

Disproportionate Minority Contact in the Hawai'i Juvenile Justice System 2000-2010

FINAL REPORT June 2012

Prepared for the Juvenile Justice State Advisory Council
and the State of Hawaii, Office of Youth Services

Karen Umemoto, Ph.D.
James Spencer, Ph.D.
Tai-An Miao, M.A.
Saiful Momen, M.A.
University of Hawai'i at Manoa
Department of Urban and Regional Planning

This project was supported by the Office of Youth Services, Department of Human Services, State of Hawai'i through MOA OYS-11-37. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Office of Youth Services.

Contents

Abstract

Acknowledgments

CHAPTER 1: PURPOSE AND OVERVIEW	1
1.1 Purpose	1
1.2 Juvenile Justice State Advisory Council (JJSAC) and Efforts to Reduce Disproportionate Minority Contact (DMC).....	1
1.3 Scope and Methodological Approach	2
1.4 Overview of the Problem of Disproportionate Minority Contact	3
1.5 DMC in Hawai'i	6
1.6 Findings of this Study	6
CHAPTER 2: RESEARCH METHODOLOGY	8
2.1 Mixed Methods Approach.....	9
2.2 Quantitative Data and Analysis	10
2.3 Limitations to the Quantitative Analysis	13
2.4 Decision Making Stages in Hawai'i	13
2.5 Qualitative Data and Analysis.....	16
2.6 Overall Study Limitations	17
2.7 Supplemental Profile Study of Adjudicated Youth	18
CHAPTER 3: CHARACTERISTICS AND DEGREE OF DISPROPORTIONATE MINORITY CONTACT .	19
3.1 Youth Arrests among Ethnic Groups in Hawai'i	19
3.2. Selected Characteristics of Status Offense Arrests	26
3.3 Identification of Disproportionate Minority Contact by Decision Point & Ethnicity	29
3.3.1 Case Flow for Law Violations.....	29
3.3.2 Case Flow for Status Offenses.....	31
3.3.3 Rates and Relative Rate Index (RRI)	33
3.4 Summary of statewide ethnic group variations based on RRI scores	39
CHAPTER 4: QUANTITATIVE ANALYSIS AND EXPLANATIONS OF DISPROPORTIONATE OVERREPRESENTATION	41
4.1 Introduction to Empirical Results.....	41
4.2 Data and Methods.....	41

4.2.1 Data	41
4.2.2 Models.....	42
4.3 Detention Duration, 2007-2009 (Simple and Mixed Linear Regression)	44
4.3.1 Law Violations	44
4.3.2 Status Offenses.....	47
4.4. Probation/Protective Supervision Duration, 2000-2010, 2007-2009 (Simple and Mixed Linear Regression).....	49
4.4.1. Law Violations	50
4.4.2 Status Offenses.....	55
4.5 Length of Incarceration, 2000-2010, 2007-2009 (Simple and Mixed Linear Regression).....	60
4.5.1 Law Violations	60
4.6 Decision Points (Simple Logistic Regression, 2007-2009, 2000-2010)	65
4.6.1 Referral.....	70
4.6.2 Petition	70
4.6.3 Detention	71
4.6.4 Adjudication	71
4.6.5 Disposition.....	72
4.6.6 Summary of Decision Points (Statewide)	73
4.6.7 Discussion of Decision Points by Circuit Court	74
4.7 Comparison of Relative Rate Index (RRI) Scores and Odds Ratios	74
4.8 Summary of Findings	78
CHAPTER 5: QUALITATIVE ANALYSIS AND EXPLANATIONS OF DISPROPORTIONATE REPRESENTATION	81
5.1 Disproportionate Minority Contact in Hawai'i: A Qualitative Look.....	81
5.2 Disproportionate Arrest Rates	82
5.3 Incremental Disproportionality and Cumulative Overrepresentation	85
5.4 Other Contributing Factors to DMC in Hawai'i	85
CHAPTER 6: A PROFILE OF ADJUDICATED YOUTH IN HAWAI'I'S JUVENILE JUSTICE SYSTEM... 93	
6.1 Characteristics of Adjudicated Youth: A Sample of Family Court Case Files	93
6.2 Relationships of Influence	94
6.3 Depression and Trauma-related experiences	95
6.4 Educational Experience	95

List of Tables and Figures

Figure 2.1: Diagram of Study Design	9
Table 2.1: Ethnic Categories Determined by the Hawai'i JJSAC and JDAI RED Subcommittee.	11
Table 2.2: Juvenile Justice Information Systems and U.S. Census Data Used	12
Table 2.3: Decision-making Stages in the Juvenile Justice System	14
Figure 2.2: Juvenile Case Processing Flow for Hawai'i Juvenile Justice System	16
Figure 3.1: State of Hawai'i Juvenile Arrests (2000-2010)	20
Figure 3.2: State of Hawai'i, Individual Youth Arrested by Ethnicity (2000-2010)	20
Figures 3.3 & Figure 3.4: State of Hawai'i, Juvenile Arrests by Gender and Age (2000-2010).	21
Table 3.1: State of Hawai'i, Juvenile Arrests by Ethnicity, 2000-2010 (Percent by Ethnicity)..	23
Table 3.2: State of Hawai'i, Juvenile Arrests by Ethnicity, 2000-2010 (Percent by Offense, Gender, Age, & Supervisory Status)	24
Figure 3.6: State of Hawai'i, Percent Status Offense by Type (2000-2010)	26
Figure 3.7: State of Hawai'i, Status Offense Arrests by Type and Gender (2000-2010)	27
Figure 3.8: State of Hawai'i, Number of Female Arrests for Runaway (2000-2010)	28
Figure 3.9: Flow Chart of Juvenile Case Processing, by Ethnic Differences – Law Violations: State of Hawai'i, 2000-2010	30
Table 3.3: Rate of Juvenile Arrest (2007-2009)	33
Table 3.4: State of Hawai'i Juvenile Law Violation Cases (2007-2009)	35
Table 3.5: State of Hawai'i Relative Rate Index for Juvenile Law Violations (2007-2009)	36
Table 3.6: State of Hawai'i Status Offense Cases (2007-2009)	37
Table 3.7: State of Hawai'i Relative Rate Index for Status Offenses (2007-2009)	38
Table 4.1: Average Detention Duration by Ethnicity of Law Violation Arrests (2007-2009)	44
Table 4.2: Linear Regression, Length of Law Violation Detention, 2007-2009	46
Table 4.3: Average Detention Duration of Valid Court Order Arrests (2007-2009)	47
Table 4.4: Linear Regression, Length of Valid Court Order Detention, 2007-2009	48
Table 4.5: Average Probation Duration by Ethnicity of Law Violation Arrests (2000-2010)	50
Table 4.6: Linear Regression, Length of Law Violation Probation, 2000-2010	51
Table 4.7: Average Probation Duration by Ethnicity of Law Violation Arrests (2007-2009)	52
Table 4.8: Linear Regression, Length of Law Violation Probation, 2007-2009	54
Table 4.9: Average Protective Supervision Duration of Status Offense Arrests (2000-2010) ...	55
Table 4.10: Linear Regression, Length of Status Offense Protective Supervision, 2000-2010 ..	56
Table 4.11: Average Protective Supervision Duration of Status Offense Arrests (2007-2009) .	58
Table 4.13: Average Confinement Duration of Law Violation Arrests (2007-2009)	60
Table 4.14: Linear Regression, Length of Law Violation Incarceration, 2007-2009	61
Table 4.15: Average Confinement Duration of Law Violation Arrests (2000-2010)	63
Table 4.16: Linear Regression, Length of Law Violators Incarceration, 2000-2010	64

Table 4.17: Simple Logistic Regressions, Law Violations, 2007-2009	66
Table 4.18: Simple Logistic Regressions, Law Violations, 2000-2010	67
Table 4.19: Simple Logistic Regressions, Status Offenses, 2007-2009	68
Table 4.20: Simple Logistic Regressions, Status Offenses, 2000-2010	69
Table 4.21: Comparison of measures of DMC Law Violation Arrests Statewide, 2007-2009...	76
Table 4.22: Comparison of measures of DMC Status Offense Arrests Statewide, 2007-2009 .	77
Figure 6.1: Parent and Peer Relationships, Adjudicated Youths Arrested in 2009.....	94
Figure 6.2: Depression & Potential Trauma, Adjudicated Youths Arrested in 2009.....	95
Figure 6.3: Educational Experience, Adjudicated Youths Arrested in 2009.....	96
Figure 6.4: Substance Use, Adjudicated Youths Arrested in 2009.....	97
Figure 6.5: Behavioral Risk Factors, Adjudicated Youths Arrested in 2009.....	98
Figure 6.6: Attitudinal & Emotional Risk Factors, Adjudicated Youths Arrested in 2009.....	99
Figure 6.7: Ethnic Differences in Parent Criminal History, Parental Control, and Moral Decision Making	101
Table 6.1: Major Diagnoses	102
Table 6.2: Youth Interests/Hobbies	103

6.5 Substance Use	97
6.6 Behavioral Risk Factors.....	98
6.7 Attitudinal and Emotional Risk Factors	98
6.8 Statistical differences Between Hawaiian and Non-Hawaiian Youth: Parent Criminal History, Parental Control, and Moral Decision Making	99
6.10 Youth Interests/Hobbies	103
6.11 Conclusion	104
CHAPTER 7: RECOMMENDATIONS TO REDUCE DISPROPORTIONATE MINORITY CONTACT IN HAWAI‘I’S JUVENILE JUSTICE SYSTEM.....	105
REFERENCES	119
APPENDIX.....	123

(This page intentionally left blank)

Abstract

Disproportionate minority contact in the justice system is an issue of national concern. This report identifies the ethnic groups that have been over-represented in the juvenile justice system over the past decade and describes some of the groups' characteristics; examines the extent to which racial and ethnic disparities exist at different decision points in the system; and presents recommendations for policy and practice reform. This mixed methods study is divided into three major sets of findings: 1) quantitative analysis based on the complete juvenile justice data set from 2000-2010 for the State of Hawai'i; 2) qualitative analysis drawn from interviews with key stakeholders including juvenile justice personnel, service providers, state agency representatives, and leaders of community-based organizations that serve youth; and 3) profile of youth characteristics among those arrested in 2009 and adjudicated for a status offense or law violation. The report offers recommendations for policies, programs, and procedures to reduce DMC and, as part of that strategy, to safely reduce the overall numbers of youth involved in the juvenile justice system.

Acknowledgments

We would like to acknowledge and thank the knowledgeable individuals consulted over the course of this study for all of the valuable insights and wisdom shared freely and generously with us:

The Honorable Mark Browning, the Honorable Bode Uale, the Honorable Richard Bissen, the Honorable Rikki Amano, the Honorable Steven Alm, Kale Au, Kat Brady, Al Carpenter, Susan Chandler, Ed Chargualaf, Merton Chinen, Theodore Daligdig, Ron Heck, David Hipp, Earl Hishinuma, Christiane Ikehara, Eugenie Keanu, Jay Kimura, Lari Koga, MaryAnn Kusaka, Wally Lau, Wayde Lee, Gregory Malick, Nancy Marker, Carol Matsuoka, Rockne Maunupau, Ron Nakamichi, Stuart Okumura, John Paekukui, Kimberly Rivera, Keone Yadao, Marsha Yamada, Janice Yamada, Mark Santoki, and Eric Yamagishi.

CHAPTER 1: PURPOSE AND OVERVIEW

1.1 Purpose

This research project was conducted for the State of Hawai'i, Juvenile Justice State Advisory Committee (JJSAC) to examine disproportionate minority contact (DMC) among youths in the Hawai'i juvenile justice system. Disproportionate minority contact refers to the disproportionate rates of representation of minority youth in the juvenile justice system as measured at each decision point in the process. This study includes the following decision points: arrests, juvenile court referrals, diversions, secure detention, petitions, adjudications, probation placements, and confinement in the juvenile correction facility. This study does not examine waivers to adult court due to the small number of such cases. The study also aims to identify the major causes of disproportionality and the characteristics of the youth who are most disproportionately overrepresented. This study is conducted in preparation for further policy and program planning. In light of the results from this study, we provide recommendations as to how the state can reduce disproportionate representation and, as part of that effort, the total numbers of youths in the juvenile justice system.

1.2 Juvenile Justice State Advisory Council (JJSAC) and Efforts to Reduce Disproportionate Minority Contact (DMC)

The stated mission of the JJSAC is "to advise government and local communities to ensure effective service provision and development of policies that improve the juvenile justice system, advocate for delinquency prevention and guide Hawai'i's youth in becoming productive community members." To address the issue of DMC in Hawai'i, the JJSAC established the Ethnic and Cultural Diversity Committee (ECDC) and identified four priority areas:

- To support education and awareness for service providers, juvenile justice practitioners, and administrators on the issues related to DMC, including the development of culturally appropriate approaches to reduce unintentional bias.
- To develop and support programs that promote cultural pride for youth of Samoan, Hawaiian, African-American and Filipino ancestry.
- To review and support policy and procedural changes at the state and local levels that impact on overrepresentation.
- To improve and expand data collection and research capabilities on minority overrepresentation in Hawai'i's juvenile justice system.¹

¹ State of Hawaii, Juvenile Justice State Advisory Committee, 2001 Annual Report to the Governor and State Legislature of Hawaii, 2002.

The JJSAC's DMC work follows OJJDP's guidelines that include the following steps:

1. Identification – Identifying the ethnic groups that are disproportionately overrepresented in the juvenile justice system at the various decision points.
2. Assessment – Assessment of how DMC is created or amplified while specifying mechanisms at work at different decision points.
3. Intervention – Identify and implement intervention strategies to reduce DMC through collaborative participation of stakeholders.
4. Evaluation – Evaluation of how interventions are achieving their objectives as well as outcomes.
5. Monitoring – Monitor the progress in reducing disproportionality of target populations based on pre-intervention benchmarks.²

The JJSAC has been working with others in this effort, including the Juvenile Detention Alternatives Initiative (JDAI) that is focused on reducing DMC at the point of detention.

1.3 Scope and Methodological Approach

This study identifies which ethnic groups are disproportionately overrepresented at each decision point and what may be the causes of those disparities. It also describes some of the major characteristics of youth who have been adjudicated. It explores four main questions:

1. Which ethnic/racial groups are disproportionately overrepresented and what is the extent of disproportionality at different points in the Hawai'i juvenile justice system, including at arrest, court referral, diversion, secure detention, petition, adjudication, probation placement, and secure confinement in the correctional facility?
2. What are the major contributing factors to disproportionality at the various decision points?
3. What are the characteristics of youth who are adjudicated in the juvenile justice system, especially among the ethnic group(s) most overrepresented?
4. What can be done to reduce disproportionate minority contact in Hawai'i?

This mixed methods study used quantitative and qualitative approaches. Quantitative research was conducted to identify those ethnic groups that have been disproportionately overrepresented, primarily using data from the Juvenile Justice Information Systems (JJIS) for the eleven-year period from 2000 to 2010. Qualitative approaches included interviews and group discussions with experts and informed stakeholders to better understand the possible sources of DMC. Literature and document reviews were conducted to understand the general nature and causes of DMC, the background of DMC in Hawai'i, and potentially effective strategies to reduce DMC and overall numbers of youths in the juvenile justice system. Qualitative data were also collected from a random sample of 142 Family Court case files of youths arrested in 2009 and who were subsequently adjudicated. These data were used to provide a more

² For further details, see U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Disproportionate Minority Contact Technical Assistance Manual*, USDOJ Office of Justice Programs, Washington, DC, 2006.

detailed profile of characteristics of youths within the Hawai`i juvenile justice system.

The study takes a comprehensive look at systemic, programmatic and behavioral factors within the juvenile justice system that may contribute to disproportionality and disparity. Data analysis was conducted at both statewide and county levels, depending on the availability and sufficiency of the data. The case flow process in each county was charted to identify differences in processes to be taken into account in the analyses.

Quantitative and qualitative data include the following sources:

1. **Quantitative:** Secondary data from the Hawai`i's Juvenile Justice Information System (JJIS) were used to conduct an eleven-year and three-year cohort analysis of youths for which arrests were made to determine the magnitude of disproportionality and relative disparities among and between ethnic/racial/mixed race groups. The quantitative analyses consider offense type, ethnicity, prior record, gender, age, geography, whether on probation at the time of arrest, and other variables included in the dataset. When appropriate, separate analyses were conducted for those petitioned for status offenses versus law violations. The dataset contained no identifying information as there were no names or addresses were included in the files provided to the researchers by the JJIS data administrators. Census data were also used to determine the socioeconomic characteristics of the neighborhood of residence for each youth for which geographic data in JJIS were available.
2. **Qualitative:** Qualitative data were gathered from three main sources. The first was through semi-structured key informant interviews with knowledgeable individuals within the juvenile justice system and partnering service providers to explore the causes of overrepresentation of the identified groups at the following decision points: arrest, court referrals, cases diverted, secure detention, petitions, adjudications, probation placements, secure confinement in the correctional facility, and transfer to adult court. Interviewees included family court judges, prosecuting and defense attorneys, probation officers, police officers (active and retired), corrections administrators, related social service providers, youth advocates and others familiar with the juvenile justice system. The second data source was Family Court case files of 142 randomly sampled youths arrested in 2009 and subsequently adjudicated. The third source was comprised of secondary data, including scholarly articles, reports, and other published materials.

1.4 Overview of the Problem of Disproportionate Minority Contact

While there is a broad range in the degree and nature of overrepresentation of youth of color in the juvenile justice system according to region, Disproportionate Minority Contact (DMC) has been identified in every U.S. state that participates in Formula Grant funding (Dorfman & Schiraldi, 2001; M. Leiber, 2002; M. Leiber & Rodriguez, 2011; Soler, 2005). Since the 1988 amendment of the Juvenile Justice and Delinquency Prevention Act of 1974, those states receiving Formula Grants for delinquency prevention, intervention, and juvenile justice system

improvements have been required to assess and reduce rates of disproportionate confinement of youth of color (Public Law 93-415, 42 USC 5601 et seq.). An additional amendment in 1992 linked states' eligibility for future funding to their compliance with the DMC mandate. These efforts are meant to limit the use of and contact with the justice system and, for many, to better serve the needs of youth with effective programs for positive development (Cabaniss, Frabutt, Kendrick, & Arbuckle, 2007).

Although youth of color only account for approximately 30% of our nation's minor population, this proportion doubles for the population of youth in detention (Hsia, Bridges, & McHale, 2004). National and state level research studies (Bishop & Frazier, 1996; M. J. Leiber & Mack, 2003; Poe-Yamagata & Jones, 2000; Pope, Lovell, & Hsia, 2001) show that youth of color face a marked and pervasive systemic disadvantage in the very system that exists to ensure justice and preserve public safety. Analysis of juvenile justice statistics has substantiated that race, ethnicity, class, and gender converge in the juvenile justice system to confine more youth of color than can be explained merely by criminal activity (Pope & Feyerherm, 1990).

Recent juvenile justice studies finding youth of color to receive more severe outcomes in comparison to white counterparts span over three decades (Pope & Feyerherm, 1990; Pope, Lovell, & Hsia, 2004). Two major schools of thought have emerged to explain over-representation of youth of color in the juvenile justice system, one focused on *differential offending* among minority youths and the other on *racial bias* among law enforcement and juvenile justice officials or related to policies that affect group outcomes differentially (Tonry, 1995; Miller, 1996; Hawkins et al., 2000; Tracy, 2002). *Differential offending* asserts that racial or ethnic groups commit different types and amounts of offenses and that over-representation in the juvenile justice system is a consequence of "over-offending" by certain groups. If differential offending is occurring, in analyses where legal and extralegal factors have been controlled or considered, race and ethnicity should no longer be significant predictors of juvenile justice outcomes. However, if race effects are still evident in these cases, bias in the decision making process cannot be discounted.

Indirect bias has been identified most commonly through studies of stereotypes held by juvenile justice personnel regarding minority youth and their families and the effects of these biases on decision-making (DeJong & Jackson, 1998; Cohen & Kluegel 1979a, 1979b; Dannefer & Schutt, 1982; Pope & Feyerherm, 1990; Thomas & Sieverdes, 1975; Tittle & Curran, 1988). Multiple studies have indicated indirect race bias where race and ethnicity have been found to have direct relationship with decision making as well as interacting with legal and extralegal factors, process variables, and community contexts (Bridges & Steen, 1998; Daly, 1989; Feld, 1999; Frazier & Bishop, 1995; Leiber & Blowers, 2003; Leiber & Mack, 2003; Leiber, et. al., 2007; Stanton-Salazar, 1997). Bias of juvenile justice personnel against families of color has been cited in several studies (Bishop & Frazier, 1996; Bridges & Steen, 1998). Also, many of these studies have demonstrated that youth from two-parent households receive more lenient treatment than youth from single-parent homes. This differential treatment significantly impacts youth of color who are more likely than their white counterparts to live in single-parent households, though some studies found discriminatory treatment for some groups regardless

of household composition.³

Some investigation of race bias has been grounded in control theory, a phenomenon of a "symbolic and social-psychological nature wherein white adults react to resented youthful traits often stereotypically associated with nonwhites" (Tittle & Curran, 1998). A study of three counties in a western state examined probation officers' written records as well as the court records and demonstrated significant differences in the perceptions of juvenile justice officials concerning the causes of crimes committed by youth of color in comparison to white youth (Bridges & Steen, 1998). These attributions seemed to mediate between race and recommended sentences, e.g., white youth would be perceived as victims of external negative environment while youth of color were characterized with internal negative attitudes and traits such as "lack of remorse" for offenses or "uncooperative" attitudes (Bridges & Steen, 1998; Wu, 1997).

Researchers have also found a cumulative disadvantage for minority youth, who appear to be at greater risk of penetrating deeper into the system than their white counterparts (Hartney & Vuong, 2009; Poe-Yamagata & Jones, 2000). Further, Holman and Ziedenberg (2006) argue that detention exerts a greater impact on youth of color than white youth in the areas of education, employment, and mental health.

Some analyses of juvenile justice processing also show that geographic location of a court can impact decisions significantly (Feld, 1991; Johnson & Scheuble, 1991; Sampson & Laub, 1993). Sampson and Laub (1993) consider income, crime rate, population density (as an indicator of rural or urban communities), ethnic and racial concentration, and female-headed households as factors impacting juvenile court decision-making, although the high rate of correlation between such measures can complicate analysis. DeJong and Jackson (1998) found greater rates of placement in secure facilities for black and Latino/Hispanic youth in rural areas compared to higher density urban environments, while white youth did not receive different treatment across the geographies.

While these are among the possible explanation of DMC, reviews of the literature from the 1970s to 2000 echo the point that racial and ethnic differences in juvenile justice decision-making are not completely explained by these legal and extralegal factors and further investigation is needed (Bishop, 2006; Engen, Steen, & Bridges, 2002; Leiber, 2002; Pope & Feyerherm, 1990; Pope et al., 2001). For example, there may be additional variables or combinations of variables that place minority youth at a disadvantage. For example, the severity of offense and prior contact with the justice system were found in some cases to negatively impact decision-making outcomes, placing minority youth who typically exhibit higher incidences of these two factors at a disadvantage (Lockhart et al., 1990).

³ For example, Wu concludes that racial disparities in delinquency case processing are in part a result of agency policies and practices that focus on family support and family cooperation as considerations for diversion, for detention, and for final disposition (Wu, 1997). However, DeJong and Jackson's study (1998) found that white youth receive more lenient outcomes related to the presence of two parents in the home, while black youths were found to be treated the same whether they are living with both parents or with their mothers only.

1.5 DMC in Hawai'i

Local research has yielded results that in some cases align with the national findings and in other cases differ based on Hawai'i's unique historical, political, and geographical context. At the national level, disproportionate minority contact and overrepresentation is greatest for African Americans followed by Latinos; Asian and Pacific Islander (API) youth are shown to be underrepresented in the juvenile justice system. In Hawai'i, however, previous studies have shown a pattern of overrepresentation of Native Hawaiian and Samoan youth in the system. Similar to the history for Native Americans and Alaskan Natives, the legacy of colonization is indicated through socioeconomic disadvantage and related problems, including overrepresentation in prisons and correctional facilities. MacDonald's (2003) research on referrals of adjudicated offenses in the State Family Court system found that Native Hawaiian and Samoan youth experienced different treatment compared to white youth in the system. When extralegal and legal factors were controlled for, ethnic effects decreased but more severe court outcomes for similar offenses were significantly more likely for Native Hawaiian and Samoan youth than white youth (MacDonald, 2003).

A major study of DMC in Hawai'i examining disparities at all major decision points was conducted in 1995 by Kassebaum (1995). He and his colleagues found that "the differences by ethnicity through the system are not large but for some, particularly Hawaiians, they are consistent" (Kassebaum et al., 1995; pg. 2.8). Native Hawaiians were found to be at slight disadvantage at each decision point in the system, receiving a more severe intervention by the court for each stage. Law violation cases and status offense cases both reflected this tendency toward more severe outcomes for Hawaiian youth. Age of the youth and the number of previous referrals showed the strongest correlation to decisions to petition and/or adjudicate cases, while results at disposition were influenced by the youth's active legal status at time of disposition and the existence of, or level of compliance with, earlier court orders and conditions (Kassebaum et al., 1995). The study also found that East Asians (including Chinese, Japanese, Koreans) and white youth are significantly more likely to receive milder outcomes of counsel and release even when the severity of the offense and prior court records are accounted for. A continuation study based on focus group data resulted in themes pointing to causes of overrepresentation. These focused on the underlying reasons that youths get into trouble, such as child abuse and neglect, drug use, economic hardship, depression, social marginalization, distress and dysfunction within families, and, specifically for Native Hawaiians, political disenfranchisement and the erosion of strong family authority after colonization.

1.6 Findings of this Study

This study finds similar patterns to Kassebaum's study completed over 15 years ago. Statewide, an analysis of the decision points for youth juvenile offenses suggests that Hawaiian, Samoan, and Filipino youth fare worse than Caucasians at the stages of arrest. Once arrested, there is a

consistent and cumulative pattern of disproportionate contact, especially for Native Hawaiian, Mixed Race, Samoan, and Other Pacific Islander youths as they penetrate deeper into the system at the decision points for referral, detention, petitions filed, and placement on probation or protective supervision. Native Hawaiian youth are the most overrepresented group relative to their proportion of the youth population and face disproportionately negative outcomes at the greatest number of decision points compared to other ethnic groups.

The clear need to address disproportionate minority contact in the early stages of the juvenile justice system will require better understanding of the circumstances leading to their arrest and the various barriers that youth encounter in their personal interactions with law enforcement and their designated family court personnel such as the prosecutor and court/probation officer. The finding that Native Hawaiians, Samoans, other Pacific Islanders, and Mixed Race youth fare worse within the system – consistent across both the three year and the eleven year study periods – may indicate a different dynamic between White and Asian youth in comparison to the over-represented groups in which cultural differences, ethnic stereotypes, or a combination of those and other factors affect decision-making.

The following chapters provide detailed explanations of the specific methods and findings. Chapter Two explains the case flow process within the juvenile justice system along with fuller descriptions of the data and methods of analysis. Chapter Three presents a general description of the arrest data and examines the results of the Relative Rate Index (RRI) for the state and counties at the decision points of arrest, referral, diversion, detention, petition, guilty findings, probation/protective supervision placement, and secure confinement for various ethnic and racial groups. In Chapter Four, regression analyses at the statewide level are presented that compare both the duration of outcomes (in relation to length of detention, probation/protective supervision, or incarceration) as well as the odds of receiving a negative or positive decision after taking into account variations in gender, age at arrest, offense severity, prior record, and various neighborhood socioeconomic factors. The chapter identifies those groups receiving disproportionately favorable or unfavorable decisions at the various stages in the case flow process after accounting for those variations. Chapter Five outlines the findings from the qualitative data exploring the causes of DMC in light of the quantitative findings. Chapter Six examines characteristics of youth within the system who have been adjudicated by a judge for future planning so that the appropriate interventions, programs, policies, and services can be developed to address the problem of disproportionate minority contact in Hawai'i. This profile includes the contextual and behavioral characteristics of adjudicated youth from information found in youths' family court case files. Lastly, Chapter Seven presents a set of recommendations based on the mixed methods findings. The recommendations aim to reduce DMC and the overall numbers of youth in the juvenile justice system based on best practice approaches to addressing youth delinquency and development.

(This page intentionally left blank)

CHAPTER 2: RESEARCH METHODOLOGY

2.1 Mixed Methods Approach

The mixed methods design of the study employed both quantitative and qualitative approaches to give a richer interpretation of the extent of disproportionality at different decision points as well as different decision-makers' discretion and philosophical motivation (Bishop & Frazier, 1996; Pope et al., 2001). The quantitative analysis used data collected from 2000-2010 by the Juvenile Justice Information System (JJIS) to identify groups that have been disproportionately in contact with the juvenile justice system and the decision points where disproportionality was observed. The qualitative analysis expanded the understanding of the quantitative findings through interviews with juvenile justice personnel and partners and a literature review of local and national studies of disproportionate minority contact. The quantitative and qualitative methods were integrated to seek a comprehensive overview of the Hawai'i juvenile justice system and the policies, procedures, and behaviors that may influence disproportionate minority contact. The steps of the mixed method design are shown in Figure 2.1.

Figure 2.1. Diagram of Study Design

Mixed Methods Study Design

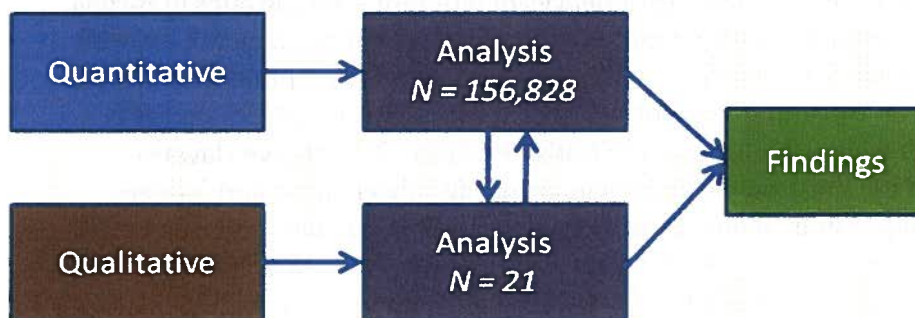
Quantitative Variables:

Dependent

1. Decisions at Different Stages
2. Type & Length of Sentence

Independent

1. Demographic characteristics (ethnicity, gender, age)
2. Extralegal Factors (offense severity, prior record, legal status)
3. Neighborhood Effects (property value, rent, income, poverty level, educational attainment)



Qualitative:

1. Policy/Procedure across circuits
2. Possible explanations/sources of bias
3. Ways to reduce disproportionality

2.2 Quantitative Data and Analysis

Quantitative data were obtained from the Juvenile Justice Information System to conduct an eleven-year and three-year cohort analysis of youth in order to determine extent of disproportionality and relative disparities among and between ethnic groups at different decision points. When appropriate, separate analyses were conducted for status offenses versus law violations, for example excluding status offenses from the analysis of the decision to incarcerate.

Three main types of quantitative analysis were performed to yield fuller understanding of the data. We first considered outcomes at decision points (e.g., the decision to refer a youth to Family Court upon arrest) by calculating the Relative Rate Index to compare the relative rate of contact for each ethnic group at each stage of the juvenile justice system. The next step of analysis required the calculation of a binary logistic regression at each of the five major decision points of referral, petition, adjudication, court-ordered probation or protective supervision placement, and incarceration in order to compare the experience of different ethnic groups while controlling for other contributing factors such as gender, age, offense severity, prior record, and supervisory status. Linear regression analysis was used to explore the differences between the duration of sentencing by ethnic group for decisions to detain, confine, or place a youth on court-ordered supervision (i.e., probation for law violators or protective supervision for status offenders). The linear regression also controlled for the same array of demographic and extralegal variables. Caucasian youth were used as the reference group for all three sets of analysis.

Although youths' names and home addresses were not included in the dataset, the coordinates of the residence on record were available for some cases where the data had been entered. This provided an opportunity to take variables that represented neighborhood effects at the census block group level into account for youth whose residential information was available. These neighborhood level variables consisted of measures of median home value, median rent prices, and levels of income, poverty, and educational attainment for the block group(s) where the youth resided.

In order to better capture the unique experiences of different ethnic groups in Hawaii, relevant categories for Hawaii's ethnic communities were determined by the Juvenile Justice State Advisory Council and agreed upon by the Juvenile Detention Alternatives Initiative (JDAI) Racial and Ethnic Disparities (RED) Subcommittee. Fifteen mutually exclusive categories were established, with Native Hawaiian/Part Native Hawaiian identified as one of the most significant ethnic groups for observation and analysis. Ethnic data in the JJIS system allowed entry of a maximum of five different ethnicities for youth offenders and these combinations were coded to place each child into a single study category, following the guidelines for classification shown in Table 2.1.

Table 2.1: Ethnic Categories Determined by the Hawai'i JJSAC and JDAI RED Subcommittee

Study Category	Included JJIS racial/ethnic fields
African American	Black
Caucasian	Caucasian, Portuguese, Middle Eastern
Chinese	Chinese
Filipino	Filipino
Hawaiian/Part Hawaiian	Hawaiian, Mixed ancestry including Hawaiian
Japanese	Japanese
Korean	Korean
Latino/Hispanic	Cuban, Guatemalan, Jamaican, Mexican, Other Hispanic, Panamanian, Puerto Rican, Spanish, Mixed within Latino
Mixed Race	Mixed ancestry between (not within) African American, Asian, Caucasian, Native American, Pacific Islander, not including Hawaiian or Samoan
Native American	American Indian, Alaskan Native
Other Asian and Mixed Asian	Burmese, Cambodian, East Indian, Indonesian, Laotian, Malayan, Other Asian, Thai, Vietnamese, Mixed within Asian (including Chinese, Filipino, Japanese, Korean)
Other Pacific Islander and Mixed Pacific Islander	Fijian, Guamanian, Maori, Micronesian, Other Pacific Islander, Tahitian, Tongan, Mixed within Pacific Islander not including Samoan or Hawaiian
Samoan	Samoan, Mixed ancestry including Samoan but not Hawaiian

* Two additional categories were also established and used, although they were not significant to the research. Youth whose ethnic information did not fit into any of the above categories were categorized as "All Other" and youth for whom ethnic information was not available were categorized as "Ethnicity Unknown."

In the case of Native Hawaiians, the ethnicity of a child whose record indicated Native Hawaiian heritage in any of the five "ethnicity" fields was coded as Hawaiian/part-Hawaiian. And in the case of Samoans, the ethnicity of a child whose record indicated Samoan heritage in any of the five "ethnicity" fields but not Native Hawaiian was coded as Samoan.

Extralegal variables included information about the presenting offense as well as any prior record that the youth had with the juvenile justice system (see Table 2.2). The charges or offenses for each arrest incident were converted to a severity index and summed to measure the relative seriousness of the combined offenses for each arrest case that would be considered by a prosecutor, court officer, or judge for decision-making. The severity of prior offenses for which the youth had been adjudicated was also used to create a variable explaining the extent to which prior record may influence outcomes for the current arrest. The legal status of a youth at arrest, whether on probationary status for previous law violations or protective supervision for previous status offenses, was also considered.

Table 2.2: Juvenile Justice Information Systems and U.S. Census Data Used

Field Name	Description of Data Element
Ethnicity	Allows police officers or judicial staff to enter up to 5 ethnic groups to describe youth's ethnic identity. Recoded into 15 categories
Sex	Gender (Male, Female, or Unknown)
Date of Arrest	Date police report was filed
Age at Arrest	Difference between date of arrest and date of birth. Selected for ages 10-17
Charge Number	Offense cited on police report
Offense Severity Scale	Coded severity of charges from lowest (Status Offense =1) to highest (Index Violent Offense = 8)
Combined Offense Severity	Sum of offense severity in the case of multiple charges for the same individual on the same arrest date
Severity of Prior Adjudicated Offenses	Sum of severity for all adjudicated charges prior to the current arrest for an individual
On Probation or Protective Supervision	Whether a juvenile was on legal status (probation or protective supervision) at the time of current arrest
Median Home Value	Median property value for residential homes in selected block group*
Per Capita Income	Mean annual income per person in the past 12 months in selected block group
Percent below Poverty	Percent households with family income below the poverty level in the past 12 months in the selected block group*
High School Graduates	Percent of adults who have graduated from high school in selected block group

Sources: *American Community Survey, 3 year estimates, 2007-2009. ** 2000 U.S. Census.

2.3 Limitations to the Quantitative Analysis

Working with the JJIS data also presented some limitations because the database was originally structured for tracking youth and not designed for research. Linking between tables was problematic for certain decision points, especially those that interfaced between the judiciary system and the detention facility or youth correctional facility, resulting in incomplete datasets for detention and incarceration where accurate case matching could not be determined and representativeness of results must be regarded tentatively. The dataset for detention in particular was limited; the three-year study cohort from 2007-2009 was determined by the years where the detention data appeared to be more complete although the totals should still be considered under-counts. The structure of the data from the Hawai'i Youth Correctional Facility also posed challenges to connecting admissions to the facility with the corresponding arrests for youth. Violations of probation that did not trigger a re-arrest may explain some of the admissions that did not correspond to the arrest records and were omitted from the analysis.

2.4 Decision Making Stages in Hawai'i

The general decision making process for Hawai'i holds true across all four counties, with minor variations dictated mainly by availability of resources. Nine standard decision points are typically used in studies of disproportionate minority contact beginning with arrest as the initial contact point with the system and progressively deepening a youth's involvement to the point of adjudication and sentencing. In this study, the six decision points that were the focus of the quantitative analysis are in bold font in Table 2.3: **arrest, referral, detention** (only considered for the 3 year cohort due to lack of 11 year data), **petition, adjudication, probation or protective supervision, and incarceration.**

The list of decision points does not necessarily reflect the exact chronological order of every youth's experience in the juvenile justice system. In Hawaii, the case processing for juvenile offenders follows a fairly consistent pattern as outlined in Figure 2.2. However, at the county level and within the different jurisdictions that make up the county, there are procedural variations that reflect the philosophy of different decision-makers as well as the available resources for alternatives to formal processing.

Table 2.3: Decision-making Stages in the Juvenile Justice System

Decision Point	Standard Definitions for Stages in the Juvenile Justice System
1. Arrest	Juvenile arrests occur when law enforcement contact youth on suspicion of committing a delinquent act, including crimes against persons, property, public order, and drug offenses.
2. Referral	Referral to legal processing by court or intake agency can be a result of arrest or complaint by a citizen or school.
3. Diversion	Diversion occurs when the referral of a youth to court or an intake agency is dismissed or resolved informally without filing formal charges.
4. Detention	Placement in secure detention may occur at any point of the case processing for a youth suspected of delinquency. Detention does not include youth held in shelters or other non-secure residential facilities.
5. Petition	Petitions are filed when formal charges are pressed against a youth to request the court to adjudicate.
6. Adjudication	Adjudication occurs at a juvenile court hearing when a youth is judged guilty, or legally responsible for the charge that has been filed against him or her.
7. Probation or Protective Supervision (for Status Offenses)	Placement on court-ordered supervision following a juvenile court disposition takes the form of probation for law violations or on protective supervision for status offenses.
8. Incarceration	Incarceration is a sentence to confinement in secure correctional facilities for adjudicated juvenile offenders.
9. Waiver	Juvenile cases are waived to adult criminal court as a result of judicial finding in juvenile court.

Source: Adapted from Gonzales, Schofield, & Flores, 2006, p. 1-7, 1-8

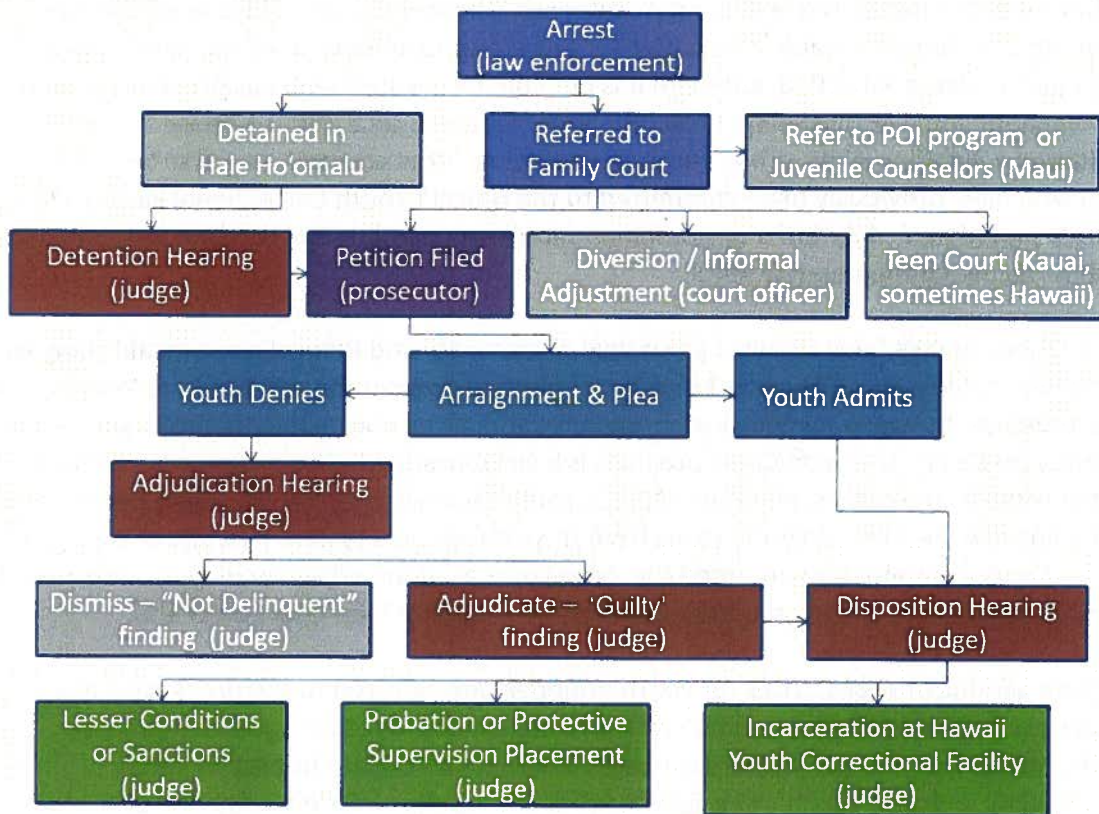
In the typical case flow, the initial contact point of arrest by a law enforcement officer leads to the decision to refer to family court for intake and assessment by a court officer; or in more severe cases of juvenile law violators who pose a physical risk of harm to themselves or others, arrest leads to the decision to detain a youth at Hale Ho’omalua Juvenile Detention Facility on

O'ahu awaiting a detention hearing. However, due to the cost of transport and escort for a youth from a neighbor island county to be detained at Hale Ho'omalua, the use of detention as an alternative for higher risk law violation offenses is limited outside of Honolulu County. Detention is no longer a viable alternative for any status offenders since the elimination of the Valid Court Order in July 2010, although it is possible for a youth who has previously committed a law violation and was placed on probation to be detained on a status offense that is considered a violation of his or her terms of probation. That scenario may also be true for youth who have previously been committed to the Hawai'i Youth Correctional Facility (HYCF) for a law violation; a violation of probation or parole can result in the decision to recommit the youth to secure confinement at HYCF.

The neighbor islands have shown a great deal of creativity and innovation in establishing viable alternatives for low-risk offenders, using both informal community and family resources as well as partnerships between juvenile justice agencies and other community-based organizations. Currently on Kaua'i, the Teen Court program is a collaboration between law enforcement, prosecutors, retired judges, and Hale 'Opio, a youth-serving organization. Teen Court has been channeling low level law violation cases from the formal court system to a jury of their peers. Hawai'i County has also implemented the Teen Court program when funding has been available and Honolulu County is exploring the possibility re-initiating Teen Court on O'ahu.

For more serious offenses, cases for youth offenders are referred to the prosecutor and if charges are sustained, then a petition is filed to determine whether a youth is guilty or responsible for the charge. At the plea stage, if a youth offender chooses to admit responsibility, a disposition hearing is scheduled and a judge will determine the outcomes for the charges presented. If a youth chooses to deny responsibility at the plea stage, an adjudication hearing is scheduled where the judge will rule whether the youth is guilty or not guilty. A non-guilty finding results in dismissal of the case, whereas a guilty finding will lead to a disposition hearing to determine outcomes. Status offenders do not follow the entire case processing flow chart shown in Figure 2.2. As mentioned, due to recent policy changes in the past 18 months, status offenders are not placed in secure detention and the most severe disposition that a status offender may receive is placement on Protective Supervision and assignment to a Persons in Need of Supervision (PINS) officer.

Figure 2.2: Juvenile Case Processing Flow for Hawai'i Juvenile Justice System



2.5 Qualitative Data and Analysis

Qualitative data were gathered through semi-structured interviews with knowledgeable individuals within the juvenile justice system and partnering service providers to explore the causes of overrepresentation of the different ethnic groups at the major decision points analyzed in the study: arrest, court referral, secure detention, petition, adjudications, probation placements, secure confinement in correctional facility, and transfer to adult court. Key informants were drawn from relevant agencies, including family court judges, prosecuting and defense attorneys, probation officers, police officers, corrections administrators, related social service providers and others familiar with the juvenile justice system. Secondary qualitative data were gathered, including scholarly articles, reports other published and archival sources.

The qualitative portion of the study began with a thorough review of the literature of juvenile justice and disproportionate minority contact (DMC) through archived and online sources. In addition, a search was done on local literature, reports, and media coverage of juvenile justice in Hawai'i and ethnic disparities within the system. To supplement the written sources, twenty-one interviews were conducted over the course of the study with knowledgeable individuals who have worked within the juvenile justice system or in close partnership with the system

through community-based agencies. A semi-structured interview guide was used and interviews were audio recorded, transcribed, and coded for themes of possible sources of DMC in Hawai'i as well as suggestions to reduce DMC and characteristics of youth from the disproportionately represented ethnic groups. Preliminary findings were reported quarterly at the Juvenile Justice State Advisory Council Executive Committee meetings, where discussion and questions raised helped set directions for further analysis.

2.6 Overall Study Limitations

The contextual differences in both community and governmental processes for the four counties of Hawai'i were taken into consideration, but there were limits to both the quantitative and qualitative analysis of these differences. Although a repeated theme was the need to focus not only on O'ahu and urban areas where the numbers are greater, the volume of neighbor island youth in contact with the juvenile justice system was too small to yield findings of statistical significance. In particular, Kaua'i County had relatively few juvenile cases and the analytical findings must be taken very tentatively. In another case, Maui County represents three islands with youth populations, Maui, Moloka'i, and Lana'i. Due to low numbers of youth offenders on Moloka'i and Lana'i, separate analysis of these communities was not possible. However, low numbers do not equate with low needs for services and a common complaint was the lack of services available to youth and families in these more rural and geographically isolated communities that are often overlooked when funding decisions are made.

As mentioned, the qualitative analysis was also limited in the number and scope of partners and stakeholders interviewed. While some representatives of neighbor island communities from the different counties were included in the initial round of interviews (four out of twenty-one total interviews), in the dissemination of this report, discussion groups in each of the counties are planned to gather more feedback on specific contextual considerations that are relevant to neighbor island communities concerning DMC. In addition to neighbor island representatives, the next phase of dissemination and discussion is planned include youth and families who have been in contact with the juvenile justice system and a greater share of community-based partners and organizations serving the ethnic groups that are disproportionately represented in the system.

Some of the possible contributing factors to DMC for which data were not possible to include in the scope of this study include family considerations, such as level of parental involvement; history of mental health care and treatment; substance use; the nature of the child's relationship with school and academics; and actual family socioeconomic status rather than using the block group measures as a proxy through the use of neighborhood effects.

2.7 Supplemental Profile Study of Adjudicated Youth

In order to address some of the limitations regarding contextual factors that may influence DMC that were outlined in the previous section, a supplemental qualitative study on data in Family Court case files was conducted after the main mixed method research had been concluded. The profile study examines characteristics of youth within the state juvenile justice system who were adjudicated by a judge. Files were selected based on a sample (n = 142) of approximately 20% of the youth who were adjudicated in the State of Hawai'i First Circuit Court (Honolulu County) for an arrest occurring in 2009. The first sample was randomly selected from case files that met the criteria and included Native Hawaiian ancestry, based on the quantitative study findings that Native Hawaiians suffered the greatest extent of overrepresentation in the Hawai'i juvenile justice system. The second was randomly selected from the remaining case files of non-Hawaiian youth. The records available in the case files included intake forms, assessments, and progress notes written by probation officers, Persons in Need of Supervision (PINS) officers, and other court personnel, as well as assessments and reports by school counselors and psychologists, Department of Health psychiatrists, and other health professionals. Court dispositions, police reports, and other materials contained in the files were also reviewed. Observations were made regarding risk factors, behavioral and mental health diagnoses, relationships between youth and their parents, academic performance, and substance use. The findings of this profile study are presented in Chapter Six.

CHAPTER 3: CHARACTERISTICS AND DEGREE OF DISPROPORTIONATE MINORITY CONTACT

3.1 Youth Arrests among Ethnic Groups in Hawaii

Figure 3.1 shows juvenile arrest data by ethnic group from 2000-2010 for the state of Hawai'i, aggregating both law violations and status offense arrests of youth aged 10-17 years old. The 156,828 arrests may represent "duplicate counts" in the case of individuals who were arrested multiple times during the eleven year period. Each arrest is composed of the combination of all charges recorded on the police report(s) for a given date and individual. Arrests of Native Hawaiian youth far outdistance the frequency of arrest for all other ethnic groups, comprising 65,251 or 41.6% of all juvenile arrests over the eleven years. This magnitude of overrepresentation is striking, even when making comparisons to the ethnic groups with the next highest arrest volumes, Caucasians, Filipinos, and Mixed Race. The arrests of these three groups combined (24,419 arrests, 19,072 arrests, and 15,763 arrests respectively) yield 37.8% of all arrests, a proportion still less than that of Native Hawaiian arrests. Samoan (6,588) and Other Pacific Islander / Mixed Pacific Islander (5,618 arrests) are the next groups in the line-up. Notably, the frequency of Chinese (798) and Korean (946) juvenile arrests is among the lowest for the state.

Considering the frequency of juvenile arrests by individual in Figure 3.2, Native Hawaiians again hold the highest arrest ranking of all ethnic groups at 18,963 individual youth or 33.3% of all youth arrested. The disparity between the other groups is still quite high, although the difference in counts for individuals arrested are not as extreme as the counts for total arrests. The distribution follows the same pattern, with Caucasian, Filipino, and Mixed Race youth following Native Hawaiians (10,593 individuals; 8,965 individuals; and 4,253 individuals respectively). Korean (469) and Chinese (517) are still among the ethnic groups with the lowest number of individual youth arrested, with only Native Americans with fewer individuals (40) for the eleven-year period.

Figure 3.1: State of Hawai'i Juvenile Arrests (2000-2010)

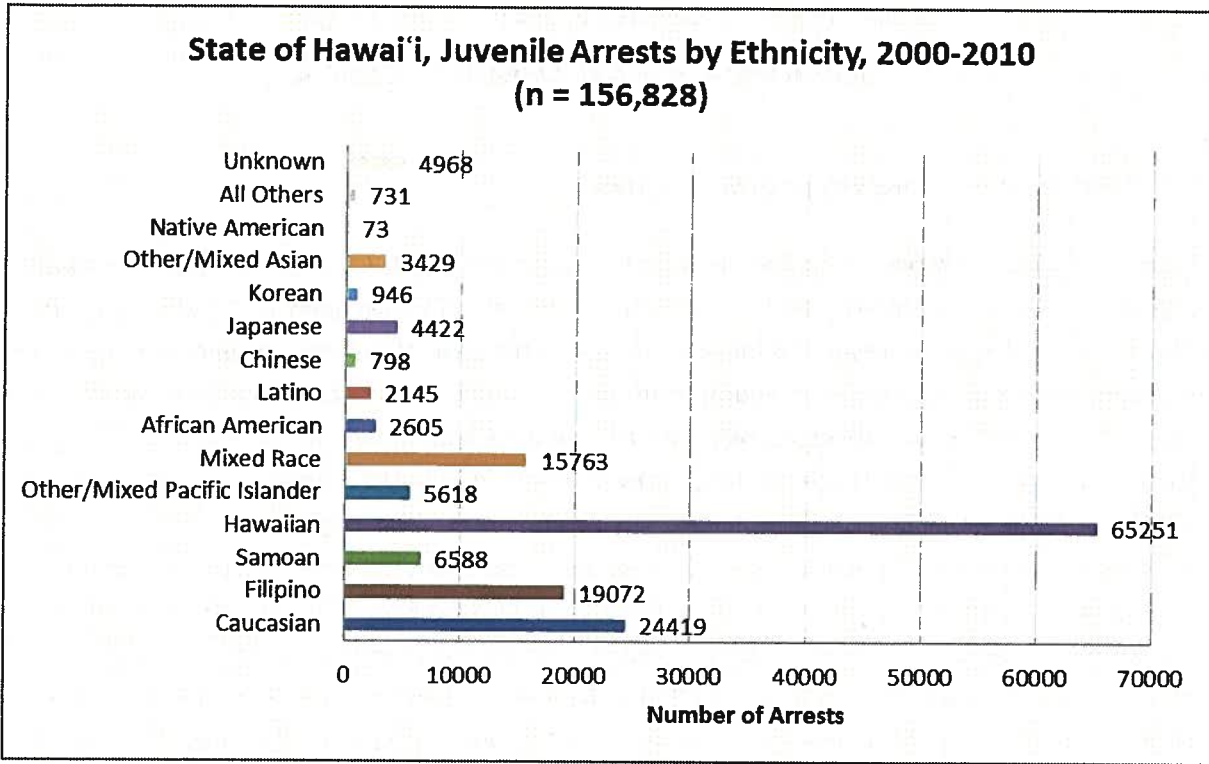
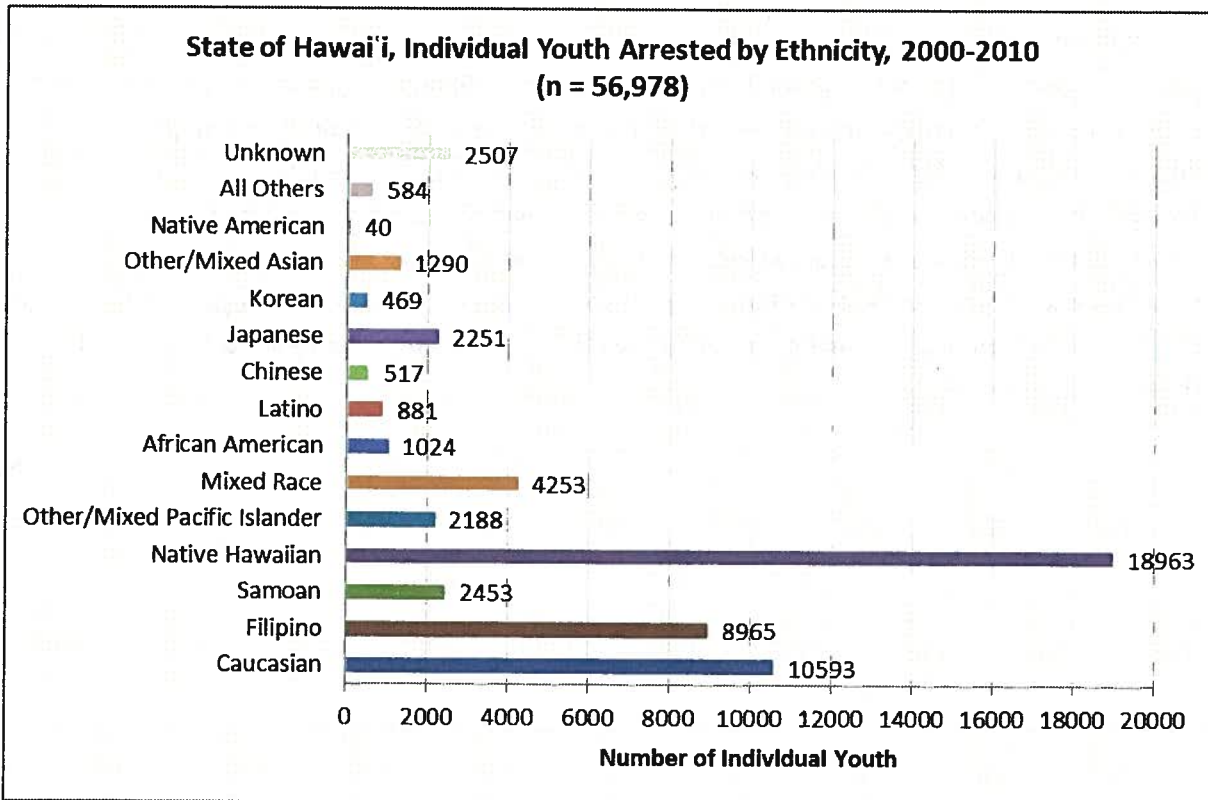
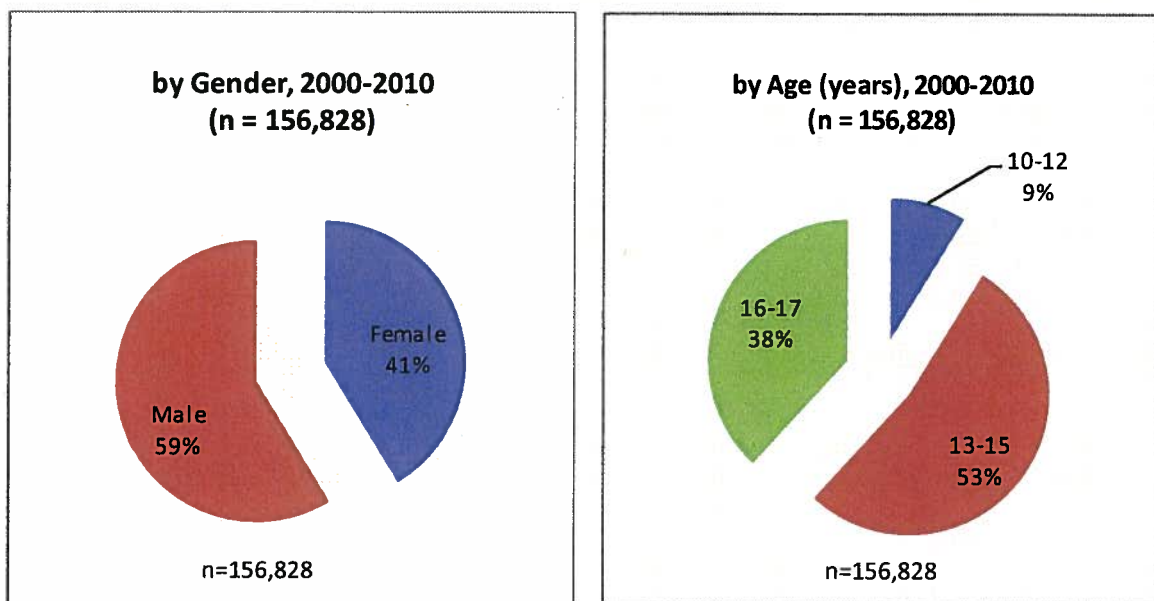


Figure 3.2: State of Hawai'i, Individual Youth Arrested by Ethnicity (2000-2010)



In addition to the ethnic breakdown of arrest data, some observations can be made about the gender and age composition of the data set. Figure 3.3. shows that the majority of arrests were composed of males (59%) compared to females (41%). More than half of the arrests involved youth aged 13-15 years (53%), as shown in Figure 3.4. The younger age bracket of 10-12 year olds made up less than ten percent of all arrest cases and the older age bracket of 16-17 year olds contributed less than forty percent of all arrests, highlighting a possible focus for prevention and intervention programs for youth 13 to 15 years old.

Figures 3.3 and Figure 3.4: State of Hawai`i, Juvenile Arrests by Gender and Age (2000-2010)



Tables 3.1 and 3.2 present two summaries of juvenile arrest data from the Juvenile Justice Information System for the period 2000-2010 categorized by offense type, gender, age, and probation status. The "Arrest Offense" category uses the most severe offense type for each arrest; for instance an arrest that includes charges for both truancy and substance use has been classified under "Substance/Alcohol." Table 3.1 sums the categories by ethnic group to facilitate comparisons between groups. For example, "Runaway" is the most frequent offense that youth in Hawai`i have been arrested for, totaling 30.6% of all arrests from 2000-2010. However, across different ethnic groups, runaway as a percent of total offenses ranges from less than fifteen percent of arrests of youth from "All Other" ethnicities to a high of nearly forty percent for Mixed Race juvenile arrests. A further examination reveals that arrests for runaway make up the largest percent of offenses for all ethnic groups except Mixed Pacific Islander/Other Pacific Islander, Chinese, Korean, and All Others. For these four ethnic groups,

the most frequent arrest offense is “Misdemeanor Property,” ranging from a little less than a quarter of all juvenile arrests of All Other ethnicities (24.7%) to almost a third of all arrests of Chinese youth (32.3%).

In contrast to Table 3.1, Table 3.2 sums the categories by offense type, gender, age, and supervisory status (probation or protective supervision) to paint an overall picture of juvenile arrests for the eleven-year period. To build on the earlier example that “Runaway” is the most common arrest offense for the state as a whole, Table 3.2 indicates that Native Hawaiian youth are involved in almost forty-five percent (44.5%) of all juvenile arrests where runaway is the most severe charge.

Table 3.1: State of Hawai'i, Juvenile Arrests by Ethnicity, 2000-2010 (Percent by Ethnicity)

	Caucasian	Filipino	Samoan	Hawaiian	Other/Mixed Pacific Islander	Mixed Race	African American	Latino	Chinese	Japanese	Korean	Other/Mixed Asian	Native American	All Others	Unknown	Total	
	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	
Total Juvenile Arrests	24419	19072	6588	65251	3618	15763	2655	2145	798	4422	946	3429	73	731	4968	156828	
Arrest Offense																	
Law Violations	93	57	59	316	62	69	19	12	1	12	3	15	2	1	60	781	
Felonious Person	1365	900	472	615	353	1050	164	127	21	184	48	168	3	28	360	4507	
Felonious Property	1345	551	1067	4252	475	848	253	141	23	193	52	199	3	4	402	809	
Misdemeanor Person	5190	2125	4222	12298	1494	2778	1762	415	258	1107	292	3037	19	181	1004	2021	
Other Misdemeanor	531	217	348	182	109	363	230	55	18	82	16	189	0	0	13	178	
Substances/Alcohol	2557	1047	1133	584	253	976	619	176	48	602	65	687	9	12	312	3876	
Weapons/Intimidation	1158	474	740	388	377	772	458	104	75	166	34	359	5	6	437	880	
Technical Violations	3	0.01	1	0.01	0	0.00	0	0.00	0	0.00	0	0.00	0	0	314	11303	
Other Violations	559	229	436	229	38	133	84	25	8	71	6	14	0	0	51	2083	
Status Offenses																	
Beyond Parental Control	1663	656	807	423	59	563	87	128	13	163	20	211	0	0	70	958	
Curfew Violation	1196	490	1077	565	99	150	1821	278	17	213	215	486	25	274	55	751	
Injurious Behavior	264	108	185	0.97	60	0.91	60	0.75	11	138	14	148	40	10	44	0.69	
Runaway	6465	2648	5116	2682	1782	2705	21327	3268	1103	1963	6243	3961	914	3506	625	2914	
Traffic	2047	838	2978	1561	822	1248	6474	932	1150	2047	1418	900	180	691	244	1138	
Other Status Offense	43	0.18	30	0.16	7	0.12	0.08	0.14	0	0.00	0	0.00	0	0	0	0.15	
Total	24419	19072	6588	100100	65251	100100	2655	100100	798	100100	946	100100	73	100100	4968	100100	
Gender*																	
Female	9938	4670	2467	4334	1696	6823	877	880	312	1948	356	1473	23	306	2060	64715	
Male	14478	14402	4121	21916	4922	8940	1778	1265	486	2474	590	1956	50	424	2908	92113	
Total	24416	19072	6588	65251	100100	15763	2655	2145	797	4422	946	3429	73	730	4952	156780	
Age Category																	
10-12	2089	855	1808	948	699	1081	332	147	44	302	64	215	2	118	551	13729	
13-15	12105	4937	3098	5400	3050	5429	1307	1102	408	2203	528	1970	41	332	2532	45452	
16-17	10225	4187	6966	3652	2342	3555	24456	3748	1869	3127	6559	3907	346	281	4110	1865	
Total	24419	10072	6588	100100	65251	100100	2655	2145	798	4422	946	3429	73	731	4968	156828	
On Probation or Protective Supervision at Arrest**																	
NO	22175	9112	17801	9362	5123	9150	2234	1946	774	4002	870	2986	65	729	10000	6644	
Yes	2162	888	1244	636	855	1302	10627	1634	476	4002	911	75	794	0	0	305	616
Total	24337	10010	6588	100100	65251	100100	5599	2138	797	4403	945	3427	73	729	4949	156314	

*Gender data unavailable for 48 cases
**Probation/Protective Supervision Status unavailable for 494 cases

Table 3.2: State of Hawai'i, Juvenile Arrests by Ethnicity, 2000-2010 (Percent by Offense, Gender, Age, & Supervisory Status)

Arrest Offense	Caucasian		Filipino		Samoan		Hawaiian		Other/Mixed Pacific Islander		Mixed Race		African American		Latino		Chinese		Japanese		Koreans		Other/Mixed Asian		Native American		All Others		Unknown		Total				
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%					
Total Juvenile Arrests	24419	15.57	19072	12.16	6588	4.20	65251	41.61	5618	3.56	15703	10.05	2605	1.66	2145	1.37	798	0.51	4422	2.82	946	0.60	3429	2.19	73	0.05	731	0.47	4908	3.17	156828	100.00			
Arrest Offense																																			
Law Violation																																			
Below Violation	93	11.91	57	7.30	59	7.55	316	40.46	67	7.94	69	8.83	19	2.43	12	1.54	1	0.13	12	1.54	4	0.36	15	1.92	2	0.26	1	0.12	60	7.86	781	100.00			
Family Person	1365	13.37	900	8.81	615	6.02	4825	47.25	353	3.46	1050	10.28	164	1.61	127	1.24	21	0.21	184	1.80	48	0.47	108	1.65	3	0.33	24	0.23	360	3.54	10311	100.00			
Misdemeanor Property	1445	13.59	1062	10.13	712	7.10	4252	41.97	425	4.29	948	8.57	253	2.36	141	1.42	23	0.23	193	1.95	52	0.53	339	1.40	4	0.43	46	0.46	402	4.04	1885	100.00			
Other Misdemeanor	5190	16.20	4222	13.18	1518	4.74	12298	38.36	1494	4.66	2778	8.67	560	1.75	415	1.30	258	0.81	1107	3.46	292	0.91	704	2.20	19	0.66	181	0.54	3804	3.33	32940	100.00			
Substance/Alcohol	531	13.70	348	8.96	193	4.98	1289	48.59	109	2.81	363	9.37	43	1.11	55	1.42	18	0.46	81	2.12	16	0.43	94	2.43	0	0.00	13	0.34	112	2.88	4876	100.00			
Weapons/Intimidation	2557	22.62	1113	9.85	253	2.24	4624	41.00	266	2.35	976	8.63	96	0.85	176	1.56	48	0.42	419	3.71	65	0.58	207	1.83	9	0.68	47	0.42	417	3.87	11703	100.00			
Technical Violations	1158	14.99	740	9.58	377	4.88	3419	44.25	283	3.66	722	9.35	207	2.68	104	1.35	25	0.32	166	2.15	34	0.44	113	1.46	5	0.96	59	0.76	314	4.05	7716	100.00			
Other Violations	3	18.75	1	6.25	1	6.25	9	56.25	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	6.25	0	0.00	0	0.00	1	6.25	36	100.00			
Status Offense	559	26.84	436	20.93	14	0.67	670	32.17	38	1.82	133	6.39	16	0.77	25	1.20	8	0.38	71	3.41	6	0.79	14	0.67	0	0.00	42	2.02	51	2.45	2883	100.00			
Beyond Parental Control	1603	24.94	807	12.55	73	1.10	2601	40.46	59	0.92	363	8.76	87	1.35	128	1.99	13	0.20	185	2.88	20	0.31	66	1.03	0	0.00	70	1.08	155	2.41	6418	100.00			
Curfew Violation	1196	21.75	1077	19.59	99	1.80	1821	33.12	179	3.26	430	7.82	40	0.73	74	1.35	17	0.31	215	3.91	25	0.45	79	1.44	2	0.04	55	1.00	190	3.46	5899	100.00			
Injurious Behavior	264	17.09	185	11.97	60	3.80	601	38.90	90	5.83	140	9.06	24	1.55	16	1.04	11	0.71	46	2.98	14	0.91	40	7.59	0	0.00	10	0.65	44	2.85	1545	100.00			
Runaway	6465	13.49	5116	10.67	1782	3.72	21327	44.49	1103	2.80	6243	13.07	914	1.91	625	1.30	166	0.35	1330	2.77	243	0.51	1300	2.71	22	0.25	106	0.22	1198	2.56	47440	100.00			
Truancy	2047	11.88	2978	17.28	872	4.77	6474	37.58	1150	6.67	1418	8.23	180	1.04	244	1.42	189	1.10	404	2.34	178	0.74	484	2.81	8	0.05	73	0.42	630	3.66	17239	100.00			
Other Status Offense	43	16.86	30	11.76	12	4.71	105	41.18	7	2.75	30	11.76	2	0.78	3	1.18	0	0.00	8	3.14	0	0.00	5	1.96	0	0.00	0	0.00	10	3.92	255	100.00			
Gender*																																			
Female	9938	15.35	8164	12.77	2467	3.81	27782	42.15	1696	2.67	6043	10.57	877	1.35	880	1.36	317	0.46	1048	3.01	356	0.55	1473	2.28	23	0.04	306	0.47	2060	3.18	64725	100.00			
Male	14478	15.73	10908	11.74	4121	4.48	37569	41.23	3921	4.26	8917	9.69	1728	1.88	1265	1.37	485	0.53	2474	2.69	590	0.64	1954	2.12	50	0.05	424	0.46	2892	3.14	92655	100.00			
Age Category																																			
10-12	2089	15.22	1808	13.17	561	4.09	5716	41.83	699	5.09	1081	7.87	332	2.42	147	1.07	44	0.32	302	2.20	64	0.47	215	1.57	2	0.01	118	0.86	551	4.01	13729	100.00			
13-15	12106	14.55	10298	12.38	3605	4.43	35079	45.17	3050	3.67	8523	10.25	1307	1.57	1102	1.32	468	0.48	2203	2.85	578	0.63	1970	2.37	41	0.05	337	0.46	2552	3.07	83183	100.00			
16-17	10225	17.07	6986	11.63	2342	3.91	24556	40.82	1869	3.12	6159	10.28	966	1.61	896	1.50	346	0.58	1917	3.20	354	0.58	1244	2.08	30	0.05	281	0.47	1865	3.11	59816	100.00			
On Probation or Protective Supervision at Arrest**																																			
No	22175	16.28	17801	13.05	5713	4.19	54474	39.90	5123	3.76	12911	9.46	2334	1.64	1946	1.43	774	0.57	4002	2.93	870	0.64	2968	2.20	65	0.05	729	0.53	4644	3.49	136409	100.00			
Yes	2162	10.85	1214	6.09	855	4.29	10627	53.34	476	2.39	2798	14.04	365	1.83	192	0.96	23	0.12	401	2.01	75	0.38	424	2.13	8	0.04	0	0.00	305	1.54	19925	100.00			

*Gender data unavailable for 48 cases

**Probation and Protective Supervision Status unavailable for 494 cases

Disaggregating the juvenile arrests by law violations and status offenses offers a more nuanced understanding of the nature of youth arrest offenses. Figure 3.5 highlights Misdemeanor Property as the juvenile law violation resulting in the most arrests (41%) in comparison to a relatively low proportion of Felony Person arrests (1%). Arrests involving substance use or alcohol are the second most common law violation offense at 14%, followed closely by both Felony Property and Misdemeanor Person at 13% each.

Figure 3.5: State of Hawai'i, Percent Juvenile Law Violation by Type (2000-2010)

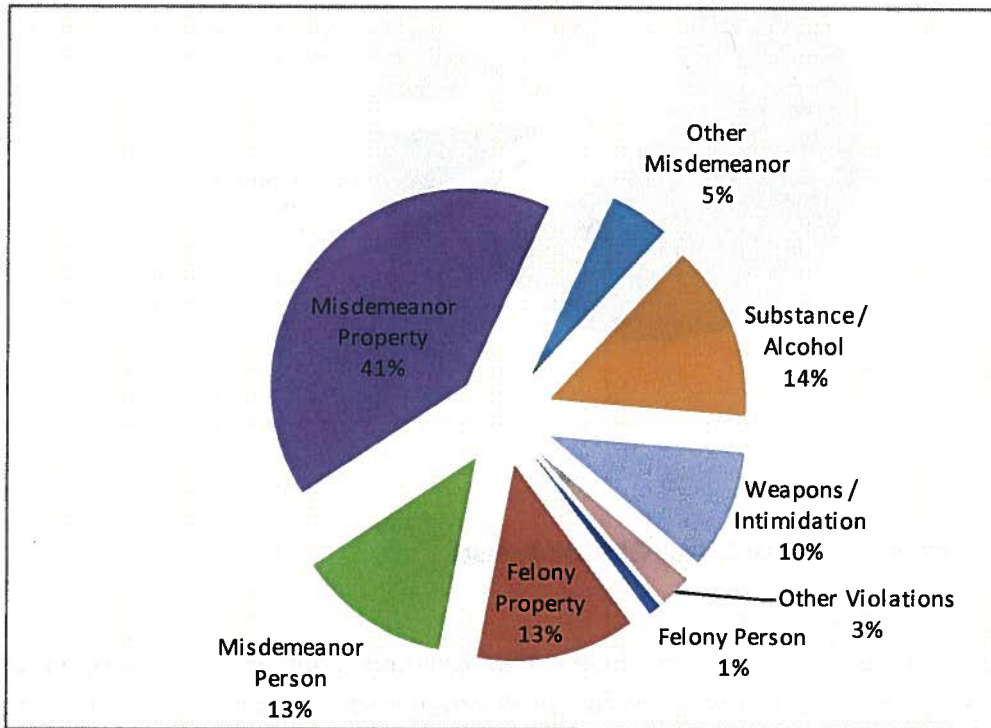
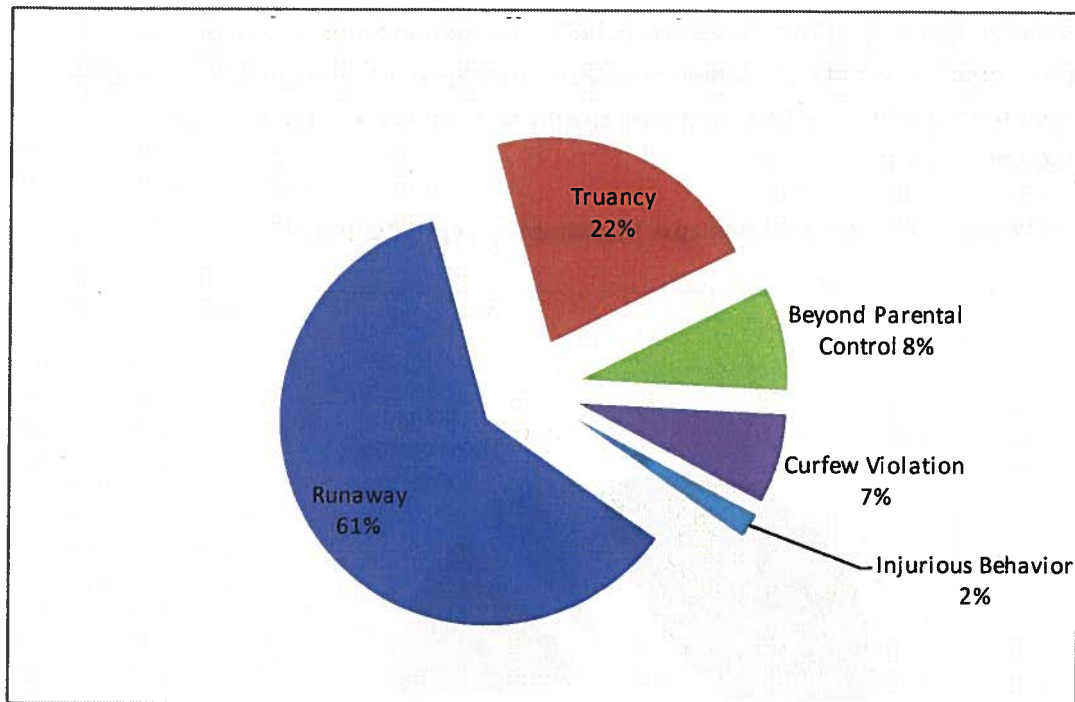


Figure 3.6 allows a similar view of status offense arrests and illuminates a statistic with important policy implications. When status offenses are disaggregated from law violations, the proportion of arrests for runaway rises to 61% of all status offense arrests. The second most frequent offense type is truancy at 22% of all status offense arrests. The offense categories of Beyond Parental Control (8%) and Curfew Violation (7%) follow, then Injurious Behavior (2%). According to the JJIS dataset for 2000-2010, other status offense types comprised less than 1% of the total status offense arrests.

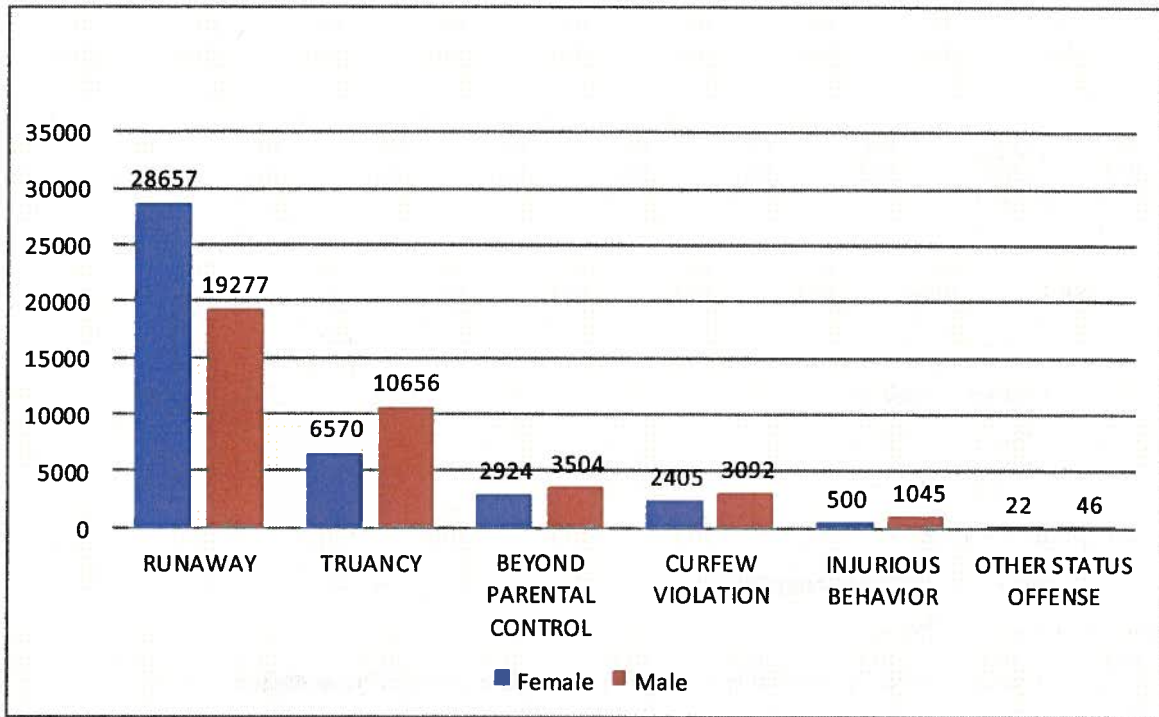
Figure 3.6: State of Hawai'i, Percent Status Offense by Type (2000-2010)



3.2. Selected Characteristics of Status Offense Arrests

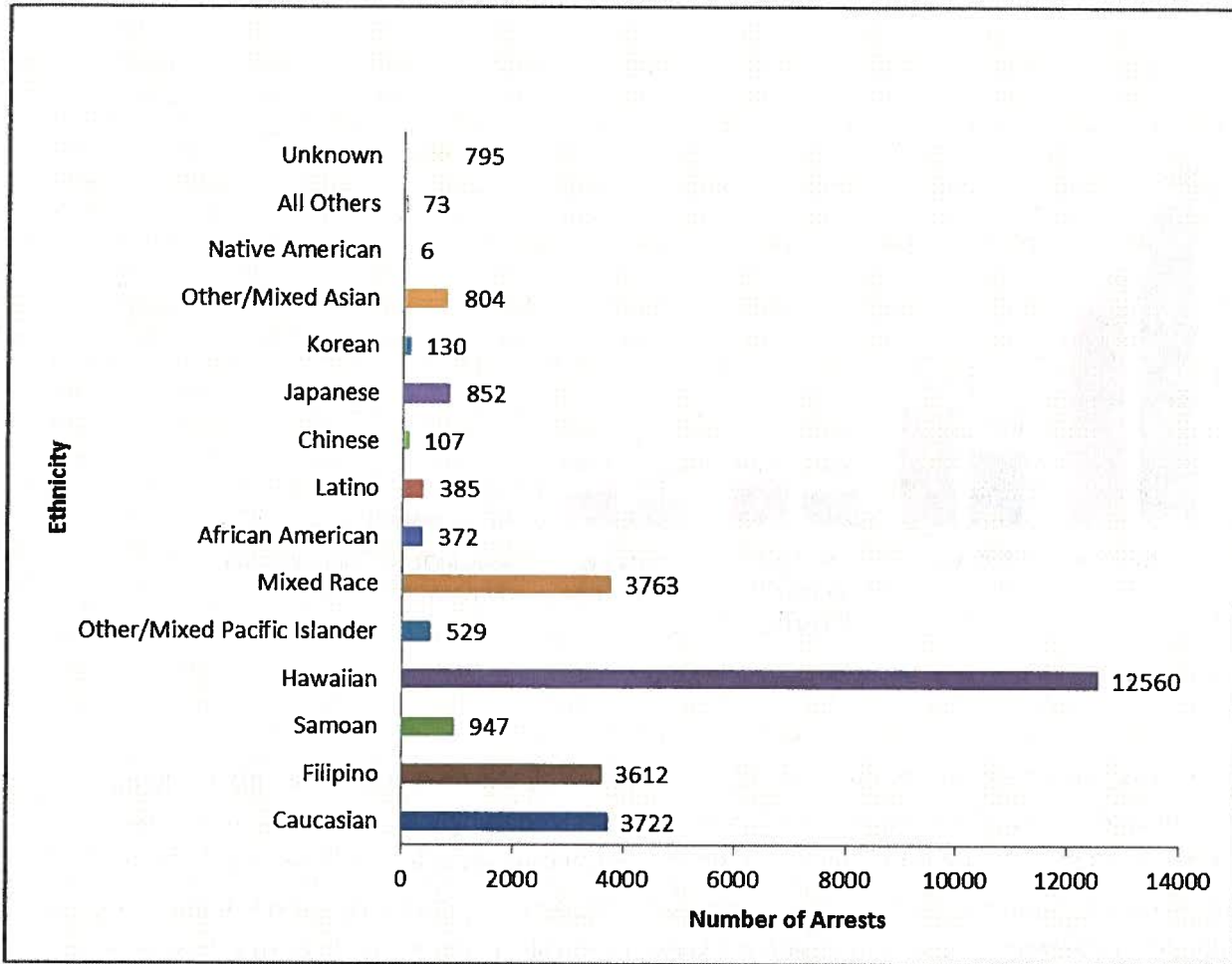
The observations about status offenses made in the previous section point to the importance of taking a closer look at some of the characteristics of status offense arrests, particularly arrests for runaway. Further disaggregation of the data by gender shows differential arrest volumes for certain offense types in Figure 3.7. Female youth tend to be arrested less frequently than male youth for every offense type except Runaway, where females compose almost sixty percent of these arrests (28,657 female arrests of a total of 47,934 arrests for runaway).

Figure 3.7: State of Hawai'i, Status Offense Arrests by Type and Gender (2000-2010)



The characteristics of arrests for runaway are further clarified by the next cut of the data in Figure 3.8. The ethnic composition of female arrests for runaway is overwhelmingly Native Hawaiian (12,560 of 28,657 arrests or 43.8%). Three ethnic groups distantly trail Native Hawaiians in frequency of female arrests for runaway at approximately 3,700 arrests each (Mixed Race, Caucasian, and Filipino). This “unpeeling” of characteristics associated with the largest juvenile arrest category of runaway points to a critical need to focus on the reasons that young Native Hawaiian women are running away from home. A critical source of disproportionate contact with the juvenile justice system for Native Hawaiian youth is not being effectively addressed by current approaches that criminalize young people for leaving home without a deeper understanding of what forces are motivating their departure (Chesney-Lind and Bilsky, 2011).

Figure 3.8: State of Hawai'i, Number of Female Arrests for Runaway (2000-2010)



3.3 Identification of Disproportionate Minority Contact by Decision Point & Ethnicity

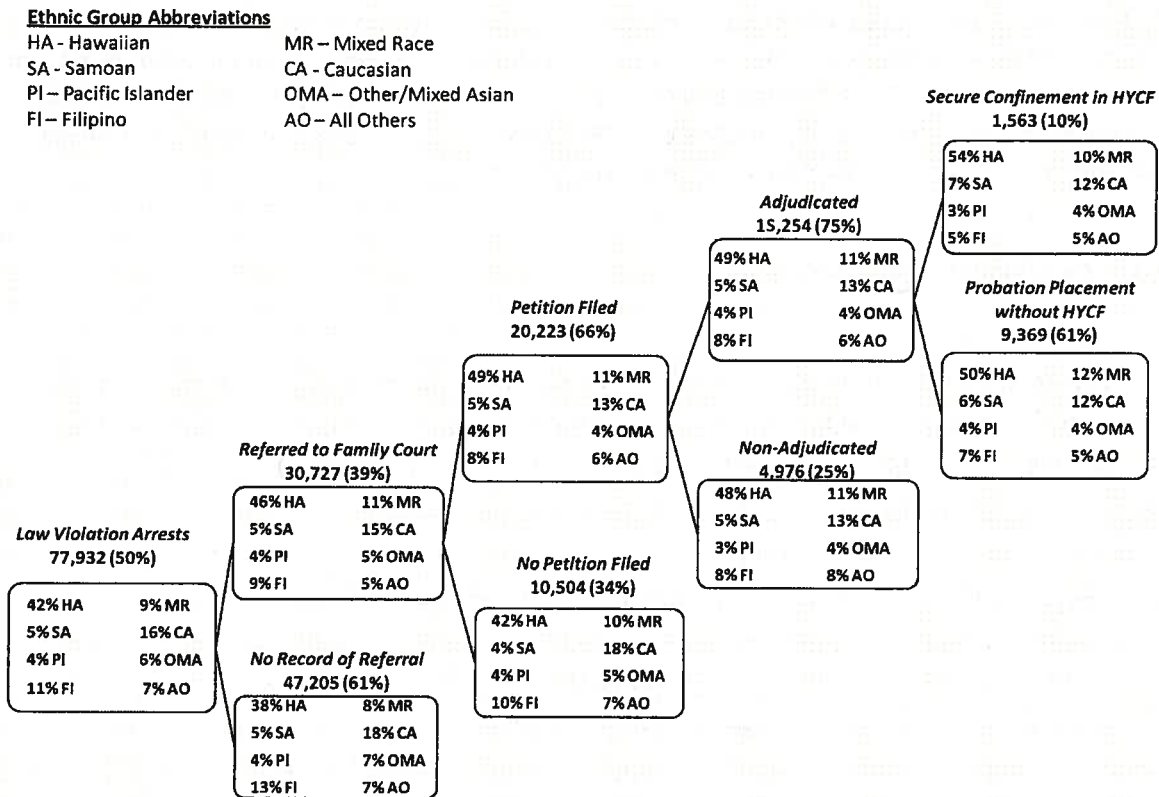
Tracking the outcomes of youth who come into contact with the juvenile justice system in Hawai'i requires some contextual understanding of the decision-making process coordinated between (a) law enforcement at the point of arrest; Family Court personnel such as (b) court intake officers and (c) prosecutors at the point of referral for formal processing and the decision to file a petition; then (d) judges at the point of decision to adjudicate and order sanctions ranging from community service to placement on probation/protective supervision to the most severe disposition of incarceration for the most serious law violations. The following discussion is intended to highlight the effects of decisions made at different points in the juvenile justice case flow process and to clarify differences between decision-making trends for law violations versus status offenses.

3.3.1 Case Flow for Law Violations

Figure 3.9 illustrates the flow of nearly 78,000 law violation cases (comprising half of all juvenile arrests) through the Hawai'i juvenile justice system from 2000-2010. Of the 77,932 law violation arrests, almost 40% were referred to Family Court for formal processing as a result of decisions made by law enforcement officers and prosecutors. Of those referred, about two-thirds of the cases consequently have a petition filed to appear before a judge. Of the cases with a petition filed, three-quarters are found guilty or adjudicated. The majority of these cases receive a sanction that includes placement on probation status; 60% of the cases receive probation without incarceration while some additional cases receive a disposition that includes both probation and incarceration (unmeasured in this study). According to this data set, approximately ten percent of all adjudicated cases are sentenced to some period of incarceration at the Hawai'i Youth Correctional Facility (HYCF). Due to some limitations of the data, this may be an undercount of the actual incarceration decisions for this time period.

The experience of different ethnic groups can be followed through the flow chart. While most of the ethnic groups see a decrease in representation as the cases penetrate into the juvenile justice system, the cases involving Native Hawaiian youth depart from this trend. At the point of arrest, 42% of all cases involve Native Hawaiian youth. As the cases progress deeper into the system, the proportion of Native Hawaiian involvement incrementally increases to 46% of the cases referred to Family Court, 49% of the cases petitioned to appear in court and subsequently adjudicated, then 50% of the cases sentenced to probation placement without incarceration and 54% of the cases sentenced to incarceration.

Figure 3.9: Flow Chart of Juvenile Case Processing, by Ethnic Differences – Law Violations: State of Hawai‘i, 2000-2010



3.3.2 Case Flow for Status Offenses

Figure 3.10 represents the case flow process corresponding to the 78,709 status offense arrests of youth aged 10-17 that occurred in Hawai'i from 2000-2010. A larger proportion of status offense arrests (55%) are referred to Family Court for formal processing in contrast to 39% of law violation arrests referred. But upon referral, only 13% of the status offense cases have a petition filed to appear before a judge, compared to 66% of law violation arrests petitioned. Similar to law violation cases, at the point of adjudication, the majority of cases are found guilty (81% of status offense arrests are adjudicated). The vast majority (87%) of adjudicated status offenses receive a disposition that includes placement on protective supervision for a period of time.

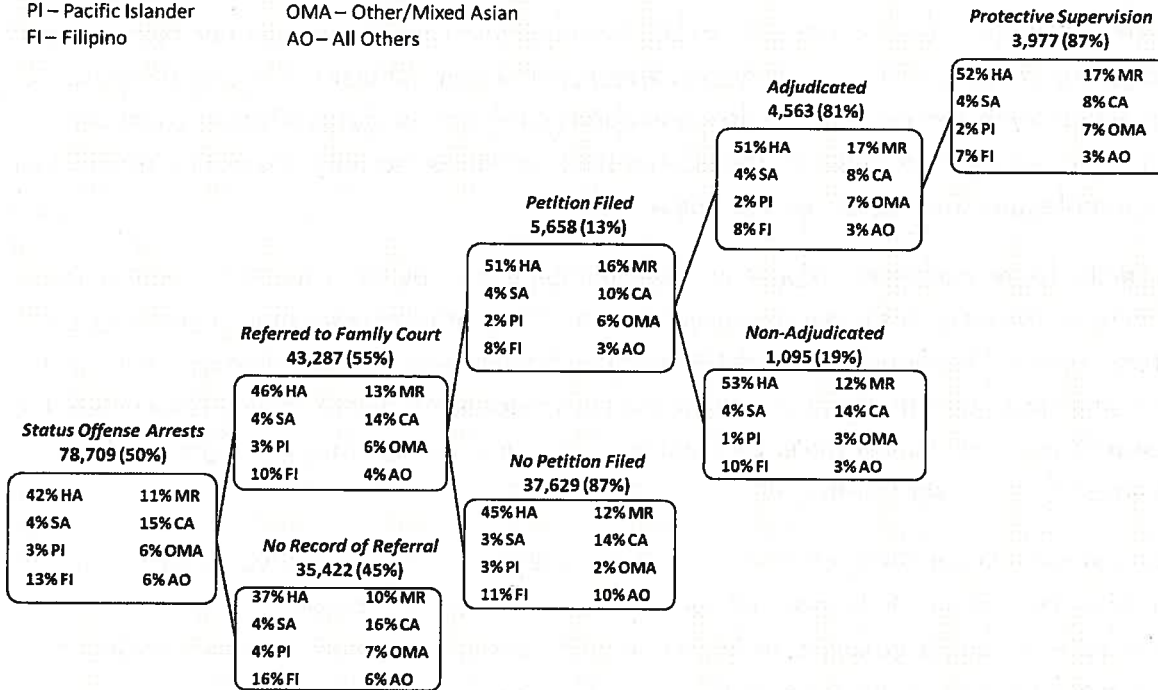
Somewhat similar to the experience of juvenile law violation arrests by ethnicity, Native Hawaiians again face incremental increases in overrepresentation as status offense cases move deeper into the justice system. Figure 3.10 shows that Mixed Race status offense cases also subtly increase in proportion as they progress into the system. The stark overrepresentation of Native Hawaiians in the case processing is again obvious at the entry point of arrest, where indigenous youth are involved in 42% of the arrest cases for status offenses.

The next section will build on these observations of ethnic disparities in juvenile justice case flow and decision-making. The Relative Rate Index will be introduced as a tool to compare the relative experience of different ethnic groups at decision points throughout the juvenile justice system, using the experience of Caucasian youth as the baseline for comparison.

Figure 3.10: Flow Chart of Juvenile Case Processing, by Ethnic Differences – Status Offenses: State of Hawai‘i, 2000-2010

Ethnic Group Abbreviations

HA - Hawaiian
 SA - Samoan
 PI - Pacific Islander
 FI - Filipino
 MR - Mixed Race
 CA - Caucasian
 OMA - Other/Mixed Asian
 AO - All Others



3.3.3 Rates and Relative Rate Index (RRI)

The basic juvenile arrest rate for the state is outlined in Table 3.3, showing the arrest rate by county separately for law violations and status offenses. The cases included in these tables are based on the arrests made in the three-year period between 2007-2009. While the raw number of arrests is higher in Honolulu County, the rates of arrest relative to the youth population in the other counties, particularly Maui County, are higher.

Table 3.3: Rate of Juvenile Arrest (2007-2009)

**Rate of Juvenile Arrest by County
State of Hawai'i
Juvenile Arrests between 2007-2009**

(per 1,000 youth in the population)	Honolulu County	Maui County	Hawai'i County	Kaua'i County
Law Violation Arrest Rate	30	129	35	73
Status Offense Arrest Rate	40	110	42	55

To further expand this initial analysis, a currently used measure of disproportionate representation is the *Relative Rate Index (RRI)*, which allows for a comparison of *rates* of contact for each ethnic or racial group at each decision point in the juvenile justice process from arrest to incarceration. The RRI does not, however, measure the length of stay in detention, confinement or probation, which is another important dimension of disproportionate representation that we address later. They also do not take into account variations among groups in offense severity, prior offenses, gender, age, and other variables that decision makers may take into account. More detailed statistical analyses are presented following the RRI tables. The RRI tables include the raw numbers followed by the rates for the state of Hawai'i and each of the four counties, respectively.

The cases included in these tables are based on the arrests made in the three-year period between 2007-2009. We consider this a cohort RRI rather than a point-in-time RRI. It takes a cohort of arrestees and tracks them through the case flow process. We consider this more accurate than taking the total number of individuals processed at each decision point in a particular year, since that assumes that there are no fluctuations in ethnic representation across decision points over time. We used a three-year cohort to ensure adequate numbers for analysis, as the numbers decrease at each decision point due to the fact that fewer and fewer cases progress towards the point of incarceration. Data used for the RRI's for arrests during 2007-2009 stretched beyond 2009 to include data through 2010 in order to capture the progress of those cases through all of the decision points. Generally, most cases progress through all decision points within one year, with some exceptions. The decision points most affected are probation placement and secure confinement, since probationary periods for some may extend beyond 2010 and some probation violations may result in secure confinement. But those missing data for cases that are active beyond the end of 2010 should not substantially change the

relative rates across ethnic groups. Adult waivers are not included due to the low number of cases in which this occurs in Hawai'i.

The RRI values indicate the rate at which youths (some of whom were arrested multiple times during that period) had contact with the juvenile justice system at each decision point relative to the White population. The RRI uses "White" as the comparison group for the purposes of analysis, as this is the group that is one of the largest, has one of the lowest rates of contact, and is commonly used as the comparison group in DMC monitoring and studies nationally. The rates should be interpreted as the "number of times more or less than the rate of whites" that youth of a particular ethnic group are arrested, referred, detained, petitioned, adjudicated, place on probation, or confined to the Hawai'i Youth Correctional Facility. For example, if the RRI for adjudication for a particular ethnic group is 2.4, it means that youths of that particular ethnic group were adjudicated at a rate 2.4 times higher than that of white youths.

The RRI values at the point of arrest calculated using the US Census American Community Survey for youths 5-17 years of age for all racial categories, though the category of Other Pacific Islander/Mixed Pacific Islander could not be derived for this decision point based on the available Census ethnicity breakdowns. The 2009 American Community Survey three-year sample was used to correspond with the period of arrests during 2007-2009.

Note that those values in bold type indicate disproportionately negative outcomes. Those values above 1.10 for arrests, referrals, secure detention, petitions, adjudication, and secure confinement in HYCF are in **bold type**. For law violations and status offense arrests, values lower than 0.90 for diversion (lower rate in comparison to white arrests of getting diverted out of the judicial process) are the negative outcome and are highlighted. For law violation arrests, probation placement could be interpreted as a positive outcome (e.g., a higher rate for certain ethnic groups compared to white arrests of receiving the sentence of probation relative to incarceration) or a negative outcome. We recognize, however, that the RRI value for probation may be misleading, as there may be cases in which a third option of a lighter sentence such as community service was foregone in lieu of probation.

Table 3.4: State of Hawai'i Juvenile Law Violation Cases (2007-2009)

**Number of Cases for Law Violations
State of Hawai'i
Juvenile Arrests between 2007-2009**

	White	Filipino	Samoan	Native Hawaiian	Other / Mixed PI	Mixed Race	Black or African-American	Hispanic or Latino	Chinese	Japanese	Korean	Other/ Mixed Asian
Arrest	3,316	2,468	897	8,401	1,044	1,553	372	415	108	577	138	333
Referral	1,287	826	368	4,006	438	842	155	146	22	184	54	146
Cases Diverted	433	287	88	1,051	137	203	56	58	14	64	25	32
Cases Involving Secure Detention	123	71	88	511	68	125	25	18	2	20	7	19
Cases Petitioned	854	539	280	2,955	301	639	99	88	8	120	29	114
Cases Resulting in Guilty Findings	660	424	227	2,287	244	501	73	73	4	95	25	94
Cases Resulting in Probation Placement	320	201	140	1,329	161	312	58	34	2	62	12	57
Cases Resulting in Secure Confinement	83	29	23	322	21	45	2	6	0	3	0	9

Source: State of Hawaii, Juvenile Justice Information System (JJIS), 2010.

Table 3.5: State of Hawai'i Relative Rate Index for Juvenile Law Violations (2007-2009)

Relative Rate Index (RRI) for Juvenile Law Violations

State of Hawai'i

Juvenile Arrests between 2007-2009

	White	Filipino	Samoan	Native Hawaiian	Other / Mixed PI	Mixed Race	Black or African-American	Hispanic or Latino	Chinese	Japanese	Korean	Other/ Mixed Asian
1. Juvenile Arrests	1.00	1.18	1.27	1.68	N/A*	0.87	0.78	0.28	0.30	0.72	0.74	0.37
2. Referral	1.00	0.86	1.06	1.23	1.08	1.40	1.07	0.91	0.52	0.82	1.01	1.13
3. Diversion	1.00	1.03	0.71	0.78	0.93	0.72	1.07	1.18	1.89	1.03	1.38	0.65
4. Cases Involving Secure Detention	1.00	0.90	2.50	1.33	1.62	1.55	1.69	1.29	0.95	1.14	1.36	1.36
5. Cases Petitioned	1.00	0.98	1.15	1.11	1.04	1.14	0.96	0.91	0.75	0.98	0.81	1.18
6. Cases Resulting in Guilty Findings	1.00	1.02	1.05	1.00	1.05	1.01	0.95	1.07	0.65	1.02	1.12	1.07
7. Cases Resulting in Probation Placement	1.00	0.98	1.27	1.20	1.36	1.28	1.64	0.96	--	1.35	0.99	1.25
8. Cases Resulting in Secure Confinement	1.00	0.54	0.81	1.12	0.68	0.71	0.22	0.65	--	0.25	--	0.76

* Other Pacific Islander/Mixed PI population count could not be reliably determined based on available US Census categories.

Notes: Counts include all arrests (each arrest event rather than each individual since individuals may have had multiple arrests) between 2007-2009. RRI values for Juvenile Arrests based on populations estimated from US Census Bureau, American Community Survey, 3 year estimate, 2007-2009. Native Hawaiian population count used "Native Hawaiian Alone or in Any Combination;" Samoan population used "Samoan Alone or in Any Combination." Mixed Race population count used the difference between "Two or More Races" and the sum of "Native Hawaiian Alone" and "Samoan Alone or in Any Combination." Other Asian/Mixed Asian population count used the difference between "Asian Alone" and the sum of "Filipino Alone," "Chinese Alone," "Japanese Alone," and "Korean Alone." RRI values representing negative disproportionality are printed in bold type. These include values over 1.10 along with values under .90 for diversion, since lower rates for diversion (versus referral) represent negative outcomes. Blank cells are those with inadequate cases to determine an RRI value.

Sources: State of Hawaii, Juvenile Justice Information System (JJIS), 2010; US Census Bureau, American Community Survey, 3-year estimate, 2007-2009.

Table 3.6: State of Hawai'i Status Offense Cases (2007-2009)

**Number of Cases for Status Offenses
State of Hawai'i
Juvenile Arrests between 2007-2009**

	White	Filipino	Samoaan	Hawaiian	Other / Mixed Pacific Islander	Mixed Race	African American	Hispanic or Latino	Chinese	Japanese	Korean	Other/ Mixed Asian
Arrest	3,240	2,846	783	9,687	1,191	2,462	425	412	98	596	129	520
Referral	1,812	1,343	378	6,368	500	1,708	302	236	20	342	69	278
Cases Diverted	1618	1201	320	5224	456	1384	272	215	0	313	54	215
Cases Involving Secure Detention (Valid Court Order)	51	31	14	242	19	86	10	7	0	9	6	11
Cases Petitioned	194	142	58	1,144	44	324	30	21	0	29	15	63
Cases Resulting in Guilty Findings	121	103	56	890	39	281	27	18	0	27	15	58
Cases Resulting in Protective Supervision Placement	78	68	51	776	31	254	25	14	25	15	0	51

Source: State of Hawaii, Juvenile Justice Information System (JJIS), 2010.

Table 3.7: State of Hawai'i Relative Rate Index for Status Offenses (2007-2009)

**Relative Rate Index (RRI) for Status Offenses
State of Hawai'i
Juvenile Arrests between 2007-2009**

	White	Filipino	Samoa	Native Hawaiian	Other / Mixed Pacific Islander	Mixed Race	Black or African-American	Hispanic or Latino	Chinese	Japanese	Korean	Other/ Mixed Asian
1. Juvenile Arrests	1.00	1.39	1.14	1.98	N/A*	1.41	0.91	0.29	0.28	0.76	0.71	0.60
2. Refer to Family Court	1.00	0.84	0.86	1.18	0.75	1.24	1.27	1.02	0.36	1.03	0.96	0.96
3. Cases Diverted	1.00	1.00	0.95	0.92	1.02	0.91	1.01	1.02	--	1.02	0.88	0.87
4. Cases Involving Secure Detention (Valid Court Order)	1.00	0.82	1.32	1.35	1.35	1.79	1.18	1.05	--	0.93	--	1.41
5. Cases Petitioned	1.00	0.99	1.43	1.68	0.82	1.77	0.93	0.83	--	0.79	2.03	2.12
6. Cases Resulting in Guilty Findings	1.00	1.16	1.55	1.25	1.42	1.39	1.44	1.37	--	1.49	1.60	1.48
7. Cases Resulting in Protective Supervision Placement	1.00	1.02	1.41	1.35	1.23	1.40	1.44	1.21	--	0.86	--	1.36

* Other Pacific Islander/Mixed PI population count could not be reliably determined based on available US Census categories.

Notes: Counts include all arrests (each arrest event rather than each individual since individuals may have had multiple arrests) between 2007-2009. RRI values for Juvenile Arrests based on populations estimated from US Census Bureau, American Community Survey, 3 year estimate, 2007-2009. Native Hawaiian population count used "Native Hawaiian Alone or in Any Combination," Samoan population used "Samoan Alone or in Any Combination," Mixed Race population count used the difference between "Two or More Races" and the sum of "Native Hawaiian Alone" and "Samoan Alone or in Any Combination." Other Asian/Mixed Asian population count used the difference between "Asian Alone" and the sum of "Filipino Alone," "Chinese Alone," "Japanese Alone," and "Korean Alone."

RRI values representing negative disproportionality are printed in bold type. These include values under 1.10 along with values under .90 for diversion, since lower rates for diversion (versus court referral) represent negative outcomes. Blank cells are those with inadequate cases to determine an RRI value.

Sources: State of Hawaii, Juvenile Justice Information System (JJIS), 2010; US Census Bureau, American Community Survey, 3-year estimate, 2007-2009.

3.4 Summary of statewide ethnic group variations based on RRI scores

The Relative Rate Index (RRI) tables above highlight the decision points at which disproportionate overrepresentation is occurring among juveniles arrested during 2007-2009 relative to Caucasian youths. At the statewide level, the largest racial or ethnic groups disproportionately experiencing negative outcomes at three or more decision points for either law violations or status offenses are the following:

1. Native Hawaiian (8,401 law violation and 9,687 status offense arrests)
2. Mixed race (1,553 law violation and 2,462 status offense arrests)
3. Other/mixed Pacific Islander (1,044 law violation and 1,191 status offense arrests)
4. Samoan (897 law violation and 783 status offense arrests)
5. African American (372 law violation and 425 status offense arrests)
6. Other/mixed Asian (333 law violation and 520 status offense arrests)

Juveniles identified as Hispanic or Latino (415 law violation and 412 status offense arrests), Chinese, Filipino, Japanese and Korean did not indicate any consistent pattern of disproportionality and generally fared better than the other groups. These outcomes are relative to juveniles identified as White, the racial category used as the comparison group to calculate the rates.

At the statewide level, Native Hawaiian juveniles experienced disproportionately negative outcomes at every decision point for status offense arrests and at seven of eight decision points for law violations. The greatest degree of disproportionality can be seen at the point of arrest, with a rate of arrest 1.68 times higher than that of whites for law violations and 1.98 times that of whites for status offenses. For status offense arrests, Hawaiian cases were petitioned at a rate 1.68 times higher than for whites. For law violation arrests, Hawaiians were diverted at a lower rate than Whites (0.78). Their rate was equal to that of whites for law violation cases resulting in guilty findings and slightly higher for cases resulting in probation. The latter may be a positive outcome if this sentence was in lieu of secure confinement, but negative if it was in lieu of a lighter sentence such as community service or treatment. In sum, there was no decision point at which Native Hawaiians clearly fared better than the comparison group and almost every decision point resulted in disproportionate overrepresentation.

Similar to Native Hawaiian cases, cases for juveniles of mixed racial ancestry indicated disproportionate overrepresentation at the majority of decision points for status offense arrests. At arrest, the rate for Mixed Race cases was 1.41 times higher than that of Caucasians for status offenses. For law violations, Mixed Race cases received disproportionately negative outcomes at the points of referral, diversion, detention, petitions filed, and probation placement in comparison to white arrests.

Other/Mixed Pacific Islander cases also fared poorly in comparison with white youth. The outcomes were disproportionately negative at the decision points of detention and placement on probation or protective supervision. The relative rate for adjudication of status offense arrests for other Pacific Islanders was 1.39 times that of Caucasians.

Samoan juveniles experienced negative disproportionate contact at most decision points, including a relative rate 1.27 times higher than that of whites for both arrest and probation placement for law violations. The degree of disproportionality in cases involving secure detention for law violations was rather high at 2.50 times the rate of White arrests. For status offense cases, disproportionately higher rates ranged from 1.14 (arrest) to 1.32 (secure detention for valid court order) to 1.55 (guilty findings) times greater than that of the comparison group.

Although African American youth make up a smaller share of the youth population in Hawaii, for status offenses they are disproportionately represented at four of the seven decision points considered, notably with a rate 1.44 times that of whites at both adjudication and protective supervision placement. For law violations, less over-representation is observed, with the exception of the decision point of detention (1.69) and probation placement (1.64).

Though the RRI measures are more commonly used by practitioners and are simpler to calculate for monitoring of purposes due to ease of calculation based on readily available data, regression analyses provides a more precise measure of disproportionate contact. The following section presents the next stage of analysis, which includes logistic regression results that control for important variations in the cases, allowing comparisons of youth of different ethnicities while taking variables such as offense severity, prior record, age, gender, and geographic community into consideration.

CHAPTER 4: QUANTITATIVE ANALYSIS AND EXPLANATIONS OF DISPROPORTIONATE OVERREPRESENTATION

4.1 Introduction to Empirical Results

The quantitative analytical component of this project determines the points of the juvenile justice system at which youth from the various race and ethnic groups are affected in potentially disproportionate ways, as well as the scope of the problem. The data used for this study are broken down into two periods for analysis: 2007-2009 and 2000-2010.

4.2 Data and Methods

4.2.1 Data

This project uses data from the Juvenile Justice Information System, a statewide information system that compiles data from county police departments, state and local law enforcement agencies, Family Court, and the Hawai'i Youth Correctional Facility. Although the primary function of the JJIS is to monitor youth offenders, it is also an excellent source of information to better understand the social and demographic patterns of those who engage the juvenile justice system in Hawai'i. In particular, because much of the data that is supplied to the JJIS from the various agencies includes self-reported and birth certificate verified information on race and ethnicity, the data compiled by the JJIS is an important resource for exploring the question of disproportionate representation of different ethnic and racial groups in the juvenile justice system.

Through a strict confidentiality agreement between the Office of Youth Services (OYS) and the researchers writing this report, the JJIS provided complete records from its database for all cases that were found in the State of Hawai'i juvenile justice system between 2000 and 2010. Because the data contain sensitive information, the researchers secured a restricted workspace at the University of Hawai'i Department of Urban and Regional Planning (DURP) to conduct all analyses.

JJIS provided files separated into several areas of juvenile justice data, including demographic information, arrests, charges, detention, petition, adjudication, incarceration, and probation/protective supervision information. Researchers used a statistical software package to aggregate and clean the data so that files could be matched. Overall, the seven themes represent three distinct levels of analysis: person ($n=56,978$), arrest ($n=156,828$), and charge ($n=192,895$). Since one person can be arrested several times, and any single arrest can have multiple charges, the data are "nested" in several "one- to-many" relationships. For this reason, we were able to link information on protective supervision or probation and/or incarceration to person, as well as petition and adjudication to charge. While matching the cases at each of these levels is not perfect, the number of unmatched records was relatively small compared to the number of good matches for all cases except detention and incarceration, strongly suggesting that for petition, adjudication, and probation or protective supervision, these errors have minimal effect on the overall analysis and conclusions.

These data files were used to develop descriptive charts, tables and graphs, as well as to perform a number of inferential statistical analyses. In general, where the dependent variables of interest were binary – or the analytic question was whether an event happened or not – researchers used logistic regression techniques. An example of such a question is “whether an individual is more likely than others to be convicted, controlling for other explanatory factors.” Where the dependent variables of interest were metric – or the analytic question was how much greater the degree of impact – researchers used ordinary least squares (linear) regression analysis. An example of such a question is “how much longer is the average probation sentence for a law violation committed by a Filipino youth than all other ethnic groups’, controlling for other explanatory factors?” Many descriptive and multivariate models were developed as part of the research project, and only those results most directly related to the question of disproportionate youth representation in the juvenile justice system in Hawai’i are presented.

4.2.2 Models

The following empirical section of the study reports both binary and multivariate analyses of these data. Binary results should be used to assess the raw numbers of youth in the juvenile justice system by ethnicity, but cannot speak to any questions of why they are represented in different ethnic and racial proportions. Multivariate analysis helps to explain some of these possible reasons. In particular, multivariate analysis can help to isolate race and ethnicity factors from other factors in their contributions to detention, incarceration, and length of sentences.

In general, because youth are arrested, charged, incarcerated, etc because of type of offense, age, probationary status, and prior adjudication record, it is – of course – important to distinguish these factors from any race and ethnicity factors. Moreover, there are also sources of bias and disproportionality beyond race and ethnicity. In particular, gender and socioeconomic status are important and documented sources of disproportionality. The challenge regarding the questions addressed by this report is how to account for important factors not readily available in the juvenile justice databases. While none of the juvenile justice databases include any information on socioeconomic status, it is possible to link individual cases to neighborhood-level characteristics at the Census Block Group level. This approach does not directly measure the effect of income, poverty, and educational factors, however, it is a reasonable proxy for the kinds of challenges that might lead to greater representation of some groups (possibly corresponding to certain ethnic groups) among those charged and incarcerated, for example. These socioeconomic status variables also should be seen as “neighborhood characteristics”, and their interpretation should be seen this way. Roughly half of the cases recorded between 2000 and 2010 were linkable to neighborhood data, and the results presented here are for this subset of the entire population of arrestees, assuming that there is no, or minimal amount of bias in this subset.

The conceptual model employed in this study can be mathematically expressed as

$$Y = a + bx_1 + cx_2 + dx_3 + ex_4 + fx_5 + gx_6 + hx_7 + ix_8 + jx_9 + kx_{10} + lx_{11} + \text{error}$$

where:

for individual characteristics

x_1 = race/ethnicity

x_2 = sex

x_3 = age

x_4 = offense severity

x_5 = severity of prior adjudicated offenses

x_6 = probationary status

and for neighborhood characteristics

x_7 = median home values

x_8 = median rent

x_9 = per capita income

x_{10} = percent below poverty

x_{11} = percent high school graduates or more.

Interpreting the results generated from this model can help to distinguish race/ethnic group identities as a contributing factor once other important factors are accounted for. The primary variable of interest for this study, therefore, is race/ethnicity (x_1) as an independent variable. However, interpretation of the findings for this variable must be treated with caution: the characteristic has both "internal" and "external" components. A finding of racial disproportionality of Native Hawaiians in adjudication, for example, might represent bias among the decision-makers or might represent cultural characteristics of Hawaiians' engagement with that part of the juvenile justice system. This portion of the study is unable to distinguish between these two group-level explanations.

In this model, the dependent variable is a range of juvenile justice outcomes. In particular, it represents both likelihood results and duration results. The decision whether any given case is given an incarceration sentence or not is a "likelihood" result. In general, this kind of question is tested using a logistic regression that produces "odds ratios" precisely defining the chances that any given person of a specific ethnic group will receive the negative result as compared to a particular reference group (in this particular case we use "whites" as the reference group for all of our models).

On the other hand, some of the dependent variables are duration variables in which some youth receive longer sentences. For these questions, we use Ordinary Least Squares Regression (OLS), a technique that generates coefficients defining the additional units added to an outcome. These results precisely define how many more or fewer days, for example, a Filipino will be detained, on average.

Finally, because we combine individual and neighborhood level variables in the single model issues of multiple levels of analysis may be an issue in the mathematical calculation of odds ratios and coefficients. Because of this potential limitation of the model, we calculate the results assuming all the

variables are single-level – in which case the neighborhood characteristics are an attribute of individuals – as well as assuming that the neighborhood characteristics are true neighborhood variables. This second multi-level modeling approach is possible for OLS models, but no multilevel approach is available for logistic regressions questions. The former are presented as “simple linear” models, and the latter as “mixed models.”

4.3 Detention Duration, 2007-2009 (Simple and Mixed Linear Regression)

4.3.1 Law Violations

Between 2007 and 2009, there were 1,135 decisions regarding whether to detain a youth arrested following a suspected law violation, resulting from a total of 20,569 arrests. As explained previously, detention data are not complete and represents an undercount due to data limitations. In addition, geographical data for regression analysis on duration of detention are only available for 978 cases during this three-year period. These analyses were conducted with these limitations and should be read with some caution.

Table 4.1: Average Detention Duration by Ethnicity of Law Violation Arrests (2007-2009)

Ethnic Category	N	Average Length of Stay (days)	Std. Deviation
Caucasian	118	11.331	13.62568
Filipino	66	9.773	14.79272
Samoan	78	11.744	24.93078
Native Hawaiian	426	12.416	18.62847
Other Pacific Islander / Mixed Pacific Islander	53	13.547	17.50557
Mixed Race	106	9.453	12.22030
African American	24	6.417	7.02119
Latino	17	16.706	40.73660
Chinese	2	1.000	.00000
Japanese	14	10.714	13.32106
Korean	2	3.000	1.41421
Other Asian / Mixed Asian	18	12.889	28.74203
Unknown	54	6.537	11.99483
Total	978	11.337	18.05793

Missing data for 157 cases.

If a youth offender is deemed to be at risk of flight following arrest, the decision to detain is made, pending an expedited trial. Table 4.1 shows that the average length of stay in detention for juvenile law violation arrests by ethnicity without taking severity of the offense into account. Latino and Other/Mixed Pacific Islanders were the highest, at 16.7 and 13.5 days respectively, while Hawaiians, Samoans, and Caucasians had similar detention lengths.

Table 4.2 presents the multivariate analyses of differences across ethnic groups as well as other demographic and neighborhood characteristics. In general, Caucasians and Hawaiians fare about the same regarding the number of days they are kept in custody for law violations, between 3.4 and 4 days, with Caucasians detained slightly longer. Notably, Samoans are kept about twice as long ($b=7.599$ days); Japanese and Mixed / Other Asians are kept even longer than that ($b=9.102$ and $b=14.885$ respectively). As expected, females had significantly fewer days of detention ($b=0.887$) than boys, and whether the arrestee was picked up while on probation determined whether he or she had an additional 2 days ($b=2.269$) of detention. Interestingly, neighborhood conditions seem to have a mitigating effect on the length of an arrestee's detention: for every percentage point increase in neighborhood poverty rate a detainee would receive 13 fewer days of detention ($b= -13.324$). This neighborhood measure serves as a proxy for family situations, such as the ability of related adults to supervise a youth at risk of flight or harm to self or others. This direct family-level data was not available for the regression but could be obtained for future studies from the standardized Risk Assessment Inventory used to determine detention placement at intake.

The simple linear model explained only 12.9% of the variation in detention length ($R\text{-Squared}=0.129$), in large part because models exclude individual-level socioeconomic status. The better model for inclusion of neighborhood socioeconomic effects supported the general findings of the simple linear regression: Hawaiians and Caucasians experience roughly the same length of detention, which is significantly less than Samoans (9.637) and Japanese (5.464). This better matched statistical model suggests, however, that Samoans receive 9 more days of detention, on average, than Caucasians and Hawaiians, and Japanese only 5 days more. Neighborhood poverty rates remain important mitigating factors for length of detention.

Table 4.2: Linear Regression, Length of Law Violation Detention, 2007-2009

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	22.359	47.626
Caucasian	3.951	0a
Filipino	.730	-1.777
Samoaan	7.599	9.637
Native Hawaiian	3.433	-0.400
Mixed Pacific Islander / Other Pacific Islander	.577	2.347
Mixed Race	2.930	1.781
African American	2.829	-5.055
Latino	-4.138	-6.336
Chinese	-4.103	-
Japanese	9.102	5.464
Korean	-9.654	313.270
Mixed / Other Asian	14.855*	29.692
Sex (Male = 1)	.887	0.768
Age at Arrest (months)	-.055	-0.017
Combined Offense Severity	.368**	0.803
Severity of Prior Adjudicated Offenses	.411**	0.128
On Probation at Arrest	2.269	0.702
% Families below Poverty	-13.324	-31.496
% High School Graduates or Higher	-1.161	-0.348
R Square = .129, n= 978 detention decisions of a total of 1,135 detention decisions for law violation arrests		

Missing data for 157 cases.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

4.3.2 Status Offenses

Table 4.3: Average Detention Duration of Valid Court Order Arrests (2007-2009)

Ethnic Category	N	Average Length of Stay (days)	Std. Deviation
Caucasian	38	20.263	37.24258
Filipino	28	4.786	6.53400
Samoan	10	9.500	22.74618
Native Hawaiian	196	9.010	13.37889
Other Pacific Islander / Mixed Pacific Islander	17	13.882	23.64023
Mixed Race	71	6.437	10.25773
African American	10	9.600	12.77324
Latino	6	7.333	7.76316
Japanese	7	7.429	9.76144
Korean	5	3.000	1.00000
Other Asian / Mixed Asian	8	6.000	4.95696
Unknown	9	6.667	6.67083
Total	405	9.316	17.06884

Missing data for 92 cases.

Table 4.3 shows that during the period 2007-2009, there were more arrests for status offenses than law violations, yet fewer status offenses for which a Valid Court Order had been issued, resulting in a detention decision. Of the 23,181 status offense arrests, 497 were detained on Valid Court Order and data were available for the detention duration for 405 of these decisions. From a descriptive standpoint, Caucasians have stays in detention twice as long as Hawaiians, a ratio similar to that between Caucasians and Samoans. Other ethnic groups range from 7.4 days for Japanese to 3.00 days for Koreans and 4.78 for Filipinos. Importantly, the average figure for Hawaiians represents a much larger base, with 196 youth detained, with the next most populous group of detainees being Other/Mixed Asian youth at 71 cases.

Table 4.4: Linear Regression, Length of Valid Court Order Detention, 2007-2009

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	-5.800	21.870
Caucasian	6.161	0
Filipino	-2.879	5.384
Samoan	4.649	-4.347
Native Hawaiian	-2.798	3.492
Mixed Pacific Islander / Other Pacific Islander	.093	5.946
Mixed Race	-2.586	-3.637
African American	-.524	-4.105
Latino	-2.159	7.214
Chinese	--	--
Japanese	-7.169	-65.545
Korean	-6.382	-11.456
Mixed Asian / Other Asian	-3.267	18.977
Sex (Male = 1)	1.179	2.397
Age at Arrest (months)	-.027	-.051
Combined Offense Severity	2.265	3.695
Severity of Prior Adjudicated Offenses	.250*	.069
On Protective Supervision at Arrest	-4.540*	-7.822
Median Home Value	.000	-.001
Median Rent	-.006	-.023
Per Capita Income	.000	.000
% Families below Poverty	-10.019	-6.862
% High School Grad or Above	35.042*	25.717

R-Squared = 0.117, n =405 decisions of 497 total Valid Court Order detention decisions

Missing data: 92 cases.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

Using the same multivariate models as for law violations, Table 4.4 makes it clear that Caucasians and Hawaiians have a different experience. Whereas for law violations, they both received the same number of detention days, there appears, on average, to be a difference of 8 fewer days for Hawaiians ($b = -2.798$) than for Caucasians ($b = +6.161$), independent of the other variables accounted for in the model. Japanese, Koreans, Filipinos, and Mixed/Other Asians all had fewer detention days, ranging from about 7 fewer for Japanese youth, to about 3 fewer days for Filipino youth. Notably, Samoans ($b = 4.649$) have more detention days, though not quite as many as Caucasians.

Importantly, protective supervision status also seems to play an important mitigating role for length of detention. Those detained on Valid Court Order while on protective supervision received, on average, about four and a half fewer days of detention than those not on probation ($b = -4.540$). Also as with law violations, neighborhood poverty characteristics had a negative relationship with length of detention. For every percentage point increase in neighborhood poverty rate, any given detention decision was reduced by about 10 days ($b = -10.019$). Also predictably, the severity of offense added approximately 2 days to the length of detention ($b = 2.265$).

Similar to the Law Violations data, our model explained only about 11.7% of variation in length of detention ($R\text{-Squared} = 0.117$). Unlike the case of Law Violators, our multi-level model suggests that the improvement in statistical technique changes some key patterns. For example, a multi-level model suggests that other factors equal, Caucasians are detained for shorter periods than Hawaiians, about three and a half days shorter ($b = 3.49$). Additionally, Filipinos ($b = 5.38$), Mixed/Other Pacific Islanders ($b = 5.95$), and Mixed/Other Asians ($b = 18.98$) are also detained longer than Caucasians. On the other hand, Japanese and Koreans had much fewer detention days in this model ($b = -65.55$ and $b = -11.46$ respectively). Importantly, these differences occur even as the coefficient directions and general magnitudes of the control variables remain similar to those resulting from the simple model. At this point, the multi-level results appear to be more robust, but further study should assess the reasons for these results.

4.4. Probation/Protective Supervision Duration, 2000-2010, 2007-2009 (Simple and Mixed Linear Regression)

Unlike detention days, probation duration is an outcome that measures the sentencing of a youth and a formal judgment of the punishment appropriate to the level and types offenses for which they receive a disposition. These outcomes, therefore, are the result of a more formal investigation of the conditions of the case, rather than mainly the risk of the youth presenting a danger to him/herself and others, or of fleeing the jurisdiction as in the case of detention decisions. Disproportionate contact along race and ethnicity lines, therefore, should be analyzed here according to outcomes rather than perceptions of risk.

4.4.1. Law Violations

Between 2000 and 2010, there were 9,688 decisions to place a guilty youth on probation following a trial (this figure includes some dispositions that also resulted in additional secure confinement at HYCF). However, data that included residential location for youth with documented duration of probation sentencing was only available for 4,743 of these decisions. Table 4.5 shows that for this dataset, there were over three times as many Hawaiians as any other ethnic group in youth who received a probationary sentence for a law violation (n=2,277). The difference in length of probation duration for Hawaiians is quite similar to that for Filipinos, Samoans and other Pacific Islanders, and somewhat more than for Japanese, Koreans and Caucasians.

Table 4.5: Average Probation Duration by Ethnicity of Law Violation Arrests (2000-2010)

Ethnic Category	N	Average Duration (Number of Days)	Std. Deviation
Caucasian	625	561.266	399.38244
Filipino	371	669.345	410.89446
Samoan	259	699.282	437.69413
Native Hawaiian	2277	687.929	437.60453
Other Pacific Islander / Mixed Pacific Islander	126	690.683	449.42870
Mixed Race	602	657.922	429.11702
African American	87	602.954	405.43763
Latino	47	600.681	384.73543
Chinese	10	586.000	411.17285
Japanese	96	583.719	381.48132
Korean	23	542.826	280.33238
Other Asian / Mixed Asian	88	686.000	398.79615
Native American	3	544.667	316.20299
Unknown	129	544.519	377.49162
Total	4743	657.191	427.11577

Missing data: 4945 cases

Table 4.6 presents the multivariate analyses of differences across ethnic groups as well as other demographic and neighborhood characteristics. On average, Koreans and Caucasians receive the lightest sentences and Japanese, Mixed Race, and Mixed/Other Asians receive the longest probationary sentences. In the most extreme ethnic comparison, a Korean youth would receive, on

Table 4.6: Linear Regression, Length of Law Violation Probation, 2000-2010

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	3611.072**	3018.865
Caucasian	-9.517	0.000
Filipino	59.102	71.403
Samoan	57.049	56.217
Native Hawaiian	73.828	96.978
Mixed Pacific Islander / Other Pacific Islander	41.675	74.624
Mixed Race	88.879	93.883
African American	8.602	-31.684
Latino	-24.139	10.551
Chinese	42.145	186.102
Japanese	85.510	105.437
Korean	-60.618	-51.251
Mixed Asian / Other Asian	144.877*	178.411**
Native American	30.882	169.360
Sex (Male = 1)	16.535	9.576
Age at Arrest (months)	-15.293**	-13.957**
Combined Offense Severity	1.701	3.905
Severity of Prior Adjudicated Offenses	3.974**	3.969
Median Home Value	.000	0.002
Median Rent	.018	-2.468
Per Capita Income	.002	0.076
% Families below Poverty	19.521	-44.612
% High School Graduates or Higher	-194.224	187.347
R Square = 0.304, n= 4743 placements of adjudicated Law Violators on Probation of 9688 decisions total		

Missing data: 4945 cases.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

average, about 200 fewer days – about 7 months – than a comparable Mixed/Other Asian youth. Here, the differences between Hawaiian and Caucasian youth shows about an 84 day difference in favor of Caucasians, and the difference between a Japanese youth and a Caucasian youth about a 96 day difference in favor of the Caucasian youth.

While the simple linear model explains the length of probation sentence (R-Squared=0.304) better than it does length of detention, it is still useful to examine the multi-level model for our data. Here, too, Koreans receive lighter probation sentences than Caucasians, at about 51 fewer days. Here, Chinese youth have the highest comparative number of probationary days compared to Whites (b=186.10), followed by Japanese (b=105.44). In both models, being a male is positively correlated with longer probationary sentences, other factors equal, as is severity of the crime and prior adjudication record. Interestingly, increasing age is, in both models, associated with lower probationary sentences, although this is likely due to limitations on sentencing older youth to long probations as they age into adulthood and out of the youth status regarding the law. Finally, as with the detention results, being from a disproportionately poor neighborhood reduces the length of probationary sentence, but the magnitude is much lower than with the length of detention, likely due to the fact that this outcome measures punishment rather than risk of danger or flight.

Table 4.7: Average Probation Duration by Ethnicity of Law Violation Arrests (2007-2009)

Ethnic Category	N	Average Duration (Number of Days)	Std. Deviation
Caucasian	153	424.268	273.81546
Filipino	96	548.094	300.53875
Samoan	46	522.761	280.67808
Native Hawaiian	438	524.413	306.00100
Other Pacific Islander / Mixed Pacific Islander	34	554.912	338.86087
Mixed Race	127	518.945	268.83840
African American	23	492.652	273.45576
Latino	12	589.083	236.97236
Chinese	2	224.000	90.50967
Japanese	22	493.091	312.55825
Korean	6	443.000	152.64600
Other Asian / Mixed Asian	16	623.625	262.01931
Unknown	53	460.151	283.27381
Total	1028	508.524	294.43809

Missing data: 1087 cases

When examining the shorter, 3-year period in Table 4.7, the relative position of Hawaiians seems better than other groups such as Filipinos, Mixed /Other Pacific Islanders and Mixed/Other Asians. Overall, probation durations averaged about 508 days during this period as opposed to an overall average of 657 days for the 11-year period.

Examining the multivariate results presented in Table 4.8, during this three year period, Mixed/Other Pacific Islanders received the lengthiest addition to probation duration, at about 77 days additional days when controlling for all of the extralegal and neighborhood variables ($b=77.017$). This was about twice as long as the average additional duration for Native Hawaiians at 39 additional days ($b=38.839$). Interestingly, during this period Caucasians had many fewer added days than all other groups ($b=5.745$), and Samoans had somewhat more additional days of probation than Hawaiians but many fewer than Filipinos. On the other hand, when the neighborhood socioeconomic status variables are better modeled, the relative position of Samoans changes. Here, Samoans receive significantly fewer days than Caucasians.

Table 4.8: Linear Regression, Length of Law Violation Probation, 2007-2009

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	2667.482**	3430.879
Caucasian	5.745	0
Filipino	66.409	186.636
Samoan	44.116	-142.659
Native Hawaiian	38.839	62.927
Mixed Pacific Islander/Other Pacific Islander	77.017	220.047
Mixed Race	40.231	151.135
African American	-121.897	-205.322
Latino	85.712	113.952
Chinese	--	--
Japanese	62.590	65.559
Korean	-24.775	-389.708
Mixed Other Asian		241.108
Ethnicity Unknown	153.010	--
Sex	38.935	-63.269
Age at Arrest (months)	-9.651**	-7.17
Combined Offense Severity	-3.594	-1.663
Severity of Prior Adjudications	.984	5.849*
Median Home Value	.000	.004
Median Rent	.042	-2.390
Per Capita Income	.003	-.050
% Families below Poverty	36.000	-3177.571
% High School Grad or Higher	-446.495*	290.657
R Square = 0.208, n= 1028 placements of adjudicated Law Violators on Probation with documented sentence length of 2115 total probation decisions		

Missing data: 1,087 cases.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

4.4.2 Status Offenses

Table 4.9 shows that between 2000 and 2010, out of a total of 3,741 arrests for status offenses that were adjudicated and resulted in placement on protective supervision, there were 1,732 cases that could be linked to neighborhood characteristics and duration of supervisory sentence. As with the other charges, Hawaiians constituted the vast majority of these cases, with almost half of the cases (n=856). Of the major groups, Filipinos and Other/Mixed Asians had the longest durations of protective supervision at about 560 additional days (b=563.75 and 564.392 respectively).

Table 4.9: Average Protective Supervision Duration of Status Offense Arrests (2000-2010)

Ethnic Category	N	Average Length of PS (Days)	Std. Deviation
Caucasian	189	465.968	344.49040
Filipino	146	563.753	436.24723
Samoan	48	471.438	474.16322
Native Hawaiian	856	533.306	391.56330
Other Pacific Islander / Mixed Pacific Islander	39	406.513	315.04243
Mixed Race	236	527.792	373.59698
African American	29	365.138	235.48456
Latino	17	366.177	302.71237
Chinese	8	608.750	347.56366
Japanese	54	432.574	311.72331
Korean	8	562.375	267.54115
Other Asian / Mixed Asian	51	564.392	376.54594
Native American	1	106.000	--
Unknown	50	452.760	347.53884
Total	1732	514.433	383.28955

Missing data: 2,009 decisions

Table 4.10: Linear Regression, Length of Status Offense Protective Supervision, 2000-2010

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	1517.068**	190.488
Caucasian	5.098	0
Filipino	70.903	-31.658
Samoan	-39.236	-260.382*
Native Hawaiian	33.077	-82.329
Mixed Pacific Islander / Other Pacific Islander	-108.270	-304.900
Mixed Race	34.274	-66.809
African American	-213.276	-463.233**
Latino	-155.674	-48.202
Chinese	111.699	172.919
Japanese	-4.386	-102.850
Korean	-20.595	-1147.002*
Mixed Asian / Other Asian	139.759	-101.505
Native American	-418.754	-3043.080
Sex (Male = 1)	-70.577**	-47.579
Age at Arrest (months)	-5.504**	-4.949**
Combined Offense Severity	.963	-27.008
Severity of Prior Adjudications	-24.567**	-20.577**
Median Home Value	.000	-.001
Median Rent	.027	.332
Per Capita Income	.002	.041
% Families below Poverty	365.684**	686.848
% High School Grad or Higher	31.535	1387.251*
R Square = 0.125, n = 1,732 placements of adjudicated Status Offenders on PS of 3,741 total PS decisions		

Missing data: 2,009 decisions.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

Table 4.10 presents the multivariate results. Both the mixed and simple linear models suggested that probation sentences for law violations were almost universally lower for Whites than for other ethnic groups. An analysis of status offenses, however, shows a much less stark outcome. For status offenses, Native Hawaiians receive longer protective supervision placements while Samoans receive shorter ones. Filipinos, Mixed Other Asians, and Chinese receive longer placements than Whites, while Koreans and Mixed Pacific Islanders get shorter ones. These very different patterns may be the result of the fact that these cases are dominated by girls. In the prior analysis, including status offenses, being male increased detention (for Valid Court Orders) and sentencing; here, on the other hand, being female increases duration of protective supervision by more than two months ($b = -70.58$). Interestingly, there is also a negative relationship between the severity of prior adjudicated offenses and length of protective supervision ($b = -24.57$). Here, being from a poor neighborhood adds a significant number of days ($b = 365.68$) to sentences. Other factors equal, a youth will receive an additional 10 months for every percentage point increase in neighborhood poverty he or she is associated with.

With an R-Squared value of 0.125, the simple model is unable to explain as much variation in protective supervision sentences for status offenses as it can for probation sentences for law violators. The mixed model analysis provides a much more coherent story of ethnic differences in protective supervision sentences, showing that Whites receive longer durations, other factors equal, than all other groups except Chinese. The magnitude of differences range from a very high difference between Koreans and Whites ($b = -1147$), and a much more moderate one between Filipinos and Whites ($b = -31.66$). In this model, sex and severity of prior adjudications remain negative influences on length of protective supervision, and neighborhood characteristics also are positively correlated with longer sentences.

A statistically insensitive measure of neighborhood poverty results in fairly equitable sentencing along ethnic lines. However, when better estimates of neighborhood poverty are included, one can see a systematically better result for Whites. In lay terms, this means that a Samoan will receive a protective supervision sentence of 260 days shorter, on average ($b = -260.03$), than his or her White counterpart from the same (socioeconomic) neighborhood.

Table 4.11 shows the descriptive results for protective supervision and status offenses from 2007-2009. An examination of the latest three-year period suggests that Filipinos remain the worst off regarding status offense protective supervision, with the longest duration of supervision at 445 days.

Table 4.11: Average Protective Supervision Duration of Status Offense Arrests (2007-2009)

Ethnic Category	N	Average Duration (Number of Days)	Std. Deviation
Caucasian	46	340.435	278.35674
Filipino	37	444.892	302.27671
Samoan	12	308.000	251.86324
Native Hawaiian	219	433.384	299.33309
Other Pacific Islander / Mixed Pacific Islander	14	299.714	210.70374
Mixed Race	56	431.768	329.51132
African American	6	294.500	177.36826
Latino	8	235.125	202.88310
Japanese	14	380.143	214.57036
Korean	1	285.000	--
Other Asian / Mixed Asian	12	364.333	293.63500
Unknown	17	338.294	195.51591
Total	442	403.803	290.89349

Missing data: 964 decisions

An examination of the multivariate model results shown in Table 4.12 also shows that during the recent period Filipinos have had much longer probationary sentences than other groups at 308 additional days – a significant difference when compared to the next closest group, Koreans who receive additional 126 days. The mixed model results, as with the eleven-year interval show that much of this difference is associated with neighborhood socioeconomic characteristics. As with the eleven-year interval, the mixed model shows that Caucasians fare the worst of all once neighborhood factors are accounted for more accurately.

Table 4.12: Linear Regression, Length of Status Offense Protective Supervision, 2007-2009

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	954.544	-1207.93
Caucasian	87.155	0 ^a
Filipino	308.626	-184.06
Samoan	21.971	-613.40
Native Hawaiian	161.443	-437.79*
Mixed Pacific Islander / Other Pacific Islander	68.895	-932.77**
Mixed Race	120.928	-361.83
African American	-86.697	-199.29
Latino	-308.405	-908.95*
Chinese	--	--
Japanese	73.120	-712.18
Korean	126.821	0.00
Mixed Asian / Other Asian	103.489	0.00
Sex (Male = 1)	-8.467	-119.36
Age at Arrest (months)	-4.536	0.53
Combined Offense Severity	-25.528	-59.16
Severity of Prior Adjudications	-24.196	-31.88
Median Home Value	.000**	-0.01
Median Rent	-.016	-0.67
Per Capita Income	.000**	0.21
% Families below Poverty	553.418	-8255.27
% High School Grad or Higher	251.586	0.00
R Square = 0.200		
n= 442 decisions to place adjudicated Status Offenders on PS of 1406 total PS decisions		

Missing data: 964 decisions.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

4.5 Length of Incarceration, 2000-2010, 2007-2009 (Simple and Mixed Linear Regression)

4.5.1 Law Violations

Incarceration is the most severe form of punishment for youth in Hawai'i, and an analysis of ethnic and racial distributions shows disparities at this most severe level of engagement with the juvenile justice system. Due to challenges matching the data from the youth correctional facility to data from the Family Court system, the analyses for incarceration or secure confinement in this study must be tentatively received. Many of the numbers are likely to be undercounts, especially in this case when data on neighborhood characteristics and duration of sentence are also needed to conduct the linear regression. Table 4.13 shows that from 2007-2009 Samoans received the longest confinement sentences, at roughly 200 days, even though there were only 8 cases in this dataset over three years. Mixed race juveniles followed with an average of 172 days. Hawaiians received an average of about 150 days and Caucasians about 113.

Table 4.13: Average Confinement Duration of Law Violation Arrests (2007-2009)

Ethnic Category	N	Average Duration (Days)	Std. Deviation
Caucasian	18	113.50	156.08755
Filipino	2	104.00	107.48023
Samoan	8	200.63	201.23756
Native Hawaiian	60	151.82	130.77209
Other Pacific Islander / Mixed Pacific Islander	3	82.33	90.64399
Mixed Race	9	172.33	94.32789
Latino	1	38.00	.
Other Asian / Mixed Asian	4	128.75	160.01953
Unknown	5	97.60	69.77320
Total	110	143.67	135.21659

Missing data: 365 cases.

Table 4.14: Linear Regression, Length of Law Violation Incarceration, 2007-2009

	Simple Linear Model	Mixed Model
Independent Variables	Estimate (additional days)	Estimate (additional days)
(Constant)	-502.756	-9304.472
Caucasian	32.396	0 ^a
Filipino	--	--
Samoan	22.604	1552.736
Hawaiian	13.434	2653.124
Mixed Pacific Islander / Other Pacific Islander	-22.782	2505.194
Mixed Race	28.564	3348.234
African American	--	--
Latino	-73.880	3106.614
Chinese	--	--
Japanese	--	--
Korean	--	--
Mixed Asian / Other Asian	26.591	.000
Sex (Male = 1)	-85.192*	60.357
Age at Arrest (months)	4.030*	35.667
Combined Offense Severity	-.668	-51.770
Severity of Prior Adjudicated Offenses	-.039	22.846
On Probation at Arrest	1.781	108.146
Median Home Value	.000	-.003
Median Rent	.033	1.795
Per Capita Income	.009**	.000
% Families below Poverty	451.265**	.000
% High School Grad or Higher	-326.077	.000
R Square = 0.274, n= 110 decisions out of 476 total decisions to place adjudicated Law Violators in HYCF		

Missing data: 365 cases.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

Table 4.14 presents the simple linear model for length of incarceration for the most recent 3-year interval, 2007-2009. Accounting for age, gender, offense severity, neighborhood characteristics, and other factors, being Caucasian appears to add an additional 32 days to any given sentence ($b = 32.396$), with Mixed Race and Mixed Asian/Other youth closely behind ($b = 28.564$ and $b = 26.591$ respectively), and Samoans slightly behind that ($b = 22.604$). Being Hawaiian contributed a moderately higher number of incarcerated days ($b = 13.434$). Explaining about 27% of variation in incarceration sentences, this model adequately estimates the ethnic dynamics for this period ($R\text{-Squared} = 0.274$). Importantly, however, this model may be biased towards some deviation from longer term norms, as suggested by a gender analysis. Surprisingly, being male during this period was independently associated with about 80 fewer days of incarceration ($b = -85.192$), a result probably due to the number of girls incarcerated for longer durations during this time period ($n = 23$ females out of a population of 110 with an overall mean length of stay of 210 days).

An examination of the longer, 10-year interval can provide a more complete, though less up-to-date picture. As with the shorter period, during this time period being Caucasian was associated with receiving fairly high sentences ($b = 43.831$), but Filipinos, a group too small for analysis in the 3-year time period, were independently associated with very high sentences ($b = 99.954$). Samoans remained somewhat lower sentences, while Other Pacific Islanders received very high sentences ($b = 27.610$ and $b = 94.282$ respectively). During this longer period, Hawaiians received somewhat greater sentences than Whites ($b = 53.324$), independent of other factors. Also, with this longer-term time frame, Japanese youth received many fewer days of incarceration than others ($b = -106.561$), and Mixed/Other Asians received somewhat fewer days ($b = -36.398$). Importantly, the 11-year timeframe shows a positive relationship between being male and sentence length, suggesting that the more recent 3-year interval was dominated by a spike in female law violations that may have led to different results on ethnicity. While not as good a fit for the overall model, this 10-year interval explains about 15% of variation in length of incarceration ($rsq = 0.149$).

Table 4.15 provides the 11-year interval descriptive data for confinement and law violation arrests. An examination of the 11-year period shows similar results, with Samoans getting the lengthiest sentences of all the major Hawai'i groups at 213 days. Filipinos did somewhat better at 193 days, and Hawaiians a bit better than that at 181 days.

Table 4.15: Average Confinement Duration of Law Violation Arrests (2000-2010)

Ethnic Category	N	Average Duration (days)	Std. Deviation
Caucasian	62	126.48	169.23674
Filipino	13	193.46	185.71332
Samoaan	34	213.62	175.92268
Native Hawaiian	237	180.84	202.06890
Other Pacific Islander / Mixed Pacific Islander	12	203.67	330.37591
Mixed Race	42	162.21	218.43663
African American	8	297.75	508.91643
Latino	3	34.00	28.21347
Japanese	6	175.83	224.22080
Korean	2	115.50	54.44722
Other Asian / Mixed Asian	12	176.67	187.57366
Unknown	6	111.17	70.70337
Total	437	174.58	208.17031

Missing data: 1,126 cases

Multivariate results presented in Table 4.16 show that Filipinos and other Pacific Islanders clearly fare less well, at 99 days and 94 days respectively. As with probation for status offenses, however, Caucasians receive the longest confinements for law violations once other factors are accounted for, and the mixed model is used to determine the ethnic differences. As with the other offense types, these results are due to the more accurate estimate of neighborhood socioeconomic indices, which seem to have less of an influence over Caucasians.

Table 4.16: Linear Regression, Length of Law Violators Incarceration, 2000-2010

	Simple Linear Model	Mixed Model
Ethnicity	Estimate (additional days)	Estimate (additional days)
(Constant)	-546.765*	-117.564
Caucasian	3.725	0 ^a
Filipino	61.383	-271.176
Samoaan	-10.191	-56.912
Native Hawaiian	15.825	-13.176
Mixed Pacific Islander / Other Pacific Islander	56.803	-160.520
Mixed Race	-41.681	-146.824
African American	282.412	10.995
Latino	-56.339	-109.378
Chinese		
Japanese	-142.781	-47.245
Korean	5.486	-188.637
Mixed Asian / Other Asian	-74.329	-166.176
Sex	7.341	26.325
Age at Arrest (months)	4.692**	4.197
Combined Offense Severity	1.952	4.557
Severity of Prior Adjudicated Offenses	.519	2.715
On Probation at Arrest	-53.740	-73.960
Median Home Value	.000	-.001
Median Rent	-.003	.799
Per Capita Income	.002	-.026
% Families Below Poverty Level	119.125	-292.398
% High School Grad or Higher	-231.526	-475.224
R-Squared = 0.151, n= 437 decisions to place adjudicated Law Violators in HYCF of 1,563 total decisions		

Missing data: 1,126 cases.

Statistically significant at * $p \leq 0.05$, ** $p \leq 0.01$.

4.6 Decision Points (Simple Logistic Regression, 2007-2009, 2000-2010)

For the three-year cohort, the progress of 43,750 arrests between 2007 and 2009 was analyzed through the juvenile justice system in Hawai'i. The eleven-year cohort included 156,828 arrests from 2000 to 2010. These arrest records were those that contained geographic information and represent a subset of the total arrests, which included 81,303 records from 2000 to 2010. A youth's penetration into the system begins with a decision on whether his or her case should be referred to Family Court for formal processing, and if so then whether a petition should be filed to appear in court before a judge.⁴ Of those filing a petition, a certain number are found guilty ("adjudication"). Once found guilty, these remaining youth are sentenced ("disposition") to probation, incarceration, lesser sanctions, or a combination of outcomes. The following subsections analyze our results for these four "decision points" for the 3-year period of 2007-2009, and the 11 year period 2000-2010. Tables 4.17 and 4.18 summarize the findings by ethnic group for the chances that an outcome will occur at important decision point for law violations during the 2007-2009 interval and the 2000-2010 interval respectively. These decision points are "referral," "detention," "petition," "adjudication," "probation without confinement," "confinement," and "waiver" – the points that youth sequentially face as they progress into the juvenile justice system. Data for detention decisions was only available for the 3-year analysis from 2007 to 2009.

Similarly, Tables 4.19 and 4.20 summarize the key decision point outcomes for status offenses during the 2007-2009 interval and the 2000-2010 interval respectively, with the harshest outcome considered "protective supervision" (similar to probation for law violators). Status offenders are not subject to the "confinement" and "waiver" decision points and were subject to detention only in the case of Valid Court Order, a policy that ended in July 2010.

⁴ Upon arrest, some cases are detained at Hale Ho'omalulu if youth are assessed to be a threat to their own or another person's physical safety.

Table 4.17: Simple Logistic Regressions, Law Violations, 2007-2009

Dependent Variables (Yes/No)	Referral	Detention	Petition	Adjudication	Probation without HYCF	HYCF
n = sample size	8239	4352	4352	3468	2799	2799
Nagelkerke R ²	0.122	0.074	0.109	0.041	0.162	0.277
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables						
<i>Caucasian</i>	--	--	--	--	--	--
<i>Filipino</i>	0.928	1.16	0.878	1.089	1.012	0.419*
<i>Samoan</i>	1.145	1.674	1.214	1.139	1.276	0.449*
<i>Native Hawaiian</i>	1.128	1.467*	1.286*	0.946	1.457**	0.745
<i>Other/Mixed Pacific Islander</i>	1.186	1.515	1.023	1.054	1.947**	0.535
<i>Mixed Race</i>	1.364**	1.454	1.346	1.127	1.641**	0.633
<i>African American</i>	1.138	2.443*	1.397	0.88	6.487**	0
<i>Latino</i>	0.917	0.661	1.082	2.246	1.171	0.090**
<i>Chinese</i>	0.642	0	0.417	0.088*	0	0
<i>Japanese</i>	1.25	1.108	0.570*	1.652	2.879**	0.255*
<i>Korean</i>	0.793	5.148**	0.709	2.991	4.816*	0
<i>Other/Mixed Asian</i>	1.35	1.155	2.422*	1.088	1.108	0.63
<i>Native American</i>	0	1.191	1.286	0.799	1.505	0.185*
<i>All Others</i>	1.219	--	--	--	--	--
Sex (Male = 1)	0.909	0.790*	1.792**	0.847	0.883	1.727**
Age at Arrest	1	1.009**	0.996	1	0.968**	1.013**
Combined Offense Severity	1.180**	1.039**	1.096**	1.064**	0.988	1.046**
Severity of Prior Adjudicated Offenses	1.012**	1.004	1.039**	1.005	0.982**	1.062**
On Probation at Arrest	1.807**	2.348**	1.097	1.675**	2.250**	2.144**
Median Home Value	1.000**	1.000*	1.000**	1	1.000**	1
Median Rent	1	1.000*	1.000*	1	1.000*	1
Per capita Income	1	1	1.000*	1	1	1.000*
% Families Below Poverty	1.238	2.16	0.394	0.539	4.907**	0.315
% Ed Level HS or Above	1.922	0.454	0.325	0.226*	1.012	0.467
<i>Missing cases</i>	12330	4573	4573	2872	2133	2133
Total	20569	8925	8925	6340	4932	4932

* Odds ratios that are statistically significant, * $p \leq 0.05$, ** $p \leq 0.01$.

Table 4.18: Simple Logistic Regressions, Law Violations, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation without HYCF	HYCF	Waiver
<i>n</i> = sample size	35010	16514	11998	9355	9355	11998
Nagelkerke R^2	0.091	0.127	0.037	0.116	0.235	0.410
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables						
<i>Caucasian</i>	--	--	--	--	--	--
<i>Filipino</i>	0.871**	.954	1.011	.890	.747	--
<i>Samoan</i>	.982	1.519**	.960	1.117	1.041	--
<i>Native Hawaiian</i>	1.147**	1.370**	1.011	1.162*	1.061	--
<i>Other/Mixed Pacific Islander</i>	1.019	1.120	1.139	1.297	.906	2.540
<i>Mixed Race</i>	1.251**	1.321**	.986	1.422**	.757	2.533
<i>African American</i>	1.075	1.185	1.455	1.581*	.930	2.647
<i>Latino</i>	1.074	1.390	1.231	1.533	0.236**	1.635
<i>Chinese</i>	.675	0.509*	.531	.643	.000	4.692
<i>Japanese</i>	0.763**	0.732*	1.895**	1.484*	.858	1.490
<i>Korean</i>	.799	1.369	1.240	1.375	.412	22.042
<i>Other/Mixed Asian</i>	.933	1.350*	.976	.747	1.591	2.589
<i>Native American</i>	1.368	--	--	--	.000	20.549
<i>All Others</i>	.000	--	--	--	--	--
<i>Ethnicity Unknown</i>	0.836*	1.116	.918	1.241	0.214**	8.968
Sex (Male = 1)	0.925**	1.574**	.956	0.831**	1.561**	--
Age at Arrest	1.006**	1.001	1.001	0.973**	1.023**	1.085
Combined Offense Severity	1.131**	1.113**	1.064**	1.003	1.025**	1.037
Severity of Prior Adjudications	1.011**	1.055**	1.003	0.976**	1.063**	.934
On Probation at Arrest	1.507**	1.552**	1.755**	2.020**	2.238**	10.575
Median Home Value	1.000**	1.000**	1.000	1.000**	1.000	1.000*
Median Rent	1.000**	1.000**	1.000	1.000	1.000*	1.001
Per capita Income	1.000**	1.000**	1.000	1.000**	1.000	1.000
% Families Below Poverty	1.436*	0.417**	.743	1.436*	0.296**	.000*
% Ed Level HS or Above	3.927**	0.145**	.687	3.927**	.368	.039
<i>Missing cases</i>	42922	14213	8232	5899	5899	8232
Total	77932	30727	20230	15254	15254	20230

* Odds ratios that are statistically significant, * $p \leq 0.05$, ** $p \leq 0.01$.

Table 4.19: Simple Logistic Regressions, Status Offenses, 2007-2009

Dependent Variables(Yes/No)	Referral	Petition	Detention for Valid Court Order	Adjudication	Protective Supervision
<i>n</i> = sample size	10640	7108	7108	1401	1168
Nagelkerke R^2	0.09	0.115	0.093	0.198	0.25
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables					
<i>Caucasian</i>	--	--	--	--	--
<i>Filipino</i>	0.811*	0.638**	0.911	1.421	10.888**
<i>Samoan</i>	0.868	1.875**	1.363	10.180*	3.669*
<i>Native Hawaiian</i>	1.165*	1.365**	0.842	1.657*	3.711**
<i>Other/Mixed Pacific Islander</i>	0.606**	0.649	1.258	3.709	10.486*
<i>Mixed Race</i>	1.268**	1.486**	1.394	3.419**	5.571**
<i>African American</i>	1.114	0.997	1.003	1.11	1.092
<i>Latino</i>	1.092	0.99	0.529	--	2.086
<i>Chinese</i>	0.176**	0	0	--	--
<i>Japanese</i>	0.811	0.731	0.651	2.641	2.467
<i>Korean</i>	0.6	3.870**	3.969*	--	--
<i>Other/Mixed Asian</i>	0.619	2.49	1.752	3.302	0.665
<i>Native American</i>	--	--	--	--	--
<i>All Others</i>	0	--	--	--	--
<i>Ethnicity Unknown</i>	0.847	0.674	0.338	6.37	1.63
Sex (Male = 1)	0.811**	0.881*	1.297*	0.539**	0.302**
Age at Arrest	1.003*	0.991**	1.002	0.993	0.995
Combined Offense Severity	1.104*	1.062**	0.964	0.952	0.957
Severity of Prior Adjudications	1.017**	1.019**	1.013*	0.993	0.960**
On PS at Arrest	1.885**	2.719**	3.922**	3.669**	3.778**
Median Home Value	1.000**	1.000**	1.000**	1.000**	1.000*
Median Rent	1	1.000**	1.001*	1.001**	1.001*
Per capita Income	1	1	1	1	1
% Families Below Poverty	6.813**	0.756	2.507	85.375**	20.626*
% Ed Level HS or Above	9.479**	0.024**	0.080*	0.59	25.587
<i>Missing cases</i>	12541	6694	6694	690	491
Total	23181	13802	13802	2091	1659

* Odds ratios that are statistically significant, * $p \leq 0.05$, ** $p \leq 0.01$.

Table 4.20: Simple Logistic Regressions, Status Offenses, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Protective Supervision
<i>n = sample size</i>	43363	27052	4032	3373
<i>Nagelkerke R²</i>	0.081	0.098	0.154	0.169
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables				
Ethnicity				
<i>Caucasian</i>	--	--	--	--
<i>Filipino</i>	0.807**	.897	1.576*	2.046*
<i>Samoan</i>	1.011	1.271*	1.076	2.025
<i>Native Hawaiian</i>	1.189**	1.382**	1.326	1.539
<i>Other/Mixed Pacific Islander</i>	0.831**	.761	2.609*	1.693
<i>Mixed Race</i>	1.283**	1.483**	2.008**	1.605
<i>African American</i>	1.553**	1.202	.927	1.575
<i>Latino</i>	.824*	.968	--	2.838
<i>Chinese</i>	0.655**	.866	1.662	--
<i>Japanese</i>	0.873*	1.080	1.457	3.113
<i>Korean</i>	0.608**	1.092	--	--
<i>Other/Mixed Asian</i>	0.846*	2.003**	2.299*	1.542
<i>Native American</i>	.755	4.553*	.389	--
<i>All Others</i>	.000	--	--	--
<i>Unknown</i>	.925	0.471**	1.733	1.840
Sex (Male = 1)	0.784**	0.820**	0.552**	0.536**
Age at Arrest	1.007**	0.995**	1.005	0.990**
Combined Offense Severity	1.290**	1.085**	.956	0.931*
Severity of Prior Adjudicated Offenses	1.027**	1.023**	0.977**	0.953**
On Protective Supervision at Arrest	2.005**	2.860**	4.114**	5.035**
Median Home Value	1.000**	1.000**	1.000**	1.000**
Median Rent	1.000	1.000**	1.000**	1.001**
Per capita Income	1.000	1.000	1.000	1.000*
% Families Below Poverty	1.864**	0.619*	14.345**	35.659**
% Ed Level HS or Above	4.353**	0.119**	3.741	2.529
<i>Missing cases</i>	35346	16235	1626	1190
Total	78709	43287	5658	4563

* Odds ratios that are statistically significant, * $p \leq 0.05$, ** $p \leq 0.01$.

4.6.1 Referral

Our model for referrals resulted in predicted coefficients for standard attributes of the offense, with offense severity, prior offenses, and probation status all showing strong positive relationships with referral to Family Court. It also showed that males were slightly less likely to be referred than females, perhaps due to the likelihood of more male arrests. Regarding ethnicity, all major groups except Filipinos, Chinese and Koreans were more likely to be referred in 2007-2009. Results varied from Mixed Race youth who were 136% as likely as Caucasians to be referred ($b= 1.364$), to Chinese, who were 64% as likely as Caucasians to be referred, other factors equal ($b= 0.642$). The eleven-year period shows a somewhat different ranking of ethnic groups, with Japanese, Korean, Other/Mixed Asian, and Samoan joining Filipinos and Chinese as those less likely to be referred than Caucasians. Similar to the 3-year results, Hawaiians, Mixed Race, and Other/Mixed Pacific Islanders were all somewhat more likely to be referred than Caucasians.

Regarding status offenses, both the 3-year and the 10-year intervals show similar relative likelihoods of getting referred to Family Court as with law violations except for Other/Mixed Pacific Islanders. For status offenses, this group has lower likelihood of being referred, while Hawaiians and Mixed Race youth have higher likelihoods.

4.6.2 Petition

The 4,352 youth charged with law violations during the 3-year period referred to Family Court for processing next faced a decision on whether a petition to appear in court would be filed. In general similar to the referral decisions, the 2007-2009 data show that Caucasians were the least likely major group to have petitions filed, except for Filipinos, Chinese, and Koreans. Noticeably different from the referral decision, Japanese youth, at this stage, were less likely than Caucasians to have a petition filed – 57% as likely as a Caucasian, to be precise ($b= 0.57$). Analyzing the 11-year data, on the other hand, shows that Koreans were much more likely than Caucasians to be petitioned – about 137% as likely ($b= 1.369$). Interestingly, in the more recent 3 year cohort, petitions filed are similar to referrals where Samoans, Hawaiians, other Pacific Islanders and Mixed Race youth are all more likely than Caucasians, the reference group, to receive the worse outcome, other factors equal.

As with the referrals for youth charged with status offenses, the picture is similar to referrals for both periods. Hawaiians, Samoans, and Mixed Race youth experience higher likelihoods than Caucasians of having a petition filed, but Other/Mixed Pacific Islander youth are less likely than Caucasians for both of the intervals.

4.6.3 Detention

Earlier, we analyzed ethnicity and the length of detention among arrested youth. Here, we are interested in the decision point of who gets sent to a detention center, regardless of how long its duration is. The detention decision is unique in that it asks who is judged to need physical detention prior to trial, primarily due to threat of physical harm to self or others.

At this decision point, it is clear that Caucasians are less likely than other groups excluding Chinese to receive a detention decision. Koreans are over 5 times as likely to be detained ($b= 5.148$), and Hawaiians about 1.5 times as likely ($b= 1.467$). Notably, Koreans are only 13 admissions in 3 years, and 7 of these were for the same individual. Chinese are almost never detained, according to our data set. Given that the available data on detentions prior to 2007 is incomplete, we are unable to compare these 3-year results with a broader 10-year group of youth.

For status offenses during the 3-year interval, the picture is similar to law violations except for Hawaiians. Here, Native Hawaiians are less likely to receive detention than Caucasians, while Samoans, Mixed/Other Pacific Islanders, and Mixed Race youth are all more likely than Caucasians to receive detention. There is no 11-year interval data available for the detention decision point.

4.6.4 Adjudication

Adjudication of a case represents a guilty verdict in which the youth is sentenced to punishment. The courts made an adjudication decision on 3,468 cases from 2007 to 2009. Other factors equal, Koreans and Japanese ($b= 2.991$ and $b= 1.652$ respectively) youth were more likely to be given a guilty verdict than Caucasians, while Hawaiians were slightly less likely to get a guilty verdict ($b= 0.946$). Interestingly, males were slightly less likely than females to receive guilty verdicts ($b= 0.847$), although other control variables such as offense severity, prior offenses, and probationary status all had the predicted greater likelihood of a guilty verdict.

Examining the 11-year interval, Koreans and Japanese ($b= 1.240$ and $b= 1.895$ respectively) also fare worse than Caucasians, and Hawaiians, though the difference is not as stark and could be

the result of highly disproportionate results from the more recent time period. Gender differences also remained the same for this longer time period.

For status offenses during both the 3-year and the 10-year intervals, Hawaiians, Samoans, Mixed/Other Pacific Islanders, and Mixed Race youth all are more likely to receive a guilty verdict, which is similar to the law violations results. On the other hand, Filipino status offense youth also are more likely than Caucasians to receive an adjudication sentence, which differs from the 11-year interval law violation results.

4.6.5 Disposition

The disposition package once an adjudication decision has been ruled can greatly affect youth. In general, a probationary sentence is seen to be the lightest decision for law violations (not considering lesser sanctions such as community service), while incarceration is the most severe. Many cases, however, include some combination of probation and incarceration. In a prior section of this study, we analyzed the length of probationary sentences given to youth. Here, however, we analyze the decision itself as an alternative. In general, because it tends to isolate a youth from his or her personal support structures, any disposition including incarceration is seen to be worse than one that does not, even if it may be shorter in duration. Our analysis of the 2,799 adjudicated cases between 2007 and 2009 therefore assesses disparities in who receives probation alone, versus who receives incarceration either alone or in combination with some length of probation.

Here, of the major groups at this point of the juvenile justice system Caucasians are universally less likely to receive probation as the sentence than others, excepting Chinese, who have very low numbers of cases of sentencing. Koreans and Japanese youth are each several times more likely than Caucasians to receive probation alone ($b= 4.816$ and $b= 2.879$ respectively), while Hawaiians are about 1.5 times as likely as Caucasians to receive the lighter sentence ($b= 1.457$). As expected, the effect of being male, having a higher offense severity, and having a prior record are all negatively associated with the lighter sentencing option ($b= 0.883$, $b=0.988$, and $b=0.982$ respectively). On the other hand, being on probationary status at the time of arrest was over two times as likely to be given the probation-only sentence ($b= 2.250$). Given that this factor is so closely associated with the outcome of probation, it is understandable that once other sources of variation are stripped out, those on probation are much more likely to remain on probation than given a categorically different sentence.

An examination of the 11-year interval shows little difference from the more recent patterns. All groups except Filipinos, Chinese, and Other/Mixed Asians were more likely than Caucasians to receive the lighter sentencing ($b= 0.890$, 0.643 , and 0.747 respectively), but the differences,

as would be expected, are not as stark. Hawaiians were 1.16 times as likely as Whites to receive the lighter sentence, and Japanese 1.48 times as likely (b= 1.162 and b= 1.484 respectively).

For status offenses, almost all non-Caucasian groups are much more likely to be placed on protective supervision than Caucasians. Since there are no confinement sentences for status offenses, these higher likelihoods of protective supervision are a worse outcome for these non-Caucasian groups.

4.6.6 Summary of Decision Points (Statewide)

Overall, an analysis of the statewide decision points for youth juvenile offenses suggests that Native Hawaiians, Samoans, and Filipinos youth fare worse than Caucasians at the stage of arrest. In addition to Hawaiians and Samoans, other Pacific Islanders and Mixed Race youth also face disproportionately negative outcomes at the subsequent decision points of referral, petition, detention, and adjudication.

Interestingly, in the earlier stages of juvenile justice decision-making prior to sentencing, opportunities to reduce DMC may be explored through better understanding various barriers that youth encounter in their personal interactions with law enforcement and their designated family court personnel such as the prosecutor and court/probation officer. The finding that Native Hawaiians, Samoans, other Pacific Islanders, and Mixed Race youth fare worse within the system until post-adjudication sentencing – consistent across the two time periods – may indicate a different dynamic between White and Asian youth in comparison to the over-represented groups in which cultural differences, ethnic stereotypes, or a combination of those and other factors affect decision-making.

4.6.7 Discussion of Decision Points by Circuit Court

An analysis of the decision points by circuit court or county can show whether the findings above are attributable to any particular part of the juvenile justice system. Overall, there is no discernable circuit that exhibits the pattern of Native Hawaiians, Samoans, other Pacific Islanders, and Mixed Race youth faring poorly at the decision points leading up to and including adjudication, with more favorable outcomes at the more formal decision point of sentencing. However, the pattern does hold for Native Hawaiians and Mixed Race youth in Honolulu County for status offenses, and for Filipinos in this First Circuit for law violations. Native Hawaiian youth arrested for law violations and status offenses in the Second Circuit also follow this general pattern. Kaua'i County (Fifth Circuit) is the only other jurisdiction that follows this pattern for Native Hawaiian youth arrested for status offenses. In part this may be because the underlying reality is different, or as likely because the numbers of juveniles reaching these decision points in the smaller Circuit Courts is much smaller and therefore not appropriate for statistical analysis. See Appendix for logistic regression results by circuit for 2007-2009.

4.7 Comparison of Relative Rate Index (RRI) Scores and Odds Ratios

The following table compares the list of groups disproportionately overrepresented according to both the Relative Rate Index (RRI) scores and the odds ratios generated through the logistical regression models. Both use White arrest cases as the control group. As stated earlier, the RRI measures for each ethnic group represent *the number of times higher or lower is the rate of receiving a particular decision (e.g., referral or no referral) for a case as compared to White arrest cases at each decision point.* In contrast, the odds ratios in this study represent *the odds of receiving a certain decision relative to White arrest cases, controlling for differences among cases in arrestee gender, age at arrest, the combined severity of the charges, the severity of all prior adjudications, and the juvenile's socioeconomic status using residential neighborhood measures.* Controlling for these differences is one important step towards understanding the reasons for disproportionate outcomes at each stage of the case flow process by ruling out the effects of these variables. Since the odds ratios (second column on Table 4.21) control for the differences listed above, it is a more refined list of groups that may suffer from some form of institutional or individual bias or that may be found with additional characteristics that may account for their disproportionately negative outcomes at the respective decision points. Additional characteristics that may affect the decisions of juvenile justice system officers include considerations such as the ability of parents or guardians to supervise the youth, family instability, domestic violence in the home, mental health assessment of the juvenile, and other factors recorded in family court files but not available for this analysis.

This table allows us to see the difference in the listing of groups disproportionately represented according to the two methods. For example, at the point of referral, the RRI scores do not indicate disproportionate contact for Samoan or Japanese arrest cases for law violations, which do appear according to odds ratio scores.

Note: For Tables 4.21 and 4.22, RRI scores were based on the total number of cases for which arrests were made during 2007-2009. Odds ratios were based on subset of total cohort population, using all cases with residential location. The number following group name is the number of arrest cases at that decision point in the total population. Numbers of "secure detention" and "secure confinement" are undercounts due to incomplete information. Numbers of "court protective supervision placement" are those cases resulting in protective supervision at the point of adjudication, and does not include legal status placement decisions made by probation officers or other officials outside of the formal court process. Numbers of "court probation placement" are those cases resulting in probation without secure confinement at the point of adjudication, and does not include probation placement decisions made by probation officers or other officials outside of the formal court process. All records were used to calculate the RRI, as coordinate data were not needed for the analysis.

Table 4.21: Comparison of measures of DMC Law Violation Arrests Statewide, 2007-2009

Decision Point	Groups with RRI Scores of 1.1 or greater	Groups with Odds Ratios of 1.1 or greater
Comparison Group: White	(0.9 or less for "Diversion" indicating lower rate of getting diverted)	(0.9 or less for "Diversion"; bracketed groups are those with disproportionately favorable outcomes compared to White arrest cases)
1. Juvenile Arrests	Filipino (2,468) Samoan (897) Native Hawaiian (8,401)	(not available)
2. Referral	Native Hawaiian (4,006) Mixed Race (842) Other/Mixed Asian (146)	Mixed Race** (842) Samoan (368) Native Hawaiian (4,006) Other/Mixed Pacific Islander (438) African American (155) Japanese (184) Other/Mixed Asian (146)
3. Diversion	Samoan (88) Native Hawaiian (1,051) Mixed Race (203) Other/Mixed Asian (32)	(not available)
4. Secure Detention	Samoan (88) Native Hawaiian (511) Other/Mixed Pacific Islander (68) Mixed Race (125) African American (25) (also Hispanic, Other/Mixed Asian & Korean arrests but less than 20 cases each)	Native Hawaiian* (511) African American* (25) Filipino (71) Samoan (88) Other/Mixed Pacific Islander (68) Mixed Race (125) (also Korean** but only 7 cases)
5. Petition	Samoan (280) Native Hawaiian (2,955) Mixed Race (639) Other/Mixed Asian (114)	Native Hawaiian* (2,955) Other/Mixed Asian* (114) Samoan (280) Mixed Race (639) African American (99) [Japanese] (120)
6. Guilty Finding (Adjudication)	Korean (25)	Samoan (227) Mixed Race (501) Latino (73) Japanese (95) Korean (25)
7. Court Probation Placement	Samoan (140) Native Hawaiian (1,329) Other/Mixed Pacific Islander (161) Mixed Race (312) African American (58) Japanese (62) Other/Mixed Asian (57)	Native Hawaiian** (1,329) Other/Mixed Pacific Islander** (161) Mixed Race** (312) African American** (58) Japanese** (62) Korean* (12)
8. Secure Confinement	Native Hawaiian (322)	[Filipino*] (29) [Samoan*] (23) (Hispanic/Latino**) (6) [Native Hawaiian] (332) [Other/Mixed Pacific Islander] (21) [Mixed Race] (45) [Other/Mixed Asian] (9) [Japanese] (3) [Native American]

* Odds ratios that are statistically significant, * $p \leq 0.05$, ** $p \leq 0.01$.

Table 4.22: Comparison of measures of DMC Status Offense Arrests Statewide, 2007-2009

Decision Point	Groups with RRI Scores of 1.1 or greater	Groups with Odds Ratios of 1.1 or greater
Comparison Group: White	(0.9 or less for "Diversion" indicating lower rate of getting diverted)	(0.9 or less for "Diversion"; bracketed groups are those with disproportionately favorable outcomes compared to White arrest cases)
1. Juvenile Arrests	Filipino (2,846) Samoa (783) Native Hawaiian (9,687) Mixed Race (2,462)	(not available; refer to RRI list)
2. Referral	Native Hawaiian (6,368) Mixed Race (1,708) African American (302)	Native Hawaiian* (6,368) Mixed Race** (1,708) African American (302) [Other/Mixed Pacific Islander] (500) (Samoa) (378) [Chinese**] (20) [Japanese] (342) (Korean) (69) (Other/Mixed Asian) (278)
3. Diversion	Korean (54) Other/Mixed Asian (215)	(not available)
4. Secure Detention for Valid Court Order only	Samoa (14) Hawaiian (242) Other/Mixed Pacific Islander (19) Mixed Race (86) Other/Mixed Pacific Islander (19) African American (10)	Samoa (405) Other/Mixed Pacific Islander (691) Mixed Race (754) Korean** (60) [Native Hawaiian] (3,319) [Latino] (176) [Japanese] (254)
5. Petition	Other/Mixed Asian (27) Korean (15) Korean (15) Mixed Race (324) Native Hawaiian (1,144) Samoa (58)	Samoa** (58) Native Hawaiian** (1,144) Mixed Race** (324) Korean** (15) Other/Mixed Asian (63) [Other/Mixed Pacific Islander] (44) [Filipino**] (142) [Japanese] (29)

6. Guilty Finding (Adjudication)	Samoan (56) Hawaiian (890) Other/Mixed Pacific Islander (39) Mixed Race (281) Other/Mixed Asian (58) Filipino (103) (Also Hispanic or Latino, Korean, Japanese, and African American but less than 30 cases each)	Samoan* (56) Native Hawaiian* (890) Mixed Race** (281) Filipino (103) Other/Mixed Pacific Islander (39) Japanese (27) Other/Mixed Asian (58)
7. Court Protective Supervision Placement	Samoan (68) Mixed Race (254) Other/Mixed Asian (51) Hawaiian (776) Other/Mixed Pacific Islander (31) (Also African American, Hispanic/Latino but less than 30 cases each)	Filipino** (68) Samoan* (51) Native Hawaiian** (776) Other/Mixed Pacific Islander* (31) Mixed Race** (254) Latino (14) Japanese [Other/Mixed Asian] (51)

* Odds ratios that are statistically significant, * $p \leq 0.05$, ** $p \leq 0.01$.

4.8 Summary of Findings

1. The problem of disproportionality begins at the point of arrest where youth first come into contact with the juvenile justice system, notably for Native Hawaiians, Samoans, and Filipinos. The Relative Rate Index (RRI) tables show that these groups face the highest rates of arrest relative to Caucasian youth for status offenses and law violations, with rates for these groups ranging from 1.18 to 1.68 times that of the comparison group for law violations and from 1.14 to 1.98 for status offenses.
2. At each decision point, different ethnic and racial groups are found to have disproportionate contact after accounting for a number of factors including gender, age at arrest, severity of the offenses, severity of prior adjudicated offenses, if on probation at the time of arrest, and socioeconomic characteristics of their residential neighborhood. However, Native Hawaiians are the largest, most overrepresented group relative to their proportion of the youth population and face disproportionately negative outcomes at the greatest number of decision points compared to other groups.
3. Once arrested, there is a consistent and cumulative pattern of disproportionate contact, especially for Native Hawaiian, Samoan, Mixed Race and Other Pacific Islander youths. For law violations, the cumulative disadvantage persists as youth penetrate deeper into

the system. For status offenses, the degree of disproportionate contact also continues at later decision points, especially at the point of sentencing to protective supervision.

4. Once arrested and placed on probation or protective supervision, the probability of re-arrest increases for all youth. The relative rate and odds ratios for the decision points of probation or protective supervision demonstrate that youth of color are placed on court-ordered supervision at much higher rates than white youth are. Although the intention of supervision may be in the youth's favor, such as accessing services and programs, the consequence of a "shortened leash" for reoffending may be deeper and/or more prolonged contact with the juvenile justice system.
5. Even after controlling for a variety of factors—including gender, age at arrest, severity of the offenses, severity of prior adjudicated offenses, if on probation at the time of arrest, and socioeconomic characteristics of their residential neighborhood—at each of the decision points up through adjudication, there is still unexplained disproportionality, which requires further inquiry. The current data sources do not contain additional explanatory variables such as family-level socioeconomic information and systems of formal and informal support, cultural factors, and individual youth's history of trauma.

(This page intentionally left blank)

CHAPTER 5: QUALITATIVE ANALYSIS AND EXPLANATIONS OF DISPROPORTIONATE REPRESENTATION

5.1 Disproportionate Minority Contact in Hawai'i: A Qualitative Look

The quantitative analyses of youth arrests in Hawai'i from 2000 to 2010 as described in the previous chapter lead to five important findings:

1. Disproportionate contact at the point of arrest is observed for Native Hawaiian, Samoan, and Filipino youth, with the most pronounced over-representation for Native Hawaiian status offense arrests;
2. Disproportionality then increases incrementally at subsequent decision points within the juvenile justice system, most consistently for Native Hawaiian, Mixed Race, Samoan, and other Pacific Islander youths;
3. Overrepresented groups tend to have a longer length of stay for detention, probation status, and incarceration, which increases their odds of penetrating deeper into the criminal justice system;
4. The most consistent and influential variable that accounted for disproportionality in outcomes at the major decision points was *being on probation status at the time of arrest*, such that probation status increased the probability of a negative outcome, doubling or even quadrupling the odds of a unfavorable decision depending on the group;
5. Even after controlling for a variety of factors—including gender, age at arrest, severity of the offenses, severity of prior adjudicated offenses, if on probation at the time of arrest, and socioeconomic characteristics of their residential neighborhood—at each of the decision points up through adjudication, there is still disproportionality that cannot be explained without analysis of additional variables that are not available in the current dataset.

Qualitative research was conducted to seek further explanations for disproportionate contact building upon the quantitative analyses. This chapter describes our preliminary findings on possible causes of DMC in Hawai'i based on interviews with an initial group with 21 individuals from a range of stakeholder groups who have expertise in the juvenile justice system and/or issues of DMC. This does not represent a comprehensive survey of key informants, but supplements the quantitative data in directing our attention to possible causes of DMC that are left unexplained by variations accounted for in the quantitative data analyses presented earlier (see Chapter 2 for explanation of qualitative methods).

As the previous chapter concluded, disproportionate minority contact is most severe and consistent among Native Hawaiians, secondarily among Mixed Race, Samoan, and other Pacific Islander youths. Whites and Asians fare better at most decision points. African American youths

also experience disproportionately negative treatment at certain decision points, though their overall numbers are relatively small. Rates of disproportionate contact begin at the point of arrest, particularly for Native Hawaiian youth. After arrest, there is incremental disproportionality so that overrepresentation for the affected groups becomes more exaggerated. Thus, the further into the system one goes, the greater the overrepresentation, particularly of Native Hawaiians along with Mixed Race, Samoans, and other Pacific Islanders. Filipinos, while having a higher rate of arrest than whites, experience less disproportionate outcomes than the other aforementioned groups once they have entered the system.

Themes from the qualitative interviews are organized along the following topics:

1. Disproportionate arrest rates
2. Incremental disproportionality and cumulative over-representation
3. Other contributing factors to DMC in Hawai'i
 - a. System fragmentation and lack of a more collaborative and coordinated system of youth and family service delivery and information and resource sharing for the juvenile justice population
 - b. Lack of alternatives for diversion away from the juvenile justice system and into appropriate youth and family programs and services at the point of arrest
 - c. Instances of youth incarceration due to lack of services, especially for youth in need of residential services
 - d. Gaps in the continuum of care, especially for effective substance abuse, mental health, and reentry services
 - e. Lack of culturally appropriate and culture-based programs connected to the juvenile justice system
 - f. Inadequate integration of and support for families of arrested youth
 - g. Lack of programs for chronic offenders and youth in need of specialized services
 - h. Outdated or ineffective policies and procedures affecting youth

5.2 Disproportionate Arrest Rates

Differential rates of arrest is the initial contributor to the overrepresentation of especially Native Hawaiians and Mixed Race, but also Samoans, and Filipinos. Differences in arrest rates are also one of the most difficult problems to understand, as there is a range of possible explanations.

Interview data suggest there may be a combination of causes in Hawai'i, some which are unique to the state in contrast to the mainland US. Like many jurisdictions elsewhere, there may be higher rates of certain types of delinquent behaviors among the overrepresented groups. Long-term effects of economic poverty, lower school attachment, and separated families increase the risk factors associated with juvenile justice involvement. In Hawaii, this

can be seen in connection to the history of colonization that led to displacement and disenfranchisement across the Pacific, including the overthrow of the Hawaiian Kingdom and the dispossession of land and power, the details of which are widely known locally. Among girls, Chesney-Lind, Pasko, Irwin, and others⁵ have pointed to higher rates of victimization that lead to status offenses such as runaways and trancies, particularly among Native Hawaiian females. Differential access to services due to language, mobility, geographic isolation and other factors may also affect rates of offending for those who have more difficulty accessing needed prevention or treatment services. Gang-related crime may also contribute to disparities in arrest, particularly among Samoan, Filipino, and other Pacific Islander youths and possibly other mixed race youths with higher rates of gang involvement in certain neighborhoods. Quantitative analyses did not account for gang involvement due to lack data so it remains a possible explanation for some of the disparities. Gang involvement does not serve as a strong explanation for the high arrest rate among Native Hawaiian youths, however, as the level of organized gang involvement in Hawaiian communities is much less than for other overrepresented groups.

While there may be disproportionate rates of behavior deemed unlawful across racial and ethnic groups in Hawaii, they most likely do not explain all of the disparity that we find.

There may be other possible explanations in need of further exploration. One that arose during several interviews and group discussions is the dynamic between police officers and youths. Interviewees described Native Hawaiian youths as showing a great deal of pride and with that often comes a more defiant attitude towards law enforcement officers, especially those who may not show the degree of respect the youths feel they deserve. There is a perception that interactions between Native Hawaiian arrestees and police (and possibly other juvenile justice personnel) can become more confrontational than interactions between police and youth from other ethnic groups. Real or perceived defiance on the part of youths combined with real or perceived disrespect on the part of police can create or escalate unnecessarily antagonistic dynamics that result in a higher rate of arrests of Native Hawaiian youths. There may be a need for further understanding of how to best approach and interact with youths in the different types of common encounters, with an awareness and sensitivity to perceptions of defiance and disrespect.

A second explanation may be unintentional racial profiling. It is important to note that the treatment of the idea of racial bias is different in Hawai'i as compared to many jurisdictions on the mainland US due, in part, to the racial composition of the local police force. The Honolulu Police Department has an ethnically diverse workforce. The race and ethnic composition of police officers in 2010 was White (17.1 percent), Black/Puerto Rican (2.6), Filipino (9.4),

⁵ See, for example, Pasko, Lisa and Meda Chesney-Lind. Under lock and key: trauma, marginalization, and girls juvenile justice involvement. *Justice Research and Policy* 12 (2): 25-49.

Hawaiian/Part Hawaiian (26.9), Asian (24.7), Other (17.7), and Samoan/Pacific Islander (1.6).⁶ As such, it is not the case that there is a “majority ethnic group” within law enforcement policing “minority ethnic groups” as in many mainland jurisdictions.

As such, racial and ethnic diversity of the police force in Hawai`i may sharply reduce racial/ethnic bias in policing. At the same time, a diverse force does not guarantee the absence of discriminatory treatment. There may be stereotypes of assumptions made of certain groups. Also, all of the affected groups at the point of arrest—Native Hawaiian, Samoan, and Filipino — tend to share certain physical characteristics such as darker skin tone that may affect the judgment or level of suspicion raised among law enforcement officers in the course of patrolling or in search of reported suspects. Police policies and training curricula support fair and unbiased treatment, but subconscious bias in responses based on prior personal or professional experiences or bias resulting from limited physical descriptors given of suspects is not uncommon in policing and can contribute to disproportionality in the rates of arrest among racial and ethnic groups.

A third contributor to DMC is the geography of crime and policing based on more frequent reporting or closer policing in geographic neighborhoods with greater percentages of ethnic groups overrepresented in the juvenile justice system. A spokesperson for the Hawai`i Office of the Prosecuting Attorney reported that 10 percent of locations are responsible for 60 percent of all police calls for service.⁷ Mapping of arrest locations of juveniles would allow for the identification of areas that may be more intensely policed, which may further account for some of the disproportionality in arrest rates. Neighborhoods with higher reporting and more intense policing may be neighborhoods with higher concentrations of Native Hawaiian, Samoan, and Filipino youth. Also, special policing districts such as Weed and Seed areas have been located in areas with higher numbers of youths from overrepresented groups along with areas in and around public housing.

A fourth contributor to DMC at the point of arrest may be the “stickiness” of Hawaii’s juvenile justice process that shows a tendency, based on the data analyzed, to draw certain groups deeper into the system. Overrepresented youths tend to have a higher rate of probation or protective supervision placement than White youths. Also, non-whites, especially those in lower income neighborhoods, get longer probation sentences after taking into account gender, age, offense severity, and severity of prior adjudicated offenses. Being on probation or under protective supervision increases the chances of being re-arrested because of reporting requirements place upon the youths and monitoring of those youths by probation officers. If a juvenile is arrested while on probation, the quantitative analyses show that the severity of the sentence tends to increase, further intensifying reporting and monitoring requirements for those receiving additional probation sentences. This can create a self-reinforcing cycle that draws the youth deeper into the juvenile justice system. The deeper a youth is drawn into the system, especially being detained or incarcerated, the greater their chances of recidivism. Younger age youths who received a probation sentence that does not end until they reach the

⁶ See *Is There an Uneven Administration of Justice for Native Hawaiians in Hawai`i?: A Report of the Hawai`i Advisory Committee to the United States Commission on Civil Rights*, Report to the U.S. Commission on Civil Rights, September 2001.

⁷ *Ibid.*

age of 18 (probation sentence referred to as “minority”) are particularly vulnerable. While some decision-makers view probation or protective supervision as a means of providing youth greater access to needed services and adult supervision, the negative effect is that they can be drawn deeper into system due to the fact that subsequent decisions in the case flow process tend to be harsher for those arrested while on court-ordered supervision.

5.3 Incremental Disproportionality and Cumulative Overrepresentation

The disparity initiated at the point of arrest is further exacerbated at subsequent decision points throughout the juvenile justice system up through adjudication (see Odds Ratios in the Simple Logistic Regression tables in Chapter 4). Thus, we describe DMC as characterized by *incremental disproportionality and cumulative overrepresentation*. In other words, DMC begins for some groups at the point of arrest and disparities increase for different groups at many of the subsequent decision points, with those amounts varying by ethnic/racial group and by law violations versus status offenses (see concluding section of Chapter 3). The following section presents qualitative findings that point to the sources of DMC as well as observed problems in the juvenile justice system more generally that may directly or indirectly contribute to DMC.

5.4 Other Contributing Factors to DMC in Hawai‘i

In order to reduce disproportionate minority contact, jurisdictions across the nation are taking a two-pronged strategy: a) reduce the number of youth in the juvenile justice system while maintaining public safety and b) reduce the number of youth from overrepresented groups with specialized programs and alternatives. Below we discuss additional factors that contribute not only to disproportionate minority contact but also to the maintenance of the numbers we see in the juvenile justice system generally. The nine additional factors are as follows:

1. *An fragmented juvenile justice system with major gaps in the continuum of care*

Today the state is facing ever-shrinking resources for coordinated, holistic, child-centered, family-strengthening, culturally competent programs that identify and build on the assets of each child with an end-goal of his or her success in life. As is common in other states, Hawai‘i’s juvenile justice system is fragmented, with barriers between agencies or administrative silos that prevent any one person or team of persons to follow a youth through the system to ensure successful reintegration.

This fragmentation is starting to be addressed through the many efforts of administrators and line staff across state and county agencies and community organizations that have entered into partnerships to tackle this problem. One example of this at the statewide level is the work of the Juvenile Detention Alternatives Initiative (JDAI), an effort that has recently reduced the number of youth sent to the detention facility. There are also examples at the county level, such as with the partnership between the Maui Police Department and the Positive Outreach

Intervention (P.O.I.) Project that gives many arrestees the direct opportunity to participate in youth programs and services. These are promising initiatives that can hopefully lead to more seamless coordination of efforts that then lead to lower rates of arrest and recidivism.

There are also major gaps in certain areas of service provision along the continuum of care, especially for youths facing more difficult challenges. As a result of the fragmentation and gaps in services, many youth experience the juvenile justice system to be more punitive than is intended. The fragmentation affects the alternatives available to decision makers, such as judges and probation officers operating with the youth's best intentions who struggle with limited options to meet the needs of the youth outside of the formal system. For example, a judge may face the decision to confine a youth at HYCF in order to help the child access substance abuse treatment services that he or she would not otherwise receive. The fragmentation also impacts the effectiveness and quality of care that a youth experiences, as illustrated in the case of a youth who is monitored by multiple agencies, each of whom assigns the child a separate case worker and plan of care. It also affects access to available services. There are many procedural barriers to a more efficient use of available resources, such as residential treatment beds. Different agencies, for example, fund different services, each with their own eligibility requirements. Sometimes available slots go unused because a youth is under the supervision of a different agency and is therefore ineligible despite the slot being unused. It is difficult to fix the overall problem without a coordinated system-wide effort that involves government, community-based organizations and families in an integrative systems strategy.

Reforms towards a collaborative system can free up funds for needed programs, services, and training. It can also lead to a more restorative experience for youth as greater system coordination results in more effective responses to youth's life circumstances. There are benefits to better coordination and consultation between relevant personnel at every decision point from arrest to incarceration. Appropriate participants may include police, prosecutors, judges, probation officers, correctional officers, parole officers, service providers, families, school counselors, and/or community partners to determine the best course of action at each decision point for the child. It may also include those who have worked with the child in the past, whether in the community or in government.

One of the biggest gaps lies between the juvenile justice system and the wide array of community-based organizations and service providers. There is a lack of familiarity among juvenile justice system personnel with existing programs. There is no consistent or systematic way they interface. Therefore, there are service providers who can help a youth, but judges and probation officers may not know they exist and are available. Likewise, a community organization may be working with a child who becomes court-involved, but there is no easy way of continuing to help the child in coordination with the justice system.

The Office of Youth Services was legislated as the agency in Hawaii responsible for the coordination and provision of services to youth along the full continuum of care under one umbrella according to the Hawaii Revised Statutes (Chapter 352D). However, this mandate was never allocated the resources necessary to carry out the mandate, so there is still no "umbrella

agency" to coordinate and oversee the spectrum of programs and efforts to ensure an adequate safety net for youth.

2. Lack of alternatives for diversion at the point of arrest

While DMC begins at the point of arrest, police and court officials have very few alternatives when they face the decision to arrest a youth. Because of the lack of diversion programs, many youths who would do better receiving services are unnecessarily channeled into the system. Accompanying the swing in juvenile justice philosophy that took place on a system-wide level during the 1990s, communities and schools also shifted over time with greater expectations of law enforcement intervention in youth-related problems that might have been handled informally in the past through family and relational support or through community-based resources.

There are many good prevention and intervention programs in the state, but more focused training and capacity building is needed to assist programs in becoming formal diversion alternatives within the juvenile justice system. Cooperation between both bottom-up and top-down efforts to benefit youth and help to close the gap between the system and community-based organizations was often brought up by key partners. A common theme in the interviews was the need for better working relationships between law enforcement, court personnel, and families in the community to identify responsible adults for youth to be released to when parents were not available or able to supervise their child. Many stories were shared of community-based mentoring, unfunded yet spearheaded by adult volunteers motivated by a high value for being involved with the lives of youth of the community. Such organic arrangements raise questions of liability and sustainability but have shown small-scale effectiveness in uplifting young leaders who follow in the footsteps of their mentors. Creativity and innovative thinking will be required to find ways for the formal and informal systems to engage in collective problem-solving and coordination.

3. Use of probation in a way that inadvertently increases the odds of future negative consequences once placed on probation status

It is clear from the statistical analyses that the odds of receiving an unfavorable decision increases greatly for those arrested while on probation status. At the point of arrest, for example, police officers may come upon a group of youth who may be engaging in activities such as underage drinking, out beyond curfew, or loitering and find a record of one of the youths as being on probation. This status may prompt an officer to make an arrest when they may otherwise counsel or give instruction youth. A similar tendency to be somewhat harsher on probationers may occur at other decision points among other personnel, such as prosecuting attorneys, probation officers and judges. Due to lack of access or connection to services, probationers are given conditions of probation that may be difficult for them to meet without greater support or more intensive supervision and guidance. As probation violations pile up, sanctions become more severe, leading to a downward spiral deeper into the juvenile justice system.

In Hawai'i, status offenders and law violators are sometimes placed on legal status as a way to ensure that a youth receives services that may not otherwise be accessed or to provide supervision in the absence of a stable adult figure. The question is whether this role should be served by the court system or whether this is better served by a community-based or non-profit agency in partnership with the courts without placement on probationary status.

Interviews and reviews of court files showed that probation officers actively place youths in a wide range of services with careful follow up with probationers. Placement in programs, however, is more common for higher risk youth who are facing more serious problems. For first time or low-level offenders, however, placement in community-based programs is less common. This can be due to time constraints, fewer connections with the broader community of non-profit agencies doing early intervention work, and historic practices that saw those responsibilities as belonging to the court rather than relying on community-based entities. There may be a lack of awareness of the unintended consequences of using probation in cases of certain status and low-level offenses for which it may be better to create partnerships with community agencies to avoid unnecessary penetration into the juvenile justice system. This is especially true given the influence of being on probation on subsequent outcomes and the fact that the further one proceeds into the system, the chances of life success diminishes.

4. Inappropriate incarceration or detention of youths who pose no evident threat to others or themselves

Generally speaking, Hawai'i has few high-level youth offenders. Inappropriate use of secure confinement has resulted in too many youths in detention or in HYCF who are non-violent offenders and pose no threat to the public or to themselves. There is a need to find ways to reduce the numbers of youth who are incarcerated and detained, knowing that the longer a youth is confined in any facility, the greater the risk of future delinquency.

Detention is often used for this population because of the lack of available alternatives in community-based settings. This is especially the case for certain juvenile justice populations, such as girls who may be on probation for law violations and who are detained on a runaway status offense. Without policies that make it more difficult to keep these youths detained, there is less urgency to adequately fund alternatives for this population. There are also younger-aged youth who are detained and incarcerated in spite of research demonstrating that the lower the age of first-time incarceration and detention, the more elevated the risk of a youth getting into future trouble with the law. Such situations reinforce the current status quo, a patchwork of funding that prevents needed programs from being developed or sustained. Over the past few years, the Juvenile Detention Alternatives Initiative (JDAI) has been active in addressing some of these concerns in Hawaii.

A related problem is high number of youths re-incarcerated for technical violations while on parole or probation after release. An array of alternative resolutions can be explored in response to these lesser violations, combining "carrot" incentives and "stick" disincentives to behavioral change, rather than the default path of confinement. Some jurisdictions in the continental U.S. (e.g., Cook County in Illinois and Multnomah County in Oregon) have stringent

“eligibility requirements” for what offenses and circumstances can allow a youth to be securely confined.

5. Gaps in the continuum of care

In order to have an effective system in place with adequate diversion programs, treatment programs, mentoring programs, and other valuable avenues for youth to successfully exit the juvenile justice system, the state needs to have the full “continuum of care” available and accessible, including to those on the outer islands and in rural areas. Currently, budget cuts have left large gaps in the state’s continuum of care.

There is no detailed written inventory of youth services in the state nor has there been a systematic assessment of all the services that would be needed in order to create a robust restorative justice system. Programs tend to get put in place in a piecemeal manner.

Despite the lack of formal needs assessments, it is clear to practitioners that there is a lack of alternatives to detention and lack of diversion programs more generally. This appears most critical in the area of residential programs, substance abuse treatment, and culture-based programs for Native Hawaiians and Pacific Islanders. Given the levels of disproportionate contact at the point of arrest particularly for Native Hawaiians, diversion programs are critical to reducing DMC and further systems processing for arrested youths.

Creating a more complete continuum of care has been difficult not only because of funding cutbacks but also because there is no state agency in charge of overseeing all youth programs. The Office of Youth Services had been established to play that role but suffered major cutbacks in funding and personnel, especially over the past several years.

6. Lack of culturally appropriate and culture-based programs

There is a lack of adequate culturally appropriate and culturally competent programs across the continuum of care given the degree of disparities and negative outcomes for the large numbers of Native Hawaiian, Samoan, other Pacific Islander and Mixed Race youths.

There is also a lack of understanding of new immigrant groups, such as Chuukese and those from other Pacific Island nations, so it has been difficult to better assist those youths and their families due to language and cultural barriers.

The emphasis on evidence-based programs has hampered federal funding opportunities for locally grown programs that have been tailored to the cultural groups in Hawaii. For many local programs that have shown signs of success, funding has not been available to conduct evaluations with the level of rigor necessary to certify a program “evidence-based.”

When evidence-based programs from elsewhere have been adopted in Hawai‘i, they have not always been retrofitted to better fit the cultural norms, values, symbols, metaphors, and practices here. This limits their effectiveness in reaching particularly Native Hawaiian and

Pacific Islander youths for which cultural norms, values, and outlook may be a relevant part of their lives.

7. *Inadequate support for families of arrested youth*

Most families do not understand the court process and what is required of their child. This creates a great deal of stress and feelings of uncertainty and can place further strain on family relationships—relationships that are usually important for successful youth outcomes. Community-based organizations with experience supporting families suggested some simple policies to help alleviate some of the pressure faced by family members, such as “court leave” forms that guardians who attend their child’s hearing can present to employers, similar to “sick leave” notes signed by physicians. Access to clearly written informational materials explaining the court process, detention home rules, or Youth Correctional Facility requirements would also help families navigate the system with greater dignity, choice, and control over what happens to their child.

Many of the behaviors leading to arrest have to do with family-related issues. Many youths have difficulty exiting the system without support given to their families to address more fundamental issues such as abuse, neglect, communication, parenting styles, dealing with conflicts, and substance abuse, among others. There is a need for holistic, comprehensive, and therapeutic approaches to family strengthening, recognizing that all members may benefit from gaining tools and experience in resolving personal and family trauma.

8. *Lack of programs for chronic offenders and youths in need of specialized services*

Given the data that show Native Hawaiian and other Pacific Islander youths with higher numbers of repeat offenses, the lack of programs for chronic offenders contributes to the problem of DMC. While Girls Court and Juvenile Drug Court offer wraparound services that have been shown to be effective, the number of youth served by these specialty courts is very limited. Approaches that make more services available to more youth are widely needed.

Many youths have experienced some form of trauma in their past. Many times, this trauma has led to delinquent behaviors. Lack of consistent use of trauma informed care across the system can lead to repeated traumatization of youths within the system.

9. *Policies and procedures affecting youth that are outdated, ineffective or need to be revisited*

- a. Research-informed policy and procedures can be adapted from successful jurisdictions in both the continental US and abroad. New Zealand, Australia, and Canada have implemented court proceedings and agreements that are contextualized for Native communities and families.
- b. Zero-tolerance policies in schools that lead to expulsion or suspension can leave youth without adult supervision for extended periods of time. Idle, unstructured and unsupervised time puts them at greater risk of getting into trouble with law enforcement.

- c. **The system was set up for boys, but there is an increase in the number of girls arrested**
 - i. **There has been an increase in the number of girls arrested, but not all juvenile justice personnel have been trained to work with girls and the unique issues and experiences they bring.**
 - ii. **There is a lack of gender-specific programs that address many of the deeply embedded issues that have contributed to girls being arrested, such as sexual abuse or domestic violence.**

(This page intentionally left blank)

CHAPTER 6: A PROFILE OF ADJUDICATED YOUTH IN HAWAII'S JUVENILE JUSTICE SYSTEM

6.1 Characteristics of Adjudicated Youth: A Sample of Family Court Case Files

The previous chapters examined the extent and characteristics of disproportionate minority involvement in the juvenile justice system. Findings show that the largest and most overrepresented ethnic group with the most consistent pattern of disproportionate minority contact at nearly every decision point was Native Hawaiian youth. This chapter examines characteristics of youth within the system who have been adjudicated by a judge and explores differences between Native Hawaiian and non-Hawaiian youth. The purpose of highlighting the characteristics of these youth and any differences between Hawaiian and non-Hawaiian youth is to provide needed information for future planning so that the appropriate interventions, programs, policies, and services can be developed to address the problem of disproportionate minority contact in Hawai'i.

This profile includes the contextual and behavioral characteristics of adjudicated youth from information found in youths' family court case files. Files were selected based on a random sample (n = 142) of approximately 20% of the youth who were adjudicated for arrests that occurred in Honolulu County in 2009. The records available in the case files included intake forms, assessments, and progress notes written by probation officers, Persons in Need of Supervision (PINS) officers, and other court personnel, as well as assessments and reports by school counselors and psychologists, Department of Health psychiatrists, and other health professionals. Court dispositions, police reports, and other materials contained in the files were also reviewed.

Observed characteristics of the youth are organized into the following categories:

1. Relationships of influence
2. Depression and trauma-related experiences
3. Educational experience
4. Substance use
5. Behavioral risk factors
6. Attitudinal and emotional risk factors
7. Areas of difference between Hawaiian and Non-Hawaiian youth
8. Major diagnoses
9. Youth interests/hobbies

To provide a short overview, the profile shows that adjudicated youths face challenging life circumstances with many suffering from major hardships in life. Differences between Native Hawaiian and non-Hawaiian youth were not found to be statistically significant except for in three categories: parents with a criminal record, being out of parental control, and youths' sense of right and wrong. Approximately twice the proportion of Native Hawaiian youth had parents with a criminal history and were out of parental control, but almost twice the proportion of Native Hawaiian youth had expressed clear sense of right and wrong. So while

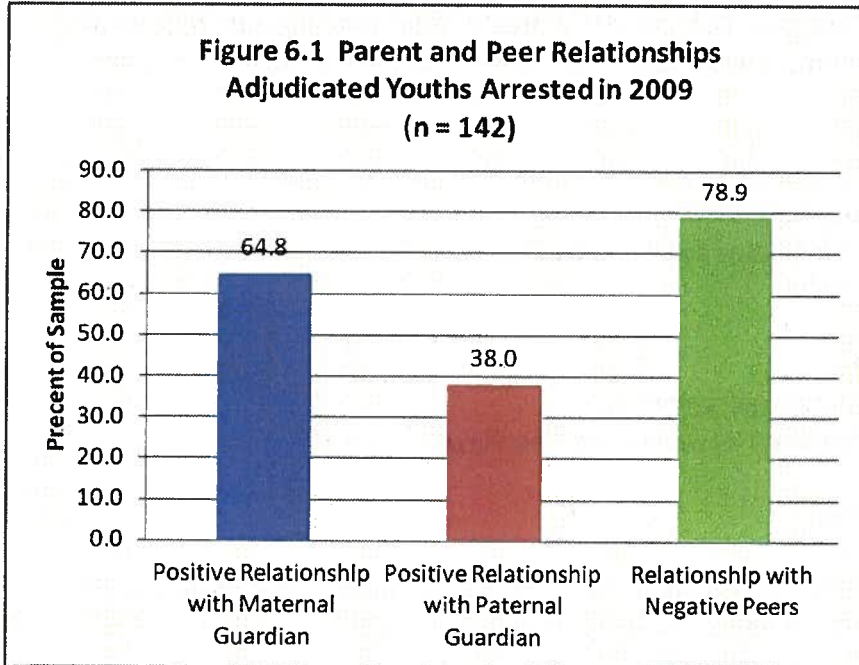
Native Hawaiian youth faced greater challenges in the home, they also expressed a stronger grounding in moral values. This has important implications for strategies to reduce disproportionate minority contact. Family healing and family strengthening programs are critical for Native Hawaiian youth. Interventions that can build on Hawaiian values to guide them towards a meaningful and healthy path in life may have greatest potential for success.

6.2 Relationships of Influence

A positive relationship with an adult, especially a parent, is often the primary source of support and considered an important protective factor for youth. The following shows that almost two-thirds (64.6 percent) of adjudicated youth in the study had a positive relationship with their maternal guardian. Most often it was their mother, but in some cases, it was an aunt, grandmother, or foster mother. Much fewer youth had a positive relationship with a father figure in the immediate family. Only slightly more than one-third (38 percent) had a positive relationship with a paternal guardian. A positive relationship was considered one in which there was evidence of a caring relationship and communication between the youth and the parent or guardian. Though relationships considered positive were not problem-free, a bond and channel of communication was available as a viable source or potentially viable source of intervention and support.

Negative peer influence is a major risk factor in youth delinquency. Among those in the study sample, almost four-fifths (78.9 percent) of youths had relationships with peers who had a

negative influence on their behavior. Oftentimes, these peers were influential in pulling the youth towards behavior that helped lead to juvenile justice system involvement. There may have been positive influences that youth may have also had, but these were not consistently recorded in their case files.



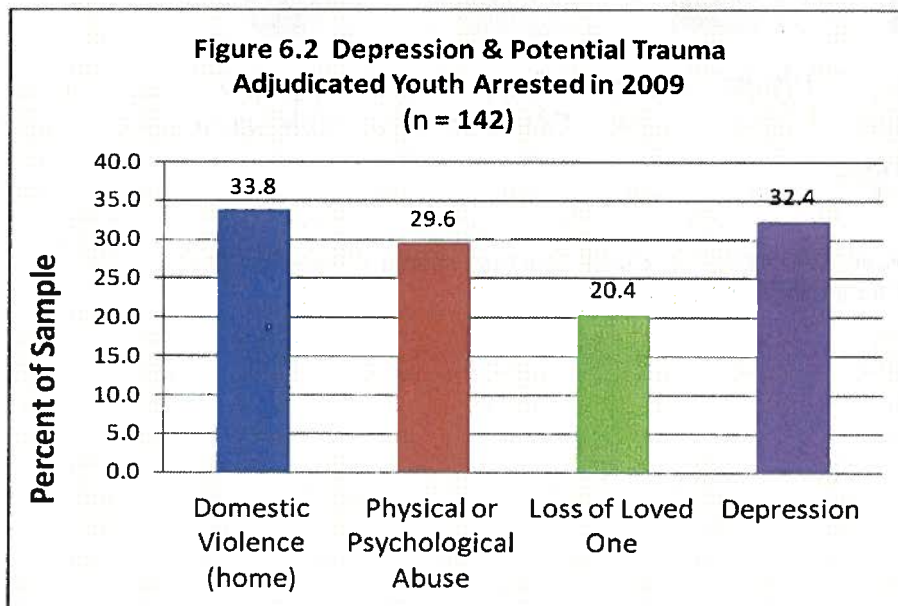
Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.3 Depression and Trauma-related experiences

Trauma can affect children and youth in long-lasting ways and untreated trauma can be very detrimental to a youth's transition into adulthood. Trauma can be inflicted in many ways. Three most common types of trauma-related events were living with or witnessing domestic violence in the home, suffering direct physical or psychological abuse, and suffering the loss of a loved one. One-third (33.8 percent) witnessed or spoke of domestic violence in the home. Slightly less than one-third (29.6 percent) of the case files noted experiences of physical or psychological abuse inflicted upon them. One-fifth (20.4 percent) experienced the loss of a loved one who played an important role in the child's life.

Among all youth in the sample, **over half (55.6 percent) experienced at least one type of trauma-related event** in their life up to that point while one-fourth (25.4 percent) suffered two or more types of trauma-related events. While the records did not provide consistent information on frequency of trauma-related events, the age at which those events took place, or the degree of trauma that was experienced, the documentation of trauma-related events were an important part of the written assessments and clearly seen as important to the youth's development.

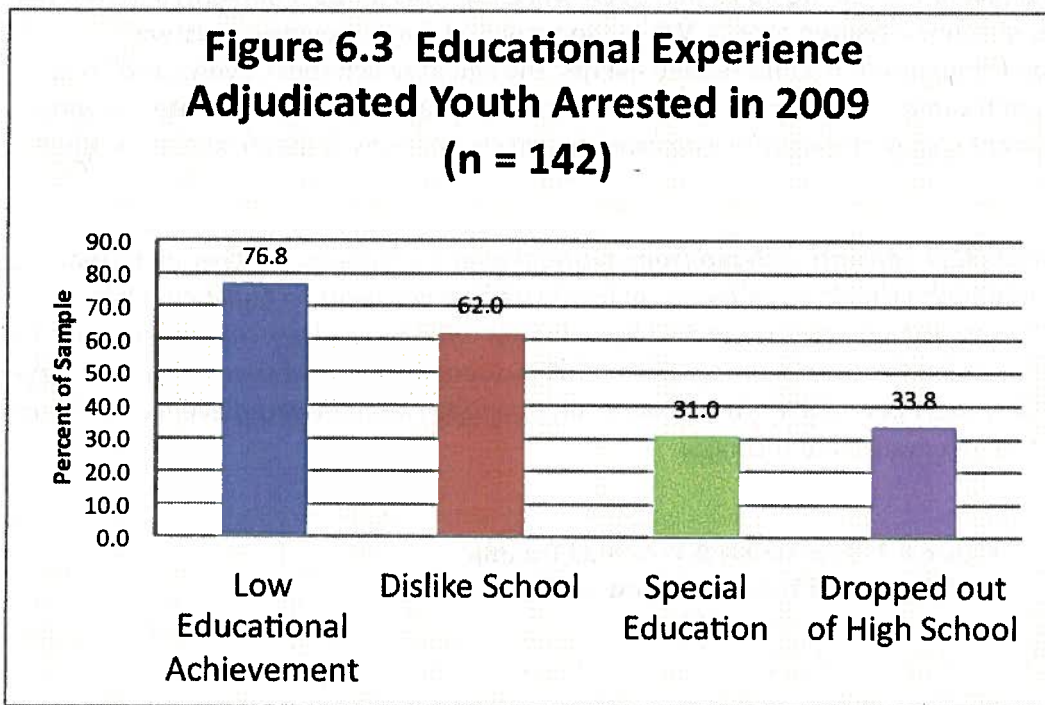
Nearly **one-third (32.4 percent) suffered from depression** at one time or another up to that point in life. Depression counts were based on psychiatric assessments, school behavioral health assessments, and observations noted by probation officers or other court personnel. The counts here may be an underestimated, since not all incidents or cases of depression may have been shared with court personnel. These counts only include trauma-related events that were shared with state personnel and recorded.



Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.4 Educational Experience

Low achievement in school is also a major risk factor for a variety of behaviors that can lead to juvenile justice system involvement. Low school achievement does not reflect intelligence but, rather, low performance according to traditional academic measures of success. According to these measures primarily comprised of grades and attendance records, over three-fourths (76.8 percent) of youth were documented with low achievement, with close to one-third (31.0 percent) in special education programs in the public schools. Almost two-thirds (62.0 percent) expressed a dislike for school in their actions or words, and one third (33.8 percent) dropped out prior to graduating high school. A small percentage of these did complete their GED requirements to satisfy high school graduation requirements, though the exact numbers could not be reliably determined.

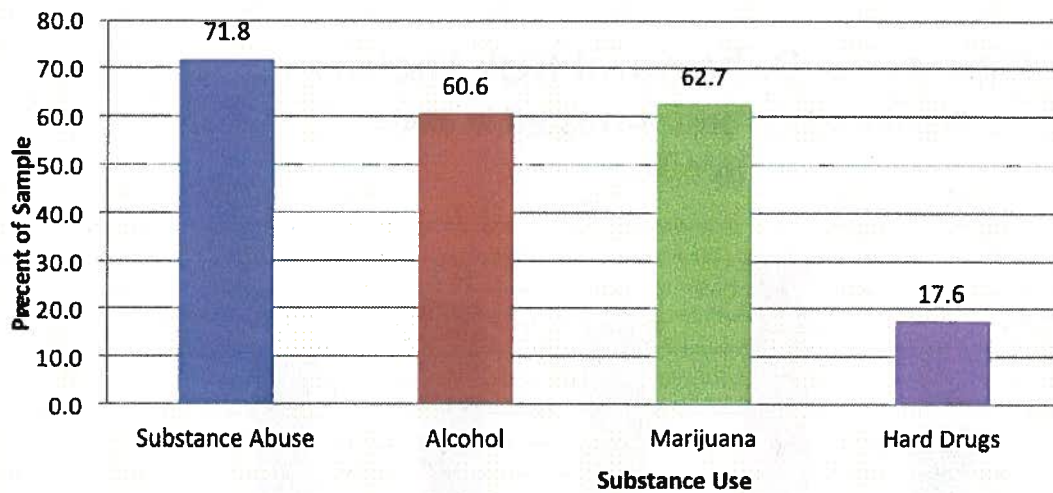


Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.5 Substance Use

There is a high rate of substance use among adjudicated youth. The majority of youths' case files indicated use of alcohol and marijuana and a much lower use rate of more serious substances or "hard drugs" such as methamphetamines, heroin, cocaine, "crack," ecstasy and other narcotics. Less than three-fourths (71.8 percent) of all youth in the sample used at least one type of substance. Three-fifths (60.6 percent) admitted use of alcohol and a little more than that (62.7 percent) admitted to or positively tested for use of marijuana. Less than one-fifth (17.6 percent) admitted to or positively tested for more serious substances, though not all substances were tested for. These counts reflect one-time use or more at any point in time, as recorded in their case file. They do not indicate pattern of use, as length of use or frequency of use was not consistently documented.

**Figure 6.4 Substance Use
Adjudicated Youth Arrested in 2009
(n = 142)**



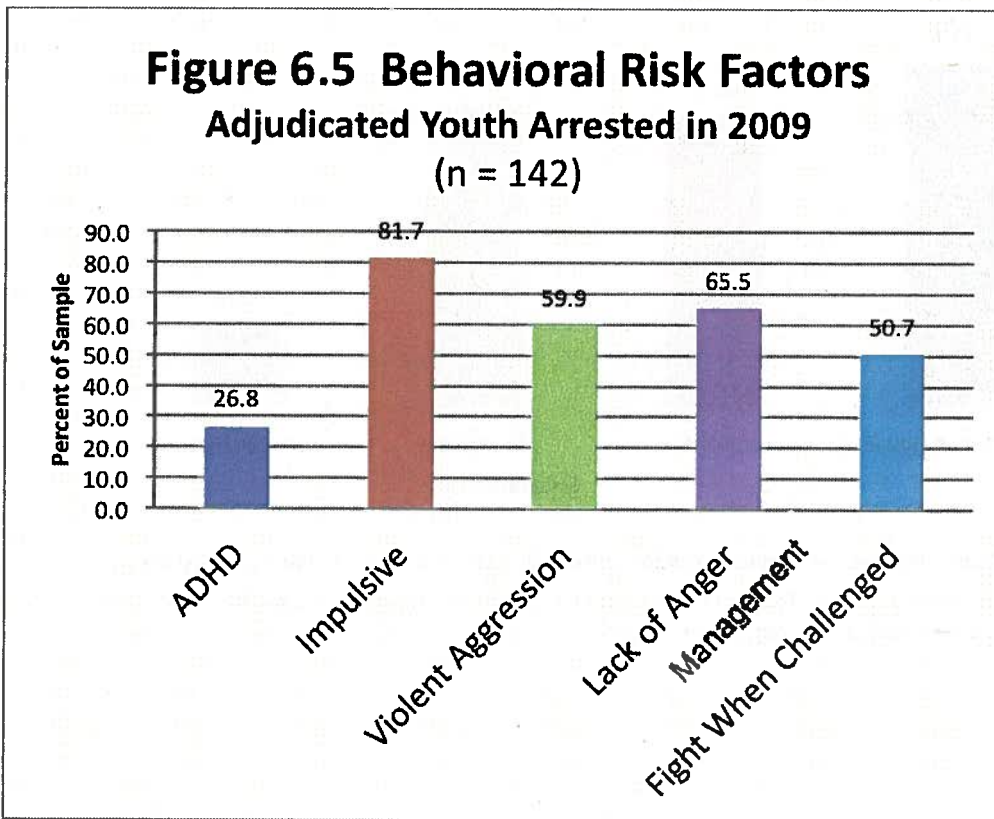
Note: "Hard Drugs" include methamphetamines, heroin, ecstasy and other dangerous substances.
Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.6 Behavioral Risk Factors

There are many life circumstances that shape the behavior of youth. In most cases, harmful or anti-social behaviors can be associated with traumatic or unfortunate life events or unstable home environments. Trauma and substance abuse, for example, can have serious detrimental impacts on behavior later in life, due to impairment of physical, social, and emotional development. Upbringing and the norms within communities and families also heavily shape behavior.

Among youth in the sample, four-fifths (81.7 percent) of the case files indicated impulsivity, which has been shown to be a major predictor for risky behavior. This is likely related to the high rates of violent aggression (59.9 percent), lack of anger management (65.5 percent) and fighting when challenged (50.7 percent).

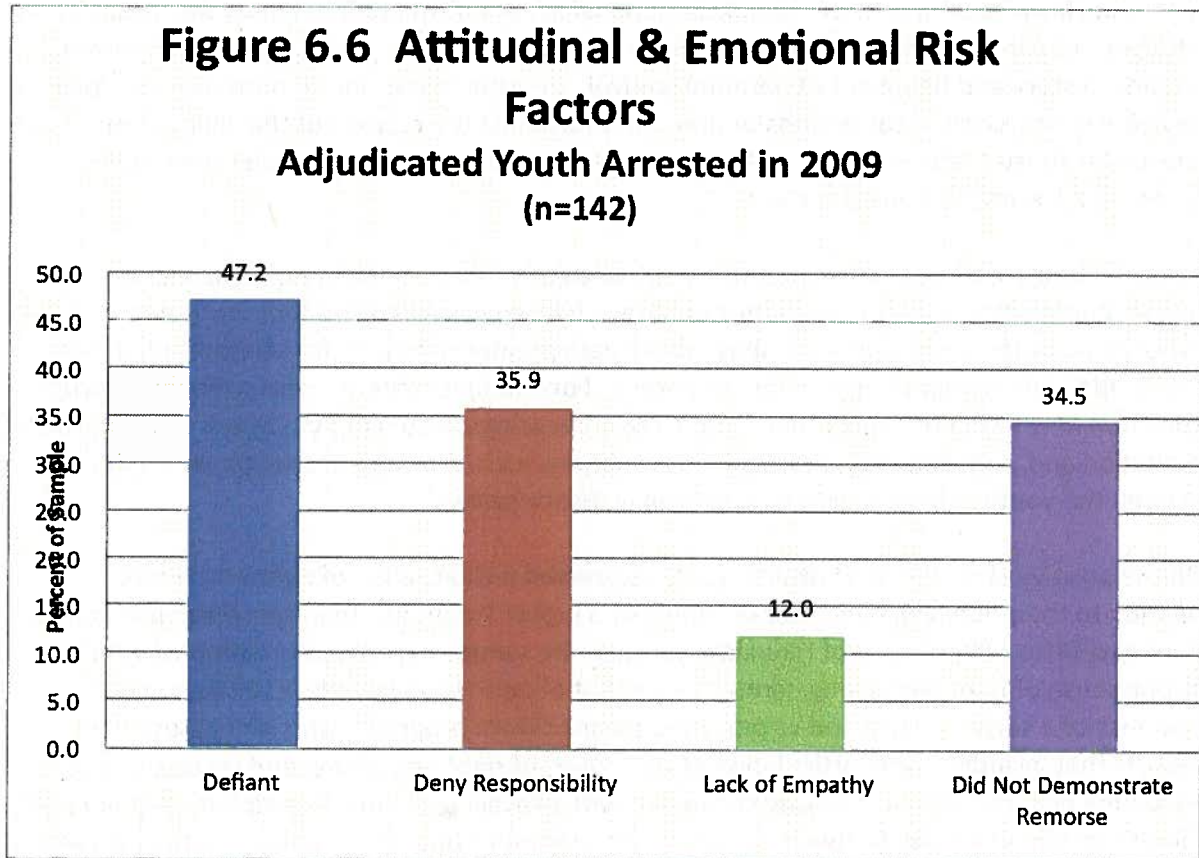
One of the most frequently cited conditions related to impulsivity was attention deficit/hyperactivity disorder (ADHD). Over one-fourth (26.8 percent) of youth in the sample had a diagnosis of ADHD or were described as demonstrating the main behavioral symptoms associated with ADHD (inattentiveness, overactivity, and impulsiveness).



Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.7 Attitudinal and Emotional Risk Factors

In addition to behavioral observations, there were various attitudinal and emotional characteristics noted in the case files. These included defiance, denial of responsibility, lack of empathy, and lack of remorse. Nearly half (47.2 percent) of youth in the sample were recorded as demonstrating defiance, particularly towards authority figures such as parents and court officers. Over one-third (35.9 percent) denied or had difficulty accepting responsibility for their actions or for consequences of their actions. The vast majority, however, demonstrated empathy in a variety of forms, whether through reflecting upon their behavior or in apologies to victims or loved ones, with only 12 percent demonstrating a lack of empathy. However, approximately one-third (34.5 percent) did not demonstrate remorse for their actions. This count should not be misinterpreted as lack of remorse, however, since there may be many more who felt remorse but was not recorded as such.



Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.8 Statistical Differences Between Hawaiian and Non-Hawaiian Youth: Parent Criminal History, Parental Control, and Sense of Right and Wrong

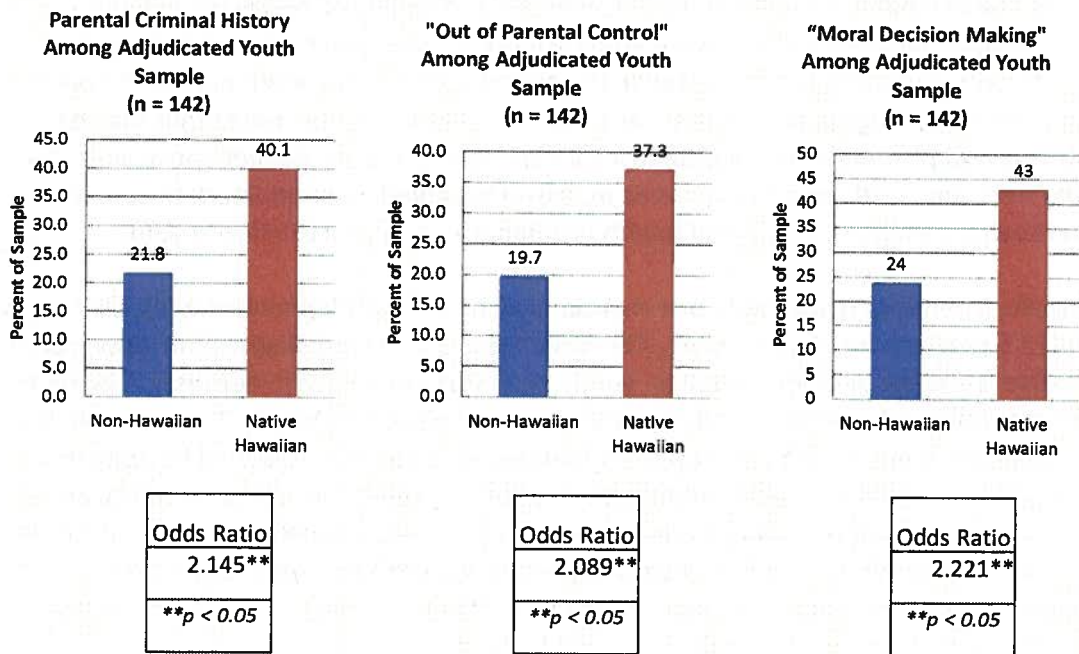
There were no differences in any of the above characteristics between Native Hawaiian and non-Hawaiian youth in the sample. However, there were three important areas where there were statistically significant differences: parental criminal history, being out of parental control, and expressing a sense of right and wrong.

Native Hawaiian youth had almost double the percentage of having a parent with a criminal history than non-Hawaiian youth in the sample, with two-fifths (40.1 percent) of Hawaiian youth having at least one parent with a criminal history in comparison with one-fifth (21.8 percent) for non-Hawaiian youth. A similar ratio was found for being “out of parental control,” with almost two-fifths (37.3 percent) of Hawaiian youth being observed as out of parental control or being arrested on a status offense for being “out of parental control.” This compares with non-Hawaiian youth in the sample, among which one-fifth (19.7 percent) was reported as being out of parental control. There is a likely relationship between the high rate of parental criminal history and being out of parental control. In some cases, one or more parents may have been incarcerated for periods of time, may have lost the respect of the child, or may have substance abuse or other problems for which they were arrested that impairs their ability to parent in a healthy or consistent way.

Records show that being out of parental control greatly limits the ability of court personnel to rely on parents to play a role in supporting their children or controlling their behavior. Criminal history associated with substance abuse can create greater problems for youth if substance abuse addiction hampers their ability to parent. For example, parents who suffer from drug addiction may fail to transport their child to court hearings, leading to violations of the terms of probation and, subsequently, more serious sanctions such as longer probation terms that deepen the youth’s involvement in the juvenile justice system.

On the positive side, Native Hawaiian youth expressed a clear sense of right and wrong in relation to their behaviors and that of others at a higher frequency than non-Hawaiian youth. Over two-fifths (43 percent) of Hawaiian youth in the sample expressed or demonstrated a strong sense of right and wrong, almost twice that of non-Hawaiian youth (24 percent). Evidence of a sense of right and wrong were gleaned from progress notes and assessment reports that included some articulation of the values of right and wrong and recognition of behaviors deemed right and wrong consistent with prevailing norms. The higher frequency of moral expression among Native Hawaiian youth may point to a strong values foundation among those youths that could be built upon. Programs and intervention approaches that can tap into and build upon strong, constructive, and healthy sets of values currently steeped in their communities may be particularly effective for Native Hawaiian youth in the juvenile justice system.

Figure 6.7: Ethnic Differences in Parent Criminal History, Parental Control, and Moral Decision Making



Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; Random Sample from 644 total juveniles adjudicated for arrests occurring in 2009

6.9 Major Diagnoses

Some of the youth who faced more serious challenges and exhibited behaviors indicating possible behavioral health problems were administered various psychological and psychiatric assessments, with various diagnoses listed in the reports. These data were obtained from the psychiatric and psychological assessments as well as from court officer notes that may have made reference to past problems or diagnoses for the youth. Due to budget constraints that limited the frequency with which psychiatric assessments could be conducted, the counts may not reflect the full extent of behavioral health problems among court-involved youth.

Two-fifths (40.8 percent) had at least one mental or behavior health problem while slightly over one-fifth (22.5 percent) had two or more. The most frequently listed diagnosis or observation among Native Hawaiian and non-Hawaiian youth were very similar, with depression being the most frequent followed by attention deficit/hyperactivity disorder (ADHD). The next two most frequent problems were conduct and oppositional defiant disorders, followed by adjustment and post-traumatic stress disorders. Additional diagnoses listed in the assessments included adjustment disorder, auditory hallucinations, disruptive behavior disorder, dyslexia, dysthymia, mood disorder, obsessive-compulsive disorder, personality disorder, separation anxiety disorder, executive function disorder, fetal alcohol spectrum disorder, methamphetamine induced conduct disorder, sexual obsessions, and withdrawal.

Table 6.1: Major Diagnoses

Rank	Native Hawaiian	Frequency	Non-Hawaiian	Frequency
1.	Depression	27	Depression	19
2.	ADHD	21	ADHD	17
3.	Conduct Disorder	10	Oppositional Defiant Disorder	9
4.	Oppositional Defiant Disorder	5	Conduct Disorder	5
5.	Adjustment Disorder	3	Adjustment Disorder	2
6.	PTSD	3	PTSD	2
7.	Asthma	2	Bipolar Disorder	2
8.	Disruptive Behavior Disorder	2	Reactive Attachment Disorder	2

Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.10 Youth Interests/Hobbies

Assessment forms and other reports contained in the case files noted youths' interests and hobbies. There was a wide range of interests and the top 12 are included in Table 6.2. Those that are common for both Hawaiian and non-Hawaiian youths include basketball, football, video games, drawing, skateboarding, volleyball, and wrestling or mixed martial arts. Those in the top 12 unique to Native Hawaiian youth included beach-related interests, such as hanging out at the beach, body boarding, and surfing, along with cultural activities, such as Tahitian dancing and ukulele music and playing.

Table 6.2: Youth Interests/Hobbies

Rank	Native Hawaiian	Frequency	Non-Hawaiian	Frequency
1.	Beach	13	Basketball	11
2.	Football	12	Football	10
3.	Basketball	7	Video games	5
4.	Body boarding	6	Skateboarding	4
5.	Video games	4	Drawing	4
6.	Tahitian dancing	4	Beach	3
7.	Skateboarding	3	Volleyball	2
8.	Volleyball	3	Art	2
9.	Surfing	3	Breakdancing	2
10.	Ukulele	3	Mixed Martial Arts	2
11.	Wrestling	3	Paddling	2
12.	Drawing	2	Baseball	2

Source: Hawai'i State Judiciary, Family Court, 1st Circuit, Case Files; random sample from 644 total juveniles adjudicated for arrests occurring in 2009.

6.11 Conclusion

This profile does not capture the more detailed life stories of these youth contained in the case files that align with these statistical indicators. Readings of these narratives show that the vast majority of youth adjudicated, especially among those with more serious offenses, were confronted with unfortunate events largely due to circumstances out of their control. Serious incidents of abuse, abandonment, and neglect were among the harshest and most common experiences for those more deeply entrenched in the juvenile justice system. Teen girls, the majority who were arrested on runaway charges, were often escaping from dysfunctional or abusive homes and/or fleeing to someone for support, oftentimes to an older man.

For some, the prognosis based on the records was good, as progress reports clearly indicated that they drew constructive lessons from their actions and had family or other support to get back on track and lead a hopeful life. For others, the life trajectories documented in the files pointed to a transition straight into the adult criminal justice system, with little sign of hope. This was especially the case for youth with diagnosed behavioral health problems. For most of the youth in the sample, their near-term outcomes were unclear, as there was no indication that they would soon overcome the challenges they faced, yet there were signs that they could successfully exit the justice system if given enough guidance and support.

There are two important conclusions to highlight from these data. First, it is clear from this profile that the **majority of adjudicated youth have experienced some type of hurt or trauma** that contributes to behavior that is disruptive or harmful to themselves or others, and without help in healing these wounds and recovering a stable and healthy home life, it will be difficult for them to reach their full potential in life and, for some, to live free and clear of the justice system. For the majority of individuals who have never had to go through similar challenges in life, it is difficult to fathom the impact of trauma, abuse, low-self esteem, depression, academic failure, behavioral health diagnoses and other demoralizing experiences. But unless these impacts are addressed and healing and recovery is achieved, harmful and hurtful (to self as well as others) behaviors will likely persist regardless of continued involvement in the justice system.

Second, there are **important implications of these data for reducing disproportionate minority contact**, particularly among Native Hawaiians who comprise the largest single ethnic group in the juvenile justice system. In light of the unique challenges and assets among Native Hawaiian youth as discussed in section 6.8, **addressing family issues is critical to the successful outcomes** of youth. These data also show that **building on Hawaiian cultural values** that would support the healing, reconciliation, recovery, restitution, forgiveness, and rebuilding processes could provide a firm foundation to accomplish that. Bringing in caring role models, especially **male role models for boys**, can also begin to address the lack of positive relationships with paternal guardians. And finally, the high frequency of depression and other emotional and psychological conditions suggests that **culturally appropriate approaches that are more holistically focused on healing** may be necessary to address the more deeply embedded problems that manifest in delinquent activity.

CHAPTER 7: RECOMMENDATIONS TO REDUCE DISPROPORTIONATE MINORITY CONTACT IN HAWAII'S JUVENILE JUSTICE SYSTEM

There are many effective strategies to reduce disproportionate minority contact and involvement in the juvenile justice system. Many “best practice” approaches are being pursued in Hawai`i through the efforts of the Juvenile Detention Alternatives Initiative (JDAI) and the Juvenile Justice State Advisory Committee (JJSAC). These efforts have resulted in reduced use of detention, the creation of an assessment center for more appropriate placement and referral of youth who have been arrested, the initiation of alternatives to detention, and exploration of more culturally appropriate interventions for Native Hawaiian youths.

The most effective strategy recognized in the literature and among practitioners is two-pronged: 1) develop targeted programs to reduce juvenile justice involvement for the most overrepresented groups and 2) reform the system to reduce juvenile justice system involvement among all juveniles more generally. The latter is considered a DMC-reduction strategy since lowering the overall numbers tends to also reduce disproportionality. Both strategies can be successfully done in a manner that does not compromise public safety. In fact, successful juvenile justice reform can result in deeper transformations among youth through effective diversion, intervention and treatment programs resulting in lower recidivism and delinquency rates. In Hawai`i, diversion of youth to healthy support systems and effective programs at the early stages of contact with law enforcement and the courts can prevent deeper penetration into the juvenile justice system.

This is a preliminary set of recommendations to reduce disproportionate minority contact and juvenile justice system involvement. It is presented as a springboard for more systematic review of our current policies and programs and exploration of new ways to approach the problem. Some of the recommendations pertain to specific government agencies while others are suggestions that community organizations and concerned individuals are encouraged to consider. All would be more successful if pursued collaboratively with all of the relevant stakeholders and concerned parties working together.

These recommendations are organized along the following topics:

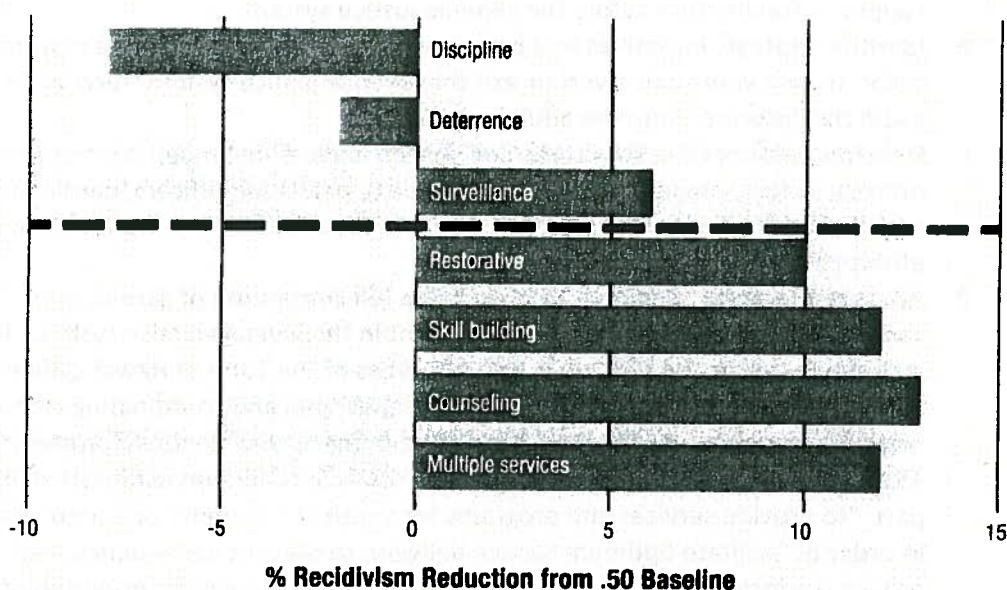
- I. Build a more comprehensive, collaborative, and restorative juvenile justice system to divert youth away from juvenile system involvement towards pathways of success
 - a. Strengthen shared vision
 - b. Identify strategic initiatives and priorities
 - c. Develop collaborative structures and shared leadership
 - d. Allocate adequate resources to ensure the full continuum of care

- II. Recommendations at each decision point
 - a. Arrest
 - b. Detention
 - c. Prosecution and sentencing
 - d. Probation and protective supervision placement
 - e. Incarceration
 - III. Anti-bias and youth development training
 - IV. Family and community integration
 - V. Data collection, monitoring, and analysis
- I. BUILD A MORE COMPREHENSIVE, COLLABORATIVE, AND RESTORATIVE JUVENILE JUSTICE SYSTEM TO DIVERT YOUTH AWAY FROM JUVENILE SYSTEM INVOLVEMENT TOWARDS PATHWAYS OF SUCCESS**

Historically, there have been various efforts in Hawai'i to build and strengthen restorative juvenile justice programs, but these efforts have been limited by the lack of stable and effective programs across the continuum of care that are available at each decision point in the juvenile justice system. Disproportionate minority contact and the overall number of youth can be reduced by building a comprehensive and collaborative system and by strengthening restorative approaches that focus on healing and growth in ways that are appropriate to the culture and background of especially Native Hawaiian and other Pacific Islander youth.

Recent research underscores the effectiveness of restorative approaches over punitive ones. For example, a meta-analysis of 548 studies published from 1958 through 2002 found that juvenile programs designed to bring about behavior change by facilitating personal healing, growth, and development were effective while programs oriented towards instilling discipline through regimen or fear were not (see Figure 1). The most effective programs were: restorative (e.g., resitution, victim-offender mediation), skill building (e.g., cognitive-behavioral techniques, social, academic, vocational skill building), counseling (e.g., group family, individual counseling and mentoring), and multiple coordinated services (e.g., case management, wrap around).

Figure 1. Mean recidivism effects for the program categories representing control and therapeutic philosophies



From Lipsey, Mark W., James C. Howell, Marion R. Kelly, Gabrielle Chapman, Darin Carver. *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice*. Washington, D.C.: Georgetown University, Center for Juvenile Justice Reform, 2010.

Restorative approaches are particularly promising in Hawai'i, where research and practitioner experiences show that there is a large group of youth adjudicated for law violations and status offenses who can respond well to such approaches when appropriate programs are made available. As the examination of Family Court case files revealed, many youths suffer from trauma, abuse, depression, addiction, and failure in school. Youth need guidance and support to better deal with impulsivity, anger management and conflict resolution. Many lack positive role models among their family and peers, though most have at least one adult who cares for them. While Native Hawaiian youth face the challenge of greater parental involvement in the criminal justice system, they also show particular promise in that they demonstrate a strong sense of right and wrong relative to other groups. Those with more serious offenses often have behavioral diagnoses such as attention deficit, conduct, anxiety and other psychological disorders and are in need of specialized treatment. Punitive approaches that separate youth from positive family, peer and community support can exacerbate trauma and negative behavior compared to restorative approaches such as community conferencing that connect youth to caring adults and resources in an effort to get to the roots of the problems leading to that behavior.

These are steps that Juvenile Justice agencies and community partners in Hawai'i can take in developing a more restorative system aimed to reduce disproportionate minority involvement in the justice system:

- A. **Strengthen the shared vision** among all adults who have contact with youths involved in the juvenile justice system around a restorative model for Hawai'i and how the current strengths and assets in government and community-based

- organizations can be leveraged to build a more comprehensive and collaborative support infrastructure across the juvenile justice system.
- B. **Identify strategic initiatives and priorities** to align the system with a restorative vision so that youth can divert or exit the juvenile justice system, succeed in life, and avoid the “pipeline” into the adult system.
 - C. **Develop collaborative structures and shared leadership** among law enforcement officers, judges, prosecutors, public defenders, probation officers, parole officers, school officials, and families and representatives of different cultural, racial, and ethnic communities in this effort.
 - D. **Allocate adequate resources to ensure the full continuum of care** to meet the varied needs of youth at each decision point in the juvenile justice system. This includes restoring the personnel and resources of the State of Hawaii Office of Youth Services in order to provide the necessary leadership and coordinating role as originally mandated by the state legislature in the Hawaii Revised Statutes (Chapter 352D). According to the HRS, the Office of Youth Services was established in large part “to provide services and programs for youth at risk under one umbrella agency in order to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services” along the full continuum of care. However, this mandate was never allocated the resources for full implementation.

II. RECOMMENDATIONS AT EACH DECISION POINT:

A. ARREST

Arrest is the entry point for youth into the juvenile justice system. As described in this report, disproportionate overrepresentation begins at arrest, particularly for Native Hawaiian and Samoan youth. Law enforcement officers are the primary decision-makers at this initial decision stage as are probation officers for those on probation status. Pre-arrest and post-arrest alternatives or modifications to law enforcement-related policies and procedures can potentially result in the greatest reductions in overall DMC. This is particularly true for status offenders for whom a commonly stated goal is to preserve families, ensure safety of the public, and prevent youth from entering the juvenile justice system.

1. Investigate the sources of high arrest rates

- a. Work with police departments to investigate the various causes for the high arrest rates of overrepresented groups within their jurisdictions and search for ways to reduce the rate of arrest while maintaining public safety.
- b. Examine the pattern of arrests (geographic concentration, arrest types, common circumstances of arrests) to find ways to address related problems in collaborative partnership with state and county agencies, community organizations, and concerned individuals.

- 2. Revisit use of civil or criminal citations**
 - a. Consider use of civil or criminal citations and program referrals for nonviolent juvenile misdemeanors, a practice that has precedence in juvenile justice practice (e.g., Florida's Civil Citations Program that sets requirements such as community service, counseling, or restitution in lieu of court referral if adhered to).
- 3. Explore ways to divert non-chronic status offenders along with others as part of or independent of civil/criminal citations**
 - a. Explore ways to direct youth into diversion programs through partnerships between police departments and community-based organizations and service agencies at the pre-arrest or post-arrest stage whenever possible.
 - b. Ensure the availability of diversion programs for status offenders, especially for runaway youth who account for the vast majority of status offenses, with gender-specific programs for girls.
 - c. Develop and expand evidence-based and community-based diversion programs such as Family or `Ohana Conferences and Youth Circles, currently used for Hawai'i foster children, that bring together a group of people who can help the youth solve problems they are facing, from the emotional to the physical, relational, and educational.
 - d. Recruit adult role models who successfully transitioned out of the juvenile justice system to become mentors and advocates working in or with diversion programs, similar to the model of the Hawai'i Foster Youth Coalition.
- 4. Develop culture-based restorative justice alternatives**
 - a. Create diversion alternatives specifically for Native Hawaiian and Pacific Islander youth using culture-based restorative justice models.
 - b. Develop a culturally appropriate process for assessment at the point of court intake that elevates the importance of connecting relationally with the youth, beginning with an understanding of the family and community that the youth comes from.
 - c. Build upon successful culture-based programs in Hawai'i as well as evidence-based models implemented with similar populations internationally, such restorative circles, community conferencing, circle sentencing, land based programs, family strengthening, mediation, and ho`oponopono.
 - d. Work in partnership with Native Hawaiian institutions, organizations, and cultural practitioners in this effort.
- 5. Support police-led initiatives**
 - a. Fund incentives to allow police departments to judiciously strengthen diversion policies and practices.
- 6. Strengthen community-oriented policing in DMC-impacted communities**
 - a. Enhance community-oriented policing and engage in joint problem-solving with community organizations and leaders in DMC-impacted neighborhoods.

- b. Law enforcement outreach to Hawaiian and other Pacific Islander communities to strengthen mutual understanding of community norms and challenges as well as existing laws and juvenile justice processes.

7. Engage the Department of Education in addressing disproportionate minority contact

- a. Explore programs and partnerships with the Department of Education and specific school complexes to break the “school-to-prison” pipeline, especially for cases of trancies and disorderly conduct.

B. DETENTION

After a youth is arrested on a law violation or warrant, those in need of temporary secure custody are placed at Hale Ho`omaluku Juvenile Detention Facility until they are released to a guardian or placed in a residential program. The purpose of detention is primarily to protect the youth from harming others or harming themselves under the doctrine of *parens patriae* or the ‘state as parent,’ while awaiting hearings or program placement. In Hawai`i, detention is sometimes used because more appropriate placements such as residential shelters or secure behavioral health centers are not available. Minimizing detention and the length of stay can help reduce trauma, institutionalization, and further penetration into the juvenile justice system.

1. Develop a common approach on the use of detention

- a. Strengthen the shared value that detention should be the last resort and avoid the use of detention as act of punishment or opportunity for treatment.
- b. Implement a child-centered and family-focused approach to the use of detention as well as detention alternatives.

2. Strengthen assessment, reporting, and referrals

- a. Continue use and evaluation of new risk assessment instrument (Risk Assessment Inventory) with 24-hour intake staff to assess whether detention is the appropriate placement.
- b. Expand the use and availability of Reporting Centers in or near areas with high numbers of arrests.
- c. Continue developing Alder Street Center on Oahu as a Reception and Assessment Center for intake and screening, with referrals to geographically accessible multi-service programs for status/non-violent juvenile offenders.

3. Ensure adequate alternatives to detention

- a. Increase residential alternatives to detention such as emergency shelters, behavioral health treatment facilities, and substance abuse treatment facilities.
- b. Increase non-residential program alternatives to detention.
- c. Create alternatives that are culturally appropriate, gender-specific, child-centered, and family-friendly.

4. Judicial use of electronic monitoring

- a. Use electronic monitoring for home detention in appropriate cases, safeguarding against the use of such technology simply out of lack of needed programs and services.

5. Increase speed of placement and reduce length of stay in detention

- a. Change policies and routines to overcome obstacles to program placement and to reduce length of detention stay
- b. Allow youths to access state-funded services across agency jurisdictions, including residential beds (e.g., created blended funding, create open eligibility system, develop new contract terms).
- c. Establish data sharing protocols between the Department of Health, Department of Human Services, Department of Education, and Family Court to allow agency personnel to more quickly and thoroughly assess and place youth in appropriate programs.
- d. Streamline documentation requirements for faster placement in services.

C. PROSECUTION & SENTENCING

There is overwhelming support in the interviews and related studies for decisions favoring the least restrictive sanctions or outcomes, as appropriate for each individual in the juvenile justice system. Creating alternative paths for all offense levels will help to reduce overall DMC among those youth who can likely succeed outside of the more restrictive sanctions of juvenile justice with the needed support. Sanctions, when issued, tend to work best when coupled with incentives and positive opportunities for youth and family development.

1. Reduce probation sentencing and increase appropriate program placement

- a. In light of the unintended negative consequences of probation placement, reduce probation placement and length when possible, especially for low-level non-violent offenses and status offenses.
- b. Increase placement in positive youth development and treatment programs that provide effective community supervision and case management in lieu of probation supervision when possible.
- c. Establish an objective standard to determine probation length while allowing flexibility for sentences that are responsive to youth circumstances and progress.

2. Consider probation sentences with built-in incentives

- a. Consider probation sentencing terms that would allow youth meaningful incentives, such as reduced length of probation term, for compliance and demonstrated progress in programs supporting healing and behavioral change.
- b. Sentences that direct youth to programs that can better help them address the more fundamental problems that lead to disruptive or unlawful behavior. Such referrals are currently more common among

youth with substance abuse and behavioral disorders, but this is equally important for youth adjudicated for status and low-level law violations.

3. Implement case conferencing

- a. Case conferencing between prosecutors, public defenders, and probation officers prior to hearing on all cases can lead to better coordinated outcomes.
- b. Assign a designated facilitator to coordinate conferences with the appropriate participants.
- c. Ideally, include others in the process who are active in a youth's life, such as school counselors, ministers, mentors, or service providers who can provide valuable insights and help with follow-up support.
- d. Provide a directory of organizations and agencies willing to work with court-referred youth.
- e. Explore flexible forms for participation, such as phone conferencing, to include the perspectives and insights of police officers in case conferencing.

4. Shift to a wraparound model of coordinated services ("it takes a village...")

- a. Create support systems with a team of providers who closely coordinate services with court-referred youths in collaboration with family members, school counselors and teachers, youth outreach workers, and others who can offer positive guidance for the child.

D. PROBATION OR PROTECTIVE SUPERVISION PLACEMENT

Probation or protective supervision status offers both opportunities and challenges. Youth on probation are able to access much-needed services and mentoring, however extended time on probation has negative effects such as the outward labeling or inward self-identification that comes with long-term association with the juvenile justice system. Being on probation also increases the chances of future arrest. And as this study has shown, being on probation status at the time of arrest results in double to quadruple the odds of a negative outcome at subsequent decision points within the juvenile justice system.

1. Adequate programs for court-referred youth across the continuum of care

- a. Fill gaps in the continuum of care and connect probation officers to available programs so that youth have access to appropriate placements in a timely manner.
- b. Increase the availability of culture-based programs for court-referred Native Hawaiian and Pacific Islander youth.
- c. Increase the array of programs that include the entire family such as functional family therapy, multi-systemic therapy, and family conferencing.

2. **Probation units and/or training for common challenges facing youth**
 - a. Further development of specific probation units and/or training for substance abuse, gender-responsive, therapeutic, and/or family-based services.
3. **Reevaluate Minority/Majority probation placement**
 - a. Consider eliminating the practice of Minority/Majority probation placement that can prolong probationary periods until they age out of the system at age 18 or 19.
4. **“Clean slate” upon community reentry**
 - a. For youth committed to HYCF, allow incarceration status to terminate any current probation status in order to give youth a “clean slate” after completion of their sentence and upon community re-entry.
5. **Alternatives to detention and incarceration for probation violations**
 - a. Make greater attempts to divert youth who violate terms of probation to appropriate programs, services, individuals and organizations that can better address the root problems associated with those violations.
 - a. Institute alternatives to detention for failures to appear in court.
 - b. Stipulate terms under which a probation violation can lead to detention or incarceration.
 - c. Explore use of lesser, graduated sanctions for technical violations in lieu of detention or incarceration.

E. INCARCERATION

Taking away individual freedom should be the last resort of any sanction against a youth, as the outcomes of correctional confinement have proven poor.⁸ Greater use and development of restorative justice alternatives to incarceration is strongly recommended, especially taking into consideration the relatively low number of violent and serious offenses committed by Hawaii’s youth population. For cases judged to require some period of incarceration, active implementation of options to reduce duration of stay is encouraged in order to limit the self-identification and influence of criminal culture that has been demonstrated in studies of longer sentences for youth in secure confinement.

1. **Reevaluate the use of incarceration and expand alternatives to incarceration**
 - a. Revisit the question of whether the Hawaii Youth Correctional Facility should be reserved for serious offenders or should continue to be used for a broad range of offenders, including those adjudicated for low-level, non-violent offenses and those violating the terms of their probation.

⁸ For a summary description of negative outcomes of incarceration and ways to reform juvenile corrections, see Annie E. Casey Foundation, *No place for kids: The case for reducing juvenile incarceration*, Baltimore, Maryland, 2011.

- b. Consider the development of a standard assessment instrument to determine criteria for confinement, similar to the Risk Assessment Instrument currently used for detention decisions.
 - c. Increase availability and use of alternatives to incarceration such as intensive supervision and residential programs for youths adjudicated for low-level and moderately serious law violations and who do not pose an immediate or serious threat to public safety.
 - d. Avoid the use of incarceration for youth with substance abuse addiction or behavioral health problems in need of therapeutic help but who have been unable to access services elsewhere. Instead, prioritize the establishment of appropriate residential treatment alternatives (secure and non-secure) apart from a prison environment.
- 2. Develop culturally appropriate in-facility programs**
- a. Expand culture-based programs including substance abuse and behavior health programs in the Hawaii Youth Correctional Facility designed for Native Hawaiian and other Pacific Islander youth that focusing on the sources of substance abuse and other harmful behaviors.
 - b. Increase `ohana-oriented programs such as family conferencing and resources for effective family strengthening.
 - c. Develop programs that connect Native Hawaiian youth to culture-based institutions, programs and activities in the communities to which they will return prior to and upon release.
- 3. Reconsider length of sentences**
- a. Reduce length whenever appropriate, based on research that demonstrates diminishing returns (e.g., increased recidivism) for youth confined in excess of 9 months.
 - b. Attach sentence length to youth behavior while in HYCF to provide incentives for youth to focus on self-improvement and self-reflection.
- 4. Transfer jurisdictional guardianship or specific authorities to HYCF**
- a. Transfer jurisdictional guardianship or specific authorities to HYCF upon incarceration to allow greater responsiveness to youth progress at HYCF, such as the ability to make decisions for early parole for youth who show consistent and significant progress in their attitudes, capabilities, and behaviors.
- 5. Training and career opportunities for HYCF staff**
- a. Provide career development opportunities to HYCF staff, including higher education opportunities, in-house training, and participation in training conferences and events.
 - b. Hold in-house trainings on topics determined in collaboration with staff, such as establishing vocational training programs, positive youth development activities, mentoring, adolescent brain development, and other subjects to increase capacity to successfully work with youth and reduce recidivism.

- 6. Expand the range of programs at HYCF**
 - a. Enhance positive youth development programming for in-facility youths based on youths' interests and aptitudes.
 - b. Expand vocational education opportunities for youths at HYCF.
- 7. Strengthen transition programs and reentry process**
 - a. Adopt the approach that "Transition" begins on the first day of incarceration, as most youth will be returning within one year of sentence.
 - b. Institute programs to ensure that each youth successfully reconnects to positive programs, people, and activities in their families, schools, and home community upon release from confinement.
 - c. Provide greater support for healing, life skills development, emotional growth, behavioral change, education and career development, and positive relationship building so youth have a better chance to succeed after release.

III. ANTI-BIAS & YOUTH DEVELOPMENT TRAINING

Regardless of policies and procedures that are put in place to reduce DMC and increase successful exit from the juvenile justice system, it comes down to the people who work with the youth and the knowledge and philosophy that inform their decisions and interactions. Increasing the human capacity at all decision points to effectively work with the youth to successfully thrive in society involves education, training, and personal growth of all involved in the system and its partners.

- 1. Develop and implement a training plan to reduce DMC at the various decision points**
 - a. Identify potentially effective training models that can reduce the forms and characteristics of bias and DMC specific to Hawai'i.
 - b. Conduct a systematic assessment of training needs for all categories of personnel at each decision point to reduce DMC and overall numbers in the juvenile justice system.
 - c. Shift the emphasis in training from events such as workshops to the ongoing, everyday application of on-the-job collective learning and integrate new concepts into regular team meetings and evaluations for routine reinforcement and adaptation.
 - d. Design personal, self-reflective, and interactive training curricula to address issues of trauma, bias, cross cultural competency, adolescent brain development, and others as a component of basic training for all juvenile justice personnel and partners (For example, see trauma-informed care curricula or various culture-based curricula used successfully in Hawai'i).
 - e. Recruit adults who have successfully transitioned out of the juvenile justice system as trainers or advisors as to what worked well and what needs to be reformed in the system for better outcomes.

2. **Require supervisor participation in training activities**
 - a. Require the participation of at least one supervisor with authority to adapt and implement new practices and procedures to the operations of the organization or department when using the train-the-trainer model. Too often, training is wasted because participants lack the authority to implement new ideas, oversee staff, or attach incentives to behavioral change.

IV. FAMILY & COMMUNITY INTEGRATION

1. **Develop alternatives at each decision point that focus on family strengthening**
 - a. Pay greater attention to challenges in the home that youth are facing and divert youth to family strengthening programs.
 - b. Increase the presence of positive male role models, especially for fathers and boys, in family strengthening programs.
2. **Better integration of families and communities with the juvenile justice system**
 - a. Greater integration of family members into youth service plan and re-entry for incarcerated youth using proven methods such as `ohana or family conferencing.
 - b. Build stronger relationships between justice personnel and community-based organizations to increase referral of youth and their families to community-based supports.
 - c. Fully utilize culture-based youth development programs and approaches that build on the strengths of the youth and their immediate and extended families.
 - d. Family Liaison positions to communicate with families about navigating juvenile justice system.
 - e. Establish a greater role for youth advisors in the juvenile justice system to provide feedback on programs and policies from the point of view of youth who have successfully transitioned out of the juvenile justice system.
3. **Collaborate with the Department of Education (DOE)**
 - a. Work with the DOE to encourage complementary policies and practices that shift from a punitive to a more positive youth developmental approach. Decrease the use of school suspension that leaves youth unsupervised while increasing the availability and use of in-school and community-based treatment and instructional alternatives for school-related offenses.

V. DATA COLLECTION, MONITORING, & ANALYSIS

- 1. Improve data management systems for more accurate and efficient monitoring of DMC**
 - a. Improve the accuracy of arrest data concerning multiple ethnicities, the thorough collection of incarceration data, and the consistency of locational arrest data (geographic coordinates)
 - b. Pursue the retooling of the Juvenile Justice Information System to better accommodate research and evaluation in addition to the current function primarily concerned with tracking juveniles as they move through the system.
- 2. Further research possibilities to further reduction of DMC**
 - a. Examination of the pattern of probation placement outside of the formal court process as an alternative to a court hearing. Since probation placement is seen as both a negative and positive outcome, further research on effects of the informal probation or protective supervision decision can help to judge youth outcomes. Since probationary supervision due to a minor infraction can often lead to arrest for more serious offenses and can pull juveniles deeper into the juvenile justice system, legal status can be viewed as a negative outcome. Others see legal status placement as a positive way to provide outside supervision to a youth who may lack parental supervision and as a way to give a youth eligibility for services not otherwise accessible.
 - b. Further circuit-level analysis of disparities to identify effective policies and practices in the various circuits as well as opportunities for specialized training and policy or procedural reforms to reduce DMC.
 - c. Evaluation of programs that appear promising in order to increase the research base for local programs and allow successful programs to qualify as “evidence-based” for future funding opportunities related to DMC reduction and juvenile justice improvement.
 - d. GIS mapping of the residential location of juvenile arrestees/offenders to assess locational availability and access to programs across the continuum of care.
 - e. Use of community mapping to identify target areas contributing the higher rates of DMC and map the relative location of services and community assets, particularly for the overrepresented groups, for program planning and community collaboration purposes.
 - f. Investigate the specific needs of overrepresented youth who are also involved in the child welfare system.
 - g. Utilize research entities with knowledge and background on the history, cultures, and demographic characteristics of Hawai`i’s juvenile population and juvenile justice system for more grounded analysis.

(This page intentionally left blank)

REFERENCES

- Annie E. Casey Foundation, *No place for kids: The case for reducing juvenile incarceration*, Baltimore, Maryland, 2011.
- Beale, S. S. (2009). You've come a long way, baby: Two waves of juvenile justice reforms as seen from Jena, Louisiana. *Harvard Civil Rights - Civil Liberties Law Review*, 44, 511-545.
- Bishop, D. M. (2006). "Public opinion and juvenile justice policy: Myths and misconceptions." *Criminology & Public Policy* 5(4): 653-664.
- Bishop, D. M., & Frazier, C. E. (1996). Race effects in juvenile justice decision-making: Findings of a statewide analysis. *The Journal of Criminal Law and Criminology* 86(2), 392-414.
- Bridges, G. S., & Steen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review*, 63(4), 554-570.
- Cabaniss, E. R., Frabutt, J. M., Kendrick, M. H., & Arbuckle, M. B. (2007). Reducing disproportionate minority contact in the juvenile justice system: Promising practices. *Aggression and Violent Behavior*, 12, 393-401.
- Chesney-Lin, M., Bilsky, B. (2011). Native Hawaiian Youth in Hawai'i Detention Center: Colonialism and Carceral Control. *Hūlili: Multidisciplinary Research on Hawaiian Well-Being* Vol.7, 133-158.
- Chesney-Lind, M., Irwin, K. (2008). *Beyond bad girls: Gender, violence, and hype*. Routledge.
- Cohen, L. E. and J. R. Kluegel (1979a). "Selecting Delinquents for Adjudication An Analysis of Intake Screening Decisions in Two Metropolitan Juvenile Courts." *Journal of Research in Crime and Delinquency* 16(1): 143-163.
- Cohen, L. E. and J. R. Kluegel (1979b). "The detention decision: A study of the impact of social characteristics and legal factors in two metropolitan juvenile courts." *Social Forces* 58(1): 146-161
- Daly, K. (1989). "Neither conflict nor labeling nor paternalism will suffice: Intersections of race, ethnicity, gender, and family in criminal court decisions." *Crime & Delinquency* 35(1): 136-168.
- Dannefer, D. and R. K. Schutt (1982). "Race and juvenile justice processing in court and police agencies." *American Journal of Sociology* 87(5): 1113-1132.
- DeJong, C. and K. C. Jackson (1998). "Putting race into context: Race, juvenile justice processing, and urbanization." *Justice Quarterly* 15(3): 487-504.

- Dorfman, L., & Schiraldi, V. (2001). *Off Balance: Youth, Race & Crime in the News: Building Blocks for Youth*.
- Engen, R. L., S. Steen, G.S. Bridges. (2002). "Racial disparities in the punishment of youth: A theoretical and empirical assessment of the literature." *Social problems* 49(2): 194-220.
- Fagan, J. (2008). Juvenile crime and criminal justice: Resolving border disputes. *The Future of Children*, 18(2), 81-118.
- Feld, B. C. (1991). "Justice by geography: Urban, suburban, and rural variations in juvenile justice administration." *J. Crim. L. & Criminology*, 82: 156.
- Feld, B. C. (1999). *Bad kids: Race and the transformation of the juvenile court*. NY: Oxford University Press.
- Frazier, C. E. and D. M. Bishop (1995). "Reflections on race effects in juvenile justice." *Minorities in juvenile justice*: 16-46.
- Hartney, C., & Vuong, L. (2009). *Created equal: Racial and ethnic disparities in the US criminal justice system*: National Council on Crime and Delinquency.
- Hawai'i Advisory Committee to the United States Commission on Civil Rights. *Is There an Uneven Administration of Justice for Native Hawaiians in Hawai'i?: A Report of the Hawai'i Advisory Committee to the United States Commission on Civil Rights*, Report to the U.S. Commission on Civil Rights, September 2001.
- Hawkins, D.F., J.H. Laub, J.L Lauritsen, L. Cothorn. (2000). "Race, ethnicity, and serious and violent juvenile offending." *Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Hsia, H., G. S. Bridges, R. McHale. (2004). *Disproportionate Minority Confinement: 2002 Update (Summary)*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. NCJ 201240.
- Holman, B. and J. Ziedenberg. (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*, Justice Policy Institute.
- Johnson, D. R. and Scheuble, L. K. (1991). "Gender Bias In The Disposition Of Juvenile Court Referrals: The Effects Of Time And Location." *Criminology* 29(4): 677-699.
- Kassebaum, G., Lau, C. W., Kwack, D., Leverette, J., Allingham, E., & Marker, N. (1995a). *Identifying disproportionate representation of ethnic groups in Hawaii's juvenile justice system: Phase one*. Honolulu, HI: Center for Youth Research.
- Leiber, M. (2002). Disproportionate minority confinement (DMC) of youth: An analysis of state and federal efforts to address the issue. *Crime & Delinquency*, 48(1), 3-45.
- Leiber, M. J. and A. N. Blowers (2003). "Race and misdemeanor sentencing." *Criminal Justice Policy Review* 14(4): 464-485.

- Leiber, M. J., J. Johnson, K. Fox, R. Lacks. (2007). "Differentiating among racial/ethnic groups and its implications for understanding juvenile justice decision making." *Journal of Criminal Justice* 35(5): 471-484.
- Leiber, M., & Rodriguez, N. (2011). The Implementation of the Disproportionate Minority Confinement/Contact (DMC) Mandate: A Failure or Success? *Race and Justice*, 1(1), 103-124.
- Leiber, M. J., & Mack, K. Y. (2003). The individual and joint effects of race, gender, and family status on juvenile justice decision-making. *Journal of Research in Crime and Delinquency*, 40(1), 34-70.
- Lipsey, M., Howell, J. C., Kelly, M. R., Chapman, G., & Carver, D. (2010). *Improving effectiveness of juvenile justice programs: A new perspective on evidence-based practice*. Washington, DC: Center for Juvenile Justice Reform.
- MacDonald, J. M. (2003). The effect of ethnicity on juvenile court decision making in Hawaii. *Youth & Society*, 35(2), 243-263.
- Miller, J.G. (1996). *Search and destroy: African-American males in the criminal justice system*. Cambridge, UK: Cambridge University Press.
- Pasko, Lisa and Meda Chesney-Lind. Under lock and key: trauma, marginalization, and girls juvenile justice involvement. *Justice Research and Policy* 12 (2): 25-49.
- Poe-Yamagata, E., & Jones, M. J. (2000). *And justice for some*. Davis, CA: National Council on Crime and Delinquency.
- Pope, C.E., and Feyerherm, W. (1990). "Minority status and juvenile justice processing." *Criminal Justice Abstracts* 22(2):327-336 (part I); 22(3):527-542 (part II).
- Pope, C. E., Lovell, R., & Hsia, H. M. (2001). *Disproportionate minority confinement: A review of the research literature from 1989 through 2001*. Washington, D.C.: U.S. Department of Justice, Officer of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Sampson, R. J. and J. H. Laub. (1993). "Structural variations in juvenile court processing: Inequality, the underclass, and social control." *Law and Society Review* 27(2): 285-311.
- Scott, E. S., & Grisso, T. (2004). *Developmental incompetence, due process, and juvenile justice policy*. Unpublished manuscript, University of Virginia School of Law.
- Soler, M. (2005). *Introduction: No turning back: Promising approaches to reducing racial and ethnic disparities affecting youth of color in the justice system. Report for Building Blocks for Youth* Baltimore, MD: Annie E. Casey Foundation.
- Stanton-Salazar, R. D. (1997). "A social capital framework for understanding the socialization of minority children and youth." *Harvard Educational Review*, 67(1), 1-40.

- Tittle, C. R., & Curran, D. A. (1998). Contingencies for dispositional disparities in juvenile justice. *Social Forces*, 67(1), 23-58.
- Thomas, C. W. and Sieverdes, C. M. (1975). Juvenile Court Intake: An Analysis of Discretionary Decision-Making. *Criminology*, 12: 413-432.
- Tonry, M. (1995). *Malign Neglect: Race, crime, and punishment in America*. New York: Oxford University Press.
- Tracy, P.E. (2002). *Decision making and juvenile justice: An analysis of bias in case processing*. Westport, CT: Praeger Publishers.
- Wu, B. (1997). The effect of race on juvenile justice processing. *Juvenile and Family Court Judges*, 43(1), 43-51.

Appendix

Simple Logistic Regressions, First Circuit, Honolulu County, Juvenile Law Violations, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation without HYCF	HYCF
<i>n = sample size</i>	3372	2168	1911	1349	1349
<i>Nagelkerke R²</i>	0.057	0.136	0.044	0.192	0.208
<i>Odds Ratio</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>
Independent Variables					
<i>Caucasian</i>	--	--	--	--	--
<i>Filipino</i>	1.023	1.039	1.172	1.327	1.414
<i>Samoan</i>	.573	--	1.292	.658	18.539
<i>Native Hawaiian</i>	1.511	1.330	.939	1.441	1.610
<i>Other/Mixed Pacific Islander</i>	1.339	.865	.460	.819	4.886
<i>Mixed Race</i>	1.606	1.060	.833	2.329	.725
<i>African American</i>	.573	.124	1.171	.721	.000
<i>Latino</i>	2.152	2.025	.555	1.177	.000
<i>Chinese</i>	1.747	.428	1.099	.760	.000
<i>Japanese</i>	.458	.364	2.587	.595	3.679
<i>Korean</i>	.000	--	--	--	--
<i>Other/Mixed Asian</i>	1.369	2.876	.900	.355	11.012
<i>Native American</i>	--	--	--	--	--
<i>All Others</i>	--	--	--	--	--
<i>Ethnicity Unknown</i>	.836	1.360	.776	1.097	.635
<i>Sex (Male = 1)</i>	1.115	1.360	1.178	.848	.850
<i>Age at Arrest</i>	1.000	1.010	1.005	.963	1.008
<i>Combined Offense Severity</i>	1.058	1.112	1.072	1.021	1.016
<i>Severity of Prior Adjudications</i>	1.014	1.110	.985	.996	1.073
<i>On Probation/PS at Arrest</i>	1.272	1.684	1.170	2.651	1.356
<i>Population</i>	1.000	1.000	1.000	1.000	1.000
<i>Median Home Value</i>	1.000	1.000	1.000	1.000	1.000
<i>Median Rent</i>	1.000	1.000	1.000	1.001	.999
<i>Per capita Income</i>	1.000	1.000	1.000	1.000	1.000
<i>% Families Below Poverty</i>	.931	.476	.379	6.124	.002
<i>% Ed Level HS or Above</i>	.278	.203	1.675	.702	27.688
<i>Missing cases</i>	2279	1105	906	657	657
Total	5651	3273	2817	2006	2006

Simple Logistic Regressions, First Circuit, Honolulu County, Status Offenses, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation
<i>n = sample size</i>	27437	17260	2949	2750
<i>Nagelkerke R²</i>	0.076	0.191	0.105	0.109
<i>Odds Ratio</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables				
Ethnicity				
<i>Caucasian</i>	--	--	--	--
<i>Filipino</i>	.687	1.081	2.968	3.717
<i>Samoan</i>	1.022	1.130	.558	1.839
<i>Native Hawaiian</i>	1.198	1.602	1.295	2.125
<i>Other/Mixed Pacific Islander</i>	.776	.903	1.605	.947
<i>Mixed Race</i>	1.300	1.604	1.628	1.846
<i>African American</i>	1.540	1.104	1.781	4.587
<i>Latino</i>	.697	.778	--	--
<i>Chinese</i>	.590	1.164	.605	--
<i>Japanese</i>	.826	1.120	1.905	--
<i>Korean</i>	.627	1.047	--	--
<i>Other/Mixed Asian</i>	.902	1.720	2.542	1.918
<i>Native American</i>	.518	3.907	.216	--
<i>All Others</i>	.000		--	--
<i>Unknown</i>	.859	.484	--	2.835
<i>Sex (Male = 1)</i>	.807	.713	.468	.740
<i>Age at Arrest</i>	1.005	.994	1.022	.986
<i>Combined Offense Severity</i>	2.026	1.058	.445	.506
<i>Severity of Adj Prior Offenses</i>	1.044	1.036	.997	.957
<i>On Probation/PS at Arrest</i>	1.887	5.144	2.170	4.141
<i>Population</i>	1.000	1.000	1.000	1.000
<i>Median Home Value</i>	1.000	1.000	1.000	1.000
<i>Median Rent</i>	1.000	1.000	1.000	1.000
<i>Per capita Income</i>	1.000	1.000	1.000	1.000
<i>% Families Below Poverty</i>	.636	1.099	4.614	2.661
<i>% Ed Level HS or Above</i>	1.129	.651	36.570	.667
<i>Missing cases</i>	14435	6966	678	627
Total	41872	24226	3627	3377

Simple Logistic Regressions, Second Circuit, Maui County, Juvenile Law Violations, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation without HYCF	HYCF
<i>n = sample size</i>	7975	2392	1928	1512	1512
<i>Nagelkerke R²</i>	0.178	0.194	0.054	0.129	0.341
Odds Ratio	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>
Independent Variables					
<i>Caucasian</i>	--	--	--	--	--
<i>Filipino</i>	.948	.945	1.458	1.176	.503
<i>Samoan</i>	1.025	1.059	.316	2.139	.077
<i>Native Hawaiian</i>	1.169	1.242	1.078	1.879	1.014
<i>Other/Mixed Pacific Islander</i>	.998	1.099	2.893	2.468	1.136
<i>Mixed Race</i>	1.412	1.524	.677	2.124	.363
<i>African American</i>	1.148	1.532	2.939	.989	.000
<i>Latino</i>	.972	.636	1.280	6.965	.047
<i>Chinese</i>	2.531	.696	--	1.735	.000
<i>Japanese</i>	.759	.498	--	3.057	.165
<i>Korean</i>	1.497	.212	.295	.000	.000
<i>Other/Mixed Asian</i>	2.193	1.182	--	.744	1.325
<i>Native American</i>	--	--	--	--	--
<i>All Others</i>	.000	--	.881	--	--
<i>Ethnicity Unknown</i>	.372	.642	2.797	1.618	.000
Sex (Male = 1)	.926	1.827	.740	1.194	1.419
Age at Arrest	1.012	1.020	1.002	.968	1.020
Combined Offense Severity	1.229	1.081	1.032	1.006	1.013
Severity of Prior Adjudications	1.025	1.092	.999	1.011	1.034
On Probation/PS at Arrest	1.320	1.097	1.043	1.111	5.146
Population	1.000	1.000	1.000	1.000	1.000
Median Home Value	1.000	1.000	1.000	1.000	1.000
Median Rent	1.000	1.000	1.000	1.000	.999
Per capita Income	1.000	1.000	1.000	1.000	1.000
% Families Below Poverty	1.181	18.137	.062	.570	5.996
% Ed Level HS or Above	.730	1.168	.745	3.569	10.535
<i>Missing cases</i>	13723	3005	1998	1556	1556
Total	21698	5397	3926	3068	3068

Simple Logistic Regressions, Second Circuit, Maui County, Status Offenses, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation
<i>n = sample size</i>	7251	2558	547	262
<i>Nagelkerke R²</i>	0.105	0.083	0.09	0.324
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables				
Ethnicity				
<i>Caucasian</i>	--	--	--	--
<i>Filipino</i>	1.107	.713	1.396	3.091
<i>Samoan</i>	1.188	1.446	.351	1.682
<i>Native Hawaiian</i>	1.298	1.168	1.301	2.647
<i>Other/Mixed Pacific Islander</i>	.879	.362	.000	
<i>Mixed Race</i>	1.286	1.385	1.226	.266
<i>African American</i>	1.483	2.013	1.022	.000
<i>Latino</i>	1.373	.188	--	.000
<i>Chinese</i>	3.388	.000	--	--
<i>Japanese</i>	.872	.276	--	4.784
<i>Korean</i>	.608	.000	--	--
<i>Other/Mixed Asian</i>	1.014	2.091	2.021	14.805
<i>Native American</i>	--	--	--	--
<i>All Others</i>	.000	--	--	--
<i>Unknown</i>	.390	.441	--	.000
Sex (Male = 1)	.910	.922	.799	.215
Age at Arrest	1.013	.992	1.004	.997
Combined Offense Severity	1.695	2.305	1.461	.835
Severity of Adj Prior Offenses	1.026	1.025	.970	.986
On Probation/PS at Arrest	1.925	.610	1.172	1.790
Population	1.000	1.000	1.000	1.000
Median Home Value	1.000	1.000	1.000	1.000
Median Rent	1.000	1.000	1.000	.999
Per capita Income	1.000	1.000	1.000	1.000
% Families Below Poverty	3.450	9.863	.500	10.914
% Ed Level HS or Above	.359	.243	1.981	2.945
Missing cases	10852	2589	566	257
Total	18103	5147	1113	519

Simple Logistic Regressions, Third Circuit, Hawaii County, Juvenile Law Violations, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation without HYCF	HYCF
<i>n = sample size</i>	4007	3029	1444	1197	1197
<i>Nagelkerke R²</i>	0.017	0.107	0.094	0.143	0.244
Odds Ratio	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>
Independent Variables					
<i>Caucasian</i>	--	--	--	--	--
<i>Filipino</i>	1.683	.656	1.100	.398	1.199
<i>Samoan</i>	1.028	1.267	1.802	--	2.637
<i>Native Hawaiian</i>	1.090	.910	1.062	.520	1.729
<i>Other/Mixed Pacific Islander</i>	2.098	.992	1.475	.600	2.778
<i>Mixed Race</i>	1.022	1.031	.746	1.960	1.423
<i>African American</i>	.694	.882	4.560	.448	.000
<i>Latino</i>	1.036	1.205	1.849	.465	1.646
<i>Chinese</i>	--	.798	--	--	.000
<i>Japanese</i>	1.042	.949	1.279	.631	1.945
<i>Korean</i>	.565	.000	--	--	--
<i>Other/Mixed Asian</i>	1.189	.502	.301	--	.000
<i>Native American</i>	--	--	--	--	.000
<i>All Others</i>	--	--	--	--	--
<i>Ethnicity Unknown</i>	.720	.579	.870	1.805	.000
Sex (Male = 1)	.846	1.362	1.721	.718	1.664
Age at Arrest	1.002	.993	1.001	.969	1.025
Combined Offense Severity	1.005	1.149	1.083	1.026	1.006
Severity of Prior Adjudications	.991	1.005	1.059	1.005	1.070
On Probation/PS at Arrest	1.166	1.187	1.254	1.343	1.988
Population	1.000	1.000	1.000	1.000	1.000
Median Home Value	1.000	1.000	1.000	1.000	1.000
Median Rent	1.000	1.000	1.000	.998	1.000
Per capita Income	1.000	1.000	1.000	1.000	1.000
% Families Below Poverty	.381	1.262	.763	.006	.623
% Ed Level HS or Above	1.302	1.335	2.642	4.117	.090
Missing cases	5528	3938	1303	1004	1004
Total	9535	6367	2747	2201	2201

Simple Logistic Regressions, Third Circuit, Hawaii County Status Offenses, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation
<i>n = sample size</i>	4756	4193	197	179
<i>Nagelkerke R²</i>	0.04	0.097	0.329	1
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables				
Ethnicity				
<i>Caucasian</i>	--	--	--	--
<i>Filipino</i>	1.174	.264	.730	--
<i>Samoan</i>	1.639	3.964	--	.000
<i>Native Hawaiian</i>	.772	.824	.693	.000
<i>Other/Mixed Pacific Islander</i>	1.156	.697	--	66.090
<i>Mixed Race</i>	.564	1.044	.324	.000
<i>African American</i>	2.494	.000	--	--
<i>Latino</i>	1.973	2.454	--	.000
<i>Chinese</i>	.489	.000	--	--
<i>Japanese</i>	.924	1.666	--	.000
<i>Korean</i>	--	.000	--	--
<i>Other/Mixed Asian</i>	.168	.000	--	--
<i>Native American</i>	--	.000	--	--
<i>All Others</i>	--	--	--	--
<i>Unknown</i>	1.406	.553	--	.000
Sex (Male = 1)	.805	1.007	.668	55.600
Age at Arrest	1.005	.991	.951	2.203
Combined Offense Severity	2.176	1.138	.454	--
Severity of Adj Prior Offenses	1.011	1.024	1.008	.270
On Probation/PS at Arrest	1.264	.852	1.858	--
Population	1.000	1.000	1.000	1.002
Median Home Value	1.000	1.000	1.000	1.000
Median Rent	1.001	1.000	1.001	1.003
Per capita Income	1.000	1.000	1.000	1.000
% Families Below Poverty	2.544	.003	.000	--
% Ed Level HS or Above	7.615	.012	6408.682	1204.003
Missing cases	3644	3081	69	66
Total	8400	7274	266	245

Simple Logistic Regressions, Fifth Circuit, Kauai County, Juvenile Law Violations, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation without HYCF	HYCF
<i>n = sample size</i>	3372	2168	1911	1349	1349
<i>Nagelkerke R²</i>	0.057	0.136	0.044	0.192	0.208
Odds Ratio	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>	<i>Exp(B)</i>
Independent Variables					
<i>Caucasian</i>	--	--	--	--	--
<i>Filipino</i>	1.023	1.039	1.172	1.327	1.414
<i>Samoan</i>	.573	--	1.292	.658	18.539
<i>Native Hawaiian</i>	1.511	1.330	.939	1.441	1.610
<i>Other/Mixed Pacific Islander</i>	1.339	.865	.460	.819	4.886
<i>Mixed Race</i>	1.606	1.060	.833	2.329	.725
<i>African American</i>	.573	.124	1.171	.721	.000
<i>Latino</i>	2.152	2.025	.555	1.177	.000
<i>Chinese</i>	1.747	.428	1.099	.760	.000
<i>Japanese</i>	.458	.364	2.587	.595	3.679
<i>Korean</i>	.000	--	--	--	--
<i>Other/Mixed Asian</i>	1.369	2.876	.900	.355	11.012
<i>Native American</i>	--	--	--	--	--
<i>All Others</i>	--	--	--	--	--
<i>Ethnicity Unknown</i>	.836	1.360	.776	1.097	.635
Sex (Male = 1)	1.115	1.360	1.178	.848	.850
Age at Arrest	1.000	1.010	1.005	.963	1.008
Combined Offense Severity	1.058	1.112	1.072	1.021	1.016
Severity of Prior Adjudications	1.014	1.110	.985	.996	1.073
On Probation/PS at Arrest	1.272	1.684	1.170	2.651	1.356
Population	1.000	1.000	1.000	1.000	1.000
Median Home Value	1.000	1.000	1.000	1.000	1.000
Median Rent	1.000	1.000	1.000	1.001	.999
Per capita Income	1.000	1.000	1.000	1.000	1.000
% Families Below Poverty	.931	.476	.379	6.124	.002
% Ed Level HS or Above	.278	.203	1.675	.702	27.688
Missing cases	2279	1105	906	657	657
Total	5651	3273	2817	2006	2006

Simple Logistic Regressions, Fifth Circuit, Kauai County Status Offenses, 2000-2010

Dependent Variables (Yes/No)	Referral	Petition	Adjudication	Probation
<i>n = sample size</i>	3089	2502	252	115
<i>Nagelkerke R²</i>	0.037	0.141	0.178	0.315
Odds Ratio	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>	<i>Exp (B)</i>
Independent Variables				
Ethnicity				
<i>Caucasian</i>	--	--	--	--
<i>Filipino</i>	1.018	.881	1.698	.720
<i>Samoan</i>	.138	.000	--	--
<i>Native Hawaiian</i>	1.233	1.956	1.399	1.125
<i>Other/Mixed Pacific Islander</i>	3.207	.000	--	--
<i>Mixed Race</i>	1.249	1.913	1.086	.127
<i>African American</i>	.595	3.771	--	--
<i>Latino</i>	.400	.000	.592	--
<i>Chinese</i>	.397	.000	--	--
<i>Japanese</i>	.730	2.155	.196	--
<i>Korean</i>	--	.000	--	--
<i>Other/Mixed Asian</i>	1.112	2.838	19.770	.653
<i>Native American</i>	--	--	--	--
<i>All Others</i>	--	--	--	--
<i>Unknown</i>	.630	.696	.922	--
Sex (Male = 1)	.897	.716	.704	.507
Age at Arrest	1.002	.997	.988	.959
Combined Offense Severity	1.013	1.088	1.047	.996
Severity of Adj Prior Offenses	1.020	.952	.925	.883
On Probation/PS at Arrest	1.237	.083	.112	.000
Population	1.000	1.000	1.000	.999
Median Home Value	1.000	1.000	1.000	1.000
Median Rent	1.000	1.000	1.000	.999
Per capita Income	1.000	1.000	1.000	1.000
% Families Below Poverty	.175	4.128	.013	.000
% Ed Level HS or Above	1.780	.087	.068	--
<i>Missing cases</i>	1269	775	60	43
Total	4358	3277	312	158