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Traumatized Children Need Our Love, Not Mass Incarceration

By: John Mizuno



Every year the United States prosecutes more children as adults than any other country in the world. A [2023 report by Human Rights for Kids](#) (HRFK) found that today there are more than 32,000 people in our prisons for crimes committed as children and more than 80 percent of them are people of color. In nearly every case where a child is tried as an adult, they are contending with adverse childhood experiences (ACEs), which measure ten distinct types of abuse, neglect, and traumatic events in early childhood. A national ACEs survey by HRFK of children tried as adults revealed that more than 70% experienced emotional and physical abuse, and another 40% experienced sexual abuse prior to their system-involvement. Parental divorce or separation is the most common traumatic event reported and is often accompanied by household substance abuse (75%), domestic violence (53%), mental illness (54%), and incarceration (64%).

Most of these children first come into contact with the system in our juvenile or family courts. Yet, the legal system rarely identifies or effectively responds to these levels of severe childhood trauma which have been causally linked to adverse brain development. Instead, when young children reach adolescence and predictably begin to act out we label them “Super Predators” and lock them away in cages.

Our mass incarceration of children begins as young as elementary school. In Hawaii, for example, we don’t have a minimum age for when a child can be arrested or prosecuted in juvenile court. Most Hawaiians might be shocked to learn that between 2020 and 2023 nearly 600 children age 11 or younger were arrested on the islands. These are kids in grade school who still believe in Santa Claus and the tooth fairy.

Treating children this way is a clear violation of the UN Convention on the Rights of the Child (CRC). While states like Texas, Louisiana, and Massachusetts have passed laws establishing a

minimum age for delinquency, sadly we have not. The CRC also prohibits sentencing children by the same standards we use for adults and placing children in adult jails and prisons. Despite Hawaii passing a resolution urging the U.S. government to ratify the CRC, we have yet to embrace these requirements.

That is why when I was in the Legislature, I worked with former Rep. Karen Awana to end life without parole sentences for children and then worked to pass a law requiring children to consult with legal counsel prior to waiving their Miranda Rights in 2023. These laws were based on human rights norms embraced the world over.

We still have more work to do in Hawaii which is why I am encouraging my former colleagues in the legislature to pass a trio of bills recently introduced by Senator Gabbard. His legislation would require judges to consider the impact of childhood trauma when sentencing youth tried as adults and give judges the flexibility to deviate from mandatory minimums. Another bill would prohibit children from being placed in adult correctional facilities in order to protect them from physical and sexual violence at the hands of adult prisoners. Finally, his reforms would also establish a minimum age of 12 before a child could be arrested and adjudicated delinquent.

Fred Rogers once said that “Love is at the root of everything, all learning, all relationships. Love or the lack of it.” We must embrace this notion and show the most victimized and vulnerable children in our state that we love them despite their mistakes. We can uphold public safety while simultaneously protecting the human rights of our children. Senator Gabbard has provided a blueprint; we should embrace it.