



## CITY OF PORTLAND, OREGON



### Bureau of Police

1111 S.W. 2nd Avenue • Portland, OR 97204

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## Executive Summary DIR 0640.80 Bias Event Response

### Introduction

The Bureau began the review of Directive 0640.80, Bias Event Response, in July of 2023, posting it for its first Universal Review period in September 2023 and its Second Universal Review in December of 2023. The previous review concluded in August of 2021. The goal of this review was to continue to update the Directive to be in line with changing legal standards and best practices for Bias Event investigations. The Bureau recognizes that Bias Crimes and Events have a massive impact on victims and a corrosive effect on the community.

The Policy Development Team (PDT) worked with the Oregon Department of Justice as well as the Major Crimes section of the Bureau's Detective Division to develop changes that refined definitions for Bias Crimes and Events and provided updated guidance and requirements for Bias investigations and internal reporting and tracking.

### Public Comments

The Bureau received three comments in each of the two Universal Review Periods. Commenters focused on several areas including the definition of bias crimes and the use of specific language in the Directive.

#### *Definitions*

During the first Universal Review period, all three public comments expressed concern or confusion around the definitions of Bias Crimes, Bias Events, and Protected Classes. In the Second Universal Review Period, one commenter raised these same issues.

One commenter suggested adding property crimes to the definition of Bias Crimes since they are included as elements of state statute on Bias Crimes. The Bureau adopted this comment, and the PDT revised the definition to reflect the precise language of ORS 166.155 and ORS 166.165.

Another commenter suggested changing the language in Bias Events "of which criminal investigation or prosecution is impossible or inappropriate" to clarify the distinction between offensive and criminal conduct. The Bureau did not adopt this recommendation, as the existing language comes from the state Statute.

Another commenter made suggestions to change the definition of Bias Crimes to a broader list of conduct, including homicide. The Bureau did not adopt this change, though the PDT revised the definition to track the state statutory definition of bias crime.



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The State of Oregon defines Bias Crimes as a specific set of conduct in ORS 166.155 and 166.165. For this reason, the Bureau cannot change or expand this definition.

This same commenter requested that the Bureau expand its list of protected classes to include a broader range of people. The Bureau did not adopt the recommendation for the same reason as above. The definition of Protected Classes in this directive tracks the state definition, and the Bureau cannot change or expand it. The Bureau did include clarifying language explaining that the definition is directive-specific and may not apply in other laws or contexts.

#### *Language*

In both the first and second Universal Reviews, one commenter identified what they felt to be problematic uses of language. The commenter specifically felt that language about a “swift and strong” law enforcement response to Bias Events would send the wrong message and proposed “timely and thorough.” The Bureau adopted this recommendation.

This same commenter also suggested changing language around victims to the term “survivor,” as they felt this would be more appropriate. While the commenter raised a valid concern, the Bureau did not adopt the recommendation because the term “victim” has legal significance, and any changes could potentially create confusion.

#### **The Bureau’s Revised Policy**

The revised directive updated the definitions for a variety of terms. The PDT made substantial changes to the definition of “Bias Crime” to make it track the state statutory definition created by ORS 166.155 Bias Crime in the Second Degree and ORS 166.165 Bias Crime in the First Degree. Additionally, the PDT revised the definition of “Protected Classes” to clarify that the definition is directive-specific, though other broader definitions exist elsewhere in the law.

The PDT also made changes to the investigations sections, refining the list of considerations members should look for when trying to identify Bias Crimes.

Finally, the PDT made substantial changes to the notification requirements. These changes aim to improve the flow of information between patrol officers conducting initial investigations, the Detective Division, and command staff.

The Bureau welcomes further feedback on this policy during its next review.

The directive goes into effect on May 01, 2024. Published on April 01, 2024.

## **0640.80, Bias Event Response**

### **Refer:**

- 18 US Code § 245, violent interference with federally protected activities based on protected class
- 18 US Code § 247, damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 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 163.191 Intimidation by Display of a Noose
- 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 in whole or in part 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 criminalizes interference with property, offensive physical contact, and attempts to intimidate people based on their actual or perceived membership in a protected class. ORS 166.165 Bias Crime in the first degree criminalizes assaults, and threats based on the victim's actual or perceived 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. As defined in ORS 137.678 "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, not to include any evidence of bias motivation.
- Hate Group: A formal or informal 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, and Bias Crime in the first and second degree, ORS 166.165, and ORS 166.155, protected classes include race, color, religion, gender identity, sexual orientation, disability, and national origin. Note that many additional Oregon laws, including civil rights laws, have an expanded list of protected classes (for example age, marital status, housing status, or gender).
- 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). Reports can also be made online or via chat at [StandAgainstHate.Oregon.gov](http://StandAgainstHate.Oregon.gov).

**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:
    - 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 Eid al-Fitr or Eid al-Adha, Ramadan, Lunar New Year, Diwali, Ash Wednesday etc.), historic events (e.g., Pride, Black History Month), or deaths of prominent figures.
    - 2.1.5. The event occurred on or around any **location of significance**, such as houses of worship, cultural safe/special gathering places, or businesses run by or for certain communities.
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, 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 Oregon DOJ, including the Oregon Bias Response Hotline 1-844-924-BIAS / StandAgainstHate.Oregon.gov (Note: referral cards are available in 30 languages online); and
    - 3.1.6. Write a police report and designate with the appropriate tracking code ("T-code") in the records management system, see section 4.1.
  - 3.2. Members may also refer any witnesses or third-party complainant to the Oregon Bias Response Hotline / StandAgainstHate.Oregon.gov.
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
- 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 (MajorCrimes@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. Notify their Responsibility Unit (RU) Commander of all Bias Events via the chain of command.

4.3.1. Include a copy of the police report for all Bias Crimes.

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

4.4. Ensure the member:

- 4.4.1. Conducted a complete and detailed investigation;
- 4.4.2. Satisfied all reporting requirements; and
- 4.4.3. Provided victims with victim assistance information and referred them to qualifying victims’ services, including the Oregon Bias Response Hotline.

#### 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.

#### 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 events. The Bureau shall provide additional training, as identified through the Bureau's training needs assessment process.

## 0640.80, Bias ~~Crime Reporting~~ Event Response

### Refer:

- 18 US Code § 245, violent interference with federally protected activities based on protected class
- 18 US Code § 247, damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 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 163.191 Intimidation by Display of a Noose
- 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 in whole or in part 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 criminalizes interference with property, offensive physical contact, and designates them as bias crimes when the offense is committed because of bias against one of the above listed attempts to intimidate people based on their actual or perceived membership in a protected classes class. ORS 166.165 Bias Crime in the first degree criminalizes assaults, and threats based on the victim's actual or perceived membership in a protected 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. As defined in ORS 137.678 "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.

o Bias Unfounded: An alleged Bias Event proven, through investigation, not to include any evidence of bias motivation.

- Hate ~~group: An~~Group: A formal or informal 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, and Bias Crime in the first and second degree, ORS 166.165, and ORS 166.155, protected classes includes race, color, religion, gender identity, sexual orientation, disability, and national origin. Note that many additional Oregon laws, including civil rights laws, have an expanded list of protected classes (for example age, marital status, housing status, or gender).
- 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). Reports can also be made online or via chat at StandAgainstHate.Oregon.gov.

### 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 and strengthorough 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~~ CrimesEvents.

~~2.1.1.1.~~ 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.~~ 2.1.1.1.1. 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.~~ 2.1.2.1.1.2. Providing victims with referrals and follow-up, including community-based follow-up;

~~2.1.3.1.1.3.~~ 2.1.3.1.1.3. Educating community and civic groups about bias crime laws; and

~~2.1.4.1.1.4.~~ 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 Eid al-Fitr or Eid al-Adha, Ramadan, Lunar New Year, Diwali, Ash Wednesday etc.), historic events (e.g., Pride, Black History Month), or deaths of prominent figures.
- 2.1.5. The event occurred on or around any **location of significance**, such as houses of worship, cultural safe/special gathering places, or businesses run by or for certain communities.

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, 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 the Oregon Department of Justice Non-Emergency Bias Response Hotline. DOJ, including the Oregon Bias Response Hotline 1-844-924-BIAS / StandAgainstHate.Oregon.gov (Note: referral cards are available in 30 languages online); 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 in the Records Management System. ("T-code") in the records management system, see section 4.1.

4. Responding to Potential Bias Crimes.

3.2. Members responding may also refer any 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 / StandAgainstHate.Oregon.gov.

#### 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 area~~ member is unsure whether a crime should be designated and charged as a bias crime, they should consult with a supervisor.

#### 4. Supervisor Responsibilities.

4.2. Supervisors shall:

4.2.1.— 4.1 Notify a Detective Division (Detectives) supervisor to determine if investigators will respond to the scene.

4.2.2.— Ensure that a complete and detailed investigation is conducted.

Forward Major Crimes Unit via email ([MajorCrimes@police-reports.portlandoregon.gov](mailto:MajorCrimes@police-reports.portlandoregon.gov)) for all bias crimes to the RU commander. 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. Notify their Responsibility Unit (RU) Commander of all Bias Events via the chain of command.

4.3.1. Include a copy of the police report for all Bias Crimes.

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

4.4. Ensure the member:

4.4.1. Conducted a complete and detailed investigation;

4.4.2. Satisfied all reporting requirements; and

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

5. Detective Division Supervisors Responsibilities.

~~4.3. Detective supervisors shall:~~

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

5.2. Review all bias ~~crimes~~ 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.

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-

~~The Bureau~~ 7.1. All sworn members shall ~~provide~~ receive introductory ~~and ongoing~~ training ~~to all sworn members~~ regarding hate groups and bias ~~crimes~~ events. 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:** Friday, December 15, 2023 10:18:26 AM  
**Last Modified:** Friday, December 15, 2023 10:24:55 AM  
**Time Spent:** 00:06:29

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## Q1

Please provide feedback for this directive

I was pretty surprised that the Vienna Convention of 1963 was referenced. It has over 60 articles in it. ORS 181A.470 did give any specifics. [https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1420&context=djilp#:~:text=The%20Vienna%20Convention%20on%20Consular%20Relations%20\(%22Vienna%20Convention%22\),be%20informed%2D%2D%22without%20delay%22](https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1420&context=djilp#:~:text=The%20Vienna%20Convention%20on%20Consular%20Relations%20(%22Vienna%20Convention%22),be%20informed%2D%2D%22without%20delay%22) . use this link for a reference point

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## Q2

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

Name **Robbie (he/him)**

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## #2

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, December 20, 2023 1:15:04 PM  
**Last Modified:** Wednesday, December 20, 2023 1:26:50 PM  
**Time Spent:** 00:11:45

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### Q1

Please provide feedback for this directive

Needs to be more done about hate crimes. There was a crazy guy in Gresham, Dominic Austin, 19 knocking on neighbors' doors with a knife because they were black, and nothing was done for months. Family told by Police "We are looking into it, can't locate the guy". That needed to be blared across the news. I watch the news nightly and I never seen the story. Made me feel as if Black lives really don't matter. I love everyone I want everyone safe.

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### Q2

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

Name **Tammi Bell**

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#3

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, December 29, 2023 12:38:34 PM  
**Last Modified:** Friday, December 29, 2023 12:38:56 PM  
**Time Spent:** 00:00:22

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## Q1

Please provide feedback for this directive

COMMENTS on Bias Crime Directive, December 2023

To Chief Day, 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 in December (<https://www.portland.gov/police/directives-overview>). With one exception, none of the comments we made in October on this Directive were incorporated into the new posted draft. Another suggestion led to deletions instead of additions.

Notably, we are NOT commenting on these policies:

0210.22 Employee Time Tracking (which was listed on the website but not in PPB's email)

0210.30 Timekeeping including Overtime

0660.10 Property and Evidence Procedures

We continue to urge the Bureau to make the Directives easier to read and refer to by assigning 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

Most of these are repeat comments, with some updating, from our previous efforts in 2021 and 2023.

Thank You: PCW suggested that the phrase "swift and strong response by law enforcement" (Policy Section 1) be replaced with the phrase "timely and thorough." That is what's being proposed in the new draft.

Acknowledge Police Harm to Community: PCW again appreciates that the PPB wants to support members of the public who have been targeted because of their "race, color, religion, gender identity, sexual orientation, disability or national origin" (Definitions\*). However, many people who are targeted for such reasons also tend to be people who feel that the Bureau itself commits crimes or otherwise targets them or their loved ones based on these characteristics. We again suggest some acknowledgment of that fact in the Directive, in the same way Chief Day acknowledges that community distrust of the police is a reality.

Expand the People List If Possible: The state statutes on bias crimes list specific classes of people who might be targeted. If possible, the PPB should also re-extend protections to people with these characteristics which appeared in the 2015 version of the Directive: "marital status, political affiliation or beliefs, age, economic or social status." ORS 181A.470, listed in the "Refer" section,\* addresses these items as part of mandatory training for officers about prejudice.

Make the Crimes List More Accessible: Rather than expand on the list of offenses of assault, menacing, harassment and criminal mischief taken from the statutes in the previous draft, the Directive now only lists crimes regarding "interference with property, assaults and attempts to intimidate" (Definitions\*). We noted previously that the state statutes speak of physical injury and suggested that maybe murder, attempted murder and other such crimes which are motivated by bias should be included and listed specifically.

I'm Not Gonna Give Up: In the PPB Directive on Domestic Violence, it was acknowledged that the use of the word "Survivor" is more trauma-informed than "victim." In this Directive, "victim" is used in Policy Section 2 and elsewhere. It may be worth referring to the community member as the "victim/survivor" so as not to perpetuate people's sense of victimization as they respond to the crimes and live their lives.

Better Describe Officer Approach: We note again 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 still suggests adding language to clarify what this means: "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

Once again we appreciate the developments which have given the community more time to review Directives and the hints at what is being changed being added to the emails/website. We continue to hope that PPB will find one or more effective public venues to discuss particular Directives to engage the community in discussion instead of having back-and-forths through impersonal web postings and emails.

Thank you for the opportunity to comment.

dan handelman and other members of  
Portland Copwatch

\*- sorry we can't be more specific about where to find these listings, if only each item had its own unique label...

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## Q2

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

Name

**Portland Copwatch**

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# #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

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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.

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## Q2

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

Name **SSD**

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## #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

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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.

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### Q2

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

Name **D.C. 17932**

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#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

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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

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**Q2**

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

Name **Portland Copwatch**

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