

Criminal Justice Data Brief

Department of the Attorney General

• Crime Prevention & Justice Assistance Division

• ag.hawaii.gov/cpja

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Hate Crimes in Hawaii, 2024

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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 in 2002.

This report covers hate crime cases that reached a final disposition during calendar year 2024. Five cases were reported to the program for this period; details appear on page 3. In addition, the Honolulu Department of the Prosecuting Attorney reported two cases that should have been submitted previously, for the 2022-2023 reporting periods; details appear on pages 3-4. 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 occurred nationally in 1998¹ 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.
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 resi-

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

dents 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.²

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) 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.

² 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.

Case Details for 2024

As presented below, a statewide total of five hate crime incidents, all from the City and County of Honolulu, were reported to Hawaii's hate crime statistics reporting program for calendar year 2024. Offender ages were calculated based on the date of the hate crime incidents, and criminal history tallies were made at the time of this report's preparation.

The first hate crime incident occurred on August 5, 2022, and the case reached its final disposition on January 18, 2024. In this incident, the offender, a 16-year-old White male, with a juvenile offense history including a single misdemeanor adjudication, punched the victim in the head twice, knocking him off the bench at a bus stop. During the assault, the offender repeatedly "misgendered" and otherwise insulted the victim, whose mother later described as "gender-fluid." The offender was arrested and charged with assault in the third degree, to which he admitted guilt and was sentenced to one year of probation plus substance abuse treatment.

The second incident occurred on May 25, 2023, and the case reached its final disposition on July 11, 2024. In this incident, the offender, a 30-year-old White male, with a criminal history record including convictions for one felony, one misdemeanor, and one petty misdemeanor or violation, threatened the victim with a knife while they were near a public roadway. The offender directed numerous anti-Black insults at the victim during the incident and stated that he would kill the victim and her family. The offender was arrested and charged with terroristic threatening in the first degree, to which he pleaded "no contest" and was sentenced to four years of probation plus substance abuse treatment and anger management counseling. Enhanced sanctions were not sought for this felony-level hate crime incident.

The third incident occurred on January 11, 2024, and the case reached its final disposition on November 13, 2024. In this incident, the offender, a 29-year-old Black female, with a criminal history record including convictions for one felony and three petty misdemeanors and/or violations, assaulted the victim by repeatedly hitting him with a liquor bottle with a broken rim, while uttering anti-Micronesian epithets. The offender was arrested and charged with assault in the first degree, to which she pleaded guilty and was sentenced to four years of probation. Enhanced sanctions were not sought for this felony-level hate crime incident.

The fourth incident occurred on October 21, 2023, and the case reached its final disposition on June 13, 2024. In this incident, the two offenders, 16-year-old and 14-year-old White males, respectively, with clean juvenile offense histories, stole a "gay pride" flag from the yard of a private residence. Multiple other flags of different types in the same neighborhood were not stolen. Doorbell video footage from the victim's residence led to the identification of the offenders. The offenders were arrested and charged with theft in the fourth degree and criminal property damage in the fourth degree. Prosecution was declined and the court dismissed the charges. This incident is related to the next one presented below.

The fifth incident occurred on September 30, 2023, and the case reached its final disposition on December 17, 2024. In this incident, the offender, who was the same 14-year-old White male involved in the incident presented above, stole a different "gay pride" flag from the same yard. (This incident preceded the other one in 2023, but the case reached its final disposition six months later in 2024.) The offender was arrested and charged with theft in the fourth degree and criminal property damage in the fourth degree, but the court dismissed both charges and ordered the offender to pay \$84 in restitution to the victim.

Additional Incidents for the City & County of Honolulu, 2022-2023

In their review of cases for inclusion in this annual report for 2024, personnel from the Honolulu Department of the Prosecuting Attorney also identified two additional hate crime incidents that should have been previously submitted for inclusion in the 2022 and 2023 report editions, respectively.

The first additional incident occurred on November 18, 2022, and the case reached its final disposition on November 20, 2022. In this incident, the offender, a 50-year-old White male, with a criminal history record including convictions for one felony and four petty misdemeanors and/or violations, harassed a police officer who was investigating the offender's after-hours presence in a storage facility that he rented. Among an array of insults and threats directed at the officer by the offender were numerous anti-Black epithets. The offender was arrested and charged with a single count of harassment, but the case was declined by the prosecutors.

The second additional incident occurred on September 14, 2023, and the case reached its final

disposition on December 15, 2023. In this incident, the offender, a 66-year-old White woman, with a criminal history record including two convictions for petty misdemeanors and/or violations, harassed and threatened a person conducting an external property check, repeatedly uttering an anti-Black epithet and stating that she would cause bodily harm to the victim. The offender was arrested and charged with a single count of harassment, which the court waived and instead imposed a fine.

Summary Statistics, 2002-2024

A total of 95 hate crime incidents were reported to Hawaii's hate crime statistics reporting program since its inception in 2002, yielding a 23-year average of 4.1 incidents reported statewide per year. The following table presents annual tallies of hate crime incidents reported in Hawaii.

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	8*	0	4	0	12*
2023	7*	0	1	0	8*
2024	5	0	0	0	5
Total	71	3	8	13	95

* Revised April 2025.

Due to multiple biases expressed in some cases, the 95 hate crime incidents identified above involved a total of 105 bias instances, as categorized in the following table.

Bias Type	# of Bias Instances	% of Total Bias Instances	% within Bias Type
Race/Ethnicity/Nat'l Origin	81	77.1	
Anti-White	40	38.1	49.4
Anti-Black	22	21.0	27.2
Anti-Filipino	4	3.8	4.9
Anti-Arab/Middle Eastern	3	2.9	3.7
Anti-Asian (<i>non-specific</i>)	3	2.9	3.7
Anti-Hispanic	3	2.9	3.7
Anti-Japanese	2	1.9	2.5
Anti-Micronesian	2	1.9	2.5
Anti-Chinese	1	1.0	1.2
Anti-Russian	1	1.0	1.2
Sexual Orientation	15	14.3	
Anti-Homosexual (<i>non-specif.</i>)	9	8.6	60.0
Anti-Female Homosexual	3	2.9	20.0
Anti-Male Homosexual	3	2.9	20.0
Religion	6	5.7	
Anti-Islamic (Muslim)	3	2.9	50.0
Anti-Jewish	3	2.9	50.0
Disability	1	1.0	
Anti-Mental Disability	1	1.0	100
Gender Identity	2	1.9	
Anti-Transgender	2	1.9	100

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

The State of Hawaii has transitioned to the current version of the FBI's Uniform Crime Reporting (UCR) Program, known as the National Incident-Based Reporting System (NIBRS). NIBRS requires FBI-style, police-level hate crime reporting, which includes incidents regardless of whether arrests are made, and the incidents are submitted to the state UCR program shortly after the initial police reports are created, rather than when the cases reach a conclusion. Moving forward, Hawaii's hate crime data will be presented in a special topic section of the state UCR program's online NIBRS dashboard, which will launch later this year. NIBRS hate crime reporting will supersede the proprietary, prosecutor-level program and related publication of this annual report. The state UCR program is staffed by the same personnel who administer the prosecutor-level program.

Reference

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