

# Criminal Justice Data Brief

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Anne E. Lopez, Attorney General

Julie Ebato, Administrator  
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## *Hate Crimes in Hawaii, 2023*

*Prepared by  
Paul Perrone, Chief of Research and Statistics  
and  
Michelle Masters, Research Analyst*

Hawaii Revised Statutes §846-51 through §846-54 require the Department of the Attorney General to develop, direct, and report annually on a statewide hate crime statistics reporting program. With input and assistance from Hawaii's county prosecuting attorneys and police departments, the state program was launched on January 1, 2002.

This annual report covers hate crime cases that reached a final disposition during Calendar Year 2023. Seven cases were reported to the program for this period; details appear on pages 3-4. In addition, the Honolulu Department of the Prosecuting Attorney reported 17 cases that should have been submitted previously, during the 2017-2022 period; details appear on pages 4-6. Updated summary statistics are also included.

### Definition and Background

Similar to the federal definition, the term "hate crime" is legally defined in Hawaii as "any criminal act in which the perpetrator intentionally selected a victim, or in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person" (HRS §846-51). "Gender identity or expression" was added in Hawaii in 2003 but was not included at the federal level until 2013.

It is important to note that hate crimes are not new types of offenses, but rather are traditional offenses (e.g., assault, vandalism) for which an offender's intent is at least partially based upon a bias against one or more of the protected groups. However, they differ from most traditional offenses in the frequently complicated process of determining if a hate crime has, in fact, occurred. While two heinous and highly publicized hate crimes that oc-

curred nationally in 1998<sup>1</sup> offer clear-cut examples, far more common are thousands of comparatively lesser offenses that exhibit at least one hate crime characteristic (see next section), but where it is difficult to determine the true motive and intent of the offenders. One of the challenges in these otherwise routine cases is in having sufficient investigative resources to definitively answer not only the standard question that the criminal justice system is designed to address, i.e., "Who did what to whom?" but also, "What were the offender's thoughts, biases, and motives – what was in his or her heart and mind at the time?"

The use of the term "intentionally" in Hawaii's hate crime definition adds further complication, as there are specific legal standards that must be met to establish criminal intent.

### Hate Crime Characteristics

The FBI's national program emphasizes a list of fourteen characteristics that should be considered when determining if an offense is a hate crime (CJIS, 1999). These same characteristics are also utilized in the Hawaii program. A critical concept concerning these characteristics is that they are not stringent criteria, *per se* – there is no requirement as to certain key characteristics or the minimum number of characteristics that must be present for an offense to be determined a hate crime.

1. The offender and victim are of a different race, religion, disability, ethnicity/national origin, or sexual orientation (hereafter "group").
2. Bias-related oral comments, written statements, or gestures were made by the offender.

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<sup>1</sup> The truck-dragging murder of James Byrd, Jr. in Texas in June, and the fatal beating of Matthew Shepard in Wyoming in October.

3. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene.
4. Certain objects, items, or things which indicate bias were used.
5. The victim is a member of a group which is overwhelmingly outnumbered by other residents in the community where the crime took place.
6. The crime occurred in an area where other hate crimes against the victim's group have occurred, and where tensions remain high against this group.
7. Several incidents occurred in the same locality, at or about the same time, and the victims were all of the same group.
8. A substantial portion of the community where the crime occurred perceives that the incident was motivated by bias.
9. The victim was engaged in activities promoting his/her group.
10. The incident coincided with a holiday or a date of particular significance to the victim's group.
11. The offender was previously involved in a similar hate crime or is a member of a hate group.
12. There are indications that a hate group was involved.
13. A historically established animosity exists between the victim's and the offender's groups.
14. The victim, although not a member of the targeted group, was a member of an advocacy group supporting the precepts of the victim group.

### **Hate Crime Statistics Reporting in Hawaii**

Given the need for the most complete and accurate information, as well as the legal requirement to establish intent, Hawaii's hate crime statistics reporting program is set at the prosecution level. This avoids the pitfall that has occurred in many jurisdictions where the police report hate crime statistics. Specifically, the police are not able to investigate the interpersonal dynamics involved in many relatively less serious offenses that exhibit at least one hate crime characteristic (especially as the vast majority of these cases would *not* ultimately be determined to be hate crimes), particularly when an offender is not identified/arrested or when

the "possible hate crime" aspects of an alleged incident are ambiguous.<sup>2</sup>

By placing the point of data collection at the prosecution level, Hawaii's program avoids false positives, utilizes limited police resources much more efficiently, and is based on incidents that clearly meet the State's legal definition of hate crimes, i.e., criminal acts for which the intent of the perpetrator(s) is determined to be derived from hostility toward one or more of the protected groups. It also provides the ability to conduct statistical inquiries into case processing and outcomes, which yield important data that are generally not included in other jurisdictions' hate crime reporting.

The prosecutors' ability to make determinations of the intent behind possible hate crimes is dependent upon receiving good preliminary information from the police. In the Hawaii program, it is the police departments' responsibility to ensure that "suspected hate crime" information, when applicable, is clearly and consistently included in their incident reports.

At the request of this Department, the FBI provided hate crime recognition training to Hawaii's police departments on several occasions during the latter half of the 1990s and conducted specialized training sessions for prosecutors in 2002 and 2020. The police also include a hate crime module in their training programs for officer recruits.

The Hawaii program's data elements generally parallel those utilized in the FBI's program (CJIS, 1999). It was necessary to modify some of the data elements to more appropriately reflect the uniqueness of Hawaii (e.g., "beach or beach park" was added as a location code). In addition, the Hawaii program collects data on charge descriptions and dispositions. A completed hate crime report is due to the program no later than the last business day of the month following one in which a case reaches its final disposition, regardless of whether there was a conviction. Although Hawaii law does not provide for enhanced sanctions against perpetrators of misdemeanor-level hate crimes, or against juvenile perpetrators of hate crimes, these cases must still be reported for statistical purposes.

Similar to the FBI's quarterly summary report, an annual summary report form requiring the respective Prosecuting Attorney's (department head)

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<sup>2</sup> Although most "possible hate crimes" (i.e., cases that exhibit at least one of the 14 characteristics) are not genuine hate crimes, they must be initially treated as such. Sometimes even seemingly obvious hate crimes may be invalidated upon thorough investigation.

signature is included in the Hawaii program. The annual summary provides the prosecutors' tally of hate crimes disposed and reported, and is useful for verifying data received by the program earlier in the year.

### **Case Details for 2023**

As presented below, a statewide total of seven hate crime incidents, including six from the City and County of Honolulu and one from Maui County, were reported to Hawaii's hate crime statistics reporting program for calendar year 2023. Offender ages were calculated based on the time of the hate crime incidents, and criminal history tallies were calculated at the time of this report's preparation.

The first hate crime incident occurred in Maui County on December 2, 2020, and the case reached its final disposition on March 9, 2023. In this incident, the offender, a 26-year-old male of Native Hawaiian descent, with a criminal history record including one felony conviction and two misdemeanor convictions, illegally entered the victim's home while it was unoccupied, assaulted the victim when he returned to the premises, and then drove off in the victim's truck. The offender directed anti-White insults at the victim during the assault. The offender was arrested and charged with robbery in the second degree, burglary in the second degree, theft in the second degree, and assault in the third degree. He pleaded guilty to the robbery charge and received a 10-year prison sentence, and the other charges were dismissed.

The second incident occurred in the City & County of Honolulu on January 5, 2023, and the case reached its final disposition on March 10, 2023. In this incident, the offender, a 59-year-old Black male, with a criminal history record including nine felony convictions, five misdemeanor convictions, and 10 petty misdemeanor/violation convictions, was in the process of being arrested for an outstanding bench warrant when he directed threatening statements and anti-Asian insults at the arresting officer and spat in the officer's face. The offender was charged with harassment for these actions but was found not guilty at trial.

The third incident occurred in the City & County of Honolulu on January 25, 2023, and the case reached its final disposition on May 3, 2023. In this incident, the offender, a 33-year-old male of Korean descent, with a criminal history record including one misdemeanor conviction, approached the victim outside of a grocery store, and pointed his fingers close to the victim's face and made a pok-

ing motion while uttering anti-Black slurs. This continued for some time, and the offender ultimately poked the victim in the face just below the eyes. The offender was arrested and charged with harassment, to which he pleaded guilty and was sentenced to three days in jail and ordered to participate in mental health assessment and treatment.

The fourth incident occurred in the City & County of Honolulu on March 18, 2023, and the case reached its possibly final disposition on May 9, 2023. In this incident, the offender, a 36-year-old male of Native Hawaiian descent, with no prior criminal record, crossed a street while yelling threats and anti-White insults at the victim, and then punched the victim in the face and chest. The offender was arrested and charged with assault in the third degree, but he failed to appear in court and a bench warrant for his arrest was issued.

The fifth incident occurred in the City & County of Honolulu on January 13, 2023, and the case reached its final disposition on June 1, 2023. In this incident, the offender, a 31-year-old White male, with a criminal history record including two felony convictions, two misdemeanor convictions, and 10 petty misdemeanor/violation convictions, was riding a public bus and began mimicking an autistic passenger's physical movements and sounds despite requests from the victim's caregiver for the offender to stop. The offender was arrested and charged with disorderly conduct with coarse behavior, but the charge was dismissed by the court.

The sixth incident occurred in the City & County of Honolulu on April 8, 2021, and the case reached its final disposition on July 5, 2023. In this incident, the offender, a 21-year-old White male, with a criminal history including one misdemeanor conviction, was in a grocery store and directed anti-Asian and anti-homosexual insults at the victim while assuming a fighting stance. The offender then struck the victim in the face with an open hand. The offender was charged with and pleaded guilty to harassment and was sentenced to three days in jail.

The seventh incident occurred in the City & County of Honolulu on December 27, 2021, and the case reached its final disposition on October 20, 2023. In this incident, the offender, a 42-year-old Native Hawaiian male, with a criminal history record including two felony convictions, eight misdemeanor convictions, and 12 petty misdemeanor or violation convictions, was outside the home of the victim, who had a restraining order against the offender. The offender screamed accusations and

anti-White insults at the victim, and uttered additional anti-White slurs and a death threat at the responding police officer who the offender assumed would soon arrive. The offender was arrested and charged with two counts of violating a restraining order and one count of terroristic threatening in the second degree but was subsequently determined to be mentally unfit to proceed and the charges were dismissed by the court.

### **Additional Incidents for the City & County of Honolulu, 2017-2022**

In their review of cases for inclusion in this annual report for 2023, personnel from the Honolulu Department of the Prosecuting Attorney also identified and reported 17 additional hate crime incidents that should have been previously submitted for inclusion in the 2017-2022 report editions. The case summaries for these incidents are presented below, and updated figures appear in the data tables presented in the next section.

The first additional incident occurred on March 20, 2017, and the case reached its final disposition on April 11, 2017. In this incident, the offender, a 31-year-old Native Hawaiian female, with a criminal history record including five misdemeanor convictions, and 12 petty misdemeanor/violation convictions, turned off the lights illuminating a stairwell in a building where the victim also lived. The victim asked the offender to turn the lights back on, at which point the offender began uttering anti-Black slurs and left only when the victim threatened to call the police. The offender returned later and punched one of the victim's windows, breaking the jalousie. The offender was arrested and charged with criminal property damage in the fourth degree, and criminal trespass in the first degree. The offender pleaded guilty to the property damage and the trespass charge was dismissed. The offender was sentenced to five days in jail and six months of probation and was ordered to stay away from the victim's residence.

The second additional incident occurred on May 17, 2017, and the case reached its final disposition on November 7, 2017. In this incident, the offender, a 66-year-old Native Hawaiian male, with no criminal history record, was cleaning a statue in Waikiki when the victim approached and tried to place a lei on the statue. The offender yelled anti-White slurs at the victim, leading to a verbal argument. The offender then hit the victim in the face and elbow area multiple times. The offender was arrested and charged with assault in the third degree. After being granted a deferred acceptance of

his no-contest plea, the offender was under court supervision for 12 months and ordered to perform 28 hours of community service.

The third additional incident occurred on September 19, 2017, and the case reached its final disposition on April 2, 2018. In this incident, the offender, a 22-year-old White female, with a criminal history record including one misdemeanor conviction and one petty misdemeanor/violation conviction, was a passenger in a vehicle that was stopped by the police. After the driver was arrested for suspicion of driving under the influence, an officer asked the offender to move the car off of the freeway. Instead, the offender shouted anti-Black and other insults at the officer. The offender was arrested and charged with disorderly conduct, to which she pleaded guilty and was fined \$300.

The fourth additional incident occurred on October 6, 2017, and the case reached its final disposition on June 7, 2018. In this incident, the offender, a 63-year-old Native Hawaiian female, with a criminal history record including three felony convictions, three misdemeanor convictions, and one petty misdemeanor/violation conviction, was a passenger in a vehicle involved in a minor motor vehicle collision with the victim's vehicle in a parking lot. The offender shouted anti-White insults and struck the victim multiple times on the arms. The offender was arrested and charged with harassment, pleaded guilty, and was sentenced to 20 hours of community service in lieu of a \$200 fine.

The fifth additional incident occurred on May 1, 2018, and the case reached its final disposition on October 23, 2018. In this incident, the offender, a 23-year-old female of Samoan descent, with a criminal history record including two petty misdemeanor/violation convictions, was driving a vehicle that was involved in a collision. When a responding police officer asked the offender to participate in a field sobriety test, the offender began yelling anti-White bias statements, cursing, and repeatedly lunging at and threatening to hit the officer. The offender was arrested and charged with harassment and operating a motor vehicle while under the influence (DUI), but the prosecutors declined to pursue the harassment charge. (The DUI charge was prosecuted but was not a hate crime.)

The sixth additional incident occurred on September 27, 2017, and the case reached its final disposition on April 25, 2019. In this incident, the offender, a 20-year-old Native Hawaiian male, with a criminal history record of one petty misdemeanor/violation conviction, began walking very closely

behind the victim, who walking two small dogs on a sidewalk. The victim turned around and addressed the offender, who told the victim to keep walking. The victim picked up one of the dogs and began walking faster away from the offender. The offender then told the victim to pick up the other dog and threatened to step on its head. As the victim continued to walk away, the offender yelled anti-homosexual insults at the victim. The offender was arrested and charged with terroristic threatening in the second degree and resisting arrest, but both charges were dismissed by the court.

The seventh additional incident occurred on June 17, 2020, and the case reached its final disposition on June 29, 2020. In this incident, the offender, a 45-year-old Native Hawaiian male, with a criminal history record including five misdemeanor convictions and two petty misdemeanor/violation convictions, approached the victim and third party who were seated on the stairs outside of a shelter. The offender sat down next to the victim, poked the victim in the ear, and addressed the victim using an anti-White slur. The offender was arrested and pled guilty to assault in the third degree. The offender was sentenced to thirty days in jail with credit for time served.

The eighth additional incident occurred on May 25, 2020, and the case reached its final disposition on November 2, 2020. In this incident, the offender, a 41-year-old Native Hawaiian male, with a criminal history record including two petty misdemeanor/violation convictions, was playing music at his residence when the victim, a neighbor, approached and requested the offender to turn down the volume. The offender began yelling anti-White insults and repeatedly threatened to assault and fight the victim. The offender followed the victim to their residence while continuing to yell threats and insults. The offender was arrested for harassment, pleaded guilty, and ordered to pay a \$170 fine.

The ninth additional incident occurred on October 26, 2019, and the case reached its final disposition on February 26, 2021. In this incident, the offender, a 34-year-old White male, with a criminal history record including one felony conviction, one misdemeanor conviction, and eight petty misdemeanor/violation convictions, was at a beach park speaking with the victim and a third person when the offender became irate at a statement made by the victim. The offender repeatedly hit the victim in the face while uttering anti-White insults. The offender was arrested for assault in the third degree, but the charge was dismissed by the court.

The tenth additional incident occurred on February 7, 2020, and the case reached its possibly final disposition on March 1, 2021. In this incident, the offender, a 52-year-old White male, with a criminal history record including one misdemeanor conviction and three petty misdemeanor/violation convictions, approached the victim on a busy sidewalk and, unprovoked, began yelling anti-Black slurs, cursing, and threatening to kill the victim. The offender was arrested for terroristic threatening in the second degree, but he failed to appear in court and a bench warrant was issued.

The eleventh additional incident occurred on October 26, 2019, and the case reached its final disposition on April 1, 2021. In this incident, the offender, a 25-year-old Black male, with a criminal history record including one misdemeanor conviction, arrived at his place of employment and was informed by the victim that he was not on the schedule that day. The offender began swearing and yelling anti-Black racial slurs and grabbed the victim. The two were separated by bystanders and the victim turned away from the offender to return to work. The offender then punched the victim in the side of the face. The offender was arrested for harassment, pleaded no contest, and received a deferred sentence.

The twelfth additional incident occurred on March 4, 2021, and the case reached its final disposition on April 23, 2021. In this incident, the offender, a 34-year-old male of Samoan descent, with a criminal history record including two felony convictions, 16 misdemeanor convictions, and 14 petty misdemeanor/violation convictions, approached the victim walking near a pedestrian overpass and, unprovoked, began harassing the victim with anti-homosexual insults and cursing. The offender was arrested and charged with assault in the third degree, pleaded guilty to the lesser charge of harassment, and was sentenced to 30 days in jail with credit for time served.

The thirteenth additional incident occurred on March 14, 2021, and the case reached its final disposition on May 21, 2021. In this incident, the offender, a 31-year-old male of Micronesian descent, with a criminal history record including one misdemeanor conviction and two petty misdemeanor/violation convictions, approached the victim who was sitting at a bus stop. Without provocation, the offender hit the victim in the side of the head and threatened him while uttering anti-White statements. The offender was arrested for assault in the third degree, but the charge was dismissed by the court.

The fourteenth additional incident occurred on June 26, 2020, and the case reached its final disposition on July 31, 2021. In this incident, the offender, a 38-year-old White female, with a criminal history record including four petty misdemeanor/violation convictions, was taken by officers to Queens for medical clearance after being arrested on an unrelated charge. While at the hospital, she referred to another patient using an anti-Black insult. The offender was charged with harassment but the charge was dismissed by the court.

The fifteenth additional incident occurred on November 1, 2020, and the case reached its final disposition on August 31, 2021. In this incident, the offender, a 56-year-old Native Hawaiian male, with a criminal history record including one felony conviction, 13 misdemeanor convictions, and seven petty misdemeanor/violation convictions, approached the victim from behind on a public sidewalk. The offender shouted that he was going to kill all White people and uttered anti-White slurs. The offender then yelled that he was going to murder the victim. The offender was arrested and charged with terroristic threatening but the case was dismissed by the court.

The sixteenth additional incident occurred on March 13, 2021, and the case reached its final disposition on November 30, 2021. In this incident, the offender, a 28-year-old White male, with a criminal history record including two petty misdemeanor/violation convictions, was in a holding cell at the police station following his arrest for unrelated charges, when he began shouting anti-homosexual and anti-transgender insults at one of the officers, despite repeated requests from other officers for him to stop. The offender was arrested, again, for harassment, but the charge was declined by the prosecutors due to lack of proof beyond a reasonable doubt.

The seventeenth additional incident occurred on December 4, 2017, and the case reached its final disposition on December 8, 2022. In this incident, the offender, a 34-year-old Black male, with no criminal history record, was observed kicking and punching a victim multiple times while the victim lay on the ground in a fetal position, and while shouting anti-White insults at the victim. The offender was arrested for assault in the third degree, but the charge was dismissed by the court.

## Summary Statistics, 2002-2023

A total of 89 hate crime cases were reported to Hawaii's hate crime statistics reporting program since its inception in 2002, yielding a 22-year average of 4.0 cases reported statewide per year and 1.0 case reported per participating agency per year. The following table provides statewide and county tallies of hate crime cases reported annually to Hawaii's program:

Year	C&C of Honolulu	Hawaii County	Maui County	Kauai County	State Total
2002	2	0	0	0	2
2003	1	0	0	0	1
2004	1	0	0	0	1
2005	0	1	0	0	1
2006	6	0	0	0	6
2007	1	0	0	0	1
2008	0	1	0	0	1
2009	0	0	1	0	1
2010	2	0	0	0	2
2011	1	0	0	0	1
2012	0	0	0	0	0
2013	0	1	0	3	4
2014	0	0	0	1	1
2015	0	0	0	2	2
2016	1	0	0	2	3
2017	3*	0	0	2	5*
2018	7*	0	1	1	9*
2019	8*	0	0	1	9*
2020	5*	0	1	0	6*
2021	13*	0	0	1	14*
2022	7*	0	4	0	11*
2023	6	0	1	0	7
<b>Total</b>	<b>64</b>	<b>3</b>	<b>8</b>	<b>13</b>	<b>88</b>

*\*Revised July 2024.*

Due to multiple biases expressed in some cases, the 88 hate crime cases identified above involved a total of 98 bias instances, as categorized below:

Bias Type	# of Bias Instances	% of Total Bias Instances	% within Bias Type
<b>Race/Ethnicity/Nat'l Origin</b>	<b>77</b>	<b>78.6</b>	
Anti-White	40	40.8	51.9
Anti-Black	19	19.4	24.7
Anti-Filipino	4	4.1	5.2
Anti-Arab/Middle Eastern	3	3.1	3.9
Anti-Asian ( <i>non-specific</i> )	3	3.1	3.9
Anti-Hispanic	3	3.1	3.9
Anti-Japanese	2	2.0	2.6
Anti-Chinese	1	1.0	1.3
Anti-Micronesian	1	1.0	1.3
Anti-Russian	1	1.0	1.3
<b>Sexual Orientation</b>	<b>13</b>	<b>13.3</b>	
Anti-Homosexual ( <i>non-specif.</i> )	7	7.1	53.8
Anti-Male Homosexual	3	3.1	23.1
Anti-Female Homosexual	3	3.1	23.1
<b>Religion</b>	<b>6</b>	<b>6.1</b>	
Anti-Jewish	3	3.1	50.0
Anti-Islamic (Muslim)	3	3.1	50.0
<b>Disability</b>	<b>1</b>	<b>1.0</b>	
Anti-Mental Disability	1	1.0	100
<b>Gender Identity</b>	<b>1</b>	<b>1.0</b>	
Anti-Transgender	1	1.0	100

user-friendly *Microsoft Power BI* platform, and will continue to be expanded and enhanced throughout the foreseeable future. NIBRS hate crime reporting is expected to eventually supersede Hawaii's current prosecutor-level reporting program. As noted earlier herein, police-level hate crime reporting includes incidents regardless of whether arrests were made, and the incidents are reported to the state program at the time of the initial police reports, rather than when the cases reach a final disposition.

## Reference

Criminal Justice Information Services Division (October 1999). *Hate Crime Data Collection Guidelines*. U.S. Department of Justice: Federal Bureau of Investigation.

This report can be downloaded in PDF format from the Crime Prevention & Justice Assistance Division web site:  
[ag.hawaii.gov/cpja](http://ag.hawaii.gov/cpja)

## Update on the National Incident-Based Reporting System (NIBRS) and Hate Crime Statistics Reporting in Hawaii

As part of a nationwide initiative, the City and County of Honolulu Police Department transitioned to the most current version of the FBI's Uniform Crime Reporting (UCR) Program, known as the National Incident-Based Reporting System (NIBRS), starting in January 2018. NIBRS requires FBI-style, police-level hate crime reporting, which Hawaii's county police departments did not previously provide. After developing a sophisticated electronic data repository as required for NIBRS, the state UCR program (which is also located at the Hawaii Department of the Attorney General) attained its own NIBRS certification in February 2019. The Kauai County Police Department, Maui County Police Department, and Hawaii County Police Department attained certification in November 2021, September 2022, and October 2023 respectively. Hawaii's initial police-level hate crime data are presented as a special section of the state UCR program's preliminary online statistical dashboard for NIBRS crime data, available at [nibrs.hawaii.gov](http://nibrs.hawaii.gov). The dashboard will transition in the coming year to a more powerful, flexible, and