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**STEREOTYPES AND DISPARATE CRIMINAL SENTENCING OF NATIVE
HAWAIIANS**

by

KAWAIULUHONUA SCANLAN

**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT OF THE
DEGREE OF BACHELOR OF ARTS**

**JENNIFER MA
JENNIFER GROSCUP**

MAY 3, 2021

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Abstract

This thesis consists of two studies that attempt to understand the stereotypes and disparate treatment of Native Hawaiians within the criminal justice system, for which existing research is limited. In Study 1, participants ($n = 154$) selected adjectives that they believed to be stereotypes of Native Hawaiians, as well as of American Indians and Black Americans. It was hypothesized that because the groups have similar histories of colonization and oppression, they may also consequently share stereotypes of *criminality* and *inferiority*, with the exception that Native Hawaiians would be uniquely marked as *friendly* and *welcoming* because of the tourism industry. Results showed that Native Hawaiians and American Indians were frequently assigned to *spiritual*, *traditional*, *ritualistic*, and *superstitious*. Native Hawaiians alone were most frequently assigned to *friendly* and *tropical*. Study 2 ($n = 52$) examined the sentencing decisions of judges for Native Hawaiian defendants as compared to White defendants. In the 2 (race of defendant) x 2 (type of crime) design, it was predicted that Native Hawaiian defendants would be assigned longer sentences than White defendants, and that when the crime was violent, the disparity between Native Hawaiian and White sentences would be larger than when crime was nonviolent. The results were not significant, although together, these studies could still help suggest why Native Hawaiians are disproportionately incarcerated in the U.S. Once the stereotypes and their implications are understood, then plans for reform can be developed.

Keywords: *Native Hawaiian, stereotype, discrimination, sentencing disparity*

Stereotypes and disparate criminal sentencing of Native Hawaiians

In Hawai‘i, Native Hawaiians are disproportionately treated at almost every stage of the criminal justice system. Despite only comprising of 24% of the state population, Native Hawaiians make up 39% of the prison system population (Minarik, 2011; Office of Hawaiian Affairs, 2010). Native Hawaiians also have a higher likelihood of receiving a prison sentence once found guilty, receive longer sentences and longer probation, and have the highest revocation of parole than any other ethnic group in the islands (Minarik, 2011; Office of Hawaiian Affairs, 2010). In the continental United States, the percentage of Native Hawaiians and Pacific Islanders in jail has increased by 116.7% since 2008 (Zeng, 2020). Similar to the situation in Hawai‘i, Native Hawaiians and Pacific Islanders only make up 0.2% of country’s population, yet they make up 0.5% of the American prison population (*Quick Facts*, 2019). Reports have suggested that these statistics are likely due to racial discrimination of Native Hawaiians by players in the criminal justice system, yet little research has been done thus far to analyze this discrimination. The present research was predicated on social psychological theory and psycholegal empirical evidence in order to explore what stereotypes of Native Hawaiians exist and how they may affect judicial sentencing decisions.

Contemporary Stereotypes of American Minorities

To be able to discuss the implications of stereotypes of minority groups, we first have to understand what the stereotypes are and where those stereotypes come from. In America, the stereotypes of Black Americans, American Indians, and Native Hawaiians are rooted in White supremacy (Dunbar-Ortiz, 2014). It started with the aggressive exploitation and colonization of American Indians, followed by the inhumane enslavement of Black people, and the colonization and annexation of Native Hawaiians and their kingdom. Although overt forms of racism are now

considered socially unacceptable, racism has not been eradicated but has rather taken on more undetectable forms (Devine & Elliot, 1995; Dovidio & Gaertner, 1996). Dovidio and Gaertner (1996) coined the contemporary form of racism we see today as aversive racism. They describe aversive racism as a type of racist attitude in which people hold egalitarian views but also inevitably maintain anti-minority resentments stemming from historically racist contexts. As it becomes less socially desirable to be overtly racist, the painting of Blacks, American Indians, and Native Hawaiians as *criminal* and *primitive* has been used to maintain the social hierarchy. Studies on the content of stereotypes of minority groups have been conducted and their results support this shift.

Katz and Braly (1933) were among the first to measure the content of stereotypes that exist of various ethnic groups in America. Using a list of adjectives, participants were tasked with picking out traits that they believed to be true of nine ethnic groups they were targeting. The groups they studied included Germans, Italians, Negroes, Irish, English, Jews, Americans, Chinese, Japanese, and Turks. They found that participants had the most agreement about stereotypes of 'Negroes.' Additionally, those stereotypes were mostly negative (e.g., *lazy*, *ignorant*, *stupid*, *physically dirty*) unlike the other ethnic groups. Although there have been significant social and legal developments since the 1930s, Devine and Elliot (1995) argued that the previous conceptualizations of racism have simply evolved into contemporary negative stereotypes of Black Americans, specifically. These more modern stereotypes were found, with similar methods as Katz and Braly, to include more ambivalent traits such as *athletic*, *criminal*, *poor*, and *lazy*. Consistent with their hypothesis, stereotypes of Black Americans have not disappeared, but they have merely modernized.

Aligning with prior psychological research (e.g., Devine & Elliot, 1995; Dovidio & Gaertner, 1996), Tonry (2010) explains how overt racism has been subtly built into politics. For example, Tonry explains the efficacy of Barry Goldwater's campaign tactics while running against Richard Nixon in 1968. Goldwater was the first presidential nominee when the Republican party first openly advocated for anti-Black policy. Polls revealed that Goldwater's overtly racist campaign strategies could win over states in the Deep South, however he lost the election because other states felt disenchanting by the blatancy of his policy. Subsequently, Richard Nixon learned to integrate racist policy subtly to attract more support than Goldwater which led to Nixon's victory in the 1968 election. Examples of these subtly racist policies included the Marihuana Tax Act of 1937, which was aimed at Mexican laborers, and the tough laws for using crack-cocaine, which disproportionately affected Black communities in the 1980's. These policies criminalized drugs based on race, which led to the incarceration of those people because of their race. Ultimately, the use of code words for racial dominance within the political world, such as *crime* and *welfare*, were normalized (Tonry, 2010). Studies (Devine & Elliot, 1995) measuring the content of stereotypes supported Tonry's argument, as common stereotypes of Black Americans today include *poor*, *criminal*, *unintelligent*, *lazy*, *athletic*, *rhythmic*, *loud*, and *hostile*.

Stereotypes of American Indians, similar to those of Black Americans, originate from a living history of White hegemony. When Christopher Columbus arrived in the Americas for the first time in 1492, he immediately seized American Indians to serve him, effectively establishing colonial superiority in the newly *discovered* land (Dunbar-Ortiz, 2014). The lack of understanding of native culture and knowledge systems led explorers to believe that inhabitants were savage and biologically inferior. Tajfel's (1970) conceptualization of the minimal group

paradigm explains this phenomenon in that the division of individuals into an “us” (ingroup) versus “them” (outgroup) was enough to create intergroup conflict. Similarly, Sherif (1961) observed in his research that fighting for power or resources can also cause intergroup conflict, despite positive relations between individuals of different groups. The struggle for land rights between American Indians and the settlers from Europe is an example of a fight for resources. Despite efforts of American Indians to assimilate and cooperate with colonizers, they were forcibly removed from their land, restricted from practicing their culture, and dehumanized (Dunbar-Ortiz, 2014). By the 1830’s, flagrant policies to handle the “Indian problem” were implemented into American law (Miles, 1879). The ongoing process of colonization and its devastating impact on American Indians has led to the development of stereotypes such as *alcoholic, spiritual, brave, cultured, family-oriented, gambling, traditional, ancient, hunters, ritualistic, and artistic* (Erhart & Hall, 2019).

Native Hawaiians also fell victim to colonialism. Captain James Cook, a British explorer, first *discovered* the Hawaiian Islands in 1778. Not long after, Protestant missionaries arrived and coercively began converting Hawaiians to “save” them from dying of the disease that had been introduced by the missionaries themselves (Osorio, 2002). Pressure to assimilate to Western lifestyles grew stronger, and the use of Indigenous language and many cultural practices were forbidden by law. This history may have contributed to the development of stereotypes of Native Hawaiians, including *uneducated, lazy, unmotivated, primitive, and poor* (Kana‘iaupuni, 2005). Today, colonial forces are perpetuated through tourism and American militarism. Through these systems of oppression, some more contemporarily created stereotypes of Native Hawaiians may include *welcoming, tropical, relaxed, family-oriented, and subservient* (Kana‘iaupuni, 2005; Parker, 2006).

The history and consequential stereotypes of Native Hawaiians, American Indians, and Black Americans are comparable in essence. Each Indigenous group, displaced or not, has been colonized and has been perceived in some way as *primitive* and *criminal*, which means that they should share similarities in stereotype content. Modern systems of colonialism have perpetuated these stereotypes which makes it difficult to change them. However, an understanding of how stereotypes are developed and activated could suggest ways in which their effects may be mitigated.

Social Psychology and Discrimination

Stereotypes are a type of schema that we use to understand groups (Allport, 1954). Schemata are cognitive frameworks that our brains use to organize and simplify information around us. In some ways schemata are similar to the code and algorithms that control computers. We use schemata as a heuristic when forming impressions of the people and things around us. While this may be useful in understanding information efficiently, the notion that our brains are just like computers, as in pre-programmed and unerring, is misleading. Many stereotypes are merely category markers, but what is problematic is that they can be implicitly activated and can lead to prejudice and discrimination against certain groups. Vernacularly, the word *stereotype* is used interchangeably with prejudice and discrimination (Kim, 2016). However, in social psychology, while they are related to each other, they all refer to different aspects of an attitude. In terms of intergroup categorization, stereotypes refer to cognition or thoughts, prejudice refers to affect or emotional responses, and discrimination refers to behavior or actions (Pratkanis et al., 2014). Not all stereotypes are negative and they often originate from a small kernel of truth (Greene & Heilbrun, 2018). However, oversimplification of groups of people can be detrimental for the individuals within the group, especially if the beliefs are inaccurate or misconstrued. The

negative effects of stereotypes are seen in education, politics, the justice system, and many other areas of society. In this section, three types of biases that occur during heuristic-based information processing are discussed.

The first way in which we make mistakes while forming impressions is by confirmation bias. Confirmation bias explains people's tendency to use confirming (enumerative) evidence, rather than disconfirming (eliminative) evidence, to support their preexisting beliefs (Wason, 1960). Wason (1960) hypothesized that the participants who used confirming evidence alone would almost always arrive at erroneous conclusions. Consistent with this hypothesis, the results showed that the participants who arrived at the correct rule on their first announcement used eliminative/disconfirming evidence more than confirming evidence to arrive at their answer. The other participants used mostly confirming evidence to arrive at their incorrect announcements. Wason argues that these results are not necessarily indicative of the inability to use eliminative strategies, but rather the unwillingness to falsify preconceived ideas.

Building off on Wason's study, Darley and Gross (1983) suggested a two-stage model of expectancy confirmation process. They argue that the degree to which we find evidence to be valid for confirming preconceived beliefs is dependent on context in social situations. To test their model, Darley and Gross observed the participants' use of socioeconomic status (SES) to evaluate an elementary student ambiguous test performance. They hypothesized that participants who were only given SES information about a student would be uncomfortable with using that information alone to make assumptions about the student's test performance. But, considering their two-stage model, Darley and Gross predicted that participants who also observed the target student taking a test would use relevant information to confirm the student's SES status based expectancy of test performance. In the study, participants first watched a video of a fourth-grade

girl in which her expected success in school was manipulated by socioeconomic status (high SES = positive expectancy; low SES = negative expectancy). Subsequently, half of the participants from each group watched another video (performance condition) in which the girl was taking a test, while the other half (no performance condition) moved straight to rating the girl's academic ability. Consistent with their hypotheses, participants in the no performance condition did not use the girl's SES information to make assumptions about her academic abilities. Instead, those participants rated her ability as appropriate for her grade-level. In the other condition, despite having watched the same video of the girl taking a test, participants' ratings of her abilities increased or decreased depending on her high or low-SES information, respectively. These findings suggest that confirmation bias occurs because stereotypes act as hypotheses that are then tested in a biased manner. As illustrated by Darley and Gross, as well as Wason (1960), people use information that is deemed relevant enough to confirm preconceived ideas, independent of the veracity of those ideas.

Illusory correlation is a second bias that occurs during heuristic-based information processing. Illusory correlation describes the tendency for people to falsely assume a correlation exists between two things that are not as strongly related as they are perceived to be (Chapman, 1967). For example, racial stereotypes are a type of illusory correlation in which people hold an inaccurate association between a certain race and a specific trait. Chapman (1967) examined the conditions under which illusory correlation occurs. He hypothesized that illusory correlation would occur when participants observed two words that were similar in meaning and were highly associated with one another, such as "lion" and "tiger." The participants watched three different videos that displayed one word on the left and one on the right side of a screen in a random order, with each pair appearing at the exact same frequency. Within each series, there was one

pair of left and right-sided words that had a more associative connection (e.g., lion and tiger) than the other pairings. After viewing the video, if participants rated that the co-occurrence of two words to be higher than it actually was, then illusory correlation had occurred. Consistent with the hypothesis, participants rated highly associated words as occurring more frequently, despite appearing on screen the same number of times as the other pairings. Results also indicated that participants overestimated the co-occurrence of word pairs made of longer words. Chapman concluded that this result was due to the salience of the longer words. This finding is important in that it showed how double-salience, demonstrated in this study as high associative connection and long word length, can falsely inflate our perceptions.

Hamilton and Gifford (1976) expanded on this idea of double-salience in relation to stereotypic judgements of minority groups. Contrary to other research that emphasized learning and motivation as the cause of stereotypes, prejudice, and discrimination, Hamilton and Gifford hypothesized that stereotypes are merely the result of typical cognitive processes. In their study, they hypothesized that the pairing of “minority” and “undesirable behavior” would lead participants of the majority group to overestimate their co-occurrence. The participants were assigned to the majority (26 total) or minority group (13 total). Thirty-nine sentences about the members of the two groups were displayed on screen to the participants in equal ratios of desirable and undesirable behavior, such that the majority group’s ratio of desirable to undesirable was 18:9 and the minority group’s ratio was 9:4. Consistent with their hypothesis, the results showed that participants attributed the undesirable sentences to the minority group more frequently than with the majority group, despite an equal rate of occurrence. This makes evident that salience of two characteristics, such as minority status and undesirability, can have compounding effects.

A third way in which information processing can be flawed is due to the idea that there are both automatic and controlled components. Banaji, Hardin, and Rothman (1993) examined this in relation to gender identity. Results indicated that when implicitly primed with a stereotype that was associated with the corresponding social category, participants rated a target from a stereotype-consistent group as being more like that stereotype. For instance, participants who had been primed with “dependence” rated female targets as more dependent than when primed with gender neutral stimuli. Similarly, participants primed with “aggression” rated male targets as more aggressive than those primed with neutral words. This study reveals one example of how stereotypes can be activated and become prejudice, which can be dangerous under the assumption that people use stereotypes constantly to navigate their environment.

To further examine the automaticity of information processing, Devine (1989) conducted three studies to explore the inevitability of prejudice from activated stereotypes. Her first study revealed that both individuals with high and low levels of prejudice had equal knowledge of the content of those stereotypes. Thus, knowledge of cultural stereotypes was found to be independent of individual beliefs in those stereotypes. The second study supported this hypothesis and showed that when ability to monitor stereotypes was inhibited, both high and low-level prejudiced participants perceived ambiguous behaviors in a manner congruent with their stereotypes. Finally, the results of a third study indicated that low-prejudice participants were able to inhibit the automatically activated stereotypes and negate them with egalitarian views of the stereotyped group. Overall, Devine’s research revealed that knowledge of stereotypes does not necessarily predict biased beliefs. However, when time and cognitive capacity are limited, even low-prejudiced individuals cannot control the

suppression of their prejudice. In other words, biases stemming from stereotyped information have a tendency to creep in and influence our feelings.

Bargh, Chen, and Burrows (1996) expanded on this by researching the automaticity of behaviors based on stereotyped information. They hypothesized that social behavior would be influenced by implicit activation of relevant stereotypes. Consistent with this hypothesis, they found that when primed with stereotypes of older adults, participants walked more slowly out of the lab than participants who were primed with neutral words. In another study, they found that participants who were subliminally primed with a photo of a Black male, participants behaved more irritably when told they needed to do a boring task a second time, than participants primed with a photo of a White male. These results are congruent with the findings of previous studies (Devine, 1989) in that implicit stereotyping relating to social categories can unknowingly influence relevant behavior.

Psycholegal Approach to Discrimination

As demonstrated by the research above (Bargh et al., 1996; Chapman, 1967; Darley & Gross, 1983; Devine, 1989; Hamilton & Gifford, 1976; Wason, 1960), our mechanisms for impression formation are inherently flawed. Within the criminal justice system, these flaws have massive ramifications, especially for minority groups. In court, once a defendant is found guilty, it is the responsibility of the judge to assign them a sentence. In most situations, judges are provided guidelines for the appropriate punishment, but allowed to use their own discretion when determining sentencing. Implicit biases about other factors such as defendant's race, gender, and perceived criminality can unconsciously influence judges' sentencing decisions, which may disproportionately affect sentences for minority groups of color, such as Native Hawaiians (Hartley & Tillyer, 2019). While research on judge's decision making is sparse, discrimination

occurs system-wide and thus there is ample research in related areas such as police shootings and perceptions of defendants that can speak to what influences judge's sentencing decisions.

Correll, et al.'s study (2002) explored one way in which stereotypes could influence police officer's behavior toward ethnic minorities. In their study, Correll and colleagues examined the effect of race on people's decisions to shoot or not shoot a target or not. Their hypothesis was that participants' interpretations of a target as dangerous and thus their subsequent decision to shoot would vary as a function of the target's race, such that armed Black targets would be shot faster than White targets, and that the decision not to shoot White unarmed targets would be faster than for Black unarmed targets. In order to test this hypothesis, the researchers designed a videogame in which players pressed buttons to quickly decide to shoot or not shoot the targets that appeared on screen. Their task was to shoot armed targets and not shoot unarmed targets. The race of the targets (Black/White) was manipulated and their level of danger was also manipulated by the object (gun/non-gun object) in their hands. In the armed condition, the target was holding one of two types of guns, and in the unarmed condition, the target was holding either an aluminum can, silver camera, black cell phone, or black wallet. Consistent with their hypothesis, results indicated that the target's race did influence the interpretation of the target as dangerous and the decision to shoot or not shoot. The results showed that White participants correctly shot armed targets faster if that target was Black rather than White, and decided not to shoot faster if the unarmed target was White rather than Black. Also, there were more incorrect decisions to shoot unarmed Black targets than White targets. This study provides insight into the ways in which Black people are perceived as dangerous.

To further understand the effects of stereotypes on beliefs and behavior, Blair et al. (2016) examined how individual facial features can activate stereotypes within social categories.

Specifically, their study examined the effect of Afrocentric facial features on criminal-sentencing decisions of Black and White defendants. They hypothesized that while people may be able to suppress their explicit biases towards certain racial groups, Afrocentric features implicitly activate those categorical racial biases, which affect their sentencing decisions. To test their hypothesis, Blair et al. reviewed the files of inmates from the Florida Department of Corrections database, considering variables such as time serving, seriousness of offenses, and prior offenses. Next, participants rated each inmate's photo based on the degree to which their facial features were typical of African Americans. Consistent with their hypothesis, the results showed that Afrocentric features predicted sentence length more significantly than any other variable for both Black and White inmates. Blair et al. concluded that associating Afrocentric features with stereotypes of criminality contributed to longer sentences. Considering the findings of Correll et al. (2002), which suggested that stereotypes of dangerousness and criminality are activated by skin color, Blair et al. complementarily demonstrated that facial features can also impact sentencing decisions. This suggests that race can be primed on the basis of skin color and facial features.

Eberhardt, et al. (2006) also found congruent results as they studied how stereotypically Black appearance influences the probability of being assigned the death penalty. The researchers were specifically interested in this probability in cases where a Black defendant was charged with murdering a White victim. Participants were tasked with rating the degree to which the Black defendant appeared to be stereotypically Black. In one condition, the defendant had killed a White person and in the other condition, a Black person. Consistent with their hypothesis, participants had rated the defendants who had killed a White person as more stereotypically Black than the defendants who had killed another Black person. This study suggests that salience

of race, which is more apparent in the case that a Black defendant had killed a White person, may incline jurors to use race as a heuristic when determining culpability.

As suggested by the three studies above, the use of racial stereotypes in the context of legal decision making is complex and possibly occurs without the decision maker's awareness. Additionally, as Devine (1989) found in her research, stressful situations make it difficult to control use of stereotypes that we otherwise may be able to regulate. Thus, discretionary decision making allowed of players within the criminal justice system creates an opportunity for racial biases to creep in, unsurprisingly resulting in disproportionate treatment of minority groups.

With this in mind, there is always a dilemma between equality and discretion in the legal world (Greene & Heilbrun, 2018). Equality means that everyone who commits the same crime receives the same sentence. Discretion, on the other hand, means that punishment may vary based on the context of the crime. In the case of murder, for example, one person could commit cold-blooded murder while another commits murder after years of abuse. If the principle of equality is applied, then both defendants would be sentenced to the same amount of prison time. But if context is considered and judicial discretion is used, then it is more likely that the person who murdered their abuser would receive a lighter sentence. In a completely different scenario, however, discretionary powers could be used to punish someone for prejudicial reasons (Schoenfeld, 1977). The "focal concerns perspective" states that judges make assessments of the defendants while considering three focal concerns: blameworthiness and culpability, level of threat to the community, and practical consequences of a sentence (Hartley & Tillyer, 2019). If the aforementioned studies on stereotypes and decision making are considered, each of these focal concerns may be affected by stereotypes. Moreover, psycholegal research has found that time restraints and the lack of comprehensive case information force judges to rely on

stereotypes which can contribute to sentencing disparities (Dhami, 2003; Hartley & Tillyer, 2019).

Current Research

While these studies are helpful for understanding the discrimination behind disparities within the criminal justice system, most of the psycholegal research focuses on the Black/White dichotomy. Unfortunately, there is little research that considers other ethnic groups such as American Indians and Native Hawaiians. Most of the existing research on Native Hawaiians focuses on the effects of discrimination and incarceration, rather than provenance. For example, several studies have found that discrimination can increase likelihood of mental and physical health problems in Native Hawaiians, including hypertension and low self-esteem (Allen, Cox, et al., & Beecher, 2016; Allen, Conklin, et al., 2017; Ing et al., 2019). Other research shows that prison time is particularly traumatic for Native Hawaiians than other groups because of the physical and cultural disconnection to land and family (Office of Hawaiian Affairs, 2010). This existing research is important; however, it is only useful in inspiring alleviatory action for the damages of incarceration and discrimination experienced by Native Hawaiians.

This thesis was aimed to be the first step in finding preemptive solutions to the disparate treatment of Native Hawaiians in the criminal justice system. To do so, the two studies were designed to explore the content of stereotypes of Native Hawaiians, and the effects of race and type of crime on the sentencing of Native Hawaiian defendants. Predicated on social psychological theory relating to stereotyping and the psycholegal evidence of racism within the criminal justice system, this research could potentially lead to a better understanding of what is happening to Native Hawaiians on trial, and consequently suggest preventative ways to reduce disparities in the criminal justice system.

The purpose of the first study was to explore what Native Hawaiian-specific stereotypes exist, if any. It also explored the similarities and differences between the stereotypes of Native Hawaiians, American Indians, and Black Americans who share colonial histories. It was predicted that Native Hawaiians would be associated with similar stereotypic traits, such as *uneducated, lazy, poor, primitive, and family-oriented*, as American Indians and Black Americans. It was also hypothesized, however, that some stereotypes of Native Hawaiians, such as *relaxed, welcoming, unsophisticated, and subservient*, would be assigned due to conceptions perpetuated by the tourism industry.

The second study investigated potential sentencing disparities between Native Hawaiian and White defendants. In Study 2, it was hypothesized that Native Hawaiians would receive longer sentences than White defendants for the same crime. Additionally, the second study analyzed the interaction between race and type of crime on sentencing disparity. The type of crimes presented were violent (drug sale and assault) or nonviolent (drug sale). It was expected that there would be a significant interaction such that the disparity between Native Hawaiian targets who had committed violent or nonviolent crime would be larger than the disparity between White targets who had committed violent or nonviolent crimes. Again, this is because of double-salience, and the compounded negative perceptions of those that are Native Hawaiian and have committed a violent crime.

Study 1

The purpose of the first study was to evaluate what stereotypes of Native Hawaiians exist and compare them to the known stereotypes of Black Americans and American Indians. The method resembled the study by Katz and Braly (1933) as well as more contemporary replications (Devine & Elliot, 1995; Erhart & Hall, 2019) of that research.

Method

Participants

Participants over the age of 18 and living within the United States were recruited on Amazon Mechanical Turk (mTurk). mTurk is a crowdsourcing website that is used by businesses, researchers, and others to hire participants to complete tasks.

This sample was intended to represent the general population in the U.S. In total, there were 154 participants. The study had adequate power ($1-\beta = .87$).

Materials

This study was conducted through an online survey. Each participant completed the same tasks for each ethnic group. The tasks include the Adjective List, Trait Themes List, and Stereotype Assessment. The tasks were the same for each target group but with the language changed slightly so it was clear what ethnic group participants were being asked to consider.

Adjective List. This was a list of 86 common traits of people that was developed from similar lists used in several previous studies (see Appendix A for full Adjective List). Devine and Elliot (1995) provided a more contemporary list that had been adapted from the Katz and Braly (1933) study to measure Black stereotypes specifically. This list included words such as *poor*, *aggressive/tough*, *criminal*, *unintelligent*, *uneducated*, *lazy*, *sexually perverse*, *athletic*, *ostentatious*, *inferior*, and *dirty/smelly*. Erhart and Hall (2019) further modified the adjective list created by Devine and Elliot (1995) to measure stereotypes of American Indians. Traits added included *alcoholic*, *spiritual*, *brave*, *cultured*, *family-oriented*, *gambling*, *traditional*, *ancient*, *hunters*, *ritualistic*, and *artistic*. The adjective list for the current study included a combination of the traits used in all three of these previous studies, neutral words that are not expected to be associated with any of the ethnic groups, as well as other stereotypes that research

(Kana'iaupuni, 2005; Parker, 2006) has shown to be associated with Native Hawaiians. Some of the new words include *unmotivated*, *tropical*, *welcoming*, *friendly*, *primitive*, *relaxed*, and *subservient*.

Stereotype Assessment. This task was intended to measure participants' knowledge of stereotype content. Participants were presented with the Adjective List and then given instructions that explicitly stated that their responses were not reflective of their personal beliefs, but of their knowledge of the stereotypes that exist in society. After selecting at least 5 words from the list, participants could type in additional traits in a free-response question. For full text of instructions, see Appendix B.

Trait Themes List. Additionally, participants were shown a trait themes list. This list contained 7 words that represented a theme of traits created from the Adjective List. These themes were *primitive*, *friendly*, *poor*, *criminal*, *strong*, *uneducated*, and *family-oriented*. It was meant to be a condensed version of the Adjective List that encompassed multiple traits at once. These choices were also themes of some of the hypothesized stereotypes of each ethnic group. Participants were asked to rate each category on a 7-point scale (1 – *Strongly disagree*, 7 – *Strongly agree*) in terms of the degree to which they believed the theme to be true of the ethnic group identified. Responses to this task were intended to provide more quantitative data to explore the overlap between the traits associated with each ethnic group.

Personal Beliefs Assessment. This assessment was intended to measure participants' belief in the stereotypes of each group. Participants were presented with the Adjective List and then given instructions that explicitly stated that their responses should reflect their personal beliefs. After selecting their words from the list, participants could type in additional traits in a free-response question. For full text of instructions, see Appendix B.

Procedure

Upon opening the survey, participants read through the consent form. After providing consent, participants were directed to the first section. The order in which the target groups were shown (Native Hawaiian, Black, American Indian) was randomly assigned. At the start of each section, participants were shown the Adjective List and given the instructions for the Stereotype Assessment task. Then, participants were shown the Trait Theme List. Subsequently, participants were shown the Adjective List again, but this time were given instructions for the Personal Beliefs Assessment. All three tasks for the first ethnic group, were then repeated for the next two ethnic groups. The last page of the survey contained debriefing information and thanked the person for participating. At the end of the survey, participants were compensated.

Results

The first hypothesis for this study was that the traits most commonly associated with Native Hawaiians would be *uneducated, lazy, unmotivated, primitive, poor, welcoming, tropical, subservient, family-oriented, and relaxed*. This hypothesis was explored by examining the frequency with which participants selected those traits from the Adjective List. As shown in Table 1, The predicted traits for Black Americans and American Indians were congruent with what was found in previous studies (Devine & Elliot, 1995; Erhart & Hall, 2019). However, contrary to the hypothesis, the top traits associated with Native Hawaiians included *friendly, spiritual, traditional, ritualistic, and kind*. The only trait that had been correctly predicted was *tropical*.

Table 1*Ten stereotypic traits most commonly assigned to each ethnic group.*

Native Hawaiian		American Indian		Black American	
Trait	Percent	Trait	Percent	Trait	Percent
Friendly	46.75	Spiritual	46.10	Criminal	39.61
Spiritual	38.96	Ritualistic	35.71	Athletic	37.01
Traditional	34.42	Traditional	33.77	Loud	36.36
Ritualistic	30.52	Superstitious	31.82	Unintelligent	31.17
Kind	27.27	Gambling	28.57	Rude	30.52
Tropical	24.68	Alcoholic	27.92	Aggressive/tough	30.52
Superstitious	23.38	Hunters	27.27	Impulsive	23.38
Honest	18.18	Friendly	18.83	Lazy	22.08
Courteous	17.53	Brave	18.18	Uneducated	21.43
Talkative	14.94	Primitive	16.88	Quick-tempered	21.43

NOTE: "Percent" represents the percentage of the sample (n=154) that selected that trait from the adjective list.

The other main goal of this study was to measure the similarities and differences between stereotypes of Native Hawaiians, Black Americans, and American Indians. It was hypothesized that the three groups would have some degree of overlap. Judging from the 10 most frequently selected traits, there were some similarities between Native Hawaiians and American Indians. In both groups, *spiritual*, *ritualistic*, *traditional*, and *superstitious* were frequently selected. However, none of the traits overlapped with those of Black Americans. In order to explore any statistical differences between each group, a chi-square analysis for each trait was conducted (See Table 2). The analysis confirmed the overlap between Native Hawaiians and American Indians for traits such as *spiritual*, *traditional*, and *ritualistic*, as both groups were significantly more likely than expected to be assigned with those traits. The analysis also confirmed the lack of overlap between traits such as *friendly* for Native Hawaiians and *criminal* for Black Americans. This was determined because Black Americans were significantly less likely than expected to be assigned to *friendly* while Native Hawaiians were significantly more likely than expected to be assigned to that trait. The same can be said for *criminal*: Native Hawaiians were

less likely than expected to be assigned with that trait, but Black Americans were significantly more likely than expected to be assigned with that trait.

Table 2

Chi-square analysis of the most frequently selected traits for each group.

	Native Hawaiian		American Indian		Black American		Chi-Square Analysis	
	No.	%	No.	%	No.	%	Pearson's	Cramer's V
Friendly	72	46.70	29	18.83	23	14.92	47.25	0.32
Spiritual	60	38.96	71	46.10	24	15.58	35.21	0.28
Traditional	53	34.42	52	33.77	11	7.14	39.67	0.29
Ritualistic	47	30.52	55	35.71	4	2.60	55.27	0.35
Kind	42	27.27	18	11.69	20	12.99	16.09	0.19
Tropical	38	24.68	1	0.65	1	0.65	74.94	0.40
Superstitious	36	23.38	49	31.82	12	7.79	27.59	0.24
Gambling	17	11.04	44	28.57	16	10.39	23.60	0.23
Athletic	17	11.04	11	7.14	57	37.01	54.09	0.34
Loud	16	10.39	9	5.84	56	36.36	57.76	0.35
Alcoholic	14	9.09	43	27.92	17	11.04	24.55	0.23
Unintelligent	12	7.79	17	11.04	48	31.17	35.56	0.28
Rude	10	6.49	9	5.84	47	30.52	49.74	0.33
Criminal	7	4.55	7	4.55	61	39.61	92.83	0.45
Aggressive	2	1.30	8	5.19	47	30.52	71.69	0.39

NOTE: All values above are significant at the 0.01 level. "No." denotes the frequency observed and "%" denotes the percentage of the sample that selected the trait.

Another way to measure the similarities and differences between the stereotypes for each ethnic group was with the Trait Theme Task. Analyses of variance (ANOVAs) were conducted for each of the seven themes to measure the difference in theme representativeness between ethnic groups. In addition, post-hoc pair-wise analyses were used to more clearly identify the specific group differences. The first hypothesis for this test was that, Native Hawaiians would be rated more highly for being *friendly* than American Indians and Black Americans. Consistent with this prediction, the pairwise comparison showed a statistically significant difference between Native Hawaiian ratings of *friendly* and American Indians, *Mean difference* = .828, $p < .001$, and Black Americans, *Mean difference* = 1.22, $p < .001$. The second hypothesis was that Native Hawaiians and American Indians would be perceived as having similar degrees of

representativeness for *primitive* and *family-oriented* themes. Consistent to the hypothesis, American Indians did not have significantly higher ratings for the *primitive* theme, than Native Hawaiians *Mean difference* = .405, *p* = .068. Contrary to the prediction, there was no significant difference between the groups for the ratings for *family-oriented*, *Mean difference* = .141, *p* = .423. Moreover, it was predicted that Native Hawaiians and Black Americans would be rated similarly for the *criminal* theme. The results were also inconsistent with this hypothesis, such that Black Americans were rated the highest for the *criminal* theme and Native Hawaiians the lowest, *Mean difference* = 1.737, *p* < .001. Finally, all groups were predicted to have similar ratings of *poor* and *uneducated*. Contrary to this hypothesis, Native Hawaiians were rated significantly lower for the *poor* theme, *All mean differences* = 1.086, *all p* < .001, and the *uneducated* theme, *All mean differences* = .888, *p* = .005. These findings were strong and consistent with what the results of the chi-square analysis (Table 2).

Table 3

Means of the degree to which each theme was believed to be representative of each ethnic group.

		Representativeness (1-7)		
		Native Hawaiian	American Indian	Black American
Trait	Primitive	4.09 ^{a, b}	4.49 ^{a, c}	4.02 ^{b, d}
Theme	Friendly	5.73 ^a	4.90 ^b	4.51 ^c
	Poor	3.80 ^a	4.77 ^b	4.89 ^b
	Criminal	2.96 ^b	3.25 ^b	4.70 ^a
	Strong	5.21 ^a	5.25 ^a	5.26 ^a
	Family-oriented	5.53 ^a	5.39 ^a	5.44 ^a
	Uneducated	3.64 ^a	4.25 ^b	4.64 ^b

NOTE: Representativeness is the degree to which participants found the theme to represent each ethnic group. Lower numbers indicated lower association of the ethnic group with the trait. Nonmatching superscripts represent a significant mean difference at the 0.05 level.

Participants' personal beliefs in the traits for each ethnic group were also measured.

Previous studies (Devine, 1989) have found that knowledge of stereotypes was not indicative of belief in those stereotypes. Consistent with that research, it was expected that both participants

with high and low beliefs in the stereotypes will have the same degree of knowledge of those stereotypes. To test this idea, a stereotype uniformity index for the Stereotype Assessment and Personal Beliefs Assessment was calculated. A stereotype uniformity index is defined by the smallest number of traits needed to account for 50% of the total traits selected (Devine & Elliot, 1995). It was calculated by dividing 50% of the total number of traits selected by the total number of participants. It was predicted that there would be more uniformity for the Stereotype Assessment than the Personal Beliefs Assessment for each group. Contrary to the hypothesis, there was no substantial difference between the groups or between the stereotype and participants' personal beliefs (see Table 4).

Table 4

Uniformity Indexes for the Stereotype Assessments and Personal Beliefs Assessments for each ethnic group.

	Native Hawaiian	American Indian	Black American
Stereotype Assessment	26.30	27.27	27.27
Personal Beliefs Assessment	26.00	26.30	27.27

NOTE: Uniformity refers to the number of traits needed to comprise of 50% of the total number of traits selected. In other words, it is degree of agreement amongst participants, where lower number indicate more agreement.

Discussion

To date, there is little research on the stereotypes associated with Native Hawaiians. Consequently, there is a lack of understanding of what beliefs may be impacting disparate behavior towards Native Hawaiians, especially within the criminal justice system. The purpose of this first study was to gain a better understanding of the stereotype content of Native Hawaiians as well as compare those stereotypes to those of American Indians and Black Americans.

The first hypothesis was related to the most frequent traits selected for each group. While not entirely consistent with the hypotheses, the results were nonetheless significant. The

stereotypes most frequently observed of Native Hawaiians included *friendly*, *spiritual*, *traditional*, *ritualistic*, *kind*, *tropical*, *superstitious*, *honest*, *courteous*, and *talkative* (see Table 1). The selection of *friendly*, *tropical*, *kind*, and *courteous* is likely related to the narrative disseminated by the tourism industry (Kana'iaupuni, 2005; Parker, 2006). There were also similarities in perceptions of American Indians as they were also labeled as *spiritual*, *traditional*, *ritualistic*, and *superstitious*. These similarities are likely due to perceptions of Indigenous culture and the groups' comparable histories of colonization. Contrary to predictions, there were no similarities between either Native Hawaiians or American Indians with Black Americans.

The next hypothesis was that there would be similarities and differences between each group's perceived representativeness for each of the seven trait themes. The first prediction was that Native Hawaiians and American Indians would be perceived similarly for *primitive* and *family-oriented*. However, all three groups were rated the same for *family-oriented* and American Indians were rated higher for *primitive*. These results are consistent with that of previous studies (Erhart & Hall, 2019) of stereotypes of American Indians, although inconsistent with what was expected of Native Hawaiian stereotypes (Kana'iaupuni, 2005; Parker, 2006). It was also predicted that Native Hawaiians and Black Americans would be rated the same for the *criminal* theme because of assumptions of lower socioeconomic class (Devine & Elliot, 1995) for both groups. Again, results were as expected for Black Americans, who were rated the highest for *criminal*, but unexpectedly Native Hawaiians were rated the lowest. This result was particularly surprising as Native Hawaiians are disproportionately incarcerated (Office of Hawaiian Affairs, 2010). Although, it can be explained by the narrative disseminated by the tourism industry of the friendly and laid-back Hawaiian. Finally, Native Hawaiians were rated as most *friendly*, and least for the *poor* and *uneducated* themes. The result for most *friendly* was consistent with the

depiction of the “aloha spirit” by the Hawai‘i tourism industry (Parker, 2006), but the ratings for *poor* and *uneducated*, were completely unexpected. These results directly contradict the actual socioeconomic disparities recorded today (Minarik, 2011).

The last hypothesis was that there would be more uniformity for stereotypes than personal beliefs. While the results were inconclusive, the uniformity index for Black Americans in both the Stereotype Assessment and Personal Beliefs Assessment were higher than the other ethnic groups. This was likely due to the fact that there are more discussions around stereotypes of Black Americans than the other groups.

Study 2

The purpose of the second study was to explore how stereotypes of Native Hawaiians may influence sentencing decisions of the judges overseeing their case. The two independent variables examined were race (Native Hawaiian/White) and type of crime (violent/nonviolent), while the dependent variables included length of the sentence assigned (months), confidence in that sentence, perceived culpability, and perceived dangerousness of the defendant. It was hypothesized that there would be significant main effects for race and type of crime such that Native Hawaiians will be assigned longer sentences than White defendants and violent crimes will be assigned longer sentences than nonviolent crimes. It was also expected that there would be a significant interaction between race and type of crime such that the sentencing disparity between violent and nonviolent crimes would be larger for Native Hawaiian defendants than White defendants. Moreover, it was also hypothesized that Native Hawaiian defendants would be rated as more culpable and dangerous, and that participants would be more confident in their sentencing decisions for Native Hawaiians. Participants of Study 2a are judges or justices who

are currently working in Hawai‘i. Study 2b involved a random group of people 18 years and older within the U.S. that were recruited via mTurk.

Study 2a

Method

Participants

Potential participants included judges and justices who are currently working in the state of Hawai‘i. They were recruited by email and completed a Qualtrics survey. There was only one participant. That participant did not seek their compensation of \$3.

Design

Upon opening the survey on Qualtrics, participants were randomly assigned to one of four conditions with race of the defendant and type of crime manipulated. The study used a 2 (race of the defendant) x 2 (type of crime) fully crossed between-groups factorial design. The race of the defendant was either Hawaiian or White. The type of crime was either violent (drug sale and assault) or nonviolent (drug sale).

Materials

The materials of this study included the vignette describing the trial, a measure of social desirability, and manipulation checks. All of these components were included in a Qualtrics survey.

Vignette. The first part of the vignette resembled a bench memorandum, which is an objective summary of a case written by a clerk for a judge (see Appendix C). The memorandum included a description of the trial and disclosed that the jury found the defendant guilty. In addition, the vignette included an intake form that described the details of the defendant’s arrest (see Appendix C). Within the vignette, the race of the defendant (White/Native Hawaiian) and

the type of crime (violent/non-violent) were manipulated. The race of the defendant was manipulated by using different names (Kawika Mahelona/David Johnson) and markings of race (Native Hawaiian/White) on the intake form. The two types of crime were violent (drug sale and assault) versus nonviolent (drug sale). These were indicated on the intake form and in the memorandum. These types of crimes were selected to control for any prejudice that a participant may have toward a drug sale, such that both conditions included drug sale, but only in the violent condition does the incident escalate to include assault.

Sentencing Task. Within the sentencing task (see Appendix D), participants answered questions about the sentence the defendant should receive, their confidence in that sentence, and their perceptions of the culpability and dangerousness of the defendant. The sentence length variable was measured on a 7-point likert scale ranging from 6-12 months or 10-16 for the violent and nonviolent conditions, respectively. These ranges were based on actual sentencing guidelines for each of the crimes (2018 Guidelines Manual Annotated, 2019). The remaining variables were measured on 7-point Likert-type scales ranging from *not at all confident/not at all guilty/not at all dangerous* to *extremely confident/extremely guilty/extremely dangerous* (see Appendix C).

Manipulation Checks. Participants answered three multiple-choice questions to make sure that the manipulations of race and type of crime were processed (see Appendix D). The first question asked for the name of the defendant with the options being *Kawika Mahelona* (the correct response for the Native Hawaiian condition), *David Johnson* (the correct response for the White condition), *Kamalei Mahinui*, and *Denver Jameson*. The next question asked for the race of the defendant with the options being *Native Hawaiian*, *White*, *Asian*, and *Black*. The last question asked for the crime committed with the options being drug sale and assault (the correct

response for the violent condition), drug sale (the correct response for the nonviolent condition), arson, and armed robbery. If participants answered any of the manipulation checks incorrectly, their data were excluded from the statistical analyzes.

Social Desirability. Participants' social desirability concerns were measured using the Marlowe-Crowne Social Desirability Scale (Crowne & Marlowe, 1960). This scale was developed to measure respondents' concern with social approval. It is an instrument with 33 statements relating to personal attitudes prompting true or false responses. For each statement, one of the responses is the socially desirable response that is indicative of participants answering in a socially desirable way. The more questions that are answered in a socially desirable way, the more the participant values what society thinks of them and the decisions they make. This scale was found to have strong reliability with an internal consistency coefficient of .88 and a test-retest correlation of .89 (Crowne & Marlowe, 1960). This scale was also found to have strong concurrent validity of .35, which was significant at the .01 level (Crowne & Marlowe, 1960).

Procedure

Upon providing consent, participants were directed to the case file that contained the memorandum and the intake form. Once they had read the trial details, they read the sentencing recommendations. They were then instructed to provide their official sentence as well as answer questions about their perceptions of the defendant's dangerousness, culpability, their confidence in their assigned sentence, and the manipulation checks. Next, they completed the social desirability questionnaire. Finally, participants were debriefed and compensated.

Results

With only one participant, there were not enough data to run any statistical analyzes. However, the responses of the one participant are reported below in Table 4. The participant had been randomly assigned to the Native Hawaiian, nonviolent condition.

Table 5

Participant (n=1) response means.

Sentence (6-12 months)	Confidence (1-7)	Culpability (1-7)	Dangerousness (1-7)	Social Desirability Score
6	4	6	2	20

NOTE: The measures of confidence, culpability, and dangerousness were on a scale from 1 to 7 with higher numbers signifying more of each dimension. The Social Desirability score was out of 33 with lower numbers indicating lower social desirability and higher numbers indication higher social desirability concerns.

Study 2b

Method

The method for this sample was the same as Study 2a, with the exception of how they received payment.

Participants

Participants included people 18 years old or older within the United States. They were recruited via Amazon Mechanical Turk (mTurk), which then linked them to a Qualtrics survey. In total, there were 73 participants. However, only 52 correctly answered the manipulation checks and were retained. All participants received compensation of \$3.

Design

Upon opening the survey on mTurk, participants were instructed to click the link that directed them to the Qualtrics survey. The survey was exactly the same as the one described above in Study 2a.

Materials

The materials of this study were exactly the same as the materials for Study 2a. Again, this included the vignette describing the trial, a measure of social desirability, and manipulation checks.

Procedure

The procedure for this study was also the same as in Study 2a, except that participants were recruited via mTurk. From mTurk, they were redirected to the Qualtrics survey.

Results

In general, the sentences assigned to each group were relatively similar. Native Hawaiians received slightly shorter sentences than White defendants in both the violent and nonviolent conditions. For both races, violent crimes were assigned longer sentences than nonviolent crimes. The means and standard deviations can be seen in Table 6 below.

Table 6

Means and standard deviations of sentences for Native Hawaiian and White targets involved in violent and nonviolent crimes.

Race	Type of Crime			
	Violent		Nonviolent	
	M	SD	M	SD
Native Hawaiian	12.00	2.089	8.00	1.94
White	12.42	1.62	10.62	2.54

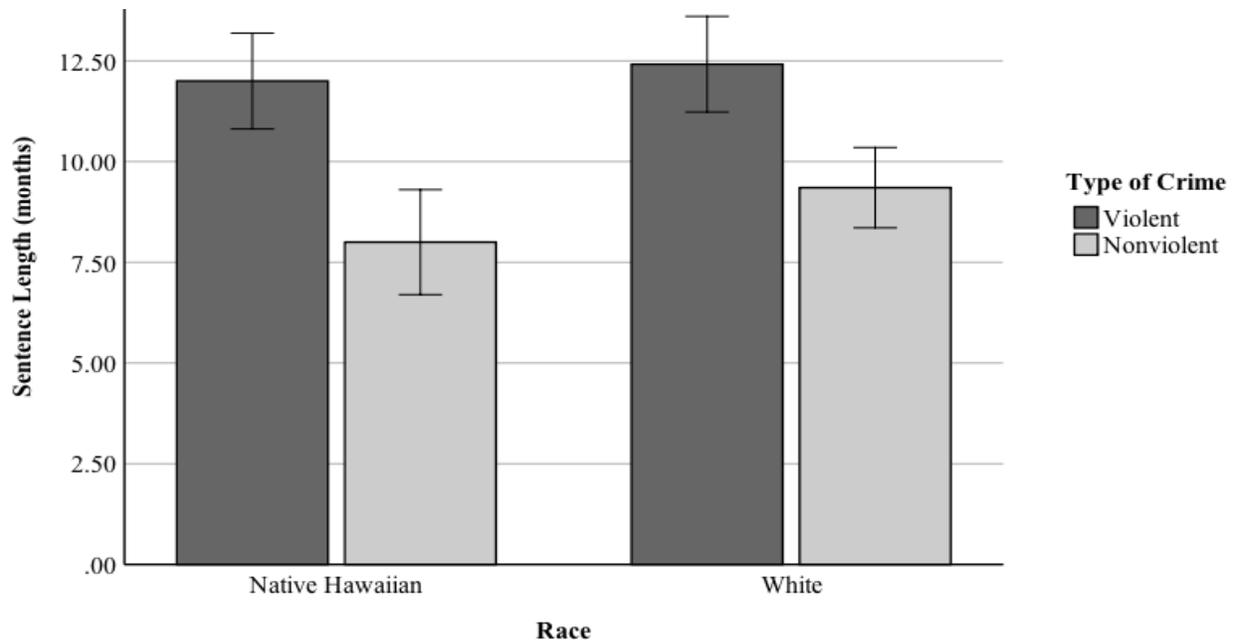
NOTE: Sentences are in months. M and SD represent Means and standard deviations, respectively.

To test the hypotheses for this study, a 2-way ANOVA was conducted. Figure 1 shows the sentencing patterns as related to defendant race and type of crime. The first hypothesis was that there would be a main effect of defendant race such that sentencing would be longer when the defendant is Native Hawaiian than White. Inconsistent with this hypothesis, the means for Native Hawaiian ($M = 10.00$, $SD = .44$, 95%CI 9.12-10.88) and White ($M = 10.62$, $SD = 2.54$, 95%CI 10.11-11.66) defendants were not statistically different, $F(1,51) = 2.30$, $MSe = 4.19$, $p =$

.136, $r = .21$. The second hypothesis was that there would be a main effect of type of crime such that sentencing would be longer when the crime was violent than nonviolent. Consistent with this hypothesis, violent crimes ($M = 12.21$, $SD = .42$, 95%CI 11.37-13.05) were assigned significantly higher sentences than nonviolent crimes ($M = 8.68$, $SD = .41$, 95%CI 7.86-9.50), $F(1,51) = 36.61$, $MSe = 4.18$, $p < .001$, $r = .65$. It was also hypothesized that there would be an interaction between race of the defendant and type of crime, such that the disparity in sentence length for Native Hawaiian targets who have committed violent or nonviolent crimes would be larger than the disparity between sentence length for White targets who have committed violent or nonviolent crimes. Incongruent with this hypothesis, the interaction between race and type of crime was not statistically significant, $F(1,51) = .643$, $MSe = 4.19$, $p = .427$, $r = .112$.

Figure 1.

Predicted effect of race of defendant and type of crime on sentence length.



Participants were also asked to rate the level of dangerousness and culpability of the defendant, as well as their confidence in the sentence they provided. The first hypothesis was

that participants would be more confident and believe those defendants to be more culpable and dangerous for Native Hawaiian defendants than White defendants. Incongruent with the hypotheses, there was no significant differences for confidence, culpability, or dangerousness, all $F(1,51)$'s < 3.41 , all $MSe < 2.41$, all p 's $> .071$, all r 's $< .12$. The second hypothesis was that participants would be more confident and believe those defendants to be more culpable and dangerous if the crime was violent than if it was nonviolent. Consistent with this hypothesis, ratings of dangerousness were significantly higher for the violent condition ($M = 4.21$, $SD = 1.14$) than the nonviolent condition ($M = 3.04$, $SD = 1.73$), $F(1,51) = 8.10$, $MSe = 2.36$, $p = .007$, $r = .37$. However, the ratings for confidence and culpability were not significantly different between crime conditions, all $F(1,51)$'s $< .103$, all $MSe < 1.50$, all p 's $> .75$, all r 's $< .04$.

Finally, a correlation between participant's social desirability score and the length of sentence they assigned was conducted. For Native Hawaiian defendants, the correlation between social desirability ($M = 16.46$, $SD = 6.98$) and the sentence assigned ($M = 10.00$, $SD = 2.91$) was not significant, $r(50) = .147$, $p = .502$. For White defendants, the correlation between social desirability ($M = 16.46$, $SD = 6.98$) and the sentence assigned ($M = 10.62$, $SD = 2.54$) was not significant, $r(50) = .356$, $p = .058$. These results indicate that social desirability did not play a role in participants sentencing decisions.

Discussion

In the criminal justice system today, Native Hawaiians are disproportionately incarcerated. To date, there is little known research from a psychological perspective on what is contributing to this disparity. To fill the gap in literature, Study 2 was conducted to explore whether there are differences in criminal sentencing between Native Hawaiian and White defendants. The goal of the second study was also to analyze such differences, with the

assumption that Native Hawaiians are stereotyped as *criminal*, *poor*, and *uneducated*, which would make them more likely to be perceived to commit a crime.

The first hypothesis was that there would be a main effect for race such that Native Hawaiians would be assigned longer sentences than White defendants. One reason for this is the theory of confirmation bias (Wason, 1960), such that Native Hawaiians are stereotyped as criminals, so it will be easier to assign them maximum sentence than to consider ways in which they deserve less time. Furthermore, this prediction is consistent with the research done by the Office of Hawaiian Affairs (2010) that reported that Native Hawaiians are already receiving longer sentences than any other ethnic group in Hawai'i. However, the results were not significant, and there was no difference between the sentences assigned to Native Hawaiians defendants and those assigned to White defendants.

The second hypothesis was that there would be a main effect of type of crime such that violent crimes would be assigned a higher sentence than nonviolent crimes. The results were consistent with this hypothesis as violent crimes were assigned significantly longer sentences than nonviolent crimes. As previous studies have found (O'Connor, 1984), this is likely because people tend to view violence more negatively than non-violence. These results could suggest that if a group is stereotyped or perceived as violent while on trial, they could be assigned longer sentences than defendants that are not seen as violent. Future studies should consider examining the stereotype of Native Hawaiians further to see if *violent* is a substantial trait, or explore how violence is portrayed in court.

The third hypothesis was that there would be a significant interaction between race (Native Hawaiian/White) and type of crime (violent/nonviolent). However, the results did not reflect this hypothesis, which may have been because of a lack of power ($1-\beta < .44$). With more

participants, it would be expected that Native Hawaiian targets who have also committed violent crimes would stand out more to participants because they are both part of the minority group and have committed an undesirable behavior (Chapman, 1967; Hamilton & Gifford, 1976). As a consequence of this double-salience, the assumption is that when participants are confronted with a Native Hawaiian who has also committed a violent crime, they will assign them a higher sentence than a less salient, White defendant.

Additionally, ratings of dangerousness and culpability, as well as confidence in the sentence assignment were recorded. These hypotheses were not consistent with the results, potentially related to the lack of power or other design limitations. With more participants, it is likely that the expected hypotheses would have been observed.

Ethics

By participating in this research, participants may contribute to the pursuit of rarely investigated scientific merit. Specifically, this research could provide insight into stereotypes of Native Hawaiians and suggest ways to reduce sentencing disparities resulting from judges' biases in the criminal justice system. The knowledge gained may guide future reform of a racially unjust legal system, which would ultimately benefit society at large.

However, the primary concern of researchers was the safety, well-being, and confidentiality of participants. That is why no vulnerable populations were sought out as participants. In addition, participants had to have been at least 18 years old to partake in the study. Compensation for involvement in the studies were \$3, so participants did not feel pressured to engage in it unless they absolutely wanted to. Upon opening the survey, the participants were instructed to read through the informed consent document. The informed consent addressed concerns about confidentiality, the risk of being exposed to details of a crime,

and the freedom not to participate. Participants not wishing to continue with the research after reading the informed consent could exit the survey without consequence. In the rare case that participants were disturbed by the tasks of the studies, all participants were debriefed. The survey included a debriefing text that explained the purpose of the research, the hypotheses, and the ways in which the research results will likely be disseminated. Participants were also given the researcher's contact information so that if they had any questions or concerns, they could reach out. The contact information for a counseling service was also provided in the event that discomfort from participating had occurred at a later time. Again, participants were reminded that they could withdraw their responses at any point or terminate their participation without penalty.

While there was a small risk that participants would feel uncomfortable with the material within the two studies, informed consent and debriefing protocols were followed to assure their safety before and after participation. Study 1 asked participants about stereotypes of Native Hawaiians, American Indians, and Black Americans, which could have been upsetting for people of these groups who may have experienced these stereotypes. Participants may have also been uncomfortable when asked about their personal beliefs about these ethnic groups. Study 2 contained a description of a violent or nonviolent crime. However, the information was not more heinous than what is considered appropriate to broadcast on television. In other words, the details that participants were subject to were similar to what they are exposed to in their daily lives. There was a possibility for some participants to have experienced some discomfort if they or someone close to them has been in contact with the criminal justice system. However, to avoid this discomfort, a disclaimer within the informed consent document disclosed the nature of the hypothetical crime so that such participants were free to choose not to participate.

Although participants were warned of the material they were exposed to, it was imperative that participants remained unaware of the intentions of the research in Study 2, particularly. Instead of revealing the true purpose of the research, participants were told that the study was investigating decision-making processes within the legal system. If they knew that the study was investigating sentencing disparity between races, social desirability would have likely affected the way they behaved in the experiment.

The data that were collected were completely anonymous. No sensitive information was collected from the participants. The final report will be shared with Scholarship@Claremont. However, at no time during the dissemination of the research results will any participant's information be used such that they are identifiable. Considering the limited research in this area, the continued disparate sentencing of minority defendants, and the very minimal risks to study participants, it was deemed that the benefits of this research outweighed any risks to the participants.

General Discussion

A review of psychological theory (Chapman, 1967; Hamilton & Gifford, 1976; Wason, 1960) has shown that one piece of stereotyped information can lead someone to make comprehensive judgements about a person. Whether it be based on the social group they belong to (Banaji et al., 1993) or their facial features (Blair et al., 2016), implicit biases can be automatic and hard to control (Devine, 1989). People have a tendency to seek out confirming evidence to support their preconceived ideas, rather than disconfirming information (Wason, 1960). People also have a tendency to correlate things that are not actually related, and the effects are doubled when two properties are made salient simultaneously (Chapman, 1967). In psycholegal research, the color of someone's skin is enough to affect the decision as to whether to shoot at them

(Correll et al., 2002). However, within all of this literature, there is little research on how these processes affect Native Hawaiians who are disproportionately treated in the criminal justice system. The purpose of the current research was to gain a better understanding of the stereotypes and the potential disparate criminal sentencing of Native Hawaiians.

This thesis included two studies attempting to fill the gap in the literature. The goal of Study 1 was to figure out what stereotypes of Native Hawaiians exist and how they relate to stereotypes of other minority groups such as American Indians and Black Americans. Results showed that Native Hawaiian stereotype content was more closely related to that of American Indians. Additionally, Native Hawaiians are uniquely marked with traits such as *friendly*, *kind*, and *tropical*, indicating that the image portrayed by the tourism industry is what people typically imagine of what Native Hawaiians are like. The goal of Study 2 was to examine the effects of the stereotypes against Native Hawaiians by measuring judges' sentencing decisions. The results were not significant, with the exception of the main effect of type of crime, most likely due to a lack of power and some design limitations that are important to consider.

The first limitation, specific to Study 1, was the lack of standardization in the trait selection tasks (Stereotype Assessment and Personal Beliefs Assessment). For these tasks, participants were free to select as many traits as they felt were relevant. While this provided a wide range of what traits people associate with Native Hawaiians, American Indians, and Black Americans, it did not allow for a concise measurement of uniformity. In order to achieve a more succinct idea of stereotype content for each group, participants needed to have been limited in how many traits they could have selected from the Adjective List. This could have resulted in a better understanding of how the three groups are related to each other.

Another limitation that is pertinent to both Studies 1 and 2 was the lack of consideration of location-dependent stereotypes of Native Hawaiians. Not only is Hawai'i physically over 2500 miles away from the continental U.S., but there is also an ideological distance between them. In other words, perceptions of Native Hawaiians in Hawai'i are different from those in the continental U.S. It is possible that people in the continental U.S. are not as familiar with stereotypes of criminality and unsophistication because they have only seen Hawai'i from a tourist's perspective. The results of these studies suggest that the most largely accepted stereotype of Native Hawaiians is *friendly*. However, because the study design did not take into account where participants were from, it is difficult to tell if the results are because the general American population views Native Hawaiians as *friendly* or if the sample only included people that are not from Hawai'i and may not be aware of stereotypes of criminality. The state of Hawai'i's population makes up only a small part of the U.S. population, so it was unlikely that many of the participants were from there. This was a problem for both studies and could explain the lack of negative stereotypes in Study 1 and the lack of significant results in Study 2. Future studies might consider replicating these studies with only Hawai'i residents, only continental U.S. residents, or even comparing the two samples.

Another limitation in this research was the lack of contingency between studies. While both parts are related, they are not dependent on one another, so there was no way to tell how the stereotypes found in Study 1 may be affecting the results of Study 2. Due to the lack of significant results in Study 2, that is there were no differences between sentences assigned to each group, it may be that the stereotype of *friendly* was affecting participants' perceptions. However, the design of the studies do not allow for those conclusions to be drawn. A revision to the design could be that stereotypes found in Study 1 could be used as primes for Study 2. For

example, one prime could be an episode of “Hawai‘i Five-O,” in which Native Hawaiians are commonly portrayed as criminals. The other prime could be a video that more positively portrays Native Hawaiians or focuses on tourism and the “aloha spirit.” The difference in sentences between these two primes could provide more insight into what is happening to actual Native Hawaiians who come in contact with the criminal justice system.

There are also a few limitations that are specific to Study 2. The first was that it was underpowered. While there were no significant results for the main effect of race or the interaction of race and type of crime, there could have potentially been significant results if there were more participants. Although, the direction of the data was not as expected either. This could be because of the strength of stereotypes such as *friendly* over other more negative ones. Another limitation to consider is the effect of today’s political climate on participants’ responses. Independent of what condition they had been assigned to or what their social desirability score was, people are hypersensitive to issues of race because of what is going on in current events (i.e. Black Lives Matter, police brutality, etc.). By default, participants may have been automatically sentencing White defendants higher than they would have a year ago, and people of color lower than they would have a year ago.

Although these limitations may restrict the scope of this particular research, the results are nonetheless important. Study 1 indicated that stereotypes of Native Hawaiians are generally positive and similar to those of American Indians. Thus, future studies should further examine why there was a discrepancy between these stereotypes and actual incarceration rates of Native Hawaiians. While results of Study 2 were inconclusive, future studies could continue expand beyond research examining the Black-White dichotomy to explore what is happening to Indigenous people, including Native Hawaiians, in the criminal justice system. For example,

there are other parts of the legal system in which Native Hawaiians are treated disproportionately. It should be considered that there are multiple steps in the legal process that could also be influenced by stereotypes. Future studies could examine why Native Hawaiians are more likely to be arrested and to experience parole revocations (Office of Hawaiian Affairs, 2010). Future research could also focus on different areas in which discrimination is occurring, so we can comprehensively understand what is happening and how to fix it. Hopefully this current research will stimulate further investigation because there is so much more work to be done! We need to first understand the root of the problem, whether that be implicit racism or another factor, before we can develop a solution to the injustices that Native Hawaiians face.

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Appendix A**Adjective List**

impulsive	sly	unreliable	brilliant
superstitious	practical	cruel	uneducated
friendly	poor	imaginative	subservient
rude	progressive	submissive	quiet
honest	revengeful	ancient	quick-tempered
ritualistic	artistic	unsophisticated	sensitive
conceited	conservative	straightforward	greedy
talkative	industrious	relaxed	conventional
witty	gambling	generous	argumentative
rough	clumsy	aggressive/tough	family-oriented
inferior	courteous	primitive	pleasure-loving
hunters	boastful	methodical	sportsmanlike
faithful	alcoholic	cultured	reserved
stupid	criminal	passionate	welcoming
deceitful	loud	unintelligent	tropical
musical	athletic	naive	materialistic
ambitious	ostentatious	persistent	cowardly
frivolous	nationalistic	kind	sexually perverse
stolid	efficient	spiritual	dirty/smelly
suggestible	traditional	stubborn	scientifically-minded
rhythmic	ignorant	individualistic	
lazy	brave	radical	

Appendix B

Study 1 Instructions

Stereotype Assessment Instructions:

“Look through this list of adjectives and click on at least 5 words that you believe to be stereotypes of **Native Hawaiians/American Indians/Black Americans**. These stereotypes are not necessarily representative of your beliefs of this group, but rather your knowledge of stereotypes that exist about **Native Hawaiians/American Indians/Black Americans**. Once you have selected at least 5 words, you may choose to add to the list in the text box at the bottom of the page.”

Personal Beliefs Assessment Instructions:

“Look through this list of adjectives and click the words that you personally believe to be true of **Native Hawaiians/American Indians/Black Americans** as a group. The traits you select should represent your beliefs of this group. Once you have finished selecting words, you may choose to type in other adjective in the text box at the bottom of the page.”

Appendix C

Intake Form – Native Hawaiian/White Violent Condition



Police Department
Intake Form
Incident Report #982031

Date Reported: 11/19/20 20:45		Date Occurred: 11/19/20 20:30	
Location: The Sports Bar 1234 Main St.			
Incident Type: Aggravated Assault		Officer: Politi	
Name: Kawika Mahelona/David Johnson		Status: Defendant	
Sex: Male	Race: Native Hawaiian/White	DOB: 12/25/90	
Age: 30	Eye: BRO	Hair: BRO	HT: 5'10" WT: 200
Address:	[REDACTED]		Phone: [REDACTED]

Description: The defendant was at The Sports Bar with some friends when another man (Williams) from across the bar started trash-talking Mahelona. Mahelona told him to “knock it off.” When Williams didn’t stop, Mahelona got up and went over to Williams. Williams kept talking, and Mahelona warned him that he would fight him if he didn’t stop. Williams said something else, so Mahelona reached over the bar and grabbed a bottle. He used the bottle to hit Williams over the head. Williams fell to the ground and Mahelona continued punching and kicking him until the bartender pulled them apart. Williams was knocked unconscious and appeared to have a broken jaw and broken nose.

Reporting Officer: Politi	Signature: <i>Politi</i>
Supervisor: Kapetan	Signature: <i>Kapetan</i>

Appendix C (cont)**Memorandum – Native Hawaiian/White Violent Condition****MEMORANDUM**

To: Judge
From: Your Clerk
Re: **Kawika Mahelona/David Johnson** v. The People

PROCEDURAL POSTURE

The people brought the case against **Kawika Mahelona/David Johnson** to court on November 30, 2020. He is being charged with aggravated assault.

STATEMENT OF FACTS

As stated in the Incident report, on November 19, 2020, **Mahelona/Johnson** (defendant) was at The Sports Bar with some friends. At around 20:30, the Williams (plaintiff) began verbally harassing **Mahelona/Johnson**. According to witnesses, the Williams was visibly drunk and was slurring his words. **Mahelona/Johnson** told the plaintiff to stop talking or he would physically hurt him. When Williams didn't stop, **Mahelona/Johnson** walked over to him and they started talking in each other's faces. **Mahelona/Johnson** once again warned the Williams that things would get physical if he didn't stop talking. When he didn't stop, **Mahelona/Johnson** reached over the bar and grabbed a bottle. He hit Williams over the head, knocking him to the ground. **Mahelona/Johnson** continued to punch and kick Williams until the bartender and a few others pulled him off. Williams had a broken jaw and nose, fractured ribs, and collapsed lung. He is unable to testify in court as he is still in the hospital.

The defense argued that **Mahelona/Johnson** acted in self-defense. According to his testimony, Williams had said he would kill him. The plaintiff countered that argument, stating that there was no evidence to support that claim, as no one in the bar that night could confirm what their conversation was about. The plaintiff also argued that the punching and kicking that occurred after Williams was already unconscious and no longer a threat to **Mahelona/Johnson**, was what constitutes this crime to be aggravated.

The bartender also testified for the plaintiff claiming that **Mahelona/Johnson** was a regular at the bar and had been known to be "punchy." This was not the first argument that he has gotten in with someone at the bar, however it had never been that physical before.

RECOMMENDATIONS

The jury found **Mahelona/Johnson** guilty for aggravated assault. According to the sentencing guidelines, and the physical injury sustained by the plaintiff, **Mahelona/Johnson** should serve between 28 and 37 years in prison for his crime.

Appendix C (cont)

Intake Form – Native Hawaiian/White Nonviolent Condition



Police Department
Intake Form
Incident Report #982031

Date Reported: 11/19/20 20:45	Date Occurred: 11/19/20 20:30
Location: The Sports Bar 1234 Main St.	
Incident Type: Unlawful Sale of Drugs	Officer: Politi

Name: Kawika Mahelona/David Johnson		Status: Defendant	
Sex: Male	Race: Native Hawaiian/White	DOB: 12/25/90	
Age: 30	Eye: BRO	Hair: BRO	HT: 5'10" WT: 200
Address: [REDACTED]		Phone: [REDACTED]	

Description: The defendant was at hanging out outside of The Sports Bar by himself. Another man walked up to Mahelona and handed him money in exchange for a small bag of what seemed to be drugs. A regular at the bar that was headed outside for a smoke reported the exchange to the police. Upon arrival, Officer Politi questioned Mahelona and searched his car that was parked on the street. Politi found several large bags of marijuana in the trunk and placed Mahelona under arrest. Mahelona pleaded that he didn't know there was marijuana in the car. However, the bar regular stated that he had seen Mahelona in that car before.

Reporting Officer: Politi	Signature: <i>Politi</i>
Supervisor: Kapetan	Signature: <i>Kapetan</i>

Appendix C (cont)**Memorandum – Native Hawaiian/White Nonviolent Condition****MEMORANDUM**

To: Judge
From: Your Dearest Clerk
Re: **Kawika Mahelona/David Johnson** v. The People

PROCEDURAL POSTURE

The people brought the case against **Kawika Mahelona/David Johnson** to court on November 30, 2020. He is being charged with unlawful sale of drugs.

STATEMENT OF FACTS

As stated in the Incident report, on November 19, 2020, **Mahelona/Johnson** (defendant) was alone outside of The Sports Bar. At around 20:30, another man walked up to him and handed him money in exchange for a small bag containing what seemed to be drugs. A regular at the bar had witnessed this exchange and reported him to the police. Upon arrival, police searched Mahelona/Johnson's car and found several large bags of marijuana. The officer then placed Mahelona/Johnson under arrest.

The defense argued that there was no evidence that the witnessed exchange was an exchange of drugs. They also argued that Mahelona/Johnson didn't know that the drugs were in his car, and that he shared it with his roommates that may have left it there without his knowledge. To counter this claim, the man Mahelona/Johnson was selling drugs to testified on behalf of the plaintiff. The bartender also testified that Mahelona/Johnson regularly hung out around the bar and that the car did belong to him. The car is also registered under Mahelona/Johnson's name. Upon further research, the plaintiff also confirmed that Mahelona/Johnson's roommates had moved out and he was now the sole user of that car.

Narcotics found that Mahelona/Johnson was in possession of 22.4 pounds of marijuana. Also considering the bags and scale found in Mahelona/Johnson's car, he likely had the intention to distribute.

RECOMMENDATIONS

The jury found **Mahelona/Johnson** guilty for unlawful sale of drugs. According to the sentencing guidelines, and the amount of marijuana found in the car, **Mahelona/Johnson** should serve between 7 and 16 years in prison for his crime.

Appendix D

Sentencing Task and Manipulation Checks (nonviolent/violent conditions)

After reading through the intake file and memorandum, please circle your answer to the following questions:

1. According to the guidelines set by the United States Sentencing Commission, for this crime, defendants should serve between 7-16 years/28-37 years. How many years in prison would you sentence this defendant?

6/10 months	7/11 months	8/12 months	9/13 months	10/14 months	11/15 months	12/16 months
<hr style="border: 1px solid black;"/>						

2. On a scale of 1 to 7, how confident are you in the sentence you assigned?

1	2	3	4	5	6	7
Not at all confident						Extremely confident
<hr style="border: 1px solid black;"/>						

3. On a scale of 1 to 7, how culpable do you believe the defendant to be?

1	2	3	4	5	6	7
Not at all guilty						Extremely guilty
<hr style="border: 1px solid black;"/>						

4. On a scale of 1 to 7, how dangerous do you believe the defendant to be?

1	2	3	4	5	6	7
Not at all dangerous						Extremely dangerous
<hr style="border: 1px solid black;"/>						

5. Without looking at the information in the file, what was the name of the defendant?

- | | |
|--------------------|--------------------|
| A. Kawika Mahelona | B. David Johnson |
| C. Denver Jameson | D. Kamalei Mahinui |

6. Without looking at the information in the file, what was the race of the defendant?

- | | |
|-------------|--------------------|
| A. White | B. Black |
| C. Japanese | D. Native Hawaiian |