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AG Kroger: Hate Crime Reporting Tool Gives Victims Privacy Options

June 9th, 2010 at 1:34 pm by Erin Rook · No Comments

In response to concerns about the significant under-reporting of hate crimes, Attorney General John Kroger unveiled today a new [online hate crimes reporting tool](#) through the Oregon Department of Justice website.



While the form is not entirely confidential, it does allow victims and witnesses a degree of discretion in what information they choose to provide as well as the method of follow-up.

Attorney General John Kroger (center) took questions from media and community members following the announcement of a new online hate crimes reporting form.

Kroger said the proposal came independently from two different sources. As the department was compiling information for its upcoming hate crimes report (due out in summer or fall), he "kept seeing that there's often a media report but not a police report. That suggests to me a pretty significant under-reporting problem."

The more immediate inspiration for the new tool, however, came from community concerns expressed at the June 2 [gay bashing forum at O Center](#). Panelists and audience members identified several barriers to reporting hate crimes for members of the LGBTQ community including not knowing how, feeling intimidated or not taken seriously by police officers, not wanting to "out" themselves and fear that the report would not be handled properly.

"We want to give people a safe and appropriate and respectful way to let law enforcement and the Department of Justice know what happened," Kroger said, adding that he hopes the initiative will increase reporting and improve law enforcement's response.

Because the DOJ has no original jurisdiction, it can take informal reports of criminal activity without being bound by federal imperatives to investigate hate crimes. As such, individuals can choose not to be contacted by law enforcement and simply provide the information for statistic or research purposes. Otherwise, the information will be forwarded to local police along with any special requests by the victim.

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"We don't know what we don't know," said Sean Riddell, head of the criminal justice division at the DOJ, encouraging anyone with information about a hate crime to "choke me with information," even if that statute of limitations has passed.

But the frequency of hate crimes was not the only thing the DOJ didn't know. When asked if gender identity was covered under Oregon's hate crimes statutes, Kroger replied that he believed it was covered under sexual orientation. However, when Diane Sykes, senior assistant attorney general in the civil rights unit, checked the law, she found it lacking. Sexual orientation, in current hate crimes law, is defined as "heterosexuality, homosexuality or bisexuality."

Riddell said that until state law reflected the diversity of the queer community, which he admits he's still learning about, he felt confident he could prosecute a gender identity-based crime using the definition of sexual orientation. Audience members did not seem to share this confidence as they continued to grill the panel regarding the exclusion of gender identity from the list of protected categories.

"I've learned a lot about different identities," since attending forums at Q Center, Riddell said. "I understand the law is failing in that it doesn't provide access to people with a different gender identity."

Following the press conference, Sykes stayed behind to hold a discussion with community members about changing the language of Oregon's hate crimes statutes to include gender identity. Kroger said the attorney general's office would likely be pushing for legislative change around hate crimes in the fall.

Randy Blazak, chair of the Coalition Against Hate Crimes, suggested the DOJ look at the language of federal hate crimes legislation, which does include gender identity. Others suggested researching the concept of gender non-conformity to find more inclusive language. They pointed out that bias crimes against queer people often have more to do with a person's gender presentation — the way they look — than their sexual identity.

"Some people who appear gender non-conforming don't identify as transgender," Joe LeBlanc pointed out, highlighting the shortfall of simply adding "transgender" as a protected category.

Blazack and others added that a person can be gay bashed without actually being gay, and that it is often gender presentation that an attacker bases their perception of a victim's sexuality off of.

Sykes said she would take the group's feedback to Kroger and that she would try to take advantage of the upcoming Pride festivities to publicize the new reporting form.

"I would really like to see by January if what we're proposing [with the reporting tool] shifts this. I want to give it a trial run," Sykes said. While she couldn't make any promises to those gathered about pending changes, she added, "I hope this is the beginning of promoting some meaningful change for this community."

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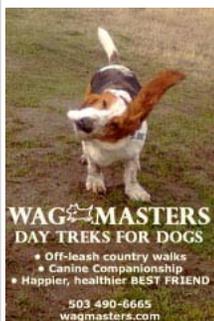
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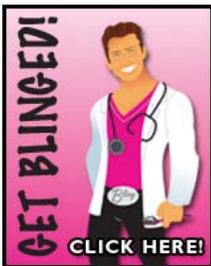
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