



Expectations of Police Responding to Bias Crime

What you need to know to make informed decisions about interacting with the police when reporting a bias crime.

Police

We use the word “police” in this document.

We mean all law enforcement at all levels of an agency, including police chiefs and their officers, sheriffs and their deputies, troopers, and sworn campus safety officers.

These people are sworn officers (not civilians) who do law enforcement for town/city (municipal

Oregon Law Says Police have these Foundational Obligations

- [OR Const, Art I § 42 \(1\)](#): Treat victims with due **dignity and respect**
- [OACP Code of Ethics](#): Fundamental duty is to **serve community**
- [OSSA](#): Enhance **community safety**
- [OSP's mission](#): To serve the State of Oregon with a diverse workforce **dedicated to the protection of people**, property, and natural resources.
- Under [ORS 181A.080](#): Powers and duties:
 - enforce all criminal laws
 - prevent crime
- [ORS 147.380](#): Police **shall refer** victims of **bias incidents** to qualifying local victim services or the hotline

Oregon Law Says Police Must

- Treat community members with dignity and respect.
- Meet your accessibility needs, when requested.
- Obtain an interpreter to communicate with you, when requested ([Title VI of CRA of 1964](#), [Title III of ADA](#)).
 - Not use a victim or witness's family member as an interpreter.
- Not ask you about your citizenship, national origin, or immigration status, unless it is a necessary part of their investigation into the crime ([ORS 181A.823](#)).
- If you are 15 or older, allow you to have a non-witness who is 18 or older accompany you to any interview ([ORS 147.425](#)).
- Investigate crimes.
- Enforce criminal laws.
- Be transparent about the status of their investigation, so long as it does not compromise their investigation.
- Tell crime victims about their rights ([OR Const, Art I § 42 \(1\)](#) and [ORS 147.417](#)).

Police Should Investigate the Bias Crime

- You do not have to prove your own case.
- You do not have to have a suspect.
- Police must investigate the who, what, when, where, why, and how.
- Police will ask you and others questions.

Police Investigations Should Include

- An acknowledgement of harm you experienced
 - Words like, “I’m so sorry this happened to you. It’s not okay.” are important
- Attending to medical needs of the victim(s), witness(es), and perpetrator(s)
- Securing and preserving evidence, including:
 - collecting physical evidence
 - photographing evidence
 - sending evidence to be analyzed at a crime lab
- Taking statements from all parties
- Canvassing the neighborhood
 - To look for additional evidence (cameras, signs, nearby landmarks, dropped items?)
 - To interview additional witnesses (witnesses may be eye-witnesses, ear-witnesses, or may have relevant historical information)
- Making an arrest or issuing a citation, *if* police develop probable cause to prove a crime
- Letting a victim know about the arrest or citation decision, and what to expect next
- Writing a police report, including the exact bias-motivated language (in quotations) or conduct described
 - Police reports should not include generalities like “Bob then used a **racial slur** to insult Maria.”
- Advising crime victims about their crime victim rights

Questions about Bias Motivation

- Police will ask you if you believe the crime was motivated by bias.
- Police will ask you if you have any evidence of bias motivation.
- Police will ask you about specific language used, including slurs.
 - This is not to humiliate or harm you, but rather to collect evidence necessary to prove a specific crime.
- Police may ask you what a specific word—like a slur—means.
 - This may not be because they do not know its meaning, but rather because it is necessary to prove possible bias motivation.

Actual or Perceived Protected Class?

- A perpetrator's bias motivation does not need to match your identity.
- Oregon law requires proof of “perceived” protected class, not actual protected class.
- For example, a person could assault a victim and call them an anti-Black/African American slur. If the victim identifies as Native Hawaiian, a race-based bias crime can still be charged.

Protected Class Information

Police will ask you about your protected class information.

This includes your:

- Race
- Gender Identity
- Color
- Religion
- Sexual Orientation
- Disability
- National Origin*

*Police cannot ask you about your citizenship, national origin, or immigration status, unless it is **required** for their investigation into a state or local crime ([ORS 181A.823](#)).

Police do not have to Investigate a Bias *Incident*

- Oregon DOJ recommends that police investigate and document into a police report all bias crimes and bias incidents.
 - Bias incidents are **non-criminal** bias-motivated words or conduct targeting a person based on their perceived protected class.
- However, police do *not* have to investigate or document bias incidents.
- Police must refer victims of bias incidents to qualifying local victim services or the [Bias Response Hotline \(ORS 147.380\)](#).

Police Cannot Share your Information with ICE

- Unless compelled by an order signed by a judge, or sharing information that is already publicly available, police cannot share your national origin, citizenship, or immigration status with any federal immigration authority for the purpose of enforcing federal immigration law ([ORS 181A.823](#)).

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