

HATE CRIME FAQs OKLAHOMA

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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.

TABLE OF CONTENTS

1. What is a hate crime or hate incident? 2. I believe I was the victim of a hate crime or hate incident. What should I do? 3. Does Oklahoma have a state hate crime law? 4. Who is protected under Oklahoma's hate crime law? 5. Someone attacked me or a family member. The attack appears to have been motivated by bias, prejudice, or hatred against a certain social group. What are Oklahoma's relevant laws? 6. Someone defaced my place of worship or otherwise interfered with my religious practice. Does Oklahoma have any special laws protecting religious groups from hate-motivated acts?	7. 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? 8. 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 Oklahoma have civil laws relevant to hate crimes or hate incidents? 9. I would like to explore bringing a case with a private attorney against the perpetrator, but I do not know any private attorneys. How can I find someone to represent me? 10. What are some state organizations working on hate crimes and hate incidents? 11. Where can I find additional information or get help?
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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, color, religion, ancestry, national origin or disability,

The definition of a hate crime differs from state to state, but always includes an underlying crime¹. 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 on 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.

Oklahoma's hate crime statute protects a person from harming or threatening another person based on the person's race, color, religion, ancestry, national origin, or disability.² It also is a crime to vandalize or deface religious buildings or place a burning cross on public property or private property without permission.³

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 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 or visit your local police station or federal law enforcement office as soon as possible to report the offense.

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.

² 21 Oklahoma Statute § 21-850 (A)

³ 21 Oklahoma Statute § 1765

- 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, emails, 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 Oklahoma have a state hate crime law?

Yes, Oklahoma has a state hate crime law. Oklahoma Statute tit. 21 § 850 prohibits harming, threatening another person, or damaging or vandalizing their real or personal property based on their race, color, religion, ancestry, national origin or disability⁴. It also criminalizes actions which might cause material which is likely to incite imminent violence against someone because of that person's race, color, religion, ancestry, national origin or disability to be broadcast, published, or distributed. This prohibition extends to electronic, computer and telephonic messages⁵.

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

Oklahoma's hate crime laws protect persons targeted because of their race, color, religion, ancestry, national origin or disability.

Gender identity and sexual orientation are currently not protected under the statute.

5. Someone attacked me or a family member. The attack appears to have been motivated by bias, prejudice, or hatred against a certain social group. What are Oklahoma's relevant laws?

Oklahoma's hate crime law 21 § 850, described under question 3, addresses attacks motivated by bias. Civil laws described under question 8 may also be relevant. In addition, federal anti-discrimination laws may be applicable.

6. Someone defaced my place of worship or otherwise interfered with my religious practice. Does Oklahoma have any special laws protecting religious groups from hate-motivated acts?

Oklahoma Statute 21 § 1765 makes it a felony to break, deface, or injure any house or worship or any part of it. Protection also extends to books, furniture, ornaments, musical instruments, articles of silver or plated ware or other personal property kept in the place of worship that are connected to worship.

7. 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?

⁴ 21 Oklahoma Statute § 21-850 (A)

⁵ 21 Oklahoma Statute § 21-850 (B)

You can contact the State Attorney General's Office at (405) 521-3921, or the United States Attorney's Office Victim/Witness Assistance Program in your district. You can also contact the Stop Hate Hotline at 1-844-9-NO-HATE.

8. 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 Oklahoma have civil laws relevant to hate crimes or hate incidents?

Yes, Oklahoma has a civil law related to hate crimes and hate incidents. Amongst other things, Oklahoma Statute 25 § 1601 states that it is a discriminatory practice for a person or for a group of people to conspire to retaliate or discriminate against a person because that person opposed a discriminatory practice, or to aid in the engagement of a discriminatory practice.

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.

Anyone who commits a tort against another or another's property may be personally responsible. For most criminal offenses, there is a corresponding tort under which a victim may bring a civil suit. Some examples include:

- Assault: A person commits the common law tort of assault when he acts with the intent to cause another nonconsensual harmful or offensive contact or apprehension thereof, and the other person apprehends imminent contact. An example of an assault is when someone uses a toy gun to threaten another.
- Battery: A battery is an unlawful touching of another person without his or her consent. An example of a battery is when someone uses a real gun and shoots another. Another, less extreme, example of a battery is when someone punches or kicks another.
- False Imprisonment: In order to maintain an action for false imprisonment, the plaintiff must show that there was a detention or restraint against his or her will and that such detention or restraint was unlawful. An example of false imprisonment would be if someone locked you in a room and you were unable to escape.
- Intentional or Reckless Infliction of Emotional Distress: In order to bring an action for intentional infliction of emotional distress, the plaintiff must show (1) that conduct allegedly causing harm was intentional or reckless, (2) that conduct was outrageous, and (3) that conduct caused (4) extreme emotional distress to another. Recklessness requires that the defendant must know, or have reason to know, the facts which create the risk.

9. I would like to explore bringing a case with a private attorney against the perpetrator, but I do not know any private attorneys. How can I find someone to represent me?

Contact your local bar association or 844-9-NO HATE.

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

The following organizations are key providers of legal assistance for victims of discrimination and hate crimes:

1. Oklahoma District Attorneys Council Victims Services Division
Phone: (800) 745-6098
Email: victimsservices@dac.state.ok.us
2. Oklahoma Human Rights Commission
Phone: (888) 456-2006
Email: hrc@ohrc.state.ok.us
3. Your local District Attorney's Office
A directory of Oklahoma's District Attorney's Offices can be found at:
https://www.ok.gov/dac/District_Attorneys/index.html

11. Where can I find additional information or get help?

If you would like additional information or need additional help, please visit the Communities Against Hate resource page at www.communitiesagainsthate.org. If the information you are seeking is not on the resource page or if you need immediate help, please contact 844-9-NO-HATE.