



Hate Crimes in Florida

January 1, 1996 – December 31, 1996

Office of Attorney General Bob Butterworth

Table of Contents

Letter from Attorney General Bob Butterworth	1
Introduction	3
Executive Summary	4
Annual Report, Hate Crimes in Florida January 1 – December 31, 1996	5
Listing of Figures and Tables	
Offense Totals by Motivation Type January 1 – December 31, 1996	5
Crimes Against Persons (1991 – 1996)	6
Crimes Against Persons vs. Crimes Against Property.	6
1996 Florida Hate Crimes Overview by Motivation Type	7
Hate Crimes Comparison by Motivation (1991 – 1996)	8
Offense Totals by County and Agency January 1, 1996 – December 31, 1996.	9
Hate Crimes by Offenses and Motivation Type by County and Agency January 1 – December 31, 1996	12
Appendices	
Appendix 1 — Hate Crimes Reporting.	18
Appendix 2 — Florida Hate Crime Statutes 1991	25
Appendix 3 — Florida Attorney General’s Office of Civil Rights.	26
Appendix 4 — Sources of Additional Information on Hate Crimes	27

Dear Floridians:

Thank you for your interest and concern about hate crimes in Florida. This report shows that there is, in fact, still much to be concerned about regarding this most repugnant type of crime, but public awareness continues to play an important role in combating hate crimes in our state.

After two years of decline, the number of hate crimes reported in Florida rose by 16 percent during 1996. While that increase is troubling, a closer look at the numbers provides a better understanding of the overall picture. For example, hate-related arson directed at places of religious worship was at its highest level since reporting began in 1989, while the number of hate crimes motivated by sexual orientation was at the lowest level since collection of this data began in 1991.

Multi-agency task forces throughout the nation are responding more aggressively to hate crimes and are using every resource at their disposal to prevent the occurrence of these crimes. Communities are organizing to promote unity and to send a message that these acts of hatred don't represent us—that we value our differences. Various training manuals and programs have been developed for prosecutors, law enforcement, arson investigators, community leaders and public schools to respond to and prevent hate crimes. Neighborhood arson watch teams, arson prevention workshops for religious congregations, safety inspections for places of worship, and presentations to youth are important steps for combating this serious threat to our communities.

I hope the information contained in this report will be useful in increasing your knowledge and understanding of hate crimes and in developing community strategies for prevention. Please continue your work in identifying those responsible for these heinous crimes. Thank you for your cooperation in reporting.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Butterworth". The signature is fluid and cursive, with a prominent arch at the beginning and a long, sweeping tail.

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 reporting policies by making it appear 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. Through its Hate Crime Program, Florida collects the highest ranking hate-related offense within each incident. Each crime (murder, forcible sex offenses, aggravated assault, simple battery and intimidation) may have multiple victims. Therefore, these multiple victims are reflected in Florida's hate crime offense totals. For example, if two individuals are victims of a single hate crime, Florida will count two offenses for that particular incident. The National Hate Crime Program does not reflect multiple victims in its offense count; therefore, the reader should note that Florida's hate crime offense totals differ from the national hate crime offense totals.

This 1996 Hate Crimes in Florida Report covers the period from January 1, 1996, through December 31, 1996. The information was collected from local law enforcement agencies by FDLE's Division of Criminal 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 1996 Hate Crimes in Florida Report, submitted in accordance with the 1989 Hate Crimes Reporting Act, contains data reported by individual county and local law enforcement agencies throughout Florida. These agencies reported the occurrence of hate crime incidents in 1996 under the Uniform Crime Reporting (UCR) information system.

The total number of hate crimes reported by these 51 agencies — which represent fewer than one-fifth of the agencies that participate in FDLE's UCR program — reflects a significant increase from the previous year. This increase 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 1996, however, the number of reported hate crime incidents increased by 15.8 percent, from 183 in 1995 to 212 in 1996. Until 1996, the average annual number of reported hate crime offenses had fallen 40.2 percent since reporting began seven 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 increase in the reported number of hate crime incidents, no single factor stands out to explain the increase. The 1996 report includes data from fewer law enforcement agencies than the year before. It is possible that the high-profile increase in arsons against religious institutions prompted more thorough reporting of hate-motivated crimes, but at this time there is no data to pinpoint a specific cause for the increase.

The 212 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 higher for 1996, the motivation pattern behind the incidents, with the exception of arson, remained consistent with previous years. For example, race remains the most common motivation for hate crime, accounting for 74 percent of the 1996 incidents, compared to 70 percent in 1995 and 70 percent in 1994. The other motivation types included in the report (religion, ethnicity, and sexual orientation) were also consistent with previous reports.

Hate crimes are classified by two types of offenses— crimes against persons and crimes against property. Crimes against persons accounted for 70 percent of all hate-related crimes committed during this reporting period which is a proportionate increase of five percent compared to last year.

Again, caution should be applied in interpreting this data and in drawing conclusions solely from information contained in this report. It is important to note that this report does not include unreported crimes, or crimes that may be hate related but are not classified as such by the local law enforcement agency.

Annual Report Hate Crimes in Florida January 1 – December 31, 1996

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, 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 212 hate crimes were reported by Florida law enforcement agencies in 1996, up 15.8 percent from the previous year. Reported hate crime offenses ranged in seriousness from vandalism and intimidation to aggravated assault and forcible sex offenses. (See Table 1)

**Table 1. Offense Totals by Motivation Type
January 1 – December 31, 1996**

Offenses	Race/ Color	Religion	Ethnicity/ National Origin	Sexual Orientation	Totals
Forcible Sex Offenses	1				1
Robbery	3		1	1	5
Aggravated Assault	47	2	13	2	64
Burglary	5	1			6
Arson		5			5
Simple Assault	35		4	2	41
Intimidation	33	2	2		37
Vandalism	32	16	4	1	53
TOTAL	156	26	24	6	212

Crimes Against Persons

Hate crimes, like other offenses, can be classified as crimes against persons or crimes against property. Nearly 70 percent of all reported hate crimes in 1996 were committed against persons, including forcible sex offenses, robbery, assault, and intimidation. The remaining 30 percent of hate crimes were committed against property, including vandalism, burglary, and arson.

Half of all hate-related crimes—105 of the 212 total—were in the form of assaults (aggravated or simple assault). The portion of hate crimes that were assaults reflects a continuation of a gradual decline since 1992 (see Table 2). Of the remaining crimes against persons, the vast majority took the form of intimidation.

Table 2. Crimes Against Persons (1991 – 1996)

Report Year	Total Offenses	Number of Assaults	Percent of Total	Total Personal Crimes	Percent of Total
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%
1996	212	105	49.5%	148	69.8%

Although the rate of assaults continued to decline, the total number of crimes against persons actually increased in 1996, reversing a three-year downward trend. Among all hate-motivated crimes, the portion committed against persons increased from 65 percent in 1995 to 70 percent in 1996, while the portion committed against property has declined from 35 percent in 1995 to 30 percent in 1996. (See Table 3)

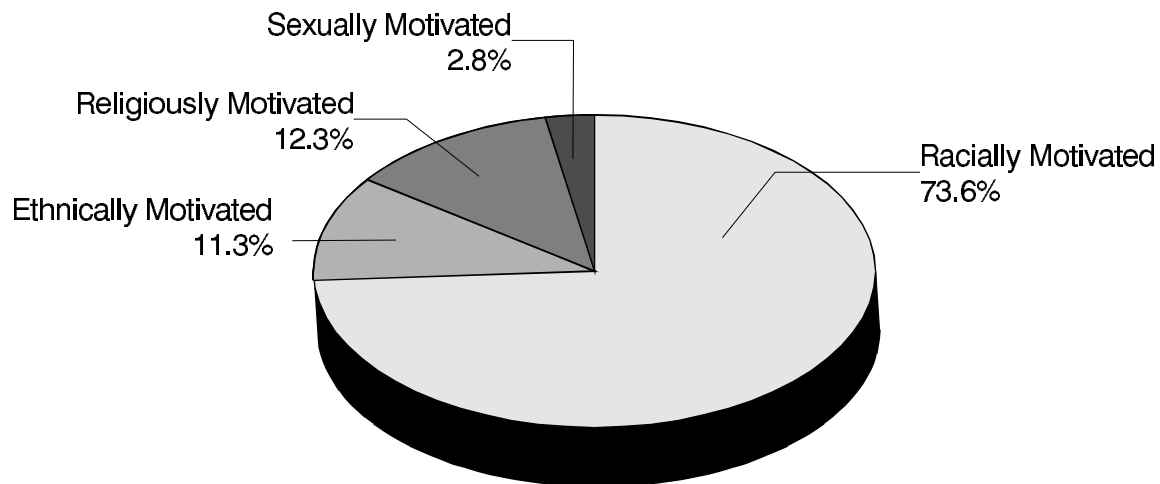
Table 3. Crimes Against Persons vs. Crimes Against Property

Year	Crimes Against Persons		Crimes Against Property	
1993	238	76%	74	24%
1994	206	73%	77	27%
1995	119	65%	65	35%
1996	148	70%	64	30%

Motivation

In almost three-quarters of reported hate crime offenses (73.6 percent) the perpetrator's motivation involved race. Other motivations were religion (12.3 percent), ethnicity/national origin (11.3 percent), and sexual orientation (2.8 percent). See Figure 1.

Figure 1. 1996 Florida Hate Crimes Overview by Motivation Type



The motivations that prompted hate-based crimes in 1996 remain relatively consistent with the pattern of the previous five years. The overall increase in the number of hate crimes is reflected in increases in two of the four motivation categories. The share of hate crimes attributed to race/color and ethnicity increased from the previous year, while religion and sexual orientation experienced a slight decrease. The race and ethnicity motivators in 1996 were at their highest percentage levels since the collection of this data began, while the sexual orientation motivator was at its lowest level. Table 4, following, provides a year-by-year breakdown of reported hate crimes by motivation.

Table 4. Hate Crimes Comparison by Motivation (1991–1996)

	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
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
1996	73.6%	156	12.3%	26	11.3%	24	2.8%	6

*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: Offenses by County and Agency (Table 5) and Hate Crimes by Offense and Motivation Type by County and Agency (Table 6).

Hate crimes were reported in 24 Florida counties in 1996, compared to 31 counties the previous year. This report again included Florida’s seven most populous counties: Broward, Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas. Two counties—Pasco and Sarasota—reported hate crimes in 1996 but did not report any the previous year. Counties that reported hate crimes the previous year but did not report any in 1996 are Flagler, Lake, Lee, Monroe, Nassau, Okeechobee, Polk, Putnam and St. Johns. Again, it is important to bear in mind that this report does not determine whether this change reflects an absence of such offenses or a lack of reporting. Among those counties reporting hate crime incidents in 1996, totals ranged from one incident in Collier and Indian River counties to 42 incidents in Palm Beach County.

Within the 24 reporting counties, a total of 51 law enforcement agencies identified at least one hate crime incident. These agencies include county sheriff’s offices, municipal police departments, and one university. The agency reporting the most hate crimes in 1996 was the St. Petersburg Police Department (31).

Table 5. Offense Totals by County and Agency
January 1, 1996 – December 31, 1996

County	Reporting Agency	Totals
ALACHUA	Alachua County Sheriff's Office	1
BREVARD	Brevard County Sheriff's Office	4
	Melbourne Police Department	1
	Titusville Police Department	1
	Palm Bay Police Department	1
	Total:	7
BROWARD	Broward County Sheriff's Office	3
	Dania Police Department	3
	Plantation Police Department	2
	Wilton Manors Police Department	1
	Cooper City Police Department	1
	Sunrise Police Department	1
Total:	11	
CITRUS	Citrus County Sheriff's Office	3
CLAY	Clay County Sheriff's Office	9
COLLIER	Collier County Sheriff's Office	1
DADE	Metro-Dade Police Department	5
	Coral Gables Police Department	1
	Total:	6
DUVAL	Jacksonville Police Department	19
ESCAMBIA	Escambia County Sheriff's Office	10
HILLSBOROUGH	Hillsborough County Sheriff's Office	1
	Tampa Police Department	5
	Temple Terrace Police Department	1
	University of South Florida Police Department—Tampa	1
	Total:	8
INDIAN RIVER	Sebastian Police Department	1
LEON	Leon County Sheriff's Office	2
	Tallahassee Police Department	2
	Total:	4

County	Reporting Agency	Totals
MANATEE	Manatee County Sheriff's Office	2
MARION	Marion County Sheriff's Office	8
ORANGE	Orange County Sheriff's Office	13
	Winter Garden Police Department	3
	Total:	16
OSCEOLA	Osceola County Sheriff's Office	1
	St. Cloud Police Department	2
	Total:	3
PALM BEACH	Palm Beach County Sheriff's Office	30
	Boca Raton Police Department	3
	Boynton Beach Police Department	2
	Delray Beach Police Department	2
	Palm Beach Police Department	1
	West Palm Beach Police Department	4
	Total:	42
PASCO	Pasco County Sheriff's Office	3
	Dade City Police Department	3
	Total:	6
PINELLAS	Pinellas County Sheriff's Office	3
	St. Petersburg Police Department	31
	Tarpon Springs Police Department	1
	Total:	35
ST. LUCIE	Port St. Lucie Police Department	6
SANTA ROSA	Santa Rosa County Sheriff's Office	3
SARASOTA	Sarasota Police Department	2
SEMINOLE	Seminole County Sheriff's Office	2
	Altamonte Springs Police Department	1
	Casselberry Police Department	2
	Lake Mary Police Department	1
	Total:	6
VOLUSIA	DeLand Police Department	2
	Holly Hill Police Department	1
	Total:	3
TOTAL:		212

Hate Crimes by Offense and Motivation Type

Table 6 provides a listing of all agencies that reported hate crimes for 1996, with a breakdown of the offenses and the motivation type for each offense. The figures in Table 6 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.

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 6. Hate Crimes by Offenses and Motivation Type by County and Agency
January 1 – December 31, 1996**

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
ALACHUA	Alachua County Sheriff's Office	Destruction/Vandalism	1				1
	County Total:		1				1
BREVARD	Brevard County Sheriff's Office	Aggravated Assault	1				1
		Intimidation	2				2
		Destruction/Vandalism	1				1
	Melbourne Police Department	Intimidation	1				1
	Titusville Police Department	Simple Assault	1				1
	Palm Bay Police Department	Aggravated Assault	1				1
County Total:			7				7
BROWARD	Broward County Sheriff's Office	Robbery	1				1
		Simple Assault	1				1
		Intimidation	1				1
	Dania Police Department	Simple Assault	3				3
	Plantation Police Department	Intimidation				1	1
		Destruction/Vandalism			1		1
	Wilton Manors Police Department	Simple Assault	1				1
	Cooper City Police Department	Aggravated Assault			1		1
Sunrise Police Department	Destruction/Vandalism			1		1	
County Total:			7	3	1		11
CITRUS	Citrus County Sheriff's Office	Aggravated Assault	1				1
		Simple Assault	1			1	2
	County Total:			2		1	3
CLAY	Clay County Sheriff's Office	Intimidation	9				9
	County Total:		9				9

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
COLLIER	Collier County Sheriff's Office	Aggravated Assault			1		1
	County Total:				1		1
DADE	Metro-Dade Police Department	Robbery			1		1
		Aggravated Assault	1		1		2
		Simple Assault	1				1
		Destruction/Vandalism		1			1
	Coral Gables Police Department	Destruction/Vandalism	1				1
County Total:		3	1	2		6	
DUVAL	Jacksonville Police Department	Robbery				1	1
		Simple Assault	1				1
		Intimidation	2				2
		Arson		5			5
		Destruction/Vandalism	7	3			10
	County Total:		10	8		1	19
ESCAMBIA	Escambia County Sheriff's Office	Aggravated Assault	6	1			7
		Simple Assault	3				3
	County Total:		9	1			10
HILLSBOROUGH	Hillsborough County Sheriff's Office	Simple Assault	1				1
	Tampa Police Department	Aggravated Assault	2			1	3
		Simple Assault	2				2
	Temple Terrace Police Department	Destruction/Vandalism				1	1
	University of South Florida Police Department	Simple Assault			1		1
County Total:		5		1	2	8	
INDIAN RIVER	Sebastian Police Department	Intimidation	1				1
	County Total:		1				1

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
LEON	Leon County Sheriff's Office	Simple Assault	2				2
	Tallahassee Police Department	Aggravated Assault				1	1
		Destruction/Vandalism	1				
County Total:			3			1	4
MANATEE	Manatee County Sheriff's Office	Aggravated Assault	2				2
	County Total:			2			2
MARION	Marion County Sheriff's Office	Simple Assault	4				4
		Burglary	2				2
		Destruction/Vandalism	2				2
	County Total:			8			8
ORANGE	Orange County Sheriff's Office	Forcible Rape	1				1
		Aggravated Assault	5				5
		Simple Assault	2				2
		Intimidation	4			1	5
	Winter Garden Police Department	Destruction/Vandalism	3				3
County Total:			15		1		16
OSCEOLA	Osceola County Sheriff's Office	Aggravated Assault			1		1
	St. Cloud Police Department	Destruction/Vandalism			2		2
	County Total:					3	

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
PALM BEACH	Palm Beach County Sheriff's Office	Aggravated Assault	2		6		8
		Simple Assault	1		3		4
		Intimidation	5	1			6
		Burglary	2	1			3
		Destruction/Vandalism	4	4	1		9
	Boca Raton Police Department	Destruction/Vandalism	2	1			3
	Boynton Beach Police Department	Intimidation	2				2
	Delray Beach Police Department	Intimidation	1				1
	Palm Beach Police Department	Destruction/Vandalism		1			1
		Destruction/Vandalism	1				1
	West Palm Beach Police Department	Aggravated Assault				1	1
Simple Assault		2				1	3
County Total:			22	8	11	1	42
PASCO	Pasco County Sheriff's Office	Aggravated Assault			1		1
		Destruction/Vandalism	1	1			2
	Dade City Police Department	Simple Assault	3				3
	County Total:			4	1	1	
PINELLAS	Pinellas County Sheriff's Office	Destruction/Vandalism	1	2			3
	St. Petersburg Police Department	Aggravated Assault	23				23
		Simple Assault	4				4
		Intimidation	2				2
		Destruction/Vandalism	2				2
	Tarpon Springs Police Department	Simple Assault	1				1
County Total:			33	2			35

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
ST. LUCIE	Port St. Lucie Police Department	Robbery	1				1
		Aggravated Assault	1				1
		Intimidation	1				1
		Destruction/Vandalism	3				3
	County Total:		6				6
SANTA ROSA	Santa Rosa County Sheriff's Office	Aggravated Assault	2				2
		Simple Assault	1				1
	County Total:		3				3
SARASOTA	Sarasota Police Department	Aggravated Assault			2		2
	County Total:				2		2
SEMINOLE	Seminole County Sheriff's Office	Intimidation		1			1
		Burglary	1				1
	Altamonte Springs Police Department	Destruction/Vandalism	1				1
	Casselberry Police Department	Intimidation	2				2
	Lake Mary Police Department	Destruction/Vandalism		1			1
	County Total:		4	2			6
VOLUSIA	DeLand Police Department	Destruction/Vandalism	1		1		2
	Holly Hill Police Department	Robbery	1				1
	County Total:		2		1		3
GRAND TOTAL:			156	26	24	6	212

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 or 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

775.085 Evidencing prejudice while committing offense; enhanced penalties.—

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

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

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

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

(2) 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.

(3) 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.

History.—s. 1, ch. 89-133; s. 1, ch. 91-83.

877.19 Hate Crimes Reporting Act.—

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

(2) **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.

(3) **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.

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

History.—s. 1, ch. 89-132; s. 2, ch. 91-83; s. 1, ch. 94-125.

Appendix 3 — Florida Attorney General's Office of Civil Rights

The Florida Attorney General's Office of Civil Rights has developed a hate crimes training program specifically designed to train law enforcement officers and police supervisory personnel in detection, investigation, processing and reporting of hate crimes. The training is available upon request.

The Office of Civil Rights has also developed a booklet containing criminal and civil statutes on church burnings, federal church arson investigative agencies, arson telephone hotline numbers, significant historical dates pertinent to hate groups, and an arson prevention guide.

The Director of the Office of Civil Rights chairs a subcommittee for U.S. Attorney General Janet Reno's Working Group on State and Local Law Enforcement Hate Crimes Training. The working group is designing a national hate crimes training curriculum for all law enforcement personnel throughout the country.

For more information, contact:

Division of Civil Rights
Florida Attorney General's Office
110 Southeast Sixth Street, Ninth Floor
Fort Lauderdale, Florida 33301
(954) 712-4608

Appendix 4 — Sources of Additional Information on Hate Crimes

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

Education Development Center, Inc.
55 Chapel Street
Newton, Massachusetts 02158-1060
(617) 969-7100

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

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

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

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

Spanish American League Against
Discrimination
900 S.W. First 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

