

Florida
**Attorney General
Pam Bondi**



January 1, 2014 - December 31, 2014

Hate Crimes in Florida



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Fellow Floridians:

The Florida Attorney General's Office publishes the Report on Hate Crimes in Florida annually. Hate crimes are senseless acts based on hatred and bias towards individuals or groups because of race, religion, sexual orientation or other personal characteristics.

The annual report provides end-of-year statistics for criminal offenses in Florida that involve hate crimes as reported by Florida's law enforcement agencies. According to this year's report, 73 hate crimes were reported statewide from January 1, through December 31, 2014.

The Attorney General's Office encourages anyone who suspects that a hate crime, or any crime, has occurred to report it to law enforcement immediately.

By working together, I hope we will one day see an end to the commission of hate crimes in Florida.

Sincerely,

A handwritten signature in black ink that reads "Pam Bondi". The signature is written in a cursive, flowing style.

Pam Bondi
Attorney General

NOTE

The responsiveness of law enforcement and the success of community initiatives to identify hate crime incidents 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 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 providing a more accurate report of qualifying incidents.

Introduction

In 1989, the Florida Legislature passed laws 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. Additionally, the Hate Crimes Reporting Act, Section 877.19, Florida Statutes, was passed to require law enforcement agencies to report hate crimes to the Florida Department of Law Enforcement (FDLE) and required the Attorney General's Office to publish an annual summary of data collected by FDLE.

Through its Hate Crime Program, Florida collects data on hate-related offenses for each incident reported. Because each reported crime may have more than one victim, 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, Florida's hate crime offense totals may differ from figures included in reports on the national level.

This 2014 Hate Crimes in Florida Report covers the period from January 1, 2014, through December 31, 2014. 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 with this report are excerpts from FDLE's Hate Crime Report Manual and sources of information regarding hate crimes (see Appendices). The information is provided as a reference with respect to what constitutes various criminal offenses and when those offenses are deemed to be motivated by hate.

Executive Summary

The 2014 Hate Crimes in Florida Report, contains data reported by individual local law enforcement agencies throughout Florida. These agencies reported the occurrence of hate crime incidents in 2014 under the Uniform Crime Reporting (UCR) information system. Currently, 396 agencies participate in the UCR system and this report is based solely on the information provided to FDLE by the reporting agencies.

Of the 396 participating agencies, 35 agencies reported hate crimes in 2014, compared to 54 agencies that reported hate crimes the previous year. This year's total represents 8.8 percent of the agencies that participate in the UCR reporting system.

The report shows the number of hate crimes committed, and the nature of the alleged motivation behind the offenses. During 2014, there were 73 reported hate crimes in Florida. Hate crimes motivated by the victim's race/color represented 49.3 percent of all reported hate crimes, followed by sexual orientation at 20.6 percent; religion at 17.8 percent; ethnicity/national origin at 9.6 percent; mental disability at 2.7%. No hate crimes were reported under the categories of physical disability or advanced age.

There are two categories of hate crime offenses: crimes against persons and crimes against property. Crimes against persons accounted for 65.8 percent of all incidents reported in 2014. Crimes against property accounted for the remaining 34.2 percent.

As variations may exist among law enforcement agencies in how hate crime data is gathered and reported, 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 reporting agencies.

This report also does not include data regarding hate crimes committed against the homeless. Although homeless status was added as a protected class in Section 775.085, Florida Statutes in 2010, no data is available because homeless status is not part of the UCR and is not required to be collected by law enforcement agencies or FDLE as part of the Hate Crimes Reporting Act.

2014 Florida Hate Crimes Statute

775.085 Evidencing prejudice while committing offense; reclassification.—

(1)(a) 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, national origin, homeless status, mental or physical disability, or advanced age of the victim:

1. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.
2. A misdemeanor of the first degree is reclassified to a felony of the third degree.
3. A felony of the third degree is reclassified to a felony of the second degree.
4. A felony of the second degree is reclassified to a felony of the first degree.
5. A felony of the first degree is reclassified to a life felony.

(b) As used in paragraph (a), the term:

1. “Mental or physical disability” means that the victim suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, and has one or more physical or mental limitations that restrict the victim’s ability to perform the normal activities of daily living.
2. “Advanced age” means that the victim is older than 65 years of age.
3. “Homeless status” means that the victim:
 - a. Lacks a fixed, regular, and adequate nighttime residence; or
 - b. Has a primary nighttime residence that is:
 - (I) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
 - (II) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(2) A person or organization that establishes by clear and convincing evidence that it has been coerced, intimidated, or threatened in violation of this section has 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 is 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 in this section. History.— s. 1, ch. 89-133; s. 1, ch. 91-83; s. 1, ch. 98-83; s. 1, ch. 99-172; s. 1, ch. 2010-46.

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.

(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; s. 432, ch. 96-406.

What is a Hate Crime?

A hate crime is an act committed or attempted by one person or group against another - or that person's 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, sexual orientation, homeless status, advanced age or mental/physical disability.

The Florida Department of Law Enforcement notes in its Hate Crime Training Manual, that the motivation behind the act is the key element in determining whether an incident is hate-related. Ultimately, it is up to the judgment of individual law enforcement officers and agencies to determine whether a particular incident constitutes a hate crime and is therefore reported as such to the state.

Table 1. Hate Crimes Reported by Year.

Year	Total Reported Hate Crimes	Change from Previous Year
2002	306	-8.7%
2003	275	-10.1%
2004	334	+21.5%
2005	260	-22.2%
2006	259	-0.3%
2007	193	-25.5%
2008	182	-5.7%
2009	148	-18.7%
2010	149	+7%
2011	139	-6.7%
2012	170	+22.3%
2013	124	-27.1%
2014	73	-41.1%

Types of Offenses

Reported hate crime offenses in 2014 included simple and aggravated assault, while intimidation and vandalism were other frequent forms of hate crimes.

**Table 2. Offense Totals by Motivation Type
January 1 – December 31, 2014**

Offenses	Race/ Color	Religion	Ethnicity/ National Origin	Sexual Orientation	Physical Disability	Mental Disability	Advanced Age	Totals
Robbery	0	0	0	1	0	0	0	1
Aggravated Assault	10	0	3	4	0	2	0	19
Burglary/Breaking and Entering	1	0	0	0	0	0	0	1
Larceny/Theft Offenses	0	2	0	1	0	0	0	3
Murder	1	0	0	0	0	0	0	1
Simple Assault	12	1	2	6	0	0	0	21
Intimidation	4	1	0	1	0	0	0	6
Destruction/Damage/ Vandalism of Property	8	9	2	2	0	0	0	21
Totals	36	13	7	15	0	2	0	73

Crimes Against Persons vs. Crimes Against Property

Hate crimes are classified as crimes against persons or crimes against property. In 2014, there were 48 reported hate crimes committed against persons. These offenses against persons included murder, robbery, simple assault, aggravated assault and intimidation.

The remaining 25 offenses were committed against property, including larceny, vandalism and burglary.

Table 3. Crimes Against Persons vs. Crimes Against Property (2002–2014)

Year	Total Crimes Against Persons	Percent Of Total	Total Crimes Against Property	Percent Of Total
2002	220	72%	86	28%
2003	186	68%	89	32%
2004	254	76%	80	24%
2005	185	71%	75	29%
2006	171	66%	88	34%
2007	129	66.8%	64	33.2%
2008	120	65.9%	62	34.1%
2009	106	71.6%	42	28.4%
2010	99	66.4%	50	33.6%
2011	94	67.6%	45	32.4%
2012	117	68.8%	53	31.2%
2013	78	62.9%	46	37.1%
2014	48	65.8%	25	34.2%

Out of the 73 hate crimes committed in 2014 in Florida, 40 were in the form of assaults (aggravated or simple assault).

Table 4. Assaults as Share of All Hate Crimes (2002–2014)

Report Year	Total Offenses	Number Of Assaults	Percent of Total
2002	306	156	51.0%
2003	275	134	48.7%
2004	334	177	53.0%
2005	260	106	40.8%
2006	259	115	44.4%
2007	193	96	49.7%
2008	182	82	45.1%
2009	148	65	43.9%
2010	149	58	38.9%
2011	139	72	51.8%
2012	170	88	51.8%
2013	124	47	37.9%
2014	73	40	54.8%

Motivation

The victim's race has usually been the most common motivating factor in hate crimes reported in Florida. In 2013, race accounted for 55.6 percent of all reported hate crimes. In 2014, race related crimes accounted for 49.3 percent of all reported hate crimes. The victim's ethnicity/national origin, sexual orientation, religion, and mental disability comprised the remaining 50.7 percent of all reported hate crimes.

Table 5 provides a year-by-year breakdown of reported hate crimes by the five most common motivating factors.

Table 5. Hate Crimes Comparison by Motivation (2002–2014)

YEAR	RACE/COLOR		RELIGION		ETHNICITY/NAT'L ORIGIN		SEXUAL ORIENTATION		MENTAL DISABILITY	
	Number of Offenses	Percent of Total	Number of Offenses	Percent of Total	Number of Offenses	Percent of Total	Number of Offenses	Percent of Total	Number of Offenses	Percent of Total
2002	161	52.6%	41	13.4%	44	14.4%	56	18.3%	-	-
2003	135	49.1%	34	12.4%	51	18.6%	55	20.0%	-	-
2004	190	56.9%	41	12.3%	51	15.3%	52	15.65	-	-
2005	130	50.0%	36	13.8%	58	22.3%	34	13.1%	-	-
2006	143	55.2%	35	13.5%	29	11.2%	52	20.1%	-	-
2007	104	53.9%	28	14.5%	33	17.1%	28	14.5%	-	-
2008	86	47.3%	38	20.9%	22	12.1%	35	19.2%	1	.05%
2009	80	54.0%	21	14.2%	14	9.5%	33	22.3%	-	-
2010	69	46.3%	29	19.5%	19	12.7%	32	21.5%	-	-
2011	60	43.2%	29	20.9%	21	15.1%	28	20.1%	1	0.7%
2012	92	54.1%	17	10%	11	6.5%	49	28.8%	1	0.6%
2013	69	55.6%	14	11.3%	9	7.3%	32	25.8%	-	-
2014	36	49.3%	13	17.8%	7	9.6%	15	20.6%	2	2.7%

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 6) and, for each reporting county and agency, Hate Crimes by Offenses and Motivation Type (Table 7).

Hate crimes were reported in 22 Florida counties in 2014, compared to 29 in 2013. 5 counties reported hate crimes in 2014 after reporting none the previous year. Additionally, 12 counties reported hate crimes in 2013, but did not report any in 2014.

Miami-Dade County and Orange County submitted the largest number of hate crime reports.

Reporting agencies in 2014 included county sheriffs' offices and police departments. This report does not determine whether these statistics reflect an absence of hate crimes in certain counties or whether the differing figures are the result of how and whether such crimes are reported by victims to law enforcement agencies.

**Table 6. Offense Totals by County and Agency
January 1, 2014 – December 31, 2014**

County	Reporting Agency	Totals
ALACHUA	Alachua County Sheriff's Office	1
	Gainesville Police Department	2
	TOTAL	3
BREVARD	Titusville Police Department	1
	Palm Bay Police Department	1
	TOTAL	2
BROWARD	Margate Police Department	1
	Miramar Police Department	2
	Weston Police Department	1
	TOTAL	4
CHARLOTTE	Charlotte County Sheriff's Office	1
	TOTAL	1
CLAY	Clay County Sheriff's Office	2
	TOTAL	2
MIAMI DADE	Coral Gables Police Department	2
	Miami Beach Police Department	6
	North Miami Beach Police Department	2
	North Miami Police Department	3
	TOTAL	13
ESCAMBIA	Pensacola Police Department	1
	TOTAL	1
HENDRY	Clewiston Police Department	1
	TOTAL	1
HILLSBOROUGH	Temple Terrace Police Department	3
	TOTAL	3
LEE	Lee County Sheriff's Office	2
	TOTAL	2
MANATEE	Manatee County Sheriff's Office	4
	TOTAL	4

Hate Crimes in Florida 2014

County	Reporting Agency	Totals
ORANGE	Orange County Sheriff's Office	3
	Orlando Police Department	5
	Ocoee Police Department	1
	Winter Garden Police Department	1
	TOTAL	10
OSCEOLA	Kissimmee Police Department	4
	TOTAL	4
PALM BEACH	West Palm Beach Police Department	5
	Delray Beach Police Department	1
	Jupiter Police Department	1
	TOTAL	7
PASCO	Pasco County Sheriff's Office	1
	TOTAL	1
PINELLAS	Largo Police Department	1
	TOTAL	1
ST. LUCIE	Port St. Lucie Police Department	1
	TOTAL	1
SEMINOLE	Oviedo Police Department	2
	Seminole County Sheriff's Office	1
	TOTAL	3
SUMTER	Sumter County Sheriff's Office	3
	TOTAL	3
VOLUSIA	Volusia County Sheriff's Office	3
	TOTAL	3
WAKULLA	Wakulla County Sheriff's Office	2
	TOTAL	2
WALTON	Walton County Sheriff's Office	2
	TOTAL	2
TOTALS		73

Hate Crimes by Offense and Motivation Type

Table 7 provides a breakdown of the offenses and the motivation type for each offense, for all agencies that reported hate crimes for 2014. Based on the information provided to the Attorney General's Office, the figures provide the most complete picture of reported hate crimes in individual communities, as well as entire counties.

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 do a more thorough job of reporting them. As with other crime data, this report does not include unreported crimes or crimes that may be hate-related but are not classified as hate crimes or that are not reported by victims.

**Table 7. Hate Crimes by Offense and Motivation Type
January 1 – December 31, 2014**

County	Agency	Offenses	Race/Color	Religion	Ethnicity/Nat'l Origin	Sexual Orientation	Physical Disability	Mental Disability	Advanced Age	Total
ALACHUA	Alachua County Sheriff's Office	Simple Assault	1	0	0	0	0	0	0	1
	Gainesville Police Department	Aggravated Assault	0	0	0	0	0	2	0	2
	County Total		1	0	0	0	0	2	0	3
BREVARD	Palm Bay Police Department	Aggravated Assault	1	0	0	0	0	0	0	1
	Titusville Police Department	Simple Assault	1	0	0	0	0	0	0	1
	County Total		2	0	0	0	0	0	0	2
BROWARD	Margate Police Department	Intimidation	0	1	0	0	0	0	0	1
	Miramar Police Department	Aggravated Assault	2	0	0	0	0	0	0	2
	Weston Police Department	Simple Assault	1	0	0	0	0	0	0	1
	County Total		3	1	0	0	0	0	0	4
CHARLOTTE	Charlotte County Sheriff's Office	Simple Assault	0	0	0	1	0	0	0	1
	County Total		0	0	0	1	0	0	0	1
CLAY	Clay County Sheriff's Office	Simple Assault	1	0	0	0	0	0	0	1
		Aggravated Assault	0	0	0	1	0	0	0	1
	County Total		1	0	0	1	0	0	0	2
MIAMI DADE	Coral Gables Police Department	Larceny/Theft Offenses	0	2	0	0	0	0	0	2
	Miami Beach Police Department	Intimidation	1	0	0	1	0	0	0	2
		Destruction/Damage/Vandalism of Property	0	4	0	0	0	0	0	4
	North Miami Beach Police Department	Destruction/Damage/Vandalism of Property	0	2	0	0	0	0	0	2
	North Miami Police Department	Aggravated Assault	0	0	0	3	0	0	0	3
County Total		1	8	0	4	0	0	0	13	
ESCAMBIA	Pensacola Police Department	Simple Assault	0	1	0	0	0	0	0	1
	County Total		0	1	0	0	0	0	0	1
HENDRY	Clewiston Police Department	Burglary/Breaking and Entering	1	0	0	0	0	0	0	1
	County Total		1	0	0	0	0	0	0	1

County	Agency	Offenses	Race/Color	Religion	Ethnicity\Nat'l Origin	Sexual Orientation	Physical Disability	Mental Disability	Advanced Age	Total
HILLSBOROUGH	Temple Terrace Police Department	Simple Assault	3	0	0	0	0	0	0	3
	County Total		3	0	0	0	0	0	0	3
LEE	Lee County Sheriff's Office	Destruction/Damage/Vandalism of Property	0	2	0	0	0	0	0	2
	County Total		0	2	0	0	0	0	0	2
MANATEE	Manatee County Sheriff's Office	Simple Assault	3	0	0	0	0	0	0	3
		Aggravated Assault	1	0	0	0	0	0	0	1
	County Total		4	0	0	0	0	0	0	4
ORANGE	Orange County Sheriff's Office	Simple Assault	0	0	0	1	0	0	0	1
		Destruction/Damage/Vandalism of Property	0	0	1	1	0	0	0	2
	Orlando Police Department	Aggravated Assault	3	0	0	0	0	0	0	3
		Simple Assault	0	0	0	1	0	0	0	1
		Larceny/Theft Offenses	0	0	0	1	0	0	0	1
	Ocoee Police Department	Simple Assault	0	0	0	1	0	0	0	1
Winter Garden Police Department	Destruction/Damage/Vandalism of Property	0	0	1	0	0	0	0	1	
County Total		3	0	2	5	0	0	0	10	

Hate Crimes in Florida 2014

County	Agency	Offenses	Race\Color	Religion	Ethnicity\Nat'l Origin	Sexual Orientation	Physical Disability	Mental Disability	Advanced Age	Total
OSCEOLA	Kissimmee Police Department	Aggravated Assault	0	0	2	0	0	0	0	2
		Simple Assault	0	0	0	2	0	0	0	2
	County Total		0	0	2	2	0	0	0	4
PALM BEACH	Delray Beach Police Department	Aggravated Assault	0	0	1	0	0	0	0	1
	Jupiter Police Department	Robbery	0	0	0	1	0	0	0	1
	West Palm Beach Police Department	Murder and Non negligent manslaughter	1	0	0	0	0	0	0	1
		Intimidation	1	0	0	0	0	0	0	1
		Destruction/Damage/Vandalism of Property	1	1	0	0	0	0	0	2
Aggravated Assault	1	0	0	0	0	0	0	0	1	
County Total		4	1	1	1	0	0	0	7	
PASCO	Pasco County Sheriff's Office	Simple Assault	1	0	0	0	0	0	0	1
	County Total		1	0	0	0	0	0	0	1
PINELLAS	Largo Police Department	Simple Assault	0	0	1	0	0	0	0	1
	County Total		0	0	1	0	0	0	0	1
ST. LUCIE	Port St. Lucie Police Department	Destruction/Damage/Vandalism of Property	0	0	0	1	0	0	0	1
	County Total		0	0	0	1	0	0	0	1
SEMINOLE	Oviedo Police Department	Destruction/Damage/Vandalism of Property	2	0	0	0	0	0	0	2
	Seminole County Sheriff's Office	Simple Assault	0	0	1	0	0	0	0	1
	County Total		2	0	1	0	0	0	0	3

County	Agency	Offenses	Race\Color	Religion	Ethnicity\Nat'l Origin	Sexual Orientation	Physical Disability	Mental Disability	Advanced Age	Total
SUMTER	Sumter County Sheriff's Office	Destruction/Damage/Vandalism of Property	3	0	0	0	0	0	0	3
	County Total		3	0	0	0	0	0	0	3
VOLUSIA	Volusia County Sheriff's Office	Aggravated Assault Simple Assault	2 1	0 0	0 0	0 0	0 0	0 0	0 0	2 1
	County Total		3	0	0	0	0	0	0	3
WAKULLA	Wakulla County Sheriff's Office	Destruction/Damage/Vandalism of Property	2	0	0	0	0	0	0	2
	County Total		2	0	0	0	0	0	0	2
WALTON	Walton County Sheriff's Office	Intimidation	2	0	0	0	0	0	0	2
	County Total		2	0	0	0	0	0	0	2
GRAND TOTAL			36	13	7	15	0	2	0	73

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, ethnicity/ancestry/national origin or sexual orientation, mental or physical disability or advanced age."

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 and 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 and enforcement, and prosecutorial efforts related to hate-motivated crimes.

The Hate Crime Report Manual provides the following definition 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 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 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 force of a physical nature has been used in order to gain entrance to some premises, the attempted burglary is reported.

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 some 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 types of larcenies.

General Rule: 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.

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.

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 hate-motivated incidents should be classified as arson. If the investigation later proves that 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 for 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 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 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 Attorney General's Office of Civil Rights
Hate Crimes Training Program***

The Florida Attorney General's Office of Civil Rights has developed a hate crimes training program specifically designed to train law enforcement officers, detectives/ investigators, supervisory personnel and command staff in the detection, investigation, processing and reporting of hate crimes. This training is available upon request without charge to any Florida law enforcement agency.

For more information, contact:

The Florida Attorney General's Office
Office of Civil Rights
107 West Gaines Street
Tallahassee, Florida 32301
(850) 414 -3300

Appendix 3 - Sources of Additional Information on Hate Crimes

Anti-Defamation League
Florida Regional Office
621 N.W 53RD Street
Suite 450
Boca Raton, Florida 33487
(561) 988-2900
E-mail: florida@adl.org
www.adl.org

Federal Bureau of Investigation
Uniform Crime Reporting Program
100 Custer Hollow Road
Clarksburg, WV 26306
(304) 625-2000
(304) 625-4995
www.fbi.gov

Japanese-American Citizens League
1629 K Street N.W.
Suite 400
Washington, D.C. 20006
(202) 223-1240
www.jacl.org

League of United Latin American Citizens
1133 19th St. N.W.
Suite 1000
Washington, DC 20036
(202) 833-6130
www.lulac.org

NAACP, National Headquarters
4805 Mt. Hope Drive
Baltimore, Maryland 21215
(410)580-5777
www.naacp.org

National Gay and Lesbian Task
Force
1325 Massachusetts Ave., N.W.
Suite 6
Washington, D.C. 20005
(202) 393-5177
or
3510 Biscayne Boulevard
Suite 206
Miami, FL 33137
(305) 571-1924
www.thetaskforce.org

Organization of Chinese Americans, Inc.
1322 18th Street, N.W.
Washington, D.C. 20036
(202) 223-5500
www.ocanational.org

The Prejudice Institute
2743 Maryland Avenue
Baltimore, Maryland 21218-4329
(410) 243-6987
www.prejudiceinstitute.com

Southern Poverty Law Center
400 Washington Avenue
Montgomery, Alabama 36104
(334) 956-8200
www.splcenter.org

U.S. Department of Justice
Community Relations Services
51 First Avenue, S.W.
Suite 624
Miami, Florida 33130
(305) 536-5206
www.usdoj.gov/crs/