



LAWYERS' COMMITTEE FOR
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HATE CRIME FAQs

OHIO

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Note: This guide is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, please call 844-9-NO-HATE.

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1. What is a hate crime or hate incident?

A hate crime is generally defined as a crime against a person or property that is motivated by bias, prejudice, or hatred toward the personal, or perceived personal, characteristics of a victim, including: race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

The definition and terminology of a hate crime differ from state to state, but it always includes an underlying crime.¹ Several states do not have separate statutes for crimes motivated by hate, but at a minimum, most states have enhanced penalties for crimes motivated by hatred based upon at least some of the above characteristics. Furthermore, if state and local authorities do not sufficiently protect victims of hate crimes, then the federal government may step in and prosecute hate crime violations.

Ohio state law contains a sentencing enhancement for certain crimes if they are motivated by race, color, religion, or national origin.¹ The crimes most often associated with this sentencing enhancement are menacing, aggravated menacing, criminal mischief, and criminal damaging.

A hate incident is based on the same behaviors and motivations as a hate crime, but does not rise to the level of a crime. For example, you may be a victim of hate speech, which, depending on the circumstances, may not constitute a crime (and may be protected under the First Amendment), but which may constitute a hate incident.

2. I believe I was the victim of a hate crime or hate incident. What should I do?

If you think you may be a victim of a hate crime or hate incident, you should immediately take the following three steps:

STEP 1 - - REPORT IT

For emergencies:

- If you (or others) have been injured or fear for your safety, call 911 immediately.
- If you are uncomfortable calling 911 or local law enforcement, consider calling the local United States Attorney, the local FBI Field Office, or the State Attorney

¹ Examples of underlying crimes include: assault, battery, destruction of property, threats, rape, murder, arson, robbery, and burglary. This list of criminal offenses is not exhaustive, however, and other criminal offenses may also be considered hate crimes.

General's office to report the offense. Understand, however, that these authorities may not respond as quickly as local law enforcement responding to a 911 call.

- Obtain medical attention if necessary.

For non-emergencies:

- If a non-emergency, call your local police station, or visit your local police office or federal law enforcement office as soon as possible to report the offense.
- If you are not comfortable calling law enforcement, consider calling a trusted community or legal services organization. You can call 1-844-9-NO-HATE to be connected to a local organization.

Follow-up and key things to remember for both emergencies and non-emergencies:

- Ensure that a police report is filed regarding the offense and obtain a copy of the report (which should include the responding officer's name and badge number).
- Request that the police report indicate that the offense may have been a hate crime or a hate incident.
- File the report with local law enforcement, the State Attorney General's office, and federal law enforcement.
- For additional support and documentation, also report it to 844-9-NO HATE.

STEP 2 - - GATHER INFORMATION

- Preserve any evidence and take photographs of the evidence. For example, do not remove graffiti but instead, take photographs of the graffiti. Do not delete electronic correspondence (e.g., text messages, e-mails, social media posts, etc.), including your own. If you decide to involve law enforcement, you should preserve all evidence as directed by law enforcement.
- Document the experience in writing as soon as possible after the offense, including any specific words used during the offense. Record all your thoughts.
- Record any information you can remember about the perpetrator, including approximate age, height, weight, gender, race, clothing and any other distinguishing characteristics.
- Obtain contact information (names, addresses, and telephone numbers) of any other victims or witnesses to the offense.

STEP 3 - - GET ADDITIONAL SUPPORT

- Find support in the community -- through friends and family, victims' organizations, advocacy or community groups, religious organizations, legal groups, professional counseling, etc.
- Consider seeking legal representation.

Remember, you can always contact 1-844-9-NO-HATE.

3. Does Ohio have a state hate crime law?

Yes, Ohio's "ethnic intimidation" statute is a hate crime law. Ohio Rev. Code § 2927.12 raises an offense to the next higher degree when the offense is motivated by bias towards actual or perceived race, color, religion, or national origin. In other words, if someone verbally or physically assaults you, threatens you, or damages or defaces your property because of your race, color, religion, or national origin, then that person may be guilty of a hate crime under Ohio law.

4. Who is protected under Ohio's hate crime law?

Ohio's hate crime law, Ohio Rev. Code § 2927.12, protects any person who is the victim because of his or her race, color, religion, or national origin.

5. Someone damaged my property and it appears to have been motivated by bias, prejudice, or hatred against a certain social group (e.g., a swastika, derogatory terms, etc.). What are Ohio's relevant laws?

Ohio has several laws that you may turn to if someone damages your property because of bias, prejudice, or hatred.

First, Ohio's "ethnic intimidation" hate crime law, discussed above, provides broad protection to your real and personal property. This hate crime law prohibits any person from damaging or defacing property of another person because of race, color, religion, or national origin.

The second law, Ohio Rev. Code § 2927.11, is more specific. This law protects United States and Ohio flags, public monuments, historical or commemorative markers, places of worship, religious artifacts and texts, works of art, and objects of reverence from desecration. Violations of this statute can be either a misdemeanor or a felony depending on the type of property damaged and the extent of the damage.

Note that these statutes are criminal laws, and any claims under these statutes must be brought by a prosecutor.

6. **Someone defaced my place of worship (or otherwise targeted a religious institution). Does Ohio have any special laws protecting religious groups from hate-motivated acts?**

Ohio Rev. Code § 2927.11 protects places of worship, religious artifacts and texts, works of art, and objects of reverence from desecration. Violations of this statute can be either a misdemeanor or a felony depending on the type of property damaged and the extent of the damage.

Note that these are criminal laws, and any claims must be brought by a prosecutor.

7. **Someone hung a noose at my work, burned a religious symbol by my home, or otherwise tried to intimidate me and members of my community with a symbol or message. Are there any special laws against intimidation or terrorism in Ohio?**

Ohio does not have a specific statute for cross burning or nooses but the behavior may fall under the general ethnic intimidation statute described above.

Note that these statutes are criminal laws, and any claims must be brought by a prosecutor.

8. **Someone I know is being bullied at school. Does Ohio have any laws about bullying?**

Ohio does have a law that requires individual school districts to create a policy governing bullying. The policy must include, among other things, definitions of harassment and bullying, reporting procedures, documenting procedures, response procedures, disciplinary procedures, and methods of preventing retaliation for reporting.² Individuals should check on their local school's policies.

9. **A prosecutor is working on my case and has brought criminal claims that are not related to a hate or bias motivation. Are there additional claims he or she can bring in the criminal context because the incident was motivated by hate or bias?**

Yes, Ohio has a penalty enhancement law that provide increased punishments for perpetrators of common crimes motivated by bias, prejudice, or hatred. For example, if you were physically attacked by another individual, that would mostly likely be considered battery—a common crime. But, if you were attacked by another individual and that individual attacked you because of your race or national origin, then that battery may carry with it a hate crime penalty enhancement, and your attacker may face a longer than normal prison sentence. In Ohio, the following penalty enhancement laws may be used for hate crimes:

Ohio Rev. Code § 2927.12 raises the offense to the next higher degree when the offense is motivated by race, color, religion, or national origin. In other words, if someone

verbally or physically assaults you, threatens you, or damages or defaces your property because of your race, color, religion, or national origin, then that person may be guilty of a hate crime under Ohio law. This statute raises the offense to the next higher degree when the offense is motivated by race, color, religion, or national origin.

Note that these are criminal laws, and any claims under these statutes for penalty enhancement must be brought by a prosecutor.

10. The state is not investigating my case or bringing a lawsuit. How can I get in touch with an attorney with the state to discuss my case?

You can contact the Ohio Attorney General's Office, Telephone: 1-800-282-0515 including through anonymous reporting methods available at the website (<http://www.ohioattorneygeneral.gov/About-AG/Contact>), or your local District Attorney's Victim/ Witness Program. You can also contact the Stop Hate Hotline at 1-844-9-NO-HATE.

11. The state is not investigating my case or bringing a lawsuit, but I would like to explore bringing a case with a private attorney against the perpetrator (known as a "civil case"). Does Ohio have civil laws relevant to hate crimes or hate incidents?

Yes, Ohio has a civil action for damages for vandalism, desecration or other forms of ethnic intimidation. Under Ohio Revised Code §2307.70 allows for a individuals who suffered injury or loss (to their person or property) may file a civil action for damages resulting from vandalism, desecration or ethnic intimidation as defined above.³

12. I have been attacked, put in fear of danger, intentionally made to suffer emotional distress, had my property vandalized, or harmed in another way due to an act motivated by hate. What other civil laws can I use to bring a case?

There are a number of other civil laws that you can use to bring a case against someone who physically or emotionally injures you. This is true even if the person's actions do not rise to the legal definition of a hate crime or hate incident. These other civil laws, or causes of action, are generally known as torts. A tort is a wrongful act that results in legal liability.

In Ohio, if someone intentionally injures you or your property, you may be able to sue that person for damages using any of the following tort causes of action:

- Assault – Intentionally placing a person in reasonable fear of an imminent, harmful or offensive contact. An example of an assault is when someone uses a toy gun to threaten another person.⁴
- Battery – Intentional and harmful or offensive physical conduct with a person without that person's consent. Examples of batteries include shooting a person with a gun, beating a person, or kicking a person.⁵

- False Imprisonment –The illegal restraint of a person against that person’s will. An example of false imprisonment is when someone kidnaps a person and refuses to let him or her escape.⁶
- Intentional Infliction of Emotional Distress (“IIED”) – Intentional conduct that is extreme, outrageous, and causes severe emotional distress to the victim. An example of conduct that could lead to a successful IIED claim would be repeatedly stalking a person and putting that person in fear of death or bodily injury.⁷
- Trespass to Real Property–Intentionally, and without authorization, entering or remaining present on property that another person owns or occupies. An example of trespass to real property would be if someone vandalized, or otherwise damaged, your front lawn.⁸
- Conversion – Theft or destruction of personal property or money. An example of conversion would be slashing the tires on another person’s car.⁹

Private citizens can bring these civil tort claims.

13. I would like to explore bringing a case with a private attorney against the perpetrator (known as a “civil case”), but I do not know any private attorneys. How can I find someone to represent me?

You can find a lawyer through the Ohio State Bar Association by contacting them at 1-800-282-6556.

You can also call 844-9-NO HATE.

14. What are some local and state organizations working on hate crimes and incidents?

Ohio Attorney General’s Office Victim’s Section

Phone: 614-466-5610

Website: <http://www.ohioattorneygeneral.gov/About-AG/Service-Divisions/Crime-Victim-Services>

15. I need additional help. Where can I find additional information or get help?

If you would like additional information or need additional help, please visit the Stop Hate resource page at www.8449nohate.org. If you would like additional help, please contact 844-9-NO-HATE.

¹ Ohio Rev. Code § 2927.12

² Ohio Rev. Code § 3313.666

³ Ohio Rev. Code § 2307.70

⁴ Gerber v. Veltri, 203 F. Supp. 3d 846 (N.D. Ohio 2016), aff'd, No. 16-4062, 2017 WL 3531421 (6th Cir. Aug. 17, 2017)

⁵ McKee v. McCann, 2017-Ohio-4072

⁶ Ficklin v. Home Depot U.S.A., Inc., 8th Dist. Cuyahoga No. 94458, 2010-Ohio-5601, 2010 WL 4684652, ¶ 34.

⁷ Phung v. Waste Mgmt., 71 Ohio St.3d 408, 410, 644 N.E.2d 286 (1994)

⁸ Brown v. Cty. *1026 Commrs., 87 Ohio App.3d 704, 716, 622 N.E.2d 1153 (4th Dist.1993).

⁹ 6750 BMS, L.L.C. v. Drentlau, 2016-Ohio-1385, 62 N.E.3d 928