



Rod Underhill, District Attorney
1021 SW Fourth Avenue, Room 600
Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.mcda.us

October 21, 2019

First conviction under Oregon's new bias crime law

Today, Multnomah County District Attorney Rod Underhill announced that 50-year-old Don Kirchhoff pleaded guilty last week and became the first person convicted of Oregon's new bias crime law in Multnomah County.

This investigation started on September 1, 2019 when the victim was sitting on a bench talking with a friend outside a bakery in the 900 block of Northwest 10th Avenue in Portland, Oregon. Both men are gay and one of the men is black. While the two men were talking, a person later identified as Kirchhoff approached and started directing homophobic language and racial animus towards the two men.

One of the men stood up in an attempt to deescalate the situation, but Kirchhoff continued to use hate speech and appeared to become angrier. The other man intervened to separate the two individuals, which is when Kirchhoff, with great force, pushed that victim into a brick wall.

As a result of being pushed, the victim received a head laceration and abrasions on his upper neck and back. The two men Kirchhoff confronted started to leave the area, but Kirchhoff followed and started to pull at one of the men's shirt. When the man turned around, he was then punched in the face by Kirchhoff.

Witnesses in the area called police who responded and took Kirchhoff into custody.

Kirchhoff admitted to starting a fight and that he used hate speech while at the bakery, according to court documents.

On October 18, 2019, Kirchhoff appeared in court and changed his plea on one count of bias crime in the first degree. The court sentenced Kirchhoff to 36 months of formal probation and 15 days jail with credit for time served. Kirchhoff will also have to undergo a mental health evaluation and a drug and alcohol evaluation and complete any treatment that is ordered. He will not be allowed to come within 500 feet of the bakery located on Northwest 10th Avenue.

"A bias crime can have chilling effect on the community," said Multnomah County Deputy District Attorney BJ Park, who litigated this case. "We hope Mr. Kirchhoff will recognize that amount of harm he caused to the victims and the community. This is a sentence that provides for probation at this time but still contemplates the possibility of Mr. Kirchhoff receiving a jail sentence if the court determines he is ever in violation of his probation," said Multnomah County Deputy District Attorney BJ Park, who litigated this case.

Additionally, Kirchhoff pleaded guilty to one count of felony strangulation constituting domestic violence on an unrelated case. As part of his sentence in that case, Kirchhoff was ordered to attend a domestic violence survivors impact panel and was ordered not to enter or remain in any bar or tavern and not possess or consume any drug or alcohol. The court also imposed a \$200 fine and ordered that Kirchhoff pay \$300 in attorneys fee.

Prior to the September 1 incident, police responded to a 9-1-1 call about a domestic disturbance on June 30, 2019. At the time, Kirchhoff and the victim were in a long term relationship. Kirchhoff reportedly became upset when the victim changed the TV channel and assaulted the woman. She did not receive life threatening injuries. Police responded and took Kirchhoff into custody.

The domestic violence case was litigated by Senior Deputy District Attorney Traci Anderson.

October is National Domestic Violence Awareness Month. Click [here](#) to read about some of the events the DA's Office [participated in](#) this month to recognize DV Awareness Month.

The Multnomah County District Attorney's Domestic Violence Unit is committed to ending family abuse. The unit engages in evidence-based prosecution of domestic violence. It emphasizes the importance of victim advocacy services for all victims and their children. Even when a prosecutor decides to proceed with a case without a victim's participation, every effort is made to offer the victim advocacy services from available resources.

Resources:

- [Multnomah County District Attorney's Office: Victim Assistance Program](#): 503-988-3222
- [Call to Safety](#): 1-888-235-5333
- [The Gateway Center for Domestic Violence Services](#): 503-988-6400

The Multnomah County District Attorney's Office recognizes the work of the Portland Police Bureau who investigated the domestic violence disturbance involving Kirchhoff and the hate crime that occurred months later in the Pearl District.

The Multnomah County District Attorney's Office was an active participant of the Oregon Attorney General's Hate Crimes Task Force and helped draft the language that was in Senate Bill 577. The law, which went into effect on July 15, 2019, renamed the crime of "intimidation" to "bias crime," added gender identity to the list of protected categories and removed the requirement that two or more people commit the crime in order to make it a felony in certain circumstances.

All potential bias crime cases, whether they are a felony or misdemeanor, are reviewed by the Violent Crimes Unit within the Multnomah County District Attorney's Office. If a misdemeanor bias crimes case is issued, the felony-level attorney will retain the case.

If you are the victim of a bias crime assault or you are witnessing one, immediately call 9-1-1. If you are the victim of a bias crime and the suspect is no longer present or if you have information about a bias crime committed in the past, call the non-emergency line at 503-823-3333.

#MCDA#

Contact: Brent Weisberg, Communications Director
Multnomah County District Attorney's Office
Phone: 503.988.6567 | Email: Brent.Weisberg@mcd.a.us