



Hate Crimes in Florida

January 1, 1994 – December 31, 1994

Office of Attorney General Bob Butterworth

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Dear Floridians:

Hate crimes are among the most offensive acts committed by one person against another, motivated by nothing but blind prejudice and ignorant bigotry. The occurrence of hate crimes continues to be an issue of deep concern in Florida. That the problem exists at all is discouraging to the vast majority of Florida residents who value the cultural diversity that enriches our State.

1994 proved to be a year of significant developments related to hate crimes. In January, the Florida Supreme Court upheld the validity of the state's hate crimes law. The 5-2 decision agreed that the statute does not violate free speech rights, resolving conflicting opinions from Florida's appeals courts on the constitutionality of the law.

Another development in 1994 was the release of the Hate Crimes Task Force Report by the Florida Department of Law Enforcement (FDLE). The Task Force was chaired by Mr. Art Teitelbaum, Southern Area Director, Anti-Defamation League. The report was distributed to all law enforcement agencies in the state and contained recommendations for better reporting of hate crimes and more training for those involved in collecting and compiling hate crime data.

National awareness of the problem has also continued to spread. The Federal Bureau of Investigation (FBI) published its second national report on hate crimes and is currently compiling its 1994 report. Several private organizations, including the Anti-Defamation League and the Southern Poverty Law Center, also compile national statistics on hate crimes and report that hate crimes are increasing.

This fifth annual report does offer some hope that the problem is on the decline in Florida. Much remains to be done, however, to eradicate the problem. I ask you to join with your local law enforcement agency and others in your community to raise awareness, strengthen reporting, and support vigorous prosecution of those who commit hate crimes.

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 an agency, county, or region based on the number of reported hate-crime incidents would be inappropriate and misleading. Such a ranking or comparison unfairly penalizes 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 passed several laws to address the issue of hate crimes. Section 775.085, Florida Statutes, was established to increase penalties for conviction of a crime where there is evidence of certain prejudice. In addition, the Hate Crimes Reporting Act, Section 877.19, Florida Statutes, required law enforcement agencies to report hate crimes to the Florida Department of Law Enforcement (FDLE). The Act further requires that the Attorney General publish an annual summary of data collected by FDLE.

The 1994 Hate Crimes Report covers the period January 1, 1994, through December 31, 1994. 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 Office of the Attorney General, Division of Victim Services and Criminal Justice Programs, Bureau of Criminal Justice Programs, for summary and distribution.

Included in the report are excerpts from the Florida Department of Law Enforcement Hate Crime Report Manual and the hate crime statistical report form, a copy of the hate crimes statutes, and additional sources of information about 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 hate motivated.

1994 Report Executive Summary

This 1994 Hate Crimes in Florida report, submitted in accordance with the 1989 Hate Crimes Reporting Act, contains data derived from 69 agencies that reported hate crime incidents under the Uniform Crime Reporting (UCR) information system in the State of Florida.

While the incidence of reported hate crimes in Florida has remained generally level since 1990 (with the exception of 1992), there has been a noticeable downward trend in the number of incidents in recent years. The 1994 total of reported incidents was 231, down 5.7 percent from the previous year and 12.8 percent from the 1992 high. In the five years since reporting began, the number of reported hate crimes incidents has declined 10.5 percent.

Reported incidents represent events or actions involving an individual or group of individuals, occurring around the same time and having some relationship to each other. An incident may include one or more offenses. With the exception of 1992, the number of reported hate crime incidents has remained near 250 per year. (See Figure 1.)

Figure 1. Hate Crime Incidents 1990–1994

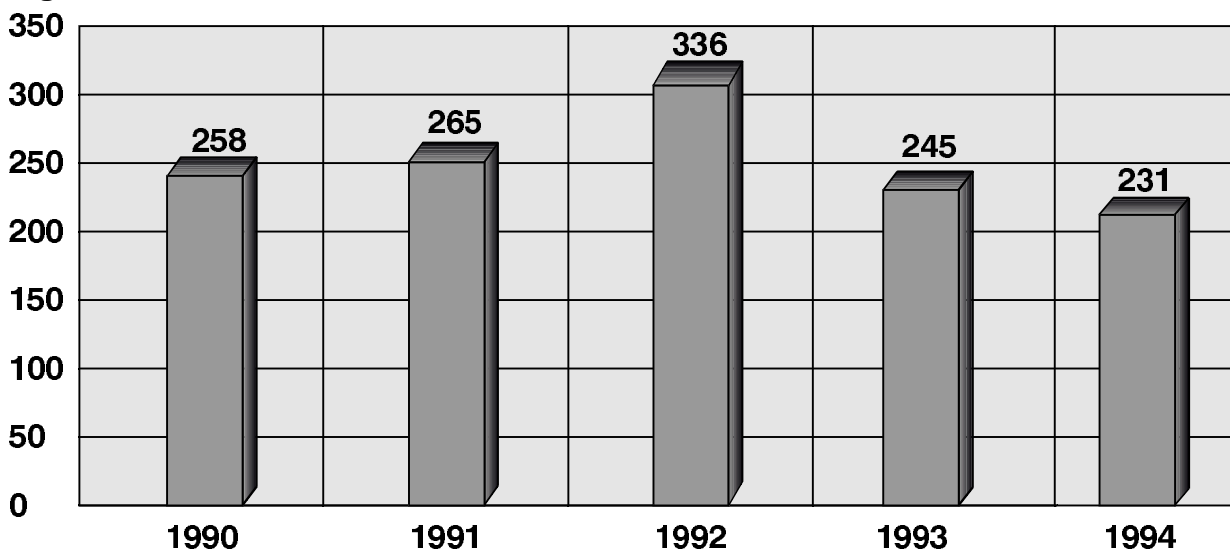
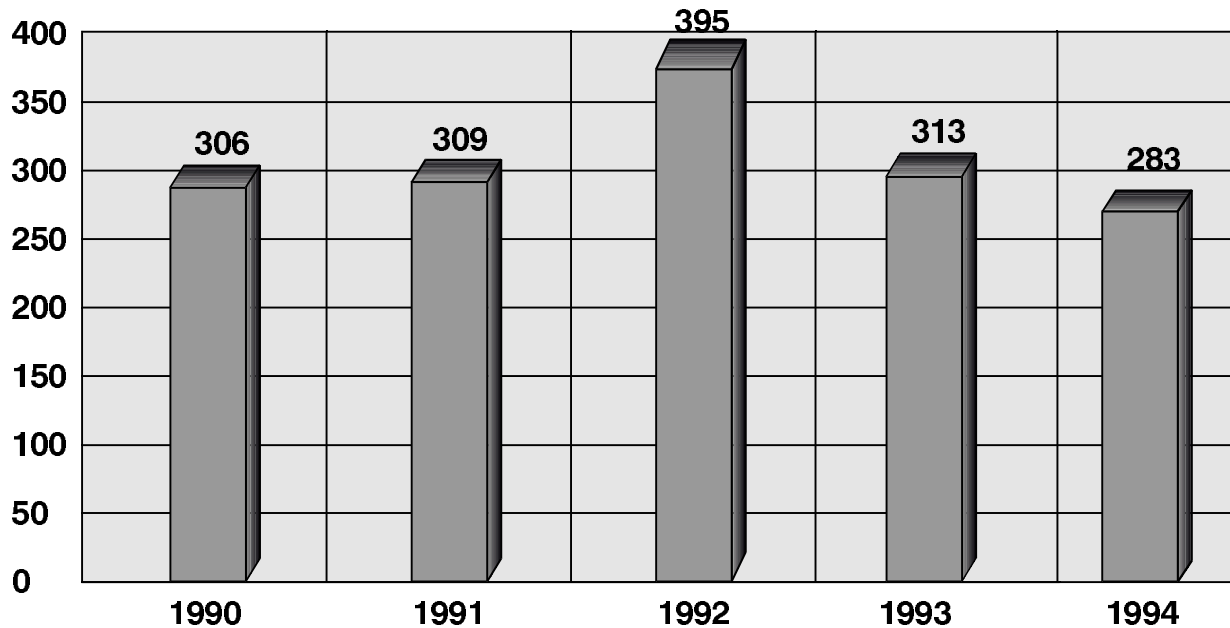


Figure 2. Hate Crimes Offenses 1990–1994

From the incidents reported, 283 criminal offenses were identified, representing criminal behavior that has been defined, categorized, and codified in Florida Statutes. Between 1990 and 1994, offenses averaged 303, except for 1992, when they increased to 395. (See Figure 2.) In Florida, the most common hate crime offenses are aggravated and simple assault, intimidation, and vandalism. These four offenses constituted 96 percent of all hate crime offenses in Florida. Although hate crimes can be based on a number of different victim characteristics, by far the most common motivation in 1994 hate crime incidents was race/color, accounting for 70 percent of all reported hate crime offenses.

Annual Report Hate Crimes in Florida January 1, 1994 – December 31, 1994

What is a Hate Crime?

A hate crime is an act committed or attempted by any person or group against another person or group, or their property, which in any way constitutes an expression of hatred toward the victim based on personal characteristics. It is a crime in which the perpetrator intentionally selects the victim based on one of the following personal characteristics: race, color, religion, ethnicity, ancestry, national origin, or sexual orientation.

Types of Offenses

Hate crime offenses in Florida range in seriousness from trespassing to robbery. In 1994, crimes against persons — including robbery, assault, and intimidation — accounted for 206 (73 percent) of the hate crimes reported. Crimes against property made up the remaining 27 percent, with vandalism/property destruction accounting for the majority of these offenses. (See Table 1.)

**Table 1. Offense Totals by Motivation Type
January 1, 1994 – December 31, 1994**

Offenses	Race/ Color	Religion	Ethnicity/ National Origin	Sexual Orientation	Totals
Robbery	4				4
Aggravated Assault	60	2	7	11	80
Simple Assault	51		12	10	73
Intimidation	42	4	2	1	49
Arson	2				2
Burglary		2		1	3
Larceny/Theft	1				1
Destruction/Vandalism	37	20	7	5	69
Obscenity		1			1
Trespassing	1				1
TOTAL	198	29	28	28	283

Crimes Against Persons

The 1994 data indicates that 72.8 percent of those who commit hate crimes attack their victim, rather than their victim’s property. This is consistent with previous hate crimes reports. In the 1993 report, 76 percent were personal crimes; in 1992, 75.2 percent; and in 1991, 70.2 percent. (See Table 2.)

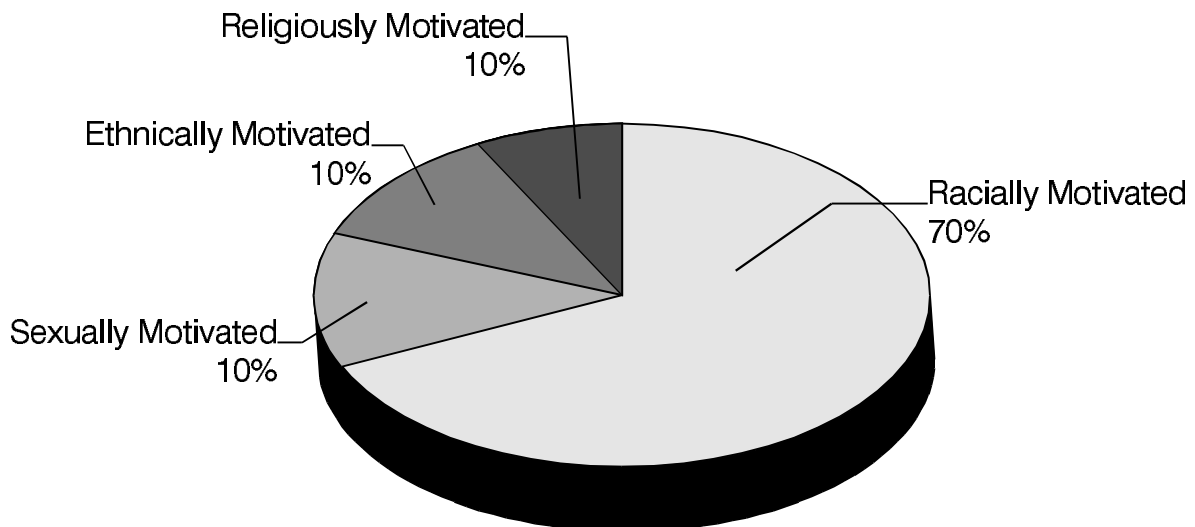
Table 2. Crimes Against Persons (1990 – 1994)

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%

Motivation

In the vast majority of reported offenses, the perpetrator’s motivation involved race. This is clearly illustrated in Figure 3.

Figure 3. 1994 Florida Hate Crimes Overview By Motivation Type



In 1994, the victim’s race was a factor in 70 percent of the reported hate crime offenses. This pattern is consistent with the 1993 report where 72.5 percent were racially motivated; the 1992 report where 62 percent involved race; and the 1991 report where 71.5 percent involved race. The rate of reported hate crimes has also remained consistent with regard to ethnicity and sexual orientation during the five years that the state has been gathering information. The exception to this pattern is religion, which has shown a steady decrease from 19 percent to less than 10 percent from 1990 to 1994. (See Table 3.)

Table 3. Hate Crimes Comparison by Motivation (1990 – 1994)

	Race/Color		Religion		Ethnicity		Sexual Orientation	
	Per- cent 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)

* 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 occurrence of hate crimes is provided in two tables. These are Offense Totals by County and Agency (Table 4) and Offenses by Agency and by Motivation Type (Table 5).

As shown in Table 4, hate crimes were reported in 31 counties in 1994. This figure represents nearly one-half of Florida’s 67 counties, and is a 6 percent increase over the 1993 report. It includes the seven most populous counties of Broward, Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas. Among the counties reporting hate crime incidents, totals ranged from 51 incidents in Orange County to one each in Bay, Citrus, Clay, Manatee, Nassau, Pasco, Polk, and Seminole counties.

Sixty-nine municipalities and unincorporated areas submitted reports through their police departments. Among those reporting were eight of the state’s most populous municipalities, including Fort Lauderdale, Jacksonville, Miami, Miami Beach, Orlando, St. Petersburg, Tallahassee, and Tampa. The municipality reporting the most hate crimes was Orlando (15).

Table 4. Offense Totals by County and Agency

County	Reporting Agency	Agency Totals	County Totals
ALACHUA			10
	Gainesville Police Department	10	
BAY			1
	Panama City Beach Police Department	1	
BREVARD			26
	Brevard County Sheriff's Office	7	
	Indialantic Police Department	3	
	Melbourne Police Department	5	
	Palm Bay Police Department	8	
	Titusville Police Department	3	
BROWARD			25
	Broward County Sheriff's Office	5	
	Cooper City Police Department	1	
	Davie Police Department	1	
	Deerfield Beach Police Department	1	
	Fort Lauderdale Police Department	3	
	Hallandale Police Department	3	
	Lauderdale Lakes Police Department	1	
	Pembroke Pines Police Department	1	
	Sunrise Police Department	9	
CITRUS			1
	Citrus County Sheriff's Office	1	
CLAY			1
	Clay County Sheriff's Office	1	
COLLIER			2
	Collier County Sheriff's Office	2	
DADE			20
	Metro-Dade Police Department	7	
	Florida International University Police	1	
	Miami Police Department	2	
	Miami Beach Police Department	10	

County	Reporting Agency	Agency Totals	County Totals
DUVAL			2
	Consolidated City of Jacksonville	2	
ESCAMBIA			9
	Escambia County Sheriff's Office	8	
	Pensacola Police Department	1	
HILLSBOROUGH			36
	Hillsborough County Sheriff's Office	12	
	Plant City Police Department	2	
	Tampa Police Department	14	
	University of South Florida Police Dept.	8	
INDIAN RIVER			3
	Vero Beach Police Department	3	
LAKE			7
	Lake County Sheriff's Office	2	
	Leesburg Police Department	5	
LEE			3
	Cape Coral Police Department	2	
	Fort Myers Police Department	1	
LEON			2
	Tallahassee Police Department	2	
MANATEE			1
	Palmetto Police Department	1	
MONROE			2
	Monroe County Sheriff's Office	1	
	Key West Police Department	1	
NASSAU			1
	Nassau County Sheriff's Office	1	
OKEECHOBEE			5
	Okeechobee County Sheriff's Office	5	

County	Reporting Agency	Agency Totals	County Totals
ORANGE			51
	Orange County Sheriff's Office	33	
	Orlando Police Department	15	
	University of Central Florida	1	
	Winter Garden Police Department	1	
	Winter Park Police Department	1	
PALM BEACH			29
	Palm Beach County Sheriff's Office	14	
	Belle Glade Police Department	2	
	Lake Worth Police Department	2	
	North Palm Beach Police Department	1	
	Palm Beach Police Department	1	
	Palm Beach County School Board	1	
	West Palm Beach Police Department	8	
PASCO			1
	Pasco County Sheriff's Office	1	
PINELLAS			20
	Clearwater Police Department	2	
	Dunedin Police Department	2	
	Largo Police Department	6	
	St. Petersburg Police Department	10	
POLK			1
	Polk County Sheriff's Office	1	
PUTNAM			7
	Putnam County Sheriff's Office	3	
	Palatka Police Department	4	

County	Reporting Agency	Agency Totals	County Totals
ST. JOHNS			4
	St. Johns County Sheriff's Office	4	
ST. LUCIE			4
	Port St. Lucie Police Department	4	
SANTA ROSA			2
	Santa Rosa County Sheriff's Office	2	
SARASOTA			2
	Sarasota County Sheriff's Office	1	
	Sarasota Police Department	1	
SEMINOLE			1
	Seminole County Sheriff's Office	1	
VOLUSIA			4
	Volusia County Sheriff's Office	3	
	Ormond Beach Police Department	1	
TOTAL			283

Hate Crime Offenses by Agency and by Motivation Type

Table 5 contains a complete listing of all agencies that have reported hate crimes, as well as 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 received by this 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, since it may unfairly penalize those jurisdictions that have a more vigorous policy of identifying and reporting such incidents.

**Table 5. Offenses by Agency and by Motivation Type
January 1, 1994 – December 31, 1994**

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
ALACHUA		7	2	1		10
Gainesville Police Dept.	Aggravated Assault	3		1		4
	Simple Assault	1				1
	Intimidation	2				2
	Destruction/Vandalism	1	2			3
	Totals	7	2	1		10
BAY		1				1
Panama City Beach Police Dept.	Simple Assault	1				1
	Totals	1				1
BREVARD		23			3	26
Brevard County Sheriff's Office	Aggravated Assault				3	3
	Simple Assault	1				1
	Intimidation	1				1
	Destruction/Vandalism	2				2
	Totals	4			3	7
Indianalantic Police Dept.	Aggravated Assault				3	3
	Totals	3				3
Melbourne Police Dept.	Intimidation	2				2
	Destruction/Vandalism	3				3
	Totals	5				5
Palm Bay Police Dept.	Aggravated Assault	1				1
	Simple Assault	6				6
	Intimidation	1				1
	Totals	8				8
Titusville Police Dept.	Aggravated Assault	3				3
	Totals	3				3

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
BROWARD		16	7	1	1	25
Broward County Sheriff's Office	Aggravated Assault	3				3
	Simple Assault	1				1
	Intimidation	1				1
	Totals	5				5
Cooper City Police Dept.	Destruction/Vandalism		1			1
	Totals		1			1
Davie Police Dept.	Destruction/Vandalism	1				1
	Totals	1				1
Deerfield Beach Police Dept.	Simple Assault	1				1
	Totals	1				1
Fort Lauderdale Police Dept.	Simple Assault				1	1
	Destruction/Vandalism	1	1			2
	Totals	1	1		1	3
Hallandale Police Dept.	Aggravated Assault	1	2			3
	Totals	1	2			3
Lauderdale Lakes Police Dept.	Simple Assault			1		1
	Totals			1		1
Pembroke Pines Police Dept.	Simple Assault	1				1
	Totals	1				1
Sunrise Police Dept.	Simple Assault	1				1
	Intimidation	5				5
	Destruction/Vandalism		2			2
	Obscenity		1			1
	Totals	6	3			9
CITRUS				1		1
Citrus County Sheriff's Office	Destruction/Vandalism			1		1
	Totals			1		1
CLAY		1				1
Clay County Sheriff's Office	Intimidation	1				1
	Totals	1				1

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
COLLIER				1	1	2
Collier County Sheriff's Office	Simple Assault			1	1	2
	Totals			1	1	2
DADE		7	7		6	20
Metro-Dade Police Dept.	Aggravated Assault	2				2
	Simple Assault	2				2
	Intimidation	1				1
	Burglary			1		1
	Destruction/Vandalism			1		1
	Totals	5	2			7
Fl. Int'l University Police Dept.	Destruction/Vandalism				1	1
	Totals				1	1
Miami Police Dept.	Robbery	1				1
	Intimidation				1	1
	Totals	1			1	2
Miami Beach Police Dept.	Aggravated Assault				1	1
	Simple Assault				3	3
	Intimidation	1				1
	Destruction/Vandalism			5		5
	Totals	1	5		4	10
DUVAL		2				2
Consolidated City Of Jacksonville	Destruction/Vandalism	2				2
	Totals	2				2
ESCAMBIA		8			1	9
Escambia County Sheriff's Office	Aggravated Assault	1				1
	Simple Assault	6				6
	Destruction/Vandalism	1				1
	Totals	8				8
Pensacola Police Dept.	Aggravated Assault				1	1
	Totals				1	1

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
HILLSBOROUGH		33		1	2	36
Hillsborough County Sheriff's Office	Aggravated Assault	6				6
	Intimidation	4		1		5
	Larceny/Theft	1				1
	Totals	11		1		12
Plant City Police Dept.	Aggravated Assault	2				2
	Totals	2				2
Tampa Police Dept.	Robbery	1				1
	Aggravated Assault	2			1	3
	Simple Assault	8				8
	Intimidation	1				1
	Destruction/Vandalism				1	1
	Totals	12			2	14
Univ. of S. Florida Police Dept.	Aggravated Assault	3				3
	Intimidation	2				2
	Destruction/Vandalism	3				3
	Totals	8				8
INDIAN RIVER		1	2			3
Vero Beach Police Dept.	Destruction/Vandalism	1	2			3
	Totals	1	2			3
LAKE		6			1	7
Lake County Sheriff's Office	Simple Assault	1			1	2
	Totals	1			1	2
Leesburg Police Dept.	Aggravated Assault	1				1
	Simple Assault	4				4
	Totals	5				5
LEE		2	1			3
Cape Coral Police Dept.	Intimidation	1				1
	Burglary			1		1
	Totals	1		1		2
Fort Myers Police Dept.	Destruction/Vandalism	1				1
	Totals	1				1

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
LEON					2	2
Tallahassee Police Dept.	Aggravated Assault				2	2
	Totals				2	2
MANATEE				1		1
Palmetto Police Dept.	Aggravated Assault			1		1
	Totals			1		1
MONROE					2	2
Monroe County Sheriff's Office	Aggravated Assault				1	1
	Totals				1	1
Key West Police Dept.	Simple Assault				1	1
	Totals				1	1
NASSAU		1				1
Nassau County Sheriff's Office	Intimidation	1				1
	Totals	1				1
OKEECHOBEE		5				5
Okeechobee County Sheriff's Office	Aggravated Assault	4				4
	Simple Assault	1				1
	Totals	5				5
ORANGE		31	1	15	4	51
Orange County Sheriff's Office	Aggravated Assault	5		1		6
	Simple Assault	3		3		6
	Intimidation	7	1			8
	Arson	2				2
	Destruction/Vandalism	8		2		10
	Trespassing	1				1
	Totals	26	1	6		33
Orlando Police Dept.	Aggravated Assault	2		3	2	7
	Simple Assault	1		4	1	6
	Intimidation			1		1
	Destruction/Vandalism				1	1
	Totals	3		8	4	15
University of Central Florida	Destruction/Vandalism	1				1
	Totals	1				1

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
ORANGE, cont'd						
Winter Garden Police Dept.	Simple Assault	1				1
	Totals	1				1
Winter Park Police Dept.	Destruction/Vandalism			1		1
	Totals			1		1
PALM BEACH		17	3	5	4	29
Palm Beach County Sheriff's Office	Aggravated Assault	3				3
	Simple Assault	1				1
	Intimidation	3				3
	Burglary				1	1
	Destruction/Vandalism	2	2		2	6
	Totals	9	2		3	14
Belle Glade Police Dept.	Simple Assault			2		2
	Totals			2		2
Lake Worth Police Dept.	Intimidation	2				2
	Totals	2				2
North Palm Beach Police Dept.	Intimidation		1			1
	Totals		1			1
Palm Beach County School Board	Simple Assault	1				1
	Totals	1				1
Palm Beach Police Dept.	Destruction/Vandalism	1				1
	Totals	1				1
West Palm Beach Police Dept.	Aggravated Assault	4		1		5
	Simple Assault				1	1
	Destruction/Vandalism			2		2
	Totals	4		3	1	8
PASCO		1				1
Pasco County Sheriff's Office	Destruction/Vandalism	1				1
	Totals	1				1
PINELLAS		18	1		1	20
Clearwater Police Dept.	Aggravated Assault	2				2
	Totals	2				2

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
PINELLAS, cont'd						
Dunedin Police Dept.	Simple Assault	2				2
	Totals	2				2
Largo Police Dept.	Aggravated Assault	2				2
	Intimidation	1				1
	Destruction/Vandalism	3				3
	Totals	6				6
St. Petersburg Police Dept.	Robbery	1				1
	Aggravated Assault	2				2
	Simple Assault	3			1	4
	Destruction/Vandalism	2	1			3
	Totals	8	1		1	10
POLK						
Polk County Sheriff's Office	Simple Assault	1				1
	Totals	1				1
PUTNAM						
Putnam County Sheriff's Office	Aggravated Assault	3				3
	Totals	3				3
Palatka Police Dept.	Intimidation	4				4
	Totals	4				4
ST. JOHNS						
St. Johns County Sheriff's Office	Simple Assault	3				3
	Intimidation		1			1
	Totals	3	1			4
ST. LUCIE						
Port St. Lucie Police Dept.	Aggravated Assault	1				1
	Destruction/Vandalism	1	2			3
	Totals	2	2			4
SANTA ROSA						
Santa Rosa County Sheriff's Office	Simple Assault			1		1
	Destruction/Vandalism	1				1
	Totals	1		1		2

County/Agency	Offenses	Race/ Color	Religion	Ethnicity/ Nat'l Origin	Sexual Orientation	Totals
SARASOTA		1	1			2
Sarasota County Sheriff's Office	Destruction/Vandalism		1			1
	Totals		1			1
Sarasota Police Dept.	Robbery	1				1
	Totals	1				1
SEMINOLE		1				1
Seminole County Sheriff's Office	Intimidation	1				1
	Totals	1				1
VOLUSIA		2	1	1		4
Volusia County Sheriff's Office	Aggravated Assault	1				1
	Destruction/Vandalism	1		1		2
	Totals	2		1		3
Ormond Beach Police Dept.	Intimidation		1			1
	Totals		1			1
GRAND TOTALS		198	29	28	28	283

Summary

The 1994 report reveals no unusual changes in the number or type of hate crimes committed in Florida. The figures vary only slightly in both numbers and percentages from those collected in previous years, although they do reflect a slight downward trend from the previous year.

Of the incidents reported in 1994, the great majority of hate crimes were committed against persons. Assault is the single most reported hate crime, while race continues to be the dominant motivating factor in the commission of a hate crime.

It is not appropriate to draw broad conclusions from the data contained in this report. The data represent small numbers of reported incidents. As with other crime data, this does not include unreported crimes or crimes that may be hate-related, but which are not classified as such locally. It is promising to note, however, that both the numbers of reported hate crime incidents and offenses have declined in Florida over the past two years.

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
1 Biscayne Tower, Suite 2650
2 South Biscayne Boulevard
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