



Hate Crimes in Florida

January 1, 1995 – December 31, 1995

Office of Attorney General Bob Butterworth

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Dear Floridians:

In last year's report, we were cautiously hopeful that hate crime activity in Florida was on the decline. That optimism increases as offenses during 1995 continue to follow a downward trend, with a dramatic 35 percent decline in hate crime reports filed. This year's decline is the most significant since reporting began in 1989.

Although the decline in reported offenses paints a promising picture, discretion must be applied when examining the data. There are many factors which influence the raw numbers, ranging from the current level of public awareness of hate crimes, to an individual's perception of the circumstances surrounding a crime.

The information contained in the 1995 Report on Hate Crimes in Florida is intended to enhance our understanding of the nature and extent of these criminal acts of bias and bigotry. I hope that you will find the report to be useful as a supplement to your local prevention efforts, and that you will continue to report and monitor such crimes closely.

Sincerely,



Robert A. Butterworth
Attorney General

NOTICE

The responsiveness of law enforcement and the success of community initiatives to identify hate-crime incidents should not and cannot be measured solely through statistics. Attempts to rank or categorize any agency, county or region based on the number of reported hate-crime incidents would be inappropriate and misleading. Such a ranking or comparison would unfairly penalize those agencies that have vigorous policies by making it appear that their jurisdictions are more prone to incidents of hate crimes when, in fact, they are simply doing a better job of reporting incidents.

Introduction

In 1989, the Florida Legislature enacted several statutes designed to address the issue of hate crimes. Section 775.085, Florida Statutes, was created to increase penalties for convictions of crimes where there was evidence of certain prejudice. In addition, the Hate Crimes Reporting Act, section 877.19, Florida Statutes, requires law enforcement agencies to report hate crimes to the Florida Department of Law Enforcement (FDLE). Under the Act, the Attorney General's Office is required to publish an annual summary of data collected by FDLE.

This 1995 Hate Crimes in Florida Report covers the period from January 1, 1995, through December 31, 1995. The information was collected from local law enforcement agencies by FDLE's Division of Criminal Justice Information Systems, Special Services Bureau. The data was tabulated by FDLE and provided to the Attorney General's Office for summary and distribution.

Included in this report are excerpts from FDLE's Hate Crime Report Manual, as well as a copy of the relevant hate crimes statute and a listing of additional sources of information regarding hate crimes (see Appendices 1-3). The information is provided as a reference to help explain what constitutes various criminal offenses and when those offenses are deemed to be motivated by hate.

Executive Summary

This 1995 Hate Crimes in Florida report, submitted in accordance with the 1989 Hate Crimes Reporting Act, contains data reported by 60 individual county and local law enforcement agencies throughout Florida. These 60 agencies reported the occurrence of hate crime incidents in 1995 under the Uniform Crime Reporting (UCR) information system.

The total number of hate crimes reported by these 60 agencies—which represent fewer than one-fifth of the agencies that participate in FDLE’s UCR program—reflects a dramatic decline from the previous year. However, this decline suggests that caution should be applied in developing any conclusions from these numbers. The incidence of reported hate crimes in Florida had remained generally level since reporting began in 1990, marking a small but steady decline in the number of incidents over the period. In 1995, however, the number of reported hate crime incidents declined by 35 percent, from 283 in 1994 to 183 in 1995. Based on this reported number, the average annual number of reported hate crime offenses has fallen 40.2 percent since reporting began six years ago.

This report is based solely on information provided to FDLE by the reporting agencies. Although several factors, including variations in reporting methods, may have contributed to the unprecedented decline in the reported number of hate crime incidents, no single factor stands out to explain the dramatic reduction. The 1995 report includes data from 13 percent fewer law enforcement agencies than the year before, and 1995 had none of the high-profile hate crime incidents that in the past have elevated the awareness of hate as a primary motivation in criminal incidents.

The 183 reported hate crime offenses represent criminal behavior that has been defined, categorized, and codified in Florida Statutes. Even though the number of hate crimes reported is substantially lower for 1995, the motivation pattern behind the incidents remained consistent with previous years. For example, race remains the most common motivation for hate crimes, accounting for 70 percent of the 1995 incidents, compared to 70 percent in 1994 and 73 percent in 1993. The other motivation types included in the report (religion, ethnicity, and sexual orientation) were also consistent with previous reports.

Another example is seen in the consistency of the types of hate crime offenses being reported. Although a shift from crimes against persons to crimes against property appears to be slowly taking place, the vast majority of reported offenses continues to involve crimes against persons:

Crimes Against Persons	Crimes Against Property
1993 — 238 (76 percent)	1993 — 74 (24 percent)
1994 — 206 (73 percent)	1994 — 77 (27 percent)
1995 — 119 (65 percent)	1995 — 65 (35 percent)

Again, caution should be applied in interpreting the hate crime data. While the numbers appear to be encouraging, hate-motivated crimes remain a significant problem that will continue to be monitored pursuant to directive of the Legislature.

Annual Report Hate Crimes in Florida January 1 – December 31, 1995

What is a Hate Crime?

A hate crime is among the most insidious acts taken by one person against another, founded in prejudice and intolerance. A hate crime is an act committed or attempted by one person or group against another person or group, or their property, that in any way constitutes an expression of hatred toward the victim based on his or her personal characteristics. It is a crime in which the perpetrator intentionally selects the victim based on one of the following characteristics: race, color, religion, ethnicity, ancestry, national origin, or sexual orientation. Under section 775.085, Florida Statutes, criminal penalties are enhanced for such hate-based acts. As the Florida Department of Law Enforcement notes in its *Hate Crime Report Manual*, the motivation behind the act is the key element in determining whether an incident is hate-related.

Types of Offenses

A total of 183 hate crimes were reported by Florida law enforcement agencies in 1995, down 35 percent from the previous year. Reported hate crime offenses ranged in seriousness from vandalism and intimidation to aggravated assault and forcible sex acts. Approximately two-thirds of all reported hate crimes (65 percent) were offenses against persons, including forcible sex offenses, robbery, assault, and intimidation. The remaining 35 percent of hate crimes were acts against property, including vandalism, burglary, and arson. (See Table 1)

As noted in the executive summary of this report, a gradual but steady shift from crimes against persons to crimes against property appears to be taking place, reversing the trend of 1990–93. Among all hate-motivated crimes, the portion committed against persons has declined from 76 percent in 1993 to 73 percent in 1994 to 65 percent in 1995, while the portion committed against property has increased correspondingly from 24 percent in 1993 to 27 percent in 1994 to 35 percent in 1995.

**Table 1. Offense Totals by Motivation Type
January 1 – December 31, 1995**

Offenses	Race/ Color	Religion	Ethnicity/ National Origin	Sexual Orientation	Totals
Forcible Sex Offenses	1				1
Robbery	4	1			5
Aggravated Assault	54	1	6	3	64
Burglary	4	2	1	1	8
Arson			1		1
Simple Assault	23		1	3	27
Intimidation	14	4	4		22
Vandalism	28	15	4	8	55
TOTAL	128	23	17	15	183

Crimes Against Persons

Half of all reported hate crimes in 1995 were assaults against persons. The vast majority of the 91 hate-motivated assaults reported (64) were aggravated assaults, while the remainder were less serious simple assaults. Other reported hate crimes against persons were intimidation (12 percent of all reported hate crimes), robbery (2.7 percent), and forcible sex offenses (0.6 percent). (See Table 2.)

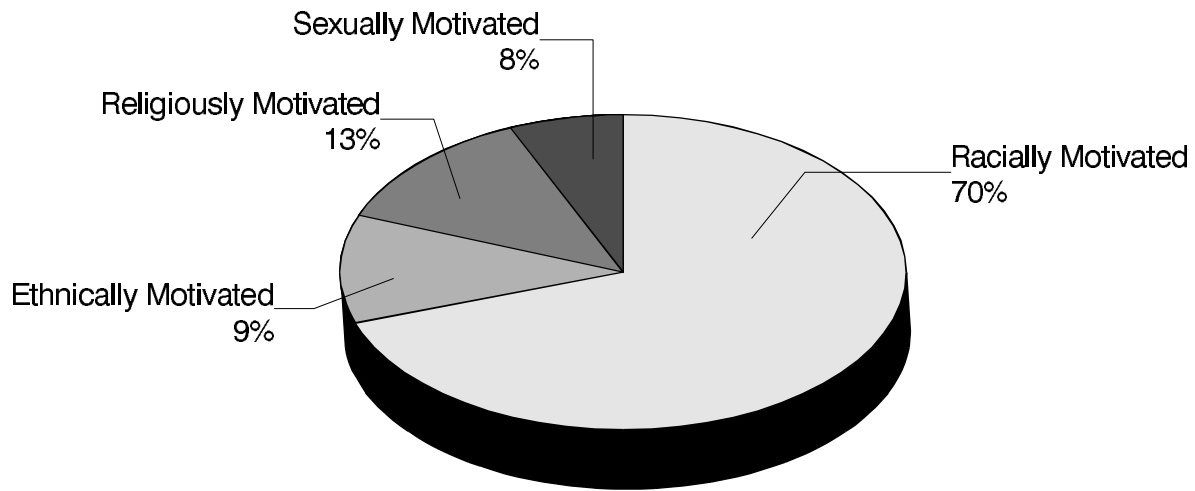
Table 2. Crimes Against Persons (1990 – 1995)

Report Year	Total Offenses	Number of Assaults	Percent of Total	Total Personal Crimes	Percent of Total
1990	306	129	42.2%	174	56.9%
1991	309	165	53.4%	217	70.2%
1992	395	222	56.2%	297	75.2%
1993	313	175	55.9%	238	76.0%
1994	283	153	54.1%	206	72.8%
1995	183	91	49.7%	119	65.0%

Motivation

In the vast majority of reported hate crime offenses—seven out of every 10—the perpetrator’s motivation involved race. Other motivations were religion (13 percent), ethnicity/national origin (9 percent), and sexual orientation (8 percent). (See Figure 1.)

Figure 1. 1995 Florida Hate Crimes Overview By Motivation Type



The rate at which various motivations prompt hate-based crimes in 1995 remained relatively consistent with the pattern of the previous five years. The overall reduction in the number of hate crimes is reflected in declines in each of the four motivation categories. In terms of percentages, the share of hate crimes attributed to race/color and ethnicity remained essentially unchanged from the previous year, while religion showed a small increase and sexual orientation showed a small decline. As a result of these changes, the religion motivator in 1995 was at its highest percentage level since 1991, while the sexual orientation motivator was at its lowest percent since full-year data collection on this factor began in 1992.

Table 3, following, provides a year-by-year breakdown of reported hate crimes by motivation.

Table 3. Hate Crimes Comparison by Motivation (1990 – 1995)

	Race/Color		Religion		Ethnicity		Sexual Orientation	
	Percent of Total	Number of Offenses	Percent of Total	Number of Offenses	Percent of Total	Number of Offenses	Percent of Total	Number of Offenses
1990	71.9	(220)	19.0	(58)	9.1	(28)	*	
1991	71.5	(221)	14.9	(46)	10.4	(32)	**3.2	(10)
1992	62.0	(245)	12.2	(48)	11.1	(44)	14.7	(58)
1993	72.5	(227)	9.9	(31)	9.3	(29)	8.3	(26)
1994	70.0	(198)	10.2	(29)	9.9	(28)	9.9	(28)
1995	69.9	(128)	12.6	(23)	9.3	(17)	8.2	(15)

* No data on crimes motivated by sexual orientation collected for this year.

** Collection of data on sexual orientation began on October 1, 1991.

Hate Crime Offenses by County and Agency

In this report, basic information regarding the reported occurrence of hate crimes is provided in two separate tables: Offense Totals by County and Agency (Table 4) and Hate Crimes by Offense and Motivation Type (Table 5).

Hate crimes were reported in 31 Florida counties in 1995, the same number as reported occurrences the previous year. This figure once again includes Florida’s seven most populous counties: Broward, Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas. Counties reporting hate crimes in 1995 that did not report any the previous year are Flagler, Marion, and Osceola; counties that reported hate crimes the previous year but reported none in 1995 are Bay, Pasco, and Sarasota. Among those counties reporting hate crime incidents in 1995, totals ranged from 24 incidents in Orange County to one each in Citrus, Duval, Flagler, Indian River, Manatee, Monroe, Nassau, Okeechobee, Osceola, Santa Rosa, and Seminole counties.

Within the 31 reporting counties, a total of 60 law enforcement agencies identified at least one hate crime incident. These agencies include county sheriff’s offices, municipal police departments, one university, and one school district. The agency reporting the most hate crimes in 1995 was the Tampa Police Department (13).

**Table 4. Offense Totals by County and Agency
January 1 – December 31, 1995**

County	Reporting Agency	Totals
ALACHUA	Gainesville Police Department	3
BREVARD	Brevard County Sheriff's Office	6
	Cocoa Police Department	1
	Indian Harbour Beach Police Department	1
	Melbourne Police Department	2
	Palm Bay Police Department	9
	Total:	19
BROWARD	Broward County Sheriff's Office	6
	Ft. Lauderdale Police Department	3
	Hallandale Police Department	1
	Coconut Creek Police Department	1
	Miramar Police Department	1
	Sunrise Police Department	2
	Total:	14
CITRUS	Citrus County Sheriff's Office	1
CLAY	Clay County Sheriff's Office	2
COLLIER	Collier County Sheriff's Office	2
DADE	Metro-Dade Police Department	6
	Coral Gables Police Department	1
	Miami Beach Police Department	1
	Bay Harbor Islands Police Department	2
	Golden Beach Police Department	1
	Total:	11
DUVAL	Consolidated City of Jacksonville	1
ESCAMBIA	Escambia County Sheriff's Office	3
FLAGLER	Flagler County Sheriff's Office	1
HILLSBOROUGH	Hillsborough County Sheriff's Office	4
	Tampa Police Department	13
	Total:	17
INDIAN RIVER	Sebastian Police Department	1
LAKE	Lake County Sheriff's Office	2

County	Reporting Agency	Totals
LEE	Lee County Sheriff's Office	3
	Cape Coral Police Department	1
	Total:	4
LEON	Tallahassee Police Department	2
MANATEE	Manatee County Sheriff's Office	1
MARION	Marion County Sheriff's Office	4
MONROE	Monroe County Sheriff's Office	1
NASSAU	Fernandina Beach Police Department	1
OKEECHOBEE	Okeechobee County Sheriff's Office	1
ORANGE	Orange County Sheriff's Office	12
	Maitland Police Department	1
	Orlando Police Department	10
	University of Central Florida	1
	Total:	24
OSCEOLA	St. Cloud Police Department	1
PALM BEACH	Palm Beach County Sheriff's Office	11
	Boca Raton Police Department	1
	West Palm Beach Police Department	6
	Palm Beach County Schools	1
	Total:	19
PINELLAS	Pinellas County Sheriff's Office	4
	Clearwater Police Department	2
	Largo Police Department	1
	St. Petersburg Police Department	12
	Tarpon Springs Police Department	1
	Total:	20
POLK	Polk County Sheriff's Office	6
PUTNAM	Palatka Police Department	3
ST. JOHNS	St. Johns County Sheriff's Office	2
ST. LUCIE	Port St. Lucie Police Department	3
SANTA ROSA	Santa Rosa County Sheriff's Office	1
SEMINOLE	Seminole County Sheriff's Office	1

County	Reporting Agency	Totals
VOLUSIA	Volusia County Sheriff's Office	4
	Deland Police Department	1
	Ormond Beach Police Department	5
	Daytona Beach Shores Police Department	1
	Holly Hill Police Department	1
	Total:	12
TOTAL:		183

Hate Crimes by Offense and Motivation Type

Table 5 provides a complete listing of all agencies that reported hate crimes for 1995, with a breakdown of the offenses and the motivation type for each offense. The figures in Table 5 provide the most complete picture of reported hate crimes in individual communities, as well as entire counties, based on the information provided to the Attorney General's Office.

Once again, it is important to note that any attempt to rank or categorize an agency, county, or region based solely on this information may be misleading, as it may unfairly penalize those jurisdictions that have a more vigorous policy of identifying and reporting such incidents. These jurisdictions may not actually experience a greater number of hate crime incidents, but may only do a more thorough job of reporting them. In addition, as with other crime data, this report does not include unreported crimes or crimes that may be hate-related but are not classified as such by local law enforcement.

**Table 5. Hate Crimes by Offense and Motivation Type
January 1 – December 31, 1995**

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
ALACHUA	Gainesville Police Department	Simple Assault	2				2
		Vandalism	1				1
	County Total:		3				3
BREVARD	Brevard County Sheriff's Office	Aggravated Assault	4				4
		Threat/Intimidation	1				1
		Vandalism				1	1
	Cocoa Police Department	Aggravated Assault	1				1
	Indian Harbour Beach Police Department	Aggravated Assault	1				1
	Melbourne Police Department	Threat/Intimidation	2				2
	Palm Bay Police Department	Aggravated Assault	6				
Simple Assault		1					1
Threat/Intimidation		1					1
	Vandalism	1				1	
County Total:		18				1	19
BROWARD	Broward County Sheriff's Office	Aggravated Assault	2				2
		Simple Assault	3				3
		Vandalism	1				1
	Ft. Lauderdale Police Department	Aggravated Assault	3				3
	Hallandale Police Department	Simple Assault	1				1
	Coconut Creek Police Department	Burglary				1	1
	Miramar Police Department	Vandalism	1				1
Sunrise Police Department	Vandalism			2		2	
County Total:		11	2			1	14

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
CITRUS	Cirtus County Sheriff's Office	Vandalism			1		1
	County Total:				1		1
CLAY	Clay County Sheriff's Office	Threat/Intimidation	2				2
	County Total:		2				2
COLLIER	Collier County Sheriff's Office	Aggravated Assault	1				1
		Vandalism			1		1
	County Total:		1		1		2
DADE	Metro-Dade Police Department	Aggravated Assault			2		2
		Simple Assault	1				1
		Threat/Intimidation			1		1
		Vandalism		1			1
	Coral Gables Police Department	Threat/Intimidation			1		1
	Miami Beach Police Department	Robbery		1			1
	Bay Harbour Islands Police Department	Vandalism	1	1			2
Golden Beach Police Department	Vandalism		1			1	
County Total:		2	4	4	1	11	
DUVAL	Consolidated City of Jacksonville	Vandalism	1				1
	County Total:		1				1
ESCAMBIA	Escambia County Sheriff's Office	Aggravated Assault	1				1
		Threat/Intimidation	1				1
		Vandalism	1				1
	County Total:		3				3
FLAGLER	Flagler County Sheriff's Office	Robbery	1				1
	County Total:		1				1

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
HILLSBOROUGH	Hillsborough County Sheriff's Office	Aggravated Assault	3				3
		Simple Assault				1	1
	Tampa Police Department	Robbery	1				1
		Aggravated Assault	8			1	9
		Simple Assault	2				2
County Total:		14	1	1	1	17	
INDIAN RIVER	Sebastian Police Department	Vandalism	1				1
	County Total:		1				1
LAKE	Lake County Sheriff's Office	Aggravated Assault	1				1
		Vandalism		1			1
	County Total:		1	1			2
LEE	Lee County Sheriff's Office	Simple Assault	3				3
	Cape Coral Police Department	Burglary		1			1
	County Total:		3	1			4
LEON	Tallahassee Police Department	Robbery	1				1
		Aggravated Assault	1				1
	County Total:		2				2
MANATEE	Manatee County Sheriff's Office	Aggravated Assault	1				1
	County Total:		1				1
MARION	Marion County Sheriff's Office	Aggravated Assault	1				1
		Burglary	2				2
		Vandalism	1				1
	County Total:		4				4
MONROE	Monroe County Sheriff's Office	Simple Assault				1	1
	County Total:					1	1

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
NASSAU	Fernandina Beach Police Department	Aggravated Assault	1				1
	County Total:		1				1
OKEECHOBEE	Okeechobee County Sheriff's Office	Aggravated Assault	1				1
	County Total:		1				1
ORANGE	Orange County Sheriff's Office	Aggravated Assault	4				4
		Simple Assault	3				3
		Threat/Intimidation	2			1	3
		Arson				1	1
		Vandalism	1				1
	Maitland Police Department	Threat/Intimidation			1		1
	Orlando Police Department	Robbery	1				1
	Aggravated Assault	1				3	
	Vandalism	2				3	
	University of Central Florida Police Department	Vandalism				1	1
County Total:			14	1	2	7	24
OSCEOLA	St. Cloud Police Department	Vandalism			1		1
	County Total:				1		1
PALM BEACH	Palm Beach County Sheriff's Office	Aggravated Assault	2				2
		Forcible Sex	1				1
		Threat/Intimidation			1		1
		Burglary	1				1
		Vandalism	2		3		1
	Boca Raton Police Department	Vandalism				1	1
	West Palm Beach Police Department	Aggravated Assault	1				
Threat/Intimidation				1			1
Burglary					1		1
	Vandalism			2	1		3

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
PALM BEACH (cont'd)	Palm Beach County School Police Department	Simple Assault	1				1
	County Total:		8	7	2	2	19
PINELLAS	Pinellas County Sheriff's Office	Threat/Intimidation		1			1
		Vandalism	1	2			3
	Clearwater Police Department	Vandalism	1		1		2
	Largo Police Department	Vandalism	1				1
	St. Petersburg Police Department	Aggravated Assault	7	1			8
		Simple Assault	3			1	4
	Tarpon Springs Police Department	Simple Assault	1				1
County Total:		14	4	1	1	20	
POLK	Polk County Sheriff's Office	Aggravated Assault	1		1		2
		Simple Assault			1		1
		Vandalism	3				3
	County Total:		4		2		6
PUTNAM	Palatka Police Department	Threat/Intimidation	3				3
	County Total:		3				3
ST. JOHNS	St. Johns County Sheriff's Office	Simple Assault	1				1
		Vandalism	1				1
	County Total:		2				2
ST. LUCIE	Port St. Lucie Police Department	Aggravated Assault			2		2
		Vandalism	1				1
	County Total:		1		2		3
SANTA ROSA	Santa Rosa County Sheriff's Office	Vandalism	1				1
	County Total:		1				1
SEMINOLE	Seminole County Sheriff's Office	Aggravated Assault	1				1
	County Total:		1				1

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
VOLUSIA	Volusia County Sheriff's Office	Vandalism	4				4
	Deland Police Department	Burglary		1			1
	Ormond Beach Police Department	Threat/Intimidation	2				2
		Burglary	1				1
		Vandalism	1	1			2
	Daytona Beach Shores Police Department	Aggravated Assault	1				1
	Holly Hill Police Department	Simple Assault	1				1
County Total:			10	2			12
GRAND TOTAL:			128	23	17	15	183

Appendices

Appendix 1 — Hate Crimes Reporting

The Florida Department of Law Enforcement's *Hate Crime Report Manual* defines "hate crime" as "A committed or attempted act by any person or group of persons against a person or the property of another person or group, which in any way constitutes an expression of hatred toward the victim because of his/her personal characteristics. Personal characteristics include race/color, religion, or ethnicity/ancestry/national origin or sexual orientation."

The motivation behind the act is the key element in determining whether an incident is hate-related.

The mention of a prejudiced remark does not necessarily make a criminal incident hate-motivated any more than the absence of such a remark makes the criminal incident a non-hate one. Law enforcement officers must rely on their investigative judgment, as well as the use of probable cause standards, to assist them in determining whether a specific incident constitutes a hate-motivated crime. Statements of victims or witnesses, as well as physical evidence, may be used to make this determination.

The thorough and immediate reporting of hate crimes is essential. Law enforcement officials will be in a better position to handle effectively hate-related crimes only when a realistic assessment of the problem is known. There is much to gain by increasing the amount and detail of information gathered and shared about hate crime. Law enforcement officials will be able to detect patterns and anticipate increases in tensions by compiling data and charting the geographic distribution of these crimes. Enhanced information about victims, offenders, and types of incidents will assist law enforcement and community service agencies in targeting hate crime prevention programs. Policy makers will have the basic information necessary for making decisions on the allocation of resources for education, prevention, enforcement, and prosecution efforts related to hate-motivated crime.

The *Hate Crime Report Manual* provides the following definitions of offenses which are most frequently associated with hate crime incidents.

1. Homicide Offenses

Homicide offenses include murder, non-negligent manslaughter, and negligent manslaughter.

A. Murder and Non-Negligent Manslaughter

Definition: The killing of one human being by another.

General Rule: Any death due to a fight, argument, quarrel, assault, commission of a crime, or by premeditated design.

B. Negligent Manslaughter

Definition: The killing of another person through negligence.

General Rule: Any death of an individual resulting from a negligent act of another individual. Negligent acts resulting in the death of the individual committing those acts and not the death of another will be considered accidental deaths and will not be reported to the Hate Crime Data Base.

2. Sex Offenses, Forcible

Definition: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Forcible sex offenses include forcible rape, forcible sodomy, and forcible fondling/indecent liberties/child molesting.

General Rule: The element of force or threat of force is necessary before a sexual offense is reported in this category. Any sexual act or attempt accomplished by force is classified as a forcible sex offense regardless of the age of the victim or the relationship of the victim to the offender. Statutory rape is not counted in the forcible sex offense category as no force is used.

A. Forcible Rape

Definition: The carnal knowledge of a female by a male, forcibly and against her will or where the victim is incapable of giving consent because of her youth or because of her temporary or permanent mental incapacity.

B. Forcible Sodomy

Definition: Oral or anal sexual intercourse with another person, forcibly and/or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

C. Forcible Fondling/Indecent Liberties/Child Molesting

Definition: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental incapacity.

3. Robbery

Definition: The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence, and/or by putting the property custodian in fear.

General Rule: Robbery differs from larceny in that it is aggravated by the element of force or threat of force to the custodian of the property. The custodian, who may be the owner or person having custody of the property, is directly confronted by the perpetrator and is threatened with force or fears that force will be used.

4. Aggravated Assault

Definition: An unlawful attack by one person upon another where either the offender displays a weapon or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

General Rule: All felonious and aggravated assaults are classified in this category. Not included are assaults with intent to rob or rape. Attempts to commit these crimes are reported in the categories of robbery or rape.

An assault, or threat of an assault, with any weapon or item used as a weapon other than hands, fists, and feet, is classified as an aggravated assault. It is not necessary that injury be inflicted.

When personal weapons (hands, fists, feet, etc.) are used, the victim must be seriously injured by personal weapons. Usually this involves a broken bone or injury so severe that the victim should be admitted to a hospital beyond mere emergency room treatment.

5. Burglary/Breaking and Entering

Definition: The unlawful entry into a building or other structure with the intent to commit a felony or theft.

General Rule: Report as one offense any unlawful entry or attempted forcible entry of any dwelling, house, attached structure, public building, shop, office, factory, storehouse, apartment, house trailer, warehouse, mill, barn, other building, ship, or railroad car. If there is apparent unlawful entry and the offender has not completed an act or the actions or intent of the offender are unknown, it is reported as a burglary. Any time there is an uncertainty as to why entry was made to a structure, it is reported as a burglary.

Any time force of a physical nature has been used in order to gain entrance to a premises, the attempted burglary is reported.

Breaking into a vehicle is not reported as burglary, but as a larceny.

6. Larceny/Theft Offenses

Definition: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

Larceny/theft offenses include pocket picking, purse-snatching, shoplifting, theft from a building, theft from a motor vehicle (including motor vehicle parts/accessories), theft of bicycles, and all other type larcenies.

General Rule: Embezzlement; fraudulent conversion of entrusted property; conversion of goods lawfully possessed by bailees, lodgers, or finder of lost property; obtaining money or property by false pretenses; larceny by check; larceny after trust; and larceny by bailee are all classified as either fraud or embezzlement.

Thefts from rented property or from property which has been rented are not classified as larceny. This type of incident is considered a fraud, i.e. defrauding an innkeeper, failure to return rented property, etc.

7. Motor Vehicle Theft

Definition: Theft of a motor vehicle.

General Rule: Any theft of a motor vehicle is reported in this category.

Joy riding should be classified as a motor vehicle theft with the vehicle being shown as stolen and recovered.

8. Kidnapping/Abduction

Definition: The unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian.

General Rule: The kidnapping offense should be recorded regardless of the length of time the victim was detained/held. Kidnapping or false imprisonment is a by-product of many crimes, such as rape or robbery, and as such would not normally be counted as a separate offense.

9. Arson

Definition: To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Special Instructions: Suspicious fires associated with a hate-motivated incident should be classified as arsons. If the investigation later proves that an arson has not occurred, the Offense Code can be modified.

10. Simple Assault

Definition: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury.

General Rule: All physical assaults not classified in the aggravated assault category are reported as simple assault. This would include those assaults where no weapons, other than personal, were used and which resulted in only minor injuries.

11. Bribery

Definition: The offering, giving, receiving, or soliciting of anything of value (i.e., a bribe, gratuity, or kickback) to sway the judgment or action of a person in a position of trust and/or influence.

Special Instructions: The person offering or receiving a bribe will be considered the offender in these incidents. The victim will be the individual or business most affected by the bribe, or other (crime against society) if the entity cannot be defined.

For example, a bank official is bribed not to qualify a Hispanic family for a home loan for a particular neighborhood.

12. Embezzlement

Definition: The unlawful misappropriation by an offender to his/her own use or purpose, money, property, or some other thing of value entrusted to his/her care, custody, or control.

General Rule: Any time a person entrusted with anything of value, during the normal course of operations and the function assigned, misappropriates such item, it is classified in this category.

13. Fraud Offenses

Definition: The intentional perversion of the truth for the purpose of inducing another person, or other entity, in reliance upon it to part with something of value or to surrender a legal right.

Fraud offenses include false pretenses/swindle, impersonation, wire fraud, theft of rental cars (i.e., not returned or obtained by fraud), and other types of fraud.

General Rule: Fraudulent conversion of entrusted property; conversion of goods lawfully possessed by bailees, lodgers, or finders of lost property; obtaining money or property by false pretenses; larceny after trust; and larceny by bailee are all reported in this category.

When a fraud is committed in which a counterfeit item is used or a forgery is committed in carrying out the fraud, the counterfeit or forgery is considered an integral part of the fraud.

14. Counterfeiting/Forgery

Definition: The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.

15. Extortion/Blackmail

Definition: Obtaining money, property, or any other thing of value, either tangible or intangible, from another person through the use or threat of force, misuse of authority, threat of criminal prosecution, or the destruction of the victim's reputation or social standing, or through other coercive measures.

16. Intimidation

Definition: To unlawfully place another person in fear of bodily harm through verbal threats without displaying a weapon or subjecting the victim to actual physical attack.

Intimidation includes, but is not limited to, the following offenses:

- Breach of peace/disorderly conduct.
- Applying unlawful standards, procedures, or intimidating a qualified voter.
- Corruptly influencing voting by bribery, menace, threat, or corruption.

17. Sex Offenses, Non-Forcible (Except Prostitution/Commercialized Sex)

Definition: Unlawful sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat of force and where the victim is capable of giving consent. This may include sex offenses or obscenity offenses.

A. Sex Offenses

Indecent Exposure

Definition: Exposure by the offender of his/her private body parts to the sight of another person in a lewd or indecent manner in a public place.

B. Obscenity Offenses

Definition: Conduct which, by community standards, is deemed to corrupt public morals by its indecency and/or lewdness. This may include:

Obscene Communication/Telephone Call

Definition: To make or transmit a lewd, indecent, or lascivious telephone call or other communication.

Obscene Material/Pornography

Definition: To unlawfully manufacture, publish, sell, buy, or possess material (e.g., literature, photographs, statuettes, etc.) which, by community standards, is deemed capable of corrupting public morals.

Special Instructions: The persons willfully participating in these activities will be considered the offenders in these incidents. The victim will be the individual or business suffering the greatest embarrassment, harassment, or financial loss due to the offense.

18. Destruction/Damage/Vandalism of Property

Definition: The willful and/or malicious destruction, damage, or defacement of public or private property, real or personal, without the consent of the owner or the person having custody or control of the property.

19. Weapons Violations

Definition: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

20. Trespassing

Definition: To enter unlawfully upon the real property of another person. To enter or remain in any property, structure, or conveyance without being authorized, licensed, or invited.

Appendix 2 — Florida Hate Crime Statutes 1991

Evidencing prejudice while committing offense; enhanced penalties.—

The penalty for any felony or misdemeanor shall be reclassified as provided in this subsection if the commission of such felony or misdemeanor evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, or national origin of the victim:

A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.

A felony of the third degree shall be punishable as if it were a felony of the second degree.

A felony of the second degree shall be punishable as if it were a felony of the first degree.

A person or organization which establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section shall have a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or in equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney's fees and costs.

It shall be an essential element of this section that the record reflect that the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated herein.

Hate Crimes Reporting Act.—

SHORT TITLE.—This section may be cited as the "Hate Crimes Reporting Act."

ACQUISITION AND PUBLICATION OF DATA.—

The Governor, through the Florida Department of Law Enforcement, shall collect and disseminate data on incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin. All law enforcement agencies shall report monthly to the Florida Department of Law Enforcement concerning such offenses in such form and in such manner as prescribed by rules adopted by the department. Such information shall be compiled by the department and disseminated upon request to any local law enforcement agency, unit of local government, or state agency.

LIMITATION ON USE AND CONTENT OF DATA.

Such information is confidential and exempt from s. 119.07(1). Data required pursuant to this section shall be used only for research or statistical purposes and shall not include any information that may reveal the identity of an individual victim of a crime. The exemption from s. 119.07(1) provided in this subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data required pursuant to this section.

Appendix 3 — Sources of Additional Information on Hate Crimes

Anti-Defamation League
Florida Regional Office
2 South Biscayne Boulevard
Suite 2650
Miami, Florida 33131
(305) 373-6306

Federal Bureau of Investigation
Uniform Crime Reporting Program
Gallery Row Building
Washington, DC 20535
(202) 324-5015

Japanese-American Citizens League
1001 Connecticut Avenue, N.W.
Suite 704
Washington, DC 20036
(202) 223-1240

NAACP, Southeast Region
970 Martin Luther King Jr. Dr., S.W.
Suite 203
Atlanta, Georgia 30314
(404) 688-8868

National Gay and Lesbian Task
Force and Policy Institute
2320 17th Street, N.W.
Washington, DC 20009-2702
(202) 332-6483

National Organization for Victim
Assistance
1757 Park Road, N.W.
Washington, DC 20010
(202) 232-6682

Prejudice Institute
Stephens Hall Annex
Towson, Maryland 21204
(410) 830-2435

National Organization of Black Law
Enforcement Executives (NOBLE)
4609 Pinecrest Office Park Drive
Suite F
Alexandria, Virginia 22312
(703) 658-1529

Organization of Chinese
Americans, Inc.
1001 Connecticut Avenue, N.W.
Suite 707
Washington, DC 20036
(202) 223-5500

The Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104
(334) 264-0286

Spanish American League Against
Discrimination
900 S.W. 1st Street, Suite 201
Miami, Florida 33130
(305) 326-8585

U.S. Department of Justice
Community Relations Services
51 First Avenue, S.W.
Room 424
Miami, Florida 33130
(305) 536-5206