EXPLORING VIOLENT OFFENSES AMONG INCARCERATED WOMEN IN HAWAIʻI

Aerielle Reynolds, MSCJA and Erin Harbinson, PhD

Criminal Justice Research Institute, State of Hawaiʻi Judiciary

BACKGROUND

Most research on crime and offense patterns focuses on men, not women [1]. When gender is examined, most studies find that men engage in crime at much higher rates than women in all crime categories except prostitution [2]. Although many offenses are committed by both genders and demonstrate some similar patterns, the gender gap between men and women is most noticeable for serious crimes such as murder and robbery [3]. Since research studies include mostly men in their samples and policymakers focus on crimes that are violent or occurring at higher rates, little is known about gender differences [4]. Yet, some research suggests that women involved in the justice system have different pathways to criminality related to their histories of trauma, abuse, poverty, mental illness, substance abuse, and interpersonal relationships [5]. It is usually assumed that few women are violent, and yet very little quantitative data is evaluated to understand the extent of women's involvement in violent offending and the ways in which their histories and pathways intersect

with violence. This information is critical to understanding how best to work with women effectively, especially incarcerated women, to reduce their engagement in criminal activity.

The public and policymakers place great emphasis on the incidence and impact of violent crime in society. Statewide and national sources demonstrate the lower rates of involvement among women in violent crime. In 2020, four women committed murder in Hawai`i, while 38 (82.6% of all murders in the state) were committed by men [6]. Data analyzed from the National Crime Victimization Survey in 2020 found that 22% of all violent incidents were committed by women [7]. Additionally, data from the Bureau of Justice Statistics indicated that 38% of women in state prisons nationwide were sentenced for a violent offense as their most serious offense in 2018 [8]. While the rates are lower, violent offenses among females are not a rare occurrence and many are sentenced to prison. Understanding violent crime patterns is important for other reasons. Violent offense history is one of a myriad of factors taken under consideration by correctional systems when making security level classification decisions for both men and women, which can impact an individual's housing and access to programs while incarcerated.

This descriptive analysis by the Criminal Justice Research Institute stems from a request by the Women's Corrections Implementation Commission (WCIC) to explore the extent of violent crime among female prisoners in the state of Hawai`i. The WCIC was established by Act 244 (2022) to "(1) Develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system" (Hawai`i Revised Statutes § 615-1). Therefore, it is important to examine incarcerated women to learn more about their engagement in violent crimes.

METHODS

Data was collected on 200 women who were incarcerated in September 2022 at the Women's Community Correctional Center (WCCC), the only prison housing women operated by the Hawai`i Department of Public Safety. This information was manually extracted from the Department of Public Safety (PSD) and the Hawai`i criminal history record information system (CJIS). Offenses were coded as violent according to two definitions or classifications of violent offenses: (1) WCIC, and (2) PSD. It is important to note that Hawai`i currently has no statewide definition of violent crime, and other agencies may use different categorizations for violent offenses than the ones used in this analysis. When reporting violent crime rates, it is important to understand how violent crime is defined, as the inclusion or exclusion of specific offenses in a definition can impact the analysis. The more offenses considered violent, the more a study sample might grow or the more a violent crime rate might increase from a definition alone. Moreover, this analysis reflects the population of the WCCC at a specific point in time, and violent offenses among this population may vary over time, regardless of how violent crime is defined.

The *WCIC* defines violent crime as murder, manslaughter, robbery in the first degree, sexual assault in the first degree, kidnapping, and promoting child abuse in the first degree. According to this definition, all other offenses were categorized as non-violent for this analysis.

PSD uses four classification categories for violent offenses which are based on the Federal Bureau of Investigation's (FBI) definition of violent crime, with HRS codes assigned pursuant to the FBI's definition. The "major violent" category includes murder, manslaughter, negligent homicide, and negligent injury. The

"robbery" category includes robbery and extortion involving firearms, explosives, and dangerous weapons. The "sexual assault" category includes sexual assault, continuous sexual assault of a minor under the age of 14 years, indecent exposure, and incest. The "other violent" category includes assault, reckless endangering, terroristic threatening, kidnapping-related offenses, child abuse-related offenses, extortion-related offenses, and labor trafficking-related offenses. Among these offense classifications, all offense severity levels (i.e. first degree, second degree, etc.) are included when classifying an offense as violent. For this analysis, all offenses included in these four categories were collapsed into one violent category, and all other offense were classified as non-violent.

Analyses were conducted with both definitions for violent crime in order to compare the violent offenses focused on by PSD, which houses women at WCCC, and WCIC, which is focusing on diverting non-violent women from WCCC.

Measures

Violent offense information was analyzed using three different measures in this analysis. Both the lead offense for current stay of incarceration and all offenses for current stay of incarceration were extracted from PSD data. It is important to note the PSD data reflects convictions in most, but not all cases, as PSD records may not always be updated to reflect convictions associated with the instant offense. However, conviction history is from CJIS, and only includes charges that resulted in a conviction.

Lead offense was considered violent *if the violent offense was the first charge in the case* that resulted in the individual's current incarceration. It

is important to note, however, that lead offense reflects the most serious charge in most, but not all cases. This could be due to a more serious charge being added to a case at a later date or due to data entry error.

All offenses refers to capturing a violent offense across all offenses in the case for which an individual is currently incarcerated, since many individuals are charged with more than one offense. Therefore, an individual had to have *at least one violent offense* across their convictions associated with their current stay of incarceration.

Conviction history was coded as violent if the individual was *convicted of a violent charge at any time,* not just from charges related to their current stay of incarceration. For the purposes of this analysis, it is important to explore an individual's entire conviction history, as convictions from prior cases may be considered by criminal justice actors when making decisions related to sentencing, eligibility for community supervision, programming, and risk to public safety.

Convictions may reflect a somewhat more conservative account of an individual's criminal history than their charge history - charges may be dropped or reduced during plea negotiations or trial proceedings. As such, we caution against comparing rates of violent offenses using convictions with other measures of offending, such as charges and local arrest rates. Moreover, convictions impact sentencing and policy decisions differently than other measures of crime.

Analyses

Descriptive statistics were used to explore the involvement of women in violent crimes across all three measures with each of the two definitions for violent crime. In some analyses, women are counted and only included once in the count, whereas in other analyses, they may be counted more than once since one woman could have been convicted of more than one

offense in a case. For example, an individual may have been charged with or convicted of more than one type of violent offense such as kidnapping and assault, and therefore each offense was counted in that analysis.

Offense severity - A, B, or C felony, misdemeanor, petty misdemeanor, or violation - was analyzed according to HRS designations. For all offenses and conviction history in which an individual may have been convicted of more than one violent offense, the highest offense severity level was used in these analyses. Offense severity is important as it relates to sentence length. Maximum sentence lengths in Hawai`i vary by felony grade according to statute (HRS § 706-656, 706-659, & 706-660).

RESULTS

The following section presents the main findings of this descriptive analysis of violent offenses among female prisoners in the state of Hawai`i. In addition to exploring violent crime rates among women in the state, this analysis highlights the need for a clear and consistent statewide definition for violent crime that can be utilized by all criminal justice agencies in Hawai`i. Designating an offense, and subsequently the individual accused, charged, or convicted of a violent offense as a violent offender, has implications across all stages of the criminal justice system.
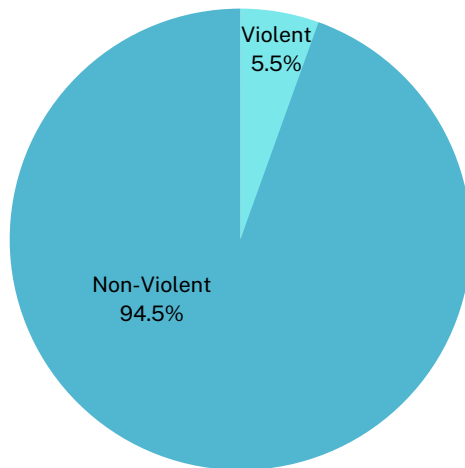
Comparing Rates of Violent and Non-Violent Offenders at WCCC
Lead Offense for Current Stay of Incarceration
According to the WCIC's definition of violent crime, 11 women (5.5%) had a lead offense for their current stay of incarceration that was classified as a violent offense and 189 (94.5%) women had a lead offense that was non-violent (see Figure 1). In comparison, 38 women (19%) had a lead offense that was classified as a violent offense and 162 women (81%) had a lead offense that was non-violent according to PSD's violent offense classifications (see Figure 2).
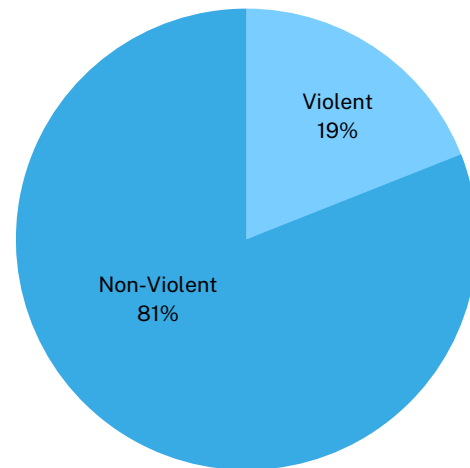
Figure 1. Lead Offense - WCIC Violent and Non-Violent

Violent
5.5%

Non-Violent
94.5%

Among the 200 women at WCCC, the lead offense for 11 women was classified as a violent offense according to the WCIC's definition of violent offenses.

Figure 2. Lead Offense - PSD Violent and Non-Violent

Violent
19%

Non-Violent
81%

Among the 200 women at WCCC, the lead offense for 38 women was classified as a violent offense according to PSD's classification of violent offenses.

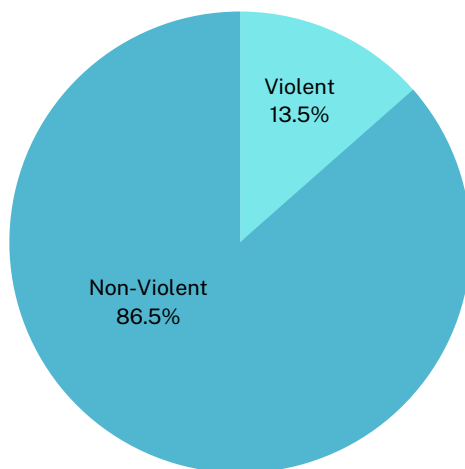*All Offenses for Current Stay of Incarceration*

According to the WCIC's definition of violent crime, 27 women (13.5%) had at least one violent offense among all offenses related to their current stay of incarceration and 173 women (86.5%) had no violent offenses (see Figure 3). In comparison, 81 women (40.5%) had at least one offense that was classified as violent among all offenses related to their current stay of incarceration and 119 women (59.5%) had no violent offenses according to PSD's violent offense classifications (see Figure 4).

When comparing the classification of women as violent using all offenses as opposed to lead offense, an additional 16 women are classified as violent according to the WCIC definition of violent offenses, and an additional 43 women are classified as violent according to PSD's classification of violent offenses. This finding highlights the importance of examining all offenses related to an

individual's stay of incarceration when determining violent offense classifications, as a violent offense may not always be captured by an individual's lead offense.

Figure 3. All Offenses - WCIC Violent and Non-Violent

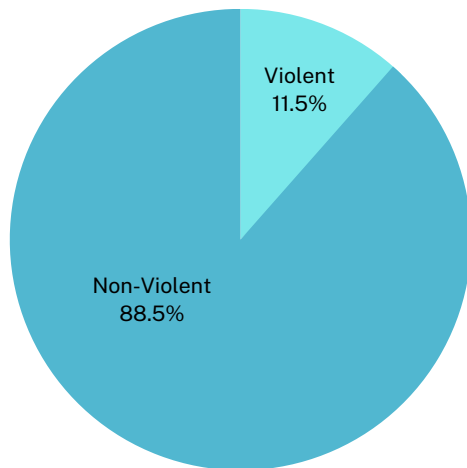Violent
13.5%

Non-Violent
86.5%

Among the 200 women at WCCC, 27 women had at least one violent offense among all the offenses for which they were currently incarcerated for according to the WCIC's definition.

Figure 4. All Offenses - PSD Violent and Non-Violent

Non-Violent
59.5%
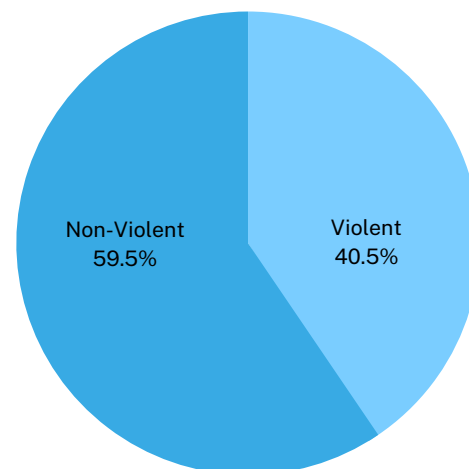
Violent
40.5%

Among the 200 women at WCCC, 81 women had at least one violent offense among all the offenses for which they were currently incarcerated for according to PSD's classifications.

Conviction History

According to the WCIC's definition of violent crime, 23 women (11.5%) had at least one violent offense among their conviction history and 177 (88.5%) had no violent offenses in their conviction history (see Figure 5). In comparison, 102 women (51%) had at least one violent offense among their conviction history and 98 women (49%) had no violent offenses in their conviction history according to PSD's violent offense classifications (see Figure 6).
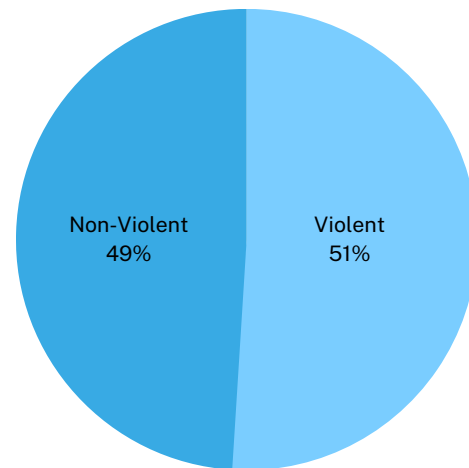
Figure 5. Conviction History - WCIC Violent and Non-Violent

Among the 200 women at WCCC, 23 women had at least one violent offense among their conviction history according to the WCIC's definition.

Figure 6. Conviction History- PSD Violent and Non-Violent

Among the 200 women at WCCC, 102 women at WCCC had at least one violent offense among their conviction history according to PSD's classifications.

Using the WCIC's definition of violent offenses, there are slightly fewer women who are classified as violent when using conviction history compared to using all offenses for current stay of incarceration. This finding, however, demonstrates the need for caution when comparing rates of violent crime across different data sources, in which the updating of records may suffer from potential lag time or data entry error.
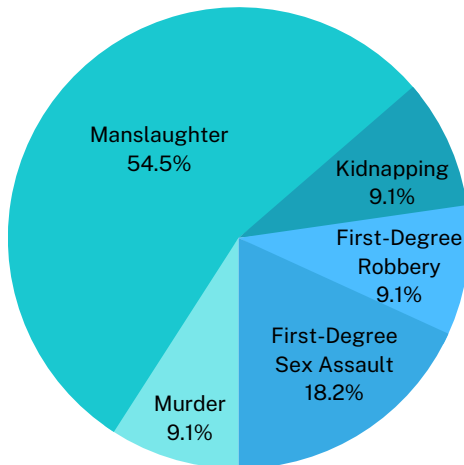
Violent Offense Characteristics

Lead Offense - Offense Types

Among the 11 women with a violent lead offense according to the WCIC's definition of violent offenses, manslaughter (6) was the most frequently occurring lead offense, followed by first-degree sexual assault (2), murder (1), first-degree robbery (1), and kidnapping (1) (see Figure 7). Among the 38 women with a violent lead offense according to PSD's classification of violent offenses, assault (15) was the most frequently occurring lead
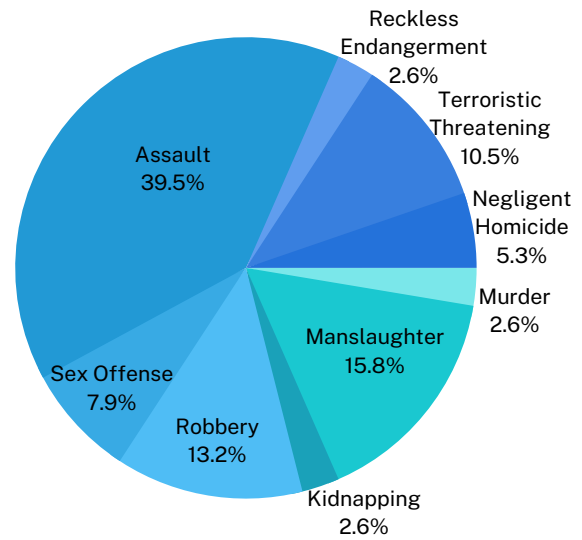
offense, followed by manslaughter (6), robbery (5), terroristic threatening (4), sex offenses (3), negligent homicide (2), murder (1), kidnapping (1), and reckless endangerment (1) (see Figure 8).

Figure 7. Lead Offense - WCIC Violent Offense Type

Among the 11 women at WCCC with a violent lead offense according to the WCIC's definition, manslaughter was the most frequently occurring type of violent offense, followed by first-degree sex assault.

Figure 8. Lead Offense - PSD Violent Offense Type

Among the 38 women at WCCC with a violent lead offense according to PSD's classifications, assault was the most frequently occurring type of violent offense, followed by manslaughter and robbery.

All Offenses - Offense Types

Among the 27 women with at least one violent offense among all the offenses related to their current stay of incarceration according to the WCIC's definition of violent offenses, murder (13) was the most frequently occurring violent offense, followed by first-degree robbery (9), manslaughter (8), kidnapping (4), first-degree sexual assault (2), and first-degree child abuse (1) (see Table 1). Among the 81 women with at least one violent offense among all the offenses related to their current stay of incarceration according to PSD's violent offense classifications, assault (34) was the most frequently occurring violent offense, followed by

robbery (26), terroristic threatening (18), murder (13), manslaughter (8), negligent homicide (5), kidnapping (4), sex offenses (3), unlawful imprisonment (3), reckless endangering (2), negligent injury (1), and child abuse (1) (see Table 2).

Table 1. All Offenses - WCIC Violent Offense Types

Offense Type	Frequency
Murder	13
First-Degree Robbery	9
Manslaughter	8
Kidnapping	4
First-Degree Sex Assault	2
First-Degree Child Abuse	1

Among the 27 women at WCCC with at least one violent offense according to the WCIC's definition, murder was the most frequently occurring type of violent offense, followed by first-degree robbery.

*Some women had more than one type of violent offense among all the offenses related to their current stay of incarceration, and therefore may have been counted more than once in the tables presented here.

Table 2. All Offenses - PSD Violent Offense Types

Offense Type	Frequency
Assault	34
Robbery	26
Terroristic Threatening	18
Murder	13
Manslaughter	8
Negligent Homicide	5
Kidnapping	4
Sex Offenses	3
Unlawful Imprisonment	3
Reckless Endangering	2
Negligent Injury	1
Child Abuse	1

Among the 81 women at WCCC with at least one violent offense according to PSD's classifications, assault was the most frequently occurring type of violent offense, followed by robbery.

When classifying an individual as violent based only on lead offense information, even serious forms of violent offending can fail to be captured, potentially resulting in the misclassification of offenders, as demonstrated by the higher numbers of murder and manslaughter charges among all offenses when compared to lead offense.

Conviction History - Offense Types

Among the 27 women with at least one violent offense in their conviction history according to the WCIC's definition of violent offenses, murder (8) and manslaughter (8) were the most frequently occurring violent offenses, followed by first-degree robbery (5), kidnapping (3), first-degree sexual assault (2), and first-degree child abuse (1) (see Table 3). Among the 102 women with at least one violent offense in their conviction history according to PSD's violent offense classifications, assault (55) was the most frequently occurring violent offense, followed by robbery (27), terroristic threatening (20), murder (8), manslaughter (8), reckless endangerment (6), negligent homicide (5), sex offenses (3), kidnapping (3), child abuse (1), negligent injury (1), unlawful imprisonment (1), and custodial interference (1) (see Table 4).

Table 3. Conviction History - WCIC Violent Offense Types

Offense Type	Frequency
Murder	8
Manslaughter	8
First-Degree Robbery	5
Kidnapping	3
First-Degree Sex Assault	2
First-Degree Child Abuse	1

Among the 23 women at WCCC with at least one conviction for a violent offense according to the WCIC's definition, murder and manslaughter were the most frequently occurring violent offenses.

*Some women had more than one type of violent offense among their entire conviction history, and therefore may have been counted more than once in the tables presented here.

Table 4. Conviction History - PSD Violent Offense Types

Offense Type	Frequency
Assault	55
Robbery	27
Terroristic Threatening	20
Murder	8
Manslaughter	8
Reckless Endangerment	6
Negligent Homicide	5
Sex Offenses	3
Kidnapping	3
Child Abuse	1
Negligent Injury	1
Unlawful Imprisonment	1
Custodial Interference	1

Among the 102 women at WCCC with at least one conviction for a violent offense according to PSD's classifications, assault was the most frequently occurring violent offense, followed by robbery.

When exploring specific offenses when classifying an individual as violent, the decrease in murder and first-degree robbery charges when using conviction history compared to all offenses further demonstrates the impact of using different data sources to make such determinations.
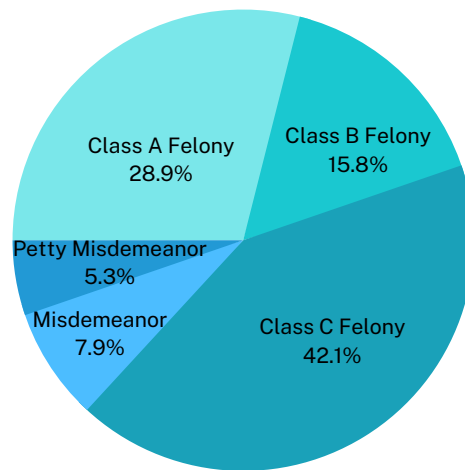
Lead Offense - Offense Severity

Among the 11 women with a violent lead offense according to the WCIC's definition of violent offenses, all lead offenses (11) were class A felonies (see Figure 9). Among the 38 women with a violent lead offense according to PSD's classification of violent offenses, lead offenses were most frequently class C felonies (16), followed by class A felonies (11), class B felonies (6), misdemeanors (3), and petty misdemeanors (2) (see Figure 10).

Figure 9. Lead Offense - WCIC Violent Offense Severity
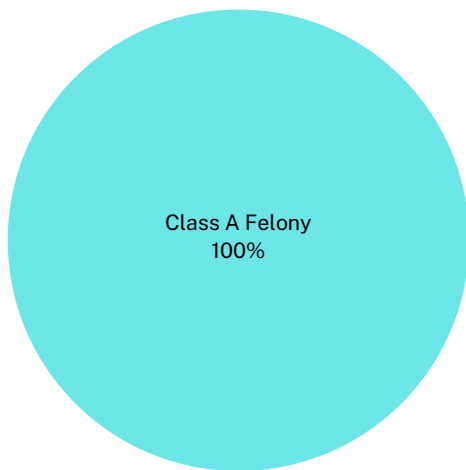
Among the 11 women at WCCC with a violent lead offense according to the WCIC's definition, all lead offenses were class A felonies.

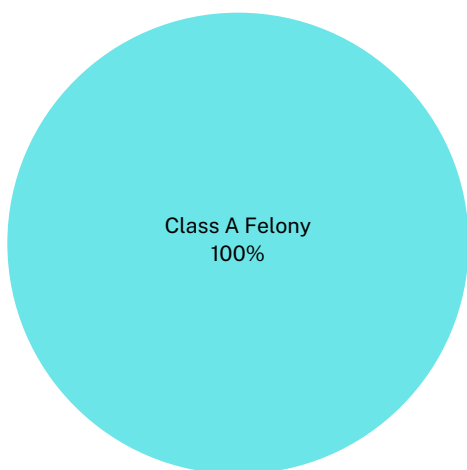**Figure 10. Lead Charge - PSD Violent Offense Severity**

Among the 38 women at WCCC with a violent lead offense according to PSD's classifications, lead offenses were most frequently class C felonies, followed by class A felonies.
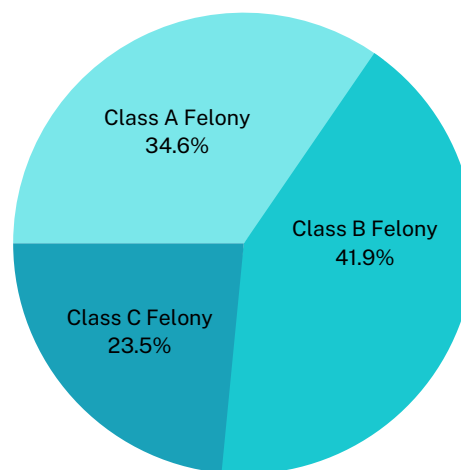
All Offenses - Offense Severity

Among the 27 women with at least one violent offenses among all the offenses related to their current stay of incarceration according to the WCIC's definition of violent offenses, all (27) had at least one offense that was a class A felony (see Figure 11). Among the 81 women with at least one violent offense related to their current stay of incarceration according to PSD's violent offense classifications, class B felonies (34) were the most frequently occurring highest offense level among all offenses, followed by class A felonies (28), and class C felonies (19) (see Figure 12).

Figure 11. All Offenses - WCIC Violent Offense Severity

Class A Felony
100%

Among the 27 women at WCCC with at least one violent offense according to the WCIC's definition, all had at least one offense that was a class A felony.

Figure 12. All Offenses - PSD Violent Offense Severity

Class A Felony
34.6%

Class B Felony
41.9%

Class C Felony
23.5%

Among the 81 women at WCCC with at least one violent offense according to PSD's classifications, class B felonies were the most frequently occurring highest offense level, followed by class A felonies.
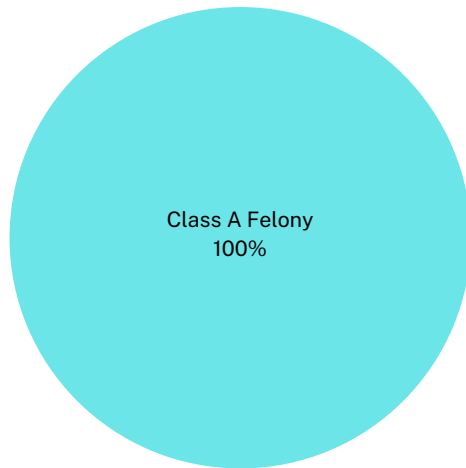
Conviction History - Offense Severity

Among the 23 women with at least one violent offense in their conviction history according to the WCIC's definition of violent offenses, all (23) had at least one violent offense that was a class A felony (see Figure 13). Among the 102 women with at least one violent offense in their conviction history according to PSD's violent offense classifications, class B
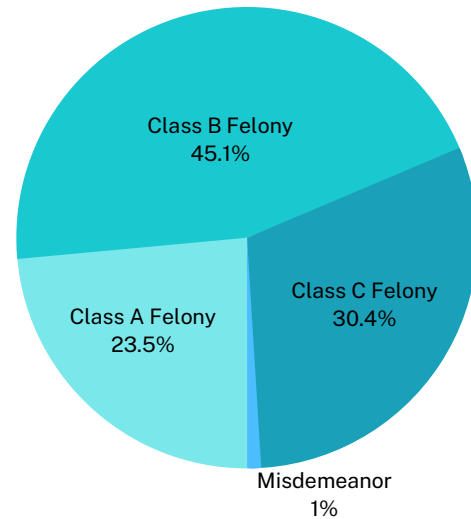
felonies (46) were the most frequently occurring highest offense level among convictions, followed by class C felonies (31), class A felonies (24), and misdemeanors (1) (see Figure 14).

Figure 13. Conviction History - WCIC Violent Offense Severity

Class A Felony
100%

Among the 23 women at WCCC with at least one violent charge according to the WCIC's definition, all had at least one charge that was a class A felony.

Figure 14. Conviction History - PSD Violent Offense Severity

Class B Felony
45.1%

Class C Felony
30.4%

Class A Felony
23.5%

Misdemeanor
1%

Among the 102 women at WCCC with at least one violent charge according to PSD's classifications, class B felonies were the most frequently occurring highest offense level, followed by class C felonies.

CONCLUSION

Determining whether an individual is considered a violent offender is critical to a myriad of decisions across the criminal justice system, including those made at arrest, during the pretrial phase, sentencing, incarceration, and in rehabilitative programming. While similar rates of violent female offenders in Hawai`i were found when using PSD's violent offense classifications in comparison to nationwide statistics, this was not the case with the WCIC definition, suggesting that narrowing down eligible offenses also narrowed down the population in a meaningful way. The findings of this study highlight two considerations when studying violent offenders. First, how violent offenses are measured, such as the use of

lead offense, all offenses, or conviction history, can play a prominent role in how many individuals are considered violent offenders. Second, the way in which violent crime is defined by criminal justice agencies plays an important role in how individuals are classified, which impacts how they are affected by decisions across the criminal justice system. In order to divert non-violent women from prison effectively, the WCIC should develop a clear approach to identifying non-violent women offenders in the system by (1) creating a well-defined policy and (2) creating a consistent definition to use in data collection and research.

When comparing the two approaches by the WCIC and PSD to measure "violent" offenses, there is a noticeable difference between the two outcomes. Regardless of the way violent crime was measured with lead offense, all offenses, or conviction history, each time fewer women are considered "violent" according to the offenses identified by the WCIC. This alone is not an issue, since sometimes non-violent offenses are targeted because there is more consensus to diverting individuals who have not harmed victims or the community as seriously. And, people often view non-violent offenders differently in regards to public safety. It may be worth the tradeoffs of potential future criminal activity with keeping women with their families and jobs. However, the PSD definition uses the FBI definition, which is likely followed by other state agencies. The WCIC approach raises the possibility that for certain policies, it may be worthwhile to examine other approaches to identifying non-violent women and men depending on your goals or research questions.

The analyses in this study demonstrate that regardless of your approach of identifying or defining violent crime, many women in WCCC are non-violent and may be appropriate for sentences in the community.

The data suggest that even with the broader definition of violent crimes that includes more offenses, there are still a number of women likely eligible for diversion from prison. Developing more community-based options for this group of female offenders might reduce the prison population over time. Should diversion opportunities be created, the WCIC has the potential to increase the number of women who are sentenced with options that permit them to remain with their children and in the community. Further, creating a better understanding on violent crimes may assist with larger efforts in reforming the criminal justice system. Though men are more likely to engage in violent crimes than women, creating more clarity around the role of violent crimes in considering policies and punishment could assist with larger system changes.

Additional Considerations

Though the WCIC is focusing on non-violent women offenders for diversion, there is more that could be done to learn about women who engage in violent offenses and the policies most effective for them. When looking at population data for WCCC it might seem that there are a certain percentage of violent women in prison, but it changes depending on the measure, data source, or approach. It could be important to classify women as violent in different ways for different decisions. Some criminal justice actors may only consider offenses related to an individual's instant case important to decision making, while others may take an individual's entire criminal history under consideration. For example, prisons and jails may need to consider specific behaviors, assessments, or other histories when classifying women in facilities to ensure that the women housed and staff working in facilities are safe. Or, depending on women's pathways into crime, it may be important to work with women in different ways depending on the nature of their violent offense history. A woman who

engaged in crime with her male partner might have different treatment needs than a woman who engaged in violent behavior to protect herself from an abusive partner.

Finally, many of the practices that address institutional safety and related issues were developed out of research and studies for men [9], and it is important to consider that prison policies designed for men may not apply in the same way given the different pathways into crime or different safety risks in facilities unique to women. Therefore, it is critical to consider how violent offense history is used in the classification or programming practices used with women in facilities. Policies should reflect what works best for women at all stages of the system including decisions about facility classification, identifying appropriate programs and services for rehabilitation goals, and creating a system of support through reentry to ensure they return to the community and do not continue to engage in crime. Whether violent or not, most women will return to the community, their families, and their children one day. Identifying effective practices from diversion through reentry are essential for their success and safe communities.

REFERENCES

1. Steffensmeier, D. J., & Allan, E. A. (1996). Gender and crime: Toward a gendered theory of female offending. *Annual Review of Sociology, 22*(1), 459–487. https://doi.org/10.1146/annurev.soc.22.1.459
2. Steffensmeier & Allen, 1996.
3. Steffensmeier & Allan, 1996.
4. Van Voorhis, P. (2012). On behalf of women offenders: Women's place in the science of evidence-based practice. *Criminology and Public Policy, 11,* 111-145.
5. Bloom, B., Owen, B., Covington, S., & Raeder, M. (2003). *Gender-responsive strategies: Research, practice, and guiding principles for women offenders (NIC 018017)*. National Institute of Corrections. https://s3.amazonaws.com/static.nicic.gov/Library/018017.pdf; Brennan, T., Breitenbach, M., Dieterich, W., Salisbury, E. J., & van Voorhis, P. (2012). Women's Pathways to Serious and Habitual Crime. *Criminal Justice and Behavior, 39*(11), 1481–1508. https://doi.org/10.1177/0093854812456777
6. Kaneakua, Z., Ishihara, K. & Perrone, P. (2023). *Crime in Hawaii, 2020.* Retrieved from: https://ag.hawaii.gov/cpja/files/2023/04/Crime-in-Hawaii-2020.pdf
7. Morgan, R. E. & Thompson, A. (2022). *Criminal Victimization, 2020 – Supplemental Statistical Tables* https://bjs.ojp.gov/library/publications/criminal-victimization-2020-supplemental-statistical-tables
8. Carson, E. A. and Mulako-Wangota, J. (2018) Bureau of Justice Statistics. (Percent of sentenced prisoners under state jurisdiction, by offense, sex, race, and Hispanic origin, December 31). Generated using the Corrections Statistical Analysis Tool (CSAT) - Prisoners at www.bjs.gov.
9. Wright, E. M., Van Voorhis, P., Salisbury, E. J., & Bauman, A. (2012). Gender-Responsive Lessons Learned and Policy Implications for Women in Prison: A Review. *Criminal Justice and Behavior, 39*(12), 1612-1632. https://doi.org/10.1177/0093854812451088; Van Voorhis, P. (2012). On behalf of women offenders: Women's place in the science of evidence-based practice. *Criminology and Public Policy, 11,* 111-145.