

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 fourth annual report and covers data on bias crimes and non-criminal bias incidents that occurred in Oregon during calendar years 2020, 2021, and 2022. 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/SB577ReportJuly2023.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@cj.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 (referred to as the *BRH* or *Hotline* in this report) 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 34 district attorneys' offices,¹ 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). Results for the [Department of Justice \(Hotline\) Data](#) reference initial bias crimes and bias incident reports,² referred to collectively as "bias-motivated reports."

Key Findings

- Bias-motivated reports to the Hotline increased by 60% from 910 in 2020 to 1,457 in 2021, and by an additional 74% to 2,534 in 2022. Race (n = 1,298; 51%), specifically anti-Black/African American (n = 610; 24%), remains the largest category of bias-motivated reports in 2022 (see Table A9 in [Appendix A](#)).
 - National origin, anti-Hispanic, and antisemitic bias-motivated Hotline reports increased from 2020 to 2022. National origin bias-motivated reports increased from 166 (18% of bias-motivated reports) in 2020, to 283 (19%) in 2021, and to 640 (25%) in 2022, while anti-Hispanic bias-motivated reports increased from 111 (12%) in 2020, to 129 (9%) in 2021, and to 379 (15%) in 2022. Anti-religion bias-motivated reports increased from 66 (7% of bias-motivated reports) in 2020, to 208 (14%) in 2021, and to 251 (10%) in 2022, the vast majority of which were motivated by anti-Jewish bias.
 - Bias-motivated reports for gender identity increased from 51 (6% of bias-motivated reports) in 2020, to 149 (10%) in 2021, and to 377 (15%) in 2022. Sexual orientation bias-motivated reports also increased from 96 (11% of bias-motivated reports) in 2020, to 258 (18%) in 2021, and to 509 (20%) in 2022.
- Anti-Asian bias-motivated Hotline reports were not as high as in 2021 (n = 192; 13% of bias-motivated reports) during the height of the COVID-19 pandemic, but remain a concern in 2022 (n = 148; 6%) (see Table A9 in [Appendix A](#)).

¹ Data was not received from 2 counties: Gilliam and Umatilla.

² The Hotline data discussed in this report focuses on initial bias-motivated reports, i.e., bias incidents and bias crimes. Bias criteria not met, repeat reports and/or unable to determine reports are discussed in Tables 1-2, Figures 1-2, and Tables A1-A6 in Appendix A and presented in the Bias Crime [Dashboard](#).

- Bias-motivated Hotline reports that occurred in K-12 schools increased from 36 (4% of bias-motivated reports) in 2020, to 150 (10%) in 2021, and again to 408 (16%) in 2022 (see Table A20 in [Appendix A](#)). Schoolmate victim-defendant relationships totaled 4 in 2020, 59 in 2021 and 240 in 2022 (see Table A27 in [Appendix A](#)). Many bias-motivated reports in schools are not captured in the Hotline due to alternate reporting systems for schools and these reports represent just a mere fraction of bias occurring in a learning setting in Oregon.
- The Hotline and NIBRS data both illustrate an upward trend in bias-motivated acts by persons known or somewhat known to the victim: 44% of bias-motivated Hotline reports in 2022 and 20% of bias crimes reported to NIBRS involved defendants known or peripherally known to the victim.
- 32% of the 2022 bias crime defendants were convicted on any charge: 14% of were convicted of a bias charge and 17% convicted on a non-bias charge (see Table 28 in [Charges \(Odyssey\)](#)). Conviction rates are expected to increase as more cases are disposed.
- Few defendants are sentenced to prison on a bias charge conviction. The majority are sentenced to probation with [general probation conditions](#), instructed to not contact victims, and referred to mental health and/or drug/substance abuse evaluations and treatment (see [Case Outcomes](#) for discussion).

CJC's Recommendations

1. The Hotline should continue to leverage existing relationships with culturally-specific and population-specific Community-Based Organizations (CBOs) and Tribes to share information with BIPOC, disability, religious minority, and LGBTQIA2S+ communities about the Hotline's [Community Bias Response Toolkit](#) to ensure appropriate resources are provided to victims and survivors of bias crimes and incidents. CBOs, Tribes and Law Enforcement (LE) can then share the Toolkit and Hotline's contact information widely and, if possible, provide online links to the Hotline.³
2. The Hotline should continue to 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. Evaluations should be built into all strategies implemented.
3. The state should focus efforts to create a treatment program specific to bias crime defendants in consultation with the DOJ, which should include periodic program validation and outcome assessments. The mental health-bias crime link suggested in sentencing judgments is likely spurious: many persons with mental health disabilities do not engage in bias-motivated acts, and many persons who engage in bias-motivated acts do not have mental health diagnoses.
4. Bias crime victims may experience social and economic instability, PTSD, and distrust the justice system due to prior negative experiences, which affects their willingness to work with LE and prosecutors. Victim services exist to help victims and guide their interactions with LE and prosecutors,⁴ which Hotline advocates currently reference when reviewing options with callers. The DOJ should include the list of these agencies in their webpage – along with culturally-specific services and languages – in the materials they routinely share with their justice system partners.
5. Unfounded cases and no-filed cases occur because of legislative gaps, e.g., graffiti on property belonging to a victim in a non-protected class is not chargeable under ORS 166.155, even when the goal is to intimidate persons in the wider public who belong to a protected class. Proposed legislative fixes were removed from House Bill 3443; the DOJ should continue its efforts to close this gap.⁵

³ The Toolkit will be available in Spanish, Arabic, Tagalog, Simplified Chinese, Traditional Chinese, Korean, Vietnamese, Russian, Somali, Ukrainian, Pashto, Dari and Hindi in July 2023.

⁴ For example, NAACP, APANO, IRCO, DRO, Casa Latinos Unidos, Latino Network, Latino Community Association, Disability Equity Center, Muslimahs United, AYCO, NAYA, Filipino Bayanihan Center, ADL.

⁵ Some of these gaps are not easy fixes, e.g., free speech arguments can be made with regard to screaming hate slurs or flyer campaigns targeting protected classes.