*Please Note: This is a working draft of Directive 0640.80, Bias Crime Reporting. The PPB has not implemented any portion of this draft. Submit your comments using the "Provide Feedback Here" link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

0640.80, Bias Event Response

Second Universal Review: 12/1/24 – 12/31/22

Refer:

- 18 US Code § 249, Hate crime acts
- ORS 137.678, Analysis of bias-related crime and incident data
- ORS 147.380, Service referral for bias incidents
- ORS 166.155, Bias crime in the second degree
- ORS 166.165, Bias crime in the first degree
- ORS 181A.225, Reporting of crime statistics
- ORS 181A.470, Training relating to Vienna Convention and crimes motivated by prejudice or that constitute abuse
- Portland City Code Chapter 23.01, Civil Rights
- DIR 0640.10, Crime Scene Procedures
- DIR 0900.00, General Reporting Guidelines

Definitions:

- Bias Event: A call for service that includes a bias nexus. For the purpose of this directive, Bias Events include the following:

    - Bias Crime: Certain offenses attempted, committed, or allegedly committed based on the offender's perception of the victim's race, color, religion, gender identity, sexual orientation, disability, or national origin that Oregon law elevates to a higher criminal classification. ORS 166.155 Bias Crime in the second degree and ORS 166.165 Bias Crime in the first degree specifically criminalize interference with property, assaults, and attempts to intimidate people based on their membership in a protected class.

    - Bias Incident: A person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability, or national origin, of which criminal investigation or prosecution is impossible or inappropriate. "Bias incident" does not include any incident in which probable cause of the commission of a Bias Crime is established by the investigating law enforcement officer.

    - Bias Unfounded: An alleged Bias Event proven, through investigation, to be false.

*Please Note: This is a working draft of Directive 0640.80, Bias Crime Reporting. The PPB has not implemented any portion of this draft. Submit your comments using the "Provide Feedback Here" link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

- Hate Group: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred towards persons of a different race, color, religion, gender identity, sexual orientation, disability, or national origin.

- Gender Identity: A person's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the person at birth.

- Protected Classes: For this directive, protected classes include race, color, religion, gender identity, sexual orientation, disability, and national origin.

- Oregon Bias Response Hotline: An Oregon Department of Justice-established confidential telephone hotline dedicated to assisting victims and witnesses of Bias Crimes and Bias Incidents. The hotline number is 1-844-924-BIAS (1-844-924-2427).

Policy:

1. The Bureau recognizes the harmful impact that bias events have on victims and the community, and shall employ all necessary resources to promptly identify, investigate, and respond to them appropriately. A timely and thorough response by law enforcement can help stabilize and calm the community, as well as aid in a victim's recovery.

2. The Bureau further recognizes that bias events can cause fear, trauma, and deprive victims of feeling safe in their own communities. These crimes can violate an entire group or community's sense of safety and belonging. The Bureau acknowledges the depth of this impact and, as a result, is committed to responding with a victim-centered approach and employing proactive measures to prevent bias crimes.

3. Oregon law specifically recognizes the community harm created by bias crimes and elevates their criminal classification accordingly. This Directive establishes guidelines for responding to bias events and ensuring full compliance with victim referral and reporting requirements under state and federal law.

Procedure:

1. Proactive Steps to Prevent and Prepare for Bias Events.

1.1. While not all crime can be prevented, the Bureau commits to taking a proactive approach to preventing and preparing for Bias Events by:

*Please Note: This is a working draft of Directive 0640.80, Bias Crime Reporting. The PPB has not implemented any portion of this draft. Submit your comments using the "Provide Feedback Here" link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

1.1.1. Making an affirmative effort to contact persons and groups within the community who are likely targets of bias crimes in order to form, and cooperate with, prevention and response networks;
1.1.2. Providing victims with referrals and follow-up, including community-based follow-up;
1.1.3. Educating community and civic groups about bias crime laws; and
1.1.4. Implementing appropriate training, including becoming familiar with the symbols and tactics used by hate groups.

2. Bias Crime Considerations.
2.1. When identifying a potential bias crime, members should consider whether:
2.1.1. There are any symbols, words, or acts associated with hate groups or indicative of bias present at the scene of the crime (e.g., swastikas or racial slurs);
2.1.2. There is a history of similar incidents in the same area or against the same victim/group;
2.1.3. The perpetrator has previously been involved in a hate group or in similar incidents;
2.1.4. The event occurred on or around any dates of significance, such religious holidays (e.g., high holy days), historic events, or deaths of prominent figures.

3. Member Response to Bias Events.
3.1. Members responding to the scene of a potential bias event shall follow procedures for responding to a crime scene. In addition, members shall:
3.1.1. Notify a supervisor;
3.1.2. Preserve physical evidence, such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas, and, if appropriate, contact Forensic Evidence Division (FED);
3.1.3. Recognize the potential need for and request interpreter services, when applicable;
3.1.4. Ensure that all statements made by suspects are documented, when practicable;
3.1.5. Provide victims with victim assistance information and refer them to qualifying local victims' services as designated by the State DOJ, including the Oregon Bias Response Hotline 1-844-924-BIAS; and
3.1.6. Write a police report and designate with the appropriate tracking code ("T-code") in the records management system

3.2. Members may also refer witnesses or third-party complainant to the Oregon Bias Response Hotline.

4. Member Reporting.
4.1. When completing the general offense report, members shall use the following T-codes for Bias Events:
4.1.1. Bias Crimes: T83
4.1.2. Bias Incidents: T831

*Please Note: This is a working draft of Directive 0640.80, Bias Crime Reporting. The PPB has not implemented any portion of this draft. Submit your comments using the "Provide Feedback Here" link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

4.1.3. Bias Unfounded: T832

4.2. Members should not code Bias Events with an "88" bias tracking code, which indicates that there is no bias nexus.

4.3 If a member is unsure whether a crime should be designated and charged as a bias crime, they should consult with a supervisor.

4. Supervisor Responsibilities.

4.1 Notify the Major Crimes Unit via email (Major.Crimes@police.portlandoregon.gov) for all Bias Events.

4.2. For Bias Crimes, supervisors shall also page a Detective Division Major Crimes Unit supervisor when:

4.2.1. The member takes a suspect into custody;

4.2.2. The victim sustains a physical injury; or

4.2.3. In the public interest.

4.3 Ensure the member:

4.3.1. Conducted a complete and detailed investigation;

4.3.2. Satisfied all reporting requirements; and

4.3.3. Provided victims with victim assistance information and referred them to qualifying victims' services, including the Oregon Bias Response Hotline.

4.4 Notify their Responsibility Unit (RU) Commander of all Bias Events via the chain of command to include a copy of the police report.

4.4.1 Directly notify the RU Commander of any felony bias crime, as soon as practicable.

4.5. Supervisors may page an on-call Major Crimes Unit supervisor if they have questions about a Bias Event.

5. Detective Division Supervisors Responsibilities.

5.1 Determine whether investigators will respond to assist with bias crime investigations;

5.2. Review all bias event reports; and

5.3. Assign all felony bias crimes for follow-up investigation.

5.4. Assign all misdemeanor bias crimes for follow-up investigation, when practicable.

5.4.1 Ensure that follow-up is conducted on assigned cases.

*Please Note: This is a working draft of Directive 0640.80, Bias Crime Reporting. The PPB has not implemented any portion of this draft. Submit your comments using the "Provide Feedback Here" link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

6. Technology Integration Group

    6.1 The Technology Integration Group (TIG) shall report statistics on relevant crimes to the Department of State Police (Oregon State Police) at least quarterly in accordance with Oregon law.

7. Training

    7.1 All sworn members shall receive introductory training regarding hate groups and bias crimes. The Bureau shall provide additional training, as identified through the Bureau's training needs assessment process.

Provide Feedback Here

0640.80, Bias ~~Crime Reporting~~Event Response

Refer:

- 18 US Code § 249, Hate crime acts
- ORS 137.678, Analysis of bias-related crime and incident data
- ORS 147.380, Service referral for bias incidents
- ORS 166.155, Bias crime in the second degree
- ORS 166.165, Bias crime in the first degree
- ORS 181A.225, Reporting of crime statistics
- ORS 181A.470, Training relating to Vienna Convention and crimes motivated by prejudice or that constitute abuse
- Portland City Code Chapter 23.01, Civil Rights
- DIR 0640.10, Crime Scene Procedures
- DIR 0900.00, General Reporting Guidelines

Definitions:

- Bias ~~crime: The~~Event: A call for service that includes a bias nexus. For the purpose of this directive, Bias Events include the following:

    - Bias Crime: Certain offenses ~~of Assault, Menacing, Harassment~~attempted, committed, or ~~Criminal Mischief, when the offender commits the offense because of their~~allegedly committed based on the offender's perception of the victim's race, color, religion, gender identity, sexual orientation, disability, or national origin~~.~~ that Oregon law elevates ~~these offenses~~ to a higher criminal classification. ORS 166.155 Bias Crime in the second degree and ~~designates them as bias crimes when the offense is committed because of bias against one of~~ORS 166.165 Bias Crime in the ~~above listed~~first degree specifically criminalize interference with property, assaults, and attempts to intimidate people based on their membership in a protected ~~classes.~~ class.

    - Bias ~~incident:~~ Incident: A person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability, or national origin, of which criminal investigation or prosecution is impossible or inappropriate. "Bias incident" does not include any incident in which probable cause of the commission of a ~~crime~~Bias Crime is established by the investigating law enforcement officer.

    - Bias Unfounded: An alleged Bias Event proven, through investigation, to be false.

- Hate ~~group~~Group: An organization whose ideology is primarily or substantially based on antipathy, hostility, or hatred towards persons of a different race, color, religion, gender identity, sexual orientation, disability, or national origin.

- Gender ~~identity: Means an individual's~~ Identity: A person's gender-related identity, appearance, expression or behavior, regardless of whether the identity, appearance, expression or behavior differs from that associated with the gender assigned to the ~~individual~~person at birth.

- Protected ~~classes~~Classes: For this directive, protected classes ~~includes~~include race, color, religion, gender identity, sexual orientation, disability, and national origin.

- Oregon Bias Response Hotline: An Oregon Department of Justice-established confidential telephone hotline dedicated to assisting victims and witnesses of Bias Crimes and Bias Incidents. The hotline number is 1-844-924-BIAS (1-844-924-2427).

Policy:

1. The Bureau recognizes the harmful impact that bias ~~crimes and bias incidents~~events have on victims and the community, and shall employ all necessary resources to promptly identify, investigate, and respond to them appropriately. ~~-~~A ~~swift~~timely and ~~strong~~thorough response by law enforcement can help stabilize and calm the community, as well as aid in a victim's recovery.

2. The Bureau further recognizes that bias ~~crimes and bias incidents~~events can cause fear, trauma, and deprive victims of feeling safe in their own communities. ~~-~~These crimes~~, in particular,~~ can violate an entire group or community's sense of safety and belonging.~~-~~ The Bureau acknowledges the depth of this impact and, as a result, is committed to responding with a victim-centered approach and employing proactive measures to prevent bias crimes.

3. Oregon law specifically recognizes the community harm created by bias crimes and elevates their criminal classification accordingly. ~~-~~This Directive establishes guidelines for responding to bias ~~crimes and bias incidents~~events and ensuring full compliance with victim referral and reporting requirements under state and federal law.

Procedure:

~~1. Identifying Bias Crimes.~~

~~1.1. The key criterion in determining whether a crime may be classified as a bias crime is the perpetrator's motivation for the crime. Members should consider the following information when identifying a potential bias crime:~~

~~1.1.1. Did the victim perceive the crime to be motivated by bias?~~

~~1.1.2. Did witnesses perceive the crime to be motivated by bias?~~

~~1.1.3. Did the perpetrator make any statements regarding race, color, religion, gender identity, sexual orientation, disability, or national origin?~~

~~1.1.4. Were any symbols, words, or acts associated with hate groups or indicative of bias present at the scene of the crime (e.g., swastikas or racial slurs)?~~

~~1.1.5. Is there a history of similar incidents in the same area or against the same victim/group?~~

~~1.1.6. Has the perpetrator previously been involved in a hate group or in similar incidents?~~

~~1.1.7. Did the crime coincide with a date or event of significance?~~

~~1.1.8. Did the victim display their membership or allyship with a protected class?~~

~~1.2. Criminal offenses that can be classified as bias crimes are listed in ORS 166.155 and ORS 166.165. The relevant offenses are Assault, Menacing, Criminal Mischief, and Harassment.~~

~~2.~~1. Proactive Steps to Prevent and Prepare for Bias ~~Crimes~~Events.

~~2.1.~~1.1. While not all crime can be prevented, the Bureau commits to taking a proactive approach to preventing and preparing for ~~bias crimes~~Bias Events by:

~~2.1.1.~~1.1.1. Making an affirmative effort to contact persons and groups within the community who are likely targets of bias crimes in order to form, and cooperate with, prevention and response networks;

~~2.1.2.~~1.1.2. Providing victims with referrals and follow-up, including community-based follow-up;

~~2.1.3.~~1.1.3. Educating community and civic groups about bias crime laws; and

~~2.1.4.~~1.1.4. Implementing appropriate training, including becoming familiar with the symbols and tactics used by hate groups.

~~3. Identifying and Responding to Bias Incidents.~~

~~3.1. Bias incidents are directed at a person or group because of their actual or apparent membership in a protected class, but are not crimes and do not involve violence, threats of violence, or property damage.~~

~~3.2. While bias incidents may be hateful, offensive, or harmful, they are not crimes and may be specifically protected by law.~~

2. ~~When responding to bias incidents, members shall provide~~Bias Crime Considerations.

2.1. When identifying a potential bias crime, members should consider whether:

2.1.1. There are any symbols, words, or acts associated with hate groups or indicative of bias present at the scene of the crime (e.g., swastikas or racial slurs);

2.1.2. There is a history of similar incidents in the same area or against the same victim/group;

2.1.3. The perpetrator has previously been involved in a hate group or in similar incidents;

2.1.4. The event occurred on or around any dates of significance, such religious holidays (e.g., high holy days), historic events, or deaths of prominent figures.

3. Member Response to Bias Events.

3.1. Members responding to the scene of a potential bias event shall follow procedures for responding to a crime scene. In addition, members shall:

3.1.1. Notify a supervisor;

3.1.2. Preserve physical evidence, such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas, and, if appropriate, contact Forensic Evidence Division (FED);

3.1.3. Recognize the potential need for and request interpreter services, when applicable;

3.1.4. Ensure that all statements made by suspects are documented, when practicable;

~~3.2.1.~~3.1.5. Provide victims with victim assistance information and refer them to qualifying local victims' services as designated by the ~~Oregon Department of Justice. If services are not available, members shall refer victims to~~State DOJ, including the Oregon ~~Department of Justice Non-Emergency~~ Bias Response Hotline~~.~~ 1-844-924-BIAS; and

~~3.2.2.~~3.1.6. ~~Members responding to bias incidents shall document the incident by writing~~Write a police report and ~~using~~designate with the appropriate tracking code ("T-code") in the ~~Records Management System.~~ records management system

~~4. Responding to Potential Bias Crimes.~~

3.2. Members ~~responding~~may also refer witnesses or third-party complainant to the ~~scene of a potential bias crime shall follow procedures for responding to a crime scene. In particular~~Oregon Bias Response Hotline.

4. Member Reporting.

4.1. When completing the general offense report, members shall~~:~~ use the following T-codes for Bias Events:

~~4.1.1. Preserve physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas, and contact Forensic Evidence Division (FED).~~

~~4.1.2. Recognize the potential need for and request interpreter services, when applicable.~~

~~4.1.3. Notify a supervisor and brief them on actions taken.~~

~~4.1.4. Ensure that all statements made by suspects are documented when practicable.~~

~~4.1.5. Write a police report and designate the crime as a bias crime, when applicable, in the Records Management System.~~

4.1.1. Bias Crimes: T83

4.1.2. Bias Incidents: T831

4.1.3. Bias Unfounded: T832

4.2. Members should not code Bias Events with an "88" bias tracking code, which indicates that there is no bias nexus.

4.3 If ~~members are~~a member is unsure whether a crime should be designated and charged as a bias crime, they should consult with a supervisor.

5. Supervisor Responsibilities.

~~4.2. Supervisors shall:~~

5.1 Notify the Major Crimes Unit via email (Major.Crimes@police.portlandoregon.gov) for all Bias Events.

5.2. For Bias Crimes, supervisors shall also page a Detective Division ~~(Detectives)~~Major Crimes Unit supervisor ~~to determine if investigators will respond to the scene.~~when:

5.2.1. The member takes a suspect into custody;

5.2.2. The victim sustains a physical injury; or

5.2.3. In the public interest.

5.3 Ensure ~~that~~the member:

5.3.1. Conducted a complete and detailed investigation ~~is conducted.~~;

~~Forward police reports for~~

5.3.2. Satisfied all ~~bias crimes~~reporting requirements; and

5.3.3. Provided victims with victim assistance information and referred them to qualifying victims' services, including the Oregon Bias Response Hotline.

5.4 Notify their Responsibility Unit (RU ~~commander.~~) Commander of all Bias Events via the chain of command to include a copy of the police report.

5.4.1 Directly notify the RU ~~commander~~Commander of any felony bias crime, as soon as practicable.

5.5. Supervisors may page an on-call Major Crimes Unit supervisor if they have questions about a Bias Event.

6. Detective Division Supervisors Responsibilities.

~~4.3. Detective supervisors shall:~~

~~5.1~~6.1 Determine whether investigators will respond to ~~the scene of potential~~assist with bias ~~crimes.~~crime investigations;

6.2. Review all bias event reports; and

6.3. Assign all felony bias crimes for follow-up investigation.

6.4. Assign all misdemeanor bias crimes for follow-up investigation, when practicable.

6.4.1 Ensure that follow-up is conducted on assigned cases.

7. Technology Integration Group

7.1 The Technology Integration Group (TIG) shall report statistics on relevant crimes to the Department of State Police (Oregon State Police) at least quarterly in accordance with Oregon law.

8. Training~~.~~

~~The Bureau~~8.1 All sworn members shall ~~provide~~receive introductory ~~and ongoing~~ training ~~to all sworn members~~ regarding hate groups and bias crimes. The Bureau shall provide additional training, as identified through the Bureau's training needs assessment process.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 12, 2023 1:21:15 PM
Last Modified: Tuesday, September 12, 2023 1:26:24 PM
Time Spent: 00:05:08

Page 1

Q1

Please provide feedback for this directive

for the definition section, for 'Bias Crime', it can also be inclusive of property crimes, so might be worthwhile to not list the specific offenses but rather use the ORS statute language of 'physical injury' and 'interference with property'. Also applicable to section 1.2.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **SSD**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, September 13, 2023 10:51:55 AM
Last Modified: Wednesday, September 13, 2023 11:35:55 AM
Time Spent: 00:44:00

Page 1

Q1

Please provide feedback for this directive

Replacing or adding wording on the 'Bias Incident' definition from: "of which criminal investigation or prosecution is impossible or inappropriate" to include something similar to "does not rise to the level of probable cause" would help make it clearer that although the actions and/or speech were offensive, there are legal reasons that law enforcement action is not taken.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **D.C. 17932**

#3

COMPLETE

Collector:	Web Link 1 (Web Link)
Started:	Tuesday, October 10, 2023 8:33:40 PM
Last Modified:	Tuesday, October 10, 2023 8:34:12 PM
Time Spent:	00:00:31

Page 1

Q1

Please provide feedback for this directive

COMMENTS on Bias Crime Directive, October 2023

To Chief Lovell, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, Mayor/Police Commissioner Wheeler, US Dept. of Justice, Citizen Review Committee, Training Advisory Council and the Portland Police Bureau:

Below are comments from Portland Copwatch (PCW) on the Bias Crime Reporting Directive posted for comment (https://www.portland.gov/police/directives-overview). It appears that none of the comments we made in April, 2021 on this Directive were incorporated when the policy was finalized.

It's not clear why this Directive was first posted for review on September 1, then re-posted on September 12, but we appreciate the extra time to review it.

As we have noted in the past, we feel the Directives would be easier to read and refer to if the Bureau would assign letters and numbers to all sections, including the "Refer" and "Definitions" sections. The references below are to Procedure Section unless otherwise noted.

DIRECTIVE 640.80 Bias Crime Reporting

Since so many of our previous comments did not produce changes, we're repeating them here with some modifications.

Police Perpetrate Bias Crimes Too: While the PPB aims to make themselves more open and available to members of the public who have been targeted because of their "race, color, religion, gender identity, sexual orientation, disability or national origin" (Definitions), many people feel that the Bureau itself commits crimes or otherwise targets community members based on these characteristics, and that should be acknowledged in the Directive and in the future.

Can a Local Jurisdiction Be More Restrictive?: Even though the state statutes list specific classes of people who might be subjected to bias crimes, it would be good to revisit some which appeared in the 2015 version of the Directive: "marital status, political affiliation or beliefs, age, economic or social status." These items are addressed as mandatory training for officers about prejudice in ORS 181A.470 (formerly 181.642), which is listed in the "Refer" section.

Murder Isn't a Violent Crime?: The Directive lists only the crimes of Assault, Menacing, Harassment and Criminal Mischief as possible bias crimes (Definitions and Section 1.2), while the state statutes speak of physical injury. Presumably this would include murder, attempted murder and other such crimes which are motivated by bias.

Thoughtful Law Enforcement Actions: Policy Section 1 talks about a "swift and strong response by law enforcement" after incidents. We agree that the bureau should prioritize bias crimes for investigation, however, we fear this will be read as a license to "kick some butt," and suggest the phrase "timely and thorough" instead.

I've Got All My Life to Live: In Policy Section 2 and elsewhere, the person subjected to criminal activity is listed as a "victim," but it may be worth referring to them as the "victim/survivor" so as not to perpetuate people's sense of victimization as they respond to the crimes and live their lives.

Specifics Over "Centering": We noted in 2021 that language from the original Directive about being "sensitive" to victims/survivors was removed to talk about a "victim-centered approach" (Policy Section 1.2). PCW suggested adding language to the Policy section: "Members will conduct themselves in a compassionate, professional manner with all due care and concern for the dignity and needs of all persons involved in the investigation."

CONCLUSION

The Bureau recently began adding short notes about the reasons Directives are coming up for review, which was something Portland Copwatch has been suggesting for some time. The reasons are generally about why it is the right time to look at the Directives, but should give more hints as to what parts of the policies may already have been flagged for attention so the community can make informed comments. We understand that the Portland Committee on Community Engaged Policing is hoping to start taking part in Directives reviews and, since they only meet once a month, we think it would be good to give them a roadmap of the Bureau's thinking... and share that with the whole of Portland.

Thank you for the opportunity to comment

dan handelman and other members of
Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name	**Portland Copwatch**