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 fifth annual report and covers data on bias crimes and non-criminal bias incidents that occurred in Oregon during calendar years 2020 through 2023. Anyone interested in viewing the report in its entirety may do so by requesting a copy from the CJC at 503-378-4830 or by accessing this link: https://www.oregon.gov/cjc/CJC%20Document%20Library/SB577ReportJuly2024.pdf. General inquiries regarding this report should be directed to the CJC at 503-378-4830. Specific questions regarding the contents of this report can be directed to Ken Sanchagrin, the Director of the CJC, at 971-719-6000 or ken.sanchagrin@cjc.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, referred to collectively as *bias-motivated reports*.[2]

Key Findings
- Reports to the Hotline increased yearly during the 4-year period 2020 through 2023, with an overall increase of 229% from 1,101 in 2020 to 3,623 in 2023 (see Figure 1 and Table A1 in Appendix A).
- Bias-motivated reports (i.e., bias crimes and bias incidents) increased yearly between 2020 and 2023, with an overall increase of 222% in this period, from 910 in 2020 to 2,932 in 2023. These yearly increases did not affect all racial groups equally:
  o Bias-motivated reports with Asian victims peaked in 2021 at 183.
  o Reports with Hispanic/Latino victims peaked in 2022 at 430.
  o Reports with victims of another race peaked in 2023 at 420.
  o However, Black/African American individuals are consistently at the highest risk, at more than 500 reports yearly (see Table 2 and Tables A8-A9 in Appendix A for victim demographics).
- Motivation for bias crimes and bias incidents differed by victim demographics:
  o Females and individuals with undisclosed gender were primarily targeted due to anti- race, national origin, and religion (primarily Jewish) and anti-color bias, while males were targeted due to anti- race, national origin, and anti-color bias.
  o White victims and those with undisclosed race were primarily targeted because of sexual orientation or gender identity bias.
  o BIPOC victims were targeted primarily based on race: 95% Black/African American, 76% Asian, 63% Hispanic, and 59% AI/AN were targeted due to anti-race bias.
  o Individuals of another race were primarily targeted due to anti-religion bias, namely anti-Jewish bias (81%).

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[1] Data was not received from 2 counties: Columbia and Umatilla.
[2] The Hotline data discussed in this report focuses on initial bias-motivated reports, i.e., bias incidents and bias crimes. *Repeat Report, Bias/Hate Criteria Not Met, Bias Against Non-Protected Class, and Unable to Determine* reports are discussed in Table 1, Figures 1-3, and Tables A1-A7 in Appendix A and defined in Determining Bias.

- All age groups were primarily targeted due to anti-race bias, except for individuals 60 or older, who were primarily targeted for disability and religion bias (see Table 3 for bias motivation).
- Bias-motivated reports in schools declined in 2023 after the 2022 peak of 444. Younger persons remain at risk however, as almost 300 reports in 2023 occurred in a school incident setting type (see Figure 9 and Tables A23 and A24 in Appendix A). *Note*, actual rate of bias in schools is unknown.
- LEAs submitted more than 600 reports of bias crimes and bias incidents to the BRH in 2020 through 2023 (see Table 4 and Table A22 in Appendix A). *Note*, the BRH contacts victims only if requested.
- Underreporting of bias crimes to LE is extensive. In 2022 and 2023, the BRH data contained more than twice the number of victims as found in NIBRS (see Figure 10). Underreporting differs by victim demographics: white persons and males tend to report to LE, while BIPOC individuals, females and gender non-conforming bias crime victims tend to report their experiences to the BRH.
- Of the 155 bias crime cases in the 2023 DA data, 19% were declined/no-filed and 129 or 83% were filed either as a bias (68%) or non-bias case (15%).
  - Out of the 129 filed cases, 36% returned a conviction on at least one bias or non-bias charge (i.e., pled guilty, convicted by jury or bench trial, or plea deal), 58% are open, and all charges were dismissed for 6% of cases (for county specific data, see Table 16). The conviction rate for cases filed in 2023 is expected to increase in the upcoming months as open cases are disposed.
- Prosecuted/filed cases with a bias crime charge between 2000 and 2022 are more likely to result in a conviction on at least one charge (72% overall; 57%-91% yearly), compared to a comparison group of common co-occurring charges (64% overall; 53%-72% yearly see Figure 16).[3]
- The 2023 combined LEDS, DA and Odyssey data contained 231 defendants (see Table 22):
  - Of these, 138 defendants had a LEDS arrest, 160 were in the DA data (all cases per defendant were counted in the merged file), and 129 had an Odyssey bias crime case.
- Data gaps remain. Almost a third (n = 71; 31%) of defendants in the combined data were not in the DA data: 28 were identified from Odyssey and 43 from LEDS – likely representing suspended LE investigations that were not referred to DAs for prosecution (see Table 22).

CJC's Recommendations
1. Capacity permitting, LEAs should start/continue referring all bias crime and bias incident victims to the BRH, start/continue the current practice of submitting reports to the BRH – and expand the inclusion criteria to all reported bias crimes and incidents, indicate whether the case was referred to the county DA office, and provide an explanation if the case was not. Referred charges and the justification should also be communicated to victims, e.g., charge(s) likely to result in a conviction was filed, while the bias charge likely to be dismissed was declined/no complaint by the DA.
2. The ODOJ should continue its media outreach and LE/DA training. The observed increases in bias crimes reported to the BRH and justice system is likely due to a combination of an increase in bias-motivated behavior, public awareness of the resources available to them, and LE and DA training to identify and prosecute bias crimes. Inclusion of peer- LE and DA trainings should be considered.
3. The ODOJ has policies in place to ensure Hotline advocates' safety and mental health. These policies should be conceptualized as polices that can, and should, be amended based on changing circumstances. Given the increases in perpetrator reporter status, i.e., bias perpetrated on the Hotline, the ODOJ should consider revising their polices to safeguard staff as needed – after appropriate consultations with staff and a review of state and federal agencies policies for case workers and investigators who routinely deal with crimes known to trigger intense feelings (e.g., bias crimes, sex crimes, domestic violence, and child abuse).

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[3] Includes the following charges: Assault II-IV and attempts, Any Criminal Mischief (I-III), Criminal Trespass II, Disorderly Conduct II, Harassment/Agg Harassment, Interfere with a Peace Officer, Menacing, Carry/Discharge Firearm in City, Felon in Possession of a Firearm, Interfering with Public Transport, Interfering With Public, Transportation, Recklessly Endanger Another, Resisting Arrest, Restricted Weapon/ex-convict Possession, Robbery III and Weapon Use Unlawful.