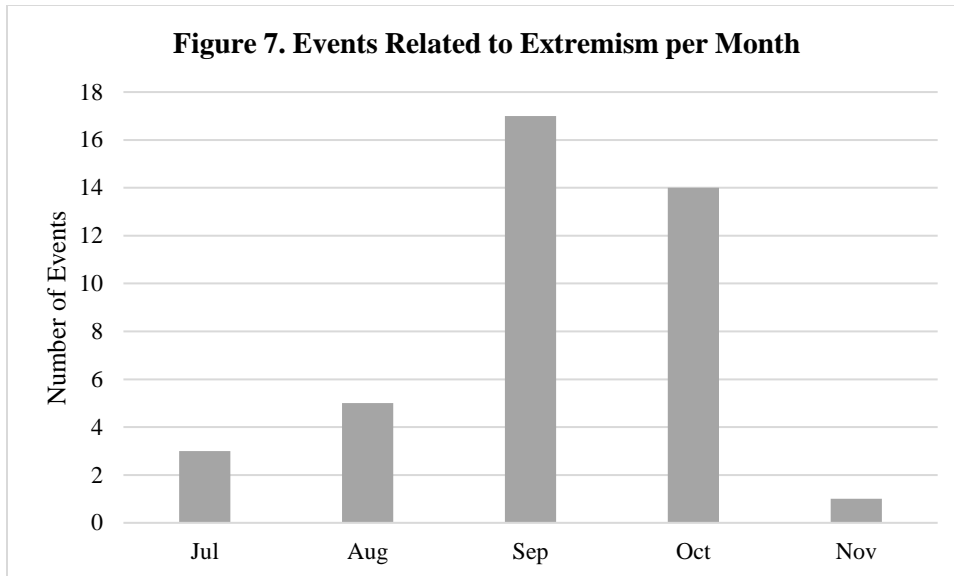


Figure 6. Events Related to COVID-19 per Month





State Police (NIBRS) Data

The Oregon Uniform Crime Reporting (UCR) Program is housed at Oregon State Police within the Criminal Justice Information Systems (CJIS) Division, and collects reported crime information from law enforcement agencies in the state. The UCR Program also transfers Oregon reported crime data to the FBI for national reporting. Historically, the UCR Program produces quarterly and annual crime reports, which include summary tables of the reported crime data¹². The UCR Program recently launched the Oregon Crime Data Dashboards¹³, which displays crimes reported to law enforcement as of January 1, 2020. The dashboard provides summary level data on a publicly available website that can be filtered by several different variables.

Table 9. NIBRS 2020 Reported Bias Crimes by Bias Motivation

Race/Color	207
Other	42
Ethnicity/National Origin	39
Sexual Orientation	37
Religious	31
Gender Identity	13
Disability	7
Gender	1
Total	377

Law enforcement agencies are required to report crime information to the UCR Program under ORS 181A.225. Agencies have been in the process of upgrading reported crime data systems from the legacy UCR format to the National Incident Based Reporting System (NIBRS) format. All but two law enforcement agencies in Oregon have completed the upgrade, which is required by the FBI as of January 1, 2021, and one of those two agencies will be making the switch sometime in 2021. However, a small number of agencies have not completed the upgrade or have been unable to report for 2020 due to resource constraints. In addition, 55 agencies missed at least one month of reporting during the 2020 calendar year, and of those, 10 did not report any data during that time period.

Tables 9 and 10 display summary information for 2020 bias crimes reported to law enforcement. A total of 377 bias crimes were reported, up 38% from the 273 reported in 2019. These 377 crimes stemmed from 353 separate bias incidents. Race/color was the most frequent bias motivation (n=207). Vandalism of property was the most frequent offense type (n=126), followed by intimidation with 79 reports. Figure

¹² <https://www.oregon.gov/osp/programs/cjis/Pages/Uniform-Crime-Reporting.aspx>

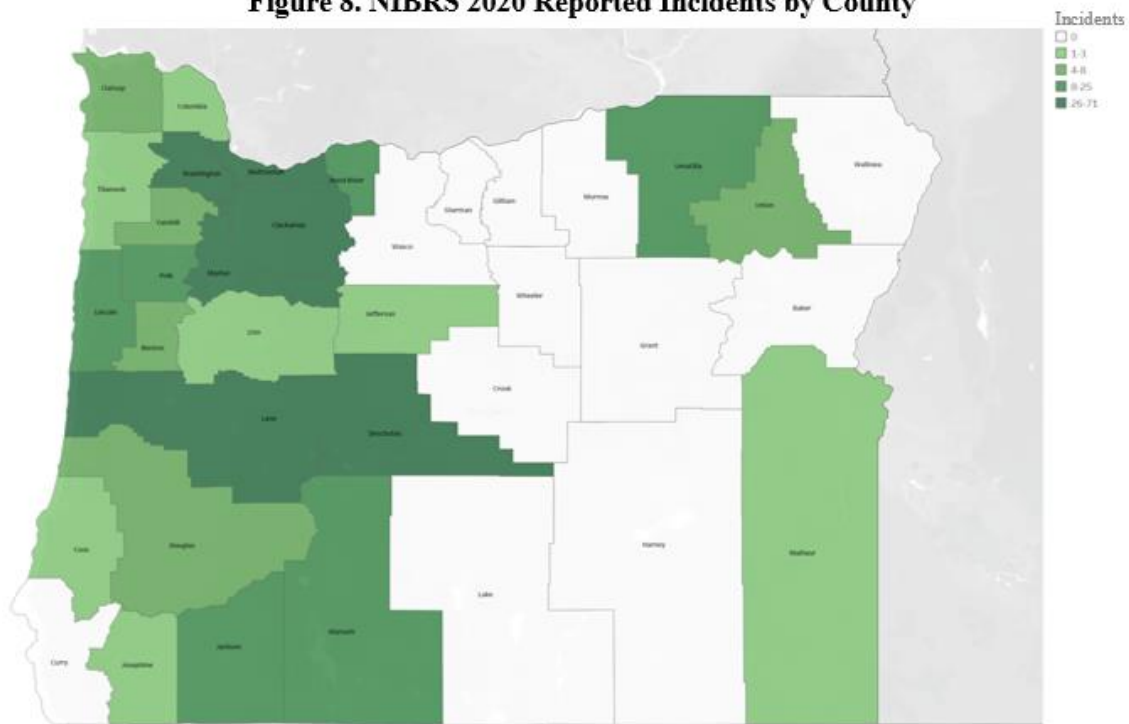
¹³ <https://www.oregon.gov/osp/Pages/Uniform-Crime-Reporting-Data.aspx>

8 below shows that Lane County had the highest number of reports at 71¹⁴, followed by Multnomah County at 47, Marion County at 40, and Washington County at 35. For further county information, see Table A3 in the Appendix.

Table 10. NIBRS 2020 Reported Bias Crimes by Offense Type

Vandalism	126
Intimidation	79
Simple Assault	73
Aggravated Assault	28
All Other Larceny	21
Disorderly Conduct	19
Burglary/Breaking and Entering	7
All Other Offenses	24
Total	377

Figure 8. NIBRS 2020 Reported Incidents by County



The 377 reported incidents led to 87 arrests, resulting in an arrest rate of approximately 23%. Table 11 shows these arrests separated by offense type. The most common bias offense to lead to arrest was simple assault (n=33), followed by intimidation (n=17), and aggravated assault (n=14).

¹⁴ The large number of bias crimes reported in Lane County may be influenced by the City of Eugene’s [Hate and Bias Incident Response Plan](#) which includes providing victim support and community response. A major component of this involves providing resources to investigate all reports of hate, bias, harassment, and violence; and has allowed the City to capture a larger proportion of these incidents occurring in Eugene.

Table 11. NIBRS 2020 Arrests for Bias Crimes

Simple Assault	33
Intimidation	17
Aggravated Assault	14
Destruction/Damage/Vandalism of Property	12
Disorderly Conduct	5
Burglary/Breaking and Entering	3
All Other Offenses	7
Total	91

Bias crime reporting is also required of law enforcement agencies under ORS 181A.225. A supplemental report is required for bias related offenses that includes the bias motivation and victim and offender demographics. There were a total of 416 victims of the 377 crimes reported to OSP in 2020. Information on those victims can be found below in Tables 12-14. A majority of the victims were individuals (79%).

Table 12. NIBRS 2020 Victim Type

Victim Type	Victims	Percent
Individual	328	79%
Business	38	9%
Society/Public	31	7%
Government	12	3%
Religious Organization	3	1%
Law Enforcement Officer	2	0%
Other	2	0%

In terms of demographics, 47% were male while 31% were female. The most common race was white (42%) followed by Black or African American (19%), and most skewed older, with a combined 15% under the age of 25 (Table 13).

Table 13. NIBRS 2020 Victim Demographics

Sex	Victims	Percent
Male	196	47%
Female	128	31%
Unknown	92	22%
Race		
White	176	42%
Black or African American	78	19%
Hispanic or Latino	32	8%
American Indian/Alaska Native	8	2%
Asian	3	1%
Native Hawaiian/Other Pacific Islander	2	0%
Unknown	117	28%
Age		
20 and under	35	8%
21 to 24	30	7%
25 to 34	81	19%
35 to 44	61	15%
45 to 54	48	12%
55 and older	67	16%
Unknown	94	23%
Total	416	100%

And, as with the hotline reports, the most common victim/offender relationship was that of a stranger (18%) as seen in Table 14.

Table 14. NIBRS 2020 Victim/Offender Relationship

Victim Relationship	Reports	Percent
Stranger	74	18%
Acquaintance	26	6%
Neighbor	14	3%
Otherwise known	8	2%
Boyfriend/girlfriend	4	1%
Ex-Spouse	2	0%
Friend	2	0%
Other Family	2	0%
Parent	2	0%
Ex-Relationship (Ex-boyfriend/ex-girlfriend)	1	0%
Sibling	1	0%
Spouse	1	0%
Stepparent	1	0%
Unknown	278	67%

Arrests (LEDS)

CJC queried arrests for Bias crime in the first degree (ORS 166.165) and Bias crime in the second degree (ORS 166.155) for calendar year 2020. The arrest data are from the Law Enforcement Data System (LEDS), which includes arrests where the person was fingerprinted. The Tables 15 and 16 below include arrest events with at least one charge for a bias crime, and can include other crimes on the arrest event as well.

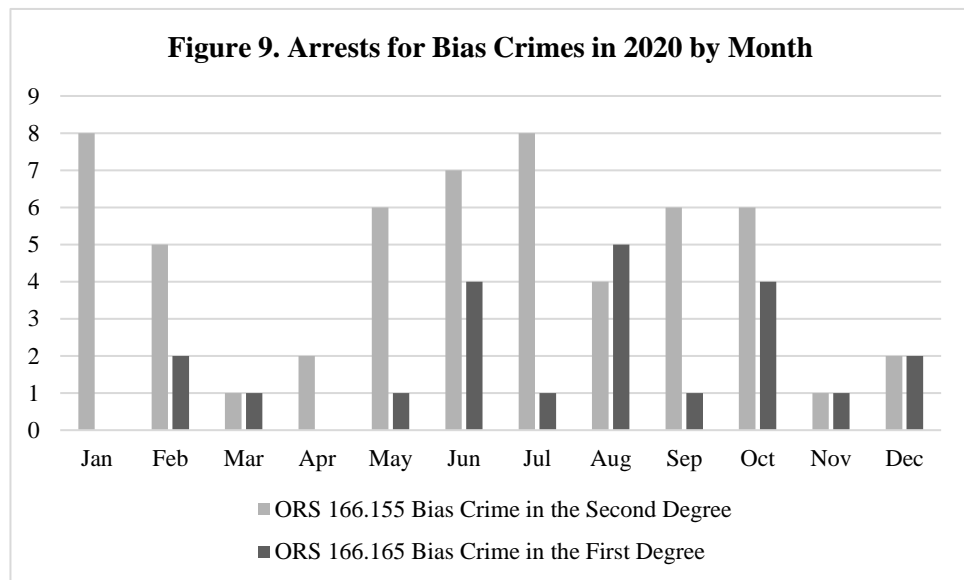
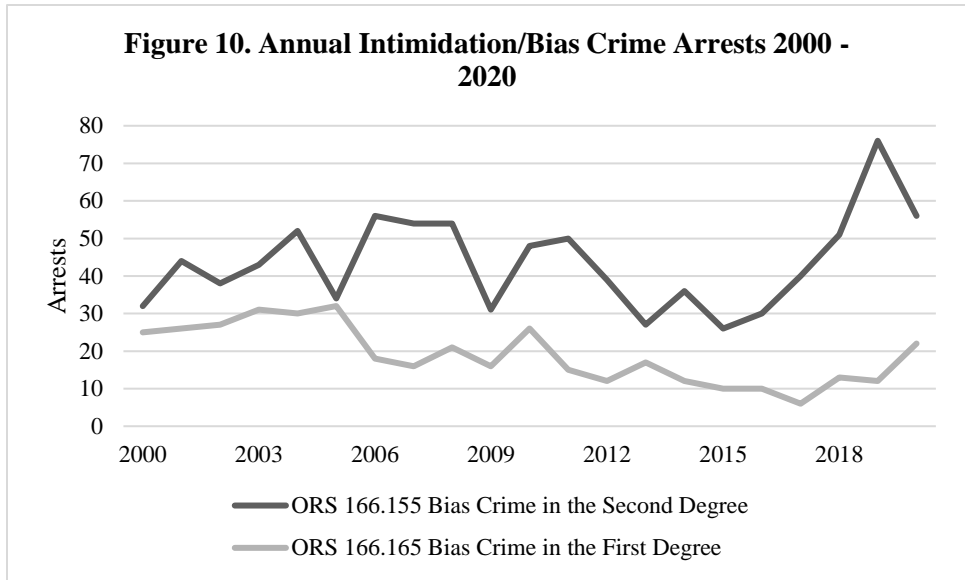


Figure 9 above shows the monthly counts for arrests for a Bias crime in the first or second degree. Arrests for a Bias crime in the second degree vary from 1 to 8 arrests in a single month, while arrests for a Bias crime in the first degree are less frequent with 0 to 5 arrests a month. For exact counts, see Table A5 in the Appendix.



For context, Figure 10 displays arrests for Bias crimes in the first and second degrees by year from 2000 to 2020. Arrests prior to July 2019 are for the prior definitions of Intimidation in the first and second degrees. This 20 year trend provides a historical context of arrests for bias crimes. Arrests for Intimidation/Bias crimes in the second

degree show a 20 year low in 2015 at 26 arrests. From 2015 to 2019 the arrests steadily increase from 26 to 73 before dropping to 56 in 2020. Arrests for Intimidation/Bias crimes in the first degree show a 20 year high in 2005 at 32 arrests. The yearly counts generally decline and 2020 shows 22 arrests. For exact yearly counts, please see Table A6 in the Appendix.

Table 15 provides demographic information for individuals arrested for bias crimes in 2020. Over 80% of the individuals arrested were male, and the vast majority of the individuals arrested were white, while 15% were Black. The most frequent age categories at 24% are those age 55 and older, and those ages 25 to 34.

Table 15. Arrests for Bias Crimes (I and II) in 2020 by Sex, Race, and Age

Sex	Arrests	Percent
Male	65	83%
Female	13	17%
Race		
White	64	82%
Black	12	15%
Native American	2	3%
Asian	0	0%
Hispanic	0	0%
Unknown	0	0%
Age		
20 and under	1	1%
21 to 24	7	9%
25 to 34	18	23%
35 to 44	16	21%
45 to 54	17	22%
55 and older	19	24%
Total	78	100%

Table 16 shows the most frequent crimes co-occurring with bias crime arrests. From a total of 78 arrests, 27 included a co-occurring crime of Menacing, 27 a co-occurring crime of Disorderly conduct in the second degree, and 23 a co-occurring crime of Harassment.

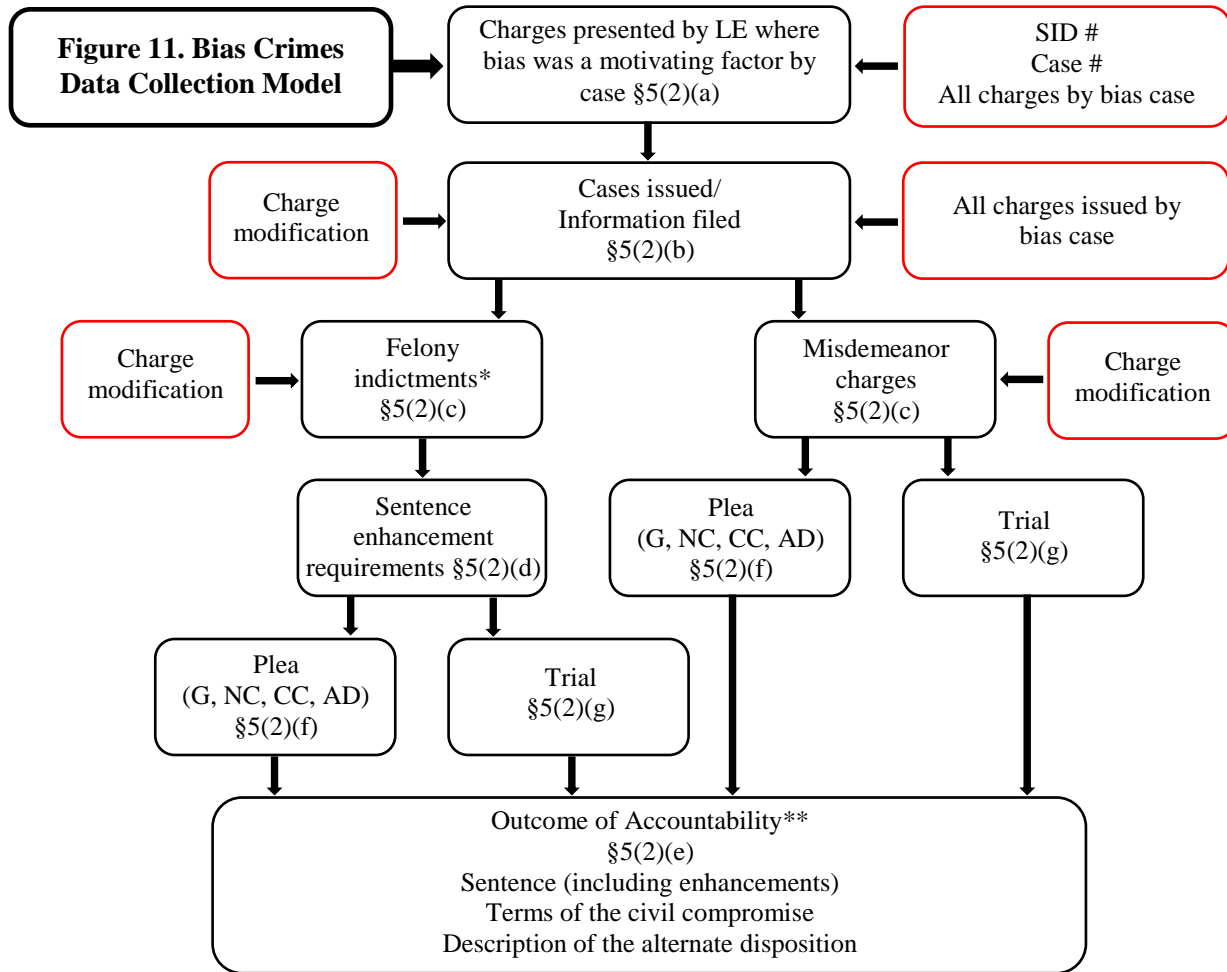
Table 16. 10 Most Frequent Crimes Co-Occurring with Bias Crime Arrests in 2020

ORS Number	ORS Description	Count
163.190	Menacing	27
166.025	Disorderly conduct in the second degree	27
166.065	Harassment	23
166.220	Unlawful use of a weapon	14
162.247	Interfering with a peace officer	9
163.160	Assault in the fourth degree	9
164.245	Criminal trespass in the second degree	7
164.345	Criminal mischief in the second degree	7
162.315	Resisting arrest	6
164.354	Criminal mischief in the third degree	4
164.365	Criminal mischief in the first degree	4

District Attorneys Data

Section 5 of SB 577 requires the CJC, in consultation with the Oregon District Attorneys Association and the Department of State Police, to develop and implement a standardized method for District Attorneys to record prosecution data of bias crimes or any crime in which bias was a motivating factor in the commission of the crime. The bill requires Multnomah County, Lane County, and Benton County to begin collecting data as of July 1, 2020. The CJC has worked closely with the District Attorneys’ Offices in Multnomah, Lane, and Benton Counties to develop a standardized method for this data collection. These three District Attorneys’ Offices are pilot counties and began collecting the data described below on July 1, 2020.

Section 5 (2) describes the data elements collected and includes: charges presented by law enforcement to the District Attorney for prosecution, cases issued by the District Attorney, charges indicted, sentencing enhancement requests, sentences imposed including conditions of supervision, charge to which a defendant enters a plea of guilty or no contest, and trial outcomes. Data on sentencing enhancements requested were difficult to collect for a variety of reasons. However, Multnomah County was able to provide CJC with the number of aggravating factors notifications there were filed for purposes of upward departures. This is what is reported for their office below. Figure 11 below displays the bias crimes data collection model. As the pilot counties begin collecting data and providing them to CJC, refinements to the collection model and technical process of collecting and sharing the model may be implemented. The bill requires all District Attorneys’ Offices to begin data collection by July 1, 2022.



*These cases could be misdemeanors (Bias Crime II) which occurred in the same incident as a felony.

** Dismissal (for a multitude of reasons) is another possible outcome at any point in the process.

There are several challenges in implementing a new criminal justice data collection system. The bias crimes included were modified by SB 577 and were effective as of July 15, 2019. One change to the definition of the crimes was the addition of gender identity as a bias motivation. With the law change, there is learning curve for law enforcement and other stakeholders in the criminal justice system to process cases with the modified definitions of these crimes. The bias crimes data collection model is a starting point for District Attorneys' Offices to collect data on bias crime cases. As the data are collected the model may be further refined. One potential challenge is that charges can be modified at different points with the case resolution process. For example, charges can be modified at the case issued, indicted, plea, or trial stages of the process. In addition, there will likely be cases that include a charge for Bias Crime in the Second Degree, which is a misdemeanor, and other felony charges. These cases will follow the felony process even though the bias crime included is a misdemeanor. The data collection model will also need to capture charges for attempts of bias crimes. There may be certain sentencing information that is not captured in electronic data. One example is sentencing enhancements which may only be available by an individual case look-up process. CJC will work closely with District Attorneys' Offices to address these challenges as the data collection process is further implemented.

Data from the three pilot counties can be found below in Table 17. Of the 31 bias cases referred, 87% (n=27) were filed as bias crimes. In addition, 16 cases were indicted, 5 were convicted, and 18 cases were still open at the time of data collection. Note, given the short timeframe and because courts have had

limited capacity due to COVID, many of the cases referred during this period are still pending. The data captured in next year’s report should include more information on case outcomes.

Table 17. Pilot District Attorney Data 7/1/2020-12/31/2020

	Lane County	Benton County	Multnomah County	Total
Total bias crimes referred	6	1	24	31
Referrals no-filed	0	0	3	3
Referrals filed as bias crimes	6	0	21	27
Indictments	1	0	15	16
Trial outcomes	0	0	0	0
Convictions	2	0	3	5
Open cases	4	0	14	18
Sentencing enhancements requested	0	0	3	0

Charges (Odyssey)

Tables 17 and 18 below display cases filed with at least one charge for Bias crime in the first degree (ORS 166.165) or Bias crime in the second degree (ORS 166.155) in calendar year 2020. The charge data were queried from the Odyssey or Oregon eCourt data system, which includes cases from Oregon’s circuit courts. Cases from municipal or justice courts are not included.

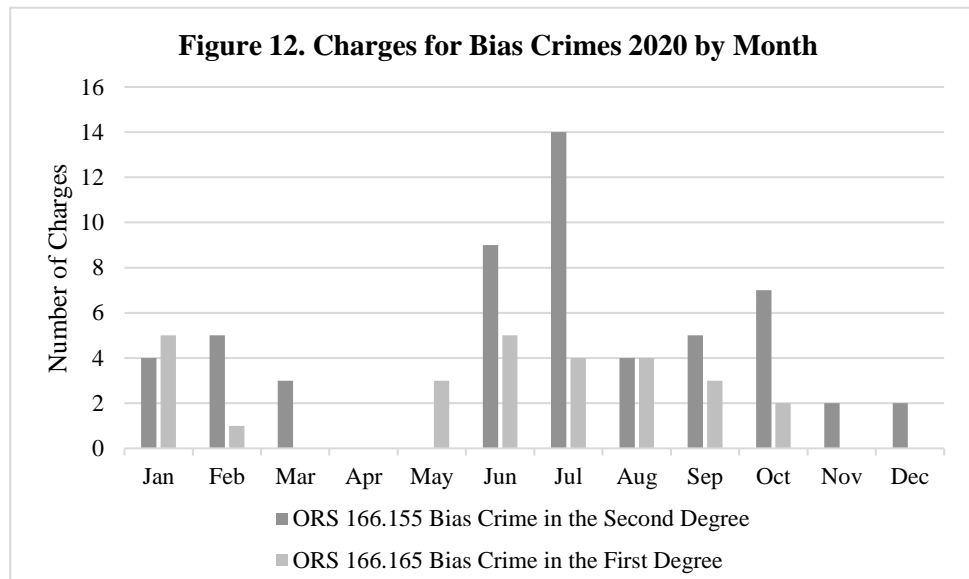


Figure 12 above displays monthly counts for cases filed that include a charge for a Bias crime in the first or second degree. In 2020 there were a total of 55 cases filed with a charge for Bias crime in the second degree, and 27 total cases filed with a charge for a Bias crime in the first degree. In addition, Figure 13 below shows the total number of bias crime charges by year from 2000 through 2020. As indicated by the chart, the total number of bias charges filed has risen steadily since 2017. For exact monthly and yearly counts, see Table A7 in the Appendix.

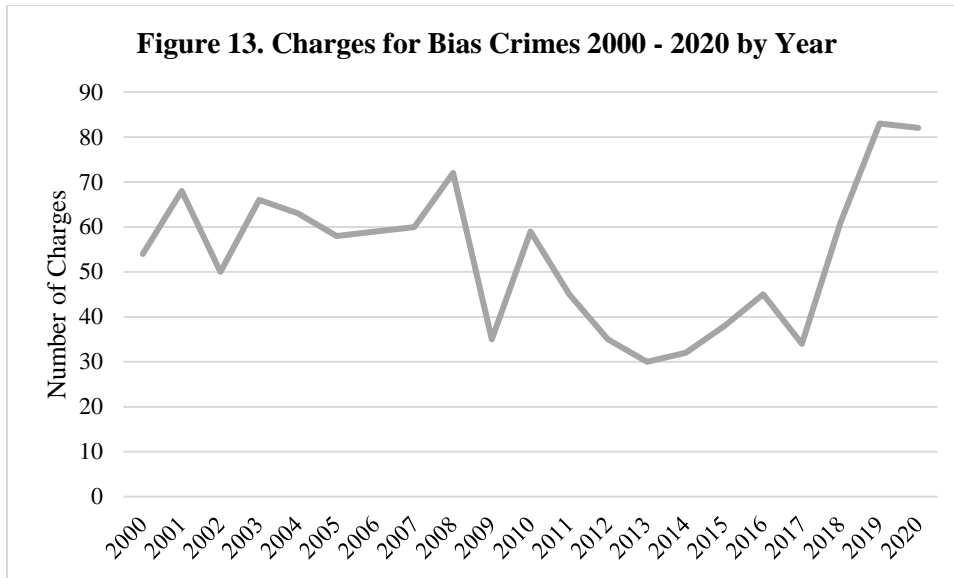


Table 18 shows demographic information of individuals charged with a Bias crime in the first or second degree. The majority are male at 78%. Over three-quarters are white, with 6% Black and 7% Latinx. The most common age range was 35 to 44 with 26%.

Table 18. Charges for Bias Crimes (I and II) 2020 by Sex, Race, and Age

Sex	Count	Percent
Male	64	78%
Female	7	9%
Unknown	11	13%
Race		
White	64	78%
Black	5	6%
Native American	1	1%
Latinx	6	7%
Other	1	1%
Unknown	5	6%
Age		
20 and under	0	0%
21 to 24	10	12%
25 to 34	18	22%
35 to 44	21	26%
45 to 54	15	18%
55 and older	18	22%
Total	82	100%

Table 19 shows the most frequent co-occurring crimes charged on cases filed that include a charge for a Bias crime in the first or second degree. The most frequent co-occurring crime is Menacing, which was charged on 31 cases out of a total of 82 cases. The next most frequent co-occurring crimes are Disorderly conduct in the second degree on 26 cases, and Unlawful use of a weapon on 23 cases.

Table 19. 10 Most Frequent Crimes Co-Occurring with Bias Crime Charges

ORS Number	ORS Description	Count
163.190	Menacing	31
166.025	Disorderly Conduct in the Second Degree	26
166.220	Unlawful Use of a Weapon	23
163.160	Assault in the Fourth Degree	12
164.354	Criminal Mischief in the Second Degree	10
164.245	Criminal Trespass in the Second Degree	6
162.315	Resisting Arrest	5
163.175	Assault in the Second Degree	5
163.195	Recklessly Endangering Another Person	5
166.116	Interfering with Public Transportation	5

The Map in Figure 14 below shows the number of bias crimes filed in 2020 by county. Multnomah County had the most bias charges filed with 31, followed by Washington County with 14, and Marion County with 9. For a full list of bias charges by county, see Table A8 in the Appendix.

Figure 14. Charges for Bias Crimes by County

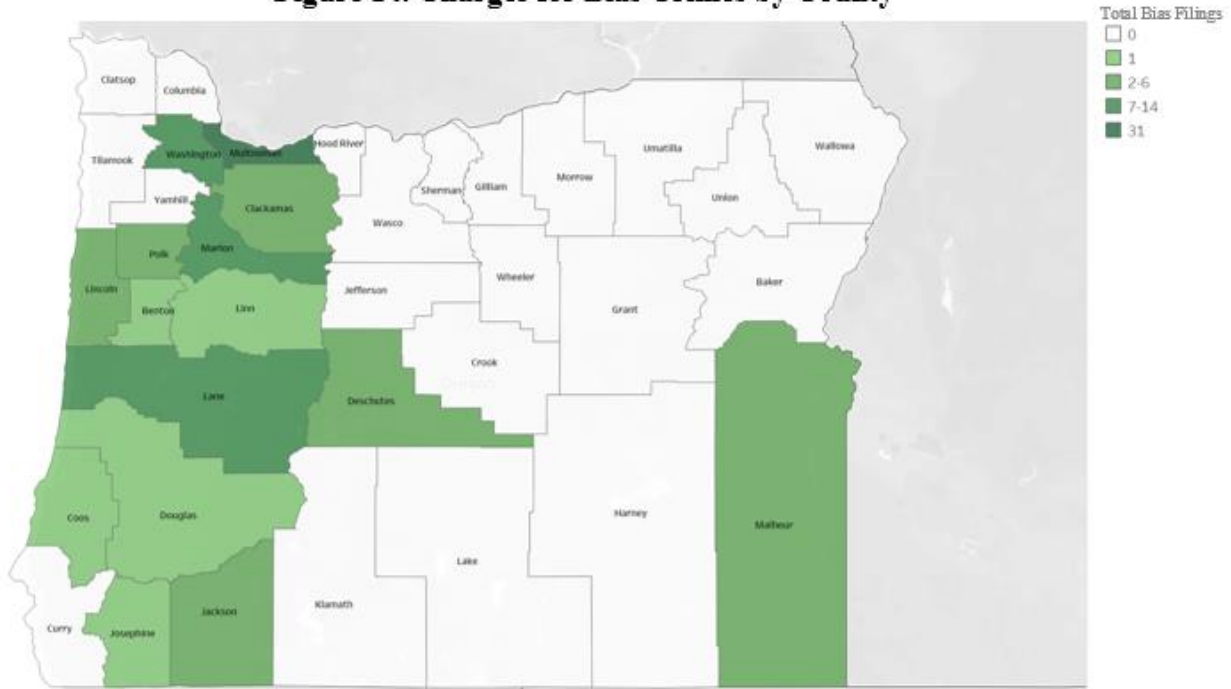
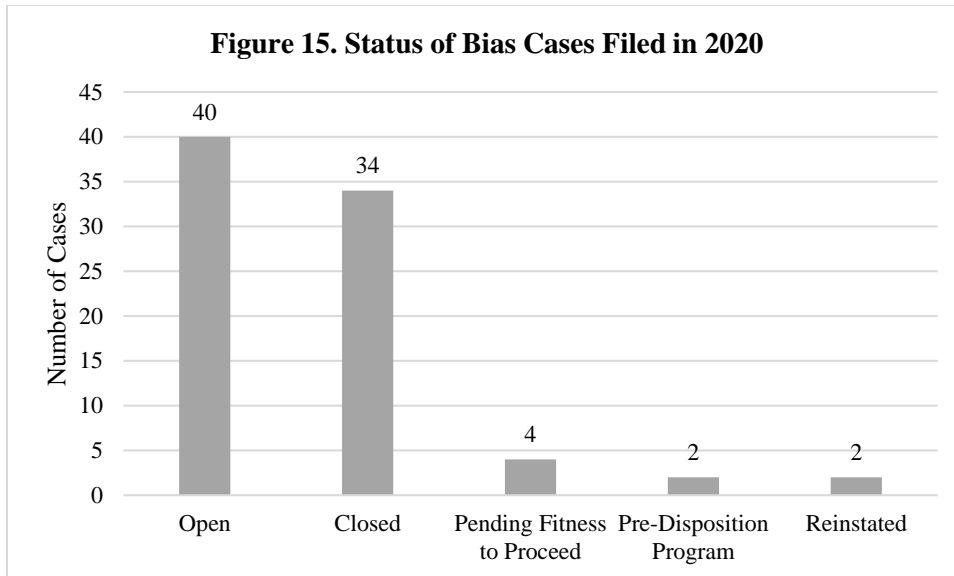
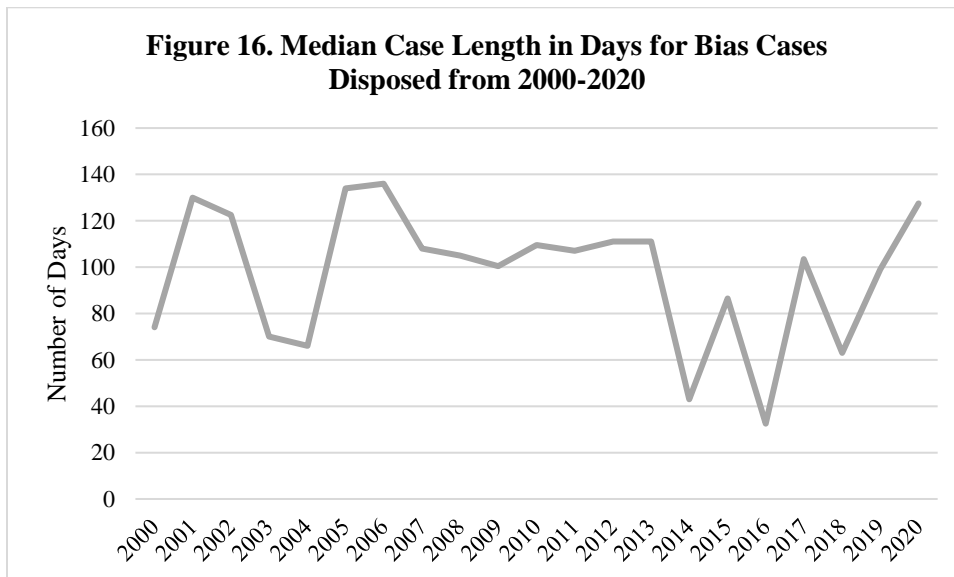


Figure 15 shows the cases status for bias crime cases filed in 2020 as of the end of April 2021. Of the 82 cases filed, just under half (n=40) are still open, while 41% (n=34) are closed. The remaining cases were either pending fitness to proceed, are pending after being placed in a pre-disposition program, or were reinstated. Of the 34 closed cases, 56% (n=19) were convicted of a bias crime and 44% (n=15) had their bias charge dismissed. Of the cases where the bias charges were dismissed, 2 cases were eventually convicted of Menacing, while one case each resulted in a conviction for Assault III, Reckless endangerment, Unlawful use of a weapon, and two were convicted on unknown charges.



In 2020, there were 62 cases with bias charges that were disposed. Of those, 46 were for Bias/Intimidation II (166.155), while 16 were for Bias/Intimidation I (166.165). Of those cases, 55% (n=34) resulted in convictions for the bias charge, while 45% (n=28) had their bias charge dismissed. For those 62 cases, the overall median case time was 130 days from filing to disposition, for Bias II cases, the median was 127 days, while for Bias I cases, it was 140 days. Figure 16 shows the median case length in days from 2000 through 2020. While the case length has varied from year to year, it appears to have risen over the last few years following a 20 year low in 2016. As of the end of April 2021, there were a total of 86 bias cases pending disposition. A majority of those cases were filed in 2020 (60%) or 2019 (24%).

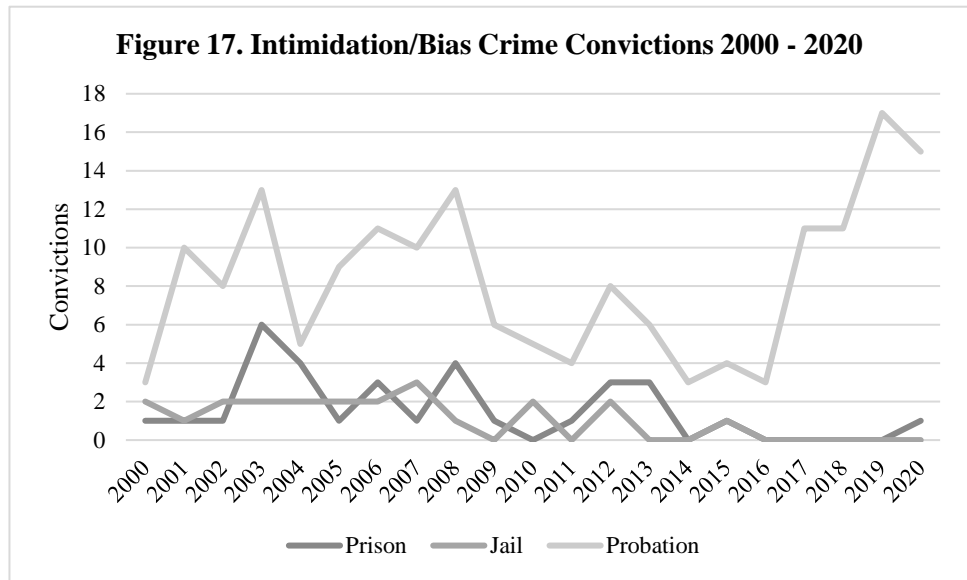


Convictions (DOC)

The Oregon Department of Corrections (DOC) provides sentencing data to the CJC for analysis purposes. CJC queried sentencing admissions for convictions of a Bias crime in the first degree (ORS 166.165) or Bias crime in the second degree (ORS 166.155) in 2020. The DOC data system includes a description of the ORS codes, which allows CJC to distinguish convictions for bias crimes from the prior intimidation

crimes. The law change was effective as of July 15, 2019, and there is a period of time needed for case processing, conviction, and sentencing. Due to this timing, there are fifteen DOC admissions that include a sentence for a Bias crime in the first or second degree. Six of the admissions show a felony conviction for a Bias crime in the first degree, and nine show a misdemeanor conviction for a Bias crime in the second degree. The misdemeanor convictions are entered into the DOC system if the community corrections department supervises the individual. There could be misdemeanor convictions that are supervised by the court, or have some other sentence, which would not be included in the DOC data system.

For context, Figure 17 shows convictions for Intimidation in the first and second degrees by year from 2000 to 2020 by sentence type. Misdemeanor convictions are included for cases supervised by the community corrections department. The 20 year trend provides historical context for convictions of Intimidation in the



first and second degree. The yearly counts vary from three to 21, and the historical low over this 20 year time period was in 2016. The counts have steadily increased from three in 2016 to 17 in 2019 and 16 in 2020. In general, most convicted bias cases received a sentence of probation (76%). However, this proportion has also been increasing, in 2020, all but one case received a probation sentence. For all yearly counts by sentence type, please see Table A8 in the Appendix.

Table 19 shows the demographic breakdown for defendants convicted on bias charges in 2020. 94% (n=17) were male and 72% (n=13) were white, while 17% (n=3) were Black. The ages for these defendants tended to skew older, with 56% (n=10) being 45 or older.

Table 20. Sentences for Bias Crimes (I and II) 2020 by Sex, Race, and Age

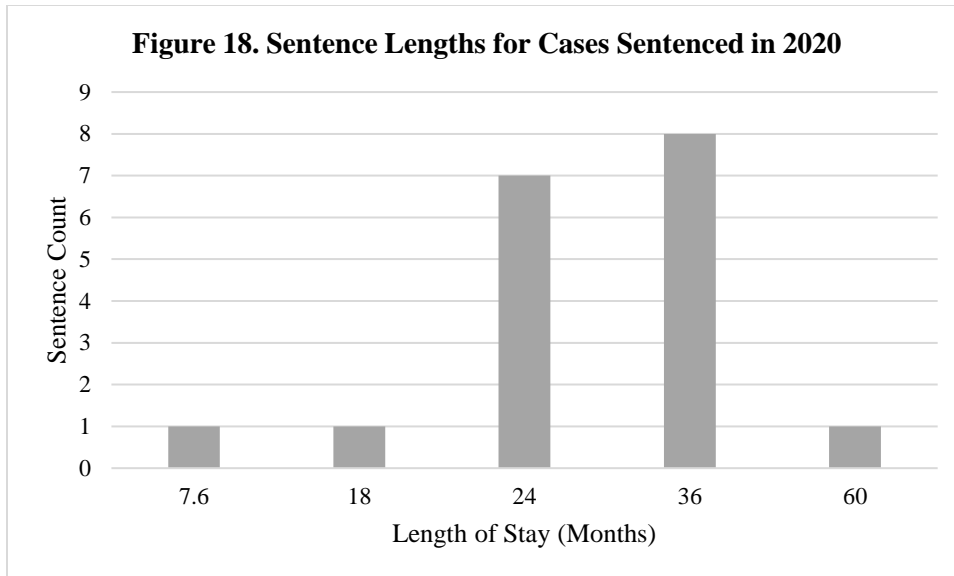
Sex	Count	Percent
Male	17	94%
Female	1	6%
Race		
White	13	72%
Black	3	17%
Native American	1	6%
Hispanic	1	6%
Other	0	0%
Age		
20 and under	0	0%
21 to 24	1	6%
25 to 34	2	13%
35 to 44	3	19%
45 to 54	6	38%
55 and older	4	25%
Total	18	100%

As indicated by Table 20, the most common co-occurring charge with bias crime sentences was Unlawful use of a weapon which was present in four cases sentenced in 2020, followed by Menacing with three, and Assault in the fourth degree with 2.

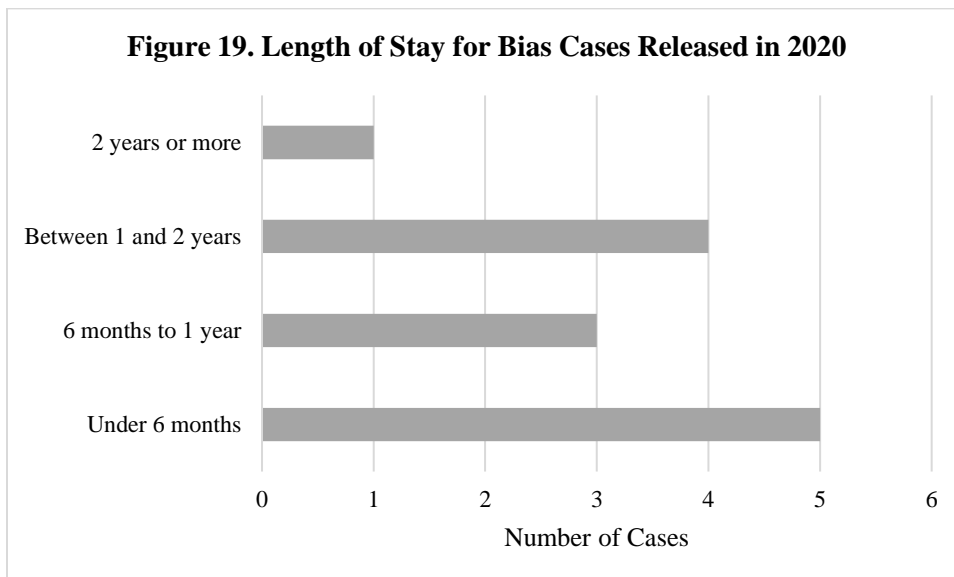
Table 21. 10 Most Frequent Crimes Co-Occurring with Bias Crime Sentences

ORS Number	ORS Description	Count
166.220	Unlawful Use of Weapon	4
163.190	Menacing	3
163.160	Assault in the Fourth Degree	2
163.175	Assault in the Second Degree	1
163.185	Assault in the First Degree	1
164.365	Criminal Mischief in the First Degree	1

For those cases convicted in 2020, the mean sentence length was 31 months, 32 months for cases sentenced to probation and 7.6 months for cases sentenced to prison. Note, for cases sentenced to prison, the mean sentence length was calculated by taking the difference between the projected release date and the admission date for that case. The overall distribution of sentence lengths for cases sentenced in 2020 is shown in Figure 18. Most cases received a sentence length of 24 or 36 months, while one case each received a sentence length of 7.6, 18, and 60 months.



There were a total of 13 individuals discharged on bias crime sentences in 2020, all of whom served probation. Of those, the mean overall length of stay was 13 months. Figure 19 shows distribution of lengths of stay for this cohort.



Conclusion

In summary, SB 577 enacted a number of reforms designed to address bias crimes and non-criminal bias incidents in Oregon. The bill creates or modifies several data collection efforts. This report provides a snap shot of these efforts for calendar year 2020. Because of the efforts, CJC has been able to compile a wealth of information on the reporting and processing of cases through the criminal justice system. These data will continue to improve as more district attorneys' offices begin reporting data through the data collection process designed by CJC.

However, even with this wealth of data, there remain some very important blind spots in our understanding of the magnitude of the bias crime and incident issues in Oregon. In addition, the limited data we do have available indicate the existence of gaps in these official data. For instance, the map in Figure 2 showing reports of bias incidents to the Bias Reporting Hotline indicates that very few counties had zero reports, however, the maps showing crimes reported through NIBRS, arrests, and charges all have large numbers of counties with no activity. Moving forward, it may be beneficial to focus some of the State's efforts into exploring this apparent gap, and assessing how it might be narrowed. In addition, even reports to the BRH may fail to uncover bias crimes against individuals who are victimized but do not report for any number of reasons.

The findings from this report suggest areas for improvement that may be addressed by policy. First, the data show that nearly half of all calls to the BRH initially go to voicemail, and that there is often a gap between the time that the report is initially made and when a hotline representative advocate is able to get back in touch with a reporter. This suggests that increased hotline staffing may improve the State's capacity to measure the magnitude of bias motivated incidents and crime in the State, and allow for enhanced victims' services and advocacy. In addition, the data suggest that ongoing training for law enforcement may help ensure that bias crimes and incidents are properly reported, investigated, and prosecuted; and that victims are referred to the appropriate services. A good resource for state and local police and prosecutors is the DOJ's Law Enforcement Bias Response Toolkit¹⁵. These findings also point to a need for continued efforts to educate community members about Oregon's bias crime laws, and raise the profile of both the hotline and the resources available to victims and survivors of bias crimes and incidents.

Finally, these findings indicate a need for better bias victimization data which could improve the State's ability to estimate the scope of the problem, and plan resources accordingly. CJC recently partnered with ICF, a consulting firm, to create a statewide victimization survey designed to quantify levels of victimization incidence and prevalence throughout the state of Oregon in 2020. This survey collected information on whether victims thought the crimes against them involved bias. CJC plans to disseminate the results of this survey through a series of reports around different topics, including one on incidents involving bias. This may help shed additional light on some of the gaps between the actual prevalence of bias crime in Oregon as compared to what is being reported through currently available data.

¹⁵ <https://www.doj.state.or.us/oregon-department-of-justice/bias-crimes/law-enforcement-toolkit/>

Appendix

**Table A1. Department of Justice Hotline
2020 Reported Incidents by Month**

Month	Incidents
January	11
February	14
March	41
April	61
May	58
June	145
July	124
August	200
September	114
October	123
November	120
December	90
Total	1,101

**Table A2. Department of Justice Hotline
2020 Reported Incidents by County**

County	Incidents
Baker	1
Benton	136
Clackamas	62
Clatsop	3
Columbia	6
Coos	20
Crook	19
Curry	25
Deschutes	44
Douglas	18
Gilliam	1
Grant	0
Harney	2
Hood River	2
Jackson	32
Jefferson	0
Josephine	3
Klamath	19
Lake	8
Lane	104
Lincoln	10
Linn	31
Malheur	5
Marion	69
Morrow	1
Multnomah	271
Polk	10
Sherman	0
Tillamook	1
Umatilla	6
Union	26
Wallowa	0
Wasco	4
Washington	61
Yamhill	9
Other/Unknown	92
Total	1,101

Table A3. NIBRS Reported Bias Crimes by County

County	Incidents
Baker	0
Benton	4
Clackamas	26
Clatsop	4
Columbia	2
Coos	3
Crook	0
Curry	0
Deschutes	5
Douglas	6
Gilliam	0
Grant	0
Harney	0
Hood River	8
Jackson	10
Jefferson	2
Josephine	2
Klamath	8
Lake	0
Lane	71
Lincoln	9
Linn	3
Malheur	2
Marion	36
Morrow	0
Multnomah	47
Polk	8
Sherman	0
Tillamook	1
Umatilla	14
Union	7
Wallowa	0
Wasco	0
Washington	35
Yamhill	7
Total	1,101

Table A4. Police Departments with Missing NIBRS Data in 2020

Departments that Reported No Data in 2020	Departments missing 1 to 11 months of data in 2020	
Gold Beach PD	Aumsville PD	Malheur SO
Grant SO	Benton SO	Malin PD
Merrill PD	Brookings PD	Marion SO
Myrtle Point PD	Canby PD	Milwaukie PD
OSU Dept. of Public Safety	Cannon Beach PD	Molalla PD
Port Orford PD	Coburg PD	Mt. Angel PD
Sandy PD	Coos CO	Newberg-Dundee PD
Stanfield PD	Coquille PD	Nyssa PD
U of O PD	Corvallis PD	Oakridge PD
Wheeler SO	Curry SO	Ontario PD
	Douglas SO	Pendleton PD
	Eagle Point PD	Philomath PD
	Enterprise PD	Pilot Rock PD
	Gearhart PD	Powers PD
	Grande Ronde Tribal Police	Rogue River PD
	Harney SO	Scappoose PD
	Hermiston PD	Seaside PD
	Hillsboro PD MIP	Toledo PD
	Hillsboro School Dept. of Public Safety	Turner PD
	John Day PD	Umatilla PD
	Josephine SO	Vernonia PD
	Junction City PD	Winston PD
	Lebanon PD	

Table A5. Arrests for Bias Crimes in 2020 by Month

Month	ORS 166.155 Bias Crime in the Second Degree	ORS 166.165 Bias Crime in the First Degree
January	8	0
February	5	2
March	1	1
April	2	0
May	6	1
June	7	4
July	8	1
August	4	5
September	6	1
October	6	4
November	1	1
December	2	2
Total	56	22

Table A6. Arrests for Bias Crimes in 2020 by Year

Year	ORS 166.155 Bias Crime in the Second Degree	ORS 166.165 Bias Crime in the First Degree
2000	32	25
2001	44	26
2002	38	27
2003	43	31
2004	52	30
2005	34	32
2006	56	18
2007	54	16
2008	54	20
2009	31	16
2010	48	26
2011	50	15
2012	39	12
2013	27	17
2014	36	12
2015	26	10
2016	30	10
2017	40	6
2018	51	13
2019	76	12
2020	56	22

Table A7. Charges for Bias Crimes in 2020 by Month

Month	ORS 166.155 Bias Crime in the Second Degree	ORS 166.165 Bias Crime in the First Degree
January	4	5
February	5	1
March	3	0
April	0	0
May	0	3
June	9	5
July	14	4
August	4	4
September	5	3
October	7	2
November	2	0
December	2	0
Total	55	27

Table A8. NIBRS Reported Bias Crimes by County

County	Incidents
Baker	0
Benton	1
Clackamas	2
Clatsop	0
Columbia	0
Coos	1
Crook	0
Curry	0
Deschutes	3
Douglas	1
Gilliam	0
Grant	0
Harney	0
Hood River	0
Jackson	2
Jefferson	0
Josephine	1
Klamath	0
Lake	0
Lane	7
Lincoln	3
Linn	1
Malheur	4
Marion	9
Morrow	0
Multnomah	31
Polk	2
Sherman	0
Tillamook	0
Umatilla	0
Union	0
Wallowa	0
Wasco	0
Washington	14
Yamhill	0
Total	82

Table A9. Intimidation/Bias Crime Convictions 2000-2020 by Year

Year	Prison	Jail	Probation	Total
2000	1	2	3	6
2001	1	1	10	12
2002	1	2	8	11
2003	6	2	13	21
2004	4	2	5	11
2005	1	2	9	12
2006	3	2	11	16
2007	1	3	10	14
2008	4	1	13	18
2009	1	0	6	7
2010	0	2	5	7
2011	1	0	4	5
2012	3	2	8	13
2013	3	0	6	9
2014	0	0	3	3
2015	1	1	4	6
2016	0	0	3	3
2017	0	0	11	11
2018	0	0	11	11
2019	0	0	17	17
2020	1	0	15	16

Table A10. Bias Hotline Incidents by Protected Class and Determination

Protected Class	Bias against NP class	%	Bias incident	%	Criteria not met	%	Hate crime	%	Unable to determine	%	Grand Total
Color	1	0.2%	309	59.5%	3	0.6%	203	39.1%	3	0.6%	519
Race	1	0.1%	433	62.3%	5	0.7%	248	35.7%	8	1.2%	695
Sex Orientation	0	0.0%	54	55.7%	3	3.1%	34	35.1%	6	6.2%	97
Religion	0	0.0%	39	52.0%	5	6.7%	26	34.7%	5	6.7%	75
Additional Class	28	13.3%	116	55.0%	0	0.0%	67	31.8%	0	0.0%	211
Gender ID	0	0.0%	30	58.8%	1	2.0%	16	31.4%	4	7.8%	51
Disability	1	0.6%	119	73.0%	5	3.1%	23	14.1%	15	9.2%	163
National Origin	11	3.6%	128	41.6%	60	19.5%	54	17.5%	55	17.9%	308
Total	41	3.7%	605	55.1%	70	6.4%	304	27.7%	78	7.1%	1,098

Table A11. Bias Hotline Incidents by Protected Class and Character of Conduct

Protected Class	Assault	%	Doxing	%	Harassment	%	Institutional	%
Sex Orientation	20	20.6%	0	0.0%	54	55.7%	10	10.3%
Race	108	15.5%	9	1.3%	345	49.6%	161	23.2%
Color	90	17.3%	9	1.7%	250	48.2%	117	22.5%
Additional Class	30	14.2%	8	3.8%	95	45.0%	56	26.5%
Religion	5	6.7%	0	0.0%	2	2.7%	26	34.7%
National Origin	35	11.3%	0	0.0%	127	41.1%	69	22.3%
Gender ID	10	19.6%	0	0.0%	20	39.2%	16	31.4%
Disability	16	9.7%	0	0.0%	64	38.8%	52	31.5%
Total	142	12.9%	12	1.1%	492	44.7%	252	22.9%
Protected Class	Murder	%	None/Unk.	%	Refusal of Service	%	Vandalism	%
Sex Orientation	0	0.0%	3	3.1%	5	5.2%	5	5.2%
Race	1	0.1%	5	0.7%	19	2.7%	47	6.8%
Color	1	0.2%	3	0.6%	13	2.5%	36	6.9%
Additional Class	0	0.0%	0	0.0%	5	2.4%	17	8.1%
Religion	19	25.3%	5	6.7%	1	1.3%	17	22.7%
National Origin	0	0.0%	59	19.1%	9	2.9%	10	3.2%
Gender ID	1	2.0%	1	2.0%	0	0.0%	4	7.8%
Disability	0	0.0%	9	5.5%	23	13.9%	1	0.6%
Total	1	0.1%	76	6.9%	51	4.6%	75	6.8%

Table A12. Bias Hotline Incidents Targeting Race by Race and Determination

Race	Bias against NP class	%	Bias incident	%	Criteria not met	%	Hate crime	%	Unable to determine	%	Grand Total
White	0	0.0%	14	66.7%	0	0.0%	4	19.0%	3	14.3%	21
Black/AA	1	0.2%	272	59.9%	1	0.2%	178	39.2%	2	0.4%	454
Latinx	0	0.0%	62	56.4%	1	0.9%	47	42.7%	0	0.0%	110
American Indian	0	0.0%	46	70.8%	9	13.8%	19	29.2%	9	13.8%	65
Asian	0	0.0%	64	75.3%	0	0.0%	21	24.7%	0	0.0%	85
Multiple races	0	0.0%	11	47.8%	0	0.0%	12	52.2%	0	0.0%	23
Total	41	3.7%	605	55.1%	70	6.4%	304	27.7%	78	7.1%	1,098

Table A13. Bias Hotline Incidents Targeting Race by Race and Character of Conduct

Protected Class	Assault	%	Doxing	%	Harassment	%	Institutional	%
Multiple races	4	17.4%	0	0.0%	8	34.8%	7	30.4%
American Indian	10	15.4%	0	0.0%	36	55.4%	12	18.5%
Black/AA	62	13.7%	9	2.0%	228	50.2%	105	23.1%
White	2	9.5%	0	0.0%	13	61.9%	4	19.0%
Latinx	28	25.2%	0	0.0%	47	42.7%	30	27.3%
Asian	4	4.7%	0	0.0%	50	58.8%	16	18.8%
Total	142	12.9%	12	1.1%	492	44.7%	252	22.9%
Protected Class	Murder	%	None/Unk.	%	Refusal of Service	%	Vandalism	%
Multiple races	0	0.0%	0	0.0%	0	0.0%	4	17.4%
American Indian	0	0.0%	0	0.0%	4	6.2%	3	4.6%
Black/AA	1	0.2%	1	0.2%	10	2.2%	38	8.4%
White	0	0.0%	2	9.5%	0	0.0%	0	0.0%
Latinx	0	0.0%	0	0.0%	2	1.8%	3	2.7%
Asian	1	1.2%	0	0.0%	2	2.4%	13	15.3%
Total	1	0.1%	76	6.9%	51	4.6%	75	6.8%

Bias Response Hotline Procedure for Determining Bias

Hotline advocates do not investigate reports of bias to the hotline. Centered on the tenet of belief, the advocate categorizes the report into one of six categories described below.

Bias/Hate Crime

Bias crimes are codified under ORS [166.155](#) (bias crime in the second degree), [166.165](#) (bias crime in the first degree); the summary definition under ORS 147.380 (1)(a) states:

“Bias crime” means the commission, attempted commission or alleged commission of an offense described in ORS 166.155 or 166.165.

In sum, a bias crime involves damage to or tampering with property; offensive physical contact; an explicit threat of harm to a person, their family, or their property; placing someone in fear of imminent serious physical injury; or causing physical injury, targeting the person in part or in whole due to their perceived protected class (race, color, national origin, sexual orientation, gender identity, religion, or disability).

Bias Incident

Bias incidents are defined by both statute (ORS 147.380) and Oregon Administrative Rule (OAR 137-065-0200). ORS 147.380 states:

“Bias incident” means 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. “Bias incident” does not include any incident in which probable cause of the commission of a crime is established by the investigating law enforcement officer.

The OAR further clarifies the definition of bias incident as follows:

A Bias incident means a hostile expression of animus toward another person, their family, property, and/or pet, relating to the other person’s actual or perceived race, color, national origin, sexual orientation, gender identity, disability, and/or religion of which criminal investigation or prosecution is impossible or inappropriate.

(1) “Hostile expression of animus” means a person’s act, process, or instance of:

- (a) Representing or conveying
- (b) Deep-seated ill will, antagonism, or hostility, even if controlled;
- (c) In actions, words, or some other medium;
- (d) Toward another group, community, person, their family, property, or pet.

Bias against Unprotected Class

Bias against unprotected class means a person is targeted based solely on another identity outside of the seven statutorily protected classes. Examples in 2020 include political affiliation, gender, age, protesters, housing status, police/military, mask wearing, income, and criminal history.

Bias Criteria Not Met

Bias criteria not met means the reporter does not identify targeting or is calling for a reason other than reporting or seeking services for a bias or hate incident.

Repeat Report

Repeat report means the same caller reports the same incident multiple times.

Unable to Determine

Unable to determine the information provided to the hotline did not include enough information regarding the conduct or protected class involved. Often, this occurs when someone calls the hotline voicemail after hours and says, "I need to talk to someone about bias, call me back," but does not answer or return the call from the hotline and did not leave any other information regarding bias, protected class, or the nature of the conduct.

Hotline advocates inquire:

1. Was a protected class under ORS 147.380, 166.165, or 166.155 implicated in whole or part?
2. Was there a hostile expression of animus based on a protected class in whole or in part?
3. Does the victim/witness/reporter believe the offender was motivated by bias?

Hotline advocates look for yes answers to be classified as bias incident or bias/hate crime.