

The Revolving Door: Stories from the Juvenile Justice System

© 2023

Christie Scanlin Dobson

M.A. Kansas State University, 2004

B.A. University of Kansas, 1992

Submitted to the graduate degree program in Special Education and the Graduate Faculty of the University of Kansas in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

Chair: Wayne Sailor

Barbara Kerr

Jennifer Kurth

Sherrie Tucker

Greg Cheatham

Date Defended: May 11, 2023

The dissertation committee for Christie Scanlin Dobson certifies that this
is the approved version of the following dissertation:

The Revolving Door: Stories from the Juvenile Justice System

Chair: Wayne Sailor

Date Approved: May 11, 2023

Abstract

This narrative inquiry began as a visceral response to seeing a child in shackles, led into a courtroom, head down, all alone. Since the establishment of the first youth prison, America's carceral approach to youth has assumed that a slightly modified version of the adult correctional model of regulation and punishment will rehabilitate young people. Racialized, poor, disabled and “othered” children framed by intersectional markers and experiencing multiple interlocking oppressions are forced to move between institutions, from discipline in schools to incarceration in prisons – much like a revolving door. This study centers the voices of those “othered” children. I collected “stories to live by” -- a narrative view of identity -- from young adults in Kansas who have lived experience within the Juvenile Justice System (JJS). Narrative inquiry allows research to be interpretive and phenomenological—in that it involves examination of a participant’s lifeworld and explores their personal perception of an object or event, as opposed to an attempt to produce an objective statement of the object or event itself. Narrative inquirers focus on construction and presentation of self through story, and the relationship between researcher and participant in constructing a coherent narrative. I conducted a focused group story circle, then invited each participant to develop and share with me, individually, their stories of before, during, and after, their time in the JJS. I analyzed each line of data, created categories across the stories, then wove themes and resonant threads together, which emerged as the revolving door, the ruining process, and “fire tests gold” -- resilience. These stories weave a tapestry of struggle and disenfranchisement, both inside and outside the JJS. To honor the lived experience of these storytellers, we should move to dismantle the revolving door altogether.

Dedication

In memory of Elizabeth “Betsi” Jackson

Acknowledgments

This journey has been long and challenging, and I have many to thank. Thank you to the seven generous, brave, resilient participants who shared your stories with me. Your resilience and generosity have driven this project. To Professor Wayne Sailor, thank you for your kindness as my committee chair after the passing of my dear adviser, Professor Tom Skrtic. to Professor Elizabeth Kozleski, who knew I could do this even when I didn't. Thanks to Dr. Zach McCall, who laughed and cried with me and showed me how to weave these stories together. Thanks to my committee members, Professors Barb Kerr, Sherrie Tucker, Jenny Kurth, and Greg Cheatham, who encouraged me in the midst of Covid and chaos. Especially Barb, who celebrates creative minds and has always cheered me on. To Drs. Epp and Maynard-Moody, Dr. Hannah Britton, Dr. Paula Fite, Dr. Shannon Portillo, and Dr. Jeon-Hee Kim, who answered so many questions. To the Sweet 16 KU SPED cohort. I am the last of us to walk the hill. Thanks for lighting my way. To my scholar family Drs. Inna Stepaniuk, William Anthony Proffitt, Amanda Miller, with Naheed Abdulrahim, Vidya Munandar, Grace Leu, Chris and Courtney Wilt. Late nights and long hours. To Dr. Jeanne Klein for creative drama and youth theatre. To Sally Bailey, for my first most favorite career in drama therapy. To Sorcha Hyland who is pulling for me from across the pond. To my friends who gave so much insight. Jessica Beeson for resilience. Sarah Jane Russell “it’s all about the kids”. To Dr. Nicole Hodges Persley, my film producing partner -- thank you for showing me how to be an ally and accomplice. To my husband, Jeff, and our 3 amazing young men, Hank, George, and Willie, I love you more than life itself.

Table of Contents

Chapter I: Introduction.....	1
Chapter II: Related Literature.....	25
Chapter III: Methods	38
Chapter IV: Findings.....	46
Chapter V: Discussion.....	79
References.....	95

PREVIEW

Chapter I: Introduction to the Inquiry

Researcher memory 2008: Working in a nonprofit rape crisis center and wrestling with catching bad guys and supporting survivors (women, children, and men). Going to court to advocate for a victim. Wondering how to get through a hard day. From a courtroom door next door, a juvenile case, I see a child is walked in to stand before the judge, in shackles. A skinny, little kid. Jumpsuit, crocs, wrists and ankles chained and connected at the waist. Head down. A child.

There are 1.4 million children in youth prisons right now around the world according to the Juvenile Justice Authority, 2022. With 2 million juveniles arrested annually in the United States, this country incarcerates a larger proportion of adolescents than any other developed country according to the United States Department Office of Juvenile Justice and Delinquency Programs (OJJDP). Currently an estimated 250,000 youth under 18 are tried, sentenced, or incarcerated as adults every year across the United States. From the National Juvenile Justice Network (NJJN) during the 1990s, the era when many of our most punitive criminal justice policies were developed, 49 states altered their laws to increase the number of adolescents being tried as adults. Youths as young as ten and as old as 17 may be adjudicated as juvenile offenders in Kansas. State law allows the department of corrections to retain custody of a juvenile offender until the age of 22 ½ in a juvenile correctional facility and the age of 23 in the community.

According to the Urban Institute (Love & Harvell, 2017), youth incarceration in Kansas has shifted significantly in recent years. After substantial legislative reforms were enacted in 2016, (SB367) adolescent incarceration decreased by 24%, allowing the state to abolish one of its two youth prisons and invest the resources in community-based options for youth (KDOC 2019). Youth are now solely detained at the Kansas Juvenile Correctional Complex in Topeka, with 166 youth in secure confinement as of June 2019 (KDOC 2019). Despite reductions in youth incarceration, racial disparities in incarceration persist. In 2018, black kids were three times more likely to be arrested than white youth, over six times more likely to be detained, and

more than seven times more likely to be in secure custody. Addressing chronic racial and ethnic inequities and developing a full continuum of community-based care and services for youth would help Kansas reduce youth incarceration even further. In Kansas, 53% of adolescents jailed are Black, Latino, American Indian, or Asian. Furthermore, Black adolescents are overrepresented at every stage of the state's juvenile justice system (Love & Harvell, 2017).

Although some states have made legislative changes to raise the age limit of juvenile cases to 18, five states still automatically prosecute 17-year-olds as adults (Georgia, Michigan, Missouri, Texas, and Wisconsin) and all states allow children charged with certain offenses to be prosecuted in adult courts according to National Conference of State Legislatures, 2019; OJJDP, 2023). That is to say, all states have laws that authorize courts to consider adolescents as adults under certain circumstances. In such cases, an adolescent is charged in adult criminal court and, if convicted, is sentenced to adult prison time. Factors which may influence a judge's decision or a prosecutor's request to transfer a juvenile case to adult court include: (a) the seriousness of the offense; (b) the age of the child; (c) the child's record of criminal activity; and (d) whether the child is amenable to treatment.

The OJJDP (2023) shares that there is a current shift in priorities for the JJS: To treat children more as children and less as adults; to keep kids at home and with their communities; and, to expand programming for system-involved youths. Specifically, first, research shows that children do not belong in adult courts, jails, and prisons, and youth whose cases go to adult criminal court are more likely to be rearrested and those youths experience higher recidivism rates than youth who remain in the JJS. Secondly, building upon community-based programs that help families in building rather than sending kids into facilities, group homes, detention centers or the like, will enhance youth outcomes, increase public safety, and strengthen

neighborhoods. Finally, the OJJDP recommends focusing on opportunities for justice-involved youth, such as reentry programs, housing and educational transition goals, and expunging juvenile records to help ensure that they can rebuild after their time in the JJS.

Conceptual Framework

Our country's systems have many ways of "othering" a child and jettisoning them from a childhood of supports and investment in their future, to dropping them into the juvenile justice system (JJS). This system of networks are cogs, gears, or glitches in a giant matrix much like a revolving door. Children and youth are sucked in and spat out. There are a plethora of intersecting factors children and youth might face as they first get caught in the revolving door of the JJS – including living in poverty, racism, mental health concerns, addiction, generational abuse, foster system placements, multiple removals and subsequent placements, and other destabilizing challenges.

For example, Child in Need of Care (CINC) cases in Kansas (K.S.A. 38-2202) may be based on abuse and neglect or dangerous conduct on the part of the minor child, or truancy or the failure to attend school as required by law. A CINC case for abuse and neglect is initiated by a report to local law enforcement or the Kansas Department for Children and Families (DCF), followed by an investigation by DCF and law enforcement. The DCF investigation often includes the offering of services to avoid the need for court involvement. When possible, the child and family receive services to address issues while the family remains intact, and the child remains in the home. If the child cannot be safely held at home, a request is made to the District Attorney's Office and a CINC petition is filed with the court. In CINC investigations there are options in the process for a "non-court" intervention. Most CINC referrals are made to DCF and DCF is then assigned the task of screening referrals. Most referrals require no action. In cases

where criminal conduct is alleged (such as in the case of physical or sexual abuse of a child), law enforcement will be asked to investigate, and a separate criminal action may result. If the allegations are such that the child could be “harmed”, law enforcement has the authority to remove the child from the home and place the child in Police Protective Custody for up to 72 hours, excluding weekends and court holidays. A petition must be filed, and the case heard by the court within the 72 hours of protective custody being initiated. Overall, most CINC investigations are resolved without court intervention (K.S.A. 38-2202).

However, stories of youth removal from the home and subsequent running away, or placements in multiple foster homes, or rampant and continuous discipline in school resulting in a short trip through the pipeline, or legal interactions due to truancy, or more profound incidences with the law, appear often (Testa & Kelly, 2020). The revolving door is a well-oiled machine. Around, and around, and around, and around we go. Why do we lock up our children?

Theoretical Puzzle

When I started this inquiry, I realized I had little insight into critical theories specific to juvenile law and practice. I didn’t grasp which theory on the JJS would apply best to a study about lived experience. What I have learned since embarking on this journey, is that theories in the archives of juvenile justice don’t seem to be critical enough and have not evolved especially well or had much impact on the JJS -- especially considering the number of youths locked up in our country every year. Within the JJS’ carceral logics framework, or the way one’s body, thoughts, and actions are shaped over time by carcerality and imprisonment (Brown, 2022) I imagine mechanisms of an automated and animated revolving door. Brown (2022) discusses the “carceral continuum as the manufacturing of systems/structures of racialized containment and social control fueled by public fear and codified government policies and practices that are

‘modalities of anti-black Discipline’ (Sojoyner, 2013, p.242, cited in Brown, 2022). Discussion of multiple and interlocking oppressions is relevant to this inquiry as participants in the JJS experience a range of identity markers including race, social and economic class and gender, as well as by markers such as ability, gender identity, and sexual orientation. Gaps in research show that while studies in this domain examine one or another of these markers, they often miss the overlapping connections among them (VanderPyl, 2018). Black legal scholar Kimberlé Crenshaw (1989) introduced the idea of "intersectionality" to explain how race, class, gender, and other personal characteristics "intersect" and overlap to shape identities and associated oppressions. My goal has been to understand how othering occurs with an intersectional lens and how this othering process might apply to shaping the lived experience of youths entangled in the JJS.

Deficit theories have held sway for some time. One line of inquiry led me to juvenile delinquency theories (Trappen, 2022). Juvenile delinquency is defined as when an individual under the age of 18 commits unlawful acts. There are three common theories on juvenile delinquency: Anomie theory, the subculture theory, and the differential opportunity theory. The anomie theory was first written in the 1940s by Robert Merton (1938). Merton's theory explains that juvenile delinquency occurs because juveniles don't have what they need to be happy. According to the theory if youths can't meet their goals legally, they will find ways to achieve them even if they are illegal. A teen who wants to get a job and buy a car would be an example. The young person can't find a job to make money, so he either steals a car or money to buy a car (Trappen, 2022). Albert Cohen came up with the subculture theory in 1955 as a hybrid of a few of his other ideas. The subculture theory suggests that young people who don't meet social

standards look for approval in a subculture. The subculture group is made up of other young people who also don't fit in with society (Trappen, 2022).

Differential opportunity theory, which was coined by Richard Cloward and Lloyd Ohlin in 1960, says that chance plays a role in why young people do bad things. Cloward and Ohlin think that if young people had more chances to succeed, they would be less likely to look to being part of a subculture group to feel like they belong. Differential opportunity theory also says that a young person's bad behavior may be caused by things other than social factors. For example, the theory holds that the young person may do well in school but may not be able to find a job. If a young person can't find a job, he or she may become a criminal (not simply because of social factors). Differential opportunity theory is different from subculture theory because a young person can be a delinquent for reasons other than those that have to do with their social environment. If a young person has more things to do, they are less likely to join a subculture (Trappen, 2022).

Explanations of community violence traditionally reflect a social disorganization perspective, suggesting that neighborhood characteristics affect crime via the intervening mechanism of informal social control. According to Agnew's general strain theory (1992), crime and delinquency are the consequence of certain adaptations to stress. Strain is defined by Agnew as "negative or antagonistic relationships with others" (1992 p. 61). General strain theory identifies three main types of strain that may result in deviant behavior (Agnew, 1992, p. 59): the failure to achieve positively valued objectives, the removal of positively valued stimuli, and the presentation of negative stimuli. According to Agnew, a person will experience at least one negative emotion, or negative affect, for each experience of stress. These negative emotions may include melancholy, anxiety, and despair, among others. However, Agnew argues that one of the

most potent reactive emotions, anger, which produces a desire for vengeance, may be the root of stress-induced deviance (Wareham et al., 2005).

An earlier framework found in the OJJDP archives, Langley (1977), offered the notion that theories of juvenile justice should focus reform efforts not on the structure of the JJS itself, but on the assumptions that it is based on. Later, Michaelis (1998) made a case for an analytical model of juvenile justice that was based on relational/cultural feminist law and emphasized an ethic of care and parts of critical race theory. Michaelis called this model Critical Juvenile Justice Theory. It was based on the idea that juveniles, especially when they are in school, need supports to ensure their interests as individuals and as members of a historically under-represented group are protected. Michaelis aligned with critical race theorists and radical feminists who made a case against forcing the difference/sameness dualism on justice-involved youth when courts heard their cases. Michaelis said that critical race theories and feminist jurisprudence weren't enough to explain decisions in juvenile cases because, once a problem with the current system is found, we need to propose a new way of looking at reality that takes into account the experience of youths themselves (1998; 2001).

Bernard and Kurlychek published *The Cycle of Juvenile Justice* in 2010 analyzing the history of juvenile justice over the last two hundred years. Thomas Bernard coined the term cycle of juvenile justice in 1992 to describe a cyclical historical pattern of juvenile justice incidents and policy responses in the United States (Bernard & Kurlychek, 2010). Beginning in the early 1800s, juvenile justice policies alternated between severe punishment and lenient treatment (Bernard & Kurlychek, 2010). According to Bernard, the cycle is always driven by factors that are characterized as historical constants: 1) the widespread belief that juvenile crime is at an all-time high and growing worse; 2) the belief that the high levels of juvenile crime are

attributable to the juvenile justice system; therefore, reforming the system will effectively address the problem. Due to these historical constants, it is inevitable that any effectively implemented reform will be perceived as the cause of the problem and abandoned (Bernard & Kurlychek, 2010).

There is a domino effect here. The cycle begins when both the public and JJS agents realize that juvenile crime is prevalent and that there are numerous severe punishments but few lenient treatments for offenders. Officials in the justice system are placed in the position of making decisions, which can range from severe to lenient to doing nothing at all. This "forced" decision is supported by a populace that believes both severe punishments and inaction increase juvenile crime. What is the remedy? Introduce lenient procedures. Everyone is optimistic that things will improve and that crime rates will decline (Bernard & Kurlychek, 2010). The public and law enforcement officials continue to believe, however, that juvenile crime is excessively high. Now, they are blaming lenient treatment, and the pendulum has swung in the opposite direction; they believe the only solution is to adopt a "get tough" stance by favoring harsh punishments. Again, justice officials must choose between severe and lenient responses. Similar to a revolving door, the process continues on and on (Bernard & Kurlychek, 2010).

To interrupt the cycle Bernard suggests that we study history and make an effort to view ourselves, our beliefs, and our policies in historical context (Bernard & Kurlychek, 2010). By observing the problem from a distance, the cycle becomes easier to recognize and break. The cycle can only be disrupted when it is acknowledged that there is no "silver bullet" policy (Bernard & Kurlychek, 2010). In other words, we must abandon the notion that an as-yet-unidentified policy can affect juvenile crime rates. Because juvenile crime will always reflect societal trends the problems of any given historical period will be reflected in the incidences and

characteristics of juvenile crime. To reduce juvenile crime, society's root causes must be addressed, not only the JJS (Bernard & Kurlychek, 2010).

As I have delved into my own theoretical puzzle for this study, I have come to believe that we need a current and relevant critical theory of juvenile justice. I chose narrative inquiry to understand what the JJS really is and really does from the inside out.

Methodological Underpinnings

Researcher memory, 2020: I work in a juvenile detention center in Kansas as an educational transitions specialist while completing coursework in my doctoral program in Special Education. My role is to help students transition back to their home schools after they serve their time on their juvenile cases. It is here that I started this dissertation journey. I imagined a theatre project where incarcerated youth could create their stories in the space. We would invite family and friends...

Life is what happens while you're making other plans. This study was meant to be a theatre piece and was reformatted as an online-only narrative inquiry due to the pandemic. Seven individuals' stories were woven into a themed narrative through a collaborative process between participants and me, the researcher. In the lived practice of narrative inquiry, according to well-respected scholars grounded in the field, Clandinin, Caine, Estefan, Huber, Murphy, and Steeves (2015), we engage in narrative inquiry as a relational practice – engaging with others and relating to them and their stories. In this practice, we situate ourselves in an often tension-filled space “because the knowledge landscape on which we live as researchers is shaped by paradigmatic rather than narrative knowledge” (p. 23).

The ontological commitment to experience settles into the life of a narrative inquirer. This commitment might be understood as the practice of the researcher. How might individuals practice their ontological commitments in their research lives? What might the practices of a practice situated in a commitment to experience look like?

From Clandinin and Rosiek (2019), narrative inquiry begins with “respect for ordinary lived experience” in the exploration of both individual experience as well as “the social, cultural,

and institutional narratives within which individuals' experiences were constituted, shaped, expressed, and enacted" (p. 42). Narrative inquiry highlights ethical matters as well as tracing theoretical understandings of people's experiences (Clandinin & Huber, in press). From Jeong-Hee Kim (2015) author of *Understanding Narrative Inquiry: The Crafting and Analysis of Stories as Research* (2016) the goal of narrative researchers is to challenge the assumed objectivity of information and to question the validity of monolithic modes of understanding (Polkinghorne 1988, cited in Kim, 2015). Narrative inquiry may be employed not just as a theory of knowledge but also as a technique for conducting studies (Clandinin, 2007). Researchers in the field of education often use story to deepen understanding of the experiences of educators and students (Huber et al., 2013). The scope of narrative inquiry has broadened to include fields and topics in various fields of experience.

For my personal ethical, theoretical, and methodological framework development for this dissertation, as a doctoral candidate in special education, I have become most curious about Clandinin and Rosiek's (2007) mapping of the landscape of narrative inquiry and exploration into borderland spaces and tensions. Narrative inquiry allows research to be interpretive and phenomenological—in that it involves examination of a participant's lifeworld and explores an individual's personal perception or account of an object or event, as opposed to an attempt to produce an objective statement of the object or event itself. Further, narrative inquiry bumps into interpretive phenomenological analysis work with its concern for how meanings are constructed by individuals within both a social and a personal world in the study of experience (Clandinin & Connelly, 2000). Qualitative research situates the researcher as an observer and interpreter of things in their natural setting, while attempting to make sense of or interpret phenomena within multiple, locally constructed realities (Denzin & Lincoln, 2011). Narrative inquirers focus on

construction and presentation of self through language, and the relationship between researcher and participant in constructing a coherent narrative (Clandinin & Connelly, 2000; Riessman, 2008).

Conducting this narrative inquiry, I have also drawn from my understanding of naturalistic inquiry. The central focus of the interpretivist paradigm is to understand the subjective world of human experience (Lincoln & Guba, 1985). Constructivism assumes a researcher brings their own history of experiences to the interpretive task, and that truth (meaning) is therefore intersubjective (Creswell, 2014). Phenomenology is focused on experience. People are instrumental, the voices, so to speak, in the uncovering of the meaning of experience. Phenomenology seeks the "essence" of an experience or its various contextualized manifestations as the experience is the point of interest. In this narrative inquiry, with a small cohort, all who spent extensive time in the JJS, my phenomenological research approach has focused on weaving together common meanings they articulated in their stories of their lived experience (Creswell, 2013).

Culture and people are always changing, always in the midst, or always in the process of becoming (Clandinin & Connelly, 2000). Discerning meaning is the work of qualitative research, broadly, and narrative, in particular. It is the task of the researcher to link stories together in a way that produces a coherent narrative of experience. Narrative inquiry allows the researcher to work with stories holistically, treating longer stories as units, rather than fragments, or using fragments as units in presentation, if relevant to the imagining and movement of the inquiry (Riessman, 2008).

Scholars in legal branches such as sociology or criminal justice use stories as data in exploration of justice or carceral logics. Benjamin Fleury-Steiner (2002) elicited narratives of

death penalty experience amongst jurors and discovered how the consciousness of ordinary citizens enlisted as jurors in death penalty trials is racialized. Fleury-Steiner believes that the work of critical race scholars who have spent time unpacking the meaning of identity in narratives of law and power are of primary importance. Maynard-Moody and Musheno (2022, new edition) and Epp, Maynard-Moody, and Haider-Markel (2014) explore lived experience and the response of street level workers in qualitative research which analyzes stories by asking a given question for a given purpose. As an educational researcher in special education, interested in the impacts and effects of lived experience in the JJS on youth, I am attracted to the potential productive power of stories.

I work in the juvenile justice system as an educator and transitions specialist. This inquiry has become a venue for me to push for an emotional and moral response to the topic of juvenile justice in the United States. I have held hope that this work could make things happen in ways that other forms of research cannot. My goal has been to dialogue with participants about their life events which Connelly and Clandinin, (1990) conceptualize as stories to live by. From Sconiers and Rosiek (2000) when used in an arts-based, performative sense, narrative research can employ storied accounts of events as a way of pointing to unrealized possibilities or making new meanings possible.

Further, narrative inquiry follows Dewey's (2012) guidance that there are three commonplaces of experience: temporality, place/situation, and sociality. The idea of *temporality* acknowledges the fact that experience changes over time (Dewey, 2012). *Place and situation* play a role in narrative inquiry, as not all locations and situations are the same, within stories (Dewey, 2012). Finally, *sociality* is the space in which the experience occurs, as well as the researcher-participant relationship (Clandinin & Huber, 2010). The examination of these

commonplaces allows us to “study the complexity of the relational composition of people’s lived experiences both inside and outside of an inquiry and, as well, to imagine the future possibilities of these lives” (Clandinin & Huber, 2010, p. 3). Finally, most important to me, this methodology has an alignment with participatory action research (Fine, 1994), which seeks results that afford possible changes in practice for researchers, participants, and institutions.

Much like weaving a tapestry, I collected “stories to live by” Connelly and Clandinin’s (1990) narrative view of identity -- from young adults in Kansas who have lived experience within the juvenile justice system. Storying resonant threads of their lives in the midst of the temporal, personal, social, and place dimensions that shape narrative thinking, and working with the framework of broadening and burrowing, storying and restorying (Clandinin & Connelly, 2000), I wove this inquiry together with my participants by coming alongside (Clandinin, Caine, Lessard & Huber 2016) and thinking with their stories. I traced multiple storied themes and conceptualized three resonant threads woven throughout them all concretized for me as the revolving door, the ruining process, and “fire tests gold” of resilience.

Overview of the Juvenile Justice System

The first juvenile court in the United States, authorized by the Illinois Juvenile Court Act of 1899, was founded in 1899 in Chicago (McCord, Widom, & Crowell, 2001, p. 155). The act gave the court jurisdiction over neglected, dependent, and delinquent children under age 16. The focus was rehabilitation rather than punishment, required separation of juveniles from adults when incarcerated, and barred detention of children under age 12 in jails. The act also provided for informality in procedures within the court. The idea of juvenile court spread rapidly.

The U.S. JJS was founded on the premise that rehabilitation could be achieved through individualized justice, by making young people pay for what they had done by serving time.

Before it existed, the nation treated children it deemed criminal as small adults, confining them alongside adults (McCord, Widom, & Crowell, 2001). As early as the 1910s, criticisms of the juvenile court's fairness and effectiveness began to be expressed. Critics called into question the court's informality, charging that it resulted in discrimination and lack of attention to due process. Furthermore, the court treated children who had committed no crime the same as those who had committed a criminal act (Dawson, 1990). Unlike adults, juveniles could be detained and incarcerated without a trial, a lawyer, or even being made aware of the charges against them.

During the 1930s and 40s the Chicago Area Project (CAP) (Schlossman & Sedlak, 1983) marked the early twentieth century's first systematic challenge by sociologists to psychology and psychiatry's dominance in public and private programs for the prevention and treatment of juvenile delinquency. While scholars generally acknowledge the CAP as a pioneering effort in delinquency prevention, we know surprisingly little about its operational structure and day-to-day operations in specific Chicago neighborhoods.

The Family First Prevention Services Act of 2018 created a new opportunity for child welfare agencies to fund evidence-based interventions aimed at preventing children from being placed in public foster care and ensuring that youth in care receive appropriate treatment in the least restrictive (most family-like) setting possible. While the new law has been widely lauded as a much-needed improvement over previous funding constraints, a growing number of child welfare leaders, researchers, professional organizations, and advocacy groups are concerned that its emphasis on families of children at imminent risk of removal due to maltreatment is too narrow and that an overreliance on strict evidencing is excessive (Children's Defense Fund, 2018).

Although the United States remains the country with the highest incarceration rate, with juveniles being incarcerated at a faster rate than adults (Puzzanchera et al., 2018), this country does not collect or compare the national recidivism rate for juveniles. Recidivism rates on juvenile criminal behavior must be acquired through individual studies, meta-analyses, and replications. Further, there is no evidence that incarceration reduces recidivism (McCarthy, Schiraldi, & Shark, 2016).

Each year, schools refer over two million juveniles to police, with 70% of those referrals for racial minority adolescents. Additionally, 85% of incarcerated adolescents have disabilities, compared to 11–12% of the general school population (The Arc, 2015). Each year, approximately two million delinquency cases are adjudicated in juvenile courts (Barrett & Katsiyannis, 2015) and over 90,000 adolescents are detained in this country at any given time (Sentencing Project, 2009).

The Annie E. Casey Foundation, one of the most prominent leaders in research and policy for children at risk of poor educational, economic, social, and health outcomes maintains a primary goal to advance child welfare and juvenile justice for children in the United States. The Foundation presents a compelling line of inquiry into demographics and statistics about adolescents in these systems, specifically highlighting those in juvenile detention, one component of the JJS. Juvenile detention is defined in the field as a pretrial detention period for minors. The law calls for juvenile detention only in cases when a court believes an adolescent is at risk of committing additional crimes or running away before trial (Annie E. Casey Foundation, 2000).

Current JJS practice is regulated by the JJDP, landmark legislation that established the OJJDP to support local and state efforts to prevent delinquency and improve outcomes in the

juvenile justice system (Skinner-Osei, 2020). Congress reauthorized the JJDP in 2002. Under the 21st Century Department of Justice Appropriations Authorization Act, which supported OJJDP's established mission while introducing important changes that streamlined its operations and brought a sharper focus to its role. The provisions of the reauthorization took effect in FY 2004.

In December 2018, the Juvenile Justice Reform Act (Smoot, 2019) reauthorized and substantially amending the JJDP. Major components of these changes included changing rules about restraints, better staff training, legal representation for juveniles, addressing the needs of girls in the system, separating youths from adults in lockdown, and addressing “disproportionate minority contact.” The amendments made by the JJRA became effective in FY 2020. Juvenile justice's "new normal" now dictates that only those youth who pose the greatest threat to public safety should be housed in juvenile detention facilities (Roush, Brazeal, & Church, 2014). As a result, youth who remain in custody are not only those who may have gotten into the most trouble or committed violent crimes, they are also those who have the greatest needs, most often those who have been in and out of multiple social systems, who require more extensive specialized resources and services (Barth, 1990).

Early successful reentry into schools and community for adolescents who have been through the JJS reduces recidivism and increases the chance of staying out of trouble (OJJDP, 2020). The Second Chance Act of 2019 (DeGuzman, 2020) authorized federal grants for reentry programs that address common obstacles to effective reentry, such as jobs and housing assistance, drug use recovery, family programming, and mentoring. The program offers tailored services to adolescents and promotes family interaction between incarcerated parents and their children. This initiative is part of the OJJDP's overall strategy to improve public safety, keep

adolescents accountable when they offend, and inspire young people to reach their full potential. However, remembering the revolving door, teachers, school security personnel, law enforcement officers, district attorneys, juvenile public defenders, juvenile detention and probation officers, city, district, court administrators, and judges are all part of the system within systems – and they are not uniform by state and by county within state – as illuminated in street level bureaucracy (Lipskey, 2010). As a result, there are many factors that contribute to a child entering the carceral “state” and encountering barriers to reentry into their schools or communities – all a part of the grinding gears of the revolving door.

With respect to research about getting *out* of the system, or exiting the revolving door and staying out, extant findings suggest specialists in transition education, employment supports, and mental health services can play a key role in helping young adults aging out of the JJS, alleviating recidivism and promoting their community engagement. These components need further examination. In any case, the United States JJS has not emulated similar systems around the world in treating incarceration for juveniles as a last resort. From the outside, looking in, refers to the carceral state as a totalitarian designed space, (Meiners, 2014) much like Foucault’s (2012) conception of prisons as “complete and austere institutions”.

After the Civil War, Black children, in particular, much like their adult counterparts, were essentially re-enslaved (Alphonso, 2015). In fact, as a result of emancipation, Black children's vulnerability increased (Flemming-Hunter, 2020). During Reconstruction, Black people continued to be used as pawns in an economy (in which they had been essential as enslaved people) which had crashed. Despite changing laws over the course of history, Black adolescents are often denied access to positive interventions and are forced into incarceration for behaviors only deemed criminal because they are Black (Rovner, 2016). Scholar and legal counsel Robin

Walker Sterling, believes the JJS poses a pointed threat to children of color because the system's procedures lack formality. She explains that in the gap where formal process should exist, there is instead individual discretion, which serves to create space for implicit bias (Sterling, 2013).

Pushing forward, Jean Anyon's (2014) *Radical Possibilities* explains that our lack of attention to the neoliberal maintenance of persistent poverty in American cities will cause any school reform to continue to fail. Anyon defines neoliberalism as a set of free-market economic policies marked by deregulation, privatization, and the abolition of social welfare. Further, neoliberalism places a premium on social control and ideological hegemony, which are reinforced through the stratification of racialized, gendered, sexualized, and classed populations. These divisions are then perpetuated through increased militarization, policing, and reliance on carceral logics to manage populations rendered "othered" and disposable by neoliberal governmentality (Giroux, 2012). For children of color, policy shifts frequently result in increased criminalization in schools.

From the Disability Rights Education and Defense Fund (Mayerson, 2014), the "school-to-prison pipeline" refers to the policies and practices that "push our nation's schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems. Because this issue affects minority students of color with disabilities, dismantling the pipeline requires an intersectional approach to disability and racial discrimination.

Operationalizing the school to prison pipeline, Camarena Castillo (2016) describes "the practice of pushing students out of educational institutions, primarily via zero-tolerance and harsh disciplinary policies, and into the juvenile and adult criminal justice systems" (p. 44). Disabled, poor, and racialized or "othered" children are forced to move between institutions, from discipline in schools to incarceration in prisons much like moving into and out of a revolving

door. These dis-locations occur through their removal to "carceral settings such as alternative schools, prisons, and institutions" (p. 132), through the "practices of pathologization, racialization, and criminalization" (p. 133). Adams and Erevelles (2017) describe spaces of confinement and carceral logics as "social processes constituted within oppressive historical conditions that also associate disability with dis/respectable deviance" (p. 144). This section further explores markers of race, ability, socioeconomic class, gender, and sexuality for justice-involved youth. These are among the multiple ways we other our youth.

Race. American society's white supremacist roots (Baptiste, 2015; King, 2011) have historically directly exposed Black people to physical and psychological harm (McKinney de Royston et al., 2021). This common thread of vulnerability is repeatedly highlighted in the narratives of formerly enslaved individuals such as Frederick Douglass, in the horrific murder of Emmitt Till, and in each mural or t-shirt, hashtag (e.g., #SayHerName, #TonyRobinson), or viral video that concurrently humanizes and makes a spectacle of Black children's lives and bodies. These vulnerabilities are the focus of national discourses (e.g., #BlackLivesMatter) and urgent conversations about how to protect Black children among many Black adults. These discussions are rooted on Black adults' lived experiences of how white supremacy frequently determines the psychological and physical safety of the Black body, particularly of children (Kendi, 2016; Phillip, 2018). McKinney and colleagues (2021) reflect upon interactions in schools as "highly publicized and lesser known assaults" (p. 69) and ask what we mean by 'safe', which spaces are 'safe', and for whom.

Disability. Studies estimate that 60–75% of adolescents involved in the school-prison pipeline have an identifiable disability (Kim, Losen, & Hewitt, 2010). Youth with intellectual and developmental disabilities are being incarcerated at especially high rates (Quinn et al., 2005).