

**Directed Study**

**Juvenile Justice**

**Pipeline from Elementary School to Prison**

**In The United States of America**

**By James S. Paicopolos**

## Introduction

Teaching practices and child behavior management policy and practices both at home and in School in the United States have been unable or contribute to the United States having the highest incarceration rate in the world.

Some schools not been a pipeline from elementary school to prison. These schools tend to be far from the inner city schools, and located in wealthy school districts.

However, in many inner city school districts, the hard line taken toad elementary school students cannot be understated, as contributing to the conduit from school to prison. Hispanic and Black children, tend to reside in the inner city schools, in locations where there is a high rate of incarceration. "The school to prison pipeline" has many factors. To protect children from real danger from intruders, there are downs and makes the school begin to look more like a prison, where the "inmates" cannot leave and are isolated from the regular population.

Disruptive Children are often given drugs, to control their behavior, which also serves as a chemical restraint. Just today, I heard from a parent complaining about her 7 year old not being able to control his behavior even though he was taking Ritalin 20 mg in the morning and 10 mg in the afternoon. He had originally begun taking this medication to manage his behavior. Yet the drugs, according to his mother was not effective in controlling this child's behavior.

The policies, which occur in some schools, end up having some school programs, being more like a jail than a school. In one program, which I left, because I disagreed with the school policy, this is exactly what happened. I was transferred to

work at the particular middle school because I was very effective with behavior management, using a positive humanistic approach.

When I got there I was given a policy that I was not to let the students out of the classroom, unless they were supervised at all times. The students were not allowed to eat with the other students and they had to eat in the classroom.

Putting them together was very difficult because each of them would feed off each other's behavior. There were computers in the room, but because of filtering issues, the students had to be supervised on the computer at all times.

The result was that the co-teacher kept calling the police on several of the students. One girl was put in lock-up, for physically assaulting the other teacher, making the transition from school to prison. The principal and a police officer were called into her classroom almost on a daily basis.

The principal would threaten, that she would have each and every one of them locked up. She would bring the police officer with her.

What evolved was that the students began tattling on each other and engaging in setting up students and staff alike.

One student showed me marks on her arm, and stated that she had been assaulted by the classroom teacher, which meant that I had to report the incident to the school principal as it is required by the child abuse reporting law.

While I was out, of the classroom, as I was split across with another position, so I had to be elsewhere, the classroom exploded. The police were called. They tried to blame me for not being there, when I was assigned elsewhere, at which point I decided to quit. However, the main reason I wanted to quit was because of the policies set forth were not in line with my own education philosophy. My educational philosophy was

rooted in teaching kids how to manage their own behavior, and not to have their behavior managed by others.

The United States is one of the few countries that allow police officers to come into schools and arrest children for infractions that if they occurred in China or India would have been referred to their parents.

At Dartmouth Middle School, where we attended a special education meeting, there was a police officer to greet us, and to give us a badge and to sign in. While teaching at Tanming Primary School in Hainan, China, I did not have to sign in. The police officer was more of a greeter than anything else, and he did not have the power to arrest any child. The reason is that a child 14 years of age or under cannot be charged with a crime. From age 15 to 17, they are tried as juveniles, if they get into trouble. If convicted, they could be sent to a work-study school, where they have to work and study at the same time. They could also be sent to a special school for kids with emotional problems. Here the student to staff ratio, is extremely high, since there are very few children in these schools.

An example of how police can treat children as criminals even from a very young age is exemplified to the following:

James Pierce, a five year old boy attending kindergarten, was handcuffed to a chair at Northwest Elementary School in Newport, Tennessee after teachers complained that they were unable to control his behavior.

The boy's father was very upset because, he was wondering why the teachers could not have held him instead of handcuffing him?"

The boy's ankles were handcuffed by the school resources officer to the bottom of a chair.

"My husband asked them to let him off the handcuffs," she said. "He asked [the officer] six times before he let him loose."

School officials stated that the boy's behavior has been a problem since school began. That he has "escaped" from the school building at least twice.

The sheriff's department conducted an investigation into the incident.

"We came to a very clear, concise finding that this officer utilized his training and also whatever means necessary to prevent this child from injuring himself," said Cocked County Sheriff Armando Fontes.

James' mother says her son does have some behavioral problems and he is currently on medication, but she still feels more needs to be done to prevent something like this from happening again and the sheriff closed the investigation.

**<http://www.wate.com> Channel 6 ABC News, Knoxville Tennessee  
Josh Ault October 2012**

Another example is to the to the following:

In New York City in United States of America, The police handcuff and interrogated a seven year old boy for hours over a missing \$5. The police officers arrived at PS X114 on Dec. 4 at around 10:20 a.m., and handcuffed and held the boy in a room there for four hours. They then took him down to the 44th Precinct police station house where he was interrogated for another six hours.

The boy protested his innocence, to no avail.

“The boy was then charged with robbery.

At the age of 7, he was now accused of being a criminal and charged with a crime.

Instead of earning him a simple trip to the principal’s office, a terrified 7-year-old boy was dragged out of his first grade class, handcuffed just like a hardened criminal and “interrogated” by the police in the Bronx for 10 hours.

According to his mother, “My son was crying, ‘Mommy, it wasn’t me! Mommy, it wasn’t me!’ I never imagined the cops could do that to a child. We’re traumatized,” Wilson Reyes’ distraught mom, Frances Mendez told The Post last night."

The boy's mother and her sister first went to the police station, where they were told she was not allowed to see her son.

When the police finally allowed his mother to see the boy he was found seated in a shabby chair with his left wrist cuffed to the wall, Mendez said. She quickly snapped a photo of the scene.

It turned out that this boy had been falsely accused of taking it. Another boy finally admitted to taking the money and the city’s Law Department ended up dropping the robbery charge against the boy on Dec. 26, 2012.

“He was charged with robbery. The allegation was that he punched the kid and took his money. He took the money forcibly.

**New York Daily Post Douglas Montero January 30, 2013**

Both of these cases made the headlines, because both of these boys are so young, however in my experience as a teacher, the police are far more involved with older juveniles, and these cases are often not reported so much in the news, especially when the youth is seventeen years old, where he can now be charged as an adult, without any petition from the District Attorney. In China and other countries, a youth cannot be charged as an adult until age 18. Fighting or stealing in school can bring an action by the police along with formal charges. A friend's son made a told the teacher he was going to "bang him out". That threat led to an indefinite suspension, along with a formal charge to assault, backed up by witnesses. The boy ended up dropping out of school in the tenth grade at age 17. The charges, however were dropped, as the parents got a lawyer involved in the case.

In addition a child consistently misbehaves in the United States; they are frequently labels as having some kind of mental disorder even when being tried as an adult in a criminal matter, thus employing a double standard. A nine old child can be charged, with rape, however, according to the law, he is not capable of entering into the decision of have this type of encounter! I was asked to test an eleven year old boy, who had been charged with rape at the age of 9. What made this situation even more difficult was that the neighbors in this housing development wanted him out of the neighborhood and were filing nonstop pressure to get them out. The District Attorney of Plymouth County, Timothy J. Cruz, was hell bent on charging this boy with the crime. The case had already been going on for two years, when I intervened. I wrote the evaluation that was presented to court. I argued that boy's emotional state, was

younger than his stated age, which the judge thankfully took into account, and they charges were dropped.

While working in Lawrence Public School, a fifth grade boy, who was in my caseload, came to my office, crying and screaming. I asked what happened to his eye which was swelling up. He told me that the teacher had punched him in the eye. I took the boy to the nurse, and then I went up to the classroom to find out what happened. Another teacher was in the room, and the substitute teacher was in the hallway and scratching her hand. I was wondering why she was doing that. I questioned each child, as the assistant principal told me to do. They were all saying that the substitute teacher had assaulted the boy.

The school nurse put ice on the boy's eye. But the boy was still hysterical over what had happened. He would not let anyone but me go near him. The principal said that the boy was "out of control and the substitute teacher was not stating that in fact, the boy had assaulted her, when she tried to remove him from one of the computers in the back of the classroom. When she tried to move him, he scratched her hand, as she pulled away, she accidentally hit him in the eye.

That was the first story. I called the boy's mother, and she met me at the school as the ambulance was arriving. Instead, we together took the boy to his pediatrician on an emergency appointment. The pediatrician told me that it was the school responsibility to report the incident of child abuse.

I was the one who ended up filing the report against the substitute teacher.

The school took another view. Now they were saying that the boy had been playing ball a few days ago and had been hit in the eye. The teacher was now crying that it was she who was assaulted, and not the boy.

The Department of Social Services sided with the teacher. Some of the students were now changing their original. The boy was not the one being charged and they were moving for school expulsion. I was able to get the boy not expelled. Both his father and mother told me because they were Dominican that they would lose, if they brought action against the school for lying and doing this to their son.

I still cannot believe this really happened.

The rational for this paper is the following:

- To determine the factors are present when children are not involved in the juvenile justice system.
- To determine the factors that is present when children enter the juvenile justice system.
- To determine pathways to academic and job success. Job success as defined here means being able to hold onto a job and having the funds to adequately afford decent housing, food, money for entertainment and clothing.
- This study will reflect on James's experiences teaching in United States in an inner city school of primarily low Achieving Hispanic Children

**Rational:**

- The United States "Enjoys" the highest incarceration rate in the industrialized world. The mental health status of American children has continued to decline resulting in large populations of male youth and young adults graduating to prison, most of whom are minorities. The United States enjoys the highest numbers of children who are available for adoption in the industrialized world.

Black and Latino juvenile delinquents are now requiring prisons built to house their growing numbers. Instead they find themselves behind bars than in college, as a result of punitive laws that classify them as criminals status offences "acts that would not have been a crime if they were adults. At the same time, they can still be tried as adults. The majority of Americans surveyed still demand harsher punishment for juveniles. While working at Lawrence Public Schools I attended a workshop presented by the Assistant Superintendent of Schools, Marylou Bergeron. She told us that if two underage students had sex, and they told us, we were required to inform the district attorney's office. If hypothetically, they were both charged and convicted, both these students would have to register as sex offenders for the rest of their life, yet this law remains on the books.

One of the reasons, why Americans want an even more vindictive penal system, for juveniles and adults is the result of the way news is broadcast. Sensationalism sells newspapers, judges who are too lenient, especially on a case that has been blasted in the news, risk losing their reputation or even their job. Juries who provide not guilty verdicts are often seen as too lenient by the media, as by saying so, sells. Politicians who appear to be soft on crime, risk not getting elected.

Michael Dukak was seen as being soft on crime, which may have cost him the presidential election.

One fascinating point is that juveniles, who are sent to residential treatment facilities, are often chemically restrained, with drugs.

## **Discussion**

While working as a school psychologist I noted three, factors. These factors were typically present in children committing disruptive behavior and general delinquent behavior. Although trauma increased the level of disruptive and acting out behavior, it was far the sole reason for middle and high school juveniles committing acts of aggression and violence. Clearly the main factor that emerged was that the greater the level of true poverty, the family was experiencing, the greater likelihood, the juvenile was engaging in serious delinquent behavior. Student's whose parents had no car and were homeless rose to the top of the list, of having delinquent behaviors. Co-morbid with this population was family separation of one or more biological parents. Juveniles placed into foster care presented as having the greatest amounts of behavioral difficulty and had the greatest chance of ending up at a residential treatment facility or a detention center. I was responsible for these students when they came under my case load. If I was not succeeding ameliorating the student's behavior, I had to meet with the assistant principal, who would complain that my behavior management program was not working properly. The school was responsible for the student to obtain a high MCAS score or the school could be in jeopardy of state receivership for not making Annual Yearly Progress regardless of the reason.

Six high risk students were placed under my case load. A proactive approach was used where; close contact was maintained with the juvenile's family, with weekly meeting with the juveniles guardians, in some instances. With comprehensive staff and parental support, the delinquent and inappropriate behavior, came to as stop, as noted by the school administration. Inappropriate behavior is defined by the school handbook, which is developed by the school administration.

The program focused on placing the students in responsible positions such as peer tutoring, instead of focusing on greater supervision along with positive reinforces for good behavior.

When I my career, as a special education teacher at Stevens Children's Home in Swansea, MA. The students bitterly complained that they wanted to be returned to their families and some were insisting that they were never abused. Upon reviewing the social history of these students. The Department of Social Services determines who is abused and/ or neglected. The records often conflicted as if a lot of the child's records, had been "cut and paste" from a generic template, as one report resembled the other too closely. What was missing was hard evidence, that the child has been abused in the first place. In many instances, the reason the child was removed from the home, was because of the mother or father's past history and that it was suspected that the child was therefore being abused.

In one instance, a student has been placed into residential, because his mother was mentally retarded. It was later discovered that the mother was deaf and not retarded, after speaking with the student and a record review.

According to Brittany Nunn, statistics show the future lives of many of the children in who enter the foster care system. [What do they show about the children's future life?]]A top official of Arrow Child and Family Ministries, which is an international child placement agency, reveals that the statistics describe a "national foster care crisis."

Of the 349 children from Randall and Potter counties in foster care, according to national statistics provided by Arrow, 40 to 50 percent of those children will never complete high school. **"Sixty-six percent of them will be homeless, go to jail or die within one year of leaving the foster care system at 18."**

In addition, according to Arrow, Eighty percent of the prison population once was in foster care, and that girls in foster care are 600 percent more likely than the general population to become pregnant before the age of 21.

"Keith Howard, state director of Arrow Child and Family Ministries in the Texas Panhandle, said the numbers show that the foster care system has failed children."

**"A lot of it is cyclical stuff that we see, so when we never engage that child and break the cycle, we in turn empower that cycle,"** Howard said.

"Just having that knowledge that someone is there that loves them and cares about them, that stabilizing force of knowing there's someone who cares and is going to be there," he said.

You don't want a long list quotes and references to points from articles. Try to integrate all this into a single argument that represents your position. You certainly can and should present positions you disagree with and critique them.

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A Department of Justice Study “Crime during the Transition to Adulthood How Youth Fare as They Leave Out-of-Home Care” supported the above finding.

Youth making the transition from out-of-home care to independent adulthood were more apt to commit crime than others. The DOJ concluded that the link between group care and violent crime was particularly strong for African-American youth, high numbers of foster-care placements and contributed to increases in both violent and nonviolent crime and foster youth were much more likely than their peers to be arrested as they made the transition to adulthood.

### **Crime during the Transition to Adulthood How Youth Fare as They Leave Out-of-Home Care**

Gretchen Ruth Cusick, Mark E. Courtney, Judy Havlicek Nathan Hess

#### **United States Department of Justice Report. 2010**

An internet search, for the keys words “Massachusetts Foster Care Juvenile Crime. Came up with numerous foster care agencies looking for foster parents and articles on criminal record checks for foster parents. This leads to

According to Ming Ming Chiu, social inequality, family and school characteristics were linked to student achievement, as shown by multi-level analyses of 107,975 15 year olds' mathematics tests and questionnaires in 41 countries supported the great the families financial resources and the greater the resources of the school equated higher mathematics scores. Students scored higher were defined as coming from families or schools with more resource such as two parents, more educational materials, higher achieving classmates class time and well trained educated teachers. Other factors included intangible benefits such as good communication, discipline, teacher-student relationships). Students living with grandparents or siblings especially older ones, scored lower. Regardless of other factors, physical family resource showed similar results across countries supporting that the greater the family's financial resources, the better the child did better in school.

The Productivity Commission released a report which says rich kids do better at school as they luck into their parents' "cognitive abilities and inherited genes".

It lists being genetically smarter alongside access to books and computers, parental attention and aspirations, and schools as a reason why one-in-five poor kids lag behind ones from rich homes.

However, this report does not take into account that rich kids may have better access to healthy food and better nutrition.

<http://www.businessinsider.com/report-rich-kids-do-better-at-school-than-poor-ones-because-their-parents-are-smarter-2013-7#ixzz2jcg6DZcu>

Juvenile Incarceration: Are We Locking Away Our Nation's Future? Aug 20th, 2013 | By Alex Usher | Category: Child & Family, Law & Justice, Research in Brief Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges Anna Aizer and Joseph J. Doyle, Jr. 2013.

"As of 2010, there were over 70,000 juveniles in detention in the US on any given day. "

Courts have been given recently to increased flexibility to handle juvenile cases differently than those of adult offenders. There is now recognition that juvenile incarceration most likely results in incarceration as an adult. This can be observed, for example, in the "school-to-prison pipeline", which the Obama administration has recognized.

In a paper written in 2013 by the National Bureau of Economic Research authors Anna Aizer and Joseph J. Doyle, Jr. examined data on 35,000 offenders in Chicago and found "that juvenile incarceration more seriously effects human capital than does adult incarceration and greatly increases the likelihood of both dropping out of high school and of incarceration as an adult."

They used 10 years of juvenile court, public school, and adult incarceration information from Chicago. The results were that lifetime consequences of juvenile incarceration resulted in juveniles graduating to prison. Juveniles who are incarcerated behave

differently in many ways than juveniles who have been never arrested. Using an instrumental variable approach to "compare juveniles aged 10 to 16 who were charged with the same crimes but randomly assigned to different judges and therefore given different sentences."

It was determined that juveniles placed in a correctional facility has a criminogenic effect. Juveniles who are incarcerated are 22 percent more likely to be incarcerated as an adult when compared to other juveniles who are the age. "When comparing incarcerated juveniles to juveniles who were also charged with the same crimes but were not detained, those incarcerated are 15 percent more likely to be incarcerated again as an adult. The conclusion is that that for juvenile offenders, time in a correctional facility proves to have a criminogenic effect, while at the same time costing the tax payer a small fortune. The cost of providing residential care of a juvenile can range from 50,000 to 200,000 dollars per year.

Juveniles who are incarcerated are 30 percent less likely than other juveniles to complete high school. "Incarcerated juvenile offenders experience a significant and sometimes irreparable interruption on the track to high school graduation", which affects their ability to be gainfully employed and to have a decent wage.

The younger the juvenile is incarcerated, the greater likelihood they will graduate to prison and therefore enter the school to prison pipeline. Juveniles at ages 15 and 16 are much more likely to enter prison. In addition, the United States spends an average of \$6 billion a year incarcerating juveniles while at the same time creating a pipe line to the prison industry. These juveniles when they graduate to prison also become very profitable for privatized prisons for profit.

An internet search for Judges who want to "cash in" on the prison industry, The "Kids for cash scandal" scandal is a clear example of how this issue is not fiction but fact.

(Wikipedia, the free encyclopedia)

"The "kids for cash" scandal unfolded in 2008 over judicial kickbacks at the Luzerne County Court of Common Pleas in Wilkes-Barre, Pennsylvania. Two judges, President Judge Mark Ciavarella and Senior Judge Michael Conahan, were accused of accepting money from Robert Mericle, builder of two private, for-profit juvenile facilities, in return for contracting with the facilities and imposing harsh sentences on juveniles brought before their courts to increase the number of inmates in the detention centers."

For example, Ciavarella sentenced children to extended stays in juvenile detention for offenses as minimal as mocking a principal on my space, trespassing in a vacant building, and shoplifting DVDs from Walmart. Ciavarella and Conahan pled guilty on February 13, 2009, pursuant to a plea agreement, to federal charges of honest services fraud and conspiracy to defraud the United States (failing to report income to the Internal Revenue Service, known as tax evasion) in connection with receiving \$2.6 million in payments from managers at PA Child Care in Pittston Township and its sister company Western PA Child Care in Butler County. The plea agreement was later voided by a federal judge, who was dissatisfied with the post-plea conduct of the defendants, and the two judges charged subsequently withdrew their guilty pleas, raising the possibility of a criminal trial."

A federal grand jury in Harrisburg, Pennsylvania returned a 48 count indictment against Ciavarella and Conahan including racketeering, fraud, money laundering, extortion, bribery and federal tax violations on September 9, 2009. Conahan entered a revised guilty

plea to one count of racketeering conspiracy in July 2010. In a verdict reached at the conclusion of a jury trial, Ciavarella was convicted February 18, 2011 on 12 of the 39 counts he faced.

Following the original plea agreement, the Pennsylvania Supreme Court ordered an investigation of the cases handled by the judges and following its outcome overturned several hundred convictions of youths in Luzerne County. The Juvenile Law Center filed a class action lawsuit against the judges and numerous other parties, and the state legislature created a commission to investigate the wide-ranging juvenile justice problems in the county. (See: JLC's growing list of related Court Documents)

District Attorneys and Sheriffs use the "tough on crime" stance to get elected. This is seen in Bristol County Massachusetts with sheriff Hodgson, of Bristol County and District Attorney Sutter. Both politician ran and won by asserting a "tough on crime attitude". The results of their work, has been that local prison is now overcrowded, and on any given day, there is only "standing room only" at the Third District Court. Sheriff Hodgson, prides himself on 24 hour prisoner lock ups, little or no heat in the prison and brutal treatment of the inmates, to the extent that the prisons guards, have complained about his inhumane treatment. This treatment would be considered torture, in many countries.

In Massachusetts, criminal and child welfare caseloads in the juvenile courts have fallen sharply during these past three years, despite economic turmoil that has placed enormous strain on many families. However, this can be deceiving, as social programs such as unemployment benefits and food stamps significantly increased, while obtaining

social security benefits, has increased significantly, along with easier access to health insurance. This has placed significant capital in the hands of the poor.

None the less, this dramatic decline has been confounding status-quo social workers, lawyers, and child and family advocates. The advocates and social workers, have relied on placing children into foster care, often at the slightest provocation of child abuse.

The most common cases are for delinquency, which deal with criminal offenders under the age of 17.

Since 2007, delinquency juvenile delinquency has plunged 35 percent, according to court statistics. Cases involving troubled juveniles has fallen 15 percent over the past three years.

Coming at a time of high unemployment, housing instability, and budget cuts to social services, the decreases have defied easy explanation. However, during this time food stamps were increased and unemployment benefits were extended for as long as two years instead of the maximum range being 26 weeks.

“The Juvenile Detention Centers and Residential Treatment Facilities are crying, ‘Where are all the kids?’ Several Residential treatment facilities have even closed down. There is a very good reason to be crying, since a child in a residential treatment facility for a period of one year costs the taxpayers between 100,000- 200,000 dollars per year.

William Lyttle, president of KEY Program Inc., a Framingham social services group that helps hundreds of adolescents in the juvenile and child welfare system may possibly be upset, as his program loses funding. That

The reason could also be, budget-crunched police departments are spending less time prosecuting minor offenses, many say, while prosecutors are focusing more on crime prevention and sending low-level offenders to diversion programs outside the courts.

**Peter Schworm schworm@globe.com Copyright 2010 Globe Newspaper Company.**

One of the most significant reasons why juvenile crime dropped in China is the decriminalization of many crimes for juveniles along with a rehabilitative approach. During the last decade, the Chinese government decriminalized many offences for juveniles, along with increasing the age, which a juvenile can be charged with a crime to the age of 14, according to Miss Yao, administrator, Jaingsu Department of Education. She also mentioned that the school calls in the parents very quickly when a juvenile gets himself into trouble.

On Debate.org 63 percent of those who wrote on the topic " Should violent juveniles be treated as adults in court?" Felt that children should be tried as adults. The position that the majority of Americans feel that children, should be tried as adults, presents as valid. This may be why the United States, even though juvenile crime has been dropping, still has the highest incarceration rate in the world for adults and juveniles. Most states and the Department of Justice, can and do try juveniles as adults. Juveniles in the United States serve sentences far longer than any other country in the world. The Supreme Court recently, under pressure human rights advocates, recently, voted to allow for parole in cases where juveniles were being given life without parole. The United States has signed the UN Convention on the Rights of the Child, but is one of three UN members not to have ratified it (other non-ratifying members being Somalia and South Sudan). Article 37 of the Convention prohibits sentencing children under 18 years old to death or life imprisonment with no opportunity for parole. The United States currently complies with this article after three successive Supreme Court decisions:

In 2002, 22 U.S. states allowed for the execution of juvenile offenders. During this time, China had already abolished the death penalty for youth under the age of 18. The execution of juveniles in the United States ended, after the 2005 Supreme Court decision *Roper v. Simmons*, which found juvenile execution unconstitutional as "cruel and unusual punishment". The decision cited the Convention as one of several indications that "the United States now stands almost alone in a world that has turned its face against the juvenile death penalty".

The 2010 decision *Graham v. Florida* prohibited the sentencing of juveniles to life imprisonment without the possibility of parole for non-homicide crimes. As of the *Graham* decision, six U.S. states prohibited such sentences in all cases.

The June 2012 Supreme Court decision *Miller v. Alabama* Certiorari to the Court of Criminal Appeals of Alabama, No. 10-9646 (Argued March 20, 2012 - Decided June 25, 2012), majority opinion delivered by Justice Elena Kagan, held that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders.

Wikipedia.org United States Ratification, UN Treaty Rights of the Child.

At the state level, child welfare officials say they are focused on resolving more domestic situations and working with troubled teenagers in the teens' homes, rather than removing them from parents or guardians.

“On a philosophical level, we believe kids are better off if they can be at home rather than a juvenile facility or foster home,” said Angelo McClain, commissioner of the state Department of Children and Families. “We used to think, ‘Where can we find a bed?’ Now we think, ‘Where can we find a team?’ ”

The decline in cases involving youth who have committed crimes, or are otherwise deemed to be at risk, has delighted child advocates, who believe far too many adolescents — disproportionately African-Americans and Hispanics — are pushed before judges for relatively minor misconduct.

“I’d like to think that we’re finally waking up to the fact that this is not efficient,” said Josh Dohan, who directs the youth advocacy department for the Committee for Public Counsel Services, the state’s public defender organization. “To my mind, it should have gone down a long time ago.”

"Tewksbury said DYS has sharply reduced the number of juveniles who are detained, a 38 percent decline between 2005 and last year, on the belief that treating youths as criminals is counterproductive and may lead to more serious offenses down the line.

Five years ago, the department spent \$20 million to bring clinicians, therapists, and social workers to people's homes. Today, it spends twice that, even after recent budget cuts, because a far smaller share of its funds goes to residential placements."

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One of the first elements of the idea of residential treatment and juvenile detention, was the American Indian boarding school, which had disastrous results on the Native American Population. These boarding schools were established in the United States during the late 19th and early 20th centuries for the purposes of "educating" Native American children and youths.

Here the children were forbidden to speak their native languages. The experience of the schools was often harsh, especially for the younger children who were separated from their families. The children were encouraged or forced to abandon their Native American identities and culture. The number of Native American children in the boarding schools reached a peak in the 1970's , with an estimated enrollment of 60,000 in 1973. Investigations of the later twentieth century have revealed many documented cases of sexual, physical and mental abuse occurring at such schools.

Today, the majority of children committed to juvenile detention facilities are the Black male population. Nationwide, African-Americans represent 26% of juvenile arrests, 44% of youth who are detained, 46% of the youth who are judicially waived to criminal

court, and 58% of the youth admitted to state prisons (Center on Juvenile and Criminal Justice). NAACP.org <http://www.naacp.org/pages/criminal-justice-fact-sheet>

- From 1980 to 2008, the number of people incarcerated in America quadrupled- from roughly 500,000 to 2.3 million people
- Today, the US is 5% of the World population and has 25% of world prisoners.
- Combining the number of people in prison and jail with those under parole or probation supervision, 1 in every 31 adults, or 3.2 percent of the population is under some form of correctional control

The pipeline from school to prison appears to still be working well among black or people of color.

### **Racial Disparities in Incarceration**

- African Americans now constitute nearly 1 million of the total 2.3 million incarcerated population
- African Americans are incarcerated at nearly six times the rate of whites
- Together, African American and Hispanics comprised 58% of all prisoners in 2008, even though African Americans and Hispanics make up approximately one quarter of the US population
- According to Unlocking America, if African American and Hispanics were incarcerated at the same rates of whites, today's prison and jail populations would decline by approximately 50%

- One in six black men had been incarcerated as of 2001. If current trends continue, one in three black males born today can expect to spend time in prison during his lifetime
- 1 in 100 African American women are in prison
- Nationwide, African-Americans represent 26% of juvenile arrests, 44% of youth who are detained, 46% of the youth who are judicially waived to criminal court, and 58% of the youth admitted to state prisons (Center on Juvenile and Criminal Justice).

NAACP.org <http://www.naACP.org/pages/criminal-justice-fact-sheet>

## **Conclusions**

The factors are present when children are not involved in the juvenile justice system is that they are that they come from two parent households, where there is a high income and the family is **not** of color. In addition, children who score high on standardized tests and graduate from high school are at a much less risk of ending up in the prison system. In addition, they are typically are not in foster care or in state custody.

According to Sophia Lergy Sophia Kerby, special assistant for the Center for American Progress, "People of color continue to be disproportionately incarcerated,

policed, and sentenced to death at significantly higher rates than their white counterparts."

In determining pathways to academic and job success it can be concluded that, the "disenfranchising of thousands of convicted felons, who are of color by limiting voting rights and denying equal access to employment, housing, public benefits, and education" has had a crippling effect on job success as defined here means being able to hold onto a job and having the funds to adequately afford decent housing, food, money for entertainment and clothing.

The prison population increased by 700 percent from 1970 to 2005, a rate that has outpaced the growth in population. This incarceration rate has disproportionately impacted juveniles and men of color: "1 in every 15 African American men and 1 in every 36 Hispanic men are incarcerated in comparison to 1 in every 106 white men."

The Bureau of Justice Statistics reports that one in three black men will go to prison. Children and Juveniles of color face harsher punishments in school than their white peers, which has led to a higher number of youth of color imprisoned. **"Black and Hispanic students represent more than 70 percent of those involved in school-related arrests or referrals to law enforcement."** Regardless that the incarceration rate of juveniles has recently declined, it is still much higher than in China and the rest of the industrialized world. Presently, juveniles of color make up three fifths of confined youth today. Juveniles of color is defined here as "Black or Hispanic juveniles.

The Department of Education, reports that African American students are arrested far more often than their white classmates. "The data showed that 96,000 students were

arrested and 242,000 referred to law enforcement by schools during the 2009-10 school year. Of those students, black and Hispanic students made up more than 70 percent of arrested or referred students. Harsh school punishments, from suspensions to arrests, have led to high numbers of youth of color coming into contact with the juvenile-justice system and at an earlier age."

Black or African American youth have higher rates of juvenile incarceration and are more likely to be sentenced to adult prison. The Sentencing Project reports that even though African American juvenile youth are about 16 percent of the youth population, 37 percent of their cases are moved to criminal court and 58 percent of African American youth are sent to adult prisons."

The Top 10 Most Startling Facts About People of Color and Criminal Justice in the United States  
A Look at the Racial Disparities Inherent in Our Nation's Criminal-Justice System  
<http://www.americanprogress.org/issues/race/news/2012/03/13/11351/the-top-10-most-startling-facts-about-people-of-color-and-criminal-justice-in-the-united-states/> By Sophia Kirby

## **My Conclusions**

In Conclusion, the juvenile justice system, along with the public schools need change. Rather than to rely on police to control students in the schools, emphasis should be on the teachers and school administration, working alongside the parents to helping juveniles make the right choices. The barriers between parents and the schools must be torn down. Forcing every parent to obtain a Criminal Records Offenders Check (CORE ) to volunteer in the schools has done little to provide safety in schools. Sandy Hill is a clear example of that. Massachusetts was the last state to make teachers get fingerprinted, which also applies to volunteers, as a CORE check is not enough. Decriminalizing many nonviolent offenses for juveniles, would prove to make a dramatic change as it did in the People's Republic of China. Even non-status offences

such as school truancy, can land both the parent and child in the court house. So can drinking and doing drugs, both of which could easily be handled as civil offences. Providing cash assistance and increasing foods stamps, along with providing decent housing for every child would also make a tremendous difference, and could be easily paid for with the saving from incarceration, especially if one looks at this over a lifetime.

There must also be a conduit of school to higher education/ vocational education or jobs. Long term unemployed parents must also be a priority, as low income correlates well with juvenile incarceration. If parents are gainfully employed, even in a "made by the government job" then they are still paying taxes and it serves as a good example to youth. If they see their parents not succeeding in finding jobs, then they will see themselves not succeeding.

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