

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1135.3, HATE CRIMES

EFFECTIVE:	12/21/2022
RESCINDS:	1135.2
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	CRIMINAL INVESTIGATIONS DIVISION COMMANDER
ACCREDITATION CHAPTERS:	NONE
CHIEF OF POLICE:	ERIC D. SMITH

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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 ensuring 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 evidencing prejudice or hatred toward the victim because of his/her personal characteristics.

Personal Characteristics: Includes race, color, ancestry, ethnicity, religion, sexual orientation, gender/gender identity, national origin, homeless status, mental or physical disability, or advanced age. **Gender/gender identity are protected characteristics for federal prosecutions only.**

2. RESPONSIBILITIES

Whenever a 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.

A law enforcement officer must have two factors to label an incident a Hate Crime:

- a. A criminal act must have been committed or attempted AND
- b. The criminal act must have been motivated by hatred/bias based on personal characteristics

The motivation behind the act is the key element in determining whether an incident is a Hate Crime. 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 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 and preserve the crime scene and evidence.
- b. Take appropriate investigative and enforcement action.
- c. Complete a detailed report, 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.

2.2 RESPONSIBILITIES OF FIELD SUPERVISORS

- a. Respond immediately to the scene of all incidents.
- b. Ensure the crime scene is protected.
- c. Notify the on-call CID personnel (Violent Crimes Unit) as deemed appropriate by the supervisor.
- d. Notify the Watch Commander.
 - i. If appropriate, the watch commander shall arrange for an immediate increase of patrols throughout the affected area.
- e. Ensure the scene is properly processed, and evidence gathered.
- f. Notify Media Relations and the Public Information Manager as soon as possible, as needed, or per the current version of P&P 1119.
- g. 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.
- h. Ensure all physical remains of the incident are removed after processing is completed.
 - i. 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.
- i. Ensure the report is appropriately classified as a Hate Crime and 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.
 - i. Hate crime reports shall be forwarded by Report Review to the Intelligence Unit and routed in the same manner as other Incident Reports.

2.3 RESPONSIBILITIES OF THE 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 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