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Bias crime case ends with restorative justice agreement

PORTLAND, Ore. – Today, Multnomah County District Attorney Mike Schmidt announced that Daniel Hutchens pleaded guilty to committing a bias crime against an Asian American and that as part of the sentencing, Hutchens agreed to participate in restorative justice with the Oregon Chinese Coalition.

Hutchens pleaded guilty to one count of bias crime in the second degree. The court put Hutchens on three years of formal probation. The probation will be referred to the Mental Health Unit of the Multnomah County Department of Community Justice.

The victim supported the resolution of this case and asked the state to seek a resolution that did not include any additional jail time.

Hutchens will be required to undergo drug, alcohol and mental health evaluations and complete any recommended treatment.

District Attorney Mike Schmidt said:

“This is an important resolution. Daniel Hutchens is now taking responsibility for his inexcusable actions that were rooted in hate. But he’s also demonstrating that he is willing to make amends to our community and specifically the Asian American community and to approach his rehabilitation seriously. We sincerely appreciate and respect the victim’s wishes to find an alternative sentence to this case that doesn’t involve more jail time. The recent increase in hatred, intolerance and bigotry against Asian Americans and Pacific Islanders is appalling. Our office stands with our AAPI community members and we support them fully.”

The court imposed 90 days of jail with credit for time already served. At the time of sentencing, Hutchens had already spent more than 100 days in custody.

While on probation, Hutchens will not be able to: contact the victim or possess knives or other weapons.

This investigation started on December 15, 2020 when Hutchens approached the victim at a transit stop, asked the victim, “are you Chinese?” and then punched the victim in the face.

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By pleading guilty, Hutchens admitted to intentionally and knowingly causing physical injury to the victim because of his perception of the victim's national origin.

The restorative justice will be facilitated by the Oregon Chinese Coalition, which released the following statement:

As Portland and America suffer from elevated rates of racial prejudice, it is of the utmost importance to call out, address, and mitigate the hate crimes that have directly harmed our communities. Cases involving anti-Asian hate such as Mr. Hutchens's act of criminality reflect growing trends of America's racial biases plaguing this nation. By holding the defendant accountable for his reprehensible actions, the DA's Office is taking a righteous step to address anti-Asian injustice. Racially motivated violence will not be tolerated at any time, but education through accountability is one of the first steps we, as a city, can take towards resolving these injustices.

The victim in this case does not want media contact.

This case was prosecuted by Multnomah County Deputy District Attorney BJ Park.

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 crime 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.

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