

# HONOLULU POLICE DEPARTMENT

## POLICY LAW ENFORCEMENT OPERATIONS

September 17, 2019

Policy Number 4.21

### HATE CRIMES

#### POLICY

- I. The Honolulu Police Department shall protect the constitutional rights of all citizens regardless of race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation.
- II. This policy provides general guidelines to assist personnel in identifying and handling crimes motivated by bias toward an individual's actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation. It also defines appropriate steps for assisting victims and apprehending suspects.

#### PROCEDURE

##### I. DEFINITIONS

- A. Disability: Any person or group of persons who have a physical disability or are mentally challenged.
- B. Ethnicity: A group of persons who share common or similar traits, languages, customs, cultures, and traditions.
- C. Gender identity or expression: A person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression; regardless of whether that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

D. Hate crime: 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.

E. Hate incident: Any noncriminal expression of hate or bias that does not rise to the level of a hate crime as defined in state and federal statutes.

Derogatory words or epithets directed against a member of a protected class, if not accompanied by a threat of harm with the ability to carry it out, may not be a hate crime.

F. National origin: A group of persons who share characteristics of, or peculiar to, the people of a nation.

G. Race: A group of persons who possess common, physical characteristics (color of skin, eyes, and/or facial features, etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (Asians, blacks, whites, etc.).

H. Religion: A group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, Muslims, atheists, etc.).

I. Sexual orientation:

1. Having a preference for heterosexuality, homosexuality, or bisexuality;
2. Having a history of any one or more of these preferences; or
3. Being identified with any one or more of these preferences.

II. HATE CRIME CHARACTERISTICS

There are several characteristics that should be considered when determining whether an offense is a hate crime. These characteristics are not stringent criteria. There is no requirement that certain key characteristics or that a certain number of characteristics be present in order for an offense to be determined a hate crime.

Characteristics such as the following, particularly when combined, are supportive of a finding that an incident was motivated by bias:

- A. The offender and the victim are of a different race, religion, disability, ethnicity, national origin, gender identity or expression, and/or sexual orientation;
- B. Bias-related oral comments, written statements, or gestures were made by the offender;
- C. Bias-related drawings, markings, symbols, or graffiti were left at the crime scene;
- D. Certain objects, items, or things that indicate bias were used;
- E. The victim is a member of a racial, religious, disability, ethnic, national origin, gender identity or expression, or sexual-orientation group that is overwhelmingly outnumbered by other residents in the neighborhood where the victim lives and the incident took place;
- F. The victim was visiting a neighborhood where previous hate crimes were committed against other members of his or her racial, religious, disability, ethnic, national origin, gender identity or expression, or sexual-orientation group and where tensions remained high against his or her group;
- G. Several incidents occurred in the same locality, at or about the same time. Additionally, victims were all of the same race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation;

- H. A substantial portion of the community where the crime occurred perceived that the incident was motivated by bias;
- I. The victim was engaged in activities promoting his or her race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation;
- J. The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation;
- K. The offender was previously involved in a similar hate crime or is a hate-group member;
- L. There were indications that a hate group was involved;
- M. A historically established animosity existed between the victim's and offender's groups; and
- N. The victim, although not a member of the targeted race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation, was a member of an advocacy group supporting the precepts of the victim group.

III. PROCEDURES


When conducting the initial investigation and a determination has been made that the motive for a crime was based on the victim's actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation, the handling officer shall:

- A. Take all appropriate investigative and enforcement actions;
- B. Protect the crime scene;
- C. Notify the field sergeant; and

- D. If an arrest is made, inform the receiving desk sergeant that a suspect has been arrested for a hate crime-related case.

IV. REPORTING REQUIREMENTS

- A. Police reports shall include a "hate crime" heading in the body of the report categorizing the incident as hate crime related.
- B. All basic support units (e.g., the Criminal Investigation Division or Misdemeanor Follow-Up Details) investigating cases that are hate crime related shall inform the Department of the Prosecuting Attorney of such and include a "hate crime" subheading in the closing report.



SUSAN BALLARD  
Chief of Police

Post on bulletin  
board for one week

Policy first issued  
December 31, 2001