

# Oregon Department of Justice Civil Rights Unit

Oregon Bias Crimes and Incidents

Fay Stetz-Waters

Director of Civil Rights and Social Justice

# SB 577

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

**Enrolled**

## **Senate Bill 577**

Sponsored by Senators FREDERICK, PROZANSKI, Representative POWER, Senator MANNING JR, Representatives BYNUM, WILLIAMSON; Senators DEMBROW, FAGAN, TAYLOR, WAGNER, Representatives HOLVEY, KENY-GUYER, KOTEK, NOSSE, PRUSAK (at the request of Attorney General Ellen Rosenblum) (Presession filed.)

# SB 577 Sections

- 1 – Bias in the 2<sup>nd</sup> Degree Class A Misdemeanor
- 2 – Bias in the 1<sup>st</sup> Degree Class C Felony
- 3 – Amends ORS 181A.225 OSP reports include GI
- 4 – CJC sentencing departures incl GI as aggravating factor
- 5 – CJC works with OSP and DA to develop/implement standardized data collection system
- 6 – CJC is charged with recording and analyzing DA 's charges, cases, indictments, sentence enhancement requests, sentence imposed, conditions, pleas, trial outcomes
- 8 - **Bias Response Coordinator, hotline, victim support**
- 9 – **CJC analyzes bias crime and incident data collected from DOJ, DA, OSP**
- 11 – Amends ORS 90.396 – LL/T 24 notice includes Bias Crime
- 12 – Amends ORS 137.225 Defendants can set aside conviction
- 13 - Amends ORS 137.712 dispositional departure findings required includes bias crimes
- 14 – Amends ORS 163.707 drive by shootings while committing or attempting to commit a bias crime – mv subject to in rem forfeiture
- 15 – Amends ORS 166.715 includes bias crimes as pattern of racketeering activity
- 16 – Amends ORS 30.198 irrespective of any criminal prosecution, any person injured by a violation of the bias statutes shall have a civil action to secure an injunction, damages, or other appropriate relief against any person whose actions are unlawful under the bias statutes. Prevailing plaintiff may recover, special, general (incl emotional distress) and punitive damages and reasonable attorney fees
- 17– Any DA that has reasonable cause to believe that any person is engaged in violation of the bias statutes, the DA may bring a civil claim for relief and does not preclude any person from seeking any other remedy under law
- 18 – Section 4's effective date
- 19 – **Operative date for the BRC and hotline**
- 20 – SB577 effective upon passage

# SB 577 Key Features



**Bias Crime vs. Bias Incident:** a criminal offense vs. a hostile expression of animus committed against a person or property, which is motivated in whole or in part, by the offenders' bias against another person's perceived race, color, religion, disability, national origin, sexual orientation, or gender identity.



**Law enforcement's mandate:** victims of bias incidents must be referred to qualifying local victim services or the Bias Response Hotline.



**Hotline:** statewide, victim-centered, trauma-informed, culturally responsive, support services.



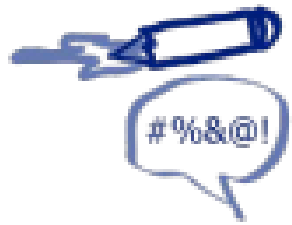
**Reporting requirements:** Oregon DOJ, District Attorneys (DA), Oregon State Police (OSP), and Criminal Justice Commission (CJC).

# Oregon's Protected Classes under SB 577

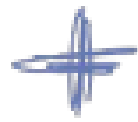
Motivation: *Perception* of the other person's:

- race
- color
- religion
- gender identity
- sexual orientation
- disability
- national origin

# SB 577: Bias Incident vs. Hate Crime



Slurs, epithets,  
symbols



Bias  
motivation



Bias incident

Offensive "jokes"  
Hostility  
Discrimination



Crimes against  
persons or property



Any evidence of  
bias motivation



Hate crime



Vandalism  
Threats  
Assault  
Murder

# ORS 147.380 – Law Enforcement Mandate

Law enforcement is **required** to refer victims of bias *incidents* to Qualifying Local Victim Services or the Bias Response Hotline.



# Law Enforcement Tools



**Bulletin** [https://www.doj.state.or.us/wp-content/uploads/2020/05/Law\\_Enforcement\\_Bulletin\\_May\\_2020.pdf](https://www.doj.state.or.us/wp-content/uploads/2020/05/Law_Enforcement_Bulletin_May_2020.pdf)



**Referral and Resource Cards**  
<https://www.doj.state.or.us/wp-content/uploads/2022/07/Victim-Referral-Card.pdf>



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

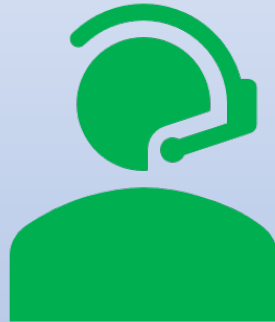


# Importance of Making Referrals for Victims

SB577 requires law enforcement to make a referral to the **Bias Response Hotline** or to **Qualifying Local Victim Service** agencies.

- Immediate (no wait for charging decision)
- Trauma-informed
- Culturally responsive
- Safety-focused
- Resource options (bias in housing, employment, school settings; civil protective orders)
- Connection to culturally specific organizations

# Oregon DOJ's Bias Response Hotline



1-844-924-BIAS (2427)

We Accept All Relay Calls

Interpretation in 240+  
languages



[StandAgainstHate.Oregon.gov](https://StandAgainstHate.Oregon.gov)

# Bias Response Hotline Key Resource



## BIAS RESPONSE EMERGENCY FUND

### Bias Response Hotline

1-844-924-BIAS (1-844-924-2427)

Monday - Friday 9am-5pm

Report online at

[StandAgainstHate.Oregon.gov](http://StandAgainstHate.Oregon.gov)

We accept all Relay calls  
Interpretation in 240+ languages

The emergency fund is a limited resource to assist victims of bias crimes or bias incidents in their recovery. Applications for up to \$1,000 in financial assistance must be submitted to the Bias Response Hotline within 90 days of occurrence of the bias incident/bias crime.

- ✓ Security Measures
- ✓ Property Repairs
- ✓ Relocation Assistance
- ✓ Utilities Assistance
- ✓ Pet Boarding
- ✓ Interpretation Costs



## Fondos de Emergencia de Respuesta al Prejuicio

### Línea Directa a la Respuesta al Prejuicio

1-844-924-BIAS (1-844-924-2427)

Lunes - Viernes 9am - 5pm

Reporte en línea

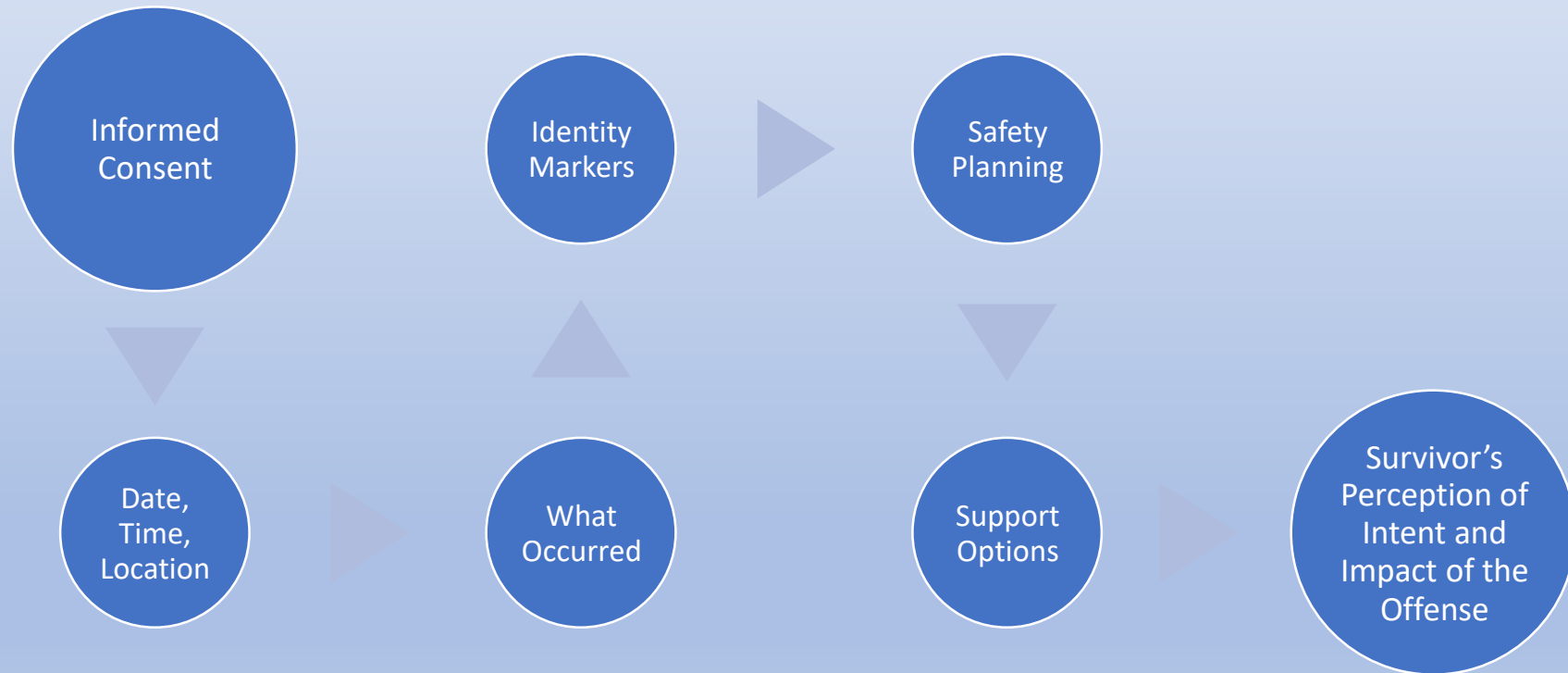
[StandAgainstHate.Oregon.gov](http://StandAgainstHate.Oregon.gov)

Los fondos de emergencia son recursos limitados para ayudar a las personas recuperar después de ser víctimas de un crimen o incidente de prejuicio. Para acceder estos recursos tendrá que pedir la solicitud en la línea directa no más de 90 días después del incidente/crimen. El límite de los fondos no puede exceder más de \$1,000. Los fondos se pueden usar para:

- ✓ Medidas de seguridad
- ✓ Asistencia de reubicación
- ✓ Reparaciones de propiedades
- ✓ Pago de utilidades
- ✓ Embarque de Mascotas
- ✓ Costos de Interpretación

Aceptamos todas las llamadas de transmisión  
Interpretación disponible en más de 240 idiomas

# Bias Hotline Process



# How We Assess Bias Reports: BCAT

Using the Bias Crime Assessment Tool We Obtain:

- The details of the incident (date, time, location, and what occurred);
- The characteristics of the victim's identity that may have elicited an offender's attack (disability, gender identity, national origin, race, color, religion, or sexual orientation), and the offender characteristics;
- Victim's perception of intent, and the impact of the offense..

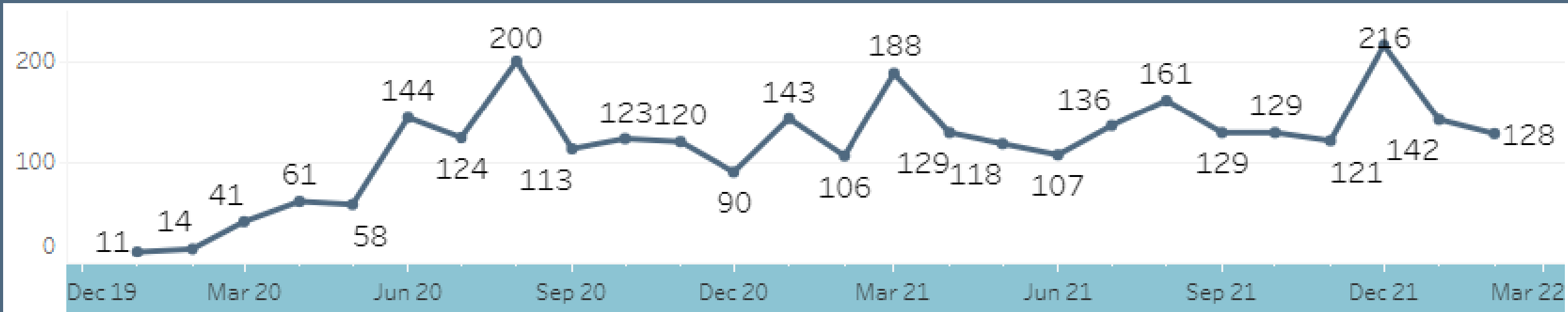
[Questioning Bias: Validating A Bias Crime Victim Assessment Tool In California And New Jersey, Summary Overview | National Institute of Justice \(ojp.gov\)](#)

# CJC's Data Dashboard

<https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/bias-and-hate/hotline-data/>

## Reports by Month

(Click on individual month or click & drag to select multiple months to filter data below)



## **Bias Response Hotline**

**1-844-924-BIAS (1-844-924-2427)**

Monday - Friday 9am-5pm

Report online at [StandAgainstHate.Oregon.gov](https://StandAgainstHate.Oregon.gov)

## **Sanctuary Promise Hotline**

**1-844-924-STAY (1-844-924-7829)**

Monday - Friday 9am-5pm

Report online at [SanctuaryPromise.Oregon.gov](https://SanctuaryPromise.Oregon.gov)

## **Programa de Promesa de Santuario**

**1-844-6-AMPARO (1-844-626-7276)**

Lunes-Viernes 9am-5pm

[PromesaSantuario.Oregon.gov](https://PromesaSantuario.Oregon.gov)

**Interpretation in 240+ languages**

**We accept all Relay calls**

**Intérpretes disponible en mas de 240 idiomas**

**Aceptamos llamadas de retransmisión**