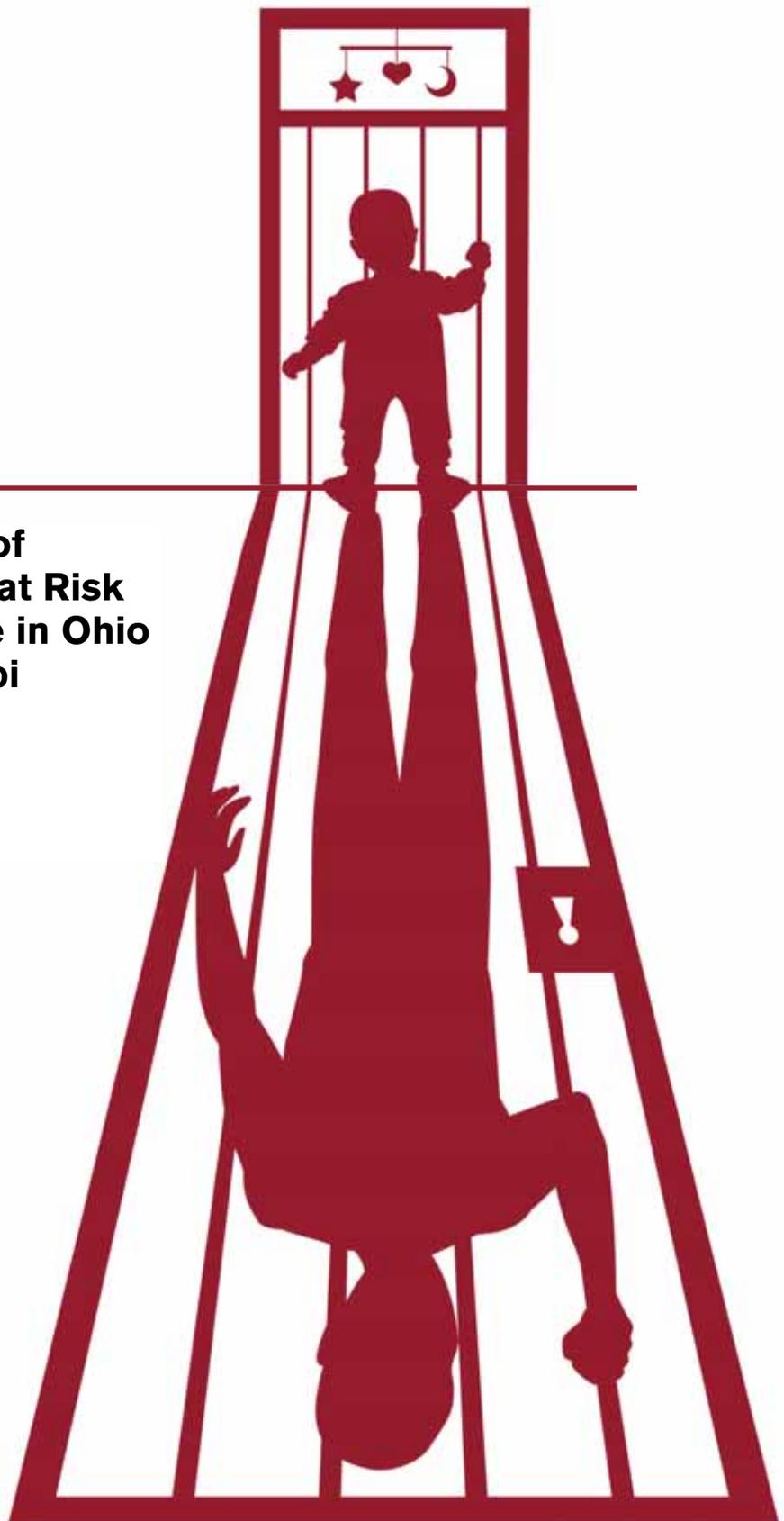


Part II

Case Studies of Children in or at Risk of the Pipeline in Ohio and Mississippi

by Julia Cass and
Connie Curry



Early Childhood

The Pipeline Begins: Brain Development and the Earliest Years

Researchers in Life Course criminology are moving away from what John Wright, a professor in the Division of Criminal Justice at the University of Cincinnati, calls “old clichés that poverty predicts crime or economic cycles predict crime.” These researchers draw data from neurology, psychiatry, developmental psychology, sociology, and criminology in an effort to understand more precisely the factors from the beginning of life that predict later incarceration.

Asked to describe a life course that could lead to chronic delinquency and eventual confinement in prison, Wright began with a child, not yet born, whose mother, a product of the pipeline herself, uses drugs, alcohol or tobacco during the pregnancy, explaining that these substances act as poisons to the development of the central nervous system and can retard brain growth. When the child is born, he or she is less likely than other children to be supported, guided, and nurtured if the mother remains addicted, does not get treatment, and other adults are not available to offer support and protection. “Add to this that this child is born into a neighborhood of concentrated poverty, where there also may be environmental dangers like lead paint poisoning, which is another predictor of later criminal behavior,” Wright said. (He and a doctor at Children’s Hospital of Cincinnati found that 39 to 49 percent of children in Over the Rhine, a poor neighborhood in the city, are lead poisoned.)¹

Wright has found that if these children do not get the early intervention, permanence, and stability they need, they are more likely to act out and fail in school from day one because they lack the skills they need to succeed. “Think about what school requires: discipline, the ability to acquire and process information and regurgitate it, self-control, the ability to move from one social clique to another, and follow directions from an authority figure. These are complex skills.” Research in neurology, he says, has shown that skills like delayed gratification and self-control are affected by the

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– Dr. Frank Putnam
Scientific Director, Mayerson Center for Safe and Healthy Children

injection of drugs and neurotoxins in the fetus and other environmental factors such as growing up in a chaotic or abusive household where self-control and other social skills are not taught.

A child who lacks basic social skills and self-control, he says, “will be ostracized because children are very perceptive about whom they like and don’t like, and this may make him more aggressive.” Such a child is therefore at greater risk of being disciplined, and having repeated, negative interactions with teachers and schools. In terms of risks for later delinquency and incarceration, Wright says, the key developmental factor in childhood is the development of self-control. “Most kids have this skill at a fairly early age; those who don’t—name the problems. Failure to navigate the social landscape in elementary school places a kid at really high risk of bad outcomes later in life—chronic unemployment, relationship problems, incarceration.”

In addition to behavioral problems, he will likely be behind cognitively by the age of five and steadily lose ground after that. This makes it difficult for him to get on to the path leading to college and is a predictor of later incarceration; two-thirds of men and women in prison in 2003 had less than a regular high school diploma, more than twice the rate found in the general adult population. The proportion of prisoners with a diagnosed learning disability is about three times that of the general adult population.²

Every researcher of early childhood emphasizes the importance of early childhood nurturing and stimulation for putting a child on a positive path toward adulthood because they literally help the brain grow, especially between birth and age seven, and even beyond.

“A study on vocabulary and expression noted that parents in a higher economic status tend to use a lot of words, and what you see on growth curves of their children is an exponential growth in what are considered the vocabulary centers of the brain,” explained Wright. “The brains of children born to parents who don’t have great vocabularies or who don’t talk much to them grow, but at a slower rate.” He said it is hard to make up for this deficit after brain growth slows. “This may explain the fourth grade plunge, when schools start to see substantial failures.”

According to Dr. Frank Putnam, a psychiatrist who studies the biological and psychological effects of stress and trauma on child development, enriched early environments are critical not just for learning language but for the capacity to deal with new things and change. He is the scientific director of the Mayerson Center for Safe and Healthy Children in Cincinnati, which evaluates children for child abuse and neglect and assesses prevention programs in the city that send nurses and social workers into the homes of at-risk first-time mothers. Before coming to the Mayerson Center, which is associated with Children’s Hospital of Cincinnati, he spent 20 years in developmental traumatology at the National Institute of Mental Health (NIMH) in Washington, D.C.

“The abused kids we studied at NIMH had smaller brains, even when you control for body size, because they don’t have rich connections among the nerve cells,” he said. That is why, he explains, “intervention from ages zero to three is so crucial.”³

Dr. Putnam emphasized that it is well known that being traumatized as a child increases the risk for committing violent crime or being the victim of violent crime. If you go into a women's prison, he noted, you will find over 90 percent of the women there have been victims of abuse and neglect. "If we could reduce the abuse and neglect in this generation of kids, it would have huge payoffs for our society, not just in terms of mental and physical health but in the area of crime."⁴

Neglect is damaging as well, he cautioned. "You see these kids; no adult is reading with them, working with them. They are parked in front of the TV, left to their own devices. That's not the kind of neglect that gets seen by child protective services but it is one that will cost them IQ points."

The importance of stimulation in the first years of life is dramatically underlined in the U.S. Department of Education's study of 22,000 kindergartners in the kindergarten class of 1998–99, which found that Black and Hispanic children were substantially behind their White counterparts in cognitive skills and knowledge *when they entered kindergarten*.

In reading readiness, 15 percent of Black children and Hispanic children were in the top quartile compared with 30 percent of White children. In math, 10 percent of Blacks and 14 percent of Hispanics, compared with 32 percent of Whites, scored in the top range. In general knowledge, 6 percent of Blacks, 12 percent of Hispanics and 34 percent of Whites were in the top quartile. Associated with high scores were the mother's college attendance and graduation, English spoken at home, a two-parent family, and not on public welfare.⁵

Bianca and Her Baby: Starting on the Right Track

The new mother asks Susan Taylor, a home visitor for the Every Child Succeeds™ program, whether she thinks the landlord of an apartment they visited will wait until she gets her first paycheck. She is especially anxious because few landlords will rent to 17-year-olds.

"He said he would," Taylor assures her. "Let's take this one step at a time."

Taylor has been visiting Bianca (not her real name) once a week since Bianca, a slender, pretty young woman, was seven months pregnant. She now has a two-month-old baby girl, and Taylor will continue to visit weekly until the baby is three years old. Taylor, a Black single mother with a two-year-old daughter, visits 30 first-time new mothers who live in the northwest part of Cincinnati, gently showing them parenting skills, plugging them into community services, and helping them deal with what she calls "stressors" in their lives. For Bianca, the stressor is living with her mother.

When Taylor arrived at the second floor apartment of a duplex home in early June, she complimented Bianca on how good the baby looked and picked her up from the new mother's lap. She held her close to her chest and said to Bianca, "If you hold her like this, she feels safer."

Mothers get into the Every Child Succeeds™ program through public service ads, referrals from doctors or child welfare workers, and through word of mouth. They must be first-time mothers, single, poor (up to 300 percent of poverty level for a family of two) and have had little or late prenatal care. “Most of our mothers have these risk factors and more—poor social supports, history of mental illness, drug and alcohol use, lots of stressors and crises. They don’t come from an environment where good parenting is the norm,” said Dr. Judith Van Ginkel, the director of the Cincinnati area program. “Sixty percent have a significant history of abuse and neglect themselves, which puts them and their children at a lot of risk. This doesn’t necessarily mean that they will abuse their children but they may associate with men who are abusers.”⁶

Dr. Putnam, who conducts research for the program, added that a third of the mothers, who are screened for depression when they join the program, score in the clinical range. “In the first year, another 15 percent become depressed.” For this reason, Every Child Succeeds™ has developed a pilot program that brings treatment for depression into the homes of these mothers. “This should be replicated everywhere because we know a mother’s depression in the first year profoundly affects attachment and bonding and causes significant problems for these children as they grow up—conduct problems, school performance, anger. Put together a clinically depressed young mother with a baby and virtually no resources and it is a prescription for tragedy.”

Bianca was referred to Every Child Succeeds™ by a caseworker for Children’s Protective Services. According to her and to Taylor, Bianca’s mother got angry about Bianca’s boyfriend, who has been in jail for several months, and “she put me out. That was when I was pregnant. Then she decided she wanted me back home.”

Her mother and a sister came to get her. “I didn’t want to come home and they dragged me. I’m stubborn.” They took her to the Hamilton County Juvenile Court Youth Center, the county’s detention center, as a runaway. “When I got there, my Mom hit me. The lady behind the desk at 2020 (what the youth center is called locally because 2020 is its address) said to her, ‘Ma’am you’re gonna have to stop.’ And she smacked me. My eye got black and my lip was busted, plus I had marks on my neck and scratches where they dragged me. They called the police on my mom. They accused her of child abuse and called 241-KIDS (the phone number for Children’s Protective Services). When they found out I was pregnant, they referred me to Susan.”

The tension continued between mother and daughter and, when the baby was two weeks old, Bianca and her daughter disappeared. “I finally found them at the baby’s father’s mother’s house,” Taylor said. “She and her mother had gotten into another argument over the father calling the house.”

Many of Taylor’s mothers have problems with their mothers, she said. “Sometimes (the older mothers) are so fed up by their daughters’ behavior or so angry that they got pregnant, which many of them have done, that they won’t help them. I had to show Bianca how to change diapers. Her mother wouldn’t show her. Her mother said, ‘This is *your* baby.’” Taylor tries to break the cycle of poor parenting. “When my mothers talk about what their mothers did that they didn’t like, I tell them, ‘Remember that and do it differently with your children.’”

Dr. Van Ginkel says that Every Child Succeeds™ does not ask the young mothers why they had babies, but from her experience, “with the young and poor women we serve, it often gives them a way to feel sort of special for a short period of time. People make a fuss over them and the baby.” She added that research shows that women who have been abused as children have a higher rate of early pregnancy.

Bianca lived in a number of different neighborhoods growing up but never in public housing, and she went to Montessori schools for a while, suggesting that her mother made an effort to give her a good start in education. She said she got a lot of As and Bs “when I didn’t get in trouble. I got suspended many times but I always kept my grades up.”

Asked why she was suspended, she said, “Fighting. Somebody look at me wrong. I don’t get my way. I had a real bad attitude problem.” At some point, she was sent to Project Succeed, a program for Cincinnati students who are considered unmanageable in their schools. She took classes and met once a week with a psychologist who, she says, “Talked to me and wrote down what I said for an hour so she could get a check.”

As she spoke, the baby, still held by Taylor, began to squawk and Bianca got up and went over to her. “Do you want a bottle?” she asked.

“You are picking up on cues,” Taylor commented. “That’s good.”

Taylor’s current priority for Bianca is finding her a place of her own. She doesn’t want Bianca to take off again, and independent living would make her eligible for more assistance. As it stood, Bianca was a minor living with her mother, whose income made Bianca ineligible for vouchers for discounted day care and other services. When school starts in the fall, she will be unable either to work or go to school because the girl who takes care of the baby now is also a high school student and Bianca can’t afford to pay anyone more. “It is imperative that we get her out by then,” Taylor said.

Her first step was finding an organization that provides funds for housing for underage mothers and children. But to qualify, the mothers must be employed. Bianca once had a job at a fast food restaurant, so Susan drove her there to put in an application. Not yet 18, Bianca needed a work permit from school. She lacks five credits for graduation and is trying to keep up through the city’s computer-based “virtual high school.” Taylor drove her to the school to get the permit, and then back to the restaurant to give it to them.

Once Bianca had the job, she and Taylor went apartment hunting. Taylor had identified some buildings and landlords that

Bianca’s infant daughter is not alone in having a father in jail; one and a half million American children have a parent or parents in prison.

“The mothers I visit are not aware of the programs and community services out there that can help them. I wouldn’t know myself if I weren’t doing this job.”

**–Susan Taylor
Home Visitor, Every Child
Succeeds™ Program**

would allow a 17-year-old to sign a short-term lease. When Bianca brought the baby out to Taylor’s car, Taylor recounted later, she asked her, “Where’s the car seat?” Bianca said she didn’t have one. She then borrowed one from her sister, who was visiting. Later, Taylor found a car seat at the agency where she works and gave it to Bianca. This was just one of the extra benefits Taylor often finds herself providing. Every month, Taylor gives her mothers a parenting aid bag that contains information, books, and toys geared to each child’s age.

Looking back on that first day Bianca borrowed a car seat, Taylor says Bianca got out of the car, picked it up, and jerked it. “I asked, ‘Remember when you were a child asleep and somebody dropped something on the bed?’ She said, ‘Yeah, I hated that.’ I explained that her daughter is a little thing and easily scared. She said, ‘She’ll get over it,’ and I said that was true but at what cost? ‘Think about how what you do affects her.’”

Bianca’s boyfriend called and she spoke softly to him for a few minutes. She said they will get married when he gets out of jail. She would not say why he is there. “My plans for him are: Go back to school. It’s just one year. I don’t care if you’re 19.” She said he has been to jail before but he’s not the type that gets in trouble all the time. (Her infant daughter is not alone in having a father in jail; one and a half million American children have a parent or parents in prison.)⁷

Bianca says she’s too smart to stay at a fast food restaurant for long. (It is an hour round-trip bus ride.) After she graduates from high school, she would like to go to mortuary school to become a coroner or become a certified nurses’ assistant.

“If you work at a nursing home, they will pay for your training and the fee for the test,” Taylor tells her.

When Bianca turns 18, she will be eligible for public housing based on her earned income, food stamps, and cash assistance. “The mothers I visit are not aware of the programs and community services out there that can help them,” Taylor said. “I wouldn’t know myself if I weren’t doing this job.” Bianca is planning to return to school in August and cut back her hours at work, which she will be able to do with some cash assistance.

About her hopes for her daughter, Bianca said, “She’s going to a Montessori school or a private school. She’s going to go to the best schools.”

“Start her at a good day care center,” advised Taylor, describing the one her daughter attends that has “lots of interaction and structured learning things that are fun. She’s two and she already can count to

15, knows her ABCs, and colors. Don't put her in a place where they plunk them in front of the TV to watch *Barney*."

This good center costs \$175 a week for toddlers, nearly a budget breaker for Taylor and certainly for Bianca. "When you move and get the vouchers, we'll look into a good place," Taylor said.

Bianca smiled. "That's good!"

Dr. Putnam said that the median reduction in child abuse and neglect that resulted from home visitation programs was almost 40 percent, citing an analysis of these programs by the Centers for Disease Control and Prevention.⁸ The Every Child Succeeds™ program in greater Cincinnati, which serves about 1,700 mothers at any given time, covers less than 20 percent of the need, as defined by census data on first-time single mothers in poverty, because of limited funding. For this reason, explained Dr. Van Ginkel, the project limits itself to first-time mothers, reasoning that the benefits will transfer to later children.⁹

After more than an hour's visit, Taylor handed the baby back to Bianca, who followed her downstairs. They were still talking when Taylor got in her car to go visit another young mother. When asked what Taylor has done for her, Bianca said, "She got me a good pediatrician. She got me a car seat. She's helping me move out. She took me to get a job. She helps me set goals for the future. She does a lot."



Mental and Emotional Problems

Early Intakes to the Pipeline

In addition to measuring levels of knowledge and cognitive development, the Department of Education's study of American kindergartners sought to gauge the development of "prosocial" behavior, defined as the ability to form friendships, accept peer ideas, and comfort others. In terms of the Cradle to Prison Pipeline, comforting others, a measure of empathy, is an important ability; lack of empathy is a common characteristic of chronic offenders. The study found that Black and Hispanic kindergartners lagged somewhat behind their White counterparts in these social skills.¹⁰

It is worth noting that problem behavior was relatively infrequent; teachers reported that only 10 to 11 percent of kindergartners argue or fight with teachers often to very often or get angry easily often to very often.¹¹ These are the children Wright and Dr. Putnam consider at high risk for school failure and delinquency.

"Enough is known of certain developmental trajectories that will lead some children to prison or the morgue," Wright says. "Knowing that, what will we do? When you have a clear picture that this child has significant developmental delays or problems with self-control, this is the time to dump services onto him and his family."

In reality, though, it is often the child who gets dumped. Shannon Starkey, senior director of services at the Children's Home of Cincinnati, which has a school for children with mental and behavioral problems, says the Home is considering starting an early childhood day treatment program because of the number of children who are being kicked out—she calls it "dis-enrolled"—from day care.

"We frequently get calls from day care centers saying, 'We don't know what to do with this child,'" Starkey said. "They've got two kids acting out and then others—

"I tell him, 'Don't hit back. Tell the teacher.' He says, 'I tried to tell the teacher but she didn't listen to me.' He gets so angry he starts crying and gets so upset it's hard to understand him, and the teachers won't try to figure out what the problem is because they've got other students to take care of."

– Ana Cohen, Mother

I call them the bubble of risk—act out too, and the parents of the behaving children complain.”

In Hamilton County, Ohio, which includes Cincinnati, kindergartners were expelled or suspended from school for at least a day more than 200 times in the 2002–2003 school year, according to an analysis of school disciplinary data by the *Cincinnati Enquirer*.¹²

There are many reasons children misbehave in kindergarten or elementary school. They may come from disorganized households where punishment and reward are often unconnected to behavior. They may have witnessed a shooting in their neighborhood that day. They may be tired from being kept awake all night. Their parents may be poor models of behavior. They might be so far behind they don't feel part of the group. They might be bright and bored. The teaching style in the classroom may not suit that child's learning style.

They also may have mental health disorders or emotional or learning disabilities—Attention Deficit/Hyperactivity Disorder (ADHD), a mood disorder such as depression, post-traumatic stress disorder, dyslexia or mental retardation. Mental and emotional disorders are a major gateway to the Prison Pipeline. In a nationally representative sample of 95 private and public juvenile facilities, 70 percent of the juveniles reported mental health problems during screening and 57 percent reported having prior mental health treatment. Random samples of youth admitted to various states' juvenile facilities found similar percentages: 57 percent had a history of mental illness in Maryland; 72 percent met the criteria for at least one mental health disorder diagnosis in South Carolina.¹³ Children with serious behavioral problems at a young age often are diagnosed as having a “conduct disorder,” said Dr. Michael Sorter, associate professor of child and adolescent psychiatry at Cincinnati's Children's Hospital. This is a descriptive diagnosis for children with a “persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated.” The causes of conduct disorder can be physiological—children with organic conditions that impair impulse control, or environmental—children raised under violent conditions who imitate the behavior of others in their world.¹⁴

“Preschool behavior problems are a strong risk factor for anti-social disruptive disorders at pre-adolescence,” Dr. Sorter said. “This is a pattern of behavior that becomes evident before the age of eight.” He said that studies reported in psychiatric literature find that a very small proportion, about one percent, of well-behaved 8- to 10-year-olds go on to become chronic, recidivistic delinquents while more than a quarter, about 27 percent, of the behaviorally disturbed children do. The good news, he added, is that 73 percent do not.¹⁵

According to studies by Dr. Dorothy Otnow Lewis, a psychiatrist considered an expert on juvenile violence, the childhood factors most highly correlated with growing up to be a repeat violent offender are a “combination of severe neuropsychiatric impairment and a violent, abusive upbringing.”¹⁶

One organic cause of conduct disorder is closed head injury. Children in alcoholic households are at great risk here because they may get slung around, in addition to suffering damage in the womb. “We did a study here that followed the offspring of mothers who drank heavily during pregnancy,” said Dr. Sorter. “These children did not have the physical symptoms of fetal alcohol syndrome but 80 percent of them were in special ed by the second grade.”

Another disorder overrepresented in the juvenile justice system is oppositional defiant disorder. “This is when I say ‘Go left’ and you say ‘Why can’t I go right?’ and you get caught up in the opposition,” Dr. Sorter explained. Some children grow out of this as they mature, but others go into a rage when someone tries to limit their boundaries. “This will keep you in trouble with peers, adults, authority, everybody,” said Hunter Hurst, director of the Pittsburgh-based National Center for Juvenile Justice. “If you don’t do something about the disorder early on, it will get overlaid with enough ‘justice’ that ‘justice’ becomes primary and then good luck in getting the treatment.”

Treatment is often difficult to obtain in any case. Cincinnati’s Children’s Hospital has the busiest psychiatric emergency room of any hospital in the nation. Some 1,698 children were hospitalized there for psychiatric emergencies in 2002.¹⁷ As Dr. Mike Sherburn, senior clinical director of child psychiatry at the hospital, told the *Enquirer*, “When they’ve hit that crisis stage, they’ve got to go somewhere, and we’re it.”¹⁸

Dr. Sorter says the numbers are high because parents in the greater Cincinnati area have few options. A severe shortage of psychiatrists in Cincinnati and across Ohio means children routinely wait three months or longer just for an office visit, he noted. And local day treatment programs and mental health clinics have been cut back with state and local funding shortages.

In Mississippi, the lack of resources for children with mental or emotional problems is even more acute. At the time of CDF’s study, the average daily number of children and adults on a waiting list for admission to a psychiatric hospital was 117.¹⁹ In 1999, the state legislature approved the construction of seven community crisis centers that would provide emergency psychiatric care for children and adults seven days a week, 24 hours a day.²⁰ All were built but only one was opened—at half-capacity. The other six were never staffed and remain vacant. In May 2004, the legislature appropriated money for the remaining six centers to open and run at half-capacity, but a proposed six cent raise in the cigarette tax to fully fund the centers did not pass.²¹

In school, many children with mental health disorders, learning disabilities, and developmental disabilities are eligible for specially designed instruction, an Individualized Education Plan (IEP), and related services under the Individuals with Disabilities Education Act (IDEA).

Judging from interviews with parents and others in Ohio, it appears that a parent must be vigilant to make sure the requirements of the law are upheld. Among them are restrictions on school suspensions for these children, especially when the bad behavior is related to their disability. Margaret Burley, who heads the Ohio Coalition for the Education of Children with Disabilities, says parents often don’t know their

rights under IDEA. “We try to assist them but there are 250,000 children in Ohio who have IEPs, and we have 12 advocates.”²²

“Schools use detention centers as their discipline,” said Burley. “I get calls every week, if not every day, from parents about their children being taken out of school in handcuffs by police.”

Christopher: Kicked Out of School at Age Five

Christopher Rogers was featured on the front page of the *Cincinnati Enquirer*, as well as by local television stations, because he was removed from three schools and frequently suspended from a fourth for throwing tantrums, hitting teachers, and fighting with other children. It was his first year of school.²³

Christopher, six years old, lived with his mother, Ana Cohen, in a Section 8 housing complex of small brick buildings with patches of green grass between them on the west side of Cincinnati. Their apartment was small and dark, with boxes stacked on the floor because Ana had just moved there. Her mother, Michelle Thomas-Mitchell, lived elsewhere but was very involved in Christopher’s life and came over to Ana’s apartment for the interview.

Christopher was behind when he got to kindergarten. “When he was two, he had problems with hearing and speech,” said Cohen. “He had an ear infection, tubes in his ears, and his speech was delayed because of all the months he couldn’t hear.” He also had seizures between the ages of one and three.

When he went to preschool, she said, he had a “transition period,” then settled in all right. But she thinks that the particular program he attended “didn’t prepare him enough for actual school.” After spending two years in preschool, he knew 10 letters of the alphabet and shapes and colors. “Most of the kids in his kindergarten knew how to write their names. He didn’t. And they knew their numbers and he didn’t.”

His disciplinary problems began in July 2003 at a year-round charter school in the Over the Rhine neighborhood. Cohen chose this school because the hours, 7 a.m. to 5 p.m., would provide supervision while she attended classes in graphic design. She also thought Christopher would enjoy the martial arts and music programs, and she hoped that the dozen Black male staff workers would be positive role models.²⁴

Almost from the start, he had problems. He was sent to the principal’s office several times for refusing to sit down in class, Cohen said. There, on one occasion, he took off his socks and shoes and laughed while being disciplined. Later, he hit a girl he said was picking at his hair while they were standing in line. After more fights and other trouble, he was suspended several times and then put on probation. “I came to the office to sign papers for the probation period. The same day they called and asked me to come get him. They said he was too immature and needed a more structured setting,” recalled Cohen.

Christopher lasted two weeks at a second charter school. “They wanted to send him home for the least little thing,” Thomas-Mitchell said. “Ana or I were constantly running up to the school. Some days she’d drop him off at eight and by nine they’d be calling me to come get him.”

At his next school, a Catholic school, Christopher hit another student and had tantrums on the floor. “They would physically remove him from the classroom and he would sit with the principal,” Cohen said. Christopher was there not much more than a week when the principal suggested that Cohen send him to a public school, explaining that he would be able to receive services there for a severe behavioral handicap, if he was identified as having such.

By then, it was October. At the neighborhood elementary school, Christopher’s initial teacher told him she was going to call his mother when he wouldn’t sit still in class. As she walked towards a phone, he grabbed her ankles and she fell. He was sent home. The next day, Cohen came in for a conference and Christopher was able to return to school, but the teacher insisted he be placed in another class. “She was a new teacher, young, 23, no kids of her own, and she was afraid of him,” said Thomas-Mitchell. She shook her head. “He’s just a little boy. I’m going to the bus stop to get him and you can meet him and see for yourself. ”

She left, and Cohen said that Christopher continued to get in trouble in the other kindergarten class, and she and her mother continued to get calls to come get him. “He gets frustrated very easily and he has trouble controlling his emotions,” she explained. “Every five minutes, he’s calling the teachers names and they get tired of that. Maybe that’s because he’s an only child. Sometimes other kids hit him or tease him and he hits back. I tell him, ‘Don’t hit back. Tell the teacher.’ He says, ‘I tried to tell the teacher but she didn’t listen to me.’ He gets so angry he starts crying and gets so upset it’s hard to understand him, and the teachers won’t try to figure out what the problem is because they’ve got other students to take care of.”

The suspensions did not help Christopher control his behavior. Dr. Sorter, of Children’s Hospital, says kindergarten students with behavioral problems very often cannot make the connection between suspensions and their own misbehavior. Cohen then asked the school to test Christopher for special education. He was found eligible for services and received a completed IEP in February.

At about the same time, the family doctor referred Christopher to the Division of Developmental Disorders at Children’s Hospital. The psychiatrist said Christopher has attention deficit disorder and prescribed medication. Cohen said it helped at first but she thinks the dose isn’t strong enough. “But I haven’t been able to get in touch with the psychiatrist and I don’t want to increase the dose on my own.”

With his IEP in place, Christopher was no longer being sent home but he often spent time in in-school suspension (ISS). “He’s always the youngest person there.

“Schools use detention centers as their discipline. I get calls every week, if not every day, from parents about their children being taken out of school in handcuffs by police.”

**– Margaret Burley
Ohio Coalition for the Education of Children with Disabilities**

The older ones have a packet of work to do but Christopher is too young to work on his own.”

The door opened and Christopher came in, followed by his grandmother. He looked warily at the visitor. “Who she?” he asked. Christopher is a small, medium-brown boy with short, wiry hair and he wore a backpack almost as big as he is. He walked over to his mother, and she looked through the bag for a note from the school to find out what had gone on with Christopher that day. She pulled out a construction paper hat with stars shooting out of it that he’d made in art class. “That’s my alien hat!” Christopher exclaimed. She noted the word “Nico” written across the band. “That my alien name!” he said. “Nico!”

She found no note and asked Christopher what he did that day. He said, “Breakfast and lunch and art and ISS.”

“What happened?’ she asked.

“I was at the door to go to lunch and a boy got on my back and grabbed on my shirt and I started shaking my shoulders and he started crying and said I pushed him.”

“Did he fall down?”

“He did it on purpose. He pushed himself and said I pushed him.”

It was unclear from Christopher’s account exactly what had happened, whether an adult was present or whether the other boy was disciplined. But he spent part of the afternoon in in-school suspension.

“Did Mr. C. help you with your work?” Cohen asked, referring to an aide the school had recently assigned to keep an eye on Christopher.

“I didn’t have any work. I sat there coloring on a girl’s paper.”

A few minutes later, he got his skateboard and disappeared down the hallway. Then came a crash. He had run into a mirror at the end of the hallway and was trying to pick up the pieces.

“Don’t pick it up,” his mother said. “Come here.”

He came over, sat in a small chair near her, hung his head, and began to cry.

“You want to say something?” his grandmother asked.

He looked up. “I’m soooory.”

“We have told you I don’t know how many times not to skateboard in the house.”

Not long after that late April interview, Christopher was transferred to a special class at the Children’s Home designed for children with behavioral or emotional problems. The class has a waiting list because sending a student there costs the school district \$20,000 a year²⁵ compared with the usual \$11,000.²⁶

Thomas-Mitchell believes the media attention helped. “We were fortunate,” she said. Contacted when the school year ended, she said Christopher was doing better but is still behind academically since he missed at least 30 days of class at his first four schools. “It’s been a rough first year of school for that little boy.”

School Discipline

Zero Tolerance: Unintended Consequences

A new, tougher disciplinary code was established by the Cincinnati Public School system as part of its new teachers' contract in 1991. Asked why, Tom Mooney, then president of the Cincinnati Federation of Teachers, responded, "I'll give you a short answer: chaos." Mooney, who now is president of the Ohio Federation of Teachers, said that a rising tide of disruptions and assaults on teachers was not being addressed by school administrators, who "tended to sweep problems under the rug" to protect themselves.

Susan Taylor, who, at the time of CDF's study, was president of the Cincinnati Federation of Teachers (and no relation to the home visitor for Every Child Succeeds™), said she was teaching in a high school at that time. "I remember being so demoralized walking down the hallways and seeing garbage and students cutting classes and slamming doors and running and looking into my classroom while I was trying to teach."

Like a criminal code, Cincinnati's Code of Conduct sets up categories of offenses and the mandatory or possible punishments for them. An expulsion puts a student out of school for no more than 80 school days except when students bring a gun to school (a mandatory one-year expulsion) or a knife (up to a year). An out-of-school suspension excludes a child for 10 days or less. A removal takes children out of school without prior notice if "their presence poses an immediate danger to persons or property or an ongoing threat of disrupting the academic process." Those morning calls to Christopher's mother and grandmother in Chapter 2 were removals. Lesser punishments include in-school suspension, after-school detention, and Saturday school.

Until January 2004, when the school system set up an "expulsion school," students put out of school had nowhere to go. The Code of Conduct calls for:

Mandatory expulsion for such offenses as bringing alcohol or drugs to school, physical assault, dangerous weapons, defensive weapons, tampering with the fire alarm system, sexual assault, robbery or starting a fire.

Mandatory suspension and possible expulsion for fighting, profanity towards staff, stealing, violent disorderly conduct, gang activity, destruction of property, and sexual misconduct.

Possible suspension and/or expulsion for students who are insubordinate and don't obey instructions (called unruly conduct), misbehave in a way that causes disruption or obstructs the educational process (disorderly conduct), cheat, or possess tobacco or an electronic device.²⁷

Cincinnati, the third largest city in Ohio, had the highest rate of school disciplinary actions in the state—107.8 per one hundred students, compared with 17.8 for Cleveland and 9.3 for Columbus—and a far higher expulsion rate.²⁸ During the 1990s, when school shootings in Columbine, Colorado, and a few other communities took place, zero tolerance sanctions took hold in many school districts around the nation, nearly doubling the number of students suspended annually since 1974, from 1.7 million to 3.1 million, with Black students 2.6 times as likely to be suspended as White students.²⁹ Latino and Native American students are also more likely to be suspended than White students. Asians are less likely to be suspended.³⁰

Ironically, these measures, intended to make schools safer, prevent or reduce crimes on school grounds, and improve the atmosphere and academic achievement of schools, often have the unintended consequence of helping push children into the trajectory to delinquency.

While no direct, causal link has been established between school removal and incarceration, a correlation has been found in studies conducted by Dr. Russell Skiba, director of the Initiative for Equity and Opportunity at the Center for Evaluation and Education Policy at Indiana University. Skiba and colleagues found that states with higher rates of out-of-school suspensions also have higher rates of juvenile incarceration and that racial disproportion in out-of-school-suspension is associated with a similar disproportion in juvenile incarceration.³¹

In a follow-up study, the CEEP researchers also sought to test whether suspensions were effective. Did they teach the suspended students a lesson and send a message to others that poor behavior would not be tolerated? Did they boost academic achievement? Would zero tolerance result in less racial disparity in discipline? In all cases, the evidence failed to support zero tolerance assumptions. Higher rates of suspension were associated with less satisfactory school climate and a lower rate of school completion; schools with higher rates of suspension and expulsion showed lower rates of academic achievement, and African American students continued to be disciplined more harshly than White students for the same infractions.³²

Measures intended to make schools safer, prevent or reduce crimes on school grounds, and improve the atmosphere and academic achievement of schools seem to be having the unintended consequence of helping push children into the trajectory to delinquency.

Despite the public image of dangerous, drug-filled hallways, the vast majority of out-of-school suspensions in Cincinnati and elsewhere were not for the most severe offenses, such as drug use or violence, but for behavior that affects school order and classroom management.³³ Of the approximately 13,200 out-of-school suspensions in the Cincinnati school district in the 2002–2003 school year, more than half (8,262) were for “behavioral problems.” Fighting accounted for 4,435; 53 were for use/possession of a weapon other than a gun or explosive; 19 for use/possession of drugs. (Because the district keeps discipline records by incident, not individual, it cannot be determined how many students these suspensions involved; the district spokesperson believes that less than 10 percent of students were responsible for most of the incidents.)³⁴

Michael Turner, assistant principal of Taft High School, which serves one of the poorest areas of Cincinnati, says that in his 18 years in the district, he can’t remember a time a gun was pulled in school. At Taft, “we have random searches and we find, maybe, a young lady with mace. But no one has pulled out or used a weapon.”

As the high proportion of high school dropouts in prison suggests, staying in school is a major predictor of *not* going to prison and the reasons go beyond gaining the knowledge and skills needed to go to college or get a good job. According to Ed Latessa, the chairman of the Division of Criminal Justice at the University of Cincinnati who has interviewed thousands of delinquents in juvenile jails across the nation, the most important risk factor in determining whether they become chronic offenders and go on to adult prison is what he calls “anti-social values and beliefs and peer associations.”

School is the major pro-social institution in a child’s life. This is where children interact with positive adults, develop skills, and get involved with activities like sports or music that teach the value of practice and delayed gratification. The Surgeon General’s report on Youth Violence, released in 2001, found that “commitment to school” was one of only two protective factors against youth violence. (The other was a basic unwillingness to tolerate violence.)³⁵ Another recent study found that “school connectedness” was linked with reduced incidences of substance abuse, violence, suicide attempts, pregnancy, and emotional distress.³⁶

Dan Joyner, the chief probation officer for Hamilton County, spoke of several “criminal families” in which the parent or parents and many of the children were in constant trouble with the law. When there was a child who was not in trouble, this child almost invariably was involved in school activities. “Recently, I was in the doctor’s office and a guy said to me, ‘You may not remember me but you worked with my brother, Henry.’ This guy, now grown, was one of 18 children of a family known to always be in court—for drug addiction, robbery, murder, you name it. He told me his life story right there in the waiting room. He was involved in sports, and being around the coach and positive peers apparently made a big difference. He stayed in school, graduated, joined the military, and now is employed, married, and living in the suburbs. I asked about Henry, who would now be in his late 40s. ‘He’s still in and out of the system,’ his brother said. ‘Right now, he’s broke and living downtown on the streets.’”

Parents, students, teachers, psychiatrists, and scholars interviewed for this report brought up a number of reasons for the behavioral problems and fighting that lead to so many of the suspensions: mental health problems that make paying attention and controlling anger difficult; acting out rather than exposing ignorance when called on to read out loud or do a math problem on the board; parents teaching their children to stand up for themselves and fight, which may be useful for survival in the neighborhood; students who want to be suspended because they'd rather be watching TV or hanging out; abuse and chaos in the home; poor behavior management by parents; poor classroom management by teachers; poor school management by principals; alienation; boredom.

While there are certainly circumstances where suspension and expulsion are an appropriate response, they do not address the underlying causes of any of these problems. In Cincinnati and probably in most other school districts, students who fight or have behavior problems rarely are given training in conflict resolution, bullying prevention, psychological counseling, extra tutoring, or creative activities that might teach appropriate behavior or increase attachment to school.

Often we ask suspended or expelled students what they did during their time out of school, and they routinely say they watched TV, hung out with friends, or both. Some use the time to commit crimes. Several juvenile court judges reported having cases in which suspended or expelled juveniles committed crimes during the hours they would have been in school. "People think of crime as happening at night, and this is generally true for murder and drugs, but there are also opportunities in the daytime when homes are vacant and cars are sitting there," said Mark Reed, administrator of the juvenile court of Hamilton County.

One mother said she asked her son's high school if he could have after-school tutoring to help him catch up. The school said it didn't have the resources to do that. "But then he got put in after-school detention and all he did was sit there while some aide watched. My point is: 'Give them something to do!'" Her son, who also has been sent to Saturday school, described what goes on there as, "You have to be quiet for two and a half hours."

Many who criticized schools for pushing out, rather than helping out, the children who cause problems, go on to say that the current incentives in national school policy make achievement scores more important than putting resources into helping kids stay in school and preventing delinquency. Furthermore, teachers are taught to teach, and parents of behaving children expect them to do this.

"I know some of these schools have it tough," said Wright, whose wife works in a public school. "There are problems they don't have the resources to handle. You're teaching a class with 30 kids, several are not following instructions, disrupting the class, and you want to teach the 27 who are behaving. It's utilitarian. On the other hand, if people understood the likely outcomes for these children, there would be a moral urgency to do something."

Latosha: “Why I’m Mean”

Leroy Williams, a disabled maintenance worker, handy man, and preacher in his mid-50s, played the role of a services facilitator in a neighborhood in north Cincinnati with many young people in the Pipeline to prison. When families on his block of small homes, many in poor repair, need some sort of community service, whether for housing, food stamps or mental health, Williams (not his real name) helps them make the contact and insist on their rights. He advises parents on how to deal with suspensions and expulsions and is an outspoken critic of the school district’s discipline practices.

Standing on his porch, he points to house after house; each seems to contain a tale of trouble. And tales of trouble proliferate in his own large family, stories that reveal some of the underlying causes of the school misbehavior that put his young family members at risk of a negative life outcome. Most of them are girls, and it is worth noting that school failure is the number one predictor of delinquency in girls. Abuse is the second.³⁷ Almost half the juveniles in the Hamilton County detention center in 2003 were girls.³⁸

Williams’ 14-year-old niece Sharon was expelled for 45 days in December 2003 from Project Succeed, the special program for students with behavior problems that Bianca in Chapter One also attended. She is a nice-looking girl but has a serious, almost scowling expression. Before she arrived at Williams’ house for an interview, he explained that a horrible thing happened to Sharon when she was an infant: Her father shot her mother in the head while she sat in her highchair. She now is being raised by her grandmother.

“She’s doing the best she can,” Williams said of the grandmother. “She just can’t deal with this young people stuff. She is in her own world. She says, ‘It’s messing up my life. I can’t go to bingo when I want to.’” He also learned that the grandmother wasn’t giving Sharon her medication for hyperactivity because it gave her headaches, so Williams called a clinic to make an appointment for his niece.

Sharon had been expelled for a more serious violation than routine misbehavior. She explained, “I was walking into school and a girl ran up on me and hit me and I hit her back. A teacher tried to break us up and he was pushed and hit a window that broke.” The window was a plate glass window that cost \$2,000, and Sharon and the other girl were expelled and charged with destruction of school property. The teacher was not hurt.

Regardless of the severity of the event, “This could have been avoided,” Williams contends. “The teacher knew they were getting in fights. It was a clique thing.”

When Sharon was expelled, Williams wrote a letter to the school board asking, “What are we supposed to do with these children, throw them away?” In his view, “It’s not always the children’s fault. Sometimes it’s the parents’ fault and some of it’s the teacher’s fault. But everybody is failing this child.”

During those 45 days, Williams got Sharon and the other girl together. “I thought if they volunteered together, did something with the time, they’d stop hating each other.” He set them up with a grassroots organization of parents of public school chil-

dren and went to the school to get their homework and take it back so they wouldn't fall too far behind. "The school should have conflict resolution or something for these kids."

Did this mutual volunteering succeed? Sharon shrugged and said, "We don't get along but we're not fighting."

Another of Williams' school battles involves his 13-year-old granddaughter who has a history of detentions and suspensions and is a year behind in school. "She has an attitude and teachers don't like her," Williams said. "There are times she makes *me* mad," he added. But he understands the reasons for her attitude.

Latosha lives across the street with her mother, Williams' daughter, Cassandra, and three younger sisters. Latosha spent a year in foster care after her mother hit her, threw her on the floor and threatened to toss her out the window, then called the police and told them to come before she killed her daughter. Cassandra later regained custody and appears to be trying hard to be a good parent. For a while, though, she had men in the house who Williams believes "put their hands" on the girls.

When Latosha was in the third grade, Williams said, he took her to Children's Hospital when she started crying and couldn't stop. "She broke down." She was in the psychiatric wing for several weeks and now takes an anti-depressant.

Latosha initially comes across as living under a cloud and her conversation is filled with comments about who she doesn't like and what's stupid. She brightened up when she showed off some of her writing that she keeps in a box under the bunk bed she shares with a sister. Some are poems that are very clever put-downs of girls she doesn't like. One story is entitled, "Why I'm Mean."

"When I was two, I saw my dad get arrested and he was placed in jail my whole life," she wrote. "When I was about eight, I got in fights with my mom because she has been going through a lot in her life. So she would wop me with cords for nothing. I told her if she did it again, I would wop her back."

Before she and her sisters were taken to foster care, they were brought to see their mother. "She was in a glass thing," she wrote. "They were telling us to talk to her before we go to the foster home. My sisters started crying and she started crying but I didn't care because she shouldn't have did it."

She wrote of being removed from one foster home that was "nicer than my Mom" because as she put it, "I kissed my foster brother." The second foster home was "mean," and she stole a ring from her foster mother.

*"I don't know why, but I can't think of myself older.
Not to jinx myself, but I think I'm going to have a short life."*

- Latosha, 13 years old

In this placement, she went to a different school. “I got along okay ‘til this ugly girl came to me and told me, ‘That’s why you’re in a foster home. I’m with my real Mom.’ Oh, her real mom came all right when I socked her and made her nose bleed.”

At the end, she wrote, “Writing about my life I just kicked three tons of ornery mess out of my sistum (*sic*) but I have like 100 more. Bye for now.”

Talking back, essentially, disrespecting adults, is what gets Latosha in trouble in school. Her story and Sharon’s raise the question of how many adults in their lives have earned their respect and what role models, if any, they have witnessed dealing with conflict.

Not long before the interview, Latosha had been suspended for an exchange in her classroom that she recounted in detail: Another student had apparently called her mother and the mother came to get her. According to Latosha, the mother said, “Pack your bags,” and made an insulting remark about girls in the class teasing her daughter.

“I raised my hand and told the teacher I had to pee. ‘If I can’t get to the bathroom, I might pee on your stuff.’”

The mother said, “Don’t you see I’m talking. This girl should be smacked.”

“I’ll bring my Mama and she’ll smack you.”

“Bring it on,” the mother said, and gave her address.

“I’m not going to your roach-infested apartment,” Latosha said she retorted. “I was getting so mad. If anybody said more, I would have socked them.”

The teacher told her to sit down and when she refused, she was sent to the principal’s office. “When I told my Mama what happened, she was like, ‘You should of picked up a chair and hit her.’”

She was suspended for five days, but Williams took her out of that school and enrolled her in a charter school, even though just a short time remained before the end of the school year. Suspensions and expulsions engender a sense of grievance not only in students but in their parents, many of whom did not have good experiences in school themselves. When parents believe, rightly or wrongly, that their kids are not being treated fairly—that their child did not start the fight or other kids do worse and don’t get punished—they become alienated from the school. This sends a mixed message about discipline to the child and potentially sets up a non-constructive teacher versus parent conflict.

When his niece was expelled, Williams wrote a letter to the school board asking, “What are we supposed to do with these children, throw them away?”

**– Leroy Williams
Preacher**

“I understand why these parents get so upset with the schools,” Williams said. “They aren’t helping these children.” As an example, he says one problem with Latosha is that the psychiatrist she sees on occasion has encouraged her to express her feelings. But she does not always do so appropriately or in the appropriate context and, he explains, “When she does that in school, she gets in trouble.”

Sharon was attending summer school in June, but Williams worries about whether she will be promoted or held back in the fall and whether she will eventually make it through high school. Latosha, too, is at great risk of getting into more trouble and not fulfilling her considerable potential. Neither girl imagines herself going to college or has an image of herself in the future.

“I don’t know why, but I can’t think of myself older,” Latosha said. “Not to jinx myself, but I think I’m going to have a short life.”



Racial Disparities in Education

Disproportionate Educational Opportunities

“Our response should be colorblind but for some reason it’s not,” said Alton Frailey, the Black superintendent of schools in Cincinnati, where Black students were expelled at twice the rate of White students and given out-of-school suspensions at triple the rate in the 2002-2003 school year.³⁹

Among the reasons offered by educators and parents:

The kids with the most needs, those who arrive with stimulation or socialization deficits, get the worst schools with the least experienced teachers. The state of Ohio has a 3 to 1 disparity between rich and poor districts in per pupil funding. Black students make up 71 percent of Cincinnati students, and many of them attend the schools within the system that are in “academic emergency” or “academic watch.” Except for those who pass the test to get into the college prep high school or the audition for the high school of performing arts, the majority attend neighborhood K–8 and high schools that are nearly all Black.⁴⁰

The teaching staff is 70 percent White, and many of them do not live in the city or send their children to city schools.⁴¹ Many Black parents believe that these teachers often don’t understand or empathize with their children the way they do with White children.

“We teach our children how to survive. We teach particularly our boys to be strong,” said Chandra Matthews-Smith, the vice president for programs at Beech Acres, a social services agency in Cincinnati. “You are in a classroom with a group of people different from you—African American males who are energetic, who just don’t follow step one, two, three. Sometimes, so much is going on at home or in the neighborhoods and they get to school and there are a million rules. ‘Sit down. I’ll talk to you later.’ They don’t get their needs met. It’s read and recite, read and recite. If an energetic

“Once you get out there on the street and start hanging out, there’s all this different type of trouble you can get into, and you can get into it without even knowing it.”

– Latoris, 19 years old

kid is White, it's 'Oh, he's bright. We need to give him something different to do.' With our boys, it's 'He's not following rules. We've got to watch his behavior.'"

She added, as did others, that Blacks no longer are going into teaching at the same rate as they did in the past. In 1974, 12.5 percent of full-time public school teachers were Black; by 1998, the proportion had dropped to seven percent.⁴² Latinos also do not go into teaching commensurate to their proportion of the student population.⁴³ In the fall of 1999, 15.6 percent of students were Latino, but Latinos represented only 5.2 percent of public school teachers.⁴⁴

The taproot of racial disproportion—in suspensions, dropout rates, incarceration and other negative life outcomes—reaches south and runs deep in Sunflower County in the Mississippi Delta, home of the state's large cotton plantations. The slave system was not designed to produce the independent, self-reliant citizens celebrated in 19th century political thought; it was aimed at controlling every aspect of the lives of their enslaved laborers. Southern slave codes made it a crime to teach a slave to read and write and levied large fines—100 pounds in colonial South Carolina, which was more than the reward offered for killing a runaway slave. Not surprisingly, more than 90 percent of slaves were illiterate.⁴⁵ Illiteracy is one of the most bitter, ongoing effects of slavery in Mississippi and throughout the United States.

Sunflower County has been known over the years in several historical contexts. Indianola, the county seat, is where the White Citizens Council was founded in 1954 in response to the Supreme Court decision to desegregate public schools, the beginning of a movement of "massive resistance" that spread throughout the South. In 1955, Emmett Till, a 14-year-old boy from Chicago visiting relatives in the adjoining county, was kidnapped, brought to a farm in Sunflower County, murdered, and dumped in the Tallahatchie River. Ruleville, a small town in the county, is where civil rights activist Fannie Lou Hamer picked cotton before she was evicted for registering to vote. Drew is the home of Mae Bertha and Matthew Carter, Black sharecroppers who were among the first to enroll seven of their children in the previously all-White schools in 1965.

It is often said that the largest "plantation" in the state is the Mississippi State Penitentiary located at Parchman, in the heart of Sunflower County. William Faulkner called Parchman "destination doom." One of the Carter grandchildren is now in Parchman Penitentiary.

Drew had a population of about 2,000. When the schools were desegregated by court order in 1970, the dual system was abolished and there are now three schools, an elementary, a middle, and a high school, in the municipal school district. After 1970, most of the White children were taken out of the public schools and now attend the private academies. The five-member school board (majority White) is appointed by the city council and until last year, the White chairman of the board had served for over 30 years. In December 2003, the White school superintendent was replaced by an African American who had been his assistant.⁴⁶

Despite changes, the legacy of inferior education, deliberately restricted opportunity, and low expectations continue to harm poor Black children in Mississippi, as

well as their counterparts whose families moved north to cities like Cincinnati. Bob Moses, a civil rights organizer in Mississippi in the 1960s who now teaches math at an all-Black high school in Jackson, calls this legacy “sharecropper education”—a limited education for people assigned manual work.⁴⁷

“If you think of sharecropper schooling, you went through it, but your options were: You were going to chop and pick cotton or do domestic work,” he says. “Your education wasn’t tied to opportunity. The connection between education and a change for the better in your own life wasn’t made.” Despite the Colin Powells and Condoleezza Rices, he adds, that link still is not clear among many poor Blacks because they do not see anyone they know whose success is tied to education. To get more poor Black children isolated in inner cities or rural pockets like Drew into the pipeline to college, says Moses, means addressing this question: “How do we shift the culture and develop these expectations and beliefs for these kids?”

Elton: “Not College Material”

Hazel Harris was a single mother in Drew who worked as a medical records and front desk clerk at a home health care agency in the nearby town of Cleveland, Mississippi. She moved to Drew from Memphis in 1991 when her first husband died. Since then, she said, in a 2002 interview in her home on a nice street in this small town, her four children and a nephew she is raising have been systematically undervalued and over-punished in their schools. This has hindered rather than helped her efforts to keep them on the path toward higher education.

One son, Elton, ran track at the high school. When the team went to the state championship, he placed first in the 100-yard dash and broke a record in that event and in the long jump. As a result, he became eligible to run in a track meet in Europe, but his mother had no way to sponsor him. She finally raised the money through church and community contacts. She had already gone to the school board and written a letter to the City of Drew. Nobody wanted to contribute. An anonymous donor finally sent \$1,000 and the superintendent donated \$200.

In Europe, Elton came in first in the 100-yard dash and second in the 200-yard race. Although he was the only representative from Mississippi, no one except a few close friends recognized the accomplishment. Right before he graduated, he says, his guidance counselor told him that he and his classmates could not go to four-year colleges because they weren’t “college material.” He went on to Hinds Community College and graduated in 1998. At the time of the study, he worked two jobs and helped support his mother and brothers and sister.

Harris’s daughter was suspended from time to time. She was sent home from high school because her shirt or shorts were considered too short or her pants were too tight. “I told her that if it takes it, you wear long pants, and if they are falling off, make sure you wear a belt—just don’t get suspended!” Harris said. She told the school she wasn’t there to “jump on them or curse them out. But my child’s clothes don’t keep her from learning or being kind to people. I believe you all have a problem.”

The child with the most school problems has been her nephew, Latoris, who has lived on and off with her in Drew. His mother, in Michigan, has served time for drug dealing. Harris said she saw potential in him and was determined to cultivate it. He always liked school, and said he still liked it in an interview in 2002 after he had been suspended a number of times and sent to an alternative school.

“I like most of the teachers and they do try to teach you. Not a day goes by that when I leave school, I haven’t learned something new.” Sometimes, though, he said, “A few teachers are just looking for a reason to send you home. They will make something simple into a big issue, and the principal doesn’t want to hear your side.”

In that interview, Latoris, then 19, seemed uncertain as to whether he had a bad attitude and a bad temper. “At first, I didn’t think I had a bad attitude, but people told me that so much, sometimes I think it just came down on me. Or maybe you need an attitude on the streets ‘cause you don’t want nobody to run over you. People also tell me I have a quick temper and I’m this and I’m that and maybe it all comes true.”

He spent two months in the North Delta Alternative School after an altercation with a teacher at Drew High School in March 2000, when he was in the ninth grade. As he tells the story, “The teacher thought I was chewing gum and I kept telling him I wasn’t but he sent me to detention. I told him I wasn’t coming to detention because I had no gum in my mouth. He told me to get out of the classroom. While I’m going to get my books, he grabbed me by the collar and told me to get out. I told him to get his hands off me. Then he grabbed my book bag and threw it outside and told me to follow it. I stopped at the door and when I turned around, my elbow must have hit him in the stomach. He pushed me again and then I went to the office. When I got there, I was told I had to go to the alternative school for two to three weeks about my attitude.” Latoris spent the rest of the school year there.

North Delta Alternative School, located in Webb, served children from a seven-county area, including Drew. It and other alternative schools were created in 1995 with the support of Black administrators and policy makers because they realized that a large number of mostly Black students, many in special education, were being kicked out of school and had nowhere to go. In the 2003–2004 school year, every one of North Delta’s 85 students was Black, according to its principal, Willena White. Four weeks was the required minimum stay.⁴⁸

Latoris described North Delta as being “like a juvenile hall ‘cause you have no privileges. We had four classes, and they teach everybody basically on the same level, ninth, tenth, whatever, out of the same books. Classrooms were mixed together, and we didn’t learn anything. You would also get written up and sent home for every little broken rule like if you made a sound or don’t raise your hand before you speak. Sometimes I would give up and get sent home for a day or two. Until you come back with a parent, you can’t get back in. Don’t do that, they call the police and say you aren’t at the alternative school.”

He described a friend suspended from the school. “He was supposed to bring a parent but his mama was always working and he just never came back and he started

selling drugs and stuff.” He added, “It might seem there’s not a lot of trouble to get into, being so small, but once you get out there on the street and start hanging out, there’s all this different type of trouble you can get into, and you can get into it without even knowing it.”

White, who had been principal of North Delta since 2000, readily conceded that the school had limitations. One problem, she said, is that home school teachers and parents give the image of the school as “a place for bad kids, not a transition place and period for them to get back on track.” Sometimes when alternative school students return to their home school, teachers “expect them to keep misbehaving and that kind of attitude is what defeats our children.”

The school has six teachers, certified in math, science, social studies, language arts, elementary education and special education, and a computer lab technician. “Our biggest need is behavior counselors in regular schools and alternative schools. They are the huge missing piece.” It would help, she said, if schools had a relationship with a mental health center or had more people trained in psychology. “If a child is acting out with other than a behavior problem, how are we to know? Our teachers are not trained in this area. I am not trained. We are looking at problems we can’t solve.”

White said, “Eighty-five percent of my children leave here, don’t make it at the home school, and end up in Parchman or Walnut Grove.” Walnut Grove is a prison for youthful offenders.

Latoris did make it, but not before coming up against another obstacle. When he got back into the high school, he was not able to graduate with his class in 2003 because he had not taken geometry; he said he was not told at the alternative school that this was a requirement. He returned to school the next year just to take geometry and he was finally able to graduate. In spring 2004, he was preparing to take the ACT test in hope of getting into a business college.

Harris cried softly as she told these stories and listened to the children tell theirs. “It seems like when you take one or two steps up, the system knocks you back down. It’s so unfair, because there are enough children already on the streets. Some of us are good parents, and we try to teach our children the right way and how to respect adults and authority, but sometimes it’s hard within the school framework. Even when kids try to be respectful, they don’t get that back from the schools. That’s the reason I always instill in my children, “You are good. God gave you five senses and the ability to be whatever you want to be, and you can ask Him to help you.”

Criminalization of School Behavior

From Schoolhouse to Courthouse

In recent years, many young people's first contact with the law has happened at school. In another aspect of zero tolerance, many schools are criminalizing behavior, such as schoolyard fights, that used to be handled in the principal's office. Today, police officers stationed in schools are taking students directly to local courts and detention centers, sometimes in handcuffs.

"If the rules when I was in grade school were what they are today, I would never have made it to high school," said Judge James A. Ray, a juvenile court judge in Lucas County, Ohio, who also is president of the National Council of Juvenile and Family Court Judges. "Pauley (a schoolmate) and I fought every week. We were trying to figure out who was in charge of the playground."

A 2003 American Bar Association report on juvenile justice in Ohio noted that while no national data system exists to track the number of school-based arrests, "the responses of attorneys and judges, as well as the comments and observations of investigators for this study, suggest that these numbers are increasing in Ohio."⁴⁹

Like Ohio, Mississippi does not track school-based arrests, but Jennifer Riley-Collins, an attorney with the Mississippi Center for Justice, believes they are common in that state as well.

A report on this trend in the *New York Times* in January 2004 cited an analysis made in the Miami-Dade County, Florida, school system showing that juvenile arrests in its schools had tripled between 1999 and 2001, primarily for "simple assaults"—fights that do not involve weapons or serious injury—and "miscellaneous" charges, including disorderly conduct.⁵⁰

According to the *Times* article and ABA report, most of the students charged in Ohio have mental health or educational disabilities and/or are Black.

"If the rules when I was in grade school were what they are today, I would never have made it to high school."

– Judge James A. Ray
Juvenile Court Judge, Lucas County, Ohio

“What happens is: You can criminalize anything,” said Kim Brooks Tandy, the director of the Juvenile Law Center in Kentucky who was a researcher for the ABA report on Ohio. “You don’t go to school—truancy. You act out—disorderly conduct, malicious mischief. Special ed kids can commit these ‘crimes’ every day with their behavior, especially the ones with emotional or mental health problems. If you want to go after them criminally, you can.”

Turning juvenile courts into an extension of the principal’s office burdens the system with unnecessary cases, Judge Ray said. Toledo, in Lucas County, has a catch-all “Safe School Ordinance” that has been used much more readily since police officers were placed in schools in the mid-1990s. There were 1,727 school-related cases in Lucas County in 2002, up from 1,237 in 2000.⁵¹

“The largest single offense that refers kids to our court is the Safe School Ordinance,” said Judge Ray. “We do have cases where somebody punches out a teacher or damages a teacher’s car that would be crimes if they were adults. But many of them are for misdemeanors or just pain-in-the-ass type behavior. We had a girl who wore a short blouse that showed her belly button, which violated the dress code. She was obnoxious and refused to put on another shirt and she was arrested for that. This is not something we would detain somebody for! Another example: Two grade school boys were brought in for causing disruptions. They were teasing girls who were going into the bathroom, reaching inside the door and putting the lights out. We are criminalizing and demonizing otherwise normal but obnoxious adolescent behavior,” he said.

To explain this trend, Laurence Steinberg, a professor of psychology at Temple University and the director of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, said that principals are less able to depend on parents to enforce the discipline schools mete out. “I think in the past the threat of getting in touch with a kid’s parents was enough to get a kid to start behaving,” he told the *New York Times*. “Now kids feel parents will fight on their behalf.”⁵²

He also explained to the *Times* that many large urban school districts have been forced to reduce or eliminate mental health services, and kids who once were referred to specialists within the school district now wind up in court. “The juvenile justice system has become the dumping ground for poor minority kids with mental health and special education problems.”⁵³

Judge Ray said he wouldn’t use the term “dumping ground” because he refuses to place all responsibility on schools. “They are dealing with a product that came to them at age five—the

“The juvenile justice system has become the dumping ground for poor minority kids with mental health and special education problems.”

– Laurence Steinberg
Professor, Temple University

chaotic homes, the parents who have abdicated their parental responsibilities, lack of structure, lack of sleep. Kids do not do a good job of raising themselves.”

The major problem with bringing kids to court for minor offenses often isn’t the punishment they receive, Judge Ray and others said. In Toledo or Cincinnati, they generally get some sort of slap on the wrist, such as a few days of community service, but they also get a record. If the youth comes before the court again, this original charge likely will increase the penalty and minor charges can add up over time.

The punishment itself can be a problem in rural areas where few alternatives other than incarceration exist. “For Mississippi kids, the story is usually the same,” said Sheila Bedi, an attorney for the Southern Poverty Law Center. “Once they have papers (meaning that they have come to court on any charge), they find it very hard to get out of the system.”

Keisha: Assaulting a Teacher

Latosha’s younger sister, Keisha, sat with her grandfather, Leroy Williams, and her mother, Cassandra, in the molded plastic chairs in the waiting room of the Hamilton County Juvenile Public Defender’s office in downtown Cincinnati. They had arrived early for her appointment with Thomas White, who would be defending her on the charge of assaulting a teacher, a felony.

Keisha, a wisp of a nine-year-old, a fourth grader, was the smallest of the juveniles awaiting their defenders. She practiced counting in Spanish, showing off for her grandfather what she had learned at the charter school she has attended since the alleged assault in her neighborhood public school.

White emerged and called the family into a small, windowless consultation room. As soon as they sat down, Cassandra told White that the teacher, a substitute, choked Keisha. “She did kick and bite her but the woman was choking her. We wanted the school to charge her but they won’t do it.” Her voice rose in anger.

“She may well have done something wrong,” White said of the teacher. “But my job is to defend this little girl!” He asked Keisha what happened, and she gave a long, convoluted account in a high tiny voice. “In the class, I got somebody else’s paper and then when the girl’s paper came back, she got mad. Her name is D. I said I didn’t know it was hers. That’s when we was arguing. D’s sister C came and took D out of the room. She said she can’t fight me because I was littler than her. I was about to go to the assistant principal to tell what happened. The teacher grabbed my arm. She thought I was leaving to finish the fight. She dragged me by where the coat hooks were. She was trying to use the intercom. I scraped my back on one of those hooks. She wouldn’t let me go. I tried to bite her arms to stop her choking me. I kicked her too. That’s when Miss K came and took me to the office.”

Williams said he had witnesses that would support Keisha’s account. He had gotten, in a sense, depositions from some of her classmates. He pulled them out of his pocket to show them to White. They were written on lined paper in fourth grade-style block letters. One read: “Miss C choked (Keisha) and (Keisha) was punching and biting her

and Miss C said, 'Don't you ever fucking bite me,' and she let go and (Keisha) ran out. The End."

He had given copies to school officials because he wanted charges brought against this teacher, he said. A month or so later, he received a letter from the general counsel for the school district saying that the system's Office of Security Services had investigated the "alleged assault" by the substitute teacher. The student witnesses said Keisha was kicking and biting the teacher when the teacher stopped her from leaving the room. The teacher said she had to hold Keisha to protect herself. "All the students interviewed demonstrated what looked more like restraint than a chokehold," the letter states. "Based on these statements, the case is closed." The teacher, not the school, filed the assault charge against Keisha.

White glanced quickly at the hand-written depositions and said they weren't necessary. "We could call them as witnesses but we don't want to go to trial." He said he was going to file for a competency hearing because "it's not clear that a nine-year-old can meet the constitutional standard to stand trial." He explained that two psychologists would interview her and give their recommendation. "If she's found not competent, she dodges the bullet."

Cassandra fumed. "But then that teacher is going to walk free."

White nodded yes. "You could sue her, though that would be difficult to win."

"Then maybe we should go to trial, put on our witnesses to show the teacher choked her," Cassandra said.

"That would not be in the best interest of (Keisha)," White said. "Even if you win, this will do nothing to the teacher, and there is a good chance you will lose. You do *not* want her adjudicated for a felony. In my experience, the teachers win 90 percent of the time against a student."

Later, White said that the standard used for assault against a teacher is low. "They don't have to show physical harm or medical reports. Frankly, the magistrate is not going to listen to what a nine-year-old and her friends say. If the teacher is presentable and says, 'I was trying to restrain her and she bit and kicked me.' The prosecutor asks, 'Did it hurt?' She says, 'Oh yeah,' and that's enough. She's guilty."

White commented, "Schools, teachers, come on! Manage your own disciplinary problems! Let's not charge nine-year-olds with felonies and bring them into court." He said he has been in the defender's office for four years and bringing students to court "seems to me to be becoming a popular method of dealing with children who are not behaving."

In his experience, charges of assaulting a teacher are not "a 200-pound boy slugging a teacher, what you think of as a felony assault. Often, two kids are fighting, a teacher gets in the middle and is hit."

White said that occasionally prosecutors will reduce a felony charge but they are not allowed to reduce felonies to misdemeanors unless the school is willing, and schools generally take a very tough line.

Asked about the competency issue, he said that he does not believe that nine-year-olds are capable of understanding the charges against them and participating in their own defense. Steinberg, the MacArthur Foundation Research Network director, led a study that tested these elements of legal understanding in children. It found that 30 percent of children under the age of 14 are as impaired in understanding how the legal system works as mentally-ill adults, who have been deemed not competent to stand trial.⁵⁴

White said, however, that the decision in Keisha's case will depend on the psychologists. "There are some that would only find her competent; others only incompetent. I don't know what will happen. This morning I was dealing with a competency hearing of a 14-year-old boy charged with sexual assault. He is mentally retarded, with a 55 IQ, and he failed first, second, and third grades. He was declared competent to stand trial. The psychologist's explanation of why he failed first, second, and third grade was: He didn't take school seriously."

"If she is found competent, she will be found guilty," he predicted.

Downstairs, standing outside the building waiting for their ride home, Cassandra was still fuming. Keisha practiced drill team moves on the sidewalk.



Education Paradigms

Punishment vs. Development

The Cincinnati public school system at the time of our study was revising its Code of Conduct and adopting a different approach for school management and discipline. “We have the highest expulsion rate in the state,” said spokeswoman Janet Walsh. “We recognize that the traditional approach isn’t working.”

Under the new approach, called Positive Behavior Support, school committees identify a small number of school-wide behavioral goals, like calm in the hallways, which will be taught to students so they know what to do, not just what *not* to do. Reinforcement will be positive, not all negative. At the same time, office referrals will be analyzed to determine when and where infractions occur to discover problem areas.

“We’ve got to get away from the crime and punishment type of model,” said Susan Taylor, the Cincinnati teachers’ union president at the time who was on the committee designing the changes. “This is still a rampant mindset among too many teachers and administrators. ‘You do the crime, you do the time. If you do this, it’s Saturday school. Do that, a suspension for three days.’ We’ve got to get where the consequences of misbehavior are instructive.”

In April, as Cincinnati was preparing to train teachers in the new approach, Cleveland appeared poised to move in the opposite direction. School officials there, fed up with students roaming halls, using cell phones, pulling fire alarms, and gathering in the streets at two city high schools, brought in additional police officers and announced more stringent disciplinary measures, including five-day suspensions for students who are chronically tardy or absent.⁵⁵

“Marginalized children get a control and punishment and low expectation reaction that sends a message to the child that he or she is not valued or wanted or smart. This happens at a time when they need confidence and puts them on a downward track from the beginning of school.”

– Dr. James Comer
Professor of Child Psychiatry, Yale Child Study Center

If Cleveland codifies tougher disciplinary sanctions, it is not hard to imagine that a few years from now, it will realize, as Cincinnati has, that it is pushing too many children out of school. It is also conceivable that if Cincinnati's new measures don't work as well as hoped, if funding is cut for some key elements or attention diverted to a new problem, and suddenly some school's management breaks down, there will be cries for toughening discipline again.

"We go through cycles of putting alternatives and new systems into place," said Tom Mooney, the Ohio teachers' union chief at the time who helped design Cincinnati's current disciplinary code. "We have a 3 to 1 disparity (between rich and poor districts) in per pupil funding in Ohio. Our funding is unreliable and unstable so systems are always on a roller coaster. If you make a model that costs money—social services, mental health services—I guarantee you the system can't afford to keep it going for long. Even bare bones ones fade away. New administrators come and go and don't remember why we have that program. And sometimes what is tried just doesn't work. Who knows why? There aren't any simple answers or solutions."⁵⁶

In his book, *Waiting for a Miracle: Why Schools Can't Solve Our Problems and How We Can*, Dr. James P. Comer, the Maurice Falk Professor of Child Psychiatry at the Yale Child Study Center, writes that school policy that focuses almost exclusively on curriculum, control and punishment, instruction, and high stakes accountability based on test scores alone is misguided. If schools are to reach children who are "undeveloped" when they arrive at school, he writes, they must focus on promoting development above all else.⁵⁷

"All children need stimulation, protection, and sustained support to develop and prepare for successful adulthood. Ideally, this happens in the family and community, with the schools providing further opportunities for growth. But if the family and community aren't doing this, the schools need to take responsibility," he said. "School is the only organization where a relationship between meaningful people and children can take place on an ongoing basis and compensate for the difficult conditions that interfered with the growth of many."⁵⁸

In schools centered almost exclusively on instruction—the traditional model—children from marginalized families, who haven't had the same experiences and interactions as mainstream children have, are seen as dumb or bad or unable to handle themselves, said Dr. Comer. "Marginalized children get a control and punishment and low expectation reaction that sends a message to the child that he or she is not valued or wanted or smart. This happens at a time when they need confidence and puts them on a downward track from the beginning of school."⁵⁹

Central Fairmount: A School in "Continuous Improvement"

In Cincinnati, the public school system in 2003 moved up from the lowest state ranking, "academic emergency," to "academic watch" based on improved achievement scores. A number of individual schools improved their ratings but 32 of the system's 79 schools remain in "academic emergency" or "academic watch." Thirty-seven rank in the third category of "continuous improvement." Only 12 made the top two cate-

gories of “excellent” or “effective.”⁶⁰ Michael Ward, the principal of Central Fairmount School, is using everything he knows to turn his school around. A kindergarten through eighth grade school on the western side of Cincinnati, Central Fairmount is located in a neighborhood that once was 90 percent White and now is 80 percent Black. Ward, a 30-year veteran teacher and administrator in the school system, was brought in to lead Central Fairmount three years ago when the school, one of the many in “academic emergency,” was about to undergo a redesign. A redesign means starting from scratch with an entirely new staff.

Ward is a multi-tasker in seemingly constant motion. At the beginning of the visit, he was standing in the wide hallway of the old, traditional school building while the students were doubled over on the floor, heads facing the walls, for a tornado drill. When the drill was over, some students high-fived Ward as they walked past him. He knows their names.

“My goal is: Create an environment in which children feel safe and cared about,” he said as he headed to another part of the building. He hired a racially and gender balanced staff and organized them into teams that have common planning periods and meet with parents together. The school offers a universal breakfast, free adult education, after-school programs with an after-school bus to take kids home, and a Ready to Learn class in anger management. He’s also made space available in the building for community groups. Every day for an hour and half, the school stops for reading. There are no bathroom breaks, no announcements on the public address system.

In Cincinnati, an instructional leadership team at each school decided how to allocate the money budgeted to that school. A music teacher or a library? A full-time social worker or a playground? Computers or an art teacher? Central Fairmount selected a music teacher, a full-time social worker and computers. The school has no art teacher, no library, and no playground except a paved area behind the building with two basketball hoops hung on a brick wall.

We passed the in-school suspension (ISS) room, where six children stood around an aide. One sat at a desk, scribbling on a piece of paper. “Mr. Ward, I need to talk to you,” one girl called out. Ward promised to talk to her later.

Twenty percent of the students at Central Fairmount are in special education, and the school has three severely behaviorally handicapped (SBH) classrooms with 12 students in each. They are small rooms with desks and a blackboard. In the SBH classroom for fourth to eighth graders, all the students had gone to the cafeteria except one girl, who was finishing something on the computer. When she left, the teacher, Jack Black, said she used to rave and threaten others. Now, he’s able to calm her down most of the time.

“For one thing, I know the family,” he said. When the school year starts, he visits the homes of his students and communicates with the parents or guardians regularly. The previous evening, he said, he’d taken a student and his grandmother to dinner because “the grandmother was doing a lot of good things with the boy.”

Black, a former juvenile police officer who “got tired of seeing the same kids out of school every day” and returned to college for a degree in special education, said

his students “always feel they are retarded but they’re not that. They are low-functioning because of behavior, not because of IQ. Some of them take medication. They are grade levels behind but they can move up. I have a boy in the fourth grade who has attended only two and a half years of school. He is very intelligent. I pick him up everyday and bring him to school. One year, two of my students took second and fifth place in the school spelling bee.”

The SBH designation is supposed to be temporary, with the student eventually returning to a regular classroom. Black says he “tries to make sure the teacher is willing to work with them, the child wants to go, and the parents are supportive.” He confesses to worrying when a student leaves to go to another school. “Maybe the teacher will not be as patient or understanding. I feel bad—not to judge other teachers.”

Many of his former students eventually drop out of high school, he said, “but I’ve seen some successes. One boy is now a college freshman. He won a national ROTC scholarship. That is really neat. Some graduate from high school and get jobs. I’ve seen several of my former students working in restaurants and I’m impressed. They had such short fuses in school.” He added softly, “I have two who killed people.”

His approach to discipline is: “Give the parent a call. ‘Michael is not having a good day. Did something happen? If I have to call back, I may have to send him home.’ There are times when you have to send them home.” Having a relationship with parents is crucial for discipline because parents today tend to take the side of their children rather than of the school in disciplinary matters, he said. In the past, it was the other way around.

Principal Ward describes a similar approach to discipline. “I listen to the kids, talk to the parents and try to handle it.” He long ago rejected the idea that suspensions and expulsions teach a lesson. “When you put a child out, this does not improve his behavior. All it does is give the teacher a chance to teach. As far as modifying behavior, they go home and watch “Sponge Bob” all day. When they come back, they’re not changed and they’re behind. In addition, it burdens working parents to send a child home.”

Sometimes, though, he does suspend or expel students. And sometimes it is hard to know what to do. As we neared the cafeteria, a first grade teacher came up and told him that a boy and a girl in her class got in a fight again. “This is happening three to five times a day. Earlier today, he raised his fist at a different student.” She said that her three phone numbers for the girl’s mother weren’t working, and the phone number she had for the boy was disconnected.

“When you put a child out, this does not improve his behavior. All it does is give the teacher a chance to teach. As far as modifying behavior, they go home and watch “Sponge Bob” all day. When they come back, they’re not changed and they’re behind. In addition, it burdens working parents to send a child home.”

**– Michael Ward
Principal, Central
Fairmont School**

“Bring them in,” Ward said, and went into the small office of the assistant principal who normally handles discipline but who was out for two weeks. Ward knows the two because they have been in trouble many times before and often fight each other. He called the school’s social worker and asked her to visit the two mothers and call him back.

They arrived and sat in chairs facing his desk. She is a Black girl wearing a yellow sweat suit; he is a White boy wearing slacks and a shirt. They are both small—they’re first graders—although she is bigger than he is.

“This is my fourth time in ISS!” he announced.

“I missed breakfast,” she said.

“Why?” Ward asked.

“Because I was late.”

Ward asks what happened.

“She hit me first in the eye and I punched her.”

“He hit me.”

The teacher came into the office. She and Ward discussed referring the girl to a community mental health clinic.

“This is a constant problem,” said the teacher.

“What do *you* think?” Ward asked her.

“*Something* needs to be done.”

“They’ve already been in ISS so many times. I hate to put out a first grader.”

The boy and girl, meanwhile, wiggled on their chairs, talking and laughing.

The social worker called with a number for the girl’s mother. Ward wrote it down and called. “She got in another fight today. I don’t want to put her out of school. She’s spending time in ISS and not getting an education.” He asked her to come in and talk to the teacher. “We only have 15 days before the end of the year. I’m going to put her back in ISS for five days, but we need to get her back in class so she’ll be ready for next year.”

“Am I in trouble?” the girl asked.

“I’m going to put you back in ISS for five days. Do you know why?”

“Because I’m fighting.”

“What happened last time?”

“ISS.”

“I’m mad at you. We need to get this straightened out and get you on to second grade.”

The boy drew three days in ISS. Ward put out his little finger to crook with the boy’s little finger. “Are you done with fighting?” he asked.

“No,” the boy answered.

Ward asked again, “Are you done with fighting?”

Suddenly he frowned. He’s noticed that the boy’s little finger was injured.

“How did you get this hurt finger?”

“My mom cracked me with a spoon.”

“Why?”

“Because I was bein’ bad.”

He called the social worker again and told her to check on this. A short time later, the boy’s mother called. She said ISS was a good thing for her son.

Ward then headed to the cafeteria to talk to another teacher about another problem. He considers Central Fairmount a work in progress, and so does the state of Ohio. In three years, the school moved up to the status of “continuous improvement” in achievement, halfway between “academic emergency” and “excellent.”



Delinquency and Alienation

Dropping Out, Hanging Out

In the third or fourth grade, the sorting begins in earnest between those children in the pipeline to college and those heading in the direction of prison. Dr. Comer says that children begin to understand in about the third grade whether they are part of the American mainstream or part of another, more marginal, world. Underdeveloped from the start of school and not given the support and attention they need in the early grades, the marginal kids begin to mentally drop out around the third or fourth grade, when the academic demands of school begin to outstrip their preschool and early school development.

“These children are still in the north woods, without a map, survival skills or tools,” Dr. Comer writes. “Most will not continue to develop so as to achieve their social and academic potential. Most go on a downhill course and repeat the marginal experience of their parents, despite the fact that almost all parents want their children to succeed in school and in life.”⁶¹

While poor academic performance is not a direct cause of delinquency, studies consistently demonstrate a strong link between marginal literacy skills and the likelihood of involvement in the juvenile justice system. Most incarcerated youth lag two or more years behind their age peers in basic academic skills and have higher rates of grade retention, truancy, and suspension and expulsion. A national study found that more than one-third of youth incarcerated in the juvenile justice system read below the fourth grade level.⁶²

Mississippi State Senator Willie Simmons, who at the time represented Sunflower among other counties in the Delta, said that the state of Mississippi once used elementary school achievement scores to project future prison population. Simmons worked in corrections for 17 years and in 1992 was the deputy commissioner of Mississippi’s Department of Corrections. In that job, he said, he commissioned a study to project what the state’s prison population, then about 10,000, would be in 10 years.⁶³

A national study found that more than one-third of youth incarcerated at a median age of 15.5 read below the fourth grade level.

“The group in Washington that did the study looked at three factors,” he said. “The first was our sentencing laws; the second was the crimes that were being committed. The third factor, the key factor, was the reading and math scores in the fourth, fifth, and sixth grades.” The projection of 21,000 beds proved to be very accurate, Simmons said.

“My point is: If we can look at those fourth, fifth, and sixth graders and know they are going to Parchman or another institution, why can’t educators look at them and put them on a different track. If we don’t do that, we are going to go broke as a state.”

Already by fourth grade, a substantial number of students have failed a grade and are held back. Grade retention, like suspensions and expulsions, push children out of school. Although eliminating “social promotions” may seem like a good idea, generally, simply repeating a grade does not improve achievement, the National Research Council found in a survey of existing research. In fact, this practice increases the likelihood of dropping out.⁶⁴ A longitudinal study of the Baltimore Public Schools found that:

- Of those students retained more than once, 80 percent dropped out.
- Of those retained in both elementary and middle school, 94 percent dropped out.⁶⁵

The ninth grade is a major exit ramp from the education pipeline. This is the grade from which many students drop out because after years of negative experiences and accumulated deficits, they consider themselves too old, too big, too hopeless, or too alienated to keep going.

In most school districts, ninth grade is the first year of high school, when students move from smaller middle or K-8 schools into a big and often impersonal setting with greater academic demands. Educators cite this as the primary reason the ninth grade has so many retentions and dropouts. Most urban education systems are not organized to provide those students with weak academic skills and poor attendance habits the intensive support and attention they need during the move to high school.

In a study called “Neighborhood High Schools and the Juvenile Justice System: How Neither Helps the Other and How That Could Change,” researchers from Johns Hopkins University and the University of Pennsylvania describe what goes wrong in the mid-Atlantic city they studied:

“Students fall through the cracks in good part because no one is responsible for helping struggling students with the transition from middle school to high school. Middle schools, in this high accountability era, are increasingly consumed with raising their eighth grade test scores by focusing on the students just below the threshold of success in the local accountability system. High-poverty, neighborhood high schools traditionally view the first 30 to 45 days as an organization period where the focus is on balancing the number of students in each classroom, not addressing student needs. The level of institutionalized chaos that is characteristic of many high-poverty, neighborhood high schools is hard to fathom for those who have not experienced it first-hand. It is not uncommon, for example, for hundreds of students to be without courses scheduled for the first two weeks or for students to be assigned to classes for which no permanent teacher exists. This is often the genesis of scores of students

who become hall walkers—spending most of the school day roaming the halls and byways of the school.”⁶⁶

The ninth grade also is a significant entry ramp into the Prison Pipeline. The Johns Hopkins and University of Pennsylvania researchers looked at the students dropped from the rolls of the mid-Atlantic city’s school system when they were incarcerated and found that the majority were ninth graders, most of whom were repeating ninth grade for the second or third time. A study of girls incarcerated in the juvenile justice system in Philadelphia found that the ninth grade is a crucial juncture for girls as well, the time when many drop out or become fatally disillusioned with school.⁶⁷

Two categories of risk come into play with teenage dropouts. They are included in virtually every assessment tool used to gauge the risk of youth entering the juvenile justice system, like the following from the Ohio Department of Youth Services risk assessment form for youth entering its juvenile corrections system:

Peer Relations: Delinquent acquaintances or friends/ No or few positive acquaintances or friends

*Leisure/Recreation: Limited organized activities/ Could make better use of time/ No personal interests*⁶⁸

Hanging out on a street corner in Cincinnati, Ohio, or in Drew, Mississippi, carries enormous risk; from these and similar corners in poor urban neighborhoods and impoverished rural areas around the nation, countless young men and young women are sucked into the Pipeline to Prison. Often these street corners are in neighborhoods of concentrated poverty, segregated by class and abandoned by the resourceful and successful.

Wright, the Life Course criminologist, created a risk portrait of a hypothetical boy on the corner: “First of all, by dropping out of school, he will be at the bottom of the economic ladder in terms of jobs and wages, probably for life. Criminologically, he is cut off from pro-social opportunities and friends and is hanging around a lot of older guys who often have come out of prison or are in and out of jail. In Hamilton County, 1,000 high-risk parolees from state prisons returned to the county last year, and these are the networks of information and motivation that facilitate a lot of criminal activities. One guy hears that the people in the apartment down the street are gone away so they go burglar it. A lot is opportunistic and some of it leads to violence, especially when drugs and guns get mixed up in it. Even with boys who are borderline in terms of criminal propensity, these associations can be enough to push them over.” And since urban police forces constantly watch activities on these corners, boys hanging out there are in the police spotlight.

Another part of the risk of corner associations is developing or deepening what criminologists call “anti-social values and beliefs,” which include not accepting responsibility, rationalizing harm, and blaming others or the system, said Ed Latessa, Wright’s colleague at the University of Cincinnati who has interviewed thousands of incarcerated youth and adult prisoners.

“Let’s take a guy with anti-social values and beliefs who steals a car or robs a convenience store and is caught and locked up. He’ll tell me, when I ask why he’s incarcerated, ‘I was prosecuted but the other guy got away,’ or ‘I had a bad lawyer,’ not ‘I’m here because I stole a car or robbed a convenience store,’” Latessa said. “And he doesn’t see how his actions affect his victims. He says, ‘They’ve got a lot of money. They’ll get a new car. I was only going to drive it ‘til it ran out of gas. Insurance will cover it.’ In some cases, he may blame the victim, and say, ‘She wouldn’t give up her purse so I had to hit her.’ It stands to reason that if you don’t think criminal activities are wrong and those around you don’t think they’re wrong, chances are great you will do it when the opportunity arises.”

Much has been written about the lack of positive mentors and activities for young people in inner cities and impoverished rural areas. Certainly some adults in these neighborhoods try valiantly to reach at-risk youth but there aren’t enough of them, and adults who live in better neighborhoods, who make sure their own children keep up with their schoolwork, go to soccer practice, take music lessons, go to art camp, attend church, and get to the library, seldom extend their time and concern to youth in other parts of their communities.

“I sometimes think of the founders of the Boy Scouts in England, who started the organization not for their youth but the youth in the cesspools of the cities,” said Mark Reed, the administrator of the Hamilton County Juvenile Court. “We need to be more aware of the community’s responsibility for all children. Coach a little league baseball team or something. Just a bus driver who is married and goes to work everyday could make a difference. People don’t understand the effect they can have just by being themselves.”

Jamal: The Lost Boy

Go to “Four Way,” an intersection in the Wynton Terrace projects where Baby Eric lives, and you may see Jamal, an 18-year-old, standing around with his friends. Jamal (not his real name) personifies the problems of unmet mental health needs, school failure, a juvenile record, and troublesome peers and leisure activities. His mother does her best. He has been tested, diagnosed, and serviced but he is a boy who never got enough attention from adults, particularly male adults, to learn what he needs to know to grow up to be a productive adult. Most of the influences around him have led him the other way. Now he is a lost boy.

His mother, a large, sweet-natured woman lives in the Walnut Hills area of Cincinnati, on the second floor of a duplex, with her daughter, her daughter’s two babies, an 11-year-old son, a 16-year-old son, and Jamal, when he is not staying with friends in Wynton Terrace. The family lived in the projects for a few years when she had a nervous breakdown and lost her job with the city. An older son, 20, was recently released from a state juvenile correctional facility and lives elsewhere.

Jamal happened to be home when the Children’s Defense Fund consultant visited and, to his mother’s surprise, agreed to talk. He is medium-dark brown, with short hair, and he wore a Celtics t-shirt, baggy pants, and open sneakers. Although pleasant and

polite, he was as closed as a clam. Only rarely did his hard shell open enough to provide a brief glimpse of the soft vulnerable creature inside.

Earlier, his mother had said that Jamal's problems began in early elementary school. He started getting disobedient and aggressive with other kids, misbehaving all around. "It scared me. I saw him get so angry his face changed. I took him to a clinic, and they said he had defiant disorder and he was depressed. It was a lot of words, and they gave him some medications." Part of the problem, she thinks, was learned behavior from watching his older brother who had an extreme hyperactivity disorder. Their father left when Jamal was three and has not been part of his life in any way.

Sitting in the living room, where shelves contain videos but no books, she and her son reviewed his school history. He attended at least eight schools until he dropped out during his third repeat of ninth grade. She had to fill in many of the details because Jamal didn't remember or want to remember much about his school years. He did remember suspensions and said that principals and teachers didn't like him and other students accused him of things he didn't do.

Jamal was held back in the third grade and placed in a class for students with severe behavioral handicaps. In class one year in a school that had a year-round program, with various vacation breaks, his teacher quit and the students in that class went on vacation for a big chunk of that year, his mother recalled.

By the seventh or eighth grade, "I kept suspending myself," he said. "I didn't care too much. I just started goin' with my own crowd."

"My opinion is: Being out of school was better than being in school," she said. "You kept being suspended for the same things. You knew."

"It wasn't nothin' serious. Say a cuss word and get a three-day suspension."

When pressed, he couldn't remember any "best time" in school and could name just one teacher he liked, Miss Saunders. "There was others but I can't remember their names." He couldn't name a book he enjoyed reading, did not attend church, belong to the Boy Scouts, or participate in school sports. He did wrestle one season at a neighborhood center, for a team coached by his uncle. He was there six months, then quit after a match he was sure he would win. Instead, his loose shoelaces distracted him and his opponent pinned him. "I could of beat him but he won. I said, 'Forget it,' and I never went back."

The interviewer talked about the importance of learning to go on after failure, but he didn't understand.

"I failed a lot," he said.

During his years in ninth grade, Jamal was often truant, began smoking marijuana, and built a juvenile record. "Our family was not out of control 'til I had to stop working and we moved to the projects," his mother said. "The first week, somebody held a gun to (her older son's) head. My boys were picked on. They got off the bus and ran home crying. I had to do the down home thing. I said, 'If you don't fight back, I'm going to whop you.' The next day, they took off running, but they had hid a stick. When the kids came after them, they started swinging and the kids went the other way."

The move to the projects brought another trauma she confessed when Jamal wasn't in the room. A man in the area gave alcohol and money to the boys, sexually abused them, and videotaped it. When she learned about it, she called the police. She has never looked at the videos and her boys don't talk about it, she said. "I was going to court about child support. I just had a breakdown." She burst into tears. "I wasn't a good mother at that point."

Jamal's juvenile record is two and a half pages long: two assaults, curfew violations, driving without a license, unauthorized use of a motor vehicle, theft, criminal trespass, failure to stay after an accident, disorderly conduct, domestic violence, and parole violations. His first criminal charge, assault, came, he said, when 13 kids jumped on him, he got angry, went inside, and got a knife. When the boys tried to jump him again, "First person came at me, I cut him."

"I can understand him going off like that," his mother said, "but the judge said it was premeditated because he went back in the house and came out again. It was the wrong thing to do."

The domestic violence charge came when Jamal and his older brother got in a fight that their mother couldn't stop so she called the police. Jamal spent months in and out of the Hamilton County detention center and a juvenile community corrections center. Although these institutions have education programs, the course work isn't what Jamal remembers. "People talk about, 'This is how he got caught. This is how he got caught.' It's a crime school."

In February 2004, he stopped going to school. "I'm 18 in the ninth grade. It's not worth it." He says he now is looking for a job. His mother has driven him to grocery stores and fast food restaurants that she heard were hiring. He filled out applications but no one has called.

As Wright pointed out, street corners are good networks for crime but not for jobs; only one of Jamal's friends, who are all high school dropouts, has a job. Asked how one gets a job, Jamal responded, "Luck." He doesn't expect to find one. This is a realistic appraisal given the shortage of jobs, but high school dropouts like Jamal sometimes have an additional problem. Spending weeks out of school for suspensions or truancy, they have lost the habit of showing up. Jamal's older brother lost several jobs because he would come in late or get in arguments with the manager.

"Ain't no way to make money," Jamal said. "No choice but to sell drugs."

"You have a choice," his mother said. "You don't have to sell drugs."

Jamal spent months in and out of the Hamilton County detention center and a juvenile community corrections center. Although these institutions have education programs, the course work isn't what Jamal remembers. "People talk about, 'This is how he got caught. This is how he got caught.' It's a crime school."

- Jamal, 18 years old

“Either that or rob.”

The police seem to believe Jamal is selling drugs or doing something else illegal. Several times, they have picked him up from around the Four Way. A week before the interview, he said, the police followed him when he was bicycling around Wynton Terrace and stopped and searched him. Finding nothing, they gave him a ticket for riding a bicycle without a light. Now that he is 18, an offense could send him to adult prison.

His mother mentioned the Job Corps and a boy he knows who got a certificate in food service and now has a job. She thinks he should go to the program in Dayton where he wouldn't be hanging out with his friends.

“I'd be stuck all the way out of town and I wouldn't know nobody. I'd be broke and I'd have nothing to do.”

“They give you a place to stay and stipend for food and clothing and a lump sum when you finish,” said his mother.

“I know somebody who went there and he said it was crap.”

This conversation underlined a characteristic of lost boys like Jamal—their narrow world view. There are programs, though insufficient, for jobs or recreation, but these boys don't see them. They have traveled so far out of the mainstream and so far into the Pipeline to Prison that all they see are the pipeline walls. They don't see the ways out.

What boys like Jamal need are “long-term real relationships,” said Hurst, the director at the time of the National Center for Juvenile Justice. “I interned with a psychiatrist once, and for children with some sort of conduct disorder who have trouble connecting actions and consequences, a low frustration tolerance, and a pattern of self-destructive behavior and decisions, the remedy is a long-term real relationship with a person or people of acceptable character.” He said that the “most honest” program of this nature he knows—a mentoring program in Arkansas for parents who had abused their children—does not ask the mentors to take on more than one family at a time and their involvement lasts until the children get to the age of reason and responsibility, “which sometimes seems to take forever.”⁶⁹

What would Jamal really like to do if he could snap his fingers and do and be whatever he wanted?

Jamal shook his head and finally said, “I don't know.”

Is there something you enjoy doing?

There are programs, though insufficient, for jobs or recreation but these boys don't see them. They have traveled so far out of the mainstream and so far into the Pipeline to Prison that all they see are the Pipeline walls. They don't see the ways out.

“Building stuff. A guy who does dry wall showed me a little bit of that. I didn’t get paid!”

He also likes music. He can play the beat machine. He and some friends put together rap sounds on a machine. “Some guy was going to make a CD of us but he died.”

Do you have anything going for you?

“I ain’t got nothing going for me. Talk to girls. Other than that, ain’t nothing out there for me.”

Are you worried about ending up in prison?

“Sometimes I think about it. I don’t care no more.”



Impact of Drugs

Substance Abuse and Crime

Hunter Hurst, of the National Center for Juvenile Justice, said that while many offenders use drugs, drugs do not cause crime. “Researchers have forever wanted to do research on drugs predicting crime,” he said. “Everyone from federal judges on down will tell you they do, but from a research standpoint, it’s more true that if you are an offender, you will be a drug user.” He said that about 80 percent of juvenile offenders have substance abuse disorders but only 20 percent of drug users commit offenses.⁷⁰

Of course, drug use itself is a crime that has drawn harsher and harsher penalties in the last two decades. Since 1980, annual drug arrests have tripled.⁷¹ Juvenile drug arrests have increased 75 percent. In Ohio, for example, juvenile arrests for drug abuse violations in 2000 numbered 5,715, second only to theft.⁷² Juvenile drug arrests in Cincinnati in 2003 also came in second to theft, with arrests for possession outnumbering those for trafficking by a margin of 9 to 1.⁷³

Much has been written on the causes of drug abuse, and the stories of young people like Jamal and others underline some of them: It is something to do. It is something their friends do. It provides a way to escape the unpleasantness of reality and feel powerful and important. Once addicted, especially to cocaine, it is hard to escape. Wright, the life course criminologist, says that studies indicate that cocaine can damage the structure of the brain. “You think it’s hard to lose weight,” he commented. “Try changing the structure of your brain.” There is no question of the damage substance abuse does to families—witness the number of children in this report whose mothers were addicted to drugs—and to teenagers in derailing them from productive activities and companions.

In selling drugs, another, often economic, dynamic comes into play. It is telling that the writer William Finnegan began his *New Yorker* magazine profile of a young,

“The possibility of becoming a statistic in the prison system is great here, because why? No jobs! No opportunity for a job.”

– Douglas Sproat
Former Warden of youthful offender prison in Mississippi

Black drug dealer in New Haven, Connecticut, by describing the city's many businesses and factories that moved away or closed down in the last quarter of the 20th century. Several previous generations of Black men had come to New Haven and elsewhere in the North for jobs in factories and, for a while, their labor was needed. But when the economy changed and jobs became scarce for unskilled and semi-skilled workers, the unemployment rate for Black men soared and now doubles the rate for White men.⁷⁴

The Mississippi Delta never had much employment except agricultural work, which now is done by machines, and some garment factories. Today those factories are gone and just a few industries like catfish and chicken processing plants remain.

"The possibility of becoming a statistic in the prison system is great here, because why? No jobs! No opportunity for a job," says Douglas Sproat, the former warden of the youthful offender prison in Walnut Grove in Leake County, northeast of Jackson.

Sproat describes the cost-benefit analysis some inmates make about dealing drugs. America puts a high value on money and material things, he said, and when he suggests they get a job upon release, "They say, 'How do you think I afford the threads that I have?' and 'I'm a status symbol in the community because I've got money in my pocket all the time, and you tell me that I'm supposed to work for minimum wage?... I pushed drugs for seven years. I got caught once. The price to pay is not—not anywhere near—what it would take for me to stop.'"

Lorenzo: "No Lifestyle to Live"

Lorenzo White is reputed to have been one of the most notorious drug dealers in the Mississippi Delta. He was 29 years old at the time but looked 22 or 23, very slight of build and sweet-faced. While in middle school in Drew, Lorenzo's class was taken on a field trip to Parchman Penitentiary seven miles away in an effort to scare the students straight. It didn't work with Lorenzo, who now is incarcerated at Parchman on drug charges, or with other young men in his hometown. "Seems like half of Drew's young Black men are in Parchman," he said. Lorenzo's story is especially sad because his paternal grandmother, Mae Bertha Carter, was one of the heroes of the Civil Rights Movement in the Delta, taking great risks to enroll her children in the segregated White public school.

Lorenzo's mother, Doris, was 15 when he was born. His father did not live in Drew and was not around for his childhood. Doris already had a two-year-old son and, three years after Lorenzo, she had a daughter. They all lived with Doris's mother, Minnie White, who worked as a housekeeper for local White people and somehow was able to take care of her own children and the three grandchildren.

According to Yolanda, Doris' sister, Doris had relatives in New York and moved there to find a job. The three kids went with her, but it was hard for them, and they wanted to come back to the Delta to stay with their grandmother, Minnie White. Mae Bertha Carter lived next door. Both women tried to steer Lorenzo in the right direction, but a feeling of abandonment seems to have pervaded the souls of all three children. Yolanda told the story of Doris promising to send Lorenzo the very latest in tennis

shoes and of Lorenzo sitting by the mail box, day after day, waiting for shoes that never came.

He considered himself rebellious against authority from elementary school on, and although his teachers recognized that he was very smart, he was not fond of school. His brother Rodney made straight As in high school and was rarely in trouble, but Rodney took to the streets after graduation and in 2003 shot his girlfriend and then himself. Lorenzo's sister moved to Oklahoma and was killed in a car accident.

After an altercation with a teacher in the 11th grade, Lorenzo refused to go to the alternative school. "That means for bad kids," he said. In spite of the warnings of both grandmothers, he joined the street life and became known as a drug dealer. There is some evidence that part of his motivation was to help his grandmother and all of the children and young people living with her. Yolanda said her son once needed some special basketball shoes to play in a tournament, and she didn't have money to buy them. She got a call from the coach at one point saying that Lorenzo had been in and had left money for the shoes as well as money for his cousin's travel to the tournament.

Lorenzo was interviewed twice, initially in July 2002 and again in June 2004. In both conversations, he struggled to explain himself, revealing the difficulty of escaping from the Pipeline and an overwhelming desire to be important and successful.

"After I got expelled, it had a big effect on me, because then I hung out on the streets for that year," he said during the first interview in the Sunflower County Jail where he was awaiting trial for drug possession. "I wasn't going to school, no jobs, so I didn't have nothing to do but sit up there, sell drugs, and drink alcohol. I was smoking marijuana on the street. I started smoking marijuana when I was, like, 16 years old. On the street, I was drinking, like, a six-pack of beer a day. Me and my friends, we might go get a case a day and drink. Smokin' weed. Selling dope. Once you're on the streets it's peer pressure. Watching each other do it. Following behind them. Ride around in the car, get high, drink beer, go play cards. If you're in school—skip school."

Speaking of Drew, Lorenzo said, "Part of the problem is the kids have no place to go after school—no recreation place, no basketball court, no swimming pool in Drew any more. When I was on the streets, kids came up saying they want to be like me, and want to have a car like I had, make money like I had made. They weren't good ideals, and I be telling them, 'You don't want to live that lifestyle.' But you got to show kids better than you can tell them, and I had wanted to live that lifestyle, too. I grew up, seems like, with no lifestyle to live."

In Lorenzo's experience, money is the motivation for selling drugs in the Delta "cause you're driving fast nice cars that people like doctors and lawyers drive. Being cool, hanging out with friends on the streets—you can get some respect. It's hard to leave a job where you make \$100,000 a year. Same with drugs and fast money. Like on the street, you make \$100,000 a year, it's hard to leave the environment."

Lorenzo continued trying to explain. “Sex and drugs, and teenage pregnancy, and then these kids figure they can’t take care of their kids if they are in school. They go out and try to get a job to take care of their kids, and there ain’t no jobs there to get, not in the Delta. Not around here.”

Like others in this report, Lorenzo talked about attitude and anger. “Seems like parents ain’t teaching children about anger. This anger business gets you in a world of trouble before you know it. People ain’t treating you right or something like that—you might get up in the morning on the wrong side of the bed, and people say something to you, your attitude just comes out. You might think life ain’t treating you right. You might couldn’t get no money that morning from your momma or somebody. Couldn’t get breakfast, your girlfriend might get into it with you, you just have a problem. Anger. Or depressed all the time. When I was going to Drew High, I was depressed all the time—about the education, where I was going to be in life when I grew up.”

Lorenzo said he wanted his grandmother, Mae Bertha Carter, “to see me as somebody successful, like her kids was successful in life. She was a great lady. She wanted everybody, White and Black, to have an education—the best education they could have. She talked to me all the time, but I didn’t listen. If I’d have listened, right now I wouldn’t be in the trouble I’m in.”

It seems to be a theme in the stories of the young men that their mothers or grandmothers do not carry enough weight in a materialistic world with more temptations than opportunities. The women pull in one direction but the street and money pull more powerfully in the other direction, aided by popular music that glamorizes gangsters, violence, and casual sex.

In this first interview, Lorenzo expressed regret for his bad decisions. He said he had taken classes at a community college for a year but didn’t return the next year because he got in trouble for selling drugs. “I could probably have gotten a job like working in Auto Zone, or like I went to school for agricultural mechanics for working on tractors and stuff like that. I might have been working at John Deere, being a manager or something like that. But I wanted to go and make money on the streets and have something—like cars and houses.”

He resolved to “re-invent himself”—“get rid of that anger and read the Bible and stuff.” His dreams were quintessentially American. “When I leave out of this jail, I want to be outside of Mississippi, go back to school, get an education, be a doctor or a lawyer. I got two kids I need to take care of, and I want my kids to grow up to know me as somebody instead of nobody. I dream of coming back to Mississippi to help people when I get old, but I don’t want to come back ‘til I get old where I buy me a house where I can live peacefully.”

Instead, he is still in Mississippi—in Parchman. He did leave the state for a short time. Connie Curry, who wrote a book about Mrs. Carter, talked to Lorenzo’s lawyers about having him assigned to a drug rehab program in Atlanta. When Lorenzo came

before the judge in January 2001, he was sentenced to this two-year program. But he left after one month, saying he didn't fit into the Atlanta program and thought he could "beat the system." He went to Memphis to see his daughter, couldn't find work and returned to Mississippi. He was arrested after being stopped at a routine roadblock, where police determined that he was wanted for skipping out on the program. When he went to trial, the angered judge sentenced him to 25 years, without parole. He is appealing.

In June, Lorenzo was working in the processing department at Parchman where inmates bag and freeze the pecans, carrots, and vegetables raised on the prison farm. He said conditions had improved from the days of violence and dogs and disappearances of inmates, partially because of legal scrutiny and lawsuits. He had his own room in a special building and said he spent most of his time reading and studying. He was staying away from the younger guys who, in his opinion, "say and do stupid things." Some join gangs for protection but he said he was not scared of gangs on the street and isn't afraid of them in prison. "I may not be big, but they all know who I am, and that I am smart. Everybody knows me—I have a reputation of being good people, even from some of the police. I get along with everybody."

His mentors are the older guys who have been there 25 years or more, although he said the minds of some of them are gone. The older ones teach him things, he said, suggesting that Lorenzo is now learning how to spend his life in prison.

Later that month, Lorenzo was transferred to a private prison run by the Corrections Corporation of America in Greenwood, where he can learn a trade like carpentry or plumbing.

Again, he says he plans to leave the Delta when he gets out.

"[Mae Bertha Carter] wanted everybody, White and Black, to have an education—the best education they could have. She talked to me all the time, but I didn't listen. If I'd have listened, right now I wouldn't be in the trouble I'm in."

**– Lorenzo
Grandson of
Mae Bertha Carter**

The Juvenile Justice System

Clogged with Cases

Only about one-quarter of juveniles in detention nationwide who have been adjudicated have committed a violent offense.⁷⁵ The percentage of serious offenders is even smaller at the doorway to the juvenile justice system, the courtroom where the police, parents, and schools bring youth by the thousands every year, clogging the courts with cases that used to be handled in families, schools, and neighborhoods. Some arise from school-based arrests; others from parents who file charges against their children or other children.

“In the courtroom in 2020, I sat at a desk and I had kids I couldn’t even see,” said Mark Reed, the Hamilton County, Ohio, juvenile court administrator who formerly served as a juvenile magistrate. “They weren’t tall enough. I wondered, ‘What in the world could you have done?’”

Terry Weber, the chief at the time of the Hamilton County juvenile defenders, estimated that 30 percent of the cases that come to court were resolved elsewhere when he was young. “One kid kicks the crap out of another kid. That used to be handled in the school or neighborhood.”

According to Kim Brooks Tandy, the lawyer who directed the Children’s Law Center in Kentucky, “domestic violence” is often the entry charge for girls, who frequently are victims of domestic abuse and violence themselves. “A girl fights with her sister. One punches the other and the parents call the police. Both are taken to the detention center. The second time around, it’s a felony.”

A Cincinnati youth crisis center run by Lighthouse Youth Services often gets phone calls from the detention center about young people dropped off there, said Bob Mecum, the director of the agency. “You would not believe the number of parents who take their 10-year-olds to juvenile detention because they don’t know how to handle them.” Lighthouse picks up these kids, who have committed no crime, and calls the parents to see what can be done.

*“In the courtroom in 2020, I sat at a desk and I had kids
I couldn’t even see... They weren’t tall enough.
I wondered, ‘What in the world could you have done?’”*

– Mark Reed
Juvenile Court Administrator

Only about one-quarter of juveniles in detention nationwide committed a violent offense. The percentage of serious offenders is even smaller at the doorway to the juvenile justice system, where the police, parents, and schools bring youth by the thousands every year, clogging the courts with cases that used to be handled in families, schools and neighborhoods. Some arise from school-based arrests; others from parents who file charges against their children or other children.

In Mecum's view, some parents and foster parents who criminalize their children's behavior are acting selfishly and irresponsibly, but others just don't know what to do about their children's misbehavior, especially children who are mentally or emotionally disturbed, and hope the judges can somehow change them or they can get mental health treatment.

In its 2003 report on juvenile justice in Ohio, the American Bar Association attributed the "heavy reliance on the juvenile justice system for treatment or punishment" in Ohio to "the lack of resources to treat children with mental illness, public schools in academic emergency, a mortality rate from child abuse higher than the national average, and a high poverty rate." Ohio's juvenile incarceration rate at the time ranked fifth in the nation.

"Increasingly, it is not so much the criminality of the behavior but the lack of alternatives for children with severe emotional and behavioral problems, children who have been expelled from school, and children whose families cannot provide adequate care that brings them into the juvenile justice system," the report stated.⁷⁶

A U.S. Senate committee hearing in Washington, on July 7, 2004, heard evidence of this problem on a national scale. Congressional investigators reported that 15,000 children with psychiatric disorders were improperly incarcerated in 2003 because no mental health services were available. A nationwide survey of juvenile justice centers, presented at the hearing, found that children as young as seven were incarcerated because of lack of access to mental health care. More than 340 detention centers, two-thirds of those that responded to the survey, said youths with mental health disorders were being locked up because there was no place else for them to go while awaiting treatment. Seventy-one centers in 33 states said they were holding mentally ill youngsters with no charges.⁷⁷

"We are in a much better position to diagnose and treat mental illness than we were just 15 years ago," Dr. Steven S. Sharfstein, president of the American Psychiatric Association, testified. "Many kids who get in trouble should be in treatment. But because of the lack of money and the lack of services, they end up in the criminal justice system."⁷⁸

The ABA report, titled "Justice Cut Short," devotes pages to the inadequacy of counsel for indigents at all stages of the juvenile justice process in Ohio. Many poor youth in Ohio had no attorney at all, waiving their right to have one without even the most basic understanding of what they were giving up. They included one in five sentenced to community corrections and 15 percent of those incarcerated in state juvenile corrections facilities in Ohio.⁷⁹

In addition, the report stated, court-appointed attorneys or public defenders often meet with their clients for the first time the day of their hearings and, therefore, don't know them well enough to argue meaningfully on their behalf for the least restrictive outcome.

Jennifer Riley-Collins, an attorney at the time with the Mississippi Center for Justice, said that many youth defenders in Mississippi represent juveniles on a part-time basis, as court-appointed attorneys, as part of a general law practice. Riley-Collins, who was conducting a statewide assessment of 18 youth courts, said attorneys there often do not spend much time with their young clients. "I've seen some court-appointed representatives not even going back into the detention facility to see who they will be representing that morning," she said.

With a few exceptions, a juvenile judge or magistrate has broad discretion in ordering the "disposition," or sentence. In cities in Ohio, dispositions range from fines, restitution, community service, parole or intensive parole, electronic monitoring, placement in a "staff secure" but not locked community corrections facility or confinement in a locked state corrections facility. Parole may require attendance not only at school but at counseling sessions or drug treatment programs.

Ohio's nine juvenile correctional facilities run by the state Department of Youth Services were the most confining for juveniles tried as juveniles; only juveniles convicted of felonies were sent there. The 40 detention centers were run by county courts. Most of the youth confined there were awaiting trial or sentencing, but judges can order a confinement of up to 90 days as a sentence. Hybrids between the two are the 12 community correctional facilities, run by the counties but financed by the state. Additional options are residential schools, which are not locked facilities. Ohio juveniles tried as adults are held in a separate unit at an adult prison.⁸⁰

Mississippi judges have similar discretion but fewer alternatives to incarceration. Just 23 of the state's 82 counties have Adolescent Offender Programs, which include after-school programs, individual counseling, family counseling and drug abuse treatment. Started by the state's Department of Youth Services in 1994, all are non-residential and community-based.⁸¹

Sheila Bedi, the attorney for the Southern Poverty Law Center, said that judges use these alternatives when they are available. "As a matter of fact, in January of 2004, a group of judges came to the Juvenile Justice Committee of the Mississippi

"Increasingly, it is not so much the criminality of the behavior but the lack of alternatives for children with severe emotional and behavior problems, children who have been expelled from school, and children whose families cannot provide adequate care that brings them into the juvenile justice system."

- American Bar Association 2003 report on juvenile justice in Ohio

state legislature and said, 'If you gave us more alternatives, we wouldn't have all these children in the training schools.'

In most counties in Mississippi, the choices for disposition of juveniles come down to just three: Do nothing, lock them up, or put them on probation, although Riley-Collins believes judges could be more creative in coming up with alternatives on their own.

"How about figuring out some community service?" she asked. "Or a big brother/big sister mentoring program? Or 'read a book and provide me with a book report.' There's one judge that does that. Or 'write a letter of apology.' It's like when you have a child at home you don't want to punish but you know you need to. You come up with something."

Mississippi had two training schools: Columbia, in Columbia, and Oakley, in Raymond. Some 97 percent of juveniles incarcerated there committed minor offenses.⁸² Youth who commit felonies generally are tried as adults and sent to the Walnut Grove Youth Correctional Institution.

With so few alternatives, judges in Mississippi lock up young people on some charges that likely would draw community service, electronic monitoring or other alternative sanctions in cities in Ohio. Of the 347 youth incarcerated in Mississippi's two training schools on March 15, 2004, 12 were there for running away, nine for truancy, nine for possession of alcohol or public drunkenness, eight for trespassing, seven for shoplifting, one for breaking the curfew, one for defrauding a cab driver, 20 for contempt of court, and 45 for disorderly conduct.⁸³

The most common charge against juveniles incarcerated in Mississippi's training schools was violation of parole.⁸⁴ Often the violation involved was for not attending school, which was almost routinely set as a condition in every state. Defense attorneys in Mississippi and Ohio contended that parole was over-used as a sanction and could trap kids in the system.

"You get a kid identified as having emotional problems or a history of abuse or a disorganized family," said Tandy, the Kentucky attorney. "They get on probation and there are 1,500 conditions they will never comply with. They violate probation and are put into or sent back to detention."

Judge Ray, of Toledo, agrees. "The deeper you get into the justice system, the harder it is to get out. Probation is designed in most cases to identify inappropriate behavior. In some ways, we are watching for something to go wrong." Ray said that the Lucas County Juvenile Court does not put juveniles on probation for truancy anymore. While truancy is the top predictor of delinquent behavior, he said, "We could not document that school attendance was improved on probation. What often happened was that truants on probation would be truant again, and would face a harsher sanction for violating a court order. A lot of research says that is counterproductive. Overreacting to that kind of behavior may increase delinquency, rather than decrease it," he explained.

In Mississippi, where probation officers often double as youth court counselors, “parents sometimes think they are there to help the child, and the parent becomes the informant,” said Riley-Collins. “He’s not coming home at 9:30 like he’s supposed to! If a curfew was a condition of parole, the youth court officer may bring that child back to court on a violation of a court order and the judge may send him to one of the training schools.”

Marcus: A Day in Court

The waiting area for juvenile court on the ninth floor of the Franklin County courthouse in Columbus was standing room only by 9:30 a.m. Attorneys said that on some days, especially Mondays, they could barely walk through the room. It was a long space with row upon row of black plastic chairs; along one wall were six courtrooms, each with a printout of its morning cases tacked up near the doorway.

Mornings, 9 a.m. to 1 p.m., were devoted to guilty pleas and violations of probation or other court orders. Since only about 10 percent of juvenile cases go to trial, mornings are when the immediate fate of hundreds of Columbus area juveniles is decided. Perhaps 300 people were in the room—juveniles, mostly male, with their mothers, along with court officers, probation officers, and lawyers calling out the names of their clients.

“Jerome Batson! Jerome Batson! Are you here?”

“Dawan Smith! Dawan Smith!”

Above this din, a court officer shouted the names of the juveniles and lawyers who were next up before one of the six magistrates.

Michael Hayes, an attorney in private practice, was appointed by the court to represent a 16-year-old boy charged with violation of probation for running away from home while on electronic monitoring. To get more information, he went downstairs to pick up the “discovery” files in the case.

Another attorney, meanwhile, came up to a mother and son. “Here’s what we’ll do,” he said. “He can plead to attempted assault. We’ll have another hearing in September and if he gets in no more trouble, the charges will be dismissed.”

The mother frowned. “That’s not what I want. That boy has jumped on my son six times.”

“But he’s charged with assault,” the lawyer said.

“No, he isn’t.”

“Are you the mother of Gregory?”

“No,” she said and named her son. Realizing that he had approached the mother of his client’s victim, the attorney apologized and retreated.

Nearby, a teenager with a pale face, pimples, and dark hair, looked at the floor while his mother and grandmother had a conversation suggestive of the way delinquent and criminal activity sometimes passes from one generation to the next. “This is his

seventh time here and it is going to be the last,” the mother declared, giving her son a determined look. Her mother—the boy’s grandmother—laughed.

“What?” the daughter asked.

“I was just thinking of all you put me through. What goes around comes around.”

Hayes returned with the file and walked along the rows of seats, calling his client’s name. A tired-looking woman wearing glasses and her hair pulled back looked up and waved. Her son sat next to her, a lanky boy, wearing jeans, a T-shirt from his school, and a sport-type jacket. He wore a black electronic monitoring band around one ankle. Like virtually all the other juveniles there, he sat in silence and stared forward blankly, as if a curtain had dropped down over his eyes.

Each courtroom has two small rooms near its entrance where lawyers can confer with their young clients. Hayes invited the boy and his mother into one of them. Other lawyers were doing the same with their clients, while others talked to their clients in the waiting area.

Hayes quickly read through the file. Marcus (not his real name) has a record of chronic truancy, receiving stolen goods, aggravated endangerment, and theft. He was placed on electronic monitoring after pleading guilty to stealing a purple Dodge minivan parked by a Dollar store with the keys in the ignition. The next day, he drove it to school, where the school’s police officer, noticing a car parked without a permit, found out it had been reported stolen. Marcus was identified as the student who parked the car and readily admitted what he had done. When he ran away from home, where he had been ordered to stay on an electronic monitor, he spent two weeks in the county detention center.

“Why did you steal the car?” Hayes asked.

“Show off. Transportation. Tired of walking.”

“How do you feel about it now?”

“Stupid. I wish I never took it. I’m tired of coming down here and my mom is too.”

His mother says he ran away from home because “he didn’t want restrictions on him. He went to his sister’s house and the police came and got him and put him in jail.”

“Maybe that woke him up,” Hayes commented. Marcus nodded yes.

Hayes asked about Marcus’ friends. His mother says she likes only one of them. His other friends smoke marijuana.

“Do you?” he asked Marcus.

“Not anymore.”

“Well, you better not. They may test you for it. You’ve got to stay in school, obey the rules at home, and no drugs.”

He asked how Marcus was doing at school. “Better than I used to,” Marcus said. “They moved me to a different school. The special ed school I used to go to, every time I went there I got in a fight. Walk the hall, get in a fight. Go to the bathroom, get in a fight and get put in the locked-in room. I used to kick and scream to get out.”

Later, his mother explained that Marcus began going to a school for kids with behavior and learning problems when he was in the first grade. He was hyperactive—often got up out of his seat and moved around. He was put on medication but it made him mean and aggressive, she said, so she discontinued it. She thought he needed a smaller classroom, so she requested special education. “I wanted it for academic reasons but he was in for behavior and he became like them—fighting and angry. His behavior wasn’t that bad at home. It was one nightmare after another. They had a lock-up in the school. They were training them to be in jail.”

Eventually, problems in that school were exposed in the local newspaper and on television, she noted. At a previous hearing on another charge, she said, she brought the newspaper clippings to show the magistrate. The magistrate’s “whole attitude to him just shifted and compassion jumped in.”

In the little conference room, Hayes said his main goal was to keep Marcus from being sent to a county or state facility. “I’m going to talk to his probation officer. If she thinks he’s doing well, we might be able to get him off the monitor. But we’ve got [he named the magistrate] and she’s tough.”

Hayes went off to look for the probation officer, who would testify in Marcus’ hearing. Outside the courtroom, he stopped to greet an attorney for Franklin County Children’s Services. In addition to “delinquency” cases, juvenile magistrates also make decisions in child abuse and custody cases. The attorney had two cases that morning. One was a termination of parental rights. “I guess it’s uncontested because the parent didn’t show up,” she said, adding, “Crack mom.”

She said Franklin County has 300 to 400 such cases at a time, many of them involving mothers who are addicted to drugs. “I know some of the kids,” she said, explaining that they have a multitude of behavioral problems. “I’d hate to see them when they get to be teenagers.”

Asked about her other case, she shook her head slowly from side to side. “Just when you think you’ve heard everything bad that can happen, you hear something worse. This is a case of a father, brother, and uncle sexually abusing children—and the mother held them down.”

The magistrates’ courtrooms contain a table on one side for the juvenile, the defense attorney, and the parent or guardian and a table on the other side for the prosecutor and a probation officer, if the juvenile was on probation or the probation department was asked to make a report. The magistrate sits behind a desk on a stage so that he or she looks down on the others. Judging from several hours spent in one magistrate’s courtroom, the hearings go quickly—10 to 20 minutes a piece. The probation officers did most of the talking, the defense attorneys raised a few points, and the magistrate asked questions and then delivered her decisions in a stern voice, facing the juvenile.

The probation officers covered much the same ground with each juvenile: the delinquent history, whether the youth was attending school, obeying the rules of the home, or had gotten additional charges. If drug testing or treatment had been ordered, the probation officer told the magistrate the results.

In the case of a young man brought in for violating intensive probation, the probation officer told the magistrate that the boy had not called the probation officer in three weeks, and the officer could not contact the family.

The magistrate turned to the defense table and the boy's mother said, "I called to say we got put out of the apartment and we had to stay with different relatives."

The probation officer went on, "Also he's been put out of drug treatment for not cooperating."

The magistrate asked about his record. "Attempted burglary, breaking and entering, lots of disorderly conduct," the probation officer responded.

The defense attorney spoke up. "You've heard the bad news. The good news is: There are no new offenses."

The magistrate told the young man the possible penalties for this violation, beginning with a fine and ending with 90 days in detention. "I'm going to put you on electronic monitoring. And you better beg to get back in that treatment program and see your probation officer once a week." He groaned, and she added, "If there are any more violations, I will bring you back and lock you up."

The juveniles who had been held in detention awaiting their hearings arrived through a back door wearing green sweatshirts, tan pants, and handcuffs and leg chains. One boy, who was sentenced to 60 days in the detention center for assault, turned around as he was being led out. "Bye, Mom," he said.

The only youth accompanied by a father was a Korean boy charged with carrying a concealed weapon at school. The defense attorney explained that it was a small knife in a case on his keychain that the boy had received as a gift. He had been home schooled before that and didn't realize that this would be considered a weapon. He was expelled for 45 days. The lawyer said the boy's only prior record was for breaking and entering. "But this was to get his own CD player back when his friend wasn't home. He just got a slap on the wrist for that."

The boy, dressed in a well-pressed shirt and slacks, sat quietly next to his father, who told the magistrate that his son was "very respectful" at home.

"I'll dismiss it, and I hope you don't get in trouble again," she said.

Outside the courtroom, a woman was yelling, "Lock him up! We're not coming back to this damn place! Lock him up!" Her son was represented by Marla Barrick, a Franklin County public defender. "This is a 17-year-old with an IQ of 63," Barrick explained. She said she had expected to be handling a plea on unauthorized use of a car—a friend had taken it and told him he could use it—but when she got to court, she learned that his mother had told the police he attacked her, and he was charged with domestic violence.

"I checked and Children's Services was involved with the family," Barrick said. "The boy was not in school. His parents didn't enroll him, and he has been supporting them by working at a pizza place. The father is an alcoholic. The mother is mad at him because he has a girlfriend and he wants to live with her. He's a good kid. He

says he wants to enroll himself in school. I got a continuance, and that's when the mother started yelling."

Meanwhile, Marcus' case was not called until almost 1 p.m. The probation officer said he was attending school and his mother said he was behaving well at home. Hayes asked that he be removed from electronic monitoring, and the magistrate agreed. He would remain on probation until the end of the summer.

Outside the courtroom, Marcus smiled and said he wanted to go to the YMCA, where he sometimes played basketball. Remarkably, this 16-year-old, who was still in the ninth grade and already fairly deep into the Pipeline to Prison or to a marginal adulthood, had hopes of getting into college. He said it would be paid for since his father, who lives in Michigan, is a disabled veteran. It was impossible not to hope, but also to doubt, that he will make it.

Disparities in the Juvenile Justice System

James Bell, director of the San Francisco-based W. Haywood Burns Institute for Juvenile Justice, Fairness, and Equity, tells a story about hosting a group of Romanian diplomats interested in the workings of local juvenile justice systems. As he was taking them to a different court after several days of visits, the diplomats asked him, "Are we going to the White court today?"⁸⁵

The Romanians' impression is understandable. Dark faces predominate in the crowded waiting room of the juvenile court in Columbus, Ohio. The white faces stand out like dots against a black background. African American youth between ages 10 and 17 constitute about 16 percent of the population nationwide yet account for 27 percent of juvenile arrests, 36 percent of juveniles detained, and 37 percent of juveniles committed to secure institutions. Overall, minorities account for 60 percent of juveniles committed to secure facilities, 50 percent more than their proportion in the juvenile population.⁸⁶

Without a doubt, risk-saturated African Americans like Jamal are more likely to commit crimes than White youth growing up with more attention, more stimulation, better schooling, and more opportunities.

Part of the disproportion, however, arises from living in poor neighborhoods and in urban areas. Interestingly, property crimes in affluent neighborhoods are less likely to be prosecuted than those in poor neighborhoods because the owners have insurance to cover the loss and consider their time too valuable to keep showing up in court, Hurst said. In addition, urban areas, whether Black or White, have far more crime reported and more arrests so that

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states like Minnesota, where most African Americans live in cities, have a greater racial disproportion than Alabama, where the Black population is more evenly distributed between urban and rural areas.⁸⁷

In addition, disparate treatment plays a role in every decision point in the justice system from arrest through incarceration. For example, national data show that Black and White teens report using drugs at a similar rate but Blacks are arrested at a much higher rate for drug offenses and are incarcerated at an even greater disproportion.⁸⁸ And the penalties for possessing or selling crack cocaine, more prevalent in Black communities, are much harsher than those for the powder cocaine more popular with White drug users.⁸⁹

In April 2004, *NBC Dateline* aired a show about racial profiling, focused on Cincinnati, which illustrated the way policing policies in the war on drugs can push more Blacks than Whites into the justice system. The police officer who the NBC reporter accompanied one night saw a young Black man in a baggy sweatshirt turn and walk away, which made the officer suspicious. He did what the Cincinnati Police Department calls “a stop and talk”—ask a few questions and see if the suspect consents to a search. “How much money you got?” he asked. “You got a job? Where do you work? Spread your legs.”

The officer said that he targeted this young man because he “thought he had a warrant for marijuana based on the fact he turned away and the fact he lived in Over the Rhine.” He found no drugs or outstanding warrants and let him go. The officer did not consider his action racial profiling but “good proactive police work. The community wants it. They want me to take drugs off the street, and this is how we do it,” he said.

Weber, the Hamilton County juvenile defender at the time, provided another example of disparate treatment at the arrest stage: “A store calls the police about a juvenile shoplifter. The offender, Black or White, may be charged but if he lives in Indian Hill (a wealthy White neighborhood) the police probably will take him home while the Black kid from Over the Rhine goes to 2020,” Weber said. Even if the police officer attempts to take the Over the Rhine juvenile home, the single mother may be working and not home. This decision is important because juveniles who are detained prior to adjudication are much more likely to be incarcerated than youth who have not been detained, regardless of the charges against them.⁹⁰

One Ohio juvenile defender uses the phrase, “I’m a Colt’s fan, your honor,” to describe the advantages that youth from families with resources have in juvenile court. This quote comes from a movie, when a guilty man without much going for him is asked by a Baltimore judge if he has anything to say. “I’m a Colt’s fan, your honor,” he says and the judge gives him a break. “Kids from families with resources can tell the judge what he wants to hear,” the defender explains. “We’re sending him to counseling, your honor. We’ve put him in drug treatment, your honor. He has a job after school. He’s grounded for a month. We’re going to send him to military school.”

Jennifer Kinsley, a former juvenile defender who at the time represented juveniles (and others) in private practice in Cincinnati, said, “Oh absolutely,” when asked if she

had seen disparate treatment between her two classes and races of clients for similar offenses. “The kids I represent now get much better treatment. When I was a public defender, a magistrate once called my client ‘a little shit.’ That doesn’t happen now. They are more respectful when they see a private attorney and a White father and mother and a kid who is better dressed. With a public defender-type child, you’re sometimes lucky to have the mother there, and my families now are more pro-active about finding alternatives for their children. Judges and probation officers factor in the positive influence of a stable family on addressing a juvenile’s problems. That is true, but my point of view is: These are factors beyond the kid’s control.”

Riley-Collins, of the Mississippi Center for Justice at the time, reported similar disparate treatment in court by race and also by social class in that state. “I remember two different sets of White youth—kids who lived near the golf course and kids who came from a trailer park—who had been charged with similar crimes: loitering and public intoxication. All were first-time offenders. The golf course kids came into the courtroom with their parents. One parent was a doctor who played golf with the judge. They obviously were friendly. These kids were admonished and sent home: ‘I don’t want to see you in the courtroom again,’ the judge told them. ‘You should not have your mothers and fathers down here.’ The trailer park children were threatened with training school and put on probation.”

Similar problems account in part for the overrepresentation of youth with mental and emotional disabilities in the juvenile justice system. Attitude is important to the police, magistrate and other decision makers, and “These kids have deficits in social skills,” said Tandy, who has represented special needs youth in court. They may behave in ways that are viewed as remorseless or disrespectful.

In general, youth with mental health, emotional or learning disabilities are susceptible to involvement in the juvenile justice system because they are prone to make poor decisions that lead to involvement in crime, have weak or no avoidance techniques so they get caught more often, have social skills deficits that result in harsher treatment once in the justice system or have learning difficulties that almost ensure recidivism, according to a training curriculum of the American Bar Association’s Juvenile Justice Center.⁹¹

Being Black and having disabilities is double jeopardy. According to Daniel Losen, who at the time was a legal and policy research associate at the Civil Rights Project at Harvard, Black youth with disabilities are more than four times as likely as Whites with disabilities to be in a correctional institution,⁹² and the former National Mental Health Association, now called Mental Health America, reported that youth of color have often not received services or have been poorly serviced by the mental health system prior to their entry into the juvenile justice system.⁹³

“If your family has money, you get psychiatric intervention,” said Latessa, the University of Cincinnati criminologist. “If they don’t, you get the prison psychologist.”

Looking at the many factors that result in so many children of color spending their youths locked up in correctional facilities may produce a sense of hopelessness. The

W. Haywood Burns Institute, which works to reduce racial disparity in juvenile detention, does not concern itself with the “why” but with the “how” of disparate treatment, examining, step by step, the process that takes an offender from the scene of the crime to the detention center in 10 target cities.

“When you say, ‘It is caused by poverty,’ or ‘It is caused by racism,’ you are saying the problem is intractable. And then you go home,” says Bell, the Institute’s director. “But in fact, the juvenile justice system is just a series of decisions that are made—and we are examining them to see where they have a disproportional impact on kids of color, in ways that have nothing to do with public safety.”⁹⁴

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Director, W. Haywood Burns Institute

Juvenile Incarceration

Behind the Barbed Wire

A 2003 U.S. Department of Justice investigation into conditions at the Oakley and Columbia Training Schools in Mississippi found that juveniles were being hog-tied with chains, physically assaulted by guards, sprayed with chemicals during military exercises, forced to eat their own vomit, stripped naked, and put in dark, solitary confinement cells.⁹⁵

“We’ve been dealing with scores of institutions across the country although none—none nearly as bad as the two facilities here in Mississippi,” said Brad Schlozman, deputy assistant attorney general in the U.S. Department of Justice’s civil rights division, during a town hall meeting in Jackson in July 2004.⁹⁶

As part of a court order, Sheila Bedi visits juveniles at Oakley once a week. She works for the Southern Poverty Law Center in Montgomery, which now represents incarcerated children in a decades-old case that resulted in a court order requiring numerous improvements at the Oakley Training School. She lives in Mississippi and works with the Mississippi Center for Justice on conditions at both training schools.

“They’re not hog-tying anyone anymore but we still have reports of staff getting violent with children, hitting children, choking children,” she said. “And there still are gross educational deficiencies and no mental health treatment. Suicidal children are being held in isolation, not being seen by doctors. Children come in on psychotropic meds that are immediately discontinued. If they act out, they get more time tacked onto their sentences.”

Recently, Bedi said, a staph infection common to prisons and hospitals broke out at Oakley and the 13 youths who had it were isolated in the prison part of the institution, locked in the cells without a staff member assigned to watch them. The

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infection produces enlarged boils and is related to poor hygiene, but the juveniles were not let out to take showers every day. “One of the children asked a guard, ‘What’s going on with me? Am I going to die?’ The guard said, ‘I don’t know. Maybe.’”

Similarly shocking revelations had emerged in Arkansas, California, Florida, Georgia, Louisiana, Maryland, and South Dakota.⁹⁷

In Bedi’s view, abuses happen—and may be almost inevitable—when “your whole point is order” and correctional officers are taught to respond aggressively. This can escalate, rather than defuse, conflicts with juveniles who can’t control their anger. Blocking access to lawyers and other advocates facilitates abuse by hiding it from view.

A 2004 request by the Children’s Defense Fund for interviews with juveniles in Oakley was denied. Scheduled interviews with juveniles at the Ohio Valley River Correctional Institution in Franklin Furnace, Ohio, were abruptly cancelled following a brief tour of the facility. This youth prison, built in 1996 in the “campus style” of many new correctional facilities, looks like a junior college, with connected brick cottages and an education and administration building facing a central grassy area.

Incarcerated there in early June 2004, were 240 boys between the ages of 13 and 21, with an average age of 17.5, who were convicted of a wide range of felony offenses. Most were two or more years behind in school and many had mental health problems.⁹⁸ Some 70 of the 240 boys were on some kind of psychotropic medication, the nurse said. And this institution had a general population; one of Ohio’s nine correctional facilities, all operated by the state Department of Youth Services, was exclusively for youth with mental health problems.

Giving a tour, Aldine Gaspers, the warden, began at one of the living units—a large hexagonal space with two-person cells along the walls that contain a bunk bed and a rack for clothes. A correctional officer stood at a computer in the center of the room from which he could watch the video monitors and unlock the cell doors.

The education building looks like any other school. Several classes are special education, said Patrick Buchanan, the education director, adding that his assistant used to teach a severely behaviorally handicapped class in the nearby town of Ironton. He says that of the seven or eight kids he taught, all but one he’s seen in DYS, Department of Youth Services. In addition to regular school classes, Ohio River Valley has vocational programs in masonry, horticulture, and computers as well as substance abuse treatment, anger management, a fatherhood group, and a grief group.

“Many of our youth have been abused and never grieved their own loss of innocence and childhood,” Gaspers said. “They need to understand their own grief and their victims’ grief.” A program called “Thinking for a Change” tries to create awareness of consequences, address rationalizations for criminal behavior, and produce a sense of responsibility.

The interviews with youth at this facility had been requested to learn their trajectories into incarceration. The Children's Defense Fund promised not to use names, and a staff member was going to sit in on the conversations. Department of Youth Services officials were nervous because the Ohio Public Defenders office, which had conducted interviews in Ohio's juvenile correctional facilities for a report on legal representation, afterwards asked the Children's Law Center to investigate conditions at the institution for girls because girls reported being slapped and shoved by guards, put in straight-jackets, touched sexually, and discouraged or threatened if they filed grievances.⁹⁹ Questions asked during the tour, such as the number of juveniles on psychiatric medication, raised the suspicion that the Children's Defense Fund interviewer had a hidden agenda. She was asked to leave the institution.

Thomas: The Abuse Continues

In 2001, Thomas, a Mississippi boy who was adopted and had been beaten and abandoned as a young child and then labeled as a troublemaker in school, was sent to the Columbia Training School for two months and two days for "attempting to put another student in fear of bodily harm." Several times, the school system brought him to youth court for truancy, infuriating his adoptive mother because suspensions were the reason he wasn't in school. He was placed on probation on one occasion. Thomas has an Individualized Education Plan (IEP) but this did not minimize disciplinary actions against him.

In February 2004, Thomas was charged with stealing a cell phone, which belonged to the school district, from a school bus. It is not entirely clear what evidence was presented to the judge, but apparently the bus driver sent an unsigned letter to the court stating that other children said it was Thomas. He was sent to Columbia for two months and two weeks.

The family's 14-year-old son, Walter, was charged with possessing the cell phone after it was stolen. A police officer testified that she took the phone from him. Previously, he and another boy were charged with calling in a bomb threat that evacuated the school. Other students said that one of the two did it and the other one knew about it. The judge sent both boys to Columbia. Walter (not his real name), who attends the high school, makes good grades and is on the football team, says he had nothing to do with the bomb threat or the cell phone theft. Like Thomas, he was given a sentence of two months and two weeks in Columbia.

"Many of our youth have been abused and never grieved their own loss of innocence and childhood."

**– Aldine Gaspers
Warden, Ohio River Valley
Correctional Institution**

In Columbia, Thomas got in an altercation with a guard. It started, he said, when another boy “pushed me and I pushed him back. We were going to the classroom. After that, I was mad ‘cause he pushed me for no reason.” In the hallway, a guard “asked me what happened. I was telling him. He said I wasn’t telling him what he wanted to know and he grabbed me by my arm and pushed me down the hall and into a room.” Another guard arrived and asked what happened. The first guard “said I said something smart and he pushed me again. After that, I was balling my fist because I was mad. He pushed me one more time. The other guard thought I was about to swing. He pushed me against the wall, hands behind my back, and his arm around my neck. He grabbed me by my neck and the first one put some handcuffs on me.”

Thomas was taken to disciplinary lock-up for four days, he said. “After that, I had to go to some kind of court thing. They gave me three extra weeks saying I had assaulted the two officers.”

When his adoptive mother came for a visit, she saw red marks and scratches around Thomas’ neck and bruises on his wrists. She was furious and called the president of the local NAACP chapter, who told her to contact Sheila Bedi. She went to Columbia to see Thomas but was refused entry. She filed a lawsuit in federal court for access and the court ordered the training school to let her in. “We interviewed (Thomas) and arranged to go back there every week.” Before a second visit, she said, both Thomas and Walter were released, without explanation, before they had completed their sentences.

With just a few weeks remaining in the school year, Walter nonetheless passed the final exams. “He scored higher than some children who were there all semester,” his mother said. Walter, whose favorite subject is math, said that the schooling at Columbia is mediocre. “They didn’t teach me anything there, but what they were teaching in the school here I already knew. So I wasn’t behind.” He is concerned, though, that his time in Columbia might derail his plan to join his 18-year-old brother at Alcorn State University, where he wants to study engineering.

He also finds himself with a shorter temper, quicker to anger, he said. “People holler and curse at you. You want to retaliate but you know you will get in trouble. So it builds up.”

Thomas will be repeating the ninth grade next year, in part, because the records of his education at Columbia were not sent to his school district.

“I’m not a child psychologist, but I feel they need some counseling to deal with what they went through there,” said their mother.

She gave Thomas a pep talk about showing the people who don’t think he will amount to anything. “Prove them a liar.” Thomas listened but appeared unconvinced.

What are his plans for the future?

He looked down and after a long pause answered, “I don’t know.”

Rehabilitation: What Works?

While conditions certainly matter, correctional facilities do not have to be abusive to be effective. Even with hardened public attitudes towards juvenile offenders—Barry Feld, a University of Minnesota juvenile justice expert, calls them “the Willie Hortons of the 90s”—the philosophy remains that young people, or at least some of them, can be rehabilitated, and juvenile facilities generally offer more therapeutic programs than adult prisons do.

The question is: Do they work? Do they help juveniles get off the prison track?

Mark Lipsey of Vanderbilt University reviewed the findings of 401 scientific evaluations of juvenile justice intervention programs in the late 1990s and found that juvenile justice programs do reduce the recidivism of delinquent youth—but only by six percent. Looking further, though, he discovered that programs with certain characteristics worked much better than that, lowering recidivism by 20-25 percent, while others made no difference or even exacerbated future offending.¹⁰⁰

One problem, experts say, is that many programs for delinquent juveniles aren't what Judge Ray calls “research-based and outcome-oriented.” Many institutions do what they have traditionally done or what they believe works, without any research findings to validate their effectiveness. For example, military-type drills are required at Oakley and Columbia because they are believed to instill discipline. However, evaluations of the popular juvenile boot camps in the mid-1990s found that the recidivism rate for these institutions was higher than those associated with traditional juvenile corrections, and the U. S. Department of Justice, which had initially championed boot camps, reported that “the efficacy of these programs is questionable at best.”¹⁰¹

The programs Lipsey and other researchers have found to be most effective are those that are community- and family-based.¹⁰²

At the time of our study, the state of Missouri was considered to have the best juvenile correctional system in the nation. It closed its youth prisons in 1983 and divided the state into five regions so that confined juveniles would remain within driving distance of their homes. Each region had two facilities, housing no more than 40 youths each. One served as a day treatment clinic to prevent the escalation of criminal behavior; the other was a lock-up for more serious offenders. Instead of punishment, the state focused on intensive individual and family counseling, academic and vocational education, and behavior modification. The guards—college educated “youth specialists”—did not wear uniforms, and there was no pepper spray, no solitary confinement, no barbed wire.¹⁰³

Comparing recidivism rates is tricky, but Missouri clearly was a standout among states, according to Barry Krisberg, president of the National Council on Crime and Delinquency. A 2003 study found that of the 1,400 teenagers released in 1999, only eight percent wound up in adult prison.¹⁰⁴

One of the most effective types of therapeutic programs focuses on thinking; it was called cognitive skills training or cognitive behavior modification.¹⁰⁵ Latessa, the

chairman of the Division of Criminal Justice at the University of Cincinnati and a national expert on these programs, said he comes at the problem of juvenile offenders from the opposite end as his colleague, Wright, the life course researcher. “John’s looking at the early predictors and pathways and the development of anti-social behavior early on. He’s looking at prevention. I’m looking at intervention: After they are in the system, how do we fix them?”

He describes the kinds of values and thinking that lead to continued criminal behavior. Some involve setting yourself or your group apart: “Society’s rules are not meant for me.” “We have our own set of rules.” This could apply to Enron executives as well as to the Bloods and the Crips. Offenders very often avoid taking responsibility by minimizing the harm they do to their victims—“They have other TVs”—and by seeing themselves as victims. “My parents were alcoholics.” “Joe did it too and he didn’t get caught.” “The police were out to get me.” “It’s racism.”

“A lot of the talk is system bashing,” Latessa said. “Everybody does it. I’m not saying the system is fair. It does discriminate. But my work is to reduce *your* risk of re-offending, not to change the system. Whatever happened in your childhood happened. Whatever other people do, they do. It’s your behavior that matters if you want your life to change.”

Mecum, the director of the Lighthouse agency that ran a Department of Youth Services (DYS) facility primarily for sex offenders, said it uses cognitive behavioral therapy. Since Lighthouse also operated residential facilities for foster children and other troubled youth, Mecum said he understands root causes, but “these kids are moving down the Pipeline rapidly and the stakes are high. Our approach is: Regardless of your disadvantages, it is not okay to hurt people. This offends the community, and the community is afraid of you.”

Some problems involve skills more than values. Tough-on-crime advocates often say that longer and harsher sentences will make offenders “think twice” before they commit crimes. In fact, “many offenders, especially juvenile offenders, don’t think once,” Latessa said. “They don’t see or consider the likely consequences—like Marcus stealing a car and then parking it in a school lot that requires permits, or Lorenzo skipping out on the rehabilitation program in Atlanta and returning to Mississippi.”

Cognitive skills programs take apart the thinking process leading to a decision to break the law and use exercises to build the skills needed to stop and think the next time: Is it worth it? Latessa

“Some problems involve skills more than values. Tough-on-crime advocates often say that longer and harsher sentences will make offenders ‘think twice’ before they commit crimes.

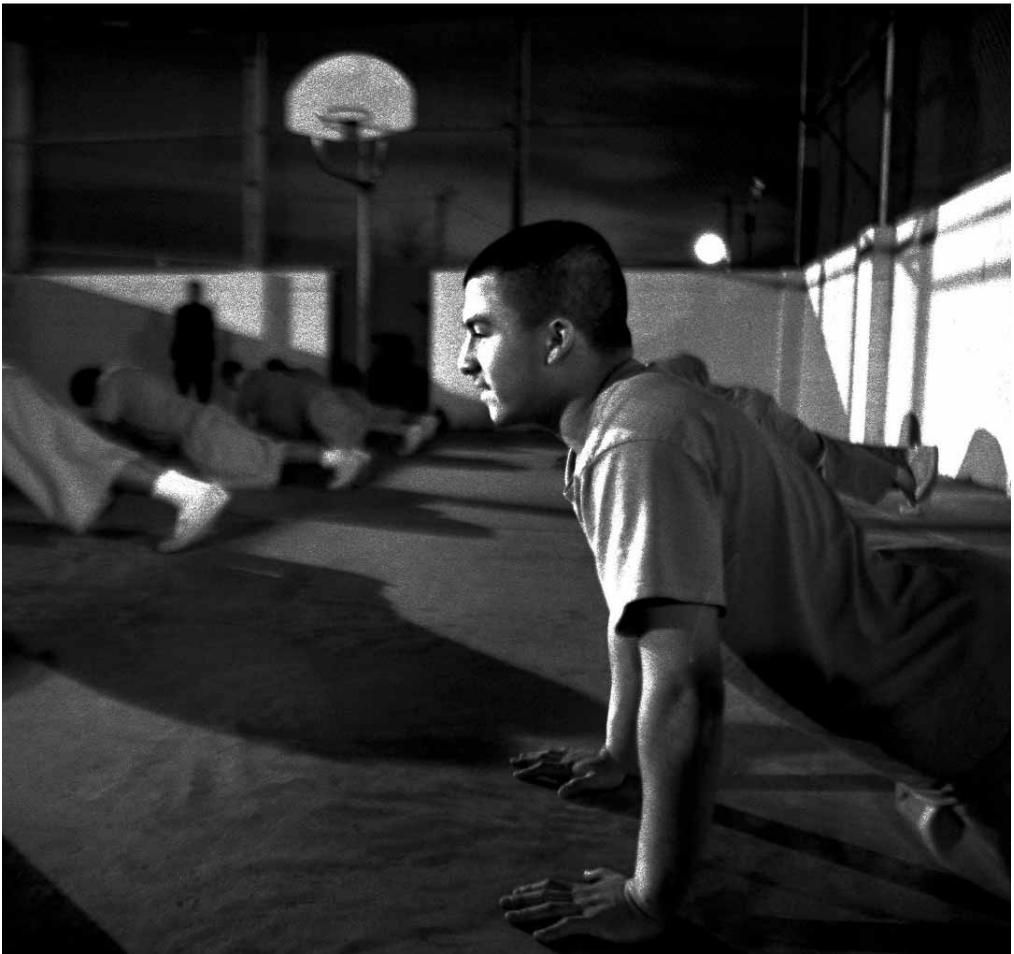
In fact, many offenders, especially juvenile offenders, don’t think once.... They don’t see or consider the likely consequences.”

**– Ed Latessa
University of Cincinnati
criminologist**

thinks it would be “great” to use the dead time of in-school suspension or Saturday school to teach thinking skills. Followers need a different kind of training—assertiveness training to say “no” to being drawn into activities they know are wrong.

Cognitive programs work much better in the community because the juveniles can go out and apply the skills in their real lives, come back, and discuss what happened, said Latessa. “Family-based interventions are the most effective, where all are involved.”

“It’s hard to intervene effectively in an institution because it’s an artificial setting,” he explained. “All the risks are managed. When you leave and go back to your former world, they hit you in face.”



End of the Pipeline

Clifton: Getting Stuck

Chris Myers, director of the Sunflower County Freedom Project for young people, was sent to the Mississippi Delta 10 years ago by Teach for America. Asked about young men in the Pipeline to Prison, he immediately responded, “Clifton Carter.”

“Clifton Carter was and is my favorite student,” he wrote in an email message. “He seemed to latch on to me from the first day I began teaching. He was 10, I was 21, and I was his new fifth grade teacher. His dad was never around, his mom was in and out of his life, and he lived with his grandma in a house with countless people roaming about. Despite the circumstances, he managed to be a curious, bright child, though he often got into trouble because he rarely could control his energy. I taught him in fifth and sixth grades, and then he went off to middle school and started having serious problems.”

By the time Clifton was 15, he had failed ninth grade and “seemed to be going nowhere,” Myers wrote. He had become so fond of Clifton that he talked with Clifton’s grandmother and she agreed to let Clifton live with Myers in Chapel Hill, North Carolina, where Myers was in graduate school at the time. Clifton enrolled at Chapel Hill High School but within six months, he went back home and “things went downhill from there,” according to Myers. In June 2000, Clifton and a friend, who had been robbing houses together, attempted another robbery and the victim was shot to death. Clifton, then 16, was tried as an adult, convicted of murder and sentenced to life in prison.

“It breaks my heart to think about what has happened to Cliff and about what Cliff has done to wind up where he is now,” Myers concluded. “He’s finally starting to see things more clearly and to his credit, he really has made a strong effort to educate himself while in prison. I hope you will get a chance to meet him.”

“I learned in here—too late—that you don’t have to be violent or mean to get respect. You can have a lot up here in your head, and that will do.”

– Clifton, 18 years old

At 20, Clifton was imprisoned in the Walnut Grove Correctional Institution, which houses juveniles convicted of felonies. Brought into a glassed-in interview room, he was tall, neatly groomed, and had a kind, serious face and large expressive eyes. In the adjoining room, two defense trainers were giving lessons to correctional officers. Their shouts and the crashing of baseball bats could be heard as Clifton talked about the life course that brought him to this locked room and a future behind bars.

Clifton and his four sisters were raised by their grandmother in the tiny town of Sunflower. “My mother was using at the time and drinking some. I was 10 when I met my father. I didn’t ask him where he had been. He told me. He explained he didn’t want me as part of his life because he was a drug dealer. He wanted me to be able to make choices about how I would live.”

Clifton believes he started on the wrong path when his grandfather died. “I was eight, and there was nobody to guide us, nobody to control us, to give us whippings when we deserved them. Then my cousin Michael left. He was a good bit older and he was like a father to me. There were cousins and sisters and we were all at my grandmother’s. Grandmother tried, but I started getting in lots of trouble for talking back at school. I still went to school everyday in spite of the trouble.”

Clifton said his real problems began in the ninth grade when the Sunflower kids had to go to school in Ruleville. “I started skipping school a lot and the older guys were passing the trouble down. There were the Ruleville gangs and the Sunflower gangs and the rivalry was fierce and I had started smoking marijuana at 12. So much of it was about reputation and proving yourself—that you and your gang were tougher.” He failed the ninth grade.

When he moved in with Myers in Chapel Hill, he started off quite well, appearing to enjoy the classes at Chapel Hill High School and hoping to join the football team. But since he was repeating the ninth grade, he was not allowed to play sports and soon found the classes more difficult than exciting. After a while, he began smoking marijuana and skipping school to hang out with dropouts or soon-to-be dropouts. By February, Myers and Clifton’s grandmother decided that he was no longer getting anything beneficial from Chapel Hill High and should come home.

Chapel Hill High represented a possible exit from the Pipeline to Prison and proved to be Clifton’s last chance. What happened? “I didn’t fit in,” Clifton says. Dr. Comer, the Yale University child psychiatrist, explains that “Children who are not doing well in school, or whose families are not well connected to the mainstream, view themselves as different from those in it—their teachers and fellow students with higher levels of achievement. When called on to achieve, they are being asked, in a very real sense, to be different from their parents and their own network culture. This produces identity problems that have to be worked through if they are to move into mainstream culture.”¹⁰⁶ Clifton, whose intelligence undoubtedly made being behind very frustrating, clung to the familiar.

When he came back to Mississippi, he went to live with a cousin in Indianola. “I was 16 and got into robbing houses. It was like, ‘I will just do it this one time. If I can do it this one time and get away with it, I won’t do it again,’ but you always do. Then

one night in June 2000, my friend Bobby and I were out in the streets and the same idea came to us at the same time. I won't get into the details, but during a robbery, Leon Brown, a gambler, was shot and killed."

Pressed several times, Clifton said, "I don't want to talk about it," and would not explain why.

He was arrested a short time later. "Bobby told my cousin about it, and she called the police and they came and got me from a friend's house. The Indianola police called my mother since I was a juvenile. They made me write a statement and appointed two White public defenders. I was charged with capital murder and Bobby was charged with conspiracy and as an accessory to murder.

"The lawyers told me they had an overload of cases, and when we had a conference with my mother, my sister Jennifer, and two cousins, the lawyers told me that all I could do was plead out or I would get the death penalty. There were no other options because the D.A. had five witnesses and Bobby had written a statement naming me as the shooter. They never did produce a gun, but they told me I had no case, so I signed a confession and took the plea because I didn't want to die."

He spent the first eight months in maximum security at Parchman and said he used that time to "learn about being locked up. I knew I was going to be in for a long time. Then they sent me to another unit and I started spending a lot of time reading, because that was my weakest subject. That really helped and that is also when I started writing—writing poems—that's how I expressed myself. In the beginning, it was so hard and I thought, 'Well, it can only get better,' and I try to smile. If you don't, people may think you are a threat."

Clifton now is in the general population at Walnut Grove. "It is okay but you have to be careful, because both guards and inmates think everyone is trying to gain something or put something over on everyone else. And there are gangs in here, just like the ones on the outside, and that means you have someone on your side, but it doesn't work just one way. It means that you owe them."

By his own and Chris Myers' accounts, Clifton has latched onto every training and education program in the prison. He learned to cut hair, his job at Walnut Grove, and is trying to learn to be a carpenter's assistant. He passed the GED test and "almost made a good score on the ACT. I will be taking it again soon."

He has also been working on an appeal charging inadequate representation. "I got letters from the lawyer saying that everything in my letters was false and the D.A. said she doesn't believe any of the things I said. The only thing I can prove is that the lawyers told my mother that if I went to court, I would receive the death penalty. They should have given me other options."

As he spoke, a group of inmates marched by the window in a column. Clifton pointed to them and said, "That's where the racism starts. See how most of them are White? They are here for just six months and if they complete the program, they are out on probation."

Clifton says he hasn't had many disciplinary write-ups at Walnut Grove. He tries to associate with everyone and not make trouble. "I don't want to get close to anyone. I am young myself but these younger guys here can be trouble—feel like they need to prove themselves—just like in gangs." When he starts feeling depressed, he says, he writes about things that make him feel good. "I write about my sadness and seems like when I get it all out, I am all right." This is a poem he wrote:

Can't Take Everything

You could take my eyes, so I couldn't see.

You could shackle me in chains and throw away the key.

You could take my feet so I couldn't walk.

You could fill my mouth, so I couldn't talk.

You could take my ears, so I couldn't hear.

You could take my heart, and replace it with fear.

You could take my life and place it in a grave oh so cold.

No matter what you take, you can never take my soul.

Next year, when he is 21, Clifton will be transferred to Parchman or another adult penitentiary. "I came in under the law saying that felons had to serve 85 percent of their sentences before parole so I guess I will be there until I am 65."

He does dream of getting out, of studying astronomy because he reads about space and the stars and moon. He's going to take a correspondence course in physiology and Spanish. Chris Myers is helping him set this up. If released, he'd like to get a "simple job. Start small and believe me, I have got patience. I don't blame my family for any of this. I knew what was going on and chose it anyway. Why? Because I wanted recognition and control and I learned in here—too late—that you don't have to be violent or mean to get respect. You can have a lot up here in your head and that will do. I don't act crazy in here, I encourage other guys to read. They see me writing, and they think, 'He's in for life and he's trying.'"

Jewel: Looking Forward to Her Future

Jewel, at the time, was an 18-year-old girl whose early childhood memories included walking the streets in the early morning looking for food, and waking up in a strange man's house after her mother, a drug addict, had left. When she and her siblings were taken away from her mother, they were split up. She went to a Catholic group home. Although she says it "wasn't that bad," she followed the predictable trajectory—and her mother's example—into a lifestyle of drugs and hustling and bad company. As Wright put it, "It is naive to believe that simply by changing environments, all the memories, all the learned behavior, won't matter anymore. These kids take their problems with them, and the foster care system varies tremendously in quality."

At 12, she went to live with her father and his girlfriend in Covington. She said he worked hard and provided for her. “The only part was, he wasn’t loving. I guess I needed that. Me not having that, I felt I could do whatever. I was really alone. I felt alone.”

She “always struggled in school,” she said. “In some parts, I do have strengths but in other parts, I don’t. It got harder and harder as the years went past.” She was held back in the ninth grade. At about that time, she began running away from home and skipping school. “I would leave, be gone two or three days, home a week and then back out again.”

She hung out with a group older than she was on “street corners, certain blocks. They were grown and I was trying to do what they did. They were people I could talk to. Even though they did bad things, they were there and I looked up to them. I felt like somebody was always there for me.” What were they doing? “Drugs, hustling to get money, gang activities.”

She said this life was “fun in the sense of I was able to do whatever I wanted to do. I could stay out as long as I wanted to. I had freedom. Nobody was telling me to do this or that. There was really no authority there.” Her father, she says, didn’t know what to do and let her do what she wanted.

The others had long since dropped out of school, but Jewel kept returning from time to time. “Sometimes, honestly, I would go to school because I was tired of walking the streets all day. Sometimes I could sit down and do the work. But I felt I was different from everybody. Some other kids were doing the same thing I was but not as severe.” She did, though, have a teacher who believed in her and sometimes came to court to support her when she got in trouble.

The law first “got interested in me,” as Jewel put it, for the so-called status charges of runaway and truancy, the typical first offenses for girls. Later, she was charged with possession of marijuana and assaults for “hitting people,” including a teacher. This happened, she said, at a basketball game. A boy hit her and she told a teacher about it. “She didn’t punish the boy so, I don’t really know, one thing led to another. I started yelling and the teacher started yelling. I went towards her, and she pushed me down. I kept trying to get back up to get at her and when I did, I hit her. They grabbed me and took me to the principal’s office. My father came and then the police.” She pled guilty and went to the Campbell County Detention Center for a month.

Jewel said her anger was “really scary in a way. If you tried to stop me I would not stop till I felt like stopping.” She now believes her anger wasn’t so much against the teacher as against everything around her. “It was just...anger out of nowhere. Anytime I had a chance to blow up, I would blow up and I would feel better afterwards. Then again, I would have to face the consequences and it was more and more piling up and more anger.”

At the detention center, she felt as if her life had shut down, yet she was “learning some things. Some people, mostly Black male and female authorities, would tell me what was wrong. At least they talked to me, and it did some good. That was just like the first step.”

When she was released and went back to her father's house, she spent two or three days staying home "trying to listen and do right," but after a week, she went out to the streets again. "I didn't have goals," she says. "My thinking was: 'This is the only thing I have. What else am I supposed to do?'"

The judge had told her that if he saw her again, he would give her more time. "But I didn't care. I was going to do what I wanted." The next time she came before him, at 16, she was sentenced to a year and six months in the Kentucky equivalent of Ohio's juvenile correctional facilities, also located in a rural area. "That is when I started goals. What did I want to do for my future? That's when I started to find out about my talents. I always knew I could sing, but poetry? First, I wrote down what I was feeling. That was the way the people there helped me, to talk about and write down my feelings, and then I started with poetry." Staff at the institution published some of her poetry on the Internet.

Interestingly, Wright says that research into resiliency—why some kids in terrible circumstances manage to come out all right—shows that one factor is being able to verbalize feelings. "I'm not talking about touchy feely stuff. This is a real survival skill."

Jewel's excitement was palpable as she described her breakthrough into possibility. "That's when it came to me, 'You can do anything! I want to be a poet but then again, what about electrical engineering? Wow! I can be anything!' That's when I started to think I wanted to get a job and go to school. I wanted to do the best for myself. I didn't have to go back there on the streets. I could show people. Almost all my life, people didn't expect me to be anything. I'd be like the rest of my mother's family, which is known in Covington."

Once again, she resolved to change her life. When she got back home, she went to school, took the required drug tests and did all right for awhile. "But it was like: 'Where can I go from here? Where can I start?' And I went right back into it, started smoking weed again, running away, hustling. I didn't have a job. I was so scared out there now, since I was getting older. I was more afraid to die." Jewel decided to turn herself in.

This is an image that comes to mind about Jewel. She is walking on a road, a pathway, the one that ends in prison, hand in hand with others going in the same direction. At a way station along the way, people tell her there is a cut-off ahead to another path, one that leads to a brighter place. She doesn't like the road she's on so she listens, and when she sees the cut-off, she detaches herself from her companions and takes her first steps on the other path. She doesn't get very far. Her companions reach out to pull her back. She is alone and uncertain on this new path and no one there is reaching out to pull her forward.

Re-entry, in a word, is difficult for those who have been in the Pipeline to Prison for a long time and this is all they know. Usually, they are released on probation or parole, but it appears that this often does not provide enough support. And sometimes, the tolerance for failure is very limited.

Sproat, the former warden at the Walnut Grove prison in Mississippi, used to be an administrator for the Job Corps and said it was hard to persuade principals to allow offenders back into their schools after release from a training school. “Our staff would meet with the principal and even put themselves on the line by saying, ‘Look, if you give him a chance, or you give her a chance, to get back in the school system, the first time that they get in trouble, if you’ll call me, I’ll come and get them.’”

“So this kid gets back into the mainstream of the local school system,” instead of an alternative school. “When somebody’s purse comes up missing or something at the school is damaged, they think, ‘Well, we just got so-and-so who was released from the training school.’ He’s the first one that they bring in and question.” Sproat said it was hard for these juveniles to accept being singled out if they had nothing to do with what happened, even though he and others tried to tell them to “Keep a cool head. If you had nothing to do with it, it is not a problem.”

Their ingrained defense mechanism, Sproat says, is to get angry at the principal. “So what does the principal say? ‘Wait a minute, you’ve been incarcerated for three months, six months, at the training school and it didn’t do a bit of good. You’ve got an attitude problem. We don’t need you in this school system.’ And what does the kid say? ‘Well, then you can kiss my you-know-what!’ and the principal says, ‘You’re out of here!’ and the kid is back at square one.”

The study, cited earlier, of a cohort of ninth graders who were dropped from the rolls of their high schools in a mid-Atlantic city when they became incarcerated, found that most went to a different school when they returned to the school system. They arrived at any time of year, depending on when their sentences ended, with virtually no transition and few graduated.¹⁰⁷

Jewel was sent to a juvenile residential treatment center. “That’s when I started working really seriously on how I was going to put my dreams in action.” The most important decision she made was not to return to Covington this time. “I wasn’t strong enough yet to handle that,” she decided. She was almost 18 by then, and could legally live on her own, although she didn’t know where or how.

At that point, Angela, one of her younger sisters came to see her. This sister, who had been very badly burned by fireworks when their mother left the children alone, had been placed in a foster home when she got out of the hospital. The director of an agency for troubled youth was Angela’s volunteer mentor. The foster parents, used to caring for medically fragile children, couldn’t handle the girl when she got well, and the foster mother telephoned the mentor at 3:00 a.m. and said they were going to put the girl in an institution.

“I said, ‘Well, no. Let me come get her,’” the mentor recalled. She and her husband were not licensed as foster parents at that time but quickly became licensed, took the girl in and later adopted her. Of Jewel’s siblings, this girl, now 17, has done the best; she will graduate from high school next year and plans to attend Kentucky State University. (Another sister, the eldest, has three children and has been in and out of prison, as has their mother. A brother just spent his 16th birthday in a juvenile correctional facility.)

Jewel had visited her sister from time to time, when the sister's adoptive family would pick her up at her father's house. "She was living there and doing good, and I wanted the same thing she had," Jewel said. "Really, I was jealous. When I told her I didn't want to go home, she said, 'Why don't you come live with us?' I said, 'They won't let me live with ya'll! But she asked and they said yes.'"

Jewel moved in June 2003 to the family's nice, comfortable home in suburban Cincinnati. The interview took place around the dining room table. Her new guardian said she was always fond of Jewel but "couldn't keep up with her. It was hard not to bond. I could not let her go into a bad situation."

Her guardian had not previously heard Jewel talk about her experiences to others. When Jewel said, "Now that I'm here, I have people who love me. That's what I was looking for," tears welled up in her eyes. "When I think of the pipeline, I think about the adults in their lives or lack of," her guardian said. "We want to talk about the pipeline to prison *after* our kids are already there. We need to take initiative at the grassroots level to see the strengths in our kids, to nurture that, and commit ourselves to helping them grow. Sometimes we forget, as we design systems, the crucial importance of caring, competent adults."

Jewel attends high school. She is not in a class for those with severe behavioral handicaps, as she was before when she was angry and acting out, and she is working hard and doing well. She is a junior and this year is going to a vocational program where she will begin studies to become a registered nurse that she can continue in college afterwards. She won't graduate until she is 20 but "the good news is: it doesn't matter," her guardian said. "She's going to accomplish her goals and do something with her life."

Jewel says she now has "more like a normal life. I'm ready to take driver's training. I have a job on weekends. I'm starting to bring boys home." "Decent boys," her guardian interjects, who can hold a conversation and are in school. She knows that Jewel will have some "falls and bumps but we are laying the foundation for her to make it out there. She is becoming a new (Jewel)."

Says Jewel: "I feel good. I feel like there is going to be a future for me. I can't wait to see what it is."

"We want to talk about the Pipeline to Prison after our kids are already there. We need to take initiative at the grassroots level to see the strengths in our kids, to nurture that, and commit ourselves to helping them grow."

– Jewel's Guardian

Epilogue

*I*n June 2004, three weeks after the interview with baby Eric's mother, Children's Protective Services charged her with child abuse. Her aunt said that Eric had bruises, but she does not believe his mother was the one who hurt him. "People were always grabbing on him and telling her she's babying him," the aunt said.

Eric and his brother, Tae, were taken away. "Nobody in our family could take them," the aunt said, "so they're going to be put in foster care."

Every American must stand up and do everything in his/her power to pass on to our children and grandchildren a nation and a world that are better and fairer than the one we inherited. There is no more important work at this time in our history. Engaging and energizing the adults our children so desperately need, and developing and implementing comprehensive program and policy solutions that keep our children on the road to successful adulthood is the only way we will create a world that is safe, free, and filled with the opportunities too many children only dream about.

This is the path that will allow *all* our children to reach their full potential and become the people they were born to be. It is their birthright. And it is our common responsibility to deliver it.



Endnotes

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² U.S. Department of Education, National Center for Education Statistics, *Literacy Behind Bars: Results from the 2003 National Assessment of Adult Literacy Prison Survey* (May 2007), Table 3-1. Calculations by Children's Defense Fund.

³ Interview with Dr. Frank Putnam, Scientific Director, Every Child Succeeds.

⁴ Interview with Dr. Frank Putnam, Scientific Director, Every Child Succeeds.

⁵ U.S. Department of Education, National Center for Education Statistics, *America's Kindergarteners, Early Childhood Longitudinal Study—Kindergarten Class of 1998-99, NCES 2000-070* (February 2000), Tables 2, 3 and 4.

⁶ Interview with Dr. Judith Van Ginkel, Department Head, Every Child Succeeds.

⁷ Christopher J. Mumola, "Incarcerated Parents and Their Children," *Bureau of Justice Statistics Special Report* (August 2000), at <http://www.ojp.usdoj.gov/bjs/abstract/iptc.htm>.

⁸ Department of Health and Human Services, Centers for Disease Control and Prevention, "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Early Childhood Home Visitation and Firearms Laws," *Morbidity and Mortality Weekly Report*, Vol. 52, No. RR-14 (Washington, D.C.: October 3, 2003), p. 6.

⁹ Interview with Dr. Frank Putnam, Scientific Director, Every Child Succeeds.

¹⁰ U.S. Department of Education. National Center for Education Statistics, *supra* note 5 at ix. From parent ratings, at least 82 percent of the kindergartners engaged in prosocial activities; in teacher rating, 75 percent. Problem behavior was relatively infrequent; teachers reported that 10 to 11 percent of kindergartners argue or fight with teachers often or get angry easily often to very often. Teachers rated a smaller percentage of African American children than White children in the "often/very often" column in all three categories of prosocial behavior: 68 percent (Black) to 76 percent (White) in accepting peer ideas, 71 to 80 percent in forming friendships, and 44 to 55 percent in comforting others. The rating for Hispanic children fell between the Black and White groups.

¹¹ *Ibid.* at ix.

¹² Jennifer Mrozowski and John Byczkowski, "Kicked Out of Kindergarten," *The Cincinnati Enquirer*, February 22, 2004.

¹³ ABT Associates, Inc., *Conditions of Confinement: Juvenile Detention and Corrections Facilities* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1994). As cited in Children's Law Center, Inc., *The Special Needs of Youth in the Juvenile Justice System: Implications for Effective Practice* (Covington, Ky.: June 2001), p. 20.

¹⁴ Interview with Dr. Michael Sorter, Director, Psychiatry, Children's Hospital of Cincinnati.

¹⁵ Dorothy Otnow Lewis, "Conduct Disorder," *The Comprehensive Textbook of Child and Adolescent Psychiatry*, 3rd Edition, Melvin Lewis, Ed. (Baltimore, Md.: Williams and Wilkins, 2001), p. 566.

¹⁶ *Ibid.* at 566.

¹⁷ Debra Jasper and Spencer Hunt, "Cases Swamp Children's Hospital," *The Cincinnati Enquirer*, March 22, 2004.

¹⁸ Debra Jasper and Spencer Hunt, "Cases Swamp Children's Hospital."

¹⁹ Julie Goodman, "Mental Health Facilities May Open in September," *Clarion-Ledger*, May 12, 2004.

²⁰ Senate Bill No. 3119 (1999) as cited in the Mississippi State Department of Health Annual Report (1999), at <http://www.msdh.state.ms.us/msdhsite/index.cfm/19,45,89.pdf/agencyannrpt99.pdf>.

²¹ Julie Goodman, "Mental Health Facilities May Open in September."

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