



Senate Bill 577 (202) Report Executive Summary

Oregon Criminal Justice Commission

01 July 2021

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/SB577ReportJuly2020.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).

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.

- 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 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, 16 defendants were convicted of a bias charge in 2020. Of those, 15 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.