

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE**  
**1135. 1, HATE CRIMES**

EFFECTIVE:	6/15/2012
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REVIEW RESPONSIBILITY:	CRIMINAL INVESTIGATIONS DIVISION COMMANDER
ACCREDITATION CHAPTERS:	NONE
CHIEF OF POLICE:	JOHN W. MINA

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**POLICY:** It shall be the policy of the Orlando Police Department to rapidly and thoroughly investigate all reported hate crime incidents.

The purpose of this policy is to establish the role of the Orlando Police Department in promoting peace and harmony within the community and in ensuring that the rights guaranteed by state law and the United States Constitution are protected for all citizens regardless of their race, color, ethnicity, ancestry, sexual orientation, or religion.

PROCEDURES:

**1. DEFINITIONS**

Hate Crime: A committed or attempted act by any person or group of persons against a person or the property of another person or group that in any way evidences prejudice or hatred toward the victim because of his/her personal characteristics.

Personal Characteristics: Includes race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or advanced age.

**2. RESPONSIBILITIES**

Whenever any hate crime incident comes to the attention of any employee, the incident shall immediately be reported to the employee's supervisor and an incident report shall be completed.

Florida Statutes and case law require that:

- a. The perpetrator must demonstrate prejudice or bias;
- b. This bias must be evidenced in the commission of the crime;
- c. The bias must be based on one or more of the personal characteristics of the victim; and
- d. The perpetrator perceived, knew, or had reasonable grounds to know or perceive, that the victim was within the group delineated by statute.

The motivation behind the act (i.e., the selection of the victim) is the key element in determining whether an incident is hate related. Officers must rely on their investigative judgment, as well as probable cause standards, to assist them in determining whether a specific incident constitutes a hate-motivated crime. Statements of victims, witnesses, or suspects, as well as physical evidence, may be used to make this determination.

2.1 RESPONSIBILITIES OF OFFICERS:

- a. Respond in a professional manner.
- b. Preserve the crime scene and evidence.
- c. Take appropriate investigative and enforcement action.

- d. Complete a detailed report, clearly identify the incident as a hate crime, and document any materials utilized in the crime or evidence recovered at the scene, including full data on the materials used (e.g., cross, literature, or paint), size or construction of wrappings or messages, the method of removal, and the disposition of the remains. Hate crime reports shall be forwarded by Report Review to the Intelligence Unit and routed in the same manner as other Incident Reports.

## 2.2 RESPONSIBILITIES OF FIELD SUPERVISORS

- a. Respond immediately to the scene of all incidents.
- b. Ensure that the crime scene is protected.
- c. Notify the on-call CID personnel (Assault and Battery Unit) as deemed appropriate by the supervisor.
- d. Notify the Watch Commander.
- e. Ensure that the scene is properly processed and evidence gathered.
- f. Notify Media Relations as soon as possible, as needed, or per the current issue of P&P 1119.
- g. If appropriate, the watch commander shall arrange for an immediate increase of patrols throughout the affected area.
- h. If, in the judgment of the patrol supervisor, the potential for further acts of violence still exists, a unit should be specifically assigned to the location in a fixed post position.
- i. Ensure that all physical remains of the incident are removed after processing is completed.
- j. If the remains cannot be removed (e.g., paint on walls), the supervisor shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
- k. Ensure that the report is appropriately classified as a hate crime and that the report contains all necessary information, including the clear identification of the incident as a hate crime, full data on the materials used (e.g., cross, literature, or paint), size or construction of wrappings or messages, the method of removal, and the disposition of the remains.

## 2.3 RESPONSIBILITIES OF INTELLIGENCE UNIT

Intelligence Unit personnel may respond to the scene of any serious hate crime incident involving injury to persons or destruction of property and will assist the appropriate lead investigative unit to (if applicable):

- a. Contact appropriate state and/or other local law enforcement agencies for assistance with serious cases.
- b. Maintain liaison with federal, state, and other local agencies for intelligence information exchange.
- c. Review incident reports for patterns of incidents occurring at either the same location or directed at a particular individual or group.

## 3. REPORTING PROCEDURES

All hate crime reports will be clearly denoted by investigating personnel according to agency reporting procedures.

Supervisory personnel will assure the adequate identification and classification of such reports.

Report Review personnel will classify and report hate crimes according to the definitions and procedures established by the Florida Department of Law Enforcement.

## 4. TRAINING

All patrol, investigative, and supervisory personnel shall receive periodic training on hate crime issues and investigations including:

- a. Definitions and classifications
- b. Victim issues and treatment
- c. Changing case law
- d. Investigative techniques
- e. Organized groups and activities