Native Hawaiian Youth in Hawai'i Detention Center: Colonialism and Carceral Control

Meda Chesney-Lind and Brian Bilsky

The carceral system has long been implicated in the colonization process, as exemplified by the imprisonment of Queen Lili'uokalani in Hawai'i. The overpolicing of Hawaiians continues to the present. This article reviews current data on admission patterns of youth in the state's only detention facility. It finds that while Native Hawaiian youth, who account for 30% of Hawai'i's youth population, are not overrepresented at the point of arrest, they account for nearly half (46%) of detention home admissions. The racial disparity is particularly notable for Native Hawaiian girls, who account for 52% of those detained and are being held for the noncriminal status offense of running away from home. This offense accounts for roughly a third of all juvenile arrests in Hawai'i, the highest proportion in the United States and roughly 10 times higher than comparable national figures. Implications are discussed in the context of racial privilege and community well-being.

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Imprisonment means many things to those held, including fear of the unknown, the experience of surveillance, searches of one's body and belongings, stigma, "rituals of degradation" (Piven & Cloward, 1971, p. 166), and a total lack of freedom (Goffman, 1961). Such carceral regimes (Foucault, 1995) also hold a special meaning for Native Hawaiians because the "law," punishment, and prisons were key components of colonial rule (Keahiolalo-Karasuda, 2008; Merry, 2000). Perhaps the starkest example of the centrality of punishment in the Hawaiian experience of colonialism is the imprisonment of Queen Lili'uokulani, the last ruler of the Hawaiian Kingdom. The queen actually spent a considerable period of time in prison and would write about her experience in vivid detail in her memoir, *Hawai'i's Story by Hawai'i's Queen* (Liliuokulani, 1898/1991).

After a failed attempt to challenge the coup that had removed her from her throne, Queen Lili'uokalani was arrested on January 16, 1895, and imprisoned in a cell crafted out of rooms in 'Iolani Palace. She described the cell from memory:

> There was a large, airy, uncarpeted room with a single bed in one corner. The other furniture consisted of one sofa, a small square table, one single common chair, and iron safe, a bureau, a chiffonier, and a cupboard, intended for eatables, made of wood with wire screening to allow the circulation of the air through the food. Some of these articles may have been added during the days of my imprisonment. (Liliuokalani, 1898/1991, p. 268)

Guards paced outside her cell both day and night, keeping her awake. Eventually, the Queen was threatened with death, tried by "military tribunal" for "treason," and sentenced to a fine of $5,000 and "imprisonment at hard labor for five years." She noted in her reflection that her jailors probably had "no intention to execute it, except, perhaps, in some future contingency. Its sole purpose was to terrorize the native people and to humiliate me" (Liliuokalani, 1898/1991, p. 289).

And humiliate her they did. She was returned to her cell with no access to newspapers or other reading materials while in the presence of a female guard who reported on all her activities every day to her male jailors. Eventually, she was given paper and pencil, and despite the fact that she had no access to an instrument, she composed a number of songs, including the "Aloha Oe" or "Farewell

to Thee," which, she noted "became a very popular song" (Liliuokalani, 1898/1991, p. 290). Her memoir clearly documents the stress of repeated searches by guards of everything she received, as well as the constant surveillance she had to endure. She also documents how her supporters were able to subvert the ban on reading material, by wrapping flowers in current newspapers. Eventually, though, even that source of news was cut off by her jailors. Liliʻuokalani would end up spending close to a year in prison before she was moved and held under house arrest in nearby Washington Place. Liliʻuokalani's candor about her prison experiences is all the more impressive when one considers the stigma of incarceration (and all it entails) for a woman of the Victorian era.

A close reading of Hawaiian history reveals that the criminal justice system in Hawaiʻi played and continues to play a central, not peripheral, role in the colonizing of the islands. Merry (2000) documented how secular Anglican law imported mainly from the United States would transform land into a "privately owned commodity" (p. 86) while at the same time "dramatically reducing the power of women and increasing their vulnerability to violence" (p. 255) all in the name of "civilizing" (p. 19) Hawaiʻi. As an example, the 1820 campaign against prostitution, the first attempt to police the sexual behavior of Hawaiian women, negatively affected their economic power (since this was one of the only ways to get Western goods because the aliʻi, or chiefs, controlled all trade; Merry, 2000, p. 244). The vigorous prosecutions of "adultery," which started about a decade later, effectively robbed Hawaiian women, and men, of ways to avoid nonfunctional and abusive marriages (Merry, 2000). Noting that while the two behaviors had little in common, they were nonetheless "lumped together as manifestations of unrestrained desire" while furthering images of Hawaiian women as "eager for sex" (Merry, 2000, p. 244).

Keahiolalo-Karasuda (2008) built on these insights by noting that there is a long history of "governing Hawaiians through crime" (p. 61). In particular, she noted that colonial authorities used trials and public punishments, including a public hanging of Liliʻuokalani's grandfather, as part of the colonizing project. Again, the collective trauma associated with a public execution was actually an outgrowth of missionary insistence on the introduction of adultery statutes to "civilize" Hawaiians and rein in perceived Hawaiian licentiousness (Keahiolalo-Karasuda, 2010, p. 149).

Coming forward in time, Keahiolalo-Karasuda (2010) noted that contemporary stories of carceral regimes often surface in Native Hawaiian gatherings. Recalling a talk by a Native Hawaiian graduate student who was incarcerated for 5 years in a maximum security prison, she wrote, "he shared that every night during head count, it would take the guards over fifteen minutes to call all the Hawaiian last names beginning with the letter K" (Keahiolalo-Karasuda, 2010).

Native Hawaiians and Mass Imprisonment

In an era characterized by what some have called "mass incarceration" (Mauer & Chesney-Lind, 2002), it is important to review imprisonment trends and the specific and devastating impact of these shifts on Native Hawaiians. Many scholars contend that the U.S. reliance on imprisonment is largely a product of the war on drugs, which was launched in earnest during the Reagan era. This "war" dramatically increased sentences for a wide variety of drug offenses while simultaneously removing judicial discretion by imposing mandatory minimum sentences (Mauer, 2006).

Mass imprisonment has also been understood in more recent years to have been a key element in the enforcement of systems of racial privilege, since the drug war, in particular, was deeply racialized in its effects, resulting in dramatically higher rates of imprisonment among African Americans, particularly African American males (Mauer, 2006). This argument contends that the criminal justice system, and particularly a system that relies on extensive imprisonment, functions as a "new Jim Crow" replacing the powerful systems of racial privilege that were threatened by landmark civil rights legislation and court decisions of the mid-20th century (Alexander, 2010).

Like the rest of the United States, Hawai'i has dramatically increased its reliance on incarceration in the last three decades (the era of mass incarceration). Hawai'i now incarcerates roughly 6,000 of its citizens (5,955 in 2008; Sabol, West, & Cooper, 2009).[1] That is up from less than a thousand in 1980, representing a six-fold increase in the last three decades (Chesney-Lind & Brady, 2010). Hawai'i's prison population has continued to increase at a faster pace than the nation as a whole, increasing since the turn of the century by 2.4% a year, compared with a national

average of 2.0% (Sabol et al., 2009). This means that between 2000 and 2008, Hawaiʻi increased its reliance on incarceration by 18% while its crime rate actually declined by 26.2% (compiled from Fuatagavi & Perrone, 2009).

Imprisonment falls disproportionately on Native Hawaiians according to a recent study conducted by the Office of Hawaiian Affairs and the Justice Policy Institute (hereinafter OHA/JPI study). Native Hawaiians make up 24% of Hawaiʻi's adult population but 39% of the adult incarcerated population (Office of Hawaiian Affairs, Justice Policy Institute, University of Hawaiʻi, & Georgetown University, 2010). Earlier data (2001) indicated that Native Hawaiian women were slightly more likely than their male counterparts to be overrepresented (44% of incarcerated women are Native Hawaiian, compared with 38% of incarcerated men in 2001; Office of Hawaiian Affairs, 2002).

The OHA/JPI study reviewed data maintained by the Hawaiʻi Criminal Justice Data Center and concluded, after controlling for age, gender, and type of charge, that Native Hawaiians found guilty of an offense are more likely to get a prison sentence than all other ethnicities except for Native Americans. This report also notes that Native Hawaiians are more likely than other ethnic groups to serve longer terms on probation, and they are also more likely than other ethnic groups to fail on parole (and experience reimprisonment; Office of Hawaiian Affairs et al., 2010).

This finding is amplified by data maintained by the Department of Public Safety that also indicate that for many Native Hawaiians who are in prison, it is not their first time there. Consistent with other research that suggests that high revocation of both probation and parole constitutes a significant backdoor way to incarceration increases, only about a third of Native Hawaiians doing time are there for the first time; this means that two thirds of Native Hawaiians in prison are there on subsequent incarcerations (Frank, 2010). Significantly, Hawaiʻi has one of the nation's highest rates of parole, ranking fifth nationally in the proportion of its prison population that is accounted for simply by parole revocation (Chesney-Lind & Brady, 2010).

Juvenile Justice in Hawai'i

What of the role of the juvenile justice system in Hawai'i? Previous research suggests that, if anything, Native Hawaiian youth are even more disproportionately incarcerated than their adult counterparts. A profile of youth at the Hawai'i Youth Correctional Facility incarcerated between 2005 and 2007 revealed that Native Hawaiian boys and girls are significantly overrepresented; specifically, 56.9% of the youth held were Native Hawaiian (Mayeda, 2010). This pattern was also gendered, with Native Hawaiian girls particularly likely to be overrepresented among imprisoned youth. Over two thirds (69.1%) of imprisoned girls were Native Hawaiian, whereas about half of the boys (53.1%) held were Native Hawaiian (Mayeda, 2010). Recall that Native Hawaiians account for only 30% of Hawai'i's youth population.

Such patterns cannot be explained solely by the overinvolvement of Native Hawaiian youth in criminal behavior. MacDonald (2003) analyzed data maintained by the Office of Juvenile Justice and Delinquency Prevention's National Juvenile Court Data Archive. Controlling for age, gender, court location, poverty, charge seriousness, and offense history, MacDonald found that Native Hawaiian youth are treated more harshly than Whites with similar situations in the juvenile justice system in Hawai'i.

Given evidence suggesting that the impact of the juvenile justice system, and particularly youth jails and prisons, is an even more significant force in the lives of Hawaiian youth than its adult counterpart, it might be fruitful to further explore the special role that the juvenile justice system in Hawai'i has played and continues to play in colonizing Hawai'i.

Juvenile court founders often used phrases such as the "best interest of the child" to justify state intervention into the family. While this phrase sounds benign (it is actually an outgrowth of the doctrine of *parens patriae*), the establishment of a separate system of justice for youth, both in Hawai'i and on the U.S. continent, was far more reliant on incarceration than one might assume (Chesney-Lind, 1971, 1973; Platt, 1977). The establishment of the first juvenile reformatory actually predates the first juvenile court by many decades (the New York House of Refuge opened in 1825, and the first juvenile court does not appear until 1899 in Chicago; Pisciotta, 1982; Platt, 1977). A product of the American elite's reaction to a rising tide of immigration, the New York House of Refuge, and among others that were quickly established in Boston (1826), Philadelphia (1828), and Baltimore (1830),

helped to ultimately shape our understanding of both delinquency and the core official response to youthful misbehavior, resulting in the juvenile custodial institution (Bremner, 1970).

The bill that established the New York House of Refuge included the first statutory definition of "juvenile delinquency" and contained vague descriptions of those subject to official intervention and commitment to the New York House of Refuge. Being "homeless," coming from an "unfit" home, and lacking a "good home and family" were examples (Hawes, 1971, p. 33). Important here is the fact that children committed to the House of Refuge (and others to follow) never committed an actual crime; they were deemed "incorrigible" or "beyond control." The policing of girls for suspected sexual misconduct was also a centerpiece of early juvenile justice systems, with girls being arrested for "sexual immorality" or "waywardness" (Chesney-Lind & Shelden, 2003). Most were living under conditions that those in authority deemed "unwholesome" or likely to lead to delinquency and criminality. The goals of the founders of the refuge movement were to identify potential delinquents, isolate them, and then "reform" them.

Surviving legal challenges that went all the way to the U.S. Supreme Court, the Philadelphia House of Refuge (and presumably all other houses of refuge) had a beneficial effect on its residents. It "is not a prison, but a school" (Sutton, 1992, p. 11), and because of this, not subject to procedural constraints. Further, the aims of such an institution were to reform the youngsters within them "by training... [them] to industry; by imbuing their minds with the principles of morality and religion; by furnishing them with means to earn a living; and above all, by separating them from the corrupting influences of improper associates" (Pisciotta, 1982, p. 411).

What evidence did the justices consult to support their conclusion that the House of Refuge was not a prison but a school? It is unfortunate that only testimony by those who managed the institution had been solicited. A more objective review of the treatment of youth housed in these places might have led the justices to a very different conclusion. For instance, Pisciotta (1982) found that there was an enormous amount of abuse within these institutions. They were run according to a strict military regimen in which corporal punishment (girls in one institution were "ducked" under water and boys were hung by their thumbs), solitary confinement, and a "silent system" were part of the routine. Work training was practically nonexistent, and outside companies contracted for cheap inmate labor.

Religious instruction was often little more than Protestant indoctrination (many of the youngsters were Catholic). Education, in the conventional meaning of the word, was almost nonexistent.

Reporting on the dynamics in total institutions, Goffman (1961) examined social life in mental hospitals and prisons and their "initial effects of *institutionalization* on the social relationships individuals possessed before becoming inmates" (Goffman, 1961, p. xiv). Goffman found that total institutions serve to preserve predictable and regular behavior of both wards and their guards, a ritual function of "institutionalizing" both classes so they know their social role and function. Decades later, Foucault (1995) traced the genealogy of the modern Western prison, and like Goffman's concept of institutionalization, found that prison cannot help but create delinquents, new knowledge about delinquents, and more rationale for surveillance. "The carceral system combines in a single figure discourse and architectures,...*programmes for correcting delinquents and mechanisms that reinforce delinquency*" (Foucault, 1995, p. 255).

Concern about the appropriateness of institutionalization of noncriminal youth was at the heart of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, which provided federal grant money to states that would comply with four core requirements: (a) the deinstitutionalization of status offenders, (b) the separation of juvenile and adult offenders, (c) the removal of juveniles from adult jails, and (d) the reduction of disproportionate minority contact. As this article will document, issues around race and gender, as well as the purposes of detention, continue to haunt the juvenile justice system, including Hawai'i's detention "home" and training "school," the Hawai'i Youth Correctional Facility.

A Brief History of Youth Incarceration in Hawai'i

Honolulu's Youth Detention Center, Hale Ho'omalu, is part of Hawai'i's Family Court, First Circuit, and as the only detention facility in the state it houses youth from all four counties. Like its counterparts throughout history, this detention home has long been troubled with allegations of abuse and arguments that noncriminal youth were being overincarcerated at the facility.

In 1979, as an example, detention home employees described an "atmosphere of brutality" at the facility, causing the Family Court to form the Secure Custody Committee to examine the "effectiveness" of Hale Hoʻomalu and the need for a secure detention facility in Hawaiʻi. Avoiding the institutionalizing of status offenders (youth being held for noncriminal offenses such as running away from home) was of primary concern (Altonn, 1979).

Decades later, Hawaiʻi's Family Court sought the assistance of the National Juvenile Detention Association (NJDA) to assess the facility in 2003. The summary report specifically stated, "a large proportion of detained youth are not admitted for delinquent offenses but rather are admitted for status offenses or for violation of a valid court order" (Nelsen & Griffs, 2004). It cited among several other things that status offenders and nonviolent offenders (drug, alcohol, mental health) need alternatives to detention.

A lawsuit filed by the American Civil Liberties Union (ACLU) against Hawaiʻi Youth Correction Facility in Kailua brought renewed scrutiny upon Hale Hoʻomalu. The lawsuit and following federal investigation found the facility "existing in a state of chaos" (ACLU Hawaii, 2006). Specifically, Dr. Robert Bidwell, a doctor of pediatric and adolescent medicine, met with Family Court officials to express his grave concerns about staff harassment and abuse of detainees at the facility, arguing that "I believe that equally abusive conditions exist at [the detention home]" (Bidwell, 2006).

Another conditions-of-confinement review was conducted in 2007 by the National Partnership for Juvenile Services. The report found little change from the 2004 assessment in terms of the overincarceration of noncriminal youth. Moreover, the 2007 report noted staff using abusive language toward the youth (and cautioned that this is almost always an indication of abusive behavior; Roush, 2007). In short, all the conditions described as providing an education in delinquency, or "institutionalization," were still operating inside the facility.

Most recently, Family Court requested the help of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). After initial political resistance and mixed success, JDAI has spread across the country with roughly 100 sites operating in 24 states and the District of Columbia (Annie E. Casey Foundation, 1997). According to the Casey Foundation, the core objectives of JDAI are to

1. Eliminate the inappropriate or unnecessary use of secure detention;
2. Minimize rearrest and failure-to-appear rates pending adjudication;
3. Ensure appropriate conditions of confinement in secure facilities;
4. Redirect public finances to sustain successful reforms; and
5. Reduce racial and ethnic disparities.

JDAI has since been recognized for its success in sharply reducing detaining the numbers of youth awaiting detention hearings, reducing youth detention facility populations (which in turn improves the safety of those who are confined), and significantly reducing the number of youth sentenced to youth correctional facilities and other residential programs. JDAI is considered by many to be the national standard for juvenile detention, the critical first stage of the juvenile justice system (Mendel, 2009). Hawai'i became an official JDAI site in 2008, and the JDAI self-assessment is the first stage of the detention reform program.

Given the long and troubled history of youth facilities in Hawai'i, the JDAI effort faces an uncertain future. Hawai'i's detention home and training schools have been beset with scandals not unlike those seen in the earliest Houses of Refuge. The moral policing of youth, which is so much a part of the juvenile justice system's history, suggests that these youth jails and prisons (and other parts of the juvenile justice system) might be playing a unique role in Hawai'i, where both punishment and incarceration have recently come to be understood as key elements of the colonizing project.

Method

The authors of this article were part of a larger group gathered by the State of Hawai'i Family Court, First Circuit, to assist in conducting the official JDAI assessment project of Hawai'i's Detention Home. Both authors joined a representative of the Office of Youth Services and a representative of ACLU Hawai'i to focus on the "training and supervision of employees" as well as "restraints, isolation, due process and grievances."

JDAI guidelines required that, as part of our work, we review and summarize a large number of documents, including but not limited to: policies and procedures and any posted materials around training and supervision, restraints, disciplinary due process, room confinement, isolation, grievance policy, and safety; audits, inspections, or accreditation reports of inspections; discipline/due process reports for individual youth pertaining to incidents of use of physical force, restraints, or isolation; orientation materials given to youth; living unit logbooks with respect to misbehavior and discipline or punishment imposed; room check sheets for youth in room confinement or other mechanism for documenting room checks; incident reports, grievances, workers compensation claims, child abuse reports, and citizen complaints for a period of at least 6 months; statistical compilations on violence, use of force, restraints, and isolation for a period of at least 6 months; and medical records indicating injuries to youth and staff. Facility staff were also available to clarify these materials.

As part of the JDAI assessment team we were also able to hear, and in some cases review, reports prepared by other subcommittees regarding such issues as health care, educational services, and programming.

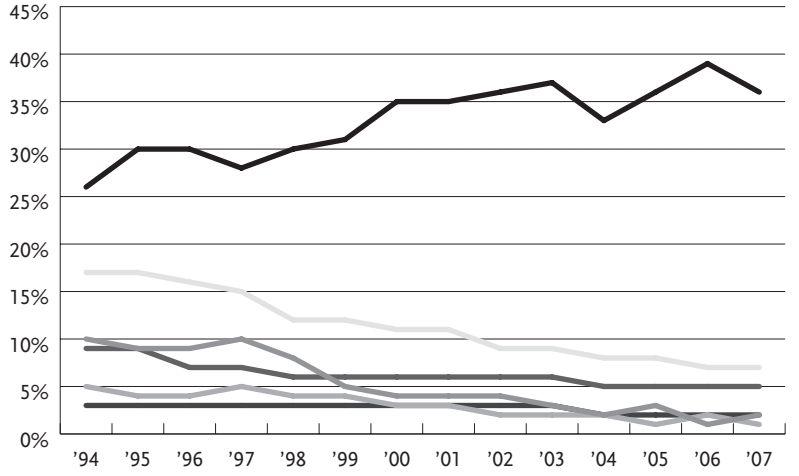
Most importantly for this research, we were also given access to reports that document trends in youth incarceration in the facility as well as these offenses resulting in detention, the characteristics of those housed in detention, and the length of their incarceration. This report relies largely on data drawn from these reports prepared by judiciary staff, though it is also informed by our review of incident reports, grievances filed by youth, as well as institutional responses that were made available to our committee.

Findings

Hale Hoʻomalu is a deteriorating structure built in 1944 located in downtown Honolulu. The Detention Home (henceforth DH), in all its disrepair and structural violations, housed all of Hawaiʻi's detained youth until May 2010. A new modern and very prisonlike facility on the west side of Oʻahu finally replaced the old building.

As noted earlier, despite decades of both local and national efforts to "deinstitutionalize" status offenders (youth arrested for offenses that would not be considered criminal if committed by adults)—most notably *runaways*—Hawaiʻi still arrests a large number of youth for these offenses. Arrests of youth for the single offense of running away account for fully 36.7% of all juvenile arrests in 2009, the highest proportion in the nation. By contrast, in California, a large emblematic western state and influential to Hawaiian politics, runaways account for only 1.7% of juvenile arrests. In Texas, known for its high incarceration rate and being tough on crime, only 7.1% of juvenile arrests are for running away. The state whose runaway arrests are second highest in the nation is Kansas at 13.2%; Hawaiʻi's proportion is nearly triple this. In Rhode Island and Maine, states whose populations resemble Hawaiʻi, the comparable figures are 0.6% and 1.5%, respectively (Puzzanchera, Adams, & Kang, 2009). Moreover, pressure and incentives through numerous iterations of the JJDP Act have caused the national rate of arrest for running away to decrease for decades. Hawaiʻi, however, has shown an opposite trend (see Figure 1; Kansas statistics were unavailable from the FBI Arrest Statistics).

FIGURE 1 Percentage runaway arrests of all juvenile arrests



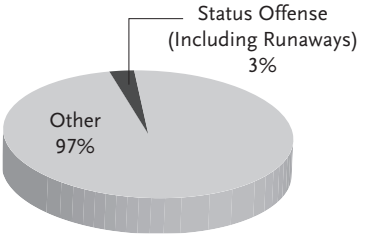
	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07
Hawaii	26%	30%	30%	28%	30%	31%	35%	35%	36%	37%	33%	36%	39%	36%
Texas	17%	17%	16%	15%	12%	12%	11%	11%	9%	9%	8%	8%	7%	7%
Rhode Island	10%	9%	9%	10%	8%	5%	4%	4%	4%	3%	2%	3%	1%	2%
National Rate	9%	9%	7%	7%	6%	6%	6%	6%	6%	6%	5%	5%	5%	5%
Maine	5%	4%	4%	5%	4%	4%	3%	3%	2%	2%	2%	1%	2%	1%
California	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%

Note: From *Easy Access to FBI Arrest Statistics 1994–2007*, by Office of Juvenile Justice and Delinquency Prevention, 2009. Retrieved from http://www.ojjdp.gov/ojstatbb/ezaucr/

This is especially meaningful considering the Hawaiʻi juvenile arrest rate is well above the national average. Nationwide, the juvenile arrest rate has hovered below 6,900 per 100,000 juveniles ages 10–17, resting at 6,543 juvenile arrests per 100,000 youth ages 10–17 in 2007. Hawaiʻi's juvenile arrest rate has fluctuated well above this, resting at 10,526 youth arrested per 100,000 juveniles ages 10–17 in 2007. Hawaiʻi ranks among the highest five juvenile arrest rates in the country where data are available (Puzzanchera et al., 2009).

Whereas national arrest rates for running away and other status offenses have dropped drastically over recent decades, detention rates for the same offenses are even lower. Status offenses (which include running away) made up a mere 3% of detention admissions nationally in 2009 (Puzzanchera et al., 2009; see Figure 2).

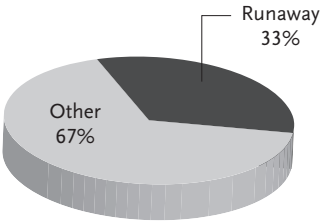
FIGURE 2 Detention admissions for status offenses nationally, 2009



Note: From *Easy Access to FBI Arrest Statistics 1994–2007*, by Office of Juvenile Justice and Delinquency Prevention, 2009. Retrieved from http://www.ojjdp.gov/ojstatbb/ezaucr/

Meanwhile Hawai'i's high rate of arrest for running away is reflected in the high percentage of youth in detention for such a noncriminal act; nearly a third of all the youth detained in Hawai'i were held for running away. Again, national data indicate that only 3% of those in detention are held for *any* status offense (which includes running away, meaning Hawai'i detains youth arrested for running away at more than 10 times the national rate (see Figure 3).

FIGURE 3 Detention Home runaway admissions, 2009



Note: From *Statistics Pertaining to Juvenile Admissions to Hale Ho'omalu, 2009* by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

Besides runaway offenders, the use of "criminal contempt of court" is a common way of relabeling a youth charged initially with status offense as a criminal (thereby making detention less a direct violation of the deinsititution provisions of the JJDP Act of 1974). It is also likely that "abuse of family member" involves youths and their parents in tussles that result in the youth arrest (Buzawa & Hirschel, 2010). Table 1 illustrates how these three mostly noncriminal acts account for nearly half (49%) of admissions to DH.

TABLE 1 Detention Home (DH) admissions by offense and gender

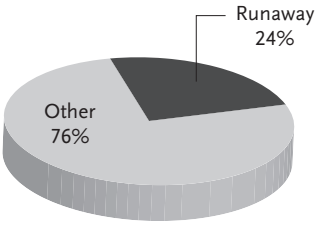
Charge	Females *n*	% of female admissions	Males *n*	% of male admissions
Runaway	229	49	210	24
Contempt of court	48	10	73	8
Abuse of family member	33	7	55	6
Other status offenses: truancy, curfew, beyond parental control	12	2	24	3
No charge listed	73	16	288	33
Subtotal	390	84	647	74
All other criminal offenses	74	16	223	26
Total DH admissions	464	100	870	100

Note: Though not a charge, instances of "No charge listed" are counted as such to all for comparisons with actual charges. From *Statistics Pertaining to Juvenile Admissions to Hale Ho'omalu, 2009*, by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

Admission data show patterns of detention that are both racialized and gendered, consistent with national trends. Boys had higher rates of admissions for theft and assault and generally more violent or aggressive crimes, whereas girls are overwhelmingly detained for noncriminal activity. Table 1 shows that well over half, and perhaps as high as 84%, of girls are detained for traditionally status offenses. Half of the girls (49%) at DH in 2009 were admitted for running away, whereas only 24% of the boys were admitted for this offense (see Figures 4 and 5). This means that although girls made up just 35% of all DH admissions, they represent over half (52%) of all runaway admissions (see Table 1). This gendered pattern of harsh

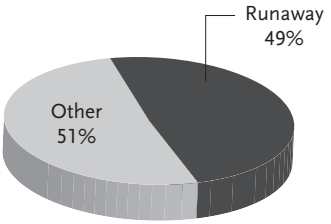
responses to girls' running away has a long history in juvenile justice, since this offense has often functioned as a "buffer charge" for suspected sexuality in girls (Chesney-Lind & Shelden, 2003, p. 172).

FIGURE 4 Offenses causing boys' detention, 2009



Note: From *Statistics Pertaining to Juvenile Admissions to Hale Ho'omalu, 2009*, by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

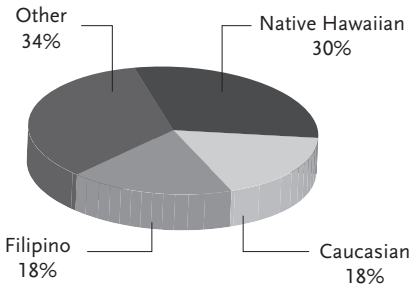
FIGURE 5 Offenses causing girls' detention, 2009



Note: From *Statistics Pertaining to Juvenile Admissions to Hale Ho'omalu, 2009*, by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

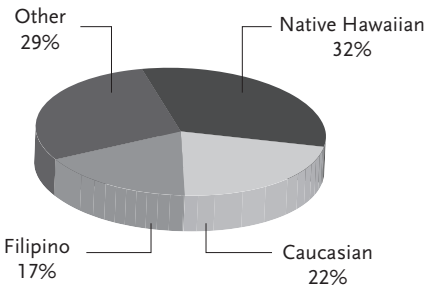
Admission records are especially racialized when we compare the data to state population and arrest rates. Native Hawaiians make up 30% of the state of Hawai'i's youth population, whereas Caucasians and Filipinos each make up 18% (Hawai'i Department of Health, Office of Health Status Monitoring, 2005; see Figure 6; several other race and ethnicities make up the remaining 34%, each under 15% and not pertinent to our analysis). Arrest rates are nearly consistent for Native Hawaiian (29%), Caucasian (22%), and Filipino (17%) youth (Fuatagavi & Perrone, 2010; see Figure 7).

FIGURE 6 Youth population of Hawai'i by ethnicity, 2000



Note: From Hawai'i Department of Health, Office of Health Status Monitoring, 2005.

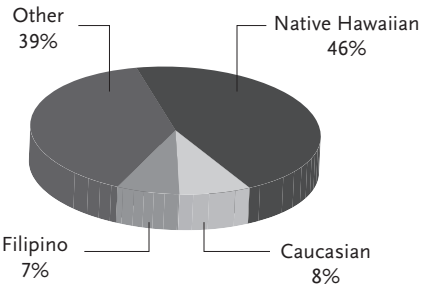
FIGURE 7 Youth arrests in Hawai'i by ethnicity, 2009



Note: From *Crime in Hawai'i, 2009: A Review of Uniform Crime Reports*, by L. S. Fuatagavi & P. Perrone, 2010. Honolulu, HI: Department of the Attorney General, Crime Prevention & Justice Assistance Division, Research & Statistics Branch.

Detention admission rates by ethnicity, however, reveal a major increase in Native Hawaiian representation (46%), while at the same time a major reduction in the White (8%) and Filipino (7%) youth populations (see Figure 8).

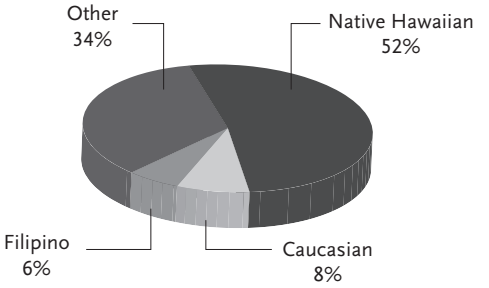
FIGURE 8 Youth detained at Detention Home by ethnicity, 2009



Note: From *Statistics Pertaining to Juvenile Admissions to Hale Hoʻomalu, 2009*, by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

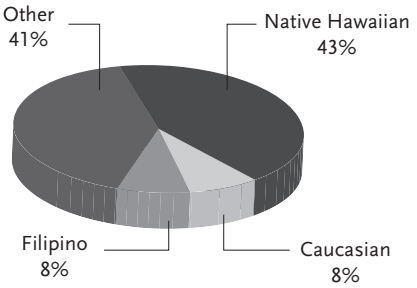
The overrepresentation of Native Hawaiians in youth detention is gendered as well; 52% of girls detained are Native Hawaiian compared with 43% of boys (boys outnumber girls 51.3% to 48.7% statewide; Amimoto & Kamimura, 2010; Hawaiʻi Department of Health, Office of Health Status Monitoring, 2005). The Caucasian and Filipino splits are nearly even (see Figures 9 and 10).

FIGURE 9 Girls detained, 2009



Note: From *Statistics Pertaining to Juvenile Admissions to Hale Ho'omalu, 2009*, by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

FIGURE 10 Boys detained, 2009



Note: From *Statistics Pertaining to Juvenile Admissions to Hale Ho'omalu, 2009*, by G. Amimoto & J. Kamimura, 2010. Honolulu, HI: Juvenile Detention Alternatives Initiative.

Despite the many challenges of juvenile justice reform and resistance from state actors locked into an outdated means of handling troubled youth, many states have made considerable gains in lowering detention populations and reducing racial disparities once transformation was made a real priority. According to data maintained by JDAI, counties in New Mexico, Oregon, and California have dropped daily detention populations by over half ("Results from the

Juvenile Detention Alternatives Initiative," 2010). Other counties in New Jersey, Washington, and California have dropped daily detention populations between 20% and 50%. Juvenile crime is substantially down in counties and states with JDAI sites, and several counties in California, Oregon, New Mexico, and Georgia have made extraordinary gains in reducing racial disparities. Significant reform has taken place in remarkably short periods of time in many of these places. The Iowa Human Rights Department reports that the overall rate of detention for the state dropped 34%, some counties experiencing as much as 50% drops since becoming a JDAI site in 2007 (Radio Iowa, 2010). Many of the success stories are in facilities many times the size of DH.

Due to local and national pressure and external reviews, there have been multiple efforts to reform Hawai'i's relatively small facility and detention population. Through these corrective action plans, Hawai'i's DH should have reduced its detention population and any gendered and racial disparities long ago. Evidence suggests that once juvenile justice reform is made a priority through state funding and outside help, substantial improvements can be made in relatively short periods of time. DH has a long history of local and national pressure, support, and financial incentives to address these issues, but it remains overcrowded with Native Hawaiian and noncriminal youth.

Conclusion

Youth incarceration is the most extreme form of punishment available to a society bent on controlling youthful misbehavior. The conditions of confinement of youth housed in Hawai'i's detention center, as well as the overincarceration of youth for noncriminal offenses, have, as this article has documented, long been a source of controversy and concern. There have also been numerous investigations of these problems. What is less well understood is the degree to which these patterns disproportionately affect Native Hawaiian youth, particularly Native Hawaiian girls, who have been arrested for extremely minor (and noncriminal) offenses. The persistence of overpolicing of Native Hawaiian youth is initially puzzling in the face of declining crime, both locally and nationally.

These findings make sense once placed in a context that considers systems of punishment as part of the colonial project. Recall the central, not peripheral, role that high-profile trials, harsh sentences, and imprisonment played in the Queen Liliʻuokalani's overthrow and abdication. The criminalization of so many young Hawaiians, particularly girls charged with offenses that are often proxies for sexual misconduct, has its roots in the earliest days of the "civilizing mission" (Merry, 2000, p. 245). It also prepares the girls, their families, and their communities for a lifetime of incarceration. The official recidivism rate from the Hawaiʻi Youth Correctional Facility, which is over half Native Hawaiian, stands at 78.1% (measured as an adult arrest) and 58.1% (adult conviction; Mayeda, 2010, p. 6).

The criminalization of Native Hawaiian youth and their incarceration in facilities long characterized by neglect, abuse, and overcrowding is a problem that extends back many decades, as this article has documented. These patterns have survived despite national incentives to reduce the state's reliance on youth incarceration, a series of external evaluations that documented the negative consequences of these detention practices, and most recently being named a JDAI site, which resulted in decreases in detention in other states with far more serious juvenile crime problems (such as Georgia or California).

Criminalizing a race shifts the discussion from a politically charged terrain where one could discuss historical disenfranchisement to one that frames even very minor forms of youthful Hawaiian defiance as a threat to "public safety." Penal regimes further stigmatize and shame youth who are kept in these facilities (Bilsky & Chesney-Lind, 2010), making them reluctant to discuss their experiences. Such a stigma is all the more pronounced among criminalized Native Hawaiian girls and women, because of the gendered nature of criminal behavior where "bad" girls and women are framed as particularly shameful (Chesney-Lind & Irwin, 2007). Finally, the lasting impact of the psychological costs of incarceration, coupled with longstanding educational neglect of Native Hawaiian youth in the public school settings in Hawaiʻi, means that extremely high numbers of the Native Hawaiian youth who spend time in youth jail and prison will also be rearrested, convicted, and incarcerated as adults. The impact of the incarceration of family members stigmatizes, shames, and strains not only the individual being jailed but also the entire community from which they are drawn, and these patterns have been powerfully documented both locally (Office of Hawaiian Affairs et al., 2010) and nationally (Mauer & Chesney-Lind, 2002). What is perhaps less well understood is

that the U.S. criminal justice system has long been implicated in the enforcement of racial privilege (Alexander, 2010), and the overdetention of Native Hawaiian girls and boys is part of that very sordid and troubling history.

The juvenile justice system in Hawai'i has proved time and again that if left to its own devices, it will successfully rebuff more modest efforts at reform. Reducing Native Hawaiian overincarceration, both youthful and adult, needs to be a far higher priority for Hawai'i's policy makers, elected political leaders, and advocates for Native Hawaiian well-being. Fortunately, in the area of juvenile detention, there are many models of how to successfully reduce youthful detention without compromising public safety. Radically scaling back Hawai'i's overpolicing and overdetention of Hawaiian youth, particularly Hawaiian girls, seems long overdue in the face of this evidence.

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Meda Chesney-Lind, PhD, is professor of women's studies at the University of Hawai'i–Mānoa. Nationally recognized for her work on women and crime, her books include *Girls, Delinquency and Juvenile Justice*; *The Female Offender*; *Female Gangs in America*; *Invisible Punishment*; *Girls, Women and Crime: Selected Readings*; and *Beyond Bad Girls*. She recently finished an edited collection on trends in girls' violence titled *Fighting for Girls: Critical Perspectives on Gender and Violence* that was just published by SUNY Press. Brian Bilsky received his master's degree in political science and graduate certificate in advanced women's studies from the University of Hawai'i–Mānoa and is presently a doctoral candidate in political science. His MA thesis and working dissertation focus on the juvenile justice system in Hawai'i and specifically youth in detention.

Note

1 Numbers for Hawai'i's incarcerated population include both jail and prison populations since these form one integrated system.