

Prosecutor Interview Instrument

SECTION A: Hate Crime Case Processing

1. To what extent do you work with Miami's police departments in identifying hate crimes against lesbian, gay, bisexual, transgender, queer, or gender nonconforming individuals (LGBTQ/GNC)?
2. How does your collaboration differ from those for other types of hate crimes, not motivated by an anti-LGBTQ/GNC bias (e.g., anti-Muslim hate crimes)?
3. Which police departments do you work the closest with on identifying and prosecuting anti-LGBTQ/GNC hate crimes?
4. Can you describe the case screening process in your office?
 - a) What type of questions do prosecutors and/or paralegals ask when determining the presence or absence of the "hate crime" motivation?
 - b) Can you describe how the office decides to include or not to include a hate crime charge?
 - c) What factors do you consider the most (e.g., case prosecutability, caseload burden, community interest)?
 - d) At what stage of case processing is a hate crime charge most likely to be added?
 - e) At what stage of case processing is a hate crime charge most likely to be dropped?
 - f) What role do hate crime charges play in the plea-bargaining process?
 - g) Can you describe any specific experiences you may have had with this?
 - h) Are there any specific plea offer guidelines for hate crimes? If so, is it used consistently across all prosecutors?

SECTION B: Challenges and Opportunities for Reform

5. Why do you think there have only been a few anti-LGBTQ/GNC hate crimes processed by your office in the past decade?

6. How important is it to pursue a hate crime charge if a defendant is likely to be convicted of another serious offense anyway (e.g., aggravated assault or vandalism)?
7. Are cases involving family members (e.g., older brother physically assaulting a younger brother because of the younger brother's non-traditional gender expression) viewed differently compared to those committed by strangers?
8. Should there be a different standard for family members versus strangers? To what extent should the nature of the relationship influence prosecutorial decision to press the hate crime charge?
9. Where do you think we should draw the line between the family matter (such as how to teach an adolescent gender roles) versus a public safety concern? At what point, if any, should parents and other relatives be held accountable for psychological and physical abuse?
10. Do you think LGBTQ/GNC individuals are comfortable reporting a crime and collaborating with law enforcement to ensure the timely prosecution of hate crimes?
11. What barriers to reporting do you envision?
12. What type of training is available for staff attorneys and paralegals for effectively detecting hate crime motivations, and for making appropriate charging decisions?
13. If there is any training, does it specifically focus on anti-LGBTQ/GNC hate crimes?
14. What are the specific challenges in prosecuting hate crimes cases and how do they differ from the challenges posed by other types of cases?
15. Where do you see opportunities for improving the following:
 - a. Identification of anti-LGBTQ/GNC hate crimes
 - b. Reporting of anti-LGBTQ/GNC hate crimes
 - c. Prosecution of anti-LGBTQ/GNC hate crimes
 - d. Service referral and delivery to the victims of anti-LGBTQ/GNC hate crimes
 - e. Prevention of anti-LGBTQ/GNC hate crimes
16. What do you think about the role of social media and technology in identifying possible hate crimes and proving the hate motivation? Do you have a specific experience in this matter?

SECTION C: Data Collection from Case Files

17. We will be reviewing prosecutorial case files to collect additional information not available through administrative records. Can you tell us, where in case files, we can gather information about:
 - a. If the “hate crime” enhancer was ever considered but no formal charge has been made
 - b. If the “hate crime” enhancer was added at any point during case processing
 - c. If plea negotiations included negotiations about a hate crime charge
 - d. Evidentiary information (such as victim testimony) to support the prosecutors’ decision to add or drop a hate crime charge
 - e. The nature of victim-offender relationship

18. What challenges do you anticipate with using the administrative data to understand the investigation and prosecution of hate crimes?

19. What challenges do you anticipate with using the case file review data to understand the investigation and prosecution of hate crimes?

SECTION A: Hate Crime Identification and Case Processing

1. To what extent do you work with the Miami-Dade State Attorney's Office in identifying hate crimes against lesbian, gay, bisexual, transgender, queer, or gender nonconforming individuals (LGBTQ/GNC)?
2. Can you describe your collaboration with Miami-Dade County's other law enforcement agencies in terms of identification and investigation of anti-LGBTQ/GNC hate crimes?
3. Can you describe how you make decisions whether to refer a case to the SAO as a possible hate crime or not?
4. What type of questions do prosecutors and/or paralegals ask you (when you bring a case to the SAO) to determine the presence or absence of the "hate crime" motivation?
5. Why do you think there have only been a few anti-LGBTQ/GNC hate crimes processed by your department?
6. How important is it to gather evidence on the "hate crime" motivation if a defendant is likely to be convicted of another serious offense anyway (e.g., aggravated assault or vandalism)?
7. Are cases involving family members (e.g., older brother assaulting a younger brother because of the younger brother's non-traditional gender expression) viewed differently by MDPD compared to those committed by strangers?
8. Does the fact that the perpetrators might be a family member decrease the chances of arrest?
9. Where do you think we should draw the line between the family matter (such as how to teach an adolescent gender roles) versus a public safety concern? At what point, if any, should parents and other relatives be held accountable for psychological and physical abuse?
10. Do you think LGBTQ/GNC individuals are comfortable reporting a crime and collaborating with law enforcement to ensure the timely detection and investigation of hate crimes?
11. Do you think there might be barriers preventing victim from reporting and seeking help? If so, what are they?

12. Can you describe your current capacity for identifying anti-LGBTQ/GNC hate crimes and providing victims with appropriate services?
13. What type of training is available for police officers and detectives for effectively detecting hate crime motivations, and for making appropriate arrest decisions?
14. If there is any training, does it specifically focus on anti-LGBTQ/GNC hate crimes?

SECTION B: Challenges and Opportunities for Reform

15. What are the specific challenges in identifying and investigating hate crime cases, and how do they differ from the challenges posed by other types of cases?
16. Where do you see opportunities for improving the following:
 - a. Identification of anti-LGBTQ/GNC hate crimes
 - b. Reporting of anti-LGBTQ/GNC hate crimes
 - c. Investigation of anti-LGBTQ/GNC hate crimes
 - d. Service referral and delivery to the victims of anti-LGBTQ/GNC hate crimes
 - e. Prevention of anti-LGBTQ/GNC hate crimes
17. What do you think about the role of social media and technology in identifying possible hate crimes and proving the hate motivation? Do you have a specific experience in this matter?