



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

Charles Lovell, Chief of Police

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Executive Summary Directive 0640.80, Bias Crime Reporting

Introduction

The Portland Police Bureau initiated its review of Directive 0640.80, Mandatory Bias/Prejudice Crime Reporting, in March 2020. As a result of that review, the policy was renamed “Bias Crime Reporting” and updated to reflect changes in state law.

The Bureau made several significant changes to the revised directive, driven largely by the Oregon legislature’s passage of Senate Bill 577 in 2019. Senate Bill 577 updated Oregon’s bias crime laws, defined bias incidents, created requirements for law enforcement officers to refer victims of bias incidents to support services, and streamlined data collection about bias crimes and bias incidents in Oregon. The revised directive makes Bureau policy consistent with all of the requirements of Oregon’s new bias crime laws.

Public Comments

The Bureau received comments during both of the universal review and public comment periods for the directive, including comments pointing to changes needed as a result of the passage of Senate Bill 577. Multiple commenters suggested that clearer language in the directive would provide more meaningful guidance to officers.

During the second universal review and public comment period, one commenter expressed concern that the revised directive’s mandatory documenting of bias incidents appeared overly broad, burdensome, and potentially legally problematic. Requiring police reports when members respond to bias incidents aims to increase procedural justice for victims of bias incidents and better track these types of incidents, ensuring adherence to the new bias crime laws. Documenting bias incidents is already a common Bureau practice, and this policy change merely creates a requirement for writing a police report when members respond to bias incidents.

Bias Incidents

The most significant change to the revised directive is the introduction of bias incidents. Bias incidents, which fall short of bias crimes, are recognized as harmful and requiring police responsiveness under both Oregon law and the revised directive. The revised directive defines bias incidents in the same terms as they are defined by Oregon Revised Statute 147.380.

Defining bias incidents and providing members guidance on how to respond to bias incidents offers a victim-centered approach and ensures that the Bureau responds to these incidents thoroughly. The

new guidance clarifies that while a bias incident may be hateful, frightening, and cause someone to feel unsafe in their community, it does not rise to the level of criminal conduct and there may be no remedy under criminal law. This guidance offers both Bureau members and community members tools to communicate about bias incidents with greater clarity, while recognizing the harm bias incidents cause. The new bias crime law and the revised directive ensure that victims of bias incidents are referred to support services and that incidents are tracked appropriately for increased data collection, hopefully contributing to increased procedural justice for victims of these incidents.

A Proactive Approach

The revised directive provides clearer, greater, and more specific guidance regarding identifying bias crimes. Procedure Section 1 lists articulable criteria for members to consider when evaluating whether a crime may be classified as a bias crime and offers straightforward, specific indicia of motivation of bias.

In Procedure Section 2, the revised directive takes a proactive approach to preparing for and preventing bias crimes by articulating specific steps the Bureau intends to take to be as responsive to bias crimes as possible. The revised directive reflects the Bureau's commitment to training, community engagement, and victim referrals for support services.

Definitions and Other Updates

The revised directive introduces definitions of bias crime, bias incident, gender identity, and protected classes that are consistent with Oregon bias crime laws. The revised directive also defines hate group using a definition from a model policy on hate crimes developed by the International Association of Chiefs of Police. Finally, the revised directive updates Bureau responsibility for reporting statistics on certain crimes to the Department of State Police (Oregon State Police) to the Technology and Information Group (TIG), and reflects the state law requirement of at minimum quarterly reporting.

The Bureau's Revised Policy

The Bureau made significant revisions to Directive 0640.80, Bias Crime Reporting, bringing the Bureau's policy, procedures, and practices in line with recent changes to Oregon's bias crime laws. The revised directive implements new guidance for bias incidents, requires that members document bias incidents in police reports, and offers greater support to victims of bias incidents.

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

This directive goes into effect on September 2, 2021. Published on August 3, 2021.

0640.80 Bias Crime Reporting

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 offenses of Assault, Menacing, Harassment, or Criminal Mischief, when the offender commits the offense because of their perception of the victim's race, color, religion, gender identity, sexual orientation, disability, or national origin. Oregon law elevates these offenses to a higher criminal classification and designates them as bias crimes when the offense is committed because of bias against one of the above listed protected classes.
- 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 crime is established by the investigating law enforcement officer.
- 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: Means an individual'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 at birth.
- Protected classes: For this directive, protected classes includes race, color, religion, gender identity, sexual orientation, disability, and national origin.

Policy:

1. The Bureau recognizes the harmful impact that bias crimes and bias incidents have on victims and the community, and shall employ all necessary resources to promptly identify, investigate, and respond to them appropriately. A swift and strong 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 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 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. Proactive Steps to Prevent and Prepare for Bias Crimes.
 - 2.1. While not all crime can be prevented, the Bureau commits to taking a proactive approach to preventing and preparing for bias crimes by:

- 2.1.1. 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. Providing victims with referrals and follow-up, including community-based follow-up;
 - 2.1.3. Educating community and civic groups about bias crime laws; and
 - 2.1.4. 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.
 - 3.3. When responding to bias incidents, members shall 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.
 - 3.3.1. Members responding to bias incidents shall document the incident by writing a police report and using the appropriate tracking code in the Records Management System.
4. Responding to Potential Bias Crimes.
 - 4.1. Members responding to the scene of a potential bias crime shall follow procedures for responding to a crime scene. In particular, members shall:
 - 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.
 - 4.2. If members are unsure whether a crime should be designated and charged as a bias crime, they should consult with a supervisor.
5. Supervisor Responsibilities.
 - 5.1. Supervisors shall:
 - 5.1.1. Notify a Detective Division (Detectives) supervisor to determine if investigators will respond to the scene.
 - 5.1.2. Ensure that a complete and detailed investigation is conducted.

- 5.1.3. Forward police reports for all bias crimes to the RU commander.
- 5.1.4. Directly notify the RU commander of any felony bias crime as soon as practicable.

6. Detective Division Responsibilities

6.1. Detective supervisors shall:

- 6.1.1. Determine whether investigators will respond to the scene of potential bias crimes.
- 6.1.2. Assign all felony bias crimes for follow-up investigation.
- 6.1.3. Assign all misdemeanor bias crimes for follow-up investigation, when practicable.
- 6.1.4. 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.

- 8.1. The Bureau shall provide introductory and ongoing training to all sworn members regarding hate groups and bias crimes.

Originating Directive Date: August 1990

Last Revision Signed: August 3, 2021

Effective Date: September 2, 2021

Next Review Date: September 2, 2023

0640.80 MANDATORY BIAS/PREJUDICE CRIME REPORTING

Index: ~~Title; Bias Crime, Prejudice Crime~~ Reporting

Refer:

- 18 US Code § 249, Hate crime acts
- ORS ~~181.550-137.678~~, Analysis of bias-related crime and incident data
- ORS 147.380, Service referral for bias incidents
- ORS 166.155, Bias/~~Prejudice Crime Reporting~~ 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 Ord. # 175158, See: Code Chapter 23.01.030 ~~Gender Identity, defined, Civil Rights~~

PROCEDURE (640.80)

- ~~Directive Specific~~ DIR 0640.10, Crime Scene Procedures
- DIR 0900.00, General Reporting Guidelines

Definitions:

- ~~Bias/prejudice crime: A crime motivated by prejudice based on~~ The offenses of Assault, Menacing, Harassment, or Criminal Mischief, when the offender commits the offense because of their perception of the victim's race, color, religion, gender identity, sexual orientation, disability, or national origin. Oregon law elevates these offenses to a higher criminal classification and designates them as bias crimes when the offense is committed because of bias against one of the above listed protected classes.
- ~~Bias incident: A person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, national origin, sexual orientation, gender identity, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor~~ 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 is established by the investigating law enforcement officer.
- ~~Hate group: An organization or against a labor organization, physical or mental handicap, age, economic or social status~~ whose ideology is primarily or substantially based on antipathy, hostility, or citizenship of the victim: hatred towards persons of a different race, color, religion, gender identity, sexual orientation, disability, or national origin.

~~Hate crime: Any criminal act that appears to have been primarily motivated by prejudice based on~~

- Gender identity: Means an individual'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 at birth.
- Protected classes: For this directive, protected classes includes race, color, religion, ~~national origin or gender identity~~, sexual orientation. ~~This is a subcategory of bias/prejudice crimes that requires a specific response by members of~~, disability, and national origin.

Policy:

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

~~Victim category/status: Defined as race, color, religion, national origin, sexual orientation, gender identity, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status or citizenship.~~

Member Responsibilities (640.80)

~~Members responding to criminal offenses need to be aware of the criteria used to determine whether a criminal act falls within the mandatory bias/prejudice crime~~

2. The Bureau further recognizes that bias crimes and bias incidents 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 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 ~~will assist members in making such determinations~~ when identifying a potential bias crime:

~~1.1.1. a. The motivation of Did the victim perceive the crime to be motivated by bias?~~

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

~~1.1.1.1.3. Did the perpetrator, as expressed in make any statements made to the victim or to the member, (i.e., slurs, epithets), regarding race, color, religion, gender identity, sexual orientation, disability, or national origin?~~

~~b. The belief of the victim that the intent of the act was based on bias or prejudice.~~

~~c. The nature of the Were any symbols used to deface public or private property indicate bias or prejudice.~~

~~d. The date and time of the occurrence corresponds to a holiday of significance.~~

~~1.1.4. e. Observations made by the member and the common sense review of the circumstances surrounding the incident which indicate bias or prejudice. Such observations may include the group or, words, or acts associated with hate groups involved, the manner and means or indicative of bias present at the scene of the crime committed, and recurring patterns (e.g., swastikas or racial slurs)?~~

~~1.1.2.1.1.5. Is there a history of similar incidents in the same area or against the same victim-/group?~~

~~Members responding to crime scenes determined to be motivated by bias or prejudice will:~~

~~a. Ensure that victims are handled in a sensitive and caring fashion.~~

~~b. Place the notation Bias Crime across the top of the Investigation Report.~~

~~c. Include a statement in the Summary section of the Investigation Report which describes how the crime appeared to have been motivated by bias or prejudice, based on the category or status of the victim as perceived by the offender.~~

~~d. Ensure the victim receives victim assistance information.~~

~~1.1.6. e. 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. Proactive Steps to Prevent and Prepare for Bias Crimes.

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

2.1.1. 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. Providing victims with referrals and follow-up, including community-based follow-up;

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

2.1.4. 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.

3.3. When responding to bias incidents, members shall 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.

3.3.1. Members responding to bias incidents shall document the incident by writing a police report and using the appropriate tracking code in the Records Management System.

4. Responding to Potential Bias Crimes.

4.1. Members responding to the scene of a potential bias crime shall follow procedures for responding to a crime scene. In particular, members shall:

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.~~ 4.1.3. Notify a supervisor, if the criminal offense is determined to be a hate crime, and brief them on actions taken.

~~4.1.4.~~ 4.1.4. f. RequestEnsure that a supervisor respond to all statements made by suspects are documented when practicable.

~~4.1.4.4.1.5.~~ 4.1.4.4.1.5. Write a police report and designate the scene, if the hate crime is a felony,bias crime, when applicable, in the Records Management System.

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

~~2.5.~~ Supervisor Responsibilities (640.80).

~~2.1.5.1.~~ Supervisors will:shall:

~~2.1.1.5.1.1.~~ a. Notify a Detective Division (Detectives) supervisor to determine if investigators will be dispatchedrespond to the scene of any hate crime.

~~b. Contact the Forensic Evidence Division (Forensics) to ensure that any available evidence is collected and preserved.~~

~~2.1.2.5.1.2.~~ e. Ensure that a complete and detailed investigation is conducted.

~~2.1.3.5.1.3.~~ d. Ensure that copies of hate crimeForward police reports are left for all bias crimes to the precinctRU commander.

~~2.1.4.5.1.4. e. Personally~~Directly notify the ~~precinct~~RU commander ~~when aof any~~
felony ~~is involved.~~bias crime as soon as practicable.

~~3.6.~~Detective Division (640.80) Responsibilities

~~3.1.6.1. Detectives~~Detective supervisors ~~will~~shall:

~~6.1.1. a. Determine whether investigators will respond to the scene of potential bias~~
~~crimes.~~

~~3.1.1.6.1.2. Assign all felony~~ ~~hate~~bias crimes for follow-up investigation.

~~3.1.2.6.1.3. b. Review~~Assign all misdemeanor ~~hate crime reports for possible~~
~~assignment.~~ bias crimes for follow-up investigation, when practicable.

~~3.1.3.6.1.4. e. Ensure that follow-up is conducted on assigned cases.~~

~~d. Work with the DA to coordinate prosecution.~~

Precinct Commanders (640.80)

~~Precinct commanders becoming aware of a hate crime will ensure that the following individuals receive a copy of the report on the next workday. When those cases involved a felony, the same individuals will be personally notified by the precinct commander:~~

~~a. The Chief of Police.~~

~~b. The Operations Branch chief.~~

~~c. The Public Information Officer.~~

~~d. Detectives Bias Crime Unit.~~

~~In cases involving felonies or in cases where the victim would benefit, the precinct commander will ensure that community leaders of the negatively impacted group are briefed on the situation and encouraged to provide support to the victim.~~

Records Division (Records) (640.80)

~~At the beginning of each month, Records will forward a letter of transmittal and copies of the previous month's bias/prejudice reports to LEDS for their review. LEDS will determine if the incident is a bias/prejudice crime for Oregon Uniform Crime Reporting (OUCR) purposes.~~

RESPONSIBILITY, ACCOUNTABILITY AND CONTROL (640.80)

~~Supervisors will ensure all members have the ability to identify bias crimes, and ensure members are aware of the investigation and reporting requirements. Detectives will have procedures in place to monitor bias crimes to the fullest extent possible.~~

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.

8.1. The Bureau shall provide introductory and ongoing training to all sworn members regarding hate groups and bias crimes.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 18, 2020 5:11:14 PM
Last Modified: Wednesday, March 18, 2020 5:44:18 PM
Time Spent: 00:33:04

Page 1

Q1 Please provide feedback for this directive

I think this directive provides clear guidance for criminal actions. Where we could do better as an organization is in our partnering, messaging and response to bias-related incidents that do not necessarily meet the threshold for a crime, or the circumstances are not yet clear. In practice, bias "incidents" are communicated through the chain of command and to the PIO, and reports may be taken. Perhaps we should memorialize these expectations in policy. There may be opportunities also, depending on the circumstances, to partner with community-based organizations and collectively respond to community concerns, fear, etc. The messaging and/or opportunity for public meetings with leadership in response to these incidents can be helpful in dispelling myths and rumors.

A great resource for this information is the Oregon DOJ site: <https://www.doj.state.or.us/oregon-department-of-justice/bias-crimes/about-the-law/>

Q2 Contact Information (optional)

Respondent skipped this question

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, March 21, 2020 9:08:35 PM
Last Modified: Saturday, March 21, 2020 9:08:59 PM
Time Spent: 00:00:23

Page 1

Q1 Please provide feedback for this directive

No recommendations

Q2 Contact Information (optional)

Respondent skipped this question

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, March 21, 2020 9:12:10 PM
Last Modified: Saturday, March 21, 2020 9:12:53 PM
Time Spent: 00:00:43

Page 1

Q1 Please provide feedback for this directive

No further recommendations.

Q2 Contact Information (optional)

Respondent skipped this question

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, March 27, 2020 1:07:29 PM
Last Modified: Friday, March 27, 2020 1:07:56 PM
Time Spent: 00:00:27

Page 1

Q1 Please provide feedback for this directive

No changes

Q2 Contact Information (optional)

Respondent skipped this question

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, March 27, 2020 2:42:14 PM
Last Modified: Friday, March 27, 2020 2:42:47 PM
Time Spent: 00:00:32

Page 1

Directive 640.80 Feedback

Q1 Please provide feedback for this directive

COMMENTS ON BIAS CRIME AND NATIONAL INCIDENT MANAGEMENT DIRECTIVES, MARCH 2020

To Chief Resch, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are our comments on two Directives (Bias Crimes and National Incident Management) posted for review in March at). We are sending our comments on the Training Directive separately. Portland Copwatch (PCW) continues to have concerns about the 15-day response period for the "First Universal" reviews, and again urges the Bureau to add letters to each major section (Refer, Definitions, Policy, Procedure) and to number the definitions for easy reference. The Bias crimes Directive is still in the Bureau's old format so the changes indicated in its previous review from 2015 never got finalized.

Most of these comments come directly from our previous comments on these policies. Unless otherwise noted our comments are about the Procedure section.

640.80 MANDATORY BIAS/PREJUDICE CRIME REPORTING (previous comments November 2015)

--In the Member Responsibilities second subsection item (a), rather than directing officers merely to "be sensitive" to the victim, perhaps the Bureau should state "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."

--We previously did some research on why "membership or activity in or on behalf of a labor organization or against a labor organization" is included in the Definitions as a protected class for bias crimes. The "Refer" section was left off the last draft, and so there was no reference to Oregon Revised Statutes at that time. We discovered that the 2015 versions of Oregon's bias crime statutes (ORS 166.155 and 166.165) talk about race, color, religion, national origin and sexual orientation but the statutes on training and reporting bias crimes (ORS 181.550 & 181.642) include the text about unions. We are aware there have been changes to the state statute but are hoping these comments are still useful about being consistent with state law. This Directive's title refers to mandatory reporting, it makes sense that it should reflect the state statute. However, because it mixes in procedures for investigation, it would be better to be very clear of the difference between reportable bias crimes and prosecutable hate crimes. We certainly hope this provision of the state law, which is otherwise a good attempt to call out prejudicial criminal activity, is not suggesting that persons who protest the Portland Police Association are somehow committing a hate crime, or that people who spit on workers crossing a picket line should get more severely punished than any other such incident of "harassment" (as the law would call it). On the other hand, since we know there have been people who have used cars to bump workers and supporters on picket lines but not been prosecuted at all, it doesn't seem this provision is being used to protect union workers.

--Although gender/gender identity was not included in the 2015 version of the state's "hate crime" definition, we hope that Portland as a city will investigate crimes motivated by those factors as hate crimes.

We thank you again for the opportunity to comment.

--dan handelman and other members of
--Portland Copwatch

Q2 Contact Information (optional)

Name

Portland Copwatch

Email Address

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, March 27, 2020 9:24:28 PM
Last Modified: Friday, March 27, 2020 9:28:26 PM
Time Spent: 00:03:58

Page 1

Q1 Please provide feedback for this directive

Clearly written and easy to follow the specific steps.

Under Supervisor Responsibilities, consider removing step d. Ensure that copies of hate crime reports are left for the precinct Commander. With RMS so readily available, I feel like a notification with the case number would be enough and have records transcribe the report(s) ASAP so they could be accessed. I doubt paper copies are delivered to the Chief, Ops A/C, PIO and Dets by Commanders.

Q2 Contact Information (optional)

Respondent skipped this question

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, March 28, 2020 6:50:48 PM
Last Modified: Saturday, March 28, 2020 6:52:26 PM
Time Spent: 00:01:37

Page 1

Q1 Please provide feedback for this directive

The sentences in the section, Member Responsibilities:

“Members responding to crime scenes determined to be motivated by bias or prejudice will:

Ensure that victims are handled in a sensitive and caring fashion.”

are not clear. The passive phrase, “crime scenes determined to be” is past tense, as though speaking to victims is superfluous. In addition, it is impossible to force a Member to be sensitive, but the Member can act as though she or he is sensitive.

I recommend this edit:

Members responding to crime scenes that may involve a crime motivated by bias or prejudice will:

- a. Conduct their behavior in a compassionate and professional manner that takes care and shows concern for the wellbeing and dignity of each person involved in the investigation.
-

Q2 Contact Information (optional)

Name **B. Woodward**

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, March 29, 2020 2:27:23 PM
Last Modified: Sunday, March 29, 2020 2:28:24 PM
Time Spent: 00:01:00
IP Address: 74.120.152.120

Page 1

Q1 Please provide feedback for this directive

- Member responsibilities subsection "b." "The belief of the victim that the intent of the act was based on bias or prejudice."
 - o This section is too broad. I would add a note basing the belief on the totality of the circumstances. I know that common sense would include this but it might be worth placing it in there.
-

Q2 Contact Information (optional)

Respondent skipped this question

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, March 29, 2020 3:33:25 PM
Last Modified: Sunday, March 29, 2020 3:34:33 PM
Time Spent: 00:01:07

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Q1 Please provide feedback for this directive

-No substantive feedback at this time, the directive as currently crafted clearly and concisely communicates general information and current procedures related to the PPB handling of Bias/Hate crimes.

Q2 Contact Information (optional)

Name **Stephen Pettey**
Email Address
Phone Number

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, March 29, 2020 8:05:00 PM
Last Modified: Sunday, March 29, 2020 8:05:13 PM
Time Spent: 00:00:12

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Q1 Please provide feedback for this directive

No changes needed.

Q2 Contact Information (optional)

Respondent skipped this question

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 30, 2020 12:38:06 AM
Last Modified: Monday, March 30, 2020 12:39:03 AM
Time Spent: 00:00:56

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Q1 Please provide feedback for this directive

Sections on member responsibilities are clear and create an excellent picture of the types of calls responding members should give attention to. No change needed with existing verbiage or content.

For an addition to the policy - bias crimes are often times highly visible and emotional events which tend to draw attention from the public as they happen or are discovered. When police units respond to these calls they are likely to receive an influx of questions and concerns from bystanders / community members, and a news media response would be likely to follow. The policy could benefit from more specific direction on when a supervisor should notify the Bureau's PIO, and define the PIO's role in assisting in bias crime events.

Q2 Contact Information (optional)

Respondent skipped this question

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, April 07, 2021 12:39:01 AM
Last Modified: Wednesday, April 07, 2021 1:11:12 AM
Time Spent: 00:32:10

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Q1

Please provide feedback for this directive

Mandatory reporting of "Bias Incidents" is highly inappropriate. The police bureau would then be mandating its officers to keep records of constitutionally protected free speech incidents. Where is the line and who would decide if the protected speech is hateful, offensive, or harmful? Nearly every protest in Portland would be a bias incident. This is completely illogical. What is the appropriate tracking code for protected free speech? Has the city attorney's office reviewed this? If one is offended by the hateful rhetoric spewed at most protests in Portland would a report be required? Is a report required for each offended person? Will files then be kept on the "offenders" of "Bias Incidents" and how will they be used?

Q2

Respondent skipped this question

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