Introduction

Big T used to hate when I called him Travis. “Travis,” I said again, “What is stopping you?” He made a face; Big T sounded so much cooler than Travis, a name supposedly used exclusively by country singers and “lil’ white boys,” neither of which he wanted to be associated with. Travis stared down at his copy of *The Boy in the Striped Pajamas,* a book he had read nonstop for the past two days in his cell, so that he would be able to participate in the monthly book study. Yet, now he was acting too cool; he slouched in his chair, legs sprawled, and hadn’t spoken until I posed the question directly to him again, “What is stopping you from getting what you want?” The group had been wrestling with the difference between what we desire in life and the perception of our ability to achieve it; a struggle similar to the one the main character faces in the book. Travis was a young man who was raised by a flighty sister while both his parents served long-term prison sentences. He had been in and out of Juvenile Hall four times and was just two months away from his eighteenth birthday. Travis raised his head up to look at me and answered quietly, “Myself.” Asked to elaborate, Travis heaved a sign of resignation, “I try to be Big T and make all the wrong choices because I don’t deserve to succeed, and I never will.” Tears fell onto an open page, blurring a line from the book he had carefully underlined, “*You wear the right outfit and you feel like the person you’re pretending to be*.” With all eyes on Travis, he closed the book and silently left the table.

Many people today believe that increasing criminalization and punishment will cure societal ills and they trust in the power of incarceration as a way to reduce crime. Mostly undisputed is the idea that criminal laws are necessary for a functioning society. Indeed, what are the main justifications for making certain behaviors criminal and

deserving of punishment? It is important to understand why certain behaviors are made criminal in order to better analyze the success or failure of the current juvenile justice system.

Two main rationales for criminalization in society include deterrence, or making sure that the perpetrator does not commit the act again, and retribution, or the need to give the perpetrator the punishment he or she deserves for committing the crime. Deterrence, the utilitarian approach to criminalization, is meant to ensure "the greatest good for the greatest number." When one criminal is punished, he is personally deterred from committing the act again because of the punishment, physically deterred due to his incarceration, and can be used as an example for others, while having the opportunity for rehabilitation that would prevent future offenses (Murphy & Coleman 71-77). This approach would ensure that the largest number of people would benefit from the punishment.

Another approach to criminalization is retribution, a view constructed by philosopher Immanuel Kant, which uses punishment as a way to give perpetrators what they deserve. Kantians believe that justice must be served in society rather than for individual benefit. This perspective views a criminal offense as not just a wrong to an individual victim, but as a wrong committed against society that results in a debt that must be paid (Johnson). As the logic goes, everyone benefits from the rule of law, therefore the legal system only works through social cooperation. If one person deviates from the rules, it undermines the whole system. Together, these approaches create the need and justification for criminal law in society (Murphy & Coleman). Yet, what is

controversial, especially for the juvenile justice system, is the way in which criminalization should actually be enacted and enforced.

Rationale

With my research and suggestion of reforms, given within the dual frameworks of academic opinion and personal experience, I hope to give readers the foundation to critically rethink criminalization and how well the current juvenile justice system is actually accomplishing its goals. Mainly, I care about the system because I care about the individuals that are affected by it. Children like Travis and so many others that I have gotten know over the past nine months must at least have the opportunity to rise above their circumstance. They should, in other words, be given the ability to succeed in society. This can only be done with reform on a federal level that effectively deters and punishes a criminal act; and on an individual level that empowers juveniles to learn from their mistakes, instead of becoming defined by them.

The American reaction to many societal issues is incarceration and over-criminalization. Many believe that this will remedy problems that exist, yet it can usually be a waste of scarce resources, can severely restrict guaranteed freedoms, and may not be the most effective method to reduce crime. This is a special concern for youth that find themselves in the criminal justice system. Unlike adults, youth are less developed mentally, have less of an ability to function independently in society, and are more influenced by their circumstance and authority figures. This creates the need to view juvenile justice as important on an individual and societal level. I believe that giving

youth caught up in this system the agency to escape will allow for a better functioning society with less crime than widespread incarceration would.

The juvenile justice system is also just that, a system. It is an institutional hierarchy that is governed by process and protocol and rarely factors in human or communication elements that are necessary for creating a rehabilitative environment. Many times, youth in Juvenile Hall are raised in low-income neighborhoods that do not give children the same access to financial and educational opportunities as more privileged children. Although discussed later, different cultural contexts can promote certain behaviors in impressionable youth that put them on a trajectory toward imprisonment in which they get caught in a cycle they feel they are unable to escape. Examining how the juvenile justice system functions, realizing fundamental flaws in this system, and identifying key communication factors that could bring about change, are all essential to making a difference not only in the lives of juveniles, but also in society.

Preview

In this paper, I will challenge the reader to rethink the current juvenile justice system. I will do this by first providing a brief summary of the history and development of the juvenile justice system since its creation. This background information will lay the foundation for the following extensive literature review. This section will examine the current juvenile justice system and provide statistics, case studies, and expert opinions regarding the health of the system and facilities in the United States. This will give the reader basis and direction to assess the overall effectiveness of the system. The review will include academic judgment on the future of the system, including communication

methods, programs, and overall execution. It will also discuss potential impacts to the futures of individual minors that are affected by the system and offer alternatives to mitigate negative impacts.

The next portion will address both expert and personal opinions to suggest the impact of communication elements within the juvenile justice system. These factors will include intercultural communication and understanding cultural differences to help reduce division and promote respect. It will also focus on how juveniles can better relate with prison staff, other youth, volunteers and family. Rhetorical communication will also be discussed with an analysis of how rhetoric can influence perspective and action. Highlighting the interrelation of Communication Studies and juvenile justice, I will make a few recommendations as to what should be done in the facilities communicatively to improve the overall health of the system for all juveniles involved.

After the paper, the Epilogue will provide an in-depth description of my activities and observations within the San Luis Obispo County juvenile facility that are a direct result of the research outlined in this paper. I will discuss my involvement with the implementation of various programs and the progress achieved by utilizing the positive communication factors that I have observed in the youth who have been engaged in these programs over the past nine months.

Background

In order to understand current criminalization in America, it is important to know how criminalization has developed and evolved throughout history and how it is being used today. This will yield insights that allow for more accurate predictions for the future of the system and provoke effective responses to this issue. Incarceration today has become an automatic reaction to criminal activity. We have this response because we assume it works, or because we think it is the easiest way to decrease crime in society. We view problems as having institutional answers that can be solved with the introduction of yet another system and institution. Yet, these institutions are also sometimes used as a way to control the behavior of the powerless members of society, namely, poor and minority children.

Randall Sheldon provides a comprehensive landscape of the development of the juvenile justice system and milestones along that way that have aided in its expansion. He first discusses the invention of "childhood" and points out how age roles are more of a social rather than biological concept. Childhood, and later adolescence, was not fully recognized in the Middle Ages, but was first introduced in the development of the modern family during the age of capitalism and industrialization (Sheldon 192). The introduction of schooling and education created a wider divide between a child and adult class but, "for the most part, the control and discipline of children was left up to the family unit" (Sheldon 197). Government intervention began largely as a response to the rapidly growing immigrant class. Immigrant families were mostly low income and immigrant children were viewed as "wild, godless, and without manners." Youth were charged with being lazy and dangerous and a bad influence on society. Yet, it was always

"stressed that it was up to the individual to avoid the temptations that certain social conditions produced" instead of factoring in the circumstances, environments, and opportunities that these children were exposed to (Shelden 203). During this period, because the emphasis was placed on character traits more than other factors, youth were viewed as a liability to society and a reckless influence that must be tamed.

Litigation and judicial decisions during the mid-19th century continued to focus on controlling the youth. Juvenile justice litigation was said to be "an instrument for placing abandoned and neglected children [of the poor] in institutions" (Shelden 208). Further, the emergence of public schools was created to "meet the needs of capitalistic employers for a disciplined labor force, and to provide a mechanism for social control" (Shelden 209). Unrest during this Industrial period resulted in reform for the criminal justice system, an era which was termed the "Child-Saving moment." Children were being treated poorly in factories, sent against their will to reform schools, and referred to as the "relative surplus population" (Shelden 212). No one knew quite what to do with them, but knew that reform needed to happen. Thus, juvenile courts were originally established to serve the best interests of children and act as a system that helped to correct juveniles affected by their circumstance and provide a means of diversion from delinquent activity. This approach focused less on the actions of youth, but instead on trying to help reduce the source of their delinquency, which proved a major shift in how society viewed juvenile justice.

This system continued to expand into the 20th century, developing the social work profession, community-based programs, and closure of reform institutions. This progress was promising, but the introduction of "get tough on crime" propaganda "stimulated an

increase in incarceration, without a necessary increase in criminal activity" while also stimulating a negative racial bias (Shelden 219). This coincided with the "War on Drugs" that was declared in the 1970's, which further "resulted in the targeting of African Americans on a scale that is unprecedented in American history" (221). Not only were children getting incarcerated at an increasing rate, but arrest rates for blacks jumped up to a rate of six times more than whites, with 90% of those arrests for non-violent possession crimes. Minorities who were referred to court increased almost 42%, while referrals for whites generally stayed the same (222). These laws disproportionally disadvantaged certain groups and began the general cycle of oppression that still persists today.

Shelden's view of the current state of our prison system is pessimistic. Two hundred years after the first reform school was established, and we are still dealing with institutions that are riddled with "scandal, violence, corruption and high recidivism rates" where "little has changed, except that modern instructions are more expensive to operate" (226). These observations are prevalent throughout juvenile justice literature where the need for awareness and reform is more essential than others. With the implementation of new legislation and the evolving impression of youth in this country, it is difficult to accurately predict what the next stage in juvenile justice will be. Yet, scholars from many different disciplines have tackled this challenge because of the immediacy of reform that is necessary. The development of juvenile justice can help make those predictions more accurate and direct reform efforts effectively.

Literature Review

Summary of Literature

Juvenile justice is a major topic of conversation in both legal and social discussions and a renewed interest has formed in the subject because of its apparent need for reform. There is no current consensus regarding the cause, the effect, or what should be done. Yet, overcrowding, high recidivism, and financial crises within institutions are creating problems that must be dealt with soon. The literature on this topic is extensive and comprehensive, offering many different viewpoints and expert opinions.

To provide a general overview of what academic experts are saying about juvenile justice, I will organize the literature into four main sections. The first section will outline expert opinions regarding the causes of our incarceration society and how it has developed into the system that it is today. Next, I will discuss the inequalities of incarceration, highlighting in particular issues of age, race, and gender. The third section will deal with systemic problems within the juvenile justice program on a national level and then address facility-specific problems that deal with private prisons and treatment of youth by guards. Lastly, I will outline what literature suggests are effective alternatives to incarceration. Although not entirely comprehensive, the literature outlined here reflects the general landscape of articles written by prominent sociologists, political scientists, communication scholars and other experts in the field.

Causes

Determining the cause of criminal activity in society is quite a broad undertaking. Yet, some scholars have attempted to pinpoint societal influences that result in crime, especially in youth. Valerie Polakow, in her book "The Public Assault on America's Children" argues that the way our welfare state is set up breeds systemic violence, which instills the same sentiment in children. She also argues that the United States fails to provide adequate funding for social services to aide children who completely depend on their parents for assistance. Programs like AFDC (Aid to Families with Dependant Children) and Temporary Assistance to Need Families (TANF) are either severely underfunded or make welfare eligibility requirements increasingly difficult to achieve (Polakow 2). Yet, "as the number of families with children on welfare continues to decrease across the nation, there is little evidence of increasing economic self-sufficiency or family viability (Polakow 2)." Many public policies are disadvantageous for single mothers and can lead to a vicious cycle of loss and homelessness. These mothers cannot successfully provide childcare for their children while trying to keep a job that fits within the strict welfare eligibility requirements. This inability to give proper care is becoming a pattern for low-income families. The political and economic issues are of course not the fault of the child, yet they are directly affected by the consequences and forced to live under such conditions. "Desperate mothers placing their children in developmentally damaging care [is] confirmed by [. . . .] studies that have documented the acute crisis of affordable quality care" (Polakow 6). Welfare reform has led to lack of opportunity for the children involved, which could have damaging impacts on development. Thus, this

poverty persists and systemically hinders marginalized and poor children from receiving a quality education.

Philip Zimbardo discusses the "Lucifer Effect" in an essay that tries to answer the fundamental question, "What makes people go wrong?" He suggests that as a society we place too much emphasis on dispositional explanations for behavior rather than on situational and systemic qualities. Instead of factors such as genes, personality, or character traits determining whether someone will commit an act of evil, he suggests that power systems work to create conditions which demonize some members of society to create a common enemy and make exceptions for the behavior of other members (Zimbardo 151). For example, "aberrant, illegal, or immoral behavior by individuals in service professions such as policemen… [are] typically labeled the misdeeds of 'a few bad apples.' The implication is that they are a rare exception." This suggests that there is a firm distinction between the good and bad "apples." Yet, who is making these distinctions? His study focuses on answering this question and concludes that it is "usually…the guardians of the system who want to isolate the problem in order to deflect attention and blame away from those at the top who may be responsible" (Zimbardo 151). The power that the guardians of the system posses can also be manifested in a "hostile imagination" where "a psychological construction embedded deeply…transforms those others into 'the enemy'" (151). Reflecting on this research, one plausible cause of criminalization and incarceration could be the result of power systems. Demonizing others to create that common enemy can thus work to perpetuate stereotypes of certain groups deemed as morally and behaviorally wrong, destined to function, then, as the "bad apples" in society.

In America today, youth are particularly targeted as the main criminal perpetrators. Opinions about causes vary, but many scholars believe that the current school system is a major factor. In Catherine Kim's book, "The School to Prison Pipeline," she discusses the fact that increased criminalization of school misconduct is creating a larger juvenile justice program than is necessary. The amount of juveniles arrested or caught up in the court system because of school discipline has been increasing (Kim 119). Also, the use of law enforcement tactics, random searches, and metal detectors has involved the juvenile justice system unnecessarily. Some states have an overwhelming majority of youth that end up in the juvenile justice system due to school-related conduct, and up to 40% of these cases being for simple "disorderly conduct" (Kim 120). Yes, many students who commit crime at school are there for a reason, yet "even juvenile court personnel have expressed concern that school officials may be relying on the juvenile justice system inappropriately to handle minor school misconduct" (Kim 113). Reacting to misconduct by referring students to the juvenile justice system to be dealt with can have very negative consequences on the future of those juveniles. It has the potential to label those youth as "prisoners" or "criminals," which can shape their impression of themselves and the impression of society. If they are only expected to live up to that "criminal" label, they will be more likely to because of the "self-fulfilling" prophecy principle that works to achieve what we believe in our lives.

Barring those that "deserve" to be criminalized due to school misconduct, many could argue that it is better to have false-positives in regards to criminals. Yet, is making sure that we over-criminalize as a safety precaution better than being more particular about what constitutes as a criminal act and who is considered a criminal? Kim would

argue that false-positives are much worse because of the large impact the practice has on children. “Studies show that being arrested has detrimental effects on the child: it nearly doubles the odds of dropping out of school, and if coupled with a court appearance, nearly quadruples the odds of dropout; lowers standardized-test scores; reduces future employment prospects; and increases the likelihood of future interaction with the criminal justice system” (Kim 113). Although it is important to ensure a non-violent and safe school environment to protect others, it is equally as important to ensure that those same children have an opportunity to succeed. Sending them through the juvenile justice system at such a young age and for such petty “crime” can do more to harm the children and hinder his or her future than it actually does to protect the rest of the students. Officials must re-think what constitutes a criminal act in the public school setting and come up with alternative means for discipline and prevention.

Polakow’s book, “The Public Assault on American’s Children” includes the section “Zero-Tolerance Policies and the Fate of Expelled Students.” Zero-tolerance is a widespread policy implemented in many schools across the nation that provides consistent and predicable punishment for certain behaviors without any evaluation of the circumstances or situation regarding the behavior. Zero-Tolerance tries to eliminate any “gray” area regarding certain types of conduct but leaves very little room for interpretation of actions and consequences that might require further examination. Polakow brings up examples of when, for example, children were expelled for “possession” of Midol medication to relieve menstrual cramps and for “transmission” where the student gave another Midol pill to her friend for the same symptoms. This act, punishable by expulsion, was unquestioned. Mandatory sentences in these extreme cases

are both unfair and unnecessary. Without alternatives, warnings, or due process, zero-tolerance policies do not allow authorities to exercise reasonable judgment. With these policies, studies also have shown that it is "often applied in an arbitrary and capricious manner…with little or no provision of constitutionally protected due process rights" (Polakow 104). Youth are still functioning and contributing members of society and although dependant, they should be allowed certain rights as a citizen of the United States. Zero-Tolerance policies give unchecked power and authority to school officials who would benefit from "weeding out" the problem children in schools. It makes it seem like issues are not under their control, but instead set up those policies to systematically remove potential problems from the hallways. These "mitigation" measures instead disadvantage and target certain groups and hinder learning and development for juveniles within the public school system.

Once students are expelled, whether for good or bad cause, the lack of alternative education and rehabilitative programs result in "increased apathy, lowered self-esteem, family turmoil, and distrust of school officials" (Polakow 111). Interviews conducted for the study also showed that a majority of the children that were expelled "claimed that the students would rather be in school, but felt as if they were not wanted…thereby increasing their sense of marginalization (Polakow 111). This system creates a cycle that is destructive for all children involved. When they come to school and are treated as if they were already criminals, officials will eventually catch what they are looking for because of the general nature of underdeveloped youth. Entering the children into the juvenile justice system early deceases their ability to function in school, therefore increasing their chance of expulsion due to zero-tolerance policies. Without another

chance at an education, coupled with societal reinforcement of marginalization and helplessness, children therefore become more likely to resort to the criminal activity that is sometimes attributed to simple genetics or character flaws.

Inequality

Further compounding the matter, all of the causes discussed above are not applied fairly to all groups of people. Within many school districts across the country, African Americans are disproportionally expelled based on their percentage of the overall district population. Polakow suggests that the "average African American population was 39.8%, yet African American students accounted for 64% of the total expulsions." This is reflected in the disproportionate number of African American youth that are involved in the juvenile justice system as well. Currently, the teen jail population is about 63% minority and 37% white (Hancock 91). These minorities are also much more likely to be labeled "not as juvenile delinquents but as hardened criminals and not redeemable" (Shelden 199). Yet, for the majority, it seems that sometimes their only crime was simply being poor, or simply being a minority. This type of discrimination is prevalent, and yet largely unchecked in the public school system because of the persistence of negative stereotypes with regards to the minority population

Mexican-Americans are also targeted with systematic racism and suppression by the use of legitimized racial profiling and the "broken windows theory" in response to heavy gang activity (Duran 149). This theory suggests that if minor offenses are policed and punished more severely, it will most likely prevent further and worse crime. The problem with this seemingly logical approach is that it can create a pattern of

stigmatization and/or negative stereotyping that then develops in the communities where this theory is practiced. Duran's research showed that the "Mexican-American community's claims of harassment were often met with disbelief by middle-class white residents…because police officers continually justified these beliefs by pushing for a higher number of interactions with Mexican Americans to substantiate gang stereotypes" (Duran 149). Using "probable cause," a legal term that allows officers to take action if they have reasonable means for suspicion, is also another way to legitimize profiling and reinforce stereotypes. The fact that these negative preconceptions are prevalent can have the same type of cyclical effect on juvenile justice. Bridges and Steen "reported that probation officers' divergent beliefs about white and black criminality shaped their assessment of dangerousness and sentencing recommendations," which essentially suggests that "officers' beliefs are similar to those held in wider society" and officials are not above any culture or societal pressure (Duran 154). Although officers hold a position of authority in the community, they are just as susceptible to believing stereotypes given to youth in society. Yet, their authority gives these officers the power to perpetuate stereotypes by targeting minorities and disproportionately limiting their opportunities because of the consequences resulting from criminalization.

Should we conclude that minorities or impoverished youth just generally commit more crime, even after accounting for the factor of unequal opportunity and environment? William Chambliss published a case study, "The Saints and the Roughnecks," in which two different gangs were followed, one consisting of white upper-class boys and the other consisting of minority lower-class boys. Observation and study showed that the delinquency rate between both groups was about equal, yet the

lower-class gang was consistently in trouble with the law. Social perception of the two groups was vastly different, as was, by extension, the way that police treated each of them. Community perception, even if it was based on manners, dress, demeanor, socioeconomic status, or race, thus proved to be a determining factor for their rate of delinquency and the "level of mutual distrust and dislike between the Roughnecks and the police" (Chambliss 137). Yet Chambliss ultimately argues that the daily operations of each gang are not as important as the "class structure of American society and the control of legal institutions by those at the top of the class structure" (137). The families of juvenile delinquents play a major role in this inequality, because as we can see, it permeates through perceptions reinforced by "experience with cooperative versus indifferent, powerless, lover-class parents who acquiesce to the law's definition of their child's behavior" (Chambliss 142). If the parents of juveniles see their children through the same lens as the law does, it leaves those children to overcome social stereotypes on their own without a strong foundation or role model. Parents of these children are just as powerless and suppressed by the law that they are unable to adequately give support to their children.

Other types of inequality found in the juvenile justice system include gender and age biases, which also permeate society. Jerome Miller, in "The Myth of the Violent Teenager," suggests that society creates an age bias that overestimates the criminal behaviors of youth. A *USA Today* article he had read suggested "executing juveniles is a social necessity" because "nearly 20,000 murders are committed by juveniles each year" (191). In reality, juveniles that are actually convicted of murder each year is no more than 500, which is 2.5% of the unquestioned statistic that appeared in this major news

magazine (Miller 193). This gross overstatement of juvenile violence reflects sentiments that "the youth are to blame" for societal ills. A crime survey showed that "no physical injury in 72% of offenses classified as violent and committed by juveniles." The remaining cases where actual injury was recorded, 93% of the cases were not serious enough to require medical attention (Miller 193). He argues, like other experts, that this prejudice is a result of a power system created by those with much political influence benefitting from the demonization of those who have no power to defend themselves. "Those who run the juvenile justice system gain by defining young offenders as more violent than facts dictate. It's a kind of no-risk heroism for all concerned…it encourages the posturing and strutting of the I-told-you-so crowd, who makes sure that, no matter what happens, no one will be accountable" (Miller 195). Negative stigmas and incorrect labels do benefit a select few, and yet "it is to no one's advantage to de-stigmatize labels, except for those who are labeled" (Miller, 195). Unfortunately, the labeled youth in this case do not always have the voice or the means to demand change. Without help from policymakers, legislators, and those with political influence to voice this need on their behalf, juveniles will continue to be stigmatized because they are an easy scapegoat. They can be blamed for social problems, yet do not the power, and because of their age, the intellectual capacity, to fully understand the damage it can have on themselves and their future.

Lastly, gender inequality also exists within the juvenile justice system. The majority of juveniles caught in the justice system are males, yet the gender differences and gender construction cannot be ignored. Chesney-Lind's "Girls' Lives and Girls' Delinquency" suggests that "attempts to adapt male-oriented theory to explain female

conformity and deviance must start from a realization that all theories of delinquency were built around the lives and experiences of males, whose development, behavior, and options are radically different from those of females" (Chesney-Land 133). Factors that include pressures of gender roles, self-esteem, overemphasis on the prevention of sexual experimentation, and under-emphasis on the consequences of sexual victimization all create the need to develop a feminist critique of delinquency that halts the systematic gender inequality derived from the imposition of male-centered diagnosis and crime prevention tactics.

Systemic Problems

Juvenile justice as a social program has beneficial goals and tactics to achieve safety and rehabilitative desires, yet we now understand that our model is systemically flawed. Doomsday literature in the 1980's that predicted a huge increase in juvenile criminal activity today prompted legislators to label youth of the new generation as "superpredators" and take early and overactive measures to punish juvenile delinquency. Legislators also expanded the juvenile definition of "criminal," increased the number of private prisons to accommodate the "phantom child" criminal, and passed laws that allowed children to be tried as adults. The increase in crime never happened, but instead, crime rates fell by 50 percent, the lowest it has been in 30 years (Herivel 164). The reason for this decline has no absolute answer, but the measures taken by legislators cannot be credited with it because this decline happened before implementation of these precautions. Yet, the procedures and laws enacted were never amended to adapt to the population reality, and instead perpetuated the existing issues within juvenile justice.

The private prison system was one of the creations made for these criminals-to-be and soon became a booming industry complete with lobbyists and powerful benefactors. The growth has been apparent, "60% of all juvenile faculties are privately operated, accounting for about 30% of the total juvenile population," with huge payoffs: "the annual growth rate of increased private facilities has steadily risen by 45% with a bustling $33 billion annual profit" (164). Even with a decrease in crime, the number of children in private detention facilities increased by 95%. The prison system, as an industry, benefits greatly. But, the juveniles in these facilities are severely disadvantaged and treated poorly because of the fundamental lack of government standards and accountability, when profit, not efficiency, is the primary goal. This conflict of interest, along with the lack of federal guidelines, creates a system that can be detrimental to youth involved. Herivel argues that "minimal federal standards for youth facilities that accept federal funding" and the "absence of…federal legislation that specifically addresses privatized settings and provides governmental oversight" results in "far too much discretion to self-monitor, usually with tragic results" (167). Regulation, in these instances, is necessary when decisions made by this industry can directly affect the lives of juveniles. Facilities will do all that they can to increase profit and decrease standards without this type of regulation.

Privatization benefits those at the top with little regard for youth actually caught in the system, yet some youth are not even eligible to be sent to the juvenile detention centers. Although not ideal, juvenile centers are much better equipped to deal with children than adult prisons, yet a growing legislative trend is to try children as adults in court. Currently, more than half of the states allow children under 12 to be tried as adults (in 22 states, it is children as young as seven) (Deitch 2009). These children "would be

subjected to harsh adult sanctions, including long prison terms, mandatory sentences, and placement in adult prisons" (Deitch 15). Contrary to common belief, a majority of the cases are not for murder, but for relatively minor offenses. Statistics show that cases where children are most often tried as adults involve property crimes more than they do crimes against persons or violent offenses (16). Deitch argues that the way children are tried is "extremely arbitrary, unpredictable, and racially biased" (16). Not only is this extremely unfair, but the conditions that children are subjected to in adult prison exponentially increase the risk of physical and sexual assault, suicide, developmental disabilities and recidivism. A report by the Director of the Centers for Disease Control went so far as to say that placing youth in adult prisons "not only has no deterrent value, but typically increases rather than decreases rate of violence" (17). If juvenile crimes that are dealt with at the adult level were instead referred to juvenile court, it would better allow juvenile detention centers to deal with actual delinquency. This would deter legislators, lobbyists, and judges to simply try and fill beds in juvenile courts with minimum security youth, which could help to improve efficiencies and effectiveness of the system as whole. The systemic problems of the system expand much farther than what is outlined in this paper, yet it is important to understand that the juvenile justice system is flawed in many ways, and is in immediate need of reform. If total reform for the system cannot happen as immediately as necessary, alternatives to secure detention must be explored in order to mitigate and prevent further risk and damage to youth affected.

Alternatives

As the research shows, the juvenile justice system is far from operating as efficiently and effectively as possible. Many scholars have given an opinion about how to remedy the situation and offer alternatives to incarceration. Although none of these solutions can ever perfectly fix the system, suggestions for change should still be considered and implemented in order to progress and improve the lives of youth caught in the juvenile justice system.

Without making fundamental shifts in legislation, a practical alternative in decreasing incarceration was suggested by Jerome Miller. As a prison director for a facility that held minors considered too violent for other programs, the prison eventually became overcrowded. His response to this problem was out of the ordinary. "If we define youngsters as dangerous according to the number of beds we have for dangerous youngsters, why not set a limit on the number of beds? If the theory held, we could limit the number of dangerous or violent teenagers" (Miller 198). He reasoned that the rationale for securing juveniles in detention is undermined when no matter who fills the beds in the facility, they would automatically be defined as violent. He arbitrarily determined that 35 slots would be available in the facility for secure care, and each region in the state were to determine which juveniles to send based on availability for their region. Miller reported, "there were no major incidents and no apparent increase in violence among other youngsters who were supposed to be deterred by the knowledge that their 'violent' peers were being locked up" (198). He firmly believed that the risk many people think was involved with creating alternatives for those initially labeled as violent, was "more than compensated for in holding within bounds the pervasive process

of over-defining too many youngsters as ‘dangerous’ and keeping them in that status” (Miller 198). Ultimately, change and rehabilitation will occur without coercion, but with a fundamental shift in how we treat and label juveniles within the system. Communication can play a major role in this shift and should be seriously considered as a key factor in determining alternative ways to mitigate and prevent problems within juvenile justice.

Systemic and legislative change also needs to occur on a national scale, which James Austin outlines in his article, “Alternatives to the Secure Detention and Confinement of Juvenile Offenders.” He argues that alternatives must be implemented because of severe overcrowding in facilities across the nation. Overcrowding is not just a problem regarding who is going to sleep where, but also involves problems that lead to “increased institutional violence, higher operational costs, and significant vulnerabilities to litigation that could improve the conditions of confinement” (Austin 229). Detainment in juvenile facilities also has not been explicitly proven to be effective. Facilities cannot provide necessary treatment to remedy chronic problems, quality long-term education, or many positive influences. Instead, more time spent in these facilities increases the probability that the juvenile will become delinquent again. Recidivism rates are estimated at about “50-70% of previously confirmed youth rearrested after release” (Austin 229). To reduce recidivism, and even initial entry in these facilities, practical actions must taken and implemented in the surrounding community where the youth are exposed.

Alternatives to secure detention include expanding community-based programs to reduce that initial entry into the system. Another alternative is supervised release, which can include home detention, electronic monitoring, supervision, day and evening

reporting centers, and skills training programs. Studies show that implementing these programs, or a combination of programs, is successful. Research states that most youth that partake in these alternate forms of punishment follow court protocol with fewer returning to the detention centers for new offenses (Austin 231). One study found that "home detainees were no more likely to recidivate than a pre-adjudicatory group held in secure detention…and most youth (71 to 89 percent) completed the programs without incident and appeared in court" (Austin 243). Taking away all rights and responsibilities does little for youth empowerment. It is important to provide clear punishment to correct action, yet we must allow juveniles to correct their own mistakes and give them the agency and control they need to be trusted with further decision making that will affect their future and position them as functioning members of society.

Need for Reform

According to the above research, it is clear both that a serious problem exists and that reform is necessary. Not only for economic or political reasons, but necessary also for ethical reasons, young delinquents should be considered valuable members of society. They are dependent, underdeveloped, and many times lack the kinds of educational and material opportunities commonly offered to other members in society. Change is always resisted because, as outlined, juvenile delinquency, incarceration, and social stigmatization mostly benefit the powerful and hurt the powerless. Social awareness, litigation reform, and systemic reorganization are all necessary, a conclusion supported by research again and again. Yet the poignant questions should be, what can do about this significant problem now?

Factoring Communication into Reform

Reform on a national scale requires state and federal laws. It requires political lobbying, it requires societal reorganization and it requires dramatic cultural shift. Unfortunately, reform usually only happens when circumstances become so bad that reform is a last possible resort. Wheels of reform have already begun to turn within California Youth Authority, yet this change, which needs to be both systematic and systemic, takes too long. Patience is indeed a virtue, but as thousands of young people enter the juvenile justice system every day, something needs to be done immediately. I am not discounting or discouraging any legislative change, yet advocating quite the opposite. I believe that these changes are necessary, yet change must begin now and in the meantime.

Things can begin to change with a shift in overall perspective, and, in particular, with a re-assessment of specific communicational behaviors. Some may argue that this suggestion is not radical, not effective, and not practical enough. And of course, I would agree. Communication factors alone will not solve the problem entirely. Yet, I argue that these factors are an essential component of any systematic change. On the surface, communication is prevalent, and therefore can seem intuitive. Everyone communicates, so some might ask, what more needs to be learned and what can actually be taught? Yet, Communication Studies, as a discipline, is so much more than just an observation of general communication principles and actions. It is a field of study dedicated to reaching the source of thoughts, desires, and actions. As the literature reveals, communication influences the way we view the world and that perspective conceives thoughts. Those thoughts give birth to action that, repeated enough times, can become a habit and done on

a large enough scale, can influence the behaviors of an entire society. Thus, changing how we communicate in regards to juvenile justice can have a profound effect on the underlying sources of a flawed system. As someone with a background in both Communication Studies and Pre-Law, I have a good understanding of the technicalities of law and how it can be practically and theoretically applied in society. Yet, laws are made and followed by people who are largely influenced by communication factors. Therefore, for real change in our juvenile justice system to occur, we must ensure that both types of change are pursued. One just happens to be far less bureaucratic than the other.

Intercultural Communication Factors

Intercultural communication is a significant factor in determining methods of juvenile communication. The entire prison system is a heterogeneous group of different cultures that do not fully understand each other, yet have to function together to achieve their goals. These groups have a difficult time seeing situations from another perspective and understanding other group's communication styles. From the top, elite judges, lawyers, lobbyists, and legislations have a very limited perspective when it comes to juvenile justice. They make influential decisions without consulting or sometimes without even considering those that will ultimately by affected. Decisions they make further the social stigmas regarding juvenile detention and usually only profit the influential.

Another culture important to take into account is the juvenile detention center staff and industry culture. This is composed of parole officers, guards, social workers,

and all those involved in the operation of juvenile facilities. Robert Ortegas and Kathleen Coulborn, in their article "Training Child Welfare Workers from an Intersectional Cultural Humility Perspective: A Paradigm Shift," suggest extensive cultural competence training models that emphasize the importance of working with juveniles and their families by practicing multicultural understanding and cultural humility. "A multicultural perspective moves us away form viewing culture as monolithic…[which] includes knowledge, beliefs, values, morals and customs, language, behaviors, and practices of different cultures" (Ortegas & Coulborn 31). Advocating cultural humility also promotes practices such as social connectedness, openness, awareness, and transcendence on the part of child welfare workers and for the juveniles themselves. These are important to practice because of the impact they will have on the outcomes that are trying to be achieved through juvenile justice reform. If the system if reformed legislatively, but is not changed on an intercultural level, stigmatization and marginalization will persist in society, even with decreased criminalization.

Understanding the different cultures of the juveniles themselves can also have profound impacts on the way that staff treats them and how they treat each other. Youth come from all kinds of different races, gangs, neighborhoods, backgrounds and experiences. In the facility, they are forced to reside in close quarters with other juveniles and treat them with a respect that they might not normally have Understanding these different cultures and relating to each of them with humility can promote an appreciation of both the broader culture and of each individual. Instilling this appreciation and humility for intercultural communication in juveniles will help to alter their perspectives on their situations and change the way they view other people. The hope is that they

foster communication by viewing negative circumstances as conquerable and that they view people that once might have been labeled "enemy," but after understanding can be labeled, "friend." Of course, there is much more that needs to be said regarding intercultural communication and how it relates to juvenile justice. In this paper, I have highlighted what I believe to be the main factors that are important to understanding the key role that intercultural communication plays in establishing a foundation for change.

Rhetorical Significance

Rhetoric as the discipline is the art of discourse and persuasion, a study that focuses on the importance of language and "the power of the word to define and compel" (Weaver 37). Richard Weaver, the pioneer of the rhetorical discipline strongly believed in the "philosophical quality of language" and believes that "rhetoric is compulsive speech having to do with the human condition" (Weaver 56). Therefore, Weaver is suggesting that words play a large role in perception, motivation, and action in society. Its importance to juvenile justice is clear in that we must realize the effect it can have both negatively and positively on societal perception of juvenile delinquents.

Yet, the importance of rhetorical communication is often overlooked. For example, the way that people view criminal justice and juvenile delinquents can be shaped by the rhetoric that is used in the media, and then translated into everyday discourse. Hancock, in "Framing Children in the Media," discusses research of television, newspapers, and other reports that use rhetoric to skew events to increase viewership and create hostile sentiments towards toward youth today. DiIulio, a Princeton professor and prominent voice in criminal justice, "predicted the ominous coming of the Super-

Predator…a new breed of feral child" (Hancock 90). These "predators" are defined by violence and cannot escape their circumstances, and all conform to a similar criminal mold. This type of rhetoric prompted even more outrageous news coverage of violent children and even influenced legislators to pass legislation that included the "Violent Youth Predator Act" in 1995 (Hancock 90), which tried to mitigate teenage risks on a scale that was not necessary. Even just a small shift in the way that youth were defined had a major impact on social stereotypes, which translated to changes in legislation. To prevent and mitigate this impact, shifts in rhetoric can result in a major positive for juvenile justice.

Rhetoric is also important to the way that juveniles view themselves. Chambliss argues that reinforcement of these negative self-images that are imposed by society convincingly becomes internalized. When negative perspectives affirm self-images, juveniles begin to view themselves as deviants and act upon it (Chambliss 145). He argues that "Selective perception and labeling—finding, processing, and punishing some kinds of criminality and not others" means that it will be increasingly difficult to escape from that persona. And "as that self-conception becomes more firmly entrenched, they also become willing to try new and more extreme deviances" which "increases the community's negativism" (Chambliss 44). It is, as we see, hard to escape the cycle of negative perception, and rhetoric is one of the main communication factors that will have a big influence on the source of the problem. Rhetoric can be used to alter the "self-fulfilling prophecy" that drives so much of youth self-perception. It contributes to negative perceptions of mobility and opportunity in juveniles, and instead, should be used to empower and motivate youth to overcome their circumstance.

West and Fenstermaker offer a "doing difference" framework to explain social construction by highlighting the importance of interpersonal and everyday communication. They argue that differences between race, gender, and cultures are essentially socially constructed and do not come from biological or natural characteristics. Instead, differences are created through social processes and every-day interactions. With regards to gender, they argue that "once these differences have been constructed, they are used to reinforce the 'essentialness' of gender (Fenstermaker & West 13). This type of reinforcement works to reaffirm inequality through the use of communication. Therefore, communication factors will be essential in combating unjust treatment and stigmatization of juveniles and can be changed starting even with everyday communication interactions.

Implementation

Changes in simple communication habits and tactics can have a profound impact on any program or social issue. Legislation and policy progress is important for long-term political reorganization, but communication progress is essential and necessary if lasting change is ever going to occur. With a passion for juveniles caught up in a flawed system, I wanted to do something here in San Luis Obispo. And I wanted to do something now, not wanting to wait for or depend on political reform to fix these problems. I wanted to be able to give youth that did not have access to opportunities and education a chance to overcome their circumstance. My goal in the implementation of these communication factors was a desire not only to change the way that Americans view juvenile delinquents, but also to fundamentally change the way they view themselves. For a more

extensive description of actual programming efforts, reference the Epilogue and Appendices. Practical changes can be implemented immediately and even though not fundamentally radical, can still have a very significant impact upon juvenile justice rhetoric and reform.

Communication Recommendations

As a student of Communication Studies and Pre-Law, I believe that communication factors are essential in establishing a juvenile justice system that is not just a "social location in which detained children are created different and unequal" (Bickel 38). Although there is still a lot of work to be done in this area, I will suggest communication recommendations that will provoke change in the current state of the juvenile justice system. Using the foundation of the literature review and research of important communication factors, I propose three key changes within the juvenile justice system.

First, treatment of the juveniles by guards must be changed with increased interpersonal and rhetorical communication. According to Christopher Bickel, an ethnographic researcher, in many juvenile justice facilities, there is a lot of negative treatment and reinforcement from guards. If juveniles are treated poorly, told over and over that they will not be able to succeed, and repeatedly referred to as "criminals," "predators" and "manipulators," their self-concept and perception will suffer. Improving relationships between guards and juveniles can help them believe in themselves, give them a role model that they can trust and look up to, and allow juveniles to confide and seek advice from older and wiser members of society.

Second, I propose that juvenile delinquency be destigmatized in society by providing more community-based programs and opportunities for advancement for juveniles through the use of positive legislation and support from powerful policy-makers. Instead of writing juvenile delinquents off as a liability in society, they should instead be treated as a cultural asset and someone who can contribute valuable insight. This can be done through communicating positive reinforcements and programs that reward good behavior instead of just punishing negative behavior. Allowing youth to escape negative circumstances is important in establishing and communicating their inherent worth and value as person in society. The government has the ability to provide these services both financially and socially, but influential policymakers must advocate on the juvenile's behalf.

Third, as communication begins with every-day interactions, the way that we perceive and talk about juvenile justice must change. We can create a culture that understands racial and socioeconomic differences in opportunity, acknowledging that stereotypes are prevalent, and appreciating what these members of society can contribute. Raising awareness of these issues discussed in this paper can be the greatest weapon that communication has to offer in combating this type of social inequality. Instead of being ignorant of the problem, if more people in society know it, understand it, and view it as big enough of a social problem, there will be more of an opportunity to shift the foundations of the system and provide a supportive, rehabilitative system as it was originally created to do.

Concluding Remarks

Juvenile justice has many different functions in society. It is a way to control youth, it is a multi-billion dollar, revenue-generating industry, it is a political leverage point, it is a scapegoat for societal issues, and it is a way to exercise power over racial minorities and the poor. Yet, the juvenile justice system was created first to serve the interests of juveniles. Correction should not just be pursued to just further the interests of those with power, but should work to offer rehabilitation efforts to those who are powerless. Juveniles caught up in the system are not always there because of a determining character trait or because they are just a "bad apple." Many of them are there because they grew up in an environment that constantly reinforced their inability to escape such a fate and rise above their circumstance. Everyone, including themselves, believes this and so it becomes true. This ideology is reinforced even within the walls of the facility and their experiences hinder further development and mobility. This cycle becomes a trap for most youth who cannot escape these perceptions and stereotypes and end up fulfilling them because they believe they must be true.

As scholars, academics, students, and functioning members of society, we should care about issues concerning juvenile justice because, as the next generation, these youth will grow up without the opportunity to escape from this system. Currently, we are not only in an institutional crisis, but also a humanitarian crisis when it comes to juvenile justice. Making fundamental legislative changes with regard to juvenile criminalization and punishment is necessary to create actual rehabilitation and successful re-entry into society. Changes in communication must also be made starting with how we perceive juvenile delinquency and our treatment of these issues.

In the future, we should hope to see major changes in how juveniles are treated, punished, and criminalized. Instead of simply punitive, juvenile justice facilities should foster positive rehabilitation and set youth up with opportunities to succeed. Volunteering to make changes on a societal level is crucial for much needed legislative change. I believe that we can punish juveniles for negative actions, while also providing them with alternative behaviors. Simply punishing them for bad behavior will not work to change their perception and self-concept, but allowing them to see that a better way is possible and available to them can make all the difference.

When Big T left the table during the book club, I went up to him after the session to see how he was feeling. I knew that this would be the last time I would see him before he was released and I also just wanted to say goodbye. He had been there the entire time that I had been volunteering in the facility. I sat next to him and neither of us spoke for a while. Finally, he whispered so that none of the other juveniles would hear, "Thank you," he said without looking at me. After my inquisitive glance he continued, "Thank you for coming here. For reading with us. For coming every week. I figured no one cared, but now I think that some people do." I nodded. "When I get out, I'm going to make a difference. A big difference, you'll see. Ask me about it when you see me. I'll probably be at the Downtown Transit Center every day waiting to get on that bus that goes out to Cuesta where I'm going to college, you'll see. Every time you see me, you ask about it, okay?" I nodded again. "Did you know that this was the first book that I've ever finished?" He proudly held up his marked copy of the book and we both smiled.

The guards eventually came to escort me out of the facility and the next week, he was, of course, gone. Every time I pass by the Downtown Transit Center I scan the

benches, looking for Big T. I've never seen him and I don't know if I ever will, but I hope that he was able to make that difference in his life and in the lives of others. I hope that his future turns out better than his past and he begins to believe in himself. I don't know if any of that will happen, but I can smile just thinking about how proud Travis was to finish his first book, even at eighteen. I know that small victories are still victories.

Epilogue

Programming and Reform in Action

I first became interested in Juvenile Justice when I took a sociology class at Cal Poly. Planning on going to law school, I took on a Pre-Law minor and started taking many of the core classes associated with it, including Judicial Process, Constitutional Law, and Jurisprudence. All of these classes dealt with case studies and the hypothetical and rule of law applied analytically and with harsh precision. Having knowledge of the law and of judicial processes is important, yet these classes did not address real world problems that the law intended to address. My first elective class for the minor was Criminal Justice, taught by Christopher Bickel. His background with and knowledge of Criminal Justice and Juvenile Delinquency is extensive, but his passion for the people actually affected by the law and its consequences is what first inspired me to view the law differently. Policy makers and attorneys are taught to view the law from a political perspective, not necessarily in terms of what is socially right and wrong. Many of them are also brought up in very different socio-economic backgrounds than the actual community that they intend to serve. This creates gaps between what the law is trying to do politically and how it is actually applied socially.

A jurisprudence scholar, who was not sometimes regarded as eccentric because of views, offered a seemingly laughable suggestion: Have the janitors at Harvard Law School teach classes to students (Murphy & Coleman 276). Scoffed at and discarded because of its impossibility and lack of applicability and relevance, his suggestion was not taken seriously. Yet, giving a second thought to this radical viewpoint has some

merits. The rationale behind the claim was to teach law students the law as seen through the eyes of people who are actually affected it every day. They would bring a fresh perspective and shed light on areas of law that would otherwise be hidden because of the status, opportunity, and power many Harvard Law students and professors enjoy.

Learning these new aspects of law, and the flaws that the system creates in society, prompted me to seek a way to help. I was beginning to not only become inspired to view law from a different perspective but also began to develop a heart for those affected by the criminal justice system, especially juveniles. To me, disparity existed between the opportunities that were presented to children from different socioeconomic and minority classes and how they were treated differently by the law. Using this new interest, I researched ways to get involved within my community in San Luis Obispo. As a college student, I did not have much financial resources, but I knew I could make a difference by investing my available time and energy.

Restorative Partners

Restorative Partners is a program founded only a year ago by Sister Theresa, a nun who was the former director of *Get On the Bus*, a program that annually sends children to visit their incarcerated parents. Relocated to the Central Coast, she was determined to start a program that would help youth in juvenile facilities and provide them rehabilitation activities that would decrease violence and recidivism within the San Luis Obispo Juvenile Hall. I met her six months into her efforts, when the organization had just been declared a non-profit. Sister Theresa was thus granted full-time access in

Juvenile Hall, along with a facility office and allocation of a few resources. Her need then became volunteer effort to carry out her program vision.

Working with Sister Theresa and other interns, I was able to help establish many different programs within the actual facility intended to not only help with behavior modification, but also with a change in the youth's self concept. Changing the way they looked at the world might change what they actually saw. This was crucial in creating individual programs and having a rationale for each to provide to the SLO Probation and Sherriff's Department on why the program was important to implement.

Currently, the programs offered in the facility are Yoga and meditation classes, sports, music, weekly tutoring, and a monthly book club. The Yoga and meditation classes are held weekly, which benefits minors in multiple ways. Mainly, it provides many physical benefits. Minors can spend up to 22 hours per day in their cell, depending on the circumstance, and Yoga gives them the ability to stretch and move around and increase blood flow and circulation. Yoga also provides emotional benefits. For many minors with anger management issues, Yoga acts an outlet to release built up emotions in a constructive way. Mental benefits include the ability for minors to mediate on thoughts, desires and feelings in a helpful and constructive environment, which is intended to help with increasing overall peace and well-being within the individual.

The sports program at Restorative Partners is also crucial to the organization as a whole. The student coordinator comes once a week for an hour and leads the minors of each unit in different games outside, within the facility area. Sports give youth different, yet equally important, benefits for physical, emotional and mental health. The goal of the sports program is to allow the minors to "let off steam" or tire out physically in ways that

allow for exercise and improvement of their health simultaneously. It also promotes healthy and constructive types of competition that are prohibited in other areas of the facility. Sports are also a way that children "play," which is a concept sometimes forgotten within the facility. Even though they are technically being punished, they are still children that should be allowed the ability to have a good time with one another. Sports is a crucial part of any child's development and allowing them this luxury in the facility can help to make them feel like they are still being treated as a child and not completely denied all parts of childhood.

Music is also a huge part of development and something that is crucial to expression. Recently, we had an open invitation for any minor to work with the student musical coordinator and come up with a piece of music to perform for a talent show. Held on a Sunday night in March, seven juveniles involved in the program put on a this show for all the minors and staff in the facility. It was great to watch the children perform something that they had created, practiced, and finally delivered that meant so much to them. Music not only allows for expression, but is also a way to instill confidence and inspiration in the youth. One minor, Jean Paul, wrote his own rap about how his decisions landed him in Juvenile Hall and how much he missed his family and friends on the "outs." This song was not only powerful for Jean Paul as an expression of his thoughts and feelings, but it was also inspirational for all of his fellow juveniles listening in the audience. Guards said that his performance sparked a lot of conversation among the minors throughout the next few days about music, expression, and how their own choices affected their current circumstance.

Part of Restorative Partner's programming also includes weekly tutoring. This, and the book club I describe below, are programs that I am directly responsible for in the facility. Once a week, a group of volunteers are spread across each unit to help minors with homework and projects assigned to them during school programming. Children are taught on weekdays and are grouped by age range. The children have a wide variety of skill levels within those age ranges, which makes it difficult to ensure each student is learning and caught up on all relevant material. The volunteers come in weekly to help bridge that gap and give special attention to minors who have fallen behind in learning the concepts or completing assignments. After a long day at school, it is sometimes hard to motivate minors to work on assignments when they could be watching television, but it is necessary if they want to be productive with their time in Juvenile Hall. Many of them are earning Middle and High school credits so that they are not too off-track after they are released back into a public school environment. As volunteers, we try to inspire minors to not only finish all assigned work, but also to have a desire to learn and begin to view education and knowledge as a tool to help them succeed after they are released.

Book Club

Lastly, an integral part of Restorative Partners is the monthly book club. This is my favorite program to be involved with because it allows for a much deeper reflection and conversation with the children. Having them get excited and passionate about a piece of literature and relating to it in their own life is so inspiring to me because, more than any other activity, it shows the difference that the programs have in each child's life

individually. The process of comprehension, synthesis, verbalization and application can theoretically have profound effects on individual behavior and decision-making.

The males and females in the facility each read different books that are applicable to their gender. Books are distributed about a week before the actual night that book club is held to keep the turn-around for them as short as possible. Minors will finish the books within a few days because the activity usually serves as a break in the monotony of sitting in their cells. Each month volunteers lead either a girl or boy book study on each unit and use discussion questions to direct initial conversation (see appendix A-D). After discussing basic plot, characters, and setting in order to do a book report, we are then able to ask deeper questions about how the books relate to their life and what lessons we can learn from each of them.

Before each session of the book club, I make sure to go over the guidelines for each session (See Appendix A). These were created as a tool to make sure group discussions went smoothly so that each child felt that he or she would be comfortable and aware of our expectations. Some important guidelines that played an integral part in creating an open atmosphere for the discussion were "Invitation," "Confidentiality," and "Listen without Judgment." We have to remind each participant that they have a voice and are invited to share whatever is on their heart, and feel comfortable doing so. We hope that they would speak from their experience and try to personally relate to the books. We also wanted to emphasize that whatever was shared during that time would not be repeated. If the minors felt that we would report them or that fellow minors would talk about their responses to others, or in a negative way, they would be less inclined to

share. Leaving these guidelines on the table while conducting the book club reinforced each participant's commitment to the guidelines they had agreed to.

Each child's book is also theirs to keep and they are allowed to write in it and do whatever they want with it after the discussion. We believe that it is important to allow this freedom because it gives them property that they can claim as their own and allows them to remember what was discussed during the session. Making their own notes in copies of the book can help them take ownership of the efforts they put in and results that came from the session. The actual books chosen and discussion for each can be found in Appendix B-D.

Rationale

Many people might argue that minors in these facilities do not deserve this type of programming because they committed a crime and therefore, should take responsibility for that crime and fully suffer the consequences. Yet, in getting to know all of the juveniles in the facility on a personal level, these "delinquents" are just children too. They have made wrong decisions and yes, must understand the consequences of their actions, but it is also necessary to view juvenile delinquency on a broader level and realize that other important factors must be taken into account when determining juvenile guilt and punishment. Each one of the juveniles deserves to know that they are able to overcome their circumstance and escape from the cycle that society has created. It is a difficult road to embark on, but I think with the help of people who care enough and help to fundamentally change communication factors and stereotypes, they will be able to gain a broader perspective and prove them wrong. The programs, tutoring, and book club are just a small way that will make a big difference in each juvenile who participates.

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Appendix A

Book Study Guidelines

Leader: (or ask someone in the group to read the following):

During our Book Club discussions we will use the following guidelines to support our group discussions.

1. **Invitation:** Everyone is has a voice and can speak. You are invited to share from your perspective or personal experience.
2. **Confidentiality:** What is spoken in our group remains in our group.
3. **Speak from your heart:** Share what you are feeling/thinking, yet know that as we sit in our group each one of us is part of the whole group. No one person has all the insights.
4. **Don't rehearse what you are going to say:** When others are sharing, spend your time listening from your heart and not preparing what you are going to say.
5. **Be brief and aware of time:** Give everyone who wants to share time to do so.
6. **No cross talk:** Refrain from advice giving or humorous additions to someone else's story.
7. **Look at the person who is speaking:** We have each been hurt by being ignored when we speak. Group discussions can be healing when each of us pays deep attention to whoever is speaking.
8. **Avoid the use of "you" statements:** Use "I" statements.
9. **Listen without judgment.**
10. **Honor silence:** Silence allows for personal and collective insight.

Can we all agree to these Guidelines?

(Place these guidelines in the middle of the group as a reminder to their commitment to each other).

Appendix B

The Boy in the Striped Pajamas

This book was about a German boy, Bruno, whose father was a Nazi S.S. officer. He moved his family to Auschwitz concentration camp because of a promotion. This is where Bruno meets and befriends Shmuel, a Jewish boy held captive in the camp. On either side of the fence the friendship grows stronger and when Shmuel's father eventually goes missing, Bruno breaks into the camp to help his friend search. They get misdirected and end up in a gas chamber where both boys are killed.

The discussion started with the minor's unrest with how the story ended. Many of them were upset that Bruno was killed unfairly which immediately brought up questions of how fair it was for anyone to die that way. It was then directed toward social, economic, religious, and class barriers can skew perspectives and create boundaries within society. We were then able to apply this idea to their lives and ask each of them what they thought was holding them back. Was it their perspective? What is it a boundary imposed by self or society? Was their definition of freedom and idea of who it applied to? Asking these questions is the main reason why the book study is so essential. In their answers, juveniles in the facility are given the idea that their own agency and faculty can help to overcome societal limitations imposed upon them. It is so important that the juveniles believe in that ability and books like "The Boy in the Striped Pajamas" can help achieve that.

The Boy in the Striped Pajamas Discussion Questions

1. How would you describe the friendship between Bruno and Shmuel?

2. Why do you think the author decided to tell the story through the eyes of an innocent boy?

3 The barbed wire fence is a physical separation between Bruno and Shmuel. What other types of separation does the fence represent in this story?

4. What would you say the morale/message of the story is? What did the author want his readers to think about?

5. When Bruno dresses in filthy striped pajamas, he remembers something his grandmother once said: "*You wear the right outfit and you feel like the person you're pretending to be"* (page 205). How is this true for Bruno? What about his father? What does this statement contribute to the overall meaning of the story?

Appendix C

Finding Fish

The autobiography of Antwone Fisher tells the story of an African American child who grew up in the foster care system while enduring physical, mental, and emotional abuse that created many obstacles in his life. He had to overcome a difficult childhood to find hope for a better future. He finds this path by enlisting in the navy and eventually becoming an artist, poet, author, and screenwriter. The Chicago Tribune raves, "Fisher's gripping memoir is an inspiring story of one man's journey, a tale of strength of the individual over the challenges of life."

This story was an important choice for the book club because many of the juveniles in the facility come from foster homes and deal with similar issues as the author. In relating Fisher's experience, two important topics arose from the discussion. First, readers are able to have the benefit of hindsight. Everything that the author went through, all of the reports from caseworkers, and every time that Fisher was set back, juveniles had the perspective that he overcame his circumstance. This gave them a hope that they too might be able to win with a seemingly impossible hand dealt to them. Second, it was invaluable to have this experience documented. Fisher's experience gave description to what so many of the juveniles face everyday and legitimized their circumstance. To them, their experience becomes more common, and more livable. It gives a voice to feelings and experiences that they have not yet been able to describe. Many juveniles found the courage to share their own stories of foster abuse, longing for biological families, and desire for a creative outlet. It prompted discussion on how to

achieve goals and make beneficial choices. And most importantly, it gave them a place to share their stories and know that they were not alone.

Finding Fish Discussion Questions

1. Why do you think Fisher opens his memoir with the story of his father, Eddie Elkins, a man that he never met? What are some of the challenges Fisher faces immediately from birth?

2. Did you find Fisher's use of caseworkers' reports effective? Did reading these reports give you a clearer sense of the experience of "Baby Boy Fisher" in the foster system? Did you think that Fisher's caseworkers were sympathetic to his special needs as a foster child?

3. How would you describe Fisher's experience at the Pickett home? How does his relationship with Dwight help to define his character? What events during his time with the Picketts reveal the complicated nature of his relationship with Mr. and Mrs. Pickett, his foster parents, and their natural children?

4. How does Fisher describe his visits with his birth mother, Eva "Mae Mae" Fisher during his childhood? How do they compare to his encounter with her as an adult?

5. Who is Butch? How does he emerge as a person who can protect Fisher? Were you surprised by Fisher's involvement in Butch's criminal enterprises? What motivates Fisher to get out of "the game"?

6. How does Fisher's experience in the Navy define him? What role does Lieutenant Commander Williams play in his emotional development? How does Fisher's love for writing transpire at this time?

7. Antwone survives by seeing himself as a poet, sometimes literally, but also as someone who believes that having an artistic spirit will help him emerge triumphantly from his childhood experiences. Do you believe this is true? What is the best illustration of this in Fisher's life? Do you think people in general need a creative outlet to help them surmount certain obstacles?

8. Are there any aspects in the life of Antwone Quenton Fisher that you found especially troubling, inspiring, or unusual? What were they? Could you relate to any of his experiences? Which ones?

Appendix D

Always Running

Another autobiography by Luis Rodriguez gave a very different account of a boy growing up in the gang culture of inner city Los Angeles. The story depicted horrible scenes of gang warfare that included senseless acts of crime and hate. It fully described the barrio lifestyle and the roots it created in L.A. culture. The author, who now works as a peacemaker among gangs through his writing and speaking, was able to overcome that circumstance with such deep roots and turn his life around.

The description was so raw and vivid, the book was actually confiscated from the premises of the San Luis Juvenile Hall facility the day before we came in to do the book study. We were still able to discuss the book and ask questions of the participants, but we also chose to openly discuss why the book was taken away and what they learned from the experience. Many youth that participated in the book study were Mexican-American and they could relate to the gang trouble that plagued the author. It was interesting to hear experiences from children as young as eight growing up in that environment, and trying to understand why they still feel the need to defend their gangs.