



# Bias Crimes Senate Bill 577 (2019) Report

Oregon Criminal Justice Commission

01 July 2022

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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 third annual report and covers data on bias crimes and non-criminal bias incidents that occurred in Oregon during calendar years 2020 and 2021. 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/SB577ReportJuly2022.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](mailto:ken.sanchagrin@oregon.gov).

The full report displays summary data and empirical analysis of bias crimes and non-criminal bias incidents from several data sources including the Bias Response Hotline (BRH) 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 criminal 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 Data 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

- Reports to the Hotline increased by 53% between 2020 and 2021, from 1,101 to 1,683. Bias crimes accounted for 28% of reports in both years. Anti-Asian incidents increased by almost 200% overall, and anti-Asian bias crimes increased by 300%.<sup>1</sup> Bias incidents in schools increased by 300% in this period, from 36 to 157 reports. There was also a 300% increase in bias incidents targeting Hotline advocates between 2020 and 2021, which has continued into 2022.
- Black/African American and Asian individuals were the most common victims of reported bias incidents (25% and 12%, respectively) and hate crimes (34% and 12%, respectively). The vast majority of bias crimes against Asian (95%), Black/African American (94%), Native Hawaiian/Other Pacific Islander (100%) and Hispanic (88%) individuals reported to the Hotline in 2021 were motivated by the victim's race. Few white victims (n=2) were targeted because of their race but were instead targeted based on sexual orientation (56%), gender identity (28%), and religion (28%).

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<sup>1</sup> 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 increasing anti-Asian bias in spring 2020 paralleling the beginning of the COVID-19 pandemic in the U.S., and a rise in doxing leading up to the 2020 U.S. Presidential Election. The increase in anti-Asian bias has continued into 2022.

- The Hotline experienced a 650% increase in referrals from community partner agencies between 2020 and 2021 (22 vs. 165), suggesting the DOJ's community outreach and relationship building with culturally- and population-specific community-based organizations (CBOs) is having a positive impact.
- NIBRS law enforcement data showed that 300 bias crimes were *reported* to Oregon law enforcement (LE) agencies in 2021, indicating a 15% decrease in reporting from 2020. Consistent with the Hotline pattern, Black/African American (90%) victims and Asian (87%) victims tended to be targeted because of their race. White victims were targeted based on sexual orientation (31%), ethnicity/national origin (24%), religion (7%), and because they were perceived as Black/African American (9%). Only 11% of white victims were targeted because of anti-white bias.
- Statewide data from LEDS indicate that in 2021 there were 117 *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, a 50% increase from 2020.
- Prosecution data for adult defendants were collected from three district attorneys' offices – Multnomah, Lane, and Benton Counties for 2021. Those counties had 66 bias crimes *referred* for consideration of criminal prosecution by law enforcement agencies (LEAs). Of those, 54 were filed as bias crimes, and 19 have been indicted as Bias Crime in the First Degree felonies. The vast majority of these cases were referred and filed in Multnomah County.
- Statewide data taken from Oregon's eCourt or Odyssey system show that in 2021, there were 130 cases that included a *charge filed* of Bias Crime in the First Degree (ORS 166.165) or Bias Crime in the Second Degree (ORS 166.155). Of those, 47 were disposed – 20 resulting in a conviction for a bias crime, 11 resulting in all charges being dismissed, 14 resulting in conviction for another charge, one resulting in deferral, and one resulting in dismissal.
- According to statewide data from the Oregon DOC, 20 defendants were convicted of a bias charge in 2021. Of those, 18 were sentenced to probation, while 2 received a prison sentence. This includes felony convictions only, as DOC does not have complete data regarding misdemeanor convictions.
- Comparisons with the National Crime Victimization Survey and surveys of people in Oregon indicate that bias incidents and bias crimes against Tribal members, Black, Indigenous, and People of Color (BIPOC), and younger individuals remain underreported to the Hotline and LE.

### Recommendations

1. The Hotline should leverage existing relationships with culturally-specific and population-specific CBOs and Tribes to share information with BIPOC and disability communities about the Hotline's services to ensure appropriate resources are provided to victims and survivors of bias crimes and incidents. CBOs, Tribes and LE can then share the Hotline's contact information widely, and if possible, provide online links to the Hotline.
2. The Hotline should leverage current outreach and collaboration efforts with the Department of Education to ensure school administrators and educators are aware of the services provided by the Hotline. They should continue to provide materials with a summary of Hotline services and contact information, and continue efforts to present and have discussion groups with educators to build relationships and unearth strategies to reach younger bias incident and bias crime victims.
3. LEAs should designate a bias crime point of contact within each agency. Regular training should be provided regarding the mandate from ORS 147.380(2) for LE to refer all victims of bias *incidents* to the Hotline, regarding the best practice of referring bias *crime* victims to the Hotline, and regarding trauma-informed investigative techniques. [DOJ's Law Enforcement Bias Response Toolkit](#) issued in June 2020 to all Oregon, Tribal, and federal LE agencies and district attorneys is a good resource. Trust building with communities impacted by inequity is crucial to improve bias crime reporting: agencies are encouraged to begin – or continue to implement – formal trust building initiative(s) into the agency's strategic plan, which should be built into routine police activities.

4. LEAs should design and implement a BRH referral protocol, e.g., a care package with contact information for the Hotline and other pertinent community organizations to be given to both bias crime and bias incident victims after the initial report is taken. In addition, the care package should inform victims of the next steps, timeline, and likely outcomes.

This report provides a preliminary look at data collection efforts that are in their infancy. Studies show that such data often underestimate the extent of the problem due to vast underreporting.<sup>2</sup> A supplemental report tracking bias crime case processing to unearth barriers to case disposition is forthcoming. Interviews and/or surveys of county DAs and LE who work with bias crime victims will be conducted to identify barriers and resource deficiencies that limit DAs and LE from investigating, prosecuting, and sanctioning bias crimes. In addition, community-specific recommendations based on community-specific data from the Hotline, LE, DAs' offices, courts, and DOC will be forthcoming.

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<sup>2</sup> Pezzella, F.S., Fetzer, M.D., Keller, T. (2019). The Dark Figure of Hate Crime Underreporting. *American Behavioral Scientist*. doi:10.1177/0002764218823844.