



Hate Crimes in Florida

**January 1, 1997 – December 31, 1997
(Revised)**

Office of Attorney General Bob Butterworth

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Dear Floridians:

Hate crimes are particularly heinous crimes, and it is important that the public be provided an accurate accounting of these incidents. Unfortunately, due to an error by the Florida Department of Law Enforcement (FDLE), some reports received from local law enforcement agencies were not included in the data provided in the original *1997 Hate Crimes in Florida* publication. The Attorney General has graciously agreed to re-issue this report so that hate crimes could be properly reported and addressed.

The information contained in this report has been updated to include all hate crimes reported for 1997 by the law enforcement agencies of the state. It is hoped that this information will provide a greater understanding of the hate crimes in Florida so that more effective community strategies for prevention can be developed.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Moore". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

James T. Moore, Commissioner
Florida Department of Law Enforcement

Dear Floridians:

Thank you for your concern about hate crimes in Florida. This document, originally published in October 1998, has been revised to include data that was not provided to this office at the time the report was initially prepared. This report indicates that, although the number of hate crime incidents has been reduced in our state, there is still much to be concerned about regarding this most repugnant type of crime. Public awareness continues to play a very important role in combating hate crimes in Florida.

In a continuing two-year downward trend, the total number of reported hate crimes in Florida decreased by 24.5 percent during 1997. A closer examination of the statistics provides a better understanding of the overall picture. For example, crimes motivated because of the victim's race decreased by 27.6 percent, crimes motivated because of the victim's religious beliefs decreased by 30.8 percent, and crimes motivated because of the victim's ethnicity decreased by 70.8 percent. However, crimes motivated because of the victim's sexual orientation increased by 267 percent.

Multi-agency task forces throughout the nation are responding more aggressively to hate crimes and are using every resource at their disposal to prosecute and prevent the occurrence of these crimes. Various training manuals and programs have been developed for prosecutors, law enforcement personnel, arson investigators, community leaders and public school staff to respond to and prevent hate crimes. Communities are organizing to promote unity and to create programs designed to alert their citizens of the devastating effect of these 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 and bringing to justice 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 large initial "R" and "B".

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 categorized 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 1997 Hate Crimes in Florida Report covers the period from January 1, 1997, through December 31, 1997. 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 1997 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 1997 under the Uniform Crime Reporting (UCR) information system. Currently, 400 agencies participate in the UCR system, and this Report is based solely upon the information provided to FDLE by the reporting agencies.

The 1997 Report includes data reported by 46 participating agencies, a decrease of 10 percent from 1996, when 51 agencies reported hate crimes. Overall, only 11.5 percent of the 400 participating agencies reported hate crimes this year.

In 1996, a total of 212 hate crimes was reported. In 1997, 160 hate crimes were reported, representing a decrease of 24.5 percent from the previous year. Although several factors, including variations in reporting methods and the fewer number of reporting agencies, may have contributed to the decrease in the reported number of hate crime incidents, no single factor stands out to explain the decrease. It would appear unlikely, however, that this reduction is the result solely of a drop in the number of hate crimes committed in the state. One possible explanation for this decrease may be the need for more specialized training in the detection, identification, investigation, and reporting of crimes motivated by hate.

Since 1994, the Office of the Attorney General has conducted hate crimes training seminars for state and local law enforcement agencies throughout Florida. To date, more than 1,500 law enforcement personnel from more than 40 jurisdictions have received this training. Additionally, this office participates in the development of a national hate crimes training curricula for state and local law enforcement officers. The development of these curricula is a joint effort by the U.S. Department of Justice, the National Association of Attorneys General, the International Association of Directors of Law Enforcement Standards and Training, and the Federal Law Enforcement Training Center of the U.S. Department of the Treasury. Its purpose is to address the need for specialized training in this area, and plans are underway to have train-the-trainer programs presented throughout the United States

The 160 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 lower for 1997, the motivational patterns underlying the incidents remained consistent with previous years. For example, race remains the most common motivation for hate crime, accounting for 70.6 percent of the 1997 incidents, compared to 74 percent in 1996. The other motivational types included in the report were ethnicity 4.4 percent, religious beliefs 11.3 percent, and sexual orientation 13.8 percent. While the total number of hate crimes based on race, ethnicity, and religion decreased in

1997, the number of reported hate crimes based on sexual orientation increased from 6 in 1996 to 22 in 1997, an increase of 267 percent.

Hate crimes are classified by two types of offenses, crimes against persons and crimes against property. Crimes against persons accounted for 74 percent of all reported hate crimes in 1997, compared to 70 percent during 1996. Crimes against property accounted for 26 percent of all reported hate crimes in 1997, compared to 30 percent in 1996, a reduction of 4 percent.

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, 1997

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.

NOTE: The 1998 legislature amended the law to add victim mental or physical disability, or advanced age to the elements to be covered by the hate crimes law, although that change does not affect this Report of 1997 hate crimes.

Types of Offenses

Reported hate crime offenses ranged in seriousness from vandalism and intimidation to aggravated assault and murder. (See Table 1)

**Table 1. Offense Totals by Motivation Type
January 1 – December 31, 1997**

Offenses	Race/Color	Religion	Ethnicity/ National Origin	Sexual Orientation	Totals
Murder/Manslaughter	1				1
Robbery	1				1
Aggravated Assault	44	3	4	7	58
Burglary		2			2
Larceny/Theft	1	1			2
Motor Vehicle Theft	1				1
Arson		1			1
Obscenity Offenses	1				1
Simple Assault	16		3	7	26
Intimidation	27	1		3	31
Vandalism	20	9		5	34
Trespassing	1				1
Weapons Violations		1			1
TOTALS	113	18	7	22	160

Crimes Against Persons

Hate crimes, like other offenses, can be classified as crimes against persons or crimes against property. Fully 76 percent of all reported hate crimes in 1997 were committed against persons, including robbery, assault, intimidation, and murder. The remaining 24 percent of reported hate crimes were committed against property, including vandalism, auto theft and burglary.

Out of the total number of hate crimes committed in Florida in 1997, 61 were in the form of assaults (aggravated or simple assault). This means that 51 percent of all the reported hate crimes committed in Florida involved assault. Although the actual number of hate-based assaults reported for 1997 decreased by 44 incidents (or 21 percent), the percentage of such assaults compared to the total number of hate crimes committed increased from 49.5 percent in 1996, to 51.3 percent in 1997. Of the remaining crimes against persons, the vast majority took the form of intimidation.

Table 2. Crimes Against Persons (1991–1997)

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%
1997	119	61	51.3%	91	74.4%

The reported number of assaults declined dramatically in 1997, as did the total number of crimes against persons.

Table 3. Crimes Against Persons vs. Crimes Against Property

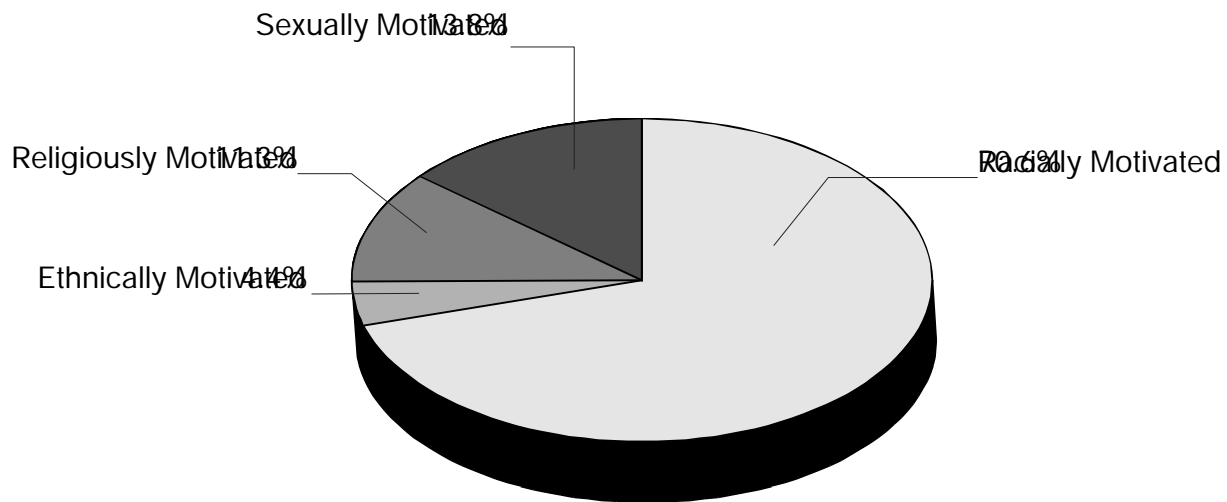
Year	Crimes Against Persons		Crimes Against Property	
1993	238	76%	74	24%
1994	206	73%	77	27%
1995	119	65%	65	35%
1996	148	70%	64	30%
1997	119	74%	41	26%

Table 3 reflects that the share of reported hate-motivated crimes committed against persons increased from 70 percent in 1996, to 74 percent in 1997, while the portion committed against property declined from 30 percent in 1996 to 26 percent in 1997.

Motivation

In almost three-quarters of reported hate crime offenses (70.6 percent) the perpetrator’s motivation involved race. Other motivational categories were religion (11.3 percent), ethnicity/national origin (4.4 percent), and sexual orientation (13.8 percent). See Figure 1.

Figure 1. 1997 Florida Hate Crimes Overview By Motivation Type



The motivational classifications that prompted hate-based crimes in 1997 remain relatively consistent with the pattern of the previous five years. The total number of hate crimes based upon race/color, ethnicity, and religion decreased from the previous year, while sexual orientation experienced a significant increase. Race, ethnicity, and religious motivational factors in 1997 were at their lowest percentage levels since the collection of this data began, while the sexual orientation motivator increased by 267 percent. Table 4 provides a year-by-year breakdown of reported hate crimes by motivation

Table 4. Hate Crimes Comparison by Motivation (1991–1997)

	Race/Color		Religion		Ethnicity		Sexual Orientations	
	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
1997	70.6%	113	11.3%	18	4.4%	7	13.8%	22

* 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 occurrences of hate crimes is provided in two separate tables: Offenses by County and Agency (Table 5) and Hate Crimes by Offense and Motivation Type (Table 6).

Hate crimes were reported in 24 Florida counties in 1996 and 1997. This reporting again included six of Florida’s most populous counties: Broward, Dade, Hillsborough, Orange, Palm Beach, and Pinellas. Counties that reported hate crimes in 1997 but did not report any in 1996 are Flagler, Lake, Lee, Monroe, and Polk. 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 1997, the total number of reported hate crimes ranged from one incident in Citrus, Clay, Collier, Flagler, Manatee, Polk, and Sarasota counties, to 14 in Dade, 15 in Broward, 25 in Pinellas, 26 in Palm Beach and 33 incidents in Orange County.

Within the 24 reporting counties, a total of 46 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 1997 was the Palm Beach County Sheriff’s Office (19).

**Table 5. Offense Totals by County and Agency
January 1 – December 31, 1997**

County	Reporting Agency	Totals
ALACHUA	Alachua County Sheriff’s Office	4
	Gainesville Police Department	1
	TOTAL	5
BREVARD	Titusville Police Department	2
BROWARD	Broward County Sheriff’s Office	4
	Dania Police Department	1
	Deerfield Beach Police Department	2
	Fort Lauderdale Police Department	1
	Pembroke Pines Police Department	3
	Miramar Police Department	1
	Sunrise Police Department	2
	Tamarac Police Department	1
	TOTAL	15
CITRUS	Citrus County Sheriff’s Office	1
CLAY	Clay County Sheriff’s Office	1
COLLIER	Collier County Sheriff’s Office	1

County	Reporting Agency	Totals
DADE	Metro-Dade Police Department	3
	Coral Gables Police Department	2
	Miami Beach Police Department	8
	Bay Harbor Islands Police Department	1
	TOTAL	14
DUVAL	Jacksonville Police Department	6
FLAGLER	Flagler County Sheriffs Office	1
HILLSBOROUGH	Hillsborough County Sheriff's Office	2
LAKE	Lady Lake Police Department	2
LEE	Lee County Sheriff's Office	1
	Fort Myers Police Department	1
	TOTAL	2
MANATEE	Longboat Key Police Department	1
MARION	Marion County Sheriff's Office	9
MONROE	Monroe County Sheriff's Office	2
ORANGE	Orange County Sheriff's Office	6
	Ocoee Police Department	4
	Orlando Police Department	14
	Winter Garden Police Department	9
	TOTAL	33
OSCEOLA	Osceola County Sheriff's Office	2
PALM BEACH	Palm Beach County Sheriff's Office	19
	Belle Glade Police Department	1
	Boynton Beach Police Department	4
	West Palm Beach Police Department	2
	TOTAL	26
PINELLAS	Pinellas County Sheriff's Office	9
	Clearwater Police Department	3
	St. Petersburg Police Department	9
	Tarpon Springs Police Department	4
	TOTAL	25
POLK	Bartow Police Department	1
ST. LUCIE	Port St. Lucie Police Department	3
SANTA ROSA	Santa Rosa County Sheriff's Office	2
SARASOTA	Sarasota Police Department	1

County	Reporting Agency	Totals
VOLUSIA	Daytona Beach Police Department	2
	Holly Hill Police Department	1
	TOTAL	3
TOTAL		160

Hate Crimes by Offense and Motivation Type

Table 6 provides a listing of all agencies that reported hate crimes for 1997, with a breakdown of the offenses and the motivational 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
January 1 – December 31, 1997**

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
ALACHUA	Alachua County Sheriff’s Office	Simple Assault	1				1
		Intimidation	1				1
		Destruction/ Damage/ Vandalism	1			1	2
	Gainesville Police Dept.	Destruction/ Damage/ Vandalism				1	1
	County Total:		3			2	5
BREVARD	Titusville Police Dept.	Intimidation	1				1
		Destruction/ Damage/ Vandalism	1				1
	County Total:		2				2

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
BROWARD	Broward County Sheriff's Office	Simple Assault	1				1
		Intimidation				2	2
		Destruction/ Damage/ Vandalism				1	1
	Dania Police Dept.	Aggravated Assault	1				1
	Deerfield Beach Police Dept.	Aggravated Assault	1				1
		Simple Assault			1		1
	Fort Lauderdale Police Dept.	Aggravated Assault				1	1
	Pembroke Pines Police Dept.	Aggravated Assault	2		1		2
		Destruction/ Damage/ Vandalism					1
Miramar Police Dept.	Intimidation	1				1	
Sunrise Police Dept.	Aggravated Assault	2				2	
Tamarac Police Dept.	Burglary			1		1	
	County Total:		8	2	1	4	15
CITRUS	Citrus County Sheriff's Office	Destruction/ Damage/ Vandalism	1				1
		County Total:	1				1
CLAY	Clay County Sheriff's Office	Intimidation	1				1
		County Total:	1				1
COLLIER	Collier 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	
DADE	Metro-Dade Police Dept.	Intimidation	1	1			2	
		Burglary		1			1	
	Coral Gables Police Dept.	Aggravated Assault				1		1
		Destruction/ Damage/ Vandalism			1			1
	Miami Beach Police Dept.	Aggravated Assault			1		2	3
		Simple Assault Intimidation	1 2				2	3 2
Bay Harbor Islands Police Dept.	Destruction/ Damage/ Vandalism			1			1	
County Total:			4	5	1	4	14	
DUVAL	Jacksonville Police Dept.	Intimidation	1				1	
		Arson		1			1	
		Destruction/ Damage/ Vandalism	2	1			3	
		Weapons Violations		1			1	
County Total:			3	3			6	
FLAGLER	Flagler County Sheriff's Office	Aggravated Assault	1				1	
		County Total:	1				1	
HILLSBOROUGH	Hillsborough County Sheriff's Office	Aggravated Assault	2				2	
		County Total:	2				2	
LAKE	Lady Lake Police Dept.	Aggravated Assault	2				2	
		County Total:	2				2	
LEE	Lee County Sheriff's Office	Destruction/ Damage/ Vandalism	1				1	
	Fort Myers Police Dept.	Aggravated Assault				1	1	
	County Total:			1			1	2

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals	
MANATEE	Longboat Key Police Dept.	Destruction/ Damage/ Vandalism		1			1	
	County Total:			1			1	
MARION	Marion County Sheriff's Office	Aggravated Assault	3				3	
		Simple Assault	2			2	4	
		Obscenity Offenses	1				1	
		Trespassing	1				1	
	County Total:		7			2	9	
MONROE	Monroe County Sheriff's Office	Aggravated Assault		1			1	
		Simple Assault				1	1	
	County Total:			1		1	2	
ORANGE	Orange County Sheriff's Office	Aggravated Assault	3				3	
		Simple Assault			1		1	
		Intimidation	2				2	
	Ocoee Police Dept.	Aggravated Assault	2			1	3	
		Simple Assault				1	1	
	Orlando Police Dept.	Aggravated Assault	6				1	7
		Simple Assault	2				2	4
Intimidation		1					1	
Winter Park Police Dept.	Destruction/ Damage/ Vandalism	1				1	2	
	County Total:		26		3	4	33	
OSCEOLA	Osceola County Sheriff's Office	Aggravated Assault	2				2	
	County Total:		2				2	

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals	
PALM BEACH	Belle Glade Police Dept.	Intimidation				1	1	
	Boynton Beach Police Dept.	Intimidation	4				4	
	Palm Beach County Sheriff's Office	Murder/ Manslaughter	1					1
		Aggravated Assault	3					3
		Intimidation	2					2
		Larceny/Theft	1					1
		Motor Vehicle Theft	1					1
Destruction/ Damage/ Vandalism	8	2		1		11		
West Palm Beach Police Dept.	Aggravated Assault	1				1		
		Simple Assault	1				1	
	County Total:		22	2		2	26	
PINELLAS	Pinellas County Sheriff's Office	Aggravated Assault	4			1	5	
		Simple Assault	3		1		3	
		Destruction/ Damage/ Vandalism					1	1
	Clearwater Police Dept.	Aggravated Assault	3				3	
	St. Petersburg Police Dept.	Aggravated Assault	2	1			1	4
		Simple Assault	1					1
		Larceny		1				1
Destruction/ Damage/ Vandalism		2	1				3	
Tarpon Springs Police Dept.	Aggravated Assault	1			2		3	
	Simple Assault	1					1	
	County Total:		17	4	2	2	25	

County	Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
POLK	Bartow Police Dept.	Robbery	1				1
	County Total:		1				1
ST. LUCIE	Port St. Lucie Police Dept.	Intimidation	3				3
	County Total:		3				3
SANTA ROSA	Santa Rosa County Sheriff's Office	Destruction/ Damage/ Vandalism	2				2
	County Total:		2				2
SARASOTA	Sarasota Police Dept.	Aggravated Assault	1				1
	County Total:		1				1
VOLUSIA	Daytona Beach Police Dept.	Aggravated Assault	2				2
	Holly Hill Police Dept.	Destruction/ Damage/ Vandalism	1				1
	County Total:		3				3
GRAND TOTAL			113	18	7	22	160

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 prejudicial 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 crime. 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 process hate-related crimes more effectively 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 crimes. 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 as to the allocation of resources for education, hate crime prevention, enforcement, and prosecutorial efforts related to hate-motivated crimes.

The *Hate Crime Report Manual* provides the following definition of offenses that 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 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 any 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 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 felonies 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 these personal weapons. Usually this involves a broken bone or injury so severe to 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.

General Rule: 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 types of larcenies.

Thefts from rented property or from property that 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.

Embezzlement; 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 by check; larceny after trust; and larceny by bailee, are all classified as either fraud or embezzlement.

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. Kidnaping/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 byproduct 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 incidents 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 if the entity cannot be defined, the crime will be classified as a crime against society.

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 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 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 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 category may conclude 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 moral 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 care, 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. 119.071(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 the detection, investigation, processing and reporting of hate crimes. The training is available upon request.

The Office of Civil Rights has 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 co-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:

Gregory Durden, Esquire
Director of Civil Rights
Florida Attorney General's Office
110 Southeast Sixth Street, Ninth Floor
Fort Lauderdale, FL 33301
(954) 712-4608; FAX (954) 712-4826

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.
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 24
Miami, Florida 33130
(305) 536-5206

