

Senate Bill 577 (2019) Report

July 1, 2020



Oregon Criminal Justice Commission

Michael Schmidt
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

Table of Contents

Executive Summary3
List of Figures and Tables.....4
Background5
Department of Justice (Hotline) Data6
State Police (NIBRS) Data.....12
District Attorneys Data14
Arrests (LEDS)16
Charges (Odyssey)18
Convictions (DOC)19
Conclusion20
Appendix.....21

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 first annual report.

This report displays summary data of bias crimes and non-criminal bias incidents from several data sources. The Oregon Department of Justice (DOJ) has established a staffed hate crimes telephone hotline dedicated to assisting victims, witnesses, and other reporters of bias crimes and non-criminal bias incidents. From January to May 2020, the hotline received 185 reports of bias crimes or non-criminal bias incidents. The Oregon Uniform Crime Reporting (UCR) Program, housed at Oregon State Police (OSP), collects reported crime information from law enforcement agencies in the state. In 2019, the UCR Program collected data on 273 bias related offenses that were reported to law enforcement. The bill creates a data collection process for prosecution data of bias crimes. Three District Attorneys' Offices are acting as pilot counties and will start data collection on July 1, 2020. The three pilot counties include Multnomah, Benton, and Lane Counties.

CJC queried arrests for Bias crime in the first degree (ORS 166.165) and Bias crime in the second degree (ORS 166.155) from the Law Enforcement Data System (LEDS), which includes arrests where the person was fingerprinted. From July 2019 to May 2020, there were 66 arrests that included at least one charge for a Bias crime in the first or second degree.

CJC compiled 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) from the Odyssey or Oregon eCourt data system, which includes cases from Oregon's circuit courts. From January to March 2020 there were 68 cases filed that included at least one charge for a Bias crime in the first or second degree.

This report provides a preliminary look at data collection efforts that are in their infancy. The COVID-19 pandemic has presented an unexpected challenge to those efforts. As the data collection processes are implemented, the analysis in this report will expand. As the data become available, CJC will apply more rigorous statistical modeling techniques to analyze trends of bias crimes and non-criminal bias incidents.

List of Figures and Tables

Figures

Figure 1. Department of Justice Hotline 2020 Reported Incidents by Month	6
Figure 2. Department of Justice Hotline 2020 Reported Incidents by County	11
Figure 3. NIBRS 2019 Reported Bias Crimes by County	14
Figure 4. Bias Crimes Data Collection Model.....	15
Figure 5. Arrests for Bias Crimes July 2019 – May 2020 by Month.....	16
Figure 6. Intimidation/Bias Crime Arrests 2000 – 2019.....	16
Figure 7. Charges for Bias Crimes July 2019 – March 2020 by Month.....	18
Figure 8. Intimidation/Bias Crime Convictions 2000 – 2019.....	20

Tables

Table 1. Department of Justice Hotline 2020 Reported Incidents by Intake Type.....	10
Table 2. Department of Justice Hotline 2020 Reported Incidents by Determination.....	11
Table 3. Department of Justice Hotline 2020 Reported Incidents by Protected Class	12
Table 4. Department of Justice Hotline 2020 Reported Incidents Involving Race by Race	12
Table 5. NIBRS 2019 Reported Bias Crimes by Bias Motivation	13
Table 6. NIBRS 2019 Reported Bias Crimes by Offense Type	13
Table 7. Arrests for Bias Crimes (I and II) July 2019 – May 2020 by Sex, Race, and Age.....	17
Table 8. 10 Most Frequent Crimes Co-Occurring with Bias Crime Arrests	17
Table 9. Charges for Bias Crimes (I and II) July 2019 – May 2020 by Sex, Race, and Age	18
Table 10. 10 Most Frequent Crimes Co-Occurring with Bias Crime Charges.....	19

Appendix Tables

Table A1. Department of Justice Hotline 2020 Reported Incidents by Month	21
Table A2. Department of Justice Hotline 2020 Reported Incidents by County	22
Table A3. NIBRS 2019 Reported Bias Crimes by County.....	23
Table A4. Arrests for Bias Crimes July 2019 – May 2020 by Month.....	24
Table A5. Intimidation/Bias Crime Arrests 2000 – 2019.....	24
Table A6. Charges for Bias Crimes July 2019 – March 2020 by Month	25
Table A7. Intimidation/Bias Crime Convictions 2000 – 2019	25

Background

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 first 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 approach 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 violence or the threat of violence. 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 bias motivation in the definition of the crime.

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.

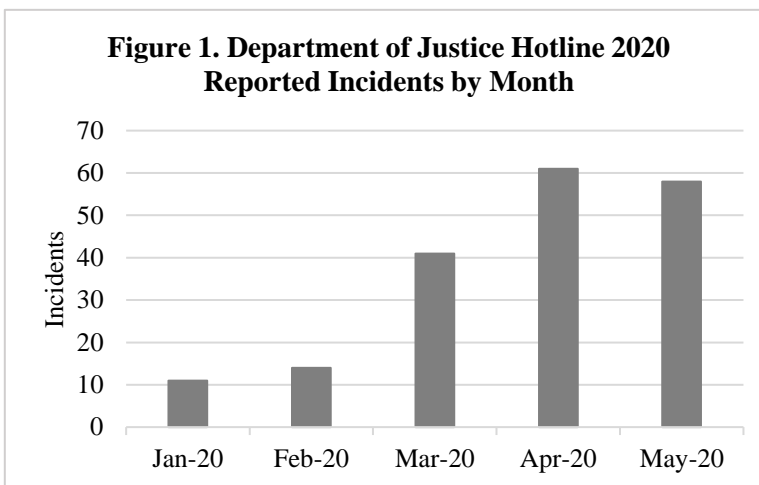
Second, Section 5 of the bill created a collection process for data on prosecution of bias crimes. Three District Attorneys’ Offices acting as pilot counties will start data collection on July 1, 2020, recording data on the prosecution and case resolution process for cases that include bias crimes. The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

Finally, Section 8 of the bill requires 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 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 services. The bill also requires DOJ to provide data on reported bias crime and non-criminal bias incidents to the CJC for reporting purposes.

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), 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 May 2020 as this intake process began implementation. For monthly counts, see Table A1 in the Appendix.

Section 8 of SB 577 requires the Oregon Department of Justice (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, 2020¹, accessible online² and at 1-844-924-BIAS (2427), 711 for Oregon Relay, 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 portal³ 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

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

¹ <https://www.doj.state.or.us/oregon-department-of-justice/bias-crimes/report-a-hate-and-bias-crime/>

² [StandAgainstHate.Oregon.gov](https://standagainsthate.oregon.gov)

³ <https://justice.oregon.gov/CrimeReporting/BiasCrime>

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 2019⁴, 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-traumatization"⁵ (Substance Abuse Mental Health Administration, 2012)⁶. 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).

⁴ <https://www.doj.state.or.us/oregon-department-of-justice/bias-crimes/about-the-law/>

⁵ Substance Abuse and Mental Health Services Administration. (2012). SAMHSA's Working Definition of Trauma and Principles and Guidance for a Trauma-Informed Approach

⁶ Hopper, E. K., Bassuk, E. L., & Olivet, J. (2010). Shelter from the Storm: Trauma-Informed Care in Homelessness Services Settings.

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. 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 by reviewing the scope of the hotline program to ensure the victim can make an informed decision and consents to proceeding with the call. Information shared by the advocate includes that advocates are mandatory reporters, that the hotline collects de-identified data to share with the CJC and ultimately the legislature and public, that public records requests may

require DOJ to share non-identifying information from each report, and that 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.

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 ask:

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 58 reports to the hotline in May 2020:

- Hotline advocates made 128 contacts with victims and reporters via the hotline and web portal.
- 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 12 times.
- Victims twice requested information about accessing civil protective orders.
- Victims received 5 referrals to victim service programs specifically designed to deliver services to victims of crime.
- Victims received 58 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 67 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	89	48%
Hotline	66	36%
Agency referral	20	11%
Web and hotline	7	4%
Community referral	3	2%
Total	185	100%

Tables 1-4 and Figure 2 display summary measures of the reported bias crimes and non-criminal bias incidents collected by DOJ. The first five months of data show the continued implementation of the hotline as individuals, government agencies, and community partners communicate and share the hotline information as a resource for victims of bias crimes or non-criminal bias incidents (Figure 1). From January to May 2020, the hotline collected 185 reports of bias crimes or non-criminal bias incidents. The

majority of reports (48%) were received via the website, with 36% received from the hotline (Table 1). Figure 2 shows that for the first five months, Multnomah County made the highest number of reports (n=45), followed by Lane and Union Counties (n=22). For further county information, see Table A2 in the Appendix. Slightly more than half of the reports were determined to be a bias incident, and 14% determined to be hate crimes (Table 2). Just under half of the reports show race as the protected class, followed by disability at 27%, and national origin at 25% (Table 3). For reports where race is the protected class, 30% were anti-Black or African American, followed by 29% as anti-Asian, and 18% as anti-Hispanic or Latinx (Table 4).

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

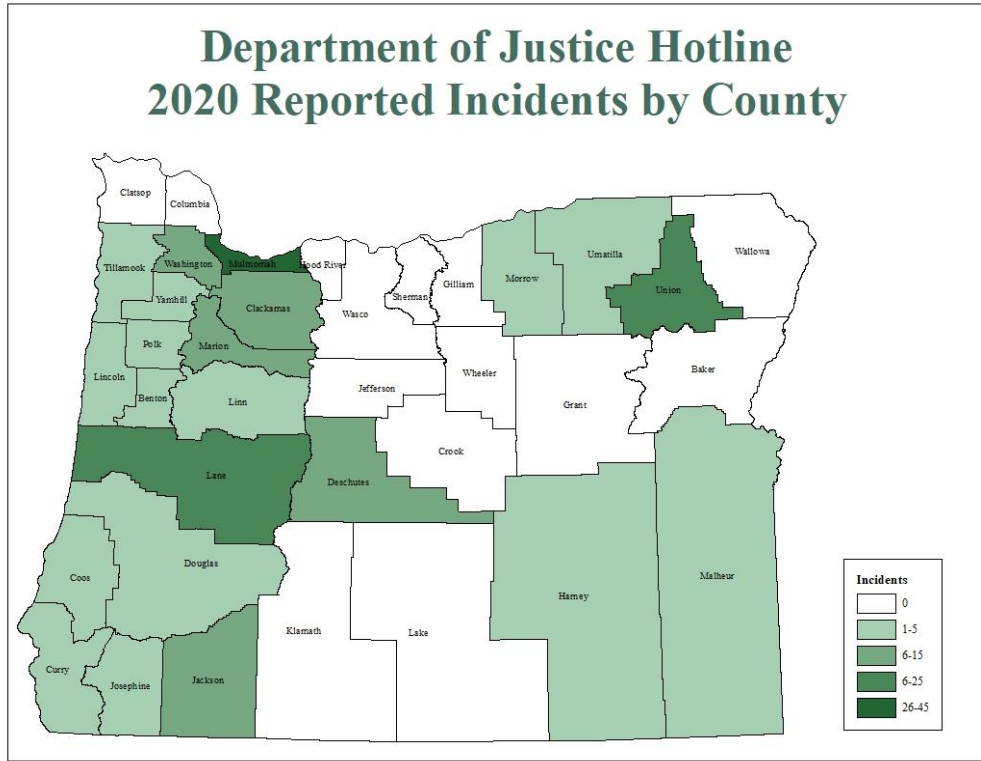


Table 2. Department of Justice Hotline 2020 Reported Incidents by Determination

Determination	Incidents	Percent
Bias incident	97	52%
Hate crime	25	14%
Bias criteria not met	21	11%
Bias against unprotected class	10	5%
Repeat report	1	1%
Unable to determine	31	17%
Total	185	100%

**Table 3. Department of Justice Hotline 2020
Reported Incidents by Protected Class**

Class	Incidents	Percent*
Race	89	48%
Disability	50	27%
National origin	46	25%
Sexual orientation	32	17%
Religion	24	13%
Gender identity	14	7%
Color	10	5%
Unprotected class	31	17%

*Incidents often include multiple protected classes, so percents will not add to 100%.

**Table 4. Department of Justice Hotline 2020 Reported
Incidents Involving Race by Race**

Race	Incidents*	Percent
Anti-Black or African American	25	30%
Anti-Asian	24	29%
Anti-Hispanic or Latinx	15	18%
Anti-American Indian or Alaska Native	12	14%
Anti-White	5	6%
Anti-Arab	2	2%

*Some incidents involving race had no specific race information recorded, while others had multiple races recorded, so incidents will not add to 89.

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 data⁷. The UCR Program recently launched the Oregon Crime Data Dashboards,⁸ 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.

⁷ <https://www.oregon.gov/osp/programs/cjis/Pages/Uniform-Crime-Reporting.aspx>

⁸ <https://www.oregon.gov/osp/Pages/Uniform-Crime-Reporting-Data.aspx>

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. The majority of law enforcement agencies in Oregon have completed the upgrade, which is required by the FBI as of January 1, 2021. However, a small number of agencies have not completed the upgrade or have been unable to report for 2019 due to resource constraints. For the 2019 data displayed in Tables 5 and 6 and Figure 3, approximately 22 agencies have not been able to report complete 2019 data to the UCR program. For the majority of agencies not reporting, this is due to limited resources as a result of the COVID-19 pandemic.

Table 5. NIBRS 2019 Reported Bias Crimes by Bias Motivation

Race/Color	103
Ethnicity/National origin	53
Sexual orientation	41
Religious	17
Gender identity	5
Disability	3
Gender	3
Other	27
Unknown	21
Total	273

Table 6. NIBRS 2019 Reported Bias Crimes by Offense Type

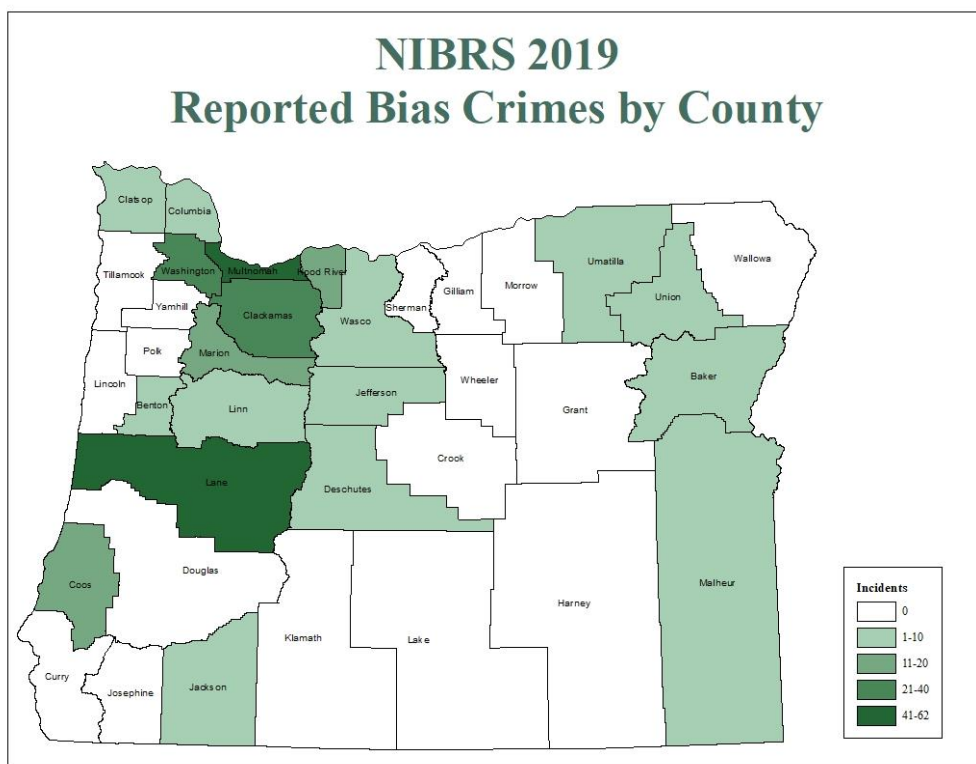
Simple assault	84
Vandalism	65
Intimidation/Other criminal threat	40
Aggravated assault	39
Burglary/Larceny – theft	14
Arson	4
Motor vehicle theft	1
Robbery	1
Forcible rape	0
Murder	0
Other	25
Total	273

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. The resource constraints for crime reporting likely also impact bias crime reporting, and could result in under-reporting or incomplete information regarding bias related offenses.

Tables 5 and 6 display summary information for 2019 bias crimes reported to law enforcement. A total of 273 bias crimes were reported, and

race/color was the most frequent bias motivation (n=103). Simple assault was the most frequent offense type (n=84), followed by vandalism with 65 reports. Figure 3 below shows that Multnomah County had the highest number of reports at 62, followed by Lane County at 53, Clackamas County at 38, and Washington County at 32. For further county information, see Table A3 in the Appendix.

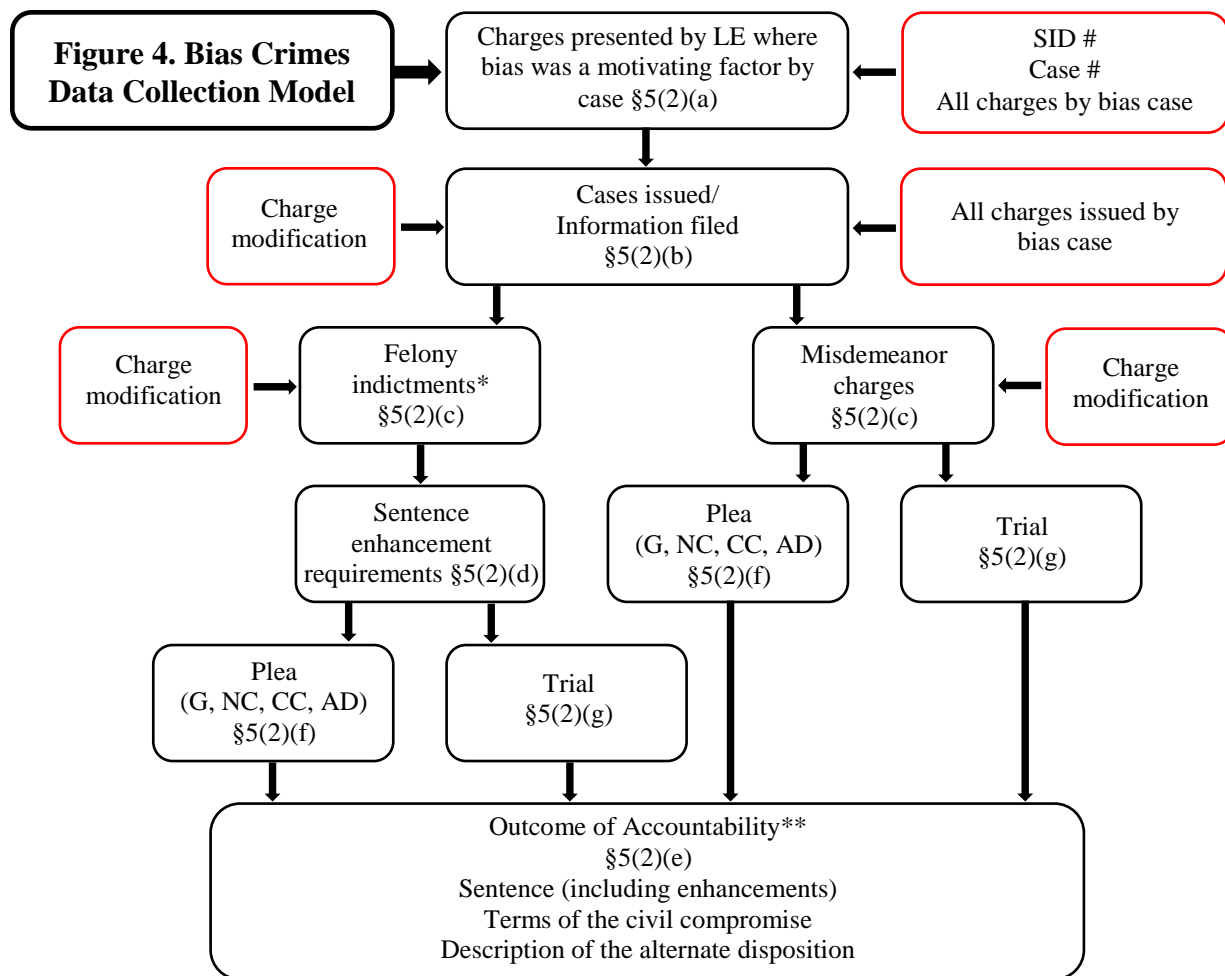
Figure 3. NIBRS 2019 Reported Bias Crimes by County



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 and two additional counties 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 will begin collecting the data described below on July 1, 2020.

Section 5 (2) describes the data elements to be collected and includes: charges presented 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. Figure 4 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 as well. 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 implemented.

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) from July 2019 to May 2020. It's likely that some arrests in 2019 were under the prior definitions for Intimidation in the first degree (ORS 166.165) and Intimidation in the second degree (ORS 166.155). The arrest data are from the Law Enforcement Data System (LEDS), which includes arrests where the person was fingerprinted. The Tables 7 and 8 below include arrest events with at least one charge for a bias crime, and can include other crimes on the arrest event as well.

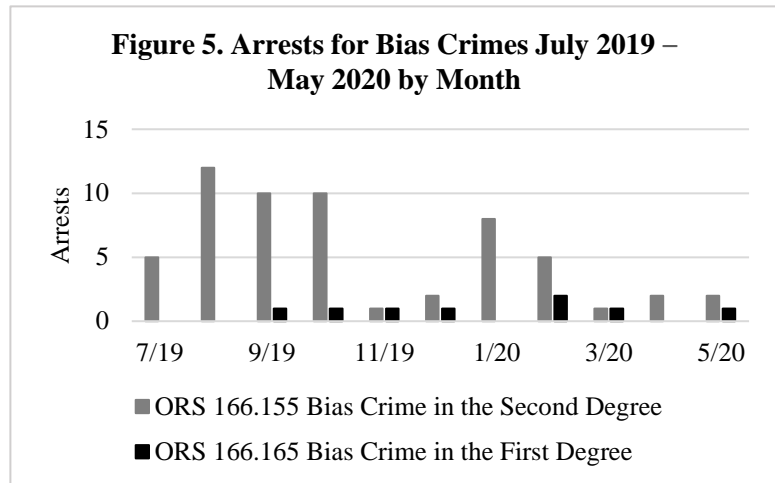
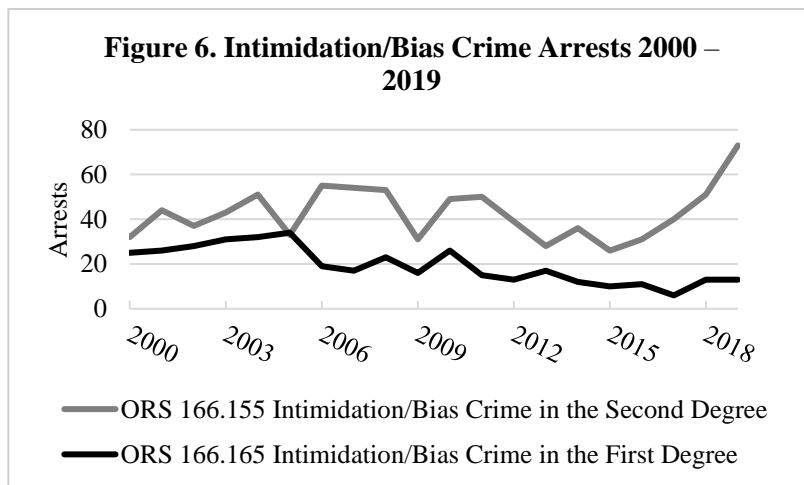


Figure 5 above shows the monthly counts for arrests for a Bias crime in the first or second degree. Arrests for a Bias crime in the second degree vary from one to 12 arrests in a single month, while arrests for a Bias crime in the first degree are less frequent with zero, one, or two arrests a month. For exact counts, see Table A4 in the Appendix.



For context, Figure 6 displays arrests for Bias crimes in the first and second degrees by year from 2000 to 2019. 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. Arrests for Intimidation/Bias crimes in the first degree show a 20 year high in 2005 at 34 arrests. The yearly counts generally decline and 2019 shows 13 arrests. For exact yearly counts, please see Table A5 in the Appendix.

Table 7 provides demographic information for individuals arrested for bias crimes from July 2019 to May 2020. About three-quarters of the individuals arrested are male. Also about three-quarters of the individuals arrested are White, followed by 21% Black. The most frequent age categories at nearly 23% are those age 55 and older, and those ages 25 to 34.

**Table 7. Arrests for Bias Crimes (I and II)
July 2019 – May 2020 by Sex, Race, and Age**

Sex	Count	Percent
Male	51	77.3%
Female	15	22.7%
Race	Count	Percent
White	51	77.3%
Black	14	21.2%
Native American	1	1.5%
Asian	0	0.0%
Hispanic	0	0.0%
Unknown	0	0.0%
Age	Count	Percent
20 and under	5	7.6%
21 to 24	5	7.6%
25 to 34	15	22.7%
35 to 44	13	19.7%
45 to 54	13	19.7%
55 and older	15	22.7%
Total	66	100.0%

Table 8 shows the most frequent crimes co-occurring with bias crime arrests. From a total of 66 arrests, 24 included a co-occurring crime of Harassment, 22 a co-occurring crime of Menacing, and 17 a co-occurring crime of Disorderly conduct in the second degree.

**Table 8. 10 Most Frequent Crimes Co-Occurring with
Bias Crime Arrests**

ORS Number	ORS Description	Count
166.065	Harassment	24
163.190	Menacing	22
166.025	Disorderly conduct in the second degree	17
163.160	Assault in the fourth degree	11
164.245	Criminal trespass in the second degree	7
166.220	Unlawful use of a weapon	7
162.247	Interfering with a peace officer	6
164.354	Criminal mischief in the second degree	6
162.315	Resisting arrest	6
164.345	Criminal mischief in the third degree	5

Charges (Odyssey)

Tables 9 and 10 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) from July 2019 to May 2020. As with arrests, it's likely that some charges in 2019 are under the prior definitions for Intimidation in the first degree (ORS 166.165) and Intimidation in the second degree (ORS 166.155). 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.

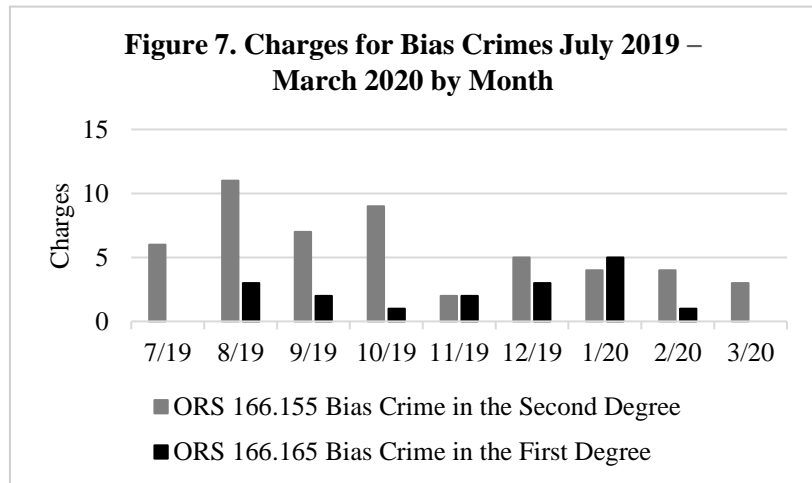


Table 9. Charges for Bias Crimes (I and II) July 2019 – May 2020 by Sex, Race, and Age

Sex	Count	Percent
Male	56	82.4%
Female	10	14.7%
Missing	2	2.9%
Race	Count	Percent
White	50	73.5%
Black	9	13.2%
Hispanic	7	10.3%
Native American	1	1.5%
Asian	0	0.0%
Unknown	1	1.5%
Age	Count	Percent
20 and under	35	51.5%
21 to 24	1	1.5%
25 to 34	6	8.8%
35 to 44	11	16.2%
45 to 54	8	11.8%
55 and older	7	10.3%
Total	68	100.0%

Figure 7 above displays monthly counts for cases filed that include a charge for a Bias crime in the first or second degree. From July 2019 to March 2020, there were a total of 51 cases filed with a charge for Bias crime in the second degree, and 17 total cases filed with a charge for a Bias crime in the first degree. For exact monthly counts, see Table A6 in the Appendix.

Table 9 shows demographic information of individuals charged with a Bias crime in the first or second degree. The majority are male at 82%. Nearly three-quarters are White, with 13% Black and 10% Hispanic. Just over half are for ages 20 and under.

Table 10 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 Harassment, which was charged on 34 cases out of a total of 68 cases. The next most frequent co-occurring crimes are Menacing on 22 cases, and Disorderly conduct in the second degree on 16 cases.

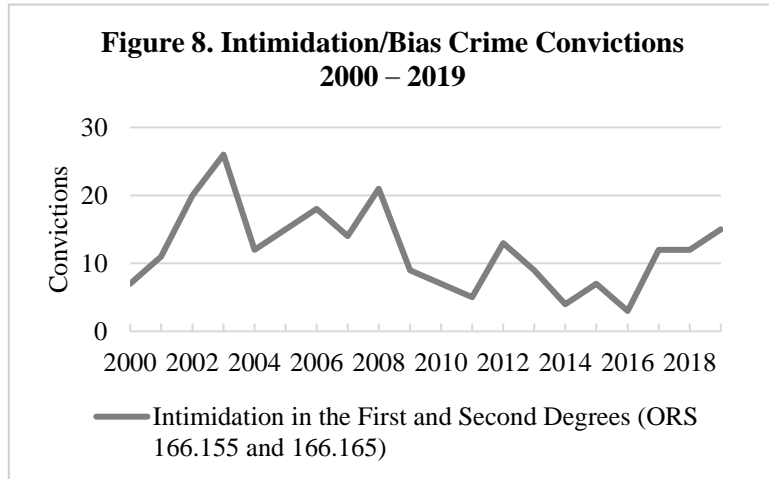
Table 10. 10 Most Frequent Crimes Co-Occurring with Bias Crime Charges

ORS Number	ORS Description	Count
166.067	Harassment	34
163.190	Menacing	22
166.025	Disorderly conduct in the second degree	16
163.160	Assault in the fourth degree	13
166.220	Unlawful use of a weapon	13
161.405	Misdemeanor attempt	8
164.354	Criminal mischief in the second degree	8
162.315	Resisting arrest	5
164.245	Criminal trespass in the second degree	5
163.175	Assault in the second degree	4

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) from July 2019 to May 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 six DOC admissions that include a sentence for a Bias crime in the first or second degree. Three of the admissions show a felony conviction for a Bias crime in the first degree, and three 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 8 shows convictions for Intimidation in the first and second degrees by year from 2000 to 2019. 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 26, and the historical low over this 20 year time period was in 2016. The counts have steadily increased from three in 2016 to 15 in 2019. For all yearly counts, please see Table A7 in the Appendix.



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 preliminary look at data collection efforts that are in their infancy. The Oregon DOJ has established a staffed hate crimes telephone hotline as of January 2020 dedicated to assisting the victims of bias crimes and non-criminal bias incidents. The UCR Program has expanded the reporting of bias related offenses to included gender identity as a bias motivation. Three District Attorneys’ Offices are pilot counties for implementing a data collection process for prosecution data of bias crimes that will start on July 1, 2020. The COVID-19 pandemic has presented an unexpected challenge to these data collection efforts. As the data become available, CJC will expand the analysis to model trends of bias crimes and non-criminal bias incidents.

Appendix

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

Month	Incidents
January	11
February	14
March	41
April	61
May	58
Total	185

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

County	Incidents
Baker	0
Benton	2
Clackamas	7
Clatsop	0
Columbia	0
Coos	4
Crook	0
Curry	1
Deschutes	12
Douglas	2
Gilliam	0
Grant	0
Harney	2
Hood River	0
Jackson	13
Jefferson	0
Josephine	1
Klamath	0
Lake	0
Lane	22
Lincoln	2
Linn	1
Malheur	1
Marion	11
Morrow	1
Multnomah	45
Polk	1
Sherman	0
Tillamook	1
Umatilla	2
Union	22
Wallowa	0
Wasco	0
Washington	7
Wheeler	0
Yamhill	3
Unknown	22
Total	185

Table A3. NIBRS 2019 Reported Bias Crimes by County

County	Incidents
Baker	1
Benton	2
Clackamas	38
Clatsop	1
Columbia	3
Coos	16
Crook	0
Curry	0
Deschutes	10
Douglas	0
Gilliam	0
Grant	0
Harney	0
Hood River	16
Jackson	5
Jefferson	3
Josephine	0
Klamath	0
Lake	0
Lane	53
Lincoln	0
Linn	1
Malheur	1
Marion	20
Morrow	0
Multnomah	62
Polk	0
Sherman	0
Tillamook	0
Umatilla	6
Union	1
Wallowa	0
Wasco	2
Washington	32
Wheeler	0
Yamhill	0
Total	273

Table A4. Arrests for Bias Crimes July 2019 – May 2020 by Month

Month	ORS 166.155 Bias Crime in the Second Degree	ORS 166.165 Bias Crime in the First Degree
July 2019	5	0
August 2019	12	0
September 2019	10	1
October 2019	10	1
November 2019	1	1
December 2019	2	1
January 2020	8	0
February 2020	5	2
March 2020	1	1
April 2020	2	0
May 2020	2	1
Total	58	8

Table A5. Intimidation/Bias Crime Arrests 2000 – 2019

Year	ORS 166.155 Intimidation/Bias Crime in the Second Degree	ORS 166.165 Intimidation/Bias Crime in the First Degree
2000	32	25
2001	44	26
2002	37	28
2003	43	31
2004	51	32
2005	33	34
2006	55	19
2007	54	17
2008	53	23
2009	31	16
2010	49	26
2011	50	15
2012	39	13
2013	28	17
2014	36	12
2015	26	10
2016	31	11
2017	40	6
2018	51	13
2019	73	13

Table A6. Charges for Bias Crimes July 2019 – March 2020 by Month

Month	ORS 166.155 Bias Crime in the Second Degree	ORS 166.165 Bias Crime in the First Degree
July 2019	6	0
August 2019	11	3
September 2019	7	2
October 2019	9	1
November 2019	2	2
December 2019	5	3
January 2020	4	5
February 2020	4	1
March 2020	3	0
Total	51	17

**Table A7. Intimidation/Bias Crime Convictions
2000 – 2019**

Year	ORS 166.155 Intimidation/Bias Crime in the Second Degree and ORS 166.165 Intimidation/Bias Crime in the First Degree
2000	7
2001	11
2002	20
2003	26
2004	12
2005	15
2006	18
2007	14
2008	21
2009	9
2010	7
2011	5
2012	13
2013	9
2014	4
2015	7
2016	3
2017	12
2018	12
2019	15