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# The Punishment of Other People's Children: An Investigative Look at Our Juvenile Justice System and its Structural Shortcomings

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**The Punishment of “Other People’s Children”: An Investigative Look  
at our Juvenile Justice System and its Structural Shortcomings**

by

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Submitted to Scripps College in Partial Fulfillment  
of the Degree of Bachelor of Arts

Professor Basu  
Professor Roberts  
Professor Calderon

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## **Abstract**

The juvenile justice system has been criticized for its inability to curb the trend of juvenile crime and its continued ignorance to the valuable resources of community-based rehabilitation and treatment programs. The goal of this research paper is to discover new solutions to the structural shortcomings of the juvenile justice system and present my findings on the reasons for its contradictive structure and practices. The literature review shows a transformation of the juvenile justice system from one founded upon principles of rehabilitation to one that pushes punitive practices that offer few rehabilitative opportunities. My research was completed on-site of a local juvenile detention center located in La Verne, California. The research collection consisted of seven interviews and qualitative analysis of poetry written by approximately 15 wards of the detention center. Ultimately, I focused on solutions that could be implemented on a microcosmic level of juvenile detention facilities. In addition, I found that the most promising future for the juvenile justice system lies in its submission to community-based programming and preventive measures that intersect the influence of poverty, parental abuse, drug use, emotional instability, and gang activity that most directly causes the high level of incarceration of minority youth.

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## **The Punishment of “Other People’s Children”: An Investigative Look at our Juvenile Justice System and its Structural Shortcomings**

### **Introduction.**

*The young man looks at himself in the mirror that hanging on his cell wall. His hair is nappy because he was just transferred to this detention center and couldn't bring any of his possessions from his past camp. A little chunky in build but he's a fairly strong African American male of 17 years. His hands hurt because he's been punching the wall for hours, frustrated that his sentence was lengthened for another 3 months. "Fucking P.O.," he mutters to himself. Today was supposed to be the day he was released. It was supposed to be the day he could hold his 2 month old baby girl in his arms. Now he sits in his cell at the CYA wondering if he should even bother trying to make it out. Anger is all he has known his whole life. His father's abusive anger was passed down to him. "It's not my fault! I don't want to be here." Tears begin to run down left cheek. His thoughts circle around the idea of freedom and how today was going to be the happiest day of his life. Thoughts of suicide are entertained for a moment, but his attention is caught by the commotion outside his cell. Two men of about 21 years are fighting and the guards are provoking the two Hispanic men to kill each other. "I'll have to survive here...I'll have to fight." If he fights, he will only be refiled on in the courts and receive more time. If he doesn't fight, he'll just become someone's bitch. "I wish I was home," he chants over and over again in his head. But he realizes that "home" is only trading one hell for another. An early death awaits him either way...by a rival gang, by a hostile cell mate or by his own hands. "It's not my fault," he thinks. He's a good kid, but no one took long enough to bother to find out.*

The above excerpt is based on a true story from my experiences at the local juvenile detention center, Camp Afflerbaugh-Paige, and from the acquaintance I made with a young man that was sentenced to 6 months there. Volunteering at Camp Afflerbaugh-Paige as a creative writing and poetry tutor allowed me to meet this young man. I visited Camp-Afflerbaugh-Paige every Friday and assisted with a program that taught poetry and creative writing to about 15 incarcerated juveniles, and of the wards I met impacted me greatly to write the above excerpt. This particular young man started bringing notebooks full of poetry every Friday to show me all that he had written over the past week. He was smart and very eager to be released in a couple of weeks. We grew close and talked about his plans to go to college, get a job, and finally be a father to his newborn baby girl. He was always respectful and smiled with genuine sincerity. The

Friday before his release date I brought a special journal to give to him as a congratulations gift, except I was never able to give it to him. He was transferred from the minimal security detention camp of Camp Afflerbaugh-Paige to the California Youth Authority (CYA) maximum security facility. He was sent to CYA by his probation officer for exceeding his maximum allowance of misbehavior write-ups with his main offenses being fighting with other wards and using gang slurs.

The California Youth Authority, recently renamed The California Division of Juvenile Justice (DJJ), provides education, training, and treatment services for California's most serious youth offenders, ranging in age from 12 to 25, and functions similar to adult state prisons. The average stay of a ward committed to this facility is 21.9 months, with 51% Hispanic, 31% African American, and 13% White.<sup>1</sup> The California Youth Authority's services for wards have been subject to intense public critique because it "operates on a regime commonly referred to as "23/1"; wards stay inside their cells for 23 hours a day, with one hour of "program" time outside the cell. These sessions take place in cages referred to as Special (or Secure) Program Areas."<sup>2</sup>

The CYA is only one example of a division within the juvenile justice system that fails to achieve treatment measures that take the time to counsel and address the underlying issues plaguing the juveniles that are committed to its care, which could be the difference between saving his life and sentencing him to his own demise. The juvenile justice system requires a change in focus in its priorities towards incarcerated youth, because their emotional and personal needs are not being sufficiently met with the

<sup>1</sup> California Department of Corrections and Rehabilitation Office of Public and Employee Communications <http://www.cdcr.ca.gov/ReportsResearch/facts.html> Last updated: April 12, 2007

<sup>2</sup> Parks, Shawna L., "Innocence Lost: Mental Health Care and the California Youth Authority". *Human Rights: Journal*. Vol. 30, Issue 2, Spring 2003.

current structure of its institutions. The objective of this research report is to determine the possible solutions to the basic problems faced within juvenile detention facilities and gain perspective on those issues from wards, probation staff, and high school staff within the camps. My experience within juvenile detention centers and literature review has shown that rehabilitation and treatment based structural policies are more successful in the reduction of recidivism rates and successful reentry of juvenile offenders into their communities than the structure that is currently in place that promotes racial disparities, punitive measures, and excessive control.<sup>3</sup>

Our American society has a tendency to be systematically racist with respect to its minority populations, which has been reflective in the way in which America disproportionately incarcerates minority youth. In California, Black youth are 9% of the population, 43% of arrests, and 35% of the CYA population. Hispanic youth are 43% of the youth population, 19% of total youth arrests<sup>4</sup>, and 45% of the CYA population<sup>5</sup>, which relates to the broader national trend of racial disparities in the criminal justice system. The racist nature of the juvenile justice is reflective of the future that awaits these juveniles; for, in 1994, over 51 percent of state and federal prisoners were African-Americans, although only 12 percent of the nation is African-American. Extreme racial disparities in the justice system as a whole is extremely significant when taking into account the way in which the incarcerated and criminality is perceived in modern society. For, as minorities, specifically African-American and Hispanic, became incarcerated at

<sup>3</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999.

<sup>4</sup> Reported Hispanic arrests are much lower than actual because some counties have outdated intake systems that do not count Hispanic as a separate group. Therefore, Hispanic arrests are included in other group's numbers.

<sup>5</sup> Twelve most populous counties in California were used, comprising 75% of the state's population. Data retrieved from Center on Juvenile and Criminal Justice [http://www.cjcj.org/jjic/race\\_jj.php](http://www.cjcj.org/jjic/race_jj.php) last modified: 4/2007.

disproportionately high rates (between the 1960's and 1990's), the tendency towards rehabilitation and treatment based programming lagged and more punitively focused and retributive ideals prevailed within the system.<sup>6</sup> The shift in focus paralleled the shift in type of population that was being incarcerated and represents the way in which society marks the criminal as “other” and then focuses attention on his/her conformity through recognition of accountability and punitive measures.<sup>7</sup>

These broader patterns of the criminal justice system has led me to review the current state of juvenile detention centers and investigate the potential solutions to structural problems within these facilities that could redirect their structure towards rehabilitative programming and intensive counseling based treatment plans. In chapter 1, a review of the gradual transformation of the juvenile justice system from a rehabilitative to a retributive institution will be given. The historical groundwork of the juvenile justice system will also be presented and analyzed for its modern implications within society. Chapter 2 is a literature review of the current academic recommendations for juvenile justice reform and the possibilities for reversing the racial disparities in the juvenile justice system by targeting the social underpinnings of crime and delinquency. By chapter 3, I will introduce the methodology of my research and the background information of my research site. The constraints and opportunities of my research are also reviewed, in addition to the ethical issues with which I was faced. My findings are presented in chapter 4. This chapter reviews the themes of juvenile accountability in regards to their criminal behavior and influence of home life on that behavior. I will also

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<sup>6</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999, p52.

<sup>7</sup> Hawkins, Darnell F. and Kemp-Leonard, Kimberly. *Our Children, Their Children*. Chicago: The University of Chicago Press, 2005.

review the fragmented relationships between staff and wards, the perceptions of staff and wards towards the juvenile justice system, the structural constraints of the camp, and its resulting subculture. Finally, from these findings I will analyze the potential solutions that could be implemented within the juvenile justice system and the preventive measures the juvenile justice system should implement in order to intersect the influence that poverty, parental abuse, drug use, emotional instability, and gang activity has on minority youth.

**The Punishment of “Other People’s Children”:** *An Investigative Look at our Juvenile Justice System and its Structural Shortcomings*

**Chapter 1. Statement of Problem**

**Rehabilitation to Retribution: *The Transformation of the Juvenile Justice System***

*Police came and took me and friends to jail*

*Now we sitting hip to rail*

*Telling us to just go to hell*

*This just ain't the business*

*Staff arguing what kind of operation is this?*

***-Poetry written by a ward of Camp Afflerbaugh-Paige***

The American juvenile justice system oversees the wellbeing of our young people, and has done so for over a century. It's existence has been strong throughout the years, but has also undergone an intense transformation over the past century. The juvenile justice system can be defined as all government or government-funded agencies that investigate, supervise, adjudicate, care for, confine, or treat youth who are subject to the jurisdiction of the juvenile court between the ages of 10-18 (certain extreme cases can be exceptions to this age bracket).<sup>8</sup> It was founded as an institution that could treat and rehabilitate youth offenders, but has remodeled itself into a system of punitive measures and retributive models. The juvenile justice system's shift in focus can be explained through an analysis of society malleable ideology concerning adolescence and deviance, historical Supreme Court cases, and the social context between the 1950's and 1980's. For, when looking at the structure of a complicated social institution such as juvenile justice, it is important to analyze it from a historical perspective because the foundations of an institution influence its later function in society. Also, a historical perspective will allow for the recognition of unhealthy cycles and structural shortcomings that tend to

<sup>8</sup> Champion, D. *The Juvenile Justice System: Delinquency, Processing, and the Law*. New Jersey: Prentice Hall, 2004.

overlooked when an institution is disconnected from its historical groundwork and analyzed through a limited scope. We cannot understand the greater implications of its existence if we do not consider the fundamental elements on which it was founded, for they are key to recognizing and analyzing the present-day manifestations of its structural shortcomings and failure to succeed in crime prevention. By the end of the chapter, the historical analysis of the juvenile justice system will have reviewed the cyclical and structurally embedded failings and will pave the way for the presentation of solutions to these problems and the presentation of my findings that address the different perspectives within this institution.

### **Influence of Ideology**

Foremost, the United States Constitution does not guarantee a separate court system for juvenile offenders. Instead, statutes by the fifty state legislatures were enacted around the start of the 19th century to create the juvenile courts to process children and adolescence ranging from 8-18.<sup>9</sup> Thus, the juvenile justice system can be modified as seen fit by the state or even abolished by statute, which has been the case for many decades, excluding complete abolition. For this reason, the road towards juvenile justice has been erratic and, even more so, contradictory in theory and practice. Modifications to the procedures and ideology of America's juvenile justice system have occurred throughout the century, and it will continue to do so because of the systems struggling inability to fulfill its intended mission of rehabilitating and treating youth with the ultimate goal of acting in the "best interest of the child."<sup>10</sup>

<sup>9</sup> Forst, Martin L., *The New Juvenile Justice*, Chicago: Nelson-Hall Publishers, 1995, pp.1-2

<sup>10</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999.

The beginning of the juvenile justice system was impelled by the distinction of young people (childhood as well as adolescence) from adults. The separation of children from the adult courts was justified by the perceived vulnerability and mental incapacity of children to understand the implications of punitive procedures. This separate system of justice was officially created in Chicago, Illinois on April 12, 1899, with a unanimous vote by the House to pass the “Act to Regulate the Treatment and Control of Dependent, Neglected, and Delinquent Children.”<sup>11</sup> The juvenile courts’ inception was based upon the idea of *parens patriae* (father of his country), which justified the United States government to take guardianship, or act as a pseudo-parent, over neglected, venerable, and delinquent children through the coercive procedures of the juvenile court. The structure of the juvenile courts modeled itself so that it could use discretionary power over youth offenders without the use of traditional procedural safeguards as in adult criminal courts, such as the appointment of council or the right to a jury trial. The lack of formal proceedings was believed to give juveniles the appearance of a civil proceeding and not one of criminal conviction. However, this type of structure only enhanced the power and discretion given to courts and was overbearing for minors, who were most often inexperienced with judicial procedures and susceptible to intimidation. A separate justice system was supposed to protect juveniles from the traumatizing experience of entering adult court; however, the type of environment created by the juvenile courts had a similar distressing consequence on children<sup>12</sup>.

<sup>11</sup> Shireman, Charles and Reamer, Frederic. *Rehabilitating Juvenile Justice*. New York: Columbia University Press, 1986, p.7.

<sup>12</sup> Sandhu, Harjit and C., Heasley, C. *Improving Juvenile Justice*. New York: Human Science Press, 1981, pp.57.



Historically, the targeted group of the early juvenile justice system were those of immigrant status, such as Polish and Italian immigrants. The early juvenile justice also targeted youth affiliated with the Irish American gangs.<sup>13</sup> “For American society, acutely, apprehensive about the disruptive influences of “different” people, incarceration provided an attractive strategy to control the poor and immigrants”<sup>14</sup> By the 1850s and 1860’s institutions such as prisons, asylums, refuges, and reformatories were being relied upon more and more to house unwanted citizens who posed a growing threat to social stability. Similarly, juvenile justice relied on these same type of policies rooted in the philosophy of “out of sight, out of mind,” for, by the time of the juvenile justice system’s inception in 1899, there already existed a cultural dependency on institutionalization. It is not surprising that the trend continues today. The history of the juvenile justice system is based upon discriminatory practices to house minority and poor youth.

Still, this type of structure was pushed by American reformers in the late 19<sup>th</sup> century, for they saw a need for not only making neglected and dependent children wards of the state, but by also taking into its control those accused of criminal law violations. These reformers, also known as “Progressives”, sought to treat and divert juveniles away from the adult legal system and to provide those admitted to its courts the opportunity for tailored treatment that addressed the child’s “real needs”, which were believed to be rooted in poverty, unstable home life, abuse, and lack of proper education<sup>15</sup>. However, the task taken on by the juvenile court was onerous and the Progressive’s ignorance to the

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<sup>13</sup> Ibid., p.11.

<sup>14</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999, p55.

<sup>15</sup> Forst, Martin L., *The New Juvenile Justice*, Chicago: Nelson-Hall Publishers, 1995.

impracticality of their endeavors hindered the new court system from ever truly succeeding in its rehabilitative ideal.

The juvenile court took on the judgment, treatment, institutionalization, and moderation of America's youth all within one system, which posed several conceptual contradictions.

[Progressive reformers] did not fully appreciate the organizational tensions inherent in a multipurpose court that coerced a "voluntary" therapeutic relationship and subordinated the rule of law to discretionary professional expertise. The juvenile court combined features of social service agency, welfare system, and mental health clinic with the coercive power of a court law. Nor did they recognize that juvenile court intervention or indeed any measure of social control may aggravate and intensify the behaviors it seeks to reduce. In short, Progressives embedded a number of cultural contradictions in the juvenile court without attempting to reconcile them.<sup>16</sup>

This phenomenon resulted in the eventual transformation of the juvenile justice system by the mid-20<sup>th</sup> century. It went from a system based upon treatment to one of punitive measures and from attaining the goal of rehabilitation to that of retribution. The original idea of treating juveniles based upon individual circumstances that were rooted in social failings became secondary to the judicial aspect of the juvenile court, and the juvenile courts began to lead progressively away from the initial "child saving" intentions of early reformers.

Traditionally, delinquent behavior did not necessary give reference to criminal behavior. However, the idea of a juvenile delinquent and a juvenile offender have become almost interchangeable in modern society. The social construction of delinquency also played a role in the transformation of the juvenile justice system. The juvenile justice system was created to deal with delinquent youth, however the way in which society defines what is delinquent is socially constructed and influenced by the social context of

<sup>16</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999, p77.

the period. Delinquent behavior is similar to informal deviance. Deviant behavior is behavior that is a recognized violation of social norms. Formal and informal social controls attempt to prevent or minimize deviance. Essentially, it is not the act itself but the reaction of society to the act that makes someone deviant. Crime is the formal violation of enacted laws, also known as formal deviance, whereas truancy or curfew violation is an example of informal deviance, which is also an example of a status offense.<sup>17</sup>

Because the juvenile justice system was created for the handling of both delinquent children (charged with status offenses) and children who have committed crimes (charged with misdemeanors or felonies), the distinction in treatment between the two gradually became muddled and a wholly punitive based system prevailed eventually. Even though the juvenile justice system was supposed to be an institution based in social welfare it had to hold true to its status as a punitive institution. By the time the juvenile justice reached the 1950's- 1960's, increasing amounts of juveniles were committed to state and local institutions for delinquent and criminal behavior without due process of the law, individual circumstances were ignored when determining sentencing, and community based treatment programs failed to be implemented to target the social underpinnings of crime and delinquent behavior.<sup>18</sup>

During the late 19<sup>th</sup> Century, social constructions of childhood focused on the vulnerability of children and their mental incapacities in comparison to adults. This ideology sparked the creation of educational institutions, separation of children from

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<sup>17</sup> Shireman, Charles and Reamer, Frederic. *Rehabilitating Juvenile Justice*. New York: Columbia University Press, 1986, p.13.

<sup>18</sup> Sandhu, Harjit and C., Heasley, C. *Improving Juvenile Justice*. New York: Human Science Press, 1981, pp.47-52.

work force, and their need for constant supervision with curfew and truancy laws. However, as the focus of crime crackdown increased during the 1960's civil unrest period, juvenile punishment was harsher and was increasingly aimed at ghettos and inner city districts. The targeted population of the juvenile justice system was far away from suburbia and "white America," and the notion that the juvenile justice system was to with "other people's children" began to materialize.<sup>19</sup> The idea that children were essentially good and should be treated with more tender care within the juvenile justice system began to dissipate. Some historians believe that Progressives' attitudes towards juveniles came from a heart of compassion and sincere desire to target the causal sources of their delinquent behavior. However, others argue that the intentions of early reformers were based in the desire to simply transform "them" into "us."<sup>20</sup> For, as the juvenile justice system began to extensively deal with more underrepresented minority youth, there was a change of temperament on how to deal with these delinquent youth.

It was apparent with time that the juvenile justice system was institutionalizing disproportionate numbers of minority, working class, and poor youth. Appearing innocent enough, the motivations for juvenile detention facilities were founded upon the concept that by removing delinquent youth from their social conditions that provoked the misbehavior the cycle of violence and misconduct could be broken. However, due to the fact that the courts focused its attention on neglected and impoverished children it was systematically institutionalizing a particular race and class of people. Thus, the power which the juvenile justice system exercised was a means for socially controlling the children from impoverished and minority communities.

<sup>19</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999

<sup>20</sup> Ibid., p74.

The idea of separating children from their parents actually developed from the English poor laws, which not only treated poverty as something “bad” and in need of isolation, but also permitted the apprenticeship of the children of poor persons to merchants and craftsmen. In the United States, this concept was adopted and expanded to cover unchristian and uneducated child as well as the poor child. The doctrine of *parens patriae* became the pet phrase employed to legitimate separation of child and parent and to regulate children by state for economic and class reasons.<sup>21</sup>

Youth from middle to upper-class areas were not seen as having to be removed from their social conditions because they did not appear to be neglected, impoverished, or abused. They were seen as only acting out as a part of the natural process of adolescence, and, instead, they were more often given probation or community service. In contrast, delinquent youth from impoverished areas were seen as needing to be removed from their home and be cared for by the state under the concept of *parens patriae*. As discussed earlier, reformers identified the factors that contribute to criminal behavior as being, poverty, instability, abuse, and low access to education. Yet, that is not to say that youth crime is committed at higher rates by the impoverished, but that the juvenile justice system focuses its attention on such areas, targets policies to better control groups from these communities, and uses denotative rhetoric to categorize and stigmatize certain behavior and make it more visible. For example, youth banded together in impoverished areas are called gangs and those in middle-class upper-class areas can be categorized as a club or posse. In turn, only gang ordinances are created, even though criminal acts are committed by both types of groups.

Now, not only were policies and procedures discriminatory of class but also race. For, if the state is institutionalizing youth from mainly poor areas they are essentially targeting minority youth. “In the United States racial and ethnic minorities inhabit communities that are often set apart from those of whites, which also tend to be poor

<sup>21</sup> Piersma, Paul et al. *Law and Tactics in Juvenile Law*. Philadelphia, PA.: American Law Institute-American Bar Association, 1977, pp.4-5.

communities.”<sup>22</sup> The institutionalization of minorities by the juvenile justice system was much higher than whites, which is a problem that has yet to be reconciled in present day. In 1999, “African American youth were referred to court at a rate of 9,738 cases per 1000,000. The comparable case rate for whites was 4,589...of the total youth population at risk, African Americans were 2.1 times as likely to be referred to court as whites.”<sup>23</sup> Similarly, in correctional facilities minorities are greatly overrepresented. According to the 1999 *Census of Juveniles in Residential Placement*, “[minorities] made up 62% of the institutional population, nearly twice their proportion in the youth population...African Americans were nearly five times as likely to be incarcerated as whites, while Hispanics and Native American youths were incarcerated at rates two to three times greater than whites.”<sup>24</sup> This phenomenon shows that the current trends of the juvenile justice system are inextricable from its historical foundations that targeted the poor and working class and racial minorities.

Accordingly, juvenile justice procedures began to lean towards more punitive measures and individual accountability. The focus shifted from the social underpinning of delinquent behavior and the vulnerability of children to their immediate reprimand and naturalization of criminal behavior. The gradual rise in minority incarceration is a reflection of this changing ideology of the juvenile justice system. Minority youth, specifically African American youth, were increasingly being targeted as the reason for the increase in criminal activity that spiked in the 1960’s and maintained an all-time high throughout the 1990’s (see Diagram 1a). Civil unrest during those periods of time,

<sup>22</sup> Hawkins, Darnell and Kempf-Leonard Ed. *Our Children, Their Children*. Chicago: The University Chicago Press, 2005, p. 437

<sup>23</sup> Hawkins, Darnell and Kempf-Leonard Ed. *Our Children, Their Children*. Chicago: The University Chicago Press, 2005, p.31.

<sup>24</sup> *Ibid*, p. 33.

unemployment rates, widespread poverty, and urbanization of cities increased the incarceration rates of minority youth, who were seen as the leaders of the social rebellion across the country. Minorities are continually being overrepresented within the juvenile justice system, as well as the adult prison system (see Diagram 1b). And, the “get tough on crime” campaign throughout the past decades have pushed stricter sentencing on youth as well as even applying the death penalty to youth offenders. The informal proceedings of the juvenile court were no longer being used to make decisions in the child’s “best interest” like the Progressives had envisioned. Juveniles received only empty promises of treatment and protection. Not until the 1960’s were Supreme Court decisions made to start the rebuilding of a failed juvenile system. In 1966 *Kent v. United States* observed that “the child receives the worst of both worlds: he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.”<sup>25</sup> For, legislators and judges were able to maximize social control through the continued manipulation of both worlds: 1. the view that young people were immature and impressionable, which justified their legal paternalism and 2. the concept of that youth were individually responsible and autonomous, which justified the increase in punitive proceedings.

### **Influence of Legal Cases**

The strongest structural shift in juvenile justice system concerning the social and legal rights of children began in the 1960’s. The increasing disparities and conflicting practices of the juvenile justice system prompted a serious systematic and critical reexamination of the juvenile courts. Four significant Supreme Court cases have been used to confront constitutional issues surrounding the juvenile court and have “revealed

<sup>25</sup> *Kent v. United States*, 383 U.S. 541, 566 (1966).

the distance American society had moved from the earlier Progressive consensus that underlay the ‘rehabilitative ideal’.”<sup>26</sup> The first case, *Kent v. United States*, 383, U.S. 541 (1966), was the first of its kind and affirmed that juvenile court proceedings would have to “measure up to the essentials of due process and fair treatment.” The action of the state was restricted and the Fourteenth Amendment was deemed applicable in the juvenile courts through the *Kent* decision.<sup>27</sup> In 1967, *In re Gault* 387 U.S. was used to secure crucial judicial proceedings for the increased protection of juveniles against the discretion of the courts. This case was one of the more important Supreme cases because it upheld due process proceedings in juvenile adjudicatory hearings, which required adequate, timely, written notices of allegations, right to counsel, privileged against self-incrimination, and the right to confront and cross-examine witnesses under oath.<sup>28</sup> *In re Winship*, 397 U.S. 358 (1970) was next cases in this series of juvenile judicial improvements. This case upheld that juveniles, like adults, are entitled to a “standard of proof beyond a reasonable doubt” in adjudicatory proceedings, however this proceeding only applies when the juvenile may face time in a state institution.<sup>29</sup> The last major Supreme Court decision for juvenile rights was *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971). Unlike the other Supreme Court decisions, *McKeiver* denied rights to juveniles. This case held that juveniles were not constitutionally entitled to a trial by jury or public hearings. The Court ruled that not all rights constitutionally assured to an adult are to be imposed in a juvenile proceeding and that by “imposing a jury trial on the juvenile court

<sup>26</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999, p79.

<sup>27</sup> Paulsen, M.B. & Whitebread, C. *Juvenile Law and Procedure*. Reno, Nev.: National Council of Juvenile Court Judges, 1974, pp.12-13.

<sup>28</sup> *Ibid.*, pp.15-16.

<sup>29</sup> *Ibid.*, p.20.



system would not remedy the system's defects and would not greatly strengthen the fact-finding function.”<sup>30</sup> From these historical Supreme Court decisions it was revealed that the state still wanted to retain some of the informality of the juvenile justice system, but insisted on certain procedural safeguards essential to fairness and judicial structure.

Nonetheless, despite these legislative decisions, juvenile court compliance is low, and the discretion of juvenile court judges and the informal proceeding of juvenile trials still exist.<sup>31</sup> Habits are hard to break, especially considering that the early juvenile justice system was an institution devoid of consistent legal safeguards for children and lacked appropriated treatment for rehabilitation. Even with Supreme Court decisions like *In re Gault* and *Kent v. United States* that criticized the omission of due process of law in juvenile court and called for increased measures of legal protections for youth, judges maximized their social control over youth and exercised a *parens patriae* agenda through the manipulation of the varying policies that range from “liberationist” to “protectionist”.<sup>32</sup> Hence, they can “, in some instance, treat youth like adults when juveniles manifestly cannot function on a par. In other cases, they invoke the imagery of childhood to deny to youth the rights that adults enjoy.”<sup>33</sup> This tendency of the juvenile justice to interpret, bend, ignore, and/or manipulate judicial rulings and procedures is dangerous to the juveniles which it processes. They are subject to the mercy of a judge, the abilities of his assigned lawyer, and his own knowledge of the judicial system.

### **Influence of Social Environment**

<sup>30</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999.

<sup>31</sup> Sandhu, Harjit and C., Heasley, C. *Improving Juvenile Justice*. New York: Human Science Press, 1981, pp.167-168.

<sup>32</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of Juvenile Court*. New York: Oxford University Press, 1999, pp.110-111.

<sup>33</sup> *Ibid.*

The structure of the juvenile justice system has never been an ideal institution that could informally adjudicate, treat, and adequately address crime causation. The juvenile justice system persists to claim that its motivations are to achieve social welfare for juvenile delinquents, but it increasingly ignores original motivations of treatment based programming and promote retribution over rehabilitation. “Treating the young offender rather than punishing him for his offense constituted the crucial element in the juvenile court’s original conception,” however by the 1960’s “critics advocated law and order, supported a “war on crime,” and favored repression over rehabilitation.”<sup>34</sup> This drastic shift in how the juvenile courts dealt with youth were due to three key factors. First, the “baby boom” demographic increased the numbers of potential socially disconnected youth, which sufficiently increased youth crime and delinquency during the 1960’s. This amplification of an already socially visible problem was used to promote “get-tough” policies that pushed for the restoration of a punitive value system and called for an end to the coddling of juvenile criminals.<sup>35</sup> Also, the combinations of blacks migrating into cities and the white’s migration out to the suburbs aided in the association of urban with black. And eventually the association of urban black males as the juvenile crime problem. The increasing association of crime with the urban minorities agitated legislators and judges to focus attention more on repression and retribution. Dealing with “other people’s children” seemed to be the most popular ideology in the adjusting justice system, for the more benevolent “child-saving” practices giving way to the “war on crime.” Lastly, some analysts attribute the changing ideology of the 1960’s to social synergism. That is to say that the culmination of social forces such as, the Vietnam War, Civil Rights Movement,

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<sup>34</sup> Ibid., p.89.

<sup>35</sup> Ibid.

rampant assassination of public figures, racial discrimination, and the erosion of traditional moral values produced the appearance of societal and political collapse symptomatic of civil disorder and widespread criminality. This social environment provided the impetus for reevaluating juvenile and criminal justice systems' social control, crime control, and rehabilitative strategies.<sup>36</sup> The consequence of transforming the juvenile justice court into a formalized punitive institution is that it reestablishes itself as a reactive system instead of as the preventive institution that its founders intended it to be. The Supreme Court decisions of the 1960's and early 1970's were representative of the current social environment and did not address the casual relationship that existed between the structural failing of society and juvenile incorrigibility. For, the resulting juvenile courts only "redefined delinquents as a subgroup of criminal defendants, rather than as a category of dependent children in need of services".<sup>37</sup>

Over time, the juvenile courts have increased the practice of transferring juveniles to adult criminal courts and focused more energy on its serious crime offenders. Our existing juvenile justice system continues to practice the "get tough" initiatives to the point of applying the death penalty to the sentencing of children. Critics observe that the courts either "simply transfer young offenders to criminal courts and expose [these] youths to substantial sentences as adults or require juvenile court judges to impose determinate and mandatory minimum sentencing on those youth who remain in the juvenile system."<sup>38</sup> Those who possess the ability to challenge the way in which the juvenile justice system functions are not those who are exposed to it, but the legislators who interpret the needs of its minor citizens and the rich and powerful who are not

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<sup>36</sup> Ibid. p.91.

<sup>37</sup> Ibid., p.107.

<sup>38</sup> Ibid., p.189.

explicitly affected by this particular system of control. Thus, the result of its focus does not reflect that of those who are exposed to it, but is reflective of the way legislators and key players in society view the juveniles being processed through the system. This is where the social construction of delinquency and crime plays a significant role. When juvenile offenders are naturalized and seen as “not belonging”, the way in which they are treated is affected. During the later part of the 19<sup>th</sup> century juveniles were seen as malleable and innocent, and the justice reflected through an emphasis in treatment based programming and rehabilitative institution. However, during the mid to late-20<sup>th</sup> century this view point changed, the juvenile justice systems transformed into a retributive institution focused on punishment. As we enter into the 21<sup>st</sup> century, the legislation continues to push for stronger crime control in juvenile populations. However, as the structural shortcoming and racial disparities are becoming an ever increasing social movement scholars are pushing for policies advocating the decriminalization and deinstitutionalization of youth, diversion efforts, and power advocacy. In chapter 2 will explain in more depth the current attitude of critics towards the existing juvenile justice system and analyze the proposed solutions to its structural shortcomings.

Figure 1a<sup>39</sup>

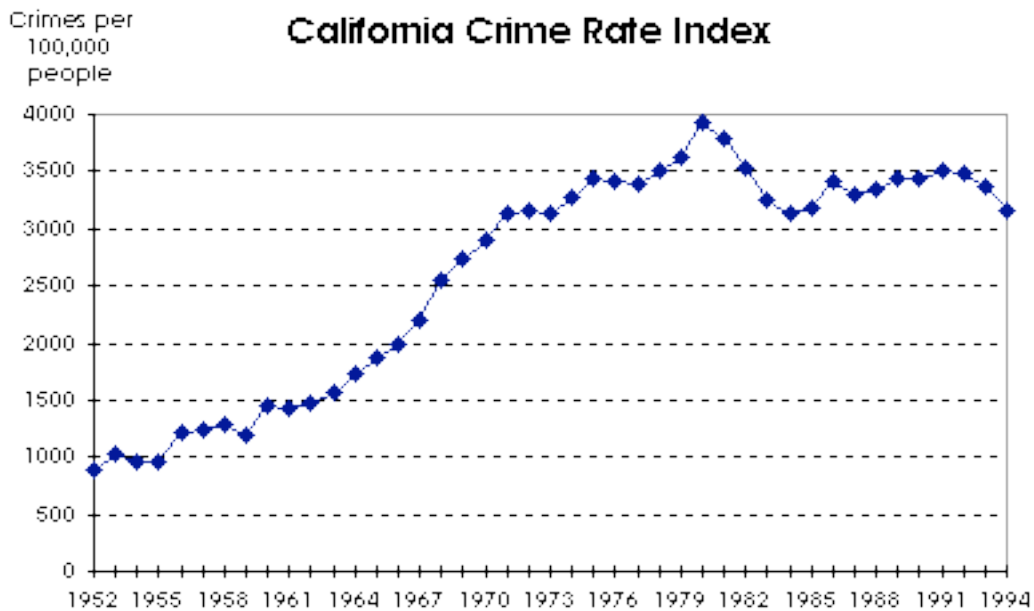
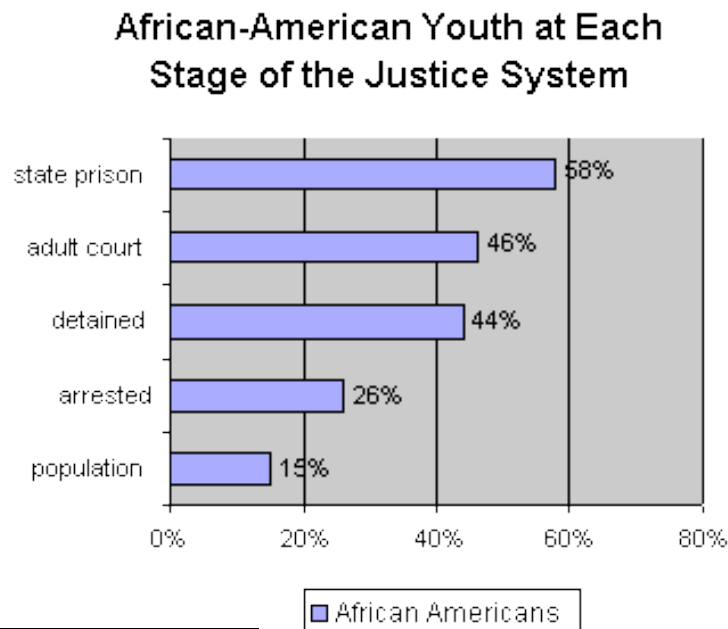


Figure 1b<sup>40</sup>



<sup>39</sup> *Crime and Delinquency in California in 1994*. Sacramento: California Department of Justice, Bureau of Criminal Information and Analysis. 1995, Table 1.

<sup>40</sup> Males, Mike and MacCallair. *The Color of Justice: An Analysis of Juvenile Adult Court Transfers in California*. Justice Policy Institute January, 2000.

**The Punishment of “Other People’s Children”:** *An Investigative Look at our Juvenile Justice System and its Structural Shortcomings*

**Chapter 2. Literature Review**

**Solutions Tried & Solutions Failed: *The Road to Redefining Juvenile Justice***

*I wish I could die like a great great king  
But I'll most likely die gangbang and selling weed  
That's what most people see  
SO that's what I believe  
Is that my reality?*

**-Poetry written by a ward of Camp Afflerbaugh-Paige**

Scholars across interdisciplinary levels are familiar with the failings of the justice system, and many theories have risen out of this dilemma of juvenile delinquency, crime, and punishment. However, before any solutions can be hatched, one must review the sociological models with which he/she will use to approach the shortcomings of the juvenile justice system. The juvenile justice system was created to socially control a population that was deviant and who posed a threat to social stability. The children it was handling were recognized as a malleable and less accountable population and, thus, were protected from the existing systems in place for controlling adults. The juvenile justice system was a solution that formed in response to juvenile delinquency, and was based on certain assumptions about children and the cause of their delinquency. The solutions posed in contemporary literature also make certain assumptions about children and the cause of their delinquency, which are based on sociological models of juvenile delinquency and deviance. Those I will review included solutions based on the causal model of delinquency and the cyclical model of delinquency. The product model of delinquency is also relevant; however I will not be reviewing it in detail. This is because

it is what the current juvenile justice system is based upon, and its solutions have already been discussed, as well dismissed for its inability to solve juvenile delinquency.

The causal model of delinquency is used by James Hackler to formulate his solutions to juvenile delinquency. He describes the sociological model used for his findings (1970) with the following example:

“...as children who are in a recognizable status (lower class, for example) are expected to behave in a predicted way. These predictions or anticipations on the part of the adult world are perceived by the child and are important to the development of his self concept. The perceived responses constantly indicate to the child the type of person he is and what is expected of him. This leads to self-categorizations and, along with the perceived expectations, influences the roles he will seek to play in an effort to behave in ways compatible with his imagined characteristics and capacities. The responses of others include not only responses of significant others who stand in a primary relation to the boy, such as parents and peers, but also of persons who represent community institutions crucial to his future goal attainment, such as teachers and employers.”<sup>41</sup>

This model explains delinquency to be caused by social circumstance and is not necessarily the sole choice of the individual. It supposes that children will conform to the environment around them and respond according to the behavior that is expected of them, which demonstrates the importance of the perceived responses of others to self-perception.<sup>42</sup> Solutions derived from this model are usually community based treatment plans, diversion programs, and family intervention and counseling initiatives.

The cyclical model of delinquency explains delinquency to be a product of the cyclical tendencies of the juvenile justice system. The cycle begins with society’s perception that juvenile crime is exceptionally high. The perception of a high juvenile crime rate gives way to policies that use harsh punishments to deter youth crime. When juvenile crime remains high, existing policies are challenged and more lenient treatments are implemented. After continued youth delinquency, lenient treatments are blamed for

<sup>41</sup> Hackler, James C. “Testing a Causal Model of Delinquency”. *The Sociological Quarterly* Vol.11 Iss.4, 1970, p.511–522

<sup>42</sup> Stryker, Sheldon. “Conditions of accurate role-taking: a test of Mead’s theory.” *Human Behavior and Social Processes* Boston: Houghton 1962, p. 41-62.

the crime rates because they do not address the aspect of restitution adequately. Finally, harsher punishments gradually expand and lenient treatment gradually contract as a result of reimplementation of retributive measures to deter youth from crime. Thus, the cycle continues circling around youth crime, harsh punishment, and lenient treatment, and even harsher punishment.<sup>43</sup> Solutions derived from this type of sociological model for delinquency are most often geared towards reconciling the discrepancies between retribution and rehabilitation within the juvenile justice system by implementing policy changes and some scholars even advocate the abolition of the juvenile justice system.

On the other hand, the product model of delinquency “asserts that norms are a product of the interaction process and are internalized after behavior has taken place.”<sup>44</sup> That is to say that the child will choose to engage in behavior that is compatible to his developing self-image, and “through dissonance-reducing mechanisms, he endorses those normative prescriptions and values that are compatible with both his activities and his self-image.”<sup>45</sup> This model asserts that negative values and attitudes will follow delinquent behavior, or, in other words, that social environment and negative self-perception is the product rather than the cause of delinquent behavior. It bases juvenile delinquency on self-determination and emphasizes the degree of personal choice in behavior. Solutions based on this model highlight accountability, retribution, and punitive measures for deterring behavior, which is what we see in the current juvenile justice system.

### **Social Construction of Delinquent Behavior**

<sup>43</sup> Bernard, Thomas. *The Cycle of Juvenile Justice*. New York : Oxford University Press, 1992.

<sup>44</sup> Hackler, James C. “Testing a Causal Model of Delinquency”. *The Sociological Quarterly* Vol.11 Iss.4, 1970, p.511–522

<sup>45</sup> Ibid.



From a historical perspective, it is apparent that the distinct developmental stages characterized as childhood and adolescence are products of social and cultural transformations. For “within a century after the War for Independence, formal education supplanted apprenticeship as the means of economic socialization, segregated young people in schools, dramatically impinged on families, and fostered the social constructions of modern childhood and adolescence.”<sup>46</sup> Similarly, crime and delinquency are socially constructed. During the Middle Ages, “once children emerged from infancy and physical dependency, around the age of seven, adults quickly integrated them into an intergenerational peer group of work, recreation, sexuality, and commonality.”<sup>47</sup> Children entered the work force at an early age and participated in activities that are, today, seen as being restricted to adults, such as gambling, drinking, smoking, and sexual encounters. The status and perception of adolescence and what is deemed as a crime or appropriate behavior is at the mercy of the social environment and cultural values characterized by that period in time. Seeing that delinquency and crime are social constructions, it puts into perspective how society chooses to locally enact policies that control the populations it feels poses the largest threat to social order and the sustainability of traditional American middle-class values.

The juvenile justice system was enacted as a statute, thus its implementation and procedural specificities vary greatly throughout the nation. This has both advantages and disadvantages for young people and the social welfare of the state. One advantage to this is that the juvenile justice system can be tailored to the needs of its local youth as opposed to the implementation of a national panacea for youth crime and delinquency.

<sup>46</sup> Feld, Barry C. *Bad Kids: Race and the Transformation of the Juvenile Court*. New York: Oxford University Press, 1999, p.22.

<sup>47</sup> *Ibid.*, p.21.

Varied state policies allows for youth to be exposed to an arrangement of biases, misjudgments, and inequitable judicial discretion. The juvenile justice system is socially constructed and can be manipulated by legislators, judges, and correctional staff in ways that do not necessarily abide by the intentions of treatment or the model of rehabilitation. Thus, the solutions that are posed for its immediate as well as long-term reconstruction can be limited in their applicability and effectiveness. Nonetheless, I will review some of the more prevalent research and unfolding solutions that have surfaced this past decade for solving the problem of the “juvenile in-justice system.”<sup>48</sup>

### **Solutions Using Causal Model of Delinquency**

Some of the most common solutions posed for rehabilitating juvenile justice are rooted in the concept of community healing. Gwen Kurz and Michael Schumacher (2000), in their collaborative book entitled *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*, propose an innovative techniques for reducing juvenile offender recidivism. In their book, they identify the risk factors that contribute the recidivism of juvenile offenders within Orange County and propose a community intense treatment plan that targets the youth that that have committed an average of 4 or more offenses during a 3 year period (8% of all juveniles offenders in Orange County, CA). This book follows a 7-year study of the “8% Problem,” which refers to the youth who are repeat offenders in Orange County, CA. They stress the importance of concentrating intense treatment on this selected group of adolescents because these 8% of youth comprised 55% of the repeat cases in the county.<sup>49</sup> The study focuses on the trends of its 8%

<sup>48</sup> Term adopted from Dr. Dipa Basu, Ph.D, Manchester University and Professor of Sociology and Black Studies, Pitzer College.

<sup>49</sup> Kurz, Gwen and Schumacher, Michael. *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*. Thousand Oaks : Sage Publications, 2000, p.4.

problem youth and has been very significant in its findings. Kurz and Schumacher determined the main risk factors and characteristics of particular repeat offenders, which include exposure to crime at an early age, disrupted families, school failure, drug and alcohol abuse, and pre-delinquent behavior.<sup>50</sup>

Kurz and Schumacher's study substantiates other literature written about the correlation between certain risk factors and the prevalence of delinquent, violent, unhealthy behavior in youth populations. In a Micheal Arthur's et. al. *Measuring Risk and Protective Factors for Substance Use, Delinquency, and other Adolescent Problem Behaviors*, it concludes "risk and protective factors predictive of adolescent problem behaviors such as substance abuse and delinquency are promising targets for preventive intervention. Community planners should assess and target risk and protective factors when designing prevention programs."<sup>51</sup> This particular study also determined that community, school, family, peer, and individual as well as health and behavior outcomes, including substance use, violence, and pre-delinquency are risk factors for serious delinquent behavior in adolescents.<sup>52</sup> These risk factors are rooted in existing community problems that are not being addressed from a social welfare standpoint. The research acquired by Kurz and Schumacher's study allowed for the formulation of an experimental program that targeted the risk factors contributing to the delinquent and repeat offenders' lifestyle. Their preventive solution is becoming more common within the juvenile justice discourse and has proven to be more cost effective and has been more successful in

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<sup>50</sup> Ibid., pp.6-9

<sup>51</sup> Arthur, Michael W., Hawkins, David, Pollard, John, Catalano, Richard F., and Baglioni, A. J. "Measuring Risk and Protective Factors for Substance Use, Delinquency, and other Adolescent Problem Behaviors" *Evaluation Review*, vol. 26 iss. 6, Oregon, Portland :Sage Publications, December 2002, pp. 575 - 601

<sup>52</sup> Ibid.

reducing juvenile offender recidivism. “From the 6 years of tracking during the 8% Problem studies, we learned that each chronic juvenile offender costs Orange County taxpayers \$44,000 in custody cost alone...but it only costs approximately \$14,000 to provide services to a potential 8% family for 18 months...it costs \$54,000 per youth per year in juvenile hall.”<sup>53</sup> A potential 8% family is one that possesses children with all or some of the risks factors outlined above. The proposed program by Kurz and Schumacher targets the social underpinnings of crime and chronic offending through identifying at risk youth and placing them in special educational facilities with tutoring, structured curriculum that fluctuates depending on the young person, family counseling for abuse, anger issues, drug, and/or alcohol abuse, and the creation of a Youth and Family Resource Center that assists with job placement, long-term family planning, and assists families as seen necessary. The purpose of this programming is to remove the youth from their negative environments that contribute to the risk factors of their behavior. It is found that the juveniles improve in behavior from the stable environment and consistency of programming, to a point where youth can eventually be weaned off the program.<sup>54</sup> Such community based programming has consistently been found to be more cost efficient when compared to incarceration. In an experimental study (2005) led by Steven Patrick, Ph.D and Robert Marsh, Ph.D at *Boise State University*, it was determined that diversion community based programming was more cost effective and practical for solving the issue of juvenile incarceration.

“Diversion programs keep juveniles out of the juvenile justice system and therefore reduce the strain of the system. Some diversion programs are less costly than traditional programs and can service more offenders. Additionally, diversion programs often provide

<sup>53</sup> Kurz, Gwen and Schumacher, Michael. *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*. Thousand Oaks : Sage Publications, 2000, p.79.

<sup>54</sup> *Ibid.*, pp.74-76.

more services to at-risk youth. As long as there are laws against many status crimes, then these offenders will end up in prison at great cost to society for little benefit. Diversion, through treatment or community corrections, is much less costly than prison. Therefore, the method that is the least costly and most humane should be the method used. Diversion appears to be one of the best methods for the foreseeable future because it appears to be effective and less costly than other methods.”<sup>55</sup>

Yet, the preventive measures of Kurz and Schumacher are not a panacea for the structural shortcomings of the juvenile justice system. Their program does not encompass all juvenile offenders, but focuses attention on the young people who pose the biggest threat as criminal offenders and their families. Nonetheless, it relieves some of the pressure on the juvenile justice to process so many youth. The preventive program selects youth whose situation is most affected by outside social factors. Kurz and Schumacher recognize that youth are responsible to a certain degree for their life choices, but the juvenile justice system tends to ignore the fact that society plays a large role in the quality of choices available to them. The 8% solution recognizes society role in shaping its youth and takes on the model of rehabilitation once again in its intended form.

Still, some problems do exist with this proposed solution to the structural shortcomings of the juvenile justice system. Foremost, the program is not one that shows immediate improvement of the “youth crime problem.” For this reason, communities, government officials, and even program participants are weary to fund, support, and continue participation in the program. The building of juvenile halls and detention centers are not solutions, and only give the illusion of solving our social problem of youth delinquency, and community based programming is hard to sustain in the every increasing society of “quick fixes.” Thus, an alteration of mind-set has to occur when programs posed by innovative researchers like Kurz and Schumacher are to be sustained

<sup>55</sup> Patrick, Steven and Marsh, Robert “Juvenile Diversion: Results of a 3-Year Experimental Study.” *Criminal Justice Policy Review*. Vol. 16 Iss.1 March, 2005, p 59-73.

and implemented across the nation. Those involved in the programs and those funding them have to “fully understand the unique challenges posed by this particular group of youthful offenders. Likewise, everyone involved...must believe that change for better is possible.”<sup>56</sup>

Additionally, the 8% solution targets individual situations, which may seem to be the most effective means towards helping the at risk youth and their families. However, if one looks closely at the demographics of the different cities in Orange County, as poverty level in relation to youth crime, family, size, racial make-up, and incarceration rates it reveals that the problem is being fed by deeply rooted social inequalities. For example, in Stanton, city in Orange County, CA, approximately 66 percent of the population is minority (Hispanic, Asian, and Black) and 13.4 percent of the population lives below the poverty line. Santa Ana, where 86 percent of the population is minority (Hispanic, Asian, and Black), has the highest rate of poverty in all of Orange County (16.1 percent).<sup>57</sup> Both Stanton and Santa Ana have some of the highest youth crime rates in Orange County.<sup>58</sup> Poverty, race, and family size should not be ignored when considering program models for restructuring the juvenile justice system. Poverty in minority communities is a major issue that must be addressed in the juvenile justice discourse. Programs that only target individual situations ignore that the underlying factors that contribute to the cycle of juvenile crime. The most effective solutions must uncover and address the deeply rooted and broader social contexts of poverty, race, and crime. If the cycle of poverty is not interrupted then the cycle of broken families and problem youth will continue as well.

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<sup>56</sup> Ibid. p.83.

<sup>57</sup> US Bureau of the Census, Census 2000 Summary File 1 and 3; California, Dept. of Finance, E-5 Revised May 2006.

<sup>58</sup> United States: Uniform Crime Report

Nevertheless, the 8% solution is a step in the right direction towards community upliftment instead of mass imprisonment of the juvenile population.

### **Solutions Using Cyclical Model of Delinquency**

Other researchers have chosen solutions that address the cyclical tendencies of the juvenile justice system's policies. For example, Thomas J. Bernard in his book, *The Cycle of Juvenile Justice*, explains that the juvenile justice system is fixed in a cycle of shifting policies and ideology. Bernard addresses the problem of cyclical policies with a solution geared towards solving the discrepancies between retribution and rehabilitation, and he criticizes all of juvenile justice policies because in reality, "These harsh policies are based on an illusion that delinquency is a problem that can be solved...Let us abandon these policies now, since we will eventually abandon them in the future anyway. Let us instead adopt fair and reasonable policies that respond to delinquency as a continuing presence in modern society."<sup>59</sup>

Bernard's more realistic approach embraces juvenile delinquency as a characteristic of modern society, which allows for the formulation of more tolerate and sustainable policies. Most Americans and policy makers continually expect juvenile justice policies to reduce juvenile crime and have reformed or discarded any policy that failed to accomplish this task, despite its relative success, cost efficiency, and/or potential. Bernard argues for a "change in the philosophical context" in which we deal with the juvenile crime, instead of continued empty policy alterations.<sup>60</sup> However, breaking the cycle of juvenile justice is not just rooted in a change in juvenile justice ideology. Bernard rationalizes that two other changes must occur. First, the juvenile

<sup>59</sup> Bernard, Thomas. *The Cycle of Juvenile Justice*. New York : Oxford University Press, 1992, p.8.

<sup>60</sup> Ibid., p.165.

justice system should include leniency for at least some juveniles. To ignore the need for this aspect in juvenile justice is to unnecessarily expose children to institutionalization and harsh punishments unfit for the crime.<sup>61</sup> Second, once the extent of leniency is established, it must be accepted that a certain portion of the juveniles receiving leniency treatment will go on to commit serious crimes. It is tempting to toughen policies for the few who are serious repeat offenders; however, it is not beneficial to the overall functionality of the juvenile justice system.<sup>62</sup>

Essentially, *The Cycle of Juvenile Justice* concentrates on changing the ideas about juvenile delinquency and juvenile justice instead of excessively changing the actual juvenile justice system. For, Bernard assert, “the juvenile justice system is highly successful...any criminal justice organization that successfully handles a vast majority of its cases ought to be considered an outstanding success. Instead it is considered a failure.”<sup>63</sup> The problem with Bernard’s idea of accepting delinquency as a part of society is that it ignores the underlying racial discrepancies, inhumane treatment, unjust tendencies within the juvenile justice system. The existing juvenile justice system is successful in processing a large number of juveniles with relatively small numbers referred to adult criminal courts; but, simply because it processes juveniles efficiently does not mean that it processes them successfully or justly. In a U.S. News and World Report, author Angie Cannon reports,

“A congressional report released in July 2004 found that two thirds of juvenile detention facilities hold kids who are waiting for community mental health treatment. In 33 states, youths with mental illness are held in detention centers without any charges against them. From January 1 to June 30, 2003, nearly 15,000 incarcerated youths were waiting for community mental health services, the report said. In addition, two thirds of juvenile detention facilities that hold youth waiting for mental health services report that some of

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<sup>61</sup> Ibid., p.166.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid. p.177.



these youths have attempted suicide or attacked others. Studies suggest that about 60 percent to 70 percent of kids in detention or juvenile facilities suffer from a psychiatric disorder.”<sup>64</sup>

Still, Bernard does propose several recommendations that could improve the juvenile justice system. First, he proposes the deinstitutionalization of the juvenile justice system. For, “there is no place in a modern juvenile justice system for large, custody-oriented juvenile institutions...these institutions provide the public with a false sense of security...[and] provide jobs to state employees. Neither of these functions would be maintained in an ideal juvenile justice system.”<sup>65</sup> Lastly, he suggests the adoption of a constitutional right to treatment for youth processes through the juvenile courts, which would supplement the absence of due process in the courts. Bernard suggests that it be “unconstitutional to simply punish juveniles for their offense. Juveniles who deserve such punishment would be waived to criminal court to receive it.”<sup>66</sup> However, the actual performance of those recommendations for the juvenile justice system may not necessarily live up to the good intentions for which they were intended, similar to the outcome of the well-meaning Progressives with their initial creation of the juvenile justice system as a rehabilitative and retributive institution.

Additionally, the solutions posed by Bernard are not entirely marketable to state legislators, juvenile justice bureaucrats, or the upper/middle ruling class. Reforms are usually implemented if they focus on changing the juvenile’s behavior, but do not require changes in anyone else’s behavior. The current state of the juvenile justice system is based on punitive models and personal accountability, and Bernard’s policy changes would hold society more accountable for the delinquency of juveniles. A treatment-

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<sup>64</sup> Cannon, Angie. “Juvenile Injustice”. *U.S. News & World Report*. Vol.137 Iss.4 , August 2004, p. 28-32

<sup>65</sup> *Ibid.*, p.178

<sup>66</sup> *Ibid.*, p.180.

oriented correctional system requires participation on local, state-wide, and national levels, which also call for an ideological shift as mentioned previously. In addition, treatment based initiatives target the social underpinnings of juvenile crime and delinquency which can upset the capitalistic motivations of the existing order, which is undesirable to rich, powerful policy makers, judges, and legislators. For, being that poverty is a risk factor for delinquent behavior, society would be obligated to attack the problem of poverty and create a society of increased equity and a reduced wealth gap, which can affect the current trend of the “rich getting richer and the poor getting poorer.”<sup>67</sup> Finally, previous reforms have expanded the power of the state in attempt to solve the problem of delinquency. However, the aforementioned reforms restrict the power of the state by granting juveniles the right to treatment in disposition hearings,<sup>68</sup> in contrast to the current unjust blanket judgments given at the discretion of the judge. So, although the proposed solutions are reasonable and potentially significant in improving juvenile justice, their chances of being implemented seem unlikely.

The seemingly uselessness of proposing structural changes to the juvenile justice system is disheartening to the concerned citizen. However, Barry Feld in his book, *Bad Kids: Race and the Transformation of the Juvenile Court*, gives hope for the attainment of genuine juvenile justice. Feld asserts that the juvenile justice system was transformed from “a nominally rehabilitative welfare agency into a scaled-down, second-class

<sup>67</sup> Choi, Y. B. “On the Rich Getting Richer and the Poor Getting Poorer” *Kyklos*. Vol.52 Iss.2 June 1999, pp. 239-258

<sup>68</sup> Disposition hearings is the final step in the juvenile justice process. This hearing determines the most appropriate way to hold the juvenile accountable for his or her crime and to prevent future violations of the law. Sandhu, Harjit and C., Heasley, C. *Improving Juvenile Justice*. New York: Human Science Press, 1981, pp.167.

criminal court for young people.”<sup>69</sup> In response to this transformation, Feld suggests that the juvenile justice system be absorbed by the current adult criminal justice system. The resulting system would hold the full responsibility of criminal processing; however Feld suggests the decriminalization of youth in addition to this abolition proposal. When referring to decriminalization, Feld pushes for the disposal of “status offenses” as a chargeable offense for youth, because this will eliminate a large portion of the courts adjudicated juvenile population and ease the burden of a combined judicial system. For, “Police, parents, probation officers, and the schools referred nearly 100,000 youngsters to juvenile courts in 1992 for such juvenile misconduct as running away, truancy, ungovernability, curfew violation, sexual activity, and possession or consumption of liquor (all status offenses). Juvenile courts filed formal petitions against more than half of the status offenders referred to them (56%).”<sup>70</sup> Other literary scholars agree with Feld on this position. Harjit Sandhu and C. Heasley, in their book *Improving Juvenile Justice*, criticize, “Status offenses as defined in juvenile statutes are often vague, lack clarity, and specificity, and require judges to exercise wide discretion in the application of highly subjective standards... decriminalization of status offenses would effect significant reductions in the number of youth served by the justice system... [who] possess neither the expertise nor the resources to help youths who commit status offenses.”<sup>71</sup>

At first glance this may seem to be an irrational and impossible solution. However, the reasoning behind Feld’s conclusion is rationalized and theoretically possible. Again, the juvenile justice system was enacted as a statute and can be quite

<sup>69</sup> Feld, Barry. *Bad Kids: Race and the Transformation of the Juvenile Court*. New York: Oxford Press, 1999, p.287.

<sup>70</sup> *Ibid.*, p167

<sup>71</sup> Sandhu, Harjit and C., Heasley, C. *Improving Juvenile Justice*. New York: Human Science Press, 1981, pp.65-79

possibly abolished and reinvented for the new millennium. Feld rationalizes the abolition of the juvenile courts with the fact that “in the juvenile court’s current incarceration, children do not differ significantly from adults and treatment does not differ significantly from punishment.”<sup>72</sup> Similar to Benard, Feld addresses the destructive cycle of inadequate policies and the shifting ideology surrounding the juvenile justice system, and he realizes the unlikely hood of the proper implementation of adequate, treatment based policies. Thus, his solution lies in the abolition of the currently inefficient, ineffective, and racially disparate juvenile justice system.

The main argument by Feld is rooted in the conclusion that “younger offenders, adjudicated as delinquents, may receive longer sentences than adults convicted of identical offenses.”<sup>73</sup> For example, status offenses are the cause for a significant amount of the incarcerated children in the juvenile justice system, but if those same offenses were committed by adults the result would be minimal fines, community service, or no punishment at all. Feld argues that the discretion of the court to punish juveniles is in excess and that the state’s scope of power is overbearing the juvenile justice system. Feld’s solution to abolish the juvenile justice system would limit the procedural injustices and loosen the social control that the state exorcises over delinquent youth. Feld pushes for the elimination of the philosophy of *parens patriae*, meaning that the state would no longer be the provider of retribution as well as rehabilitation for its child population.

“From their inception, juvenile justice policies inexorably expanded the authority of the state to intervene in the lives of poor and minority youths, failed to address the economic and social circumstances that give rise to their disproportionate overrepresentation in the justice system, and thereby perpetuate injustice and inequality. Because Progressives created juvenile courts to discriminate, they

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<sup>72</sup> Ibid., p.283.

<sup>73</sup> Ibid., p.283.

readily lend themselves to contemporary policies to punish 'other people's children'."<sup>74</sup>

Solutions that pose an alternative to the amount of power the state exercises within the lives of its minority and poor and working class populations are encouraged by Feld, as well as other scholars. Barry Krisberg, president of the National Council on Crime and Delinquency, states in an interview with *The National Catholic Reporter*, "The policy decision to 'get tougher on crime' makes it worse for youth of color, despite the reality that white youth commit the majority of serious crimes. In the hysteria over youth gangs, children of color are much more likely to be swept up into the system. As black and brown youth on the streets say, 'Justice means 'Justus.'"<sup>75</sup> The more power given to the juvenile justice system by new policies, increases the possibility for discrimination and racial disparities. As such, Feld proposes that policies limit the discretion of judges and restrict the use of maximum punishment for serious offenses, in addition to the removal of status offenses. In this way a separation has to be made between dangerous youth and troubled youth. It would be a system where only juveniles who pose a serious threat to society would be incarcerated and those who do not are enrolled into rehabilitation programs. The social services offered to these at risk, troubled youth would be provided by private agencies, as suggested by Bernard, and the criminal courts would have to refer children to privately operated treatment program regimens instead of state-run correctional institutions.

Essentially, the problem with the juvenile justice system is rooted in its attempt to combine criminal social control and social welfare into one cohesive system. This

<sup>74</sup> Ibid., p.285.

<sup>75</sup> Bernstein, Nell. "Racial Disparity in Juvenile Justice". *National Catholic Reporter*. Vol.43 Iss.14, February 2007, pp.2-3.

attempt has failed, and continues to fall short of its envisioned harmonious functionality. Thus, the option that Feld proposes is the abandonment of the idea of a separate juvenile court, while keeping in tact the idea of rehabilitation and lenient punishments for criminal offenders. Feld summarizes:

“Only an integrated criminal justice system that formally recognizes adolescence as a developmental continuum may more effectively address many of the problems created by our binary conceptions of youth and social control. Enhanced procedural protections, a youth discount for sentences, and age segregated dispositional facilities recognize and respond to the real developmental differences between youth and adult offenders.”<sup>76</sup>

Nonetheless, this proposal is not a panacea for the structural shortcomings of the juvenile justice system, and it still leaves room for abuse of power, misuse of policies, and injustice towards youth. Legislators can still selectively choose elements of an integrated system to serve a punitive agenda, and can choose to punish youth offenders punitively instead of treating them as malleable youth deserving of treatment.<sup>77</sup> Potential solutions exist for addressing the juvenile justice system’s limitations and proper implementation of them is possible. However, the social constructions of childhood and the tug-of-war between punitive ideologies and rehabilitative ideologies seem to be a timeless issue that creates problems for the attainment of genuine juvenile justice.

As we continue on the road towards discovering new way to redefine juvenile justice, deeper insights will arise from the critical analysis and discourse that is created from our continued critique and reformation of policies. Currently, “most people tolerate an intolerable juvenile justice because they believe that it will affect only other people’s children—children of other colors, classes, and cultures—and not their own.”<sup>78</sup> Thus, my

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<sup>76</sup> Ibid., p.328.

<sup>77</sup> Ibid., p.329.

<sup>78</sup> Ibid., p.330.

attempt is to reveal the perspectives of incarcerated youth and analyze, connect, compare them to the perspectives of those who incarcerate and ignore them, in hopes of finding ways in which and extent to which issues of public apathy, social causations of crime, rehabilitation, and retributive measures can be reconciled. In chapter 3, I will discuss my methodological procedures taken in order to understand the perspectives within the juvenile justice system, and will discuss the specificities of my involvement with a Californian juvenile correctional facility, Camp Afflerbaugh-Paige.

**The Punishment of “Other People’s Children”:** *An Investigative Look at our Juvenile Justice System and its Structural Shortcomings*

**Chapter 3. Methods**

**Questioning the System: *A Methodological Review***

*Today when I woke up I was kind of sad  
Because the way they treat me here gets me mad!  
I wish I could’ve changed my past  
Change it completely so I could be happy at last!  
I really don’t smile, I’m kind of depressed  
And my feelings are all screwed up, they’re all a mess.  
-Poetry written by a ward of Camp Afflerbaugh-Paige*

The research for this paper began with my involvement with a program entitled “Borrowed Voices,” which is through Pitzer College’s CCCSI office (Center for California Cultural and Social Issues). This program offers a once a week two hour session of interactive creative writing and poetry led by about 12 volunteers and one CCCSI staff, Jonathan Tigeri. Our group visits the juvenile detention center, Camp Afflerbaugh Paige, which is located in the San Gabriel Mountains of La Verne. Through this program I have been able to personally interact with the young men committed to this camp, which helped in the formulation of a research topic. Initially, I wanted to complete a qualitative research study using fieldnotes and informal interviews that evaluated the degree of success that the “Borrowed Voices” program had on the personal development of the young men. Research for this project was dated from September 2006 to December 2006 and consisted of about 25 pages of fieldnotes and informal interviews with the minors and staff at the camp.

However, as a result of several bouts of bad luck, my initial research, which was comprised of two interviews with one staff and one ward and about 35 pages of fieldnotes, was lost. Thus, my focus and research techniques required slight



modifications. After reviewing particular statistical trends in juvenile crime and incarceration, I became interested in the potential solutions that awaited California detention centers and the need for programs focused on rehabilitation and treatment. According to the Gallup Poll, Americans believe juveniles are responsible for 43% of violent crime in the United States; however the Office of Juvenile Justice and Delinquency Prevention shows that juveniles are actually responsible for 12% of violent crime<sup>79</sup> In California, juvenile felony rates dropped by 58 percent between 1980 and 2004 (see diagram 2a)<sup>80</sup>, and the rate of juvenile incarceration in California fell by nearly 50 percent<sup>81</sup>. This trend of decreasing incarceration and falling crime rates has been an indicator that incapacitation theory<sup>82</sup> should be discredited, and that crime reduction is rooted in the local practices of rehabilitation programs employed by California's cities and counties. My research focused on the potential success of further rehabilitation programming within juvenile detention centers and its potential application on a wider scale.

Despite the decreasing crime statistics, California is advocating stricter youth sentencing and imprisonment. In 1994, the age of eligible adult court transfer was lowered from age 16 to age 14 and the California legislature passed AB 560 amended Welfare and Institutions Code 707 to allow the transfer of offenders age 16 and over to

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<sup>79</sup> Ziedenberg, Jason and Schiraldi, Vincent. Statistics retrieved from Crimelynx, Criminal Justice Center Justice Policy Institute, *Juvenile Crime Statistics*. <http://www.crimelynx.com/juvstats.html> Last revised, January 13, 2000

<sup>80</sup> Macallair, Daniel and Corcoran, Megan. *Youth Crime Declines: The Untold Story*. Center on Juvenile and Criminal Justice California, September, 2006.

<sup>81</sup> Males, Mike and MaCallair, Daniel and Corcoran, Megan. *Testing Incapacitation Theory: Youth Crime and Incarceration in California*. Center on Juvenile and Criminal Justice, July, 2006.

<sup>82</sup> *Ibid.*, p.2. Incapacitation theory argues that reductions in crime rates are achieved through higher imprisonment rates since the offender cannot commit new crimes while incarcerated. The theory suggests decreased crime rates generally follow increased imprisonment rates; however in California, as well as around the nation, lower imprisonment rates are paired with fewer juvenile crimes.

adult court. Also in 1994, California voters passed Proposition 184, widely known as the Three Strikes Law, which requires enhanced sentences for second and third offenses. In 2000, Proposition 21 was designed to facilitate and expedite the transfer of increased numbers of juveniles to the adult court by reducing judicial discretion, giving prosecutors more authority, and increasing the number of offenders eligible for remand. With these new laws, California is preparing for an increase in youth incarceration levels and the improvements upon juvenile incarceration facilities, as well as, the expansion of rehabilitation programming will be crucial for the proper care treatment of these committed juveniles. My research on the incarceration and policy trends in California resulted in my concentration on the ways in which perspectives taken from wards and staff within the juvenile detention centers can shed light on the potential solutions tangible for California detention centers. I focused on discovering what is lacking in the detention centers and how more treatment based programming can be implemented for the betterment of the juvenile.

My research is based on the case study of Camp Afflerbaugh-Paige, and I used aspects of the grounded theory research design. In this way, I observed the research site and participated in programs at the camp 3 months before I began my data collection. Thus, I was able to experience the environment of the detention center and base my interview guides and develop my research questions after recognizing themes already present within the camp. The sociology thesis reader and I decided that interviews with probation staff and the wards of Camp Afflerbaugh-Paige would be the best options for gaining data. However, after an unfruitful attempt to gain unlimited access with the wards through interviews I realized that I could utilize the poetry written by the wards from the

“Borrowed Voices” program as research data. Although the use of poetry may seem to be ineffective and subjective research tool, “The arts have been viewed as a valuable means for communicating complex social phenomena for which statistical means of representation is limiting.”<sup>83</sup> Additionally, scholarly research has been conducted to show that, “Poetry has been used in various ways as a tool of social investigation. Poetry is also congruent with the ways many traditional people’s experience of the world, so it is a good tool with culturally diverse populations. Poems allow for intuition, for emotion, which are important parts of the human experience that cannot be expressed numerically.”<sup>84</sup>

Also, being a familiar face within the camp allowed me to participate with the wards at a high level of comfortability and, thus, I was able to achieve informal interviews with the wards that were neither artificial in nature or censored due to staff supervision. My research questions with the staff were determined after I had already spent six months volunteering at Camp Afflerbaugh-Paige, and thus were derived through grounded research techniques (see Appendix C).

### **Camp Afflerbaugh Paige Background**

Camp Afflerbaugh-Paige was founded in the 1960’s and houses approximately 200 wards at one time. Currently, it has two hundred two wards<sup>85</sup>. The camp facilities are separated into two factions; there is the Camp Afflerbaugh side and the Camp Paige side. In theory, Camp Paige is for wards that are older and who have longer sentences. Camp Afflerbaugh is for the wards that are younger and/or have shorter sentences. In

<sup>83</sup> Szto, Peter. “Poetry and Photography: An Exploration into Expressive/Creative Qualitative Research”. *Qualitative Social Work* Vol. 4 Issue 2 pp. 135-156.

<sup>84</sup> Ibid.

<sup>85</sup> Numbers based on interview in from Appendix A, 3a as of April 6, 2007.

reality, exceptions exist for the age allowance within the separate camps. The camps have little physical distinction between each other; however, programming differs significantly between the camps. Camp Paige has an agriculture and forestry program for the wards where they learn how to handle technical equipment, clear brush, and learn safety measures for forest fires. About half of the wards participate in this program and the other half attends a high school located on-site. On the other hand, Camp Afflerbaugh has a program that allows wards to go into the local community and interact with senior citizens. However this program only has 8 participants.<sup>86</sup> Both camps are within the same confine and the minors interact with each other in the shared school facility within the camp (see Diagram 2b).

The rehabilitation services offered to the young men at Camp Afflerbaugh-Paige consist of tutoring in Math and English, counseling for personal issues (drug abuse, alcohol abuse and/or anger management), schooling for high school credit and attainment of a GED, participation in a work crew to earn a minimal wage (work in the kitchen, the laundry room, or grounds work), and outside programming from local institutions such as Pitzer College's CCCI office with the "Borrowed Voices" program. Meetings with probation staff happen every week from anywhere between 10 minutes to an hour, depending on the probation officer and the ward's relationship. This meeting time is used to discuss any problems they may have, questions about their probation are answered, and phone calls to family are sometimes allowed at this time.

### **Interviews with Wards-Constraints**

In order to gain a more personal perspective from the wards, I decided to conduct formal, consent-based interviews with the minors at Camp Afflerbaugh-Paige. However,

<sup>86</sup> Information gathered from interview in Appendix A, 3a

I did not realize the extent of red tape that I would be required to pass through in order to gain access to these young men. Before any interviews with the wards of Camp Afflerbaugh-Paige could take place, a petition and order for research form was required (See Appendix E). Speaking with the principal of the Camp Afflerbaugh-Paige school, I found out that I needed to contact the Public Information officer, Jeanette Aguerri, from the Los Angeles Probation Department. She would be the woman processing my petition, however Mrs. Aguirre referred me to another contact, Lilia Alvarez, in order to submit my proposal. I was then referred to, Terry Truong, a research attorney for the Juvenile Court of Los Angeles. After contacting Mrs. Truong, I was forwarded the research proposal form and instructed to fax it back as soon as possible. That same day the research proposal was filled out and faxed to Mrs. Truong's office. After speaking with Mrs. Truong, the process for approval was explained in detail. First, notices to the probations department and to Camp Afflerbaugh Paige would be sent out by the court disclosing the nature of the research to be conducted. After 20 days, if no party rejected to the research then the proposal would be submitted to the Presiding Judge of the Juvenile Court, Michael Nash, for approval. In my proposal I requested a shortening of the notification time period of 20 days. Mrs. Truong disclosed that a period of 10 days could be granted if good cause was seen for it. She then referred me to the Chief Probation Officer of Los Angles, Robert Taylor. If I could get him to sign off on my proposal, then I would most likely get approval from the judge. However, getting in contact with Mr. Taylor proved to be very difficult. Especially considering the Chief Probation Officer manages the largest Probation Department in the world. He oversees an annual budget of approximately \$630 million, a total of over 5,800 employees, and the

supervision of approximately 63,000 adult and 20,000 juvenile probationers.<sup>87</sup> Leaving several messages and sending an email to Mr. Taylor, proved to be fruitless efforts. My remaining research was left in the hands of Michael Nash and the Superior Court of Los Angeles.

### **Interviews with Wards-Opportunities**

Although I was confronted with problems in the research process, my exposure to the bureaucratic structure of the juvenile justice system helped in attaining a deeper understanding of the ways in which the power dynamic works within the juvenile justice system and who has access to information within this system. The wards have little control over their own bodies, for they do not even own the right to their own images. Pictures and video cannot be shot of the ward's faces, only from behind. When gathering information about the proceedings within Camp Afflerbaugh-Paige, I was told conflicting information about interviewing procedures by several people. However, this gave me a deeper perspective on the disorganization of the camp and the lack of cohesion between the staff. This information helped in my analysis of the camp's ability to rehabilitate the wards as well as be an effective institution. The constraints of my research opened my eyes to potential solutions that could alleviate some of the confusion and limitations imposed upon the camp by the larger bureaucratic institution of juvenile justice<sup>88</sup>.

Although I was never approved for the formal interviews, I was able to analyze the poetry written by the wards and allow them a chance to voice their opinion. The poetry written

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<sup>87</sup> Los Angeles Probation Department, Chief Probation Officer Executive Summary <http://probation.co.la.ca.us/anviewer.asp?a=206> Last revised, March 14, 2007.

<sup>88</sup> The sociology of organizations is explicit in this part of my research; however, I do not wish to address this issue in this chapter, because I am more focused on the individuals within the institution instead of the larger implications of institutional structures. The focus on the individual allows for the use of poetry and interviews as a major tool in delineating solutions for Camp Afflerbaugh-Paige.

by the wards was prompted by questions about regrets, dreams, confidence in self, people they love, and time spent at the camp. Not all the written work was poetry, some was written in prose and streams of consciousness. This type of research tool is valuable in my data collection because it allows for the wards to express themselves in a manner that is conducive to sincere openness about self-reflection and their environment.

“There is not this clear distinction of knowledge, that is, no delineation between what we experience in the external world that can be broken down by method. The method of data collection and expression is what allows the world to experience what has been studied, in some fashion that, we hope, makes it more comprehensible. Poems allow for holistic understanding that transcends a logic that numbers cannot understand.”<sup>89</sup>

Poetry is an art that can be fiction; however it is also a reflection of the artists’ life and were more revealing than the more structured interview that I initially wanted.

### **Interviews with Staff-Constraints**

My interviews with the staff were easily attained, however I was unable to accurately transcribe all of the interviews because a few participants refused to be tape recorded. Two participants agreed to be tape-recorded and two participants refused to be tape-recorded, however all of the participants allowed notes to be taken. The participants were informed that their names would not be associated with the information gathered from the interview in any way. Still, the idea of being recorded threatened the comfortability level of some of the participants. The interviews incited a critique on the juvenile justice system and Camp Afflerbaugh-Paige, which may have caused some of the participants anxiety in regards to job security and not wanting anything they said to be used against them. I also had to consider how self-censoring may occur in the interviews due to the tendency of employees to limit themselves in the critique of their work place. This type of behavior can be expected within formal organizations, especially

<sup>89</sup> Szto, Peter. “Poetry and Photography: An Exploration into Expressive/Creative Qualitative Research”. *Qualitative Social Work* Vol. 4 Issue 2 pp. 135-156.

when the possibility of the information being disseminated to others exists. The structure of organizations is intimidating to the employee, for the bureaucratic nature is designed to have a fear of authority and degrees of self-censoring. Thus, I attempted to solve these issues through the use of an interview study number (1a, 1c, 2a, 2b, etc.) and by leaving the option of tape recording up to the participant.

### **Interviews with Staff-Opportunities**

The interviews with the probation staff were very easily attained and lasted about 35 minutes. Snowball sampling was used for developing the scope of my research participants, for the director of the probation staff referred me to a few of his employees that he felt would be good to interview and those probation staff referred me to the assistant principal of the camp high school. After approaching each staff separately for a time and date, I was able to attain an interview either the next day or that same day. Three probation officers were interviewed and one staff from the school. An interview guide was used for all four interviews (see Appendix C), in which questions about their personal experience with the juvenile justice system were asked. Before an interview took place an interview consent and authorization form was read and signed by the participant (see Appendix D). Every question that was posed was willingly answered by the staff and after each interview I allowed for them to ask me any questions or voice any concerns that they may have had. Every staff participant was interested in reading the product of my research and was curious as to what exactly I was going to do with the interviews. I responded that I was to analyze their responses and determine the themes that occurred, which would allow me to determine any potential improvements that could be implemented within the camp. The interviews that were recorded were transcribed for



accuracy and the interviews that were not recorded were derived from the notes taken during our meeting, while other specificities were retrieved from memory (see Appendix A).

### **Literature Research**

In order to gain an academic perspective on the juvenile justice system, books written from the 1980's to 2005 were used. I also used articles written on the subject because I found that the books I reviewed were mostly written during the 1990's and I desired research that was more current. Due to my analysis on the changing nature of the juvenile justice system current literature was necessary for a wholly accurate analysis. I also found the need for referencing governmental documents and legal cases, for this type of literature was needed in order to verify the dates and legal proceedings involving the juvenile justice system. In addition, research was conducted on the internet in order to gather statistical information on the demographics of California, as well as its incarceration and juvenile crime rates.

### **Ethical Issues**

I informed Jonathan Tigeri of my research and received his approval for using the program as a vehicle for obtaining informal interviews with the wards. The young men I have become close with and whom I am using for research were informed of my research intentions. Every school staff and probation officer participant was also informed of their rights and the purpose of the interview. Issues of privacy were also addressed in the research techniques through the use of interview consent and authorization forms (see Appendix D). Although I have access to the young men at the camp and I could have gained an interview discretely, I chose to follow formal procedure and submit a petition

and order for research to the Superior Court of Los Angeles. Although my overall research may be compromised due to this excess of red tape, I gained a more important perspective on who actually owns the information and access to it in regards to the juvenile justice system. The juvenile participants have extensive protection in regards to their privacy rights and, although my research does not pose any direct risks to them, protective measures had to be taken. Thus, approval from the courts, as well as making the juvenile participants aware of my research intentions, was very important to me. In addition, I took care not to associate the names of my participants with the information gathered in any way. I never wrote down any of the names in my research notes or materials, so as to avoid the possibility of the information being used in ways that would unfairly compromise the research participants or used against the participants in any way. According to the American Sociological Association, “Confidential information provided by research participants, students, employees, clients, or others is treated as such by sociologists even if there is no legal protection or privilege to do so...sociologists should take into account the long-term uses of the information, including its potential placement in public archives or the examination of the information by other researchers or practitioners.”<sup>90</sup> This ethical consideration was extremely relevant to my research because some of the wards admitted criminal activity to me that, if recorded, could be used against them in the court of law. When working with populations involved in gangs or other criminal activity, it is important to assure the participant that the information will not be disclosed to others, at least to the extent that it will not be associated with their name or other personal information. Thus, I followed

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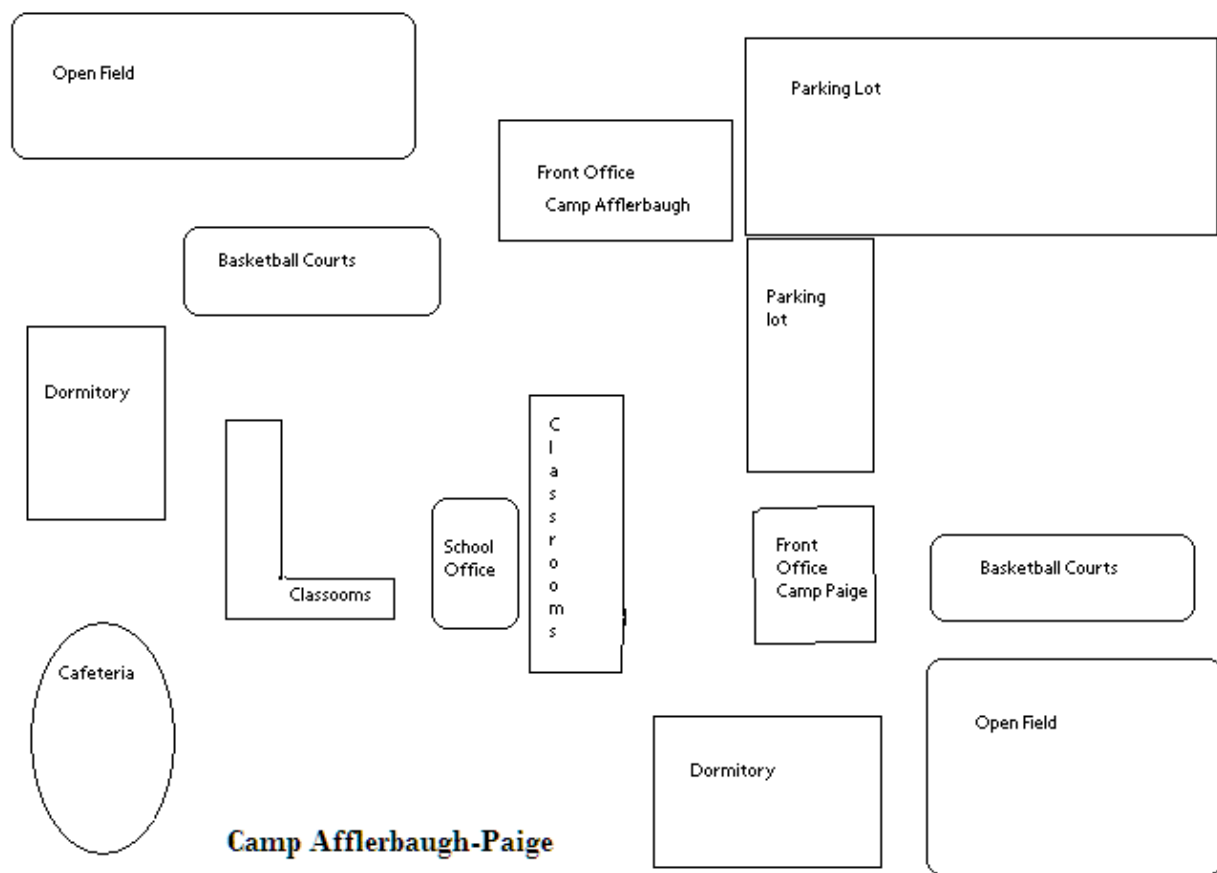
<sup>90</sup> American Sociological Association. *American Sociological Association Code of Ethics and Policies and Procedures of the ASA Committee on Professional Ethics*. 1999 <http://www.asanet.org/> Last Updated October 28, 2005

these ethical procedures to the best of my knowledge, in hopes of protecting the participants from any future distress or harm.

Table 3a

<b>Table 1. Eight largest cities,* juvenile arrest rates/100,000 pop age 10-17</b>										
<b>Year</b>	<b>All offenses</b>	<b>Felonies</b>	<b>Violence</b>	<b>Murder</b>	<b>Rape</b>	<b>Robbery</b>	<b>Assault</b>	<b>Property</b>	<b>Drug</b>	<b>Misd.</b>
1976	8,526.0	3,688.9	669.8	14.4	24.6	298.8	332.1	2,347.1	383.6	4,837.1
1995	5,933.2	2,666.7	825.4	25.8	16.7	399.9	382.9	1,147.1	363.8	3,266.5
2000	5,144.4	1,811.2	563.5	4.9	9.6	222.0	326.9	699.0	249.0	3,333.2
2001	4,739.9	1,719.8	554.7	6.8	9.0	214.7	324.2	651.1	189.6	3,020.0
2002	4,432.2	1,652.2	491.2	7.6	8.5	185.6	289.5	627.4	200.6	2,779.9
2003	4,363.1	1,608.5	490.0	6.9	5.9	192.8	284.4	568.5	187.1	2,754.6
2004	4,066.1	1,523.6	474.5	6.4	4.8	208.4	255.0	506.8	188.8	2,542.5
2005	4,190.3	1,590.7	481.9	5.6	4.5	209.7	262.0	510.5	187.5	2,599.6
2005 v 1976	-50.9%	-56.9%	-28.1%	-61.3%	-81.6%	-29.8%	-21.1%	-78.3%	-51.1%	-46.3%
2005 v 1995	-29.4%	-40.3%	-41.6%	-78.4%	-73.0%	-47.6%	-31.6%	-55.5%	-48.4%	-20.4%
2005 v 2002	-5.5%	-3.7%	-1.9%	-26.2%	-47.1%	13.0%	-9.5%	-18.6%	-6.5%	-6.5%
<b>Table 1a. Surrounding counties**, juvenile arrest rates/100,000 pop age 10-17</b>										
<b>Year</b>	<b>All offenses</b>	<b>Felonies</b>	<b>Violence</b>	<b>Murder</b>	<b>Rape</b>	<b>Robbery</b>	<b>Assault</b>	<b>Property</b>	<b>Drug</b>	<b>Misd.</b>
1976	8,667.2	3,493.3	597.7	10.0	20.0	249.7	318.1	2,270.7	387.1	5,173.9
1995	5,395.3	2,277.8	585.2	11.7	6.7	276.0	290.9	1,209.4	194.2	3,117.5
2000	4,217.9	1,436.4	369.2	4.6	7.8	121.4	235.4	750.5	124.4	2,781.5
2001	4,046.3	1,461.3	375.5	5.3	6.5	106.6	257.1	746.4	132.5	2,585.0
2002	3,790.6	1,324.6	328.0	4.2	7.9	105.3	210.6	651.8	116.1	2,466.0
2003	3,658.7	1,284.0	325.9	2.7	7.8	105.3	210.0	596.0	120.0	2,374.7
2004	3,652.0	1,306.5	319.1	3.4	6.3	112.8	196.6	590.1	121.0	2,345.6
2005	3,578.8	1,265.4	323.8	4.6	5.6	119.1	194.5	519.0	122.6	2,313.4
2005 v 1976	-58.7%	-63.8%	-45.8%	-54.1%	-72.0%	-52.3%	-38.9%	-77.1%	-68.3%	-55.3%
2005 v 1995	-33.7%	-44.4%	-44.7%	-60.9%	-15.7%	-56.8%	-33.1%	-57.1%	-36.9%	-25.8%
2005 v 2002	-5.6%	-4.5%	-1.3%	7.7%	-28.8%	13.1%	-7.6%	-20.4%	5.6%	-6.2%
*Cities: Los Angeles, San Diego, San Jose, San Francisco, Sacramento, Fresno, Long Beach, and Oakland.										
**Surrounding counties: Los Angeles, San Diego, Santa Clara, San Francisco, Sacramento, Fresno, and Alameda.										
Source: Criminal Justice Statistics Center, California Department of Justice (arrests); Demographic Research Unit, California Department of Finance (populations).										

Diagram 3b



**The Punishment of “Other People’s Children”:** *An Investigative Look at our Juvenile Justice System and its Structural Shortcomings*

**Chapter 4. Findings**

**Gaining Perspective: *Interviews with the Incarcerated and their Watchmen***

*They should be a little more careful on how long  
They lock box  
People up  
It doesn't make the person better  
It just makes them think of bad things they wanna do  
To certain people.  
I dream that people  
Could vote being locked up illegal*

***-Poetry written by a ward of Camp Afflerbaugh-Paige***

My interviews with the staff and wards of Camp Afflerbaugh-Paige were vital in discovering the types of structural changes that could be implemented to improve the juvenile justice system, at a microcosmic level as well macrocosmic level. For example, one probation staff explicitly noted that “we definitely don’t rehabilitate here” (Appendix A, 1b). This commentary is directly representative of not only specific incidents of failure to rehabilitate, but shows why drastic change needs to occur on a macro level because the system as a whole is not achieving its goal of treatment. It reflects the lack of local implementation of programming within the individual camps, such as Camp Afflerbaugh-Paige and is one of many trends that follow a punitive system of juvenile justice.

Although implications of micro and macro levels of change are explicit in my research, I chose to focus my research around the idea that change within the system needs to occur before change from the without can occur, where concentration on the individual is made priority instead of preoccupation with the larger bureaucratic institution of juvenile justice. My focus on the individual is reflected in my use of poetry as research data, for poetry is usually a reflection of the self and one’s surroundings. Overall, the poetry I

attained from the “Borrowed Voices” program opened my eyes to the emotional state of the incarcerated youth and their interpretation of rehabilitation, accountability, and incarceration. The perspectives that I encountered through interviews uncovered a portion of the subculture that has formed within Camp Afflerbaugh-Paige. By subculture, I mean that it is an environment with a set of people who possess a certain type of patterns of behavior and beliefs that differentiate them from the larger culture from which they are a part. The subculture within the camp consists of the language used and interaction between members, also the ways in which events and ideas are interpreted by the members within this subculture. My research also highlighted the structural contradictions that exist within the juvenile justice system and contribute to the successfulness or unsuccessfulness of the individual camps. In addition, I was informed about the formal procedures within the camp and its high school, as well as the several ways in the staff and wards interact. In total, I reviewed poetry from 14 participants, three interviews with wards, three interviews with probation staff, and one interview with a high school staff. The major themes that surfaced in my research dealt with juvenile accountability for criminal behavior, influence of home life on criminal behavior, the fragmented relationships between staff and wards, the staff’s and wards’ perceptions of the juvenile justice systems structural shortcomings, the constraints of the camp, and its inevitable subculture.

### ***Accountability***

Several different themes surfaced in poetry written by the wards. First, the theme of accountability and recognition of past mistakes was prevalent in the poetry I reviewed. “Everybody in this world has dreams and mistakes!”(Appendix B, A3). “My biggest

nightmare would be making a mistake that I could never change or even take back” (Appendix B, B2). “If this day here were my last I would die in disgrace to both myself and my family” (Appendix B, C1). “I regret all those things that I did and I wish I had a chance to go back and correct those mistakes” (Appendix B, E2). Much of the poetry possessed portions referring to past actions that were the cause of their incarceration. These young men exemplified remorse for their actions and showed a desire to change their lifestyle after being released from Camp Afflerbaugh. The poetry also showed feelings of remorse and the recognition of past actions as a personal choices. This perspective reflects the emphasis that the camp has on personal accountability. One minor writes, “I made a choice to write this poem. I made a choice to steal a car. I realize all the stupid mistakes and little jokes I did when I was younger” (Appendix B, E2). Throughout the process of juvenile incarceration, probation officers concentrate on the juveniles recognizing that their actions have repercussions and that they should take responsibility for their mistakes. As part of the punitive philosophy of detention centers the wards are constantly being reminded that they are being punished for their mistakes, which is seen as a good way for preventing the youth from repeating their offenses. Deterrence theory is a part of this punitive philosophy and argues that “the best way to prevent crime from occurring is the threat of punishment or the fear that one will be caught and punished. There are two kinds of deterrence. *General* deterrence is aimed the population as a whole. Thus, you punish one person in hopes that others with “get the message” and refrain from committing crime. *Special* deterrence is that you punish a specific individual in hopes that he or she “will learn their lesson” and not do it again.”<sup>91</sup>

<sup>91</sup> Sheldon, Randall. *Why Are We So Punitive? Some Observations on Research Incarceration Trends*. Center on Juvenile and Criminal Justice. April, 2004.



The juvenile justice system is more focused on special deterrence; however, some respond negatively to the constant reminder of their mistakes through punishment, because they would like to forget and start over with a clean slate. So, instead, the constant reminder makes them believe that they are inherently bad, whereas a model surrounding forgiveness and redemption would be better suited for this ward.

“Redemption is what I need, I need to be forgiven, I’m tired, tired of everything, tired of life, tired” (Appendix B, K1). In another instance, a ward writes, “I wish I could die like a great great king, but I’ll most likely die gangbang and selling weed, that’s what most people see, so that’s what I believe, is that my reality?” (Appendix B, A4). Several other poems explored the idea of redemption and forgiveness as means of starting anew in life, which is more geared towards the rehabilitation model that juvenile detention centers are supposed to be modeled after, instead of the retributive model that it most often puts into practice.

### *Home Life*

Another theme I saw within the ward’s poetry was concerning the lifestyle from which they came from and the life that awaited them after release. Most of these young men come from homes with drug addicted parents, and, in turn, they have become drug users themselves. According to preliminary data from the Arrestee Drug Abuse Monitoring (ADAM) Program, a median of 59.7% of male juvenile detainees and 45.9% of female juvenile detainees tested positive for drug use in 2002.<sup>92</sup> One ward described his biggest regret of starting his drug habit as follows, “I regret smoking weed for the first time, I was out of my mind, it is with me all night long, it takes me to sleep like a lullaby song, I

<sup>92</sup> Arrestee Drug Abuse Monitoring: Annual Report. National Institute of Justice. <http://www.ncjrs.gov/pdffiles1/nij/193013.pdf> April, 2003.

regret it because it led me here, I guess letting it go is my biggest fear” (Appendix B, M1). The type of home and social environment that some these young men come from is soothed by drug use and few options are given to them for an alternative lifestyle. “Death is easier than life, in death you don’t deal with shootouts or getting blasted at...getting shot and stabbed hurts and I know because it has happened to me before, the only way I can relax from most problems is by smoking weed” (Appendix B, I1). The drug habits of juvenile offenders indicates their therapeutic power, however it can also be explained as a characteristic of their criminal activity. If one engages in criminal activity, drug use can become implicit within the nature of crime. This type of background is a nightmare, yet, surprisingly enough, a lot them still foster hope. The pain and suffering that these young men write about is a lot of times paired with hope for the future and the possibility of escaping the lifestyle they grew up in. One of the poems reads, “I took for granted everything...you never realize what you have until you have lost it. But then it’s too late. I just hope to be able to acknowledge the things I’ve learned so I can change my life from the nightmare I have been living...I still have a chance to make something of myself” (Appendix B, C2). Another writes, “Nightmares come and go, dreams do to, so stay awake so nightmares can miss you, Nightmares are false, dreams are true, as long as you stay wake, dreams can come true” (Appendix B, L1). These young men yearn for a second chance and most of them have an honest desire to change the lifestyle from which they have come, but their aspirations most often surpass the availability and of resources that should be available to them after their release date, such as job placement agencies, social welfare institutions, and mental health care. From the interviews I saw that the youth were coming from a home life that significantly contributed to their current

incarceration and could benefit from a staff that recognized their individual needs and a social environment that welcomed them upon their release with ample assistance.

One youth revealed in his interview that he had been in and out of foster homes his whole life with a crack addicted mother and a father that showed no affection or interest in him. “All he did was sit on the couch and smoke a cigarette. He just stopped caring and so did I. So I just did what I wanted” (Appendix A, 2a). This young man described his adolescence as devoid of stability from constant movement from foster home to parent and back and forth again. His mother and father showed little parental affection and failed to perform the expected parental role as a stable provider, affectionate, and caring figure of authority. These issues of parental neglect need to be addressed through counseling and the staff has to be sensitive to issues of resistance to authority, for this particular young man was not brought up in an environment conducive to learning to respect authority or develop affection between parental figures. Scholars have delineated that “overly permissive and lax parenting, manifested in a lack of monitoring and supervision of the child, have often been related to delinquent and antisocial development. Both the use of punishment and lack of supervision predict early delinquency.”<sup>93</sup> There exists a need for personal guidance in this young man’s life; however he revealed that he does not even receive counseling from the camp. Similarly, in interview 2b, the ward told me that his first time in court was witnessing his father in handcuffs and chains for being in violation of his probation. Personal experiences like these can be traumatizing in a child’s life and can naturalize criminality, which contributes to the juvenile entering into the system himself.

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<sup>93</sup> Haapasalo, Jaana *How do young offenders describe their parents?* Legal and Criminological Psychology. Vol. 6 Issue 1, February 2001. p.103–120

The staff at the camp showed little faith in the possibilities for rehabilitation in youth, which could explain their lack of counseling with the wards. The lacking mental health services is also contributed to the greater priorities of the county and its ability to enforce counseling regulations or desire to implement more intensive counseling strategies. The staff showed little faith in the rehabilitative success of counseling, for they showed more concern with the early stages of childhood as a source of rehabilitation. In my interviews the staff expressed that by the time the juveniles reach a camp facility they are past rehabilitation. “We need to start form the root. I mean we can’t fix a kid in 90 days. By the time they get here, it’s not the first time they have committed a crime. It starts at the home” (Appendix A, 1c). Rehabilitation is not a concentration at Camp Afflerbaugh-Paige according to the probation officers, and those that I interviewed feel that crime prevention starts with parenting. “So when you speak of prevention, you have to speak of prevention through parenting first of all. You have to get mom and dad to understand that you don’t do this. These are certain things that you just don’t do with your child” (Appendix A, 1a). The probation staff seemed to be very aware of the social factors that contributed to juvenile crime and the effects it has on the quality of choices available to these youth. “Home life contributes to them coming here. Parents don’t have control of their kid. Where they live at does too (contribute to recidivism rates). It’s not a choice for some of them. Some of them are addicted to drugs...you try (the probation staff), but what else you gonna do. We have to attack the problem from the root” (Appendix A, 1c). However the possibilities for redirecting these youth with proper counseling and guidance should be explored. Instead, the staff blame other factors that contribute to juvenile delinquency and dismiss potential rehabilitation within the camp

for early prevention methods. The responsibility is passed off to another aspect of social welfare, but a responsibility lies with the detention centers to provide an environment conducive to rehabilitation. Early parental intervention is another aspect of rehabilitation that should be addressed, however that does not mean that the care and counseling that can be provided at the camp is not a relevant means of rehabilitation.

### ***Staff and Ward Relationship Dynamic***

The interviews that I conducted with the wards were beneficial in my understanding the dynamics between the probations staff and the wards. During the interview 2a, the ward revealed that the teachers and probation staff give him advice but he refuses to follow it, because “I’m still growing up and I’ll make mistakes. I have to learn from them on my own. I don’t need any help.” (Appendix A, 2a). Although this particular juvenile felt that the staff was wise in their advice, there lacked a connection between the two for the advice to be heeded. There seems to be a need for a deeper connection to exist between staff and wards before a relationship of mentorship can exist. Within an organization it has to be questioned whether actual parental relationships can even be formed. On a superficial level, it seems that a relationship of trust and respect can be established, but in a punitive institution where authority and respect are its basis the strain on developing meaningful relationships is intensified. My interviews revealed that a significant disconnect exists between the staff and the juveniles. To a certain degree, this can be expected due to the age difference and the authority based relationship that they are supposed to have. However, one of the wards revealed it be more than a simple resistance to authority. When asked what should be changed at the camp, the ward responded, “The staff should have more training on communication skills with minors.

They need to learn how to talk to us...They are missing our perspective and that was the purpose of the panel they were going to have. I mean they understand to a certain extent, but they don't know how to help us" (Appendix A, 2c). A committee was supposed to be organized to investigate the way in which the staff interacts with the youth. A panel discussion was also to be organized for a better understanding of the staff and juvenile ward dynamic at Camp Afflerbaugh-Paige. However, this has yet to happen. According to ward, the director of probations at the camp is "probably too busy to do it." His explanation for the failure of the camp to initiate an open dialogue about staff and ward dynamic is more deeply rooted in the power dynamic of staff verses wards and the emphasis of a unidirectional avenue of respect for authority that occurs from the wards to the staff. The issue of status and power would be challenged in a dialogue where the perspective and opinion of the wards is established as valuable. The implications for the dialogue would compromise the sub-culture of fear and respect that many of the staff attempt to achieve, which will be later discussed in the chapter.

All three interviews showed the wards had little connection with the staff as a source of mentorship and that a lack of respect for the staff existed. In interview 2c the ward reveals his feelings about how the staff treats him and his peers. "The staff looks down upon us instead of seeing us for how we grew up...the situations that we come from and the bigger picture. I mean the majority of the staff are just like us, they are kids. They talk to us like animals instead of with respect. They bring all their issues and put them on us" (Appendix A, 2c). According to this ward, the staff ignores the social factors contributing to the disposition of the individual, such as parental abuse, drug abuse, socio-economic status, death of family or friends, gang activity, etc. In addition, the

juveniles do not feel respected at the camp. The wards believe that the staff does not deserve their respect if they talk down to them. The youth also feel that the staff ignores the sensitive issues of the minor that contributes to his rebellious behavior, such as an abusive parent or drug dependency. If these issues were recognized and the staff altered the way in which they handled each youth based upon his individual needs the dynamics between the two would improve. The roles of the staff would have to change as well. The probation staff views their role as an enforcer of court orders and not as a councilor or social worker. The role of a jailor versus the role of a social worker are significantly different, and to combine the two would cause rifts in the established relationship of either. For, the former is based on fear and respect, and the councilor type role is expected to be sympathetic, caring, and shares mutual respect with the ward. The issue of respect is very significant within a punitive institution, however the juvenile justice system is that was supposed to be founded on rehabilitative measures. Thus, a reversal in the dynamic of how detention centers are operated needs to occur. Changing the philosophy behind retributive models based in fear and respect is a difficult task, but it can begin with open dialogue between participants willing to change.

The mind-set of the staff is probably the most difficult ask when pursuing change between the staff and ward dynamic. I noticed that the probation officers I interviewed based most of their answers within the context of the formal proceedings of the judicial system. Two of the three defined their job title in regards to executing court orders and did not recognize their job as entailing rehabilitative measures. “We defiantly don’t rehabilitate. We calm the kid down for a moment” (Appendix A, 1b). “My main thing is control. Some staff let them run like animals, but I will just send them back to court if

they don't behave" (Appendix A, 1c). The probation officers see their role as one that maintains structure and basic guidance for the wards, instead of as councilors, mentors, and facilitator of change. Also, what is significant is the language used by the staff, "rehabilitate, control, animals, and behave." The emphasis on controlling the wards and their similarity to animals that do not know how to behave is condescending and the wards are aware of it. Previously, I mentioned a wards comment on how the staff "talks to us like animals instead of with respect." This dynamic is based in the inherent nature of punitive institutions, where hierarchy is stressed and the ward is seen as inferior to adults. Especially in cases of juvenile facilities, for youth are generally viewed by society as intellectually, physically, and emotionally inferior; and, thus, within punitive institutions the inferior/superior dynamic can be more intense between juvenile offenders and their watchmen.

### ***Subculture of Camp Afflerbaugh-Paige***

The subculture that has developed within Camp Afflerbaugh-Paige is apparent in a few of the other themes. However I wanted to explicitly address it within its own section, for the subculture within institutions shed light on the degree of mobility and possibility for changing the structural shortcomings with the camp. Through my interviews I was able to discover that the youth were very versed in judicial procedures and the names of certain violations, to the extent where the youth nick-named the judicial procedures. During interview 2a the ward went on to explain himself that when referring to a *P.O. dope-feign triple 7*, "it's when a P.O. files a whole bunch of write-ups on us and tries to get us refiled on before release date" (Appendix A, 2a). *A triple 7 (777)* is the judicial code for a case that has been refiled, which is when a youth is sent back to court



to be reevaluated for bad behavior in camp. The ward also referred to a *double 11* (1111), which is the judicial code for a 30 day extension on a camp sentence. In another interview the ward explained what he meant by “a ward having juice”. “It’s like when some of us get stuff that other’s don’t. Like we are the favorites [of staff]” (Appendix A, 2c). The favoritism that occurs at the camp is cause for unrest at the camp. When staff is seen as being unfair in policy enforcement the wards lose respect for them and are more likely to resist the good intentions of camp programs and staff’s rehabilitation efforts. The youth tend to look at the proceedings of the camp as a joke and the sub-culture that forms is a reflection of that. “There is not enough structure [here]. There is a way that this place is supposed to be run but it’s really not run like that. Like the orientation video they show us before entering the camp...it shows all the stuff on how the camp will be like and how everything will be done a certain way. But it’s really not like that. But I don’t ever expect it to be like that” (Appendix A, 2b). This lack of consistent structure and unfair treatment causes the wards to view the program as fruitless and as a game. “I just do what they say here so I can leave. I just play a role here. When I get out it will be different. In here it’s just a front, cuz I am just doing it to get out” (Appendix A, 2b). The camp’s formal structure and staff is not taken as seriously as it should be. The ward in this interview stressed his ability to make the staff believe he was following procedures but under the radar he would participate in drug use and slander the staff. The wards disclosed that they respect the staff to their faces, but do not hold a sense of genuine respect for them. This contributes to recidivism rates because little is being received from the program the wards undergo. Most of the positive behavior demonstrated by the wards is a show just so that he can be released. The possibilities of rehabilitation are lost

when the camp program and its staff are not able to communicate with the wards with a basis of mutual respect.

### **Perceptions of Juvenile Justice System**

*The mission of the Division of Juvenile Justice is to protect the public from criminal activity by providing education, training, and treatment services for youthful offenders committed by the courts; assisting local justice agencies with their efforts to control crime and delinquency; and encouraging the development of state and local programs to prevent crime and delinquency... It is the Department's intention to address the needs of victims and communities through the provision of direct services as well as programs targeting youthful offenders.<sup>94</sup>*

The above excerpt is from the mission statement of the Division of Juvenile Justice, formerly known as the California Youth Authority. The juxtaposition of how the Division of Juvenile Justice sees itself and how the wards and staff see it is extremely important for understanding the ways in which the reality of the juvenile justice system are created, perceived, and realized. Reality is compared to the well-intentioned mission statement of the institution, and the difference is drastic. The emphasis on community outreach, down to the language used, “education”, “treatment”, “prevent”, and “services” are reminiscent of the well-intentioned values of the Progressives who founded the juvenile justice system. However, this ideal is far from being attained and shows few strong efforts towards working towards a system that resembles this mission statement. The problem does not lie in the fact that this is a desired reality, but that it does not recognized the unlikelihood of such a reality with the current system’s structure. Thus, I use the perspective of the individuals within the system to gain an understanding of how to change the structure in order for a practical reality to take place.

<sup>94</sup> Mission statement retrieved from California Department of Rehabilitation and Corrections’ Website <http://www.corr.ca.gov/DivisionsBoards/DJJ/about/mission.html>

The interview with the probation officers shed light on the judicial process that the juveniles undergo and helped me in understanding the difficulties they face as a probation officer. Interview 1a went into detail about the juvenile justice process.

“The courts are supposed to handle him and go through a procedure and they start off with what is considered informal supervision, now they’ve added several other procedures such as 790 which is deferring the minors current sentence to a year of unsupervised, well its supervised, but its not associated with wardship... So the minor has a year to prove to the community that he is capable or should be allowed another chance. Then they have what is considered an informal supervision which is a...654... And in that particular procedure, the minor is given a 6 month period in which he is allowed to prove to the community and the court that he entitled to a second chance. And then we have what is considered a 725, where the minor is adjudicated as to the alleged offense; however he is not held as a ward. If it’s the kid’s first time to be adjudicated usually he is given a chance to redeem himself. If he violates again he is given the opportunity to redeem himself or he will probably spend 10-15 days in juvenile hall or at a warden school that goes out on the weekend. If he gets another arrest, as long as the parents can prove that they are in control and that its not out of their control. Then he is given the opportunity to remain home if the kid continues and the court feels that even the parents appear to be capable of providing the necessary supervision and environment, they are not doing so. Then the kid is removed from the home. And that is the first stage of removal to a placement facility. And in that particular program, the minor is allowed home visits, weekend passes, and most facilities are located within the same neighborhood. If he walks away and continues to show that he is not going to stay in the group home or behave in that group home the way the county wants him to, they’ll take him back to court and then this will be his final step. When he comes here he might have been through it 3,4,5 times.

The complex procedure that this staff outlines holds true to the information that I gathered from the wards. Many had been given multiple chances before being placed in a camp facility and had multiple violations of prior probation. The last thing I noticed in the interviews was the way in which racial disparities within the institution were explained. One probation officer believed “poverty and education” to be the explanation. “If you see a White kid here, it’s like, ‘What happened? You didn’t have a good lawyer?’ Or maybe they were just bored. Schools, inner city schools, are shit too. That environment breeds crime and gangs, which make the problem even worse” (Appendix A, 1c). The type of population that is committed to camp facilities tends to be those of low socio-economic status, thus the phenomenon of high minority incarceration is explained by the fact that they also tend to be the majority within the poor and

undereducated population. Another probation officer similar explained the phenomena. “It’s always been that if you have the funds or finances then you are able to get a...or have better resources. You have some cases where kids in do very little in comparison to these others rich kids, but they end up in camp and the other don’t. It basically depends on who has the finances” (Appendix A, 1a). This perspective reveals the biased proceeding of the juvenile justice system and how much a factor social conditions influence the outcome of an individual’s life.

The staff also viewed the rehabilitative efforts of the camp to be lacking and recognized the camp’s responsibility for the high recidivism rates. However, he did mention other reasons for the wards being recommitted to juvenile institutions. He explained, “There are resources that the kids are entitled to...agencies that are supposed to help the kid once they get out. Helping them to either find jobs, helping them to continue on the path towards getting their GED or their high school diploma. Agencies that are to help the family...Now, to what extent they actually receive those services once they get out of here that is a different question...The only thing I know is that we do see kids returning. So that sort of tells you something” (Appendix A, 3a). Still, the camps hold a large responsibility towards contributing to the personal development of the ward and cannot recede into the belief that social service agencies will pick up that slack.

### ***Constraints and Opportunities at Camp Afflerbaugh-Paige***

Many of these youth reveal in their poetry that they are depressed, angry, and/or suicidal. One young man sadly writes, “I’ll start feeling bad, wanting to kill myself, before the 24 hours are done...my biggest fear is that I will be locked up for the rest of my life, my thoughts will be to kill myself, inside jail, I’ll go crazy, I’ll feel bad, not

know, what to do, but wanting to, kill myself, my actions will be, for me, to kill myself” (Appendix B, D1). These young men are crying for help, trying to reveal their frustration with life. However, at Camp Afflerbaugh-Paige counseling has to be requested, and most of these young men will not request counseling on their own, despite an obvious need for it. One youth reveals in his poetry, “Today when I woke up I was kind of sad, because the way they treat me here gets me mad...I really don’t smile, I’m kind of depressed, and my feelings are all screwed up, they’re all a mess” (Appendix B, A3). A lot the wards show a degree of emotional instability in their poetry. Yet, counseling remains an optional treatment method, when it should be a mandatory part of the rehabilitation process.

An additional constrain I found at the camp lies the fact that, although the staff recognize the social environment as a catalyst for delinquent behavior, they still emphasize the importance of retributive measures. “Now, is it their fault? It’s not their fault, but they still have to be accountable. Poverty breeds crime and crime breeds gangs. There ARE a FEW success stories, but the odds are against you” (Appendix A, 1c). The contradictory nature of the juvenile system is reflected in the outlook of its staff. For, although they recognize that most of the wards are in the camp due to family life and community environment, they still emphasize the concept of personal responsibility. They also fail to focus on correcting those negative factors contributing to recidivism through intensive counseling and rehabilitative programs. One of the probation officers recognizes this problem. “Right now people don’t take the time and the probation staff does not take the time to serve the real needs of the minors...we should also have more of a focus on counseling” (Appendix A, 1b). Another staff recognizes, “It’s not a whole lot

of rehabilitation. It's mainly to make sure the minor is following court orders. We have few programs of rehabilitation" (Appendix A, 1c).

This high school staff interpreted the goal of rehabilitation to be one that helped wards to "recognize [their] mistakes and try to develop them so that they can make better decisions down the road" (Appendix A, 3a). This viewpoint is similar to that of the probation officers in that it puts emphasis on the treatment of the individual as a means to finding a solution. The high school staff stated:

"Treatment is where you are defiantly trying to find a solution to the problem that students are faced with and trying to help them better understand the decision they make and how those decision impact other people... people need to be reminded that what they did was not something that was unacceptable by society and at the same time they need to learn the skills that will enable them to make better decisions the next time they are placed in those type of situations" (Appendix A, 3a).

The staff felt that treatment and punishment could be reconciled within one institution if proper doses of each could be balanced. He also felt that being in an institution that constantly reminds a ward of punishment is beneficial, despite my findings in the juvenile interviews and poetry that suggested otherwise. The emphasis on individual retribution was a common theme throughout all my interviews, as well as the recognition that a negative social environments is a determining factor in juvenile crime. As discussed earlier, this is a conflicting in principle. For, the juvenile justice system was created due to its recognition of juveniles being less responsible for the crimes they commit and less capable of understanding personal accountability. If juveniles are influenced to resort to crime due to factors that are out of their control and if the juvenile justice system recognizes their lessened accountability, then individual retribution would seem to be too extreme for it to be a part of the "treatment plan".

The staff did recognize the need for increased treatment programs as a means for improving Camp Afflerbaugh-Paige. He also suggested, "One of the issues that could be

worked on with the school and probation is more collaboration between the two, in terms of our programs and their programs and making sure kids do understand the value of education” (Appendix A, 3a). The lack of cohesion between the punitive and the rehabilitative factions of the camp was a constant theme in the interviews as well. The staff also felt that the facilities at Camp Afflerbaugh-Paige should be upgraded. His justification was as follows:

“Right now it is a real dry, drab, and cold appearance. And it doesn’t really look like the way it should or be up to the standards that it should be. I mean with places like this it can’t really look like a beauty but at the same time it at least should be appealing and have a sense of pride about its appearance. And sometimes kids feed off of that. It’s like a classroom that is neat, clean, organized, and well structured... the kids tend to respect that a little more” (Appendix A, 3a).

This point of view surfaced in a few of the poetry writings of the wards. The drabness of the camp influenced the disposition of the wards and could be a means towards communicating the importance of pride in one’s self and community.

Although I was only able to gain the perspective of one staff from the high school at Camp Afflerbaugh-Paige, I was able to gain a basic understanding of the school’s purpose, responsibilities, and role in the process for rehabilitation. According to the staff, “school has always been a part of any camp setting and that is by law. Any kid that is incarcerated and is the age 18 or and below are entitled to a free education while they are in custody” (Appendix A, 3a). The existence of the school at Camp Afflerbaugh-Paige is viewed as a part of the rehabilitation process; however, it is not the most prioritized aspect of the camp. “Safety and security are areas that we focus on first and foremost. Making sure that the kids are in a safe environment. Where they are not going to be harmed and that no harm comes to staff” (Appendix A, 3a). Safety and security are rightfully placed at the top of the list, considering that most of the wards come from backgrounds of intense violence and instability. Although this staff accepts the penal

priorities of the camp, they felt that the rehabilitative efforts of the school were given precedence as well. For example, the school offers the wards the opportunity to attain their GED and earn high school credit. “[The wards] are expected to come here and if they dropped out in the 5<sup>th</sup> grade they are supposed to be able to jump back on board and try and get a GED or high school diploma” (Appendix A, 3a). From the staff’s perspective, the school plays a major part in the rehabilitative efforts of the camp.

Still, the probation staff was very adamant in stressing that “rehabilitation models are never going to work unless [they] get a subject that truly and really wants to be rehabilitated” (Appendix A, 1a). After interviewing and reviewing the poetry of the wards, it seems that most are willing to accept help and would like to change their lifestyle. However, if treatment comes from a space that is contradictory in ideology, inconsistent in procedural enforcement, and lacking in rehabilitation programs, then the efforts will be more or less fruitless.

### **Overview**

The perspectives of all three sample populations shed light on the structural shortcomings of the juvenile justice system and the more specific failings of Camp Afflerbaugh-Paige. After reviewing my finding I found that the theme of cohesion between probation and treatment efforts was lacking. Also, the means in which to attack juvenile crime by the root was subject to disagreement and frustration for all parties. The most promising solution to the bigger problem is to start small and reconcile the conflicting perspectives with the individual camps. Past literature written on the potential solutions for improving juvenile detention centers also entertain the idea of internal change as a means for significant improvement in the way the juvenile justice system handles juvenile and



addressing the social underpinnings of crime are given much consideration. The broader solutions lie within solving the social inequities of society, however the process is long and addressing the current failings of juvenile detention centers can not wait. Thus, the first step towards more immediate change is in recognizing the perspective of the wards as a valuable tool with which to reevaluate detention camp proceedings. The final chapter will discuss the options available for improving the current situation of the juvenile justice system and will approach the problem with examples drawn from the case study of Camp Afflerbaugh-Paige.

**The Punishment of “Other People’s Children”:** *An Investigative Look at our Juvenile Justice System and its Structural Shortcomings*

**Chapter 5. Discussion and Conclusion**

**Deconstructing the Problem:** *The Process of Discovering New Solutions*

*Finally I go home  
And what do I see  
Family all there  
Welcoming me  
I’m happy  
I’m happy  
Hopefully I’ll do right  
“Yo, homie, come out!”  
No, I’m in for the night.*

***-Poetry written by a ward of Camp Afflerbaugh-Paige***

The major themes that surfaced in my findings dealt with the constraints of the camp and its resulting subculture with regards to the preoccupation of accountability within the camp, the influence that home life has on criminal behavior, the fragmented relationships between the camp’s staff and its wards, and their overall perception of the juvenile justice system’s structural shortcomings. In addition, my research showed that the rehabilitation of our delinquent youth is subject to multifaceted, intangible, and bureaucratic systems of government, policies, and procedures, which hinders consistent and effective treatment from taking place. Successfully navigating through the judicial complexities of the juvenile courts is an onerous task, which yields few practical, applicable, tangible, and sustainable solutions. Thus, my approach was to navigate from the inside out instead of in the reverse. In order to find solutions to the problems within the confinement institutions, it requires a deeper understanding of those who are housed by the institution and the people who run them. My solutions are derived from the perspectives of those who work closest with the confined youth and the youth themselves. During my work at Camp Afflerbaugh-Paige, a few of the confined youth

admitted to me that this was the first time anyone had ever bothered to listened to them. The youth are the recipients of the treatment plan, but the plan is designed without their input. Instead, it is formulated by legislators who have never stepped foot in a youth detention center. In interview 1b, the probation officer mentioned, “People in politics have no clue what goes on here in the inside. They think that these kids can be rehabilitated with how it is now. But they need to come on the inside so they can gain perspective, and so that they can realize that community based programs are the answer. Right now, people don’t take the time” (Appendix A, 1a). Many visionaries have concentrated on the creation of new policies in order to “quick fix” the problem. And, when the policies are instituted they are often bent, ignored, or misinterpreted within the juvenile facilities. This is why I propose to remedy the situation by tackling it from a direction less often traveled, a viewpoint from not only the probation staff but the incarcerated youth. The institutions that confine our youth do not recognize the constant changing needs of its populations and the necessities for programs that encourage personal development and upliftment within the greater community.

I propose a strategy for improving the juvenile justice system that addresses the three recurrent issues in my research, which are the youth’s self-worth, program cohesion and consistency, as well as accountability. This strategy is microcosmic in formulation and implementation, which means that it starts within the detention institution and is based on its unique needs. Although my solutions are to be implemented on a microcosmic level, they still have the ability to influence the larger juvenile judicial system on a macro level. Changes to individual institutions can spark change in many, which can influence the entirety of the system. Also, some of the opportunities for

improvement that I recommend can only be achieved with the cooperation of legislators that implement them on a county-wide basis.

### **Self Worth**

First, the problem of lacking self-worth was one that resonated with me throughout my research with the wards. Potential solutions that surfaced from this issue are based in programming that addresses the emotional issues of the youth, their ability to value themselves, and recognize a purpose for living for the future. A young man will not practice safe sex, attend school on a daily basis, or even respect the law, if he believes he will die before the time he reaches the age of 25. This young man's idea of the future is short term, his sense of self-worth deteriorates, and the efforts of rehabilitative programs are useless. These young men need to realize that they have a purpose larger than themselves, that their life is worth preserving, and that they can achieve. The communities and families that many of these young men come from do not show that they are valued. The ill-funded schools that they attend do not recognize a worth in them, nor do the police who expect the worst from them, or their parents who offer little affection and support to them (Appendix A, 2a). Thus, programming that reinforces an attitude of self-worth and the opportunity to excel in certain areas of their life is imperative for rehabilitation efforts. Such programming would include vocational skills training, scholastic competitions, and off-site and on-site programming with surrounding colleges and local community (i.e. "Borrowed Voices" program, mentor programs, tutoring, and community beautification projects). There are few aspects about the punitive justice system that is loving and supportive. The parental role that the state takes,

based on *parens patriae*, address issues of structure, security, and discipline, but more often ignores the other emotional supportive aspects a parent would take on, which can be the most important for the rehabilitation of a youth.

Counseling is also a major issue surrounding this aspect of self-worth within the rehabilitation process. At Camp Afflerbaugh-Paige, counseling is to be requested by the wards, unless it is specifically ordered by the court in accordance to probation terms and conditions (Appendix A, 2a & 2c). The young men who are committed to detention institutions most often come from backgrounds of sexual and physical abuse, drug use, parental neglect, learning disabilities, and impoverished communities. This type of background requires intense counseling that is mandatory for every ward from once a week to every day depending on the severity of emotional distress. Limited staff and resources prevent this from happening. However, if private agencies as well as non-profit organizations can be solicited for this work it would release some of the pressures on the state to stretch staff and resources. Currently, the probation staff at Camp Afflerbaugh-Paige attempts to council the wards to the best of their ability, however they rarely possess degrees or expertise in such areas (Appendix A, 1c) and expert psychological therapy has to be requested. According to the research and recommendations of Harjit Sandhu and C. Wayne Heasley,

“Serious consideration should be given to operating “private” diversion programs as they are more flexible in the deployment of staff, elicit more community support, allow greater innovation, and can modify or eliminate ineffective programs easier than public programs...There is convincing evidence that millions of taxpayers dollars are being

expended for state funded diversion programs which actually widen the net of the juvenile justice system.”<sup>95</sup>

In addition to personal counseling, family counseling has to be pursued within the rehabilitation process. At Camp Afflerbaugh-Paige, every Sunday is visiting hours. At this time, family should be required to undergo a session of counseling that incorporates family interaction, communication, and therapy. On top of this, the value of therapy has to be communicated to the family. For, parents and siblings tend to want their time spent catching up on family issues and news. However, if this family interaction is incorporated into the counseling sessions it would be more practical in implementation. For, several years ago a similar attempt was made at Camp Afflerbaugh-Paige to incorporate family counseling with visiting hours. However this attempt did not take into account that parents would show little interest in substituting quality time for a meeting with probation staff who gave progress reports of how their son was doing (Appendix A, 3a).

### **Program Cohesion and Consistency**

The second thematic problem that I found in my research concerned program cohesion and structural consistency between and within the on-site high school of Camp Afflerbaugh-Paige and the probation department within the camp. The contradictory structure and ideology of the juvenile justice was discussed briefly in chapter 4, and is an aspect that affects the wards willingness to be open to the rehabilitative efforts of the camp. In several of the interviews I conducted, staff divulged information about how other co-workers participate in gang activity, drug use, solicitation of drugs to the wards, and have anger management issues that manifest themselves when interacting with the

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<sup>95</sup> Sandhu, Harjit and Heasley, C. Wayne. *Improving Juvenile Justice: Power Advocacy, Diversion, Decriminalization, Deinstitutionalization, and Due Process* New York: Human Science Press. 1981. p.128.

wards. This type of behavior is contradictory to the supposed camp's mission of rehabilitation, safety, and security. Probation and high school staff should have to undergo a type of review process every 3-5 years or so, in which issues of abuse and inappropriate behavior with wards is evaluated. This review process would be very difficult to implement if it was not conducted by a highly capable, national research organization such as the Statistical Analysis Centers (SACs) of the United States. SACs are state agencies that collect, analyze, and disseminate justice data. They contribute to effective state policies through statistical services, research, evaluation, and policy analysis.<sup>96</sup> In order to factor out the potential bias that can occur with the government reviewing its own institutions, non-profit organizations could be solicited such as the Juvenile Justice Evaluation Center which is run by the non-profit organization, Justice Research and Statistics Association. This center attempts to improve the evaluation of juvenile justice programs through intense review and monitor of implemented programs<sup>97</sup>. The job of the evaluation team would be to create a research methodology and study design for the evaluation and submit recommendations at the end of the evaluation, where key experts on the topic from both the academic and criminal justice communities are utilized. This evaluation process would occur in the hopes of maintaining consistency within and between juvenile rehabilitation programs and the staff that implements them.

Additionally, my interviews with the wards exposed complaints about the staff's inability to properly communicate with them (Appendix A, 2B & 2c). Issues of verbal abuse and abuse of power were voiced by the young men. For example, the wards

<sup>96</sup>Przybylski, Roger "Evaluation Important for Criminal Justice Planning". *Justice Research and Policy* January 1996. <http://www.jrsa.org/pubs/forum/archives/Jan96.html>

<sup>97</sup> Information retrieved from <http://www.jrsa.org/jjec/index.html>

described situations where staff would provoke them through excessive punishment and physical tasks, such as push ups or requiring them stand next to their bed for a long time with out due reason. One ward recalled a time where the director of the probation proposed a panel discussion/committee to discuss communication issues between staff and wards in order to improve staff/ward dynamic. The ward felt that their perspective was being ignored as well as personal issues of the wards were being ignored by staff, such as a past of parental neglect, abuse, drug habits, gang relations, etc. This relates to issue of power and control within an institution, who posses it and who does not. The ability of the staff to abuse their power is hard to reconcile because it is deeply rooted with the punitive institution. The nature of prisons and prison-like institutions, such as juvenile detention centers, is based on a hierarchical structure and the delineation of degrees of power and respect as certain agents move up on the hierarchical ladder (i.e Director of Probation has the most power, then the probation staff, school staff, janitorial staff, team leaders of wards, and lastly the wards). Because the probation staff posses more power over the wards than the school staff, they are able to use their discretion in the divulgement of a ward's personal information. In an interview with the high school staff, I discovered that the camp's high school teachers do not generally know the extent of their students past history, which could shed light on certain aspects of how the youth behaves and interacts with others. The fluidity of information at the camp is jagged and subject to the discretion of the agents who posses the most power. To introduce an avenue where information about the wards are shared with the professional staff that has contact with them could help in the ways in which the staff interacts with the wards. The ability to self-censor and consciously shift the way one interacts with emotionally



sensitive wards is a skill that has to be developed with staff and addressed during the training process.

Cohesive programming would also help in the way the camp consistently upholds certain rehabilitative ideals. Due to the probation staff being overseen by a separate department of the camp, the high school is disconnected with the types of programming that is involved with the wards and vice versa. If there existed more consistency in the way in which the wards are treated, the rehabilitative efforts could be more influential on the minors. Furthermore, in regards to consistency and stability, every time a ward is refiled upon he is transferred to a different juvenile detention center. However, this constant process of removal and placement is not inductive to the rehabilitation process. Because treatment programs that the juvenile may be involved in tend to be more effective the longer he is remains involved with them. So, if he constantly starting and ending several different programs without ever achieving anything significant this can be very discouraging to a youth. For, example, suppose a ward participated in a vocational welding program that he really enjoyed and was good at, but a month later he is refiled to another camp program that only offered a gardening program, the ward is not really achieving a level where he can actually apply new skills after release towards altering his path of criminal behavior. If camp placement was consistent and programming within that camp was consistent then the juvenile would be more apt to progress and improve in a skill, continue the same emotional therapy, and/or continue to develop personal relationships with probation staff and high school staff (Appendix A, 1a). Many of the youth come from a history of foster care placement and instability, which makes

consistency in programming within the juvenile justice system that much more important (Appendix A, 2a).

### **Accountability**

Lastly, the issue of accountability is vital in discovering new means for applying rehabilitative measures. As discussed in chapter 4, individual accountability can be a two edged sword, depending upon the degree to which past mistakes are stressed and if positive reinforcement is paired with retributive measures. High degree of focus on retribution and personal accountability can have a negative effect on a ward throughout the rehabilitation process. A sense of hope for a better future has to be achieved in these young men, however if past mistakes and negative reinforcement is rampant then belief that their behavior is inherent and expected will ensue. In my interviews with the wards, several of them answered my questions about self-perception and their likelihood of being recommitted to a detention center by referring to how others saw them in a negative light and how that must be true. Expecting failure causes failure, which was exemplified throughout my research. Although, a degree of responsibility has to be taken for the crimes the young men have committed, an explicate dwelling on the negative is counteractive to rehabilitation ideals. Staff should be trained and encouraged to be advocates of positive change and upliftment instead of disparagement and enforcers of punishment and retribution.

My purpose was to propose solutions to improve the juvenile justice system from within its individual detention centers, even though I am a strong advocate for community based programming that target the home life, parental skills, educational enrichment programs, and gang intervention. The current state of juvenile correction

facilities requires significant attention and application of new solution, but the social underpinnings of crime require the formulation of appropriate solutions as well. Not only one approach is applicable to the attainment of genuine juvenile justice that rehabilitates, supports, and delineates treatment in the best interest of the child. There are several levels of defense to ensure rehabilitation and diversion of criminal behavior, detention centers are one of them. If community based programming fails, rehabilitation efforts fall responsible to institutions like Camp Afflerbaugh-Paige. By the point of incarceration, these juveniles are in extreme need of intense counseling, gang intervention, and/or social welfare services that failed to help them towards the beginning of their delinquency. Thus, the efforts of juvenile detention centers cannot afford to fail in excess, because their failure will only feed the cycle of violence, neglect, crime, and poverty. If successful intervention is not achieved, these juveniles will continue to be involved in dangerous behavior, committed to state prison, be victim to an early death, fail in parental responsibilities, and/or remain in a state of poverty. Thus, drastic measures must take place to correct the systematic shortcoming of these institutions that should foster hope in the young men that are committed to its care.

### **Closing Remarks**

My research can be used to build upon the idea of reconstructing the juvenile justice system by one block at a time, through the individual review process of its detention centers and gradually attain a level of suitable rehabilitation and staff/ward interaction. I would have liked to gain a more all-inclusive perspective from the staff and wards by attaining more interviews; however time constraints and limitations to accessing interviews with wards prevented me from completing additional interviews.

From having experienced the extensive process for obtaining a research grant with in juvenile detention centers, I feel that I am more prepared to do additional research on this subject and I will know how much time will be required to complete a more thorough collection of research. Researchers who follow in my work can foresee the obstacles of gaining access to incarcerated youth and permit ample time to complete the research. Also, an open dialogue between the wards and the staff could be organized, mediated, and documented by outside professionals specific to the criminal justice discipline, such as psychologist, sociologist, and/or councilors. Such an effort could spark further research in the ability and means to alter the unhealthy subculture within punitive institutions and the ability to alter the restricting roles rooted in fear, respect, and hierarchical models of power that exist within these institutions. And, it will take a broadening of perspectives in order to make the model of rehabilitation a means for saving our children.

**Appendix A**  
Interviews

***Interview 1a Male Probation Officer tape recorded***

**Me:** What does your job entail at the camp?

**Staff:** Well I am just a probation officer. My job is to supervise and council delinquent wards.

**Me:** What does your job entail as far as the process of rehabilitation?

**Staff:** Well basically what we do is council and try to provide a more positive environment. That entails going over the fact of drug abuse, the dangers of drug abuse, the dangers of being involved with gangs, what constitutes an acceptable demeanor or acceptable activity or behavior inside the community, and how to avoid certain choices and they have to understand that when they make choices those particular choices usually come with some consequence. You have to teach them that school is a very important aspect of weaning themselves from their environment. And that is kind of difficult because a lot of theses kids have missed so much school over the years, till they cannot necessarily see the connection between getting out of their present environment and going to school.

**Me:** Do you find your role to be shifting to more like a parent to these kids?

**Staff:** It has always been a parent. It more shifting towards behavioral modification type role. Less of a parental role and more of a behavioral modification role.

**Me:** How do you guys do that?

**Staff:** Behavior modification is simply talk to the kid when he is accustomed to doing wrong. We try...What we do here in the camp we build up a token economy through a merit system. And through that merit system these guys are able to find a specific particular place through their weekly activities with a merit to system that allows them to use their points however is best suited for them. Like if they want to buy certain personal items to use and so forth to help them...or for example if we have a special event they can use their points and the fact that they are high up on the merit system specifically, like last nigh we had a program at the Pasadena Civic Auditorium and we have about 6 minors that allowed to participate in that program, and went out at about 5pm and got back at 11:30 that night. They to the place to see “Cut-up” or Cutting up” something like

that. And this is one of the ways where we show them that because of your positive behavior. We let you know that the more you are positive in this camp the more benefits are derived from those activities. Whereas when you become a negative influence and are always getting write-ups and having problems with staff. Then those are the guys who are don't get to go. Now not all of them but some. But we do try and balance the two...to let them know that for good behavior you are rewarded and negative behavior your not.

**Me:** Have you found that the majority of them respond well to this type of system?

**Staff:** It is a system that they can understand. So being that it is one they can understand then we have had a more positive response to it. As opposed to telling them that you are supposed to do this and you're not supposed to do that. But when you show that through their participation there's a positive and a negative benefit.

**Me:** What are your thoughts on the overall procedure of the criminal justice system?

**Staff:** You have to understand that first the California department of juvenile justice under the welfare and restitution code, a 602 minor, it states that we are the to deal with that minor in the least restrictive means available, which means that when a kid commits a juvenile offense as opposed to an adult offense the courts are supposed to handle him and go through a procedure and they start off with what is considered informal supervision, now they've added several other procedures such as 790 which is deferring the minors current sentence to a year of unsupervised, well its supervised, but its not associated with wardship. Ok? So the minor has a year to prove to the community that he is capable or should be allowed another chance. Then they have what is considered an informal supervision which is a 604, 654...i'm sorry. And that particular procedure, the minor is given a 6 month period in which he is allowed to prove to the community and the court that he entitled to a second chance. And then we have what is considered a 725, where the minor is adjudicated as to the alleged offense; however he is not held as a ward. He is given an opportunity to remove that adjudication and proceed with his life without it being committed as a juvenile offender. With that in mind what you have ultimately is a judicial system and by the time an individual gets to the camp process...ok? It's not like...in most cases...it's not like the kid went out and committed a crime and the court wrapped him up and put in on somewhere and said you're going to camp. If it's the kid's first time to be adjudicated usually he is given a chance to redeem

himself. If he violates a gain he is given the opportunity to redeem himself or he will probably spend 10-15 days in juvenile hall or at a warden school that goes out on the weekend. If he gets another arrest, as long as the parents can prove that they are in control and that its not out of their control. Ok? Then he is given the opportunity to remain home if the kid continues and the court feels that even the parents appear to be capable of providing the necessary supervision and environment, they are not doing so. Then the kid is removed from the home. And the first stage of removal is a placement facility. Where he is placed in a placement facility for a period of 6 months, not 6 months...a year. And in that particular program, the minor is allowed home visits, weekend passes, and most facilities are located within the same neighborhood. I mean if the kid lives on 177<sup>th</sup> street then there might be a housing unit, or boarding home or group home on 95<sup>th</sup> street. He can even stay there and walk away. If he walks away and continues to show that he is not going to stay in the group home or behave in that group home the way the county wants him to, they'll take him back to court and then this will be his final step. When he comes here he might have been through it 3,4,5 times. Ok? And with the current atmosphere with regard to putting kids to the state he is liable to continue to come here. But tracing the rehabilitation back to...it goes to being a responsible parent.

**Me:** Do you think there is room for improvement?

**Staff:** Well there is always room for improvement. It's whether the legislators want to make those improvements. And are those improvements really going to really benefit the individual. They are continually changing the laws with regards to juveniles and the system. Like there was proposition 21 a couple years ago, when the gangs were out of control. Proposition 21 gave the district attorney the ability to take the kids straight from arrest to the adult courts. Which overstepped the probation partners which had ...determined whether he was fit for juvenile or adult depending on the crime specification and the gravity or whether or not he had been through the system for many years or we have tried to rehabilitate him in the past. All of these constituted in the determination on whether or not he was eligible to be treated as a juvenile even though it was an offense of an adult. So under proposition 21, they had the right to take that kid

directly from the arrest to the adult court. So they could overstep over us depending on the nature of the offense.

**Me:** so do you think that helped? Proposition 21?

**Staff:** Nope. It just got more kids in the adult courts. They just overstepped the probation part and took him straight to the adult court.

**Me:** Do you see any improvement here at Camp Afflerbaugh?

The improvements would probably be going backwards. Because eat one time they had a program where the minors were under a token society, token economic society, he would obtain things, whether it be early release or he would extend his program due to his behavior. Like I said it would be going backwards because we would say all that we have came up to this point has not really benefited this kid. Let's go back and do what worked. Ok? So its not to say that kid is gonna learn any more, but the program it worked. So now we are trying this behavior modification program as well as all these changes. It's just which way do we want to go in order to implement these improvements.

**Me:** what are the essential principles of rehabilitation that California policies uphold?

**Staff:** I couldn't really answer that because I am not truly aware of the different types of models. The best that I could say is the intent of rehabilitation is to change the present mind-set and behavior of an individual. And that is something that is very difficult to do. I mean I could take you and put you in a home somewhere and tell you that when you get out of here you gonna change. You will resist...and you will resist...and all of the sudden you will exhibit behavior that I am looking for. But once you attain your goals and get out of here, all of the sudden you will convert back to how you were. So has that really worked? No it didn't. Because you realize that if you provide me with the necessary information/behavior that he is seeking. Then you can obtain your goal, which is to get out of here. So as to rehabilitation and the models they provide, they're never going to work unless we get a subject that truly and really wants to be rehabilitated. Now, I can sit up here and tell you that the home and the school and all of these things prevent the individual from changing, but then there are individuals who grow up in the same environment and never go through these procedures and never go into these particular facilities and never...you know some kids grow up in the same environment and they have never seen the inside of a jail house. So as far as environment and all of



these other things, they may have some affect but it takes the individual to determine what they will allow to affect them. Everybody is not influenced by their environment.

**Me:** What factors do you think contribute to them coming back here?

**Staff:** You have school, you have kids going back to the same environment and there are no hopes for them doing anything different. And what I mean that is...lets say you have an individual out there...the people that you generally associate with they are into committing whatever type of disruption in the community that they want. After you come into a facility like this and you go through all these programs and models and you try to understand why the individual is doing what he is doing. But when we release him there is a return to the norm. because I am going back home I am going to hang out with John and Frankie. Frankie is still smoking drugs and throwing bottles at cars. Now I have a choice to go find new friends, which is going to be a long and tedious process...or I can go back and hang out with Frankie and them. Now I know that when I start hanging out with Frankie and them what they are gonna start to do and where I am going to end up. so it's a conscious choice that I make when I leave to hang out with Frankie and them, which end up in me going back. It's ok. Because I have done it once, it's not all that bad, I'm going to get out. So being returned to this particular environment it's one that has a direct effect on where they go when they leave here. And we don't, or should I say the community doesn't provide the resources to help this individual to change. Because when I was at home momma didn't have time for me. Because she was working or doing all these other things and telling me to get out of the house cuz I bug her, so I am always getting pushed back into the community. Out there. The only thing I have out there is the same individuals that are always doing wrong or getting into trouble. So these kid when they return home, they are returning to the same stuff. And there are very few organizations that can few involved to change that. These kids are considered outcast. Even in here they are considered outcasts. But those are some of the things that keep them from those organizations that are helping.

**Me:** What do you think is most effective in crime control?

**Staff:** Preventive measures will always be the most important thing in respect to juvenile delinquency. Because if you can stop it before it gets started you don't have that problem. But it is hard to start early. Because when these kids start in kindergarten these kids are

very corrupt at that age. And then when agents from outside get involved they become like a parent and are parent to the whole family. It's difficult. I have been in situations where you see these kids are all dressed up in blue or red and the father is like "what's up blood?" and it starts this at an early age. And when this kid gets older he is seeing all of that stuff. So now all of the sudden you have 7,8, 9 year olds talking about how they want to be gang members. So when you speak of prevention, you have to speak of prevention through parenting first of all. You have to get mom and dad to understand that you don't do this. These are certain things that you just don't do with your child. Then you have take this kid as he enters school that there are certain things that are acceptable and certain things that are not as opposed to just telling him, "Don't do that". You have to sit him down and more or less explain it to him.

**Me:** Does Camp Afflerbaugh have a high recidivism rate?

**Staff:** The department does not track the recidivism rate. Why? Because the kids never come back or rarely go back to same camp. I let a kid out of here on a Sunday and that Friday he was back in juvenile hall at another camp. So yeah I would say that the recidivism is rate is about 10%. 10% of our kids are destined to come back and eventually go to state prison. I met this kid in juvenile hall once, he was about 9 years old. And I asked him, "what do you want to be when you grow up?" and he said "I want to be just like my brother" and I said "well that's interesting, what does your brother do?"...."well he is in San Quiten for murder" and I am like well what do you mean you want to be like your brother, your brother is locked up for the rest of his life. "yeah and that's just what I want to do." This kid gets out and was involved in a shooting about 2 years later and he killed a store clerk. The boy ended up in juvenile hall and was transferred to adult court. Now he is in the state prison at about 14, 15 years old. These are the type of things that continue to occur. So you know when you get to talking about the recidivism rate, its difficult to say because you may have some kids that go straight through here, get out the first and never come back. You'll have some that go through here straight to prison.

**Me:** Do think it would be better if they came back to the same camp?

**Staff:** Well, it would probably be better, but what you got to understand is that they only come here for 3, 6 or 9 months and the courts figure that if you didn't get it the first time

around why send him back? It might help the kid because a lot of times they don't understand that a lot the kids may choose to come back. Cuz' with every behavioral conflict there is a reason. He wants to come back because they are structured, there is discipline... a kid called back here a couple of years ago... he was in UTAH, but stayed here at one point. And said that when he was here the people at Afflerbaugh were the only ones who ever took the time to listen to me. And it just so happens that this guy had called because he was about to commit suicide, and one of the deputies was able to get in touch with a sheriff that traced the call in Utah and found the kid before he was able to do. Now you have to understand what that means for a kid to call from Utah to here just to talk to a P.O. these kids are coming back to these institutions for a reason. Because there is a level of discipline, a level of security, and a level of compassion that these kids are looking for. So they come back not just because of what they do on the streets but because they want to get away from the streets. If the kids continued to come back to the same camp you would build stronger relationships and from that point you would probably be able to move to a place where the kid can say well I have come to a point where I need to decide what I need to do. Am I going to try and go out there and try to do right and be rehabilitated or go on to state prison. It is a learning process. You would be surprised at some of the things these kids have done up in here. And you would look back and say well these are things that the adult system should be looking at. Some of them are criminals and will always be criminals.

**Me:** Why are more Black and Brown young men in institutions like this?

**Staff:** It's always been that if you have the funds or finances then you are able to get a...or have better resources. A lot of kids do a lot of dumb things. But because they were able to or their parents were able to provide proper services that could keep the child out of juvenile care and get them a probation period instead and move on with their life. You have some cases where kids in do very little in comparison to these others rich kids, but they end up in camp and the other don't. It basically depends on who has the finances.

**Me:** Do you have any last comments?

**Staff:** I have been in juvenile system for 27 years and here at this camp for the last 15 years. I would say that overall, even though we are not doing a perfect job. We are doing a pretty good job. I like what I am doing and if I can continue what I am doing I will do

it. When I was in the field. The problem there was that there were too many clients and not enough hours in a day. At best I could only give them 15 minutes a day. I am here 2 and half days. I see kids from sun up to sun down. In the field I mean as a probation field officer in the community. Back in the early part of the 90's our case load was from 135-200...we were assigned this amount to work with yearly. It was only about 15 minutes a day of counseling per case because of that. And I found that working here at the camps I get to monitor kids better and we have hourly conferences per week where we can sit down and talk about what he is doing, what problems he has had. I would rather work here and really get to know the kids. We have right now 98 kids at the camp. I will see all 98 of them in a week. It works for me. It makes me feel like I am doing something as opposed to just giving kids 15 minutes and then I see you next month.

***Interview 1b Female Probation Officer not tape recorded***

**Me:** What does your job entail as far as in the process of rehabilitation?

**Staff:** My role as a probation officer is to execute the court orders. Like if the court says that the minor need anger management counseling then I make sure that the minor gets treatment. I also enforce school attendance, make sure that they are secure and safe, and the kid gets structure.

**Me:** What are your thoughts on the juvenile justice system?

**Staff:** I am going to be honest with you. I almost quit in the beginning because I didn't feel it was fair in judgments and the system was just warehousing kids. And kids can come in here not knowing how to be a criminal, but they can learn criminal activity when they get here. But I realized that if I can just save one kid, then I have done my job. I think that the courts are so full right now that kids waste rehabilitation time waiting for trial. And the trials are not always fair. I have seen a White kid and Black kid go in for the same crime and the Black child gets a much harsher sentence. I have seen it. Because I used to work in the courts. We definitely don't rehabilitate. We calm the kid down for a moment. We are like a time-out from his community, the violence, or whatever. We provide tools for potential change, if they choose to use them...it's up to them. But when they return to the same environment...same family and crime...it causes them to come back. It's like a revolving door. I mean it's not hard here. They are protected; it's like a safe haven. Because they don't have mentors or parental figures, they have no structure at home.

**Me:** How we go about changing that negative environment that causes them to come back?

**Staff:** We can start at a young age. And prevention starts at 4 and 5 like in preschool. In order to make an impression that gangs and lying are not good we can not wait till 13 because we lose them to streets already by that time. What needs to happen is a concentration on parenting skills and counseling that deals with family issues. I know that sometimes parents are even afraid of their kids. They will tell the kid to not go outside after 6pm and they do it anyways. "Get out of my way. Cuz' I am going to do it anyway!" That can't happen. We need to work with the family.

**Me:** What do you think constitutes as a rehabilitated youth?

**Staff:** Positive change in the minor. But we don't have a high number of successes; otherwise we wouldn't have overcrowding of the prison system. We aren't successful. It's because our school are failing and parents are failing and the communities are failing.

**Me:** Is there a big push for change considering that the system is obviously failing?

**Staff:** Yes and no. People in politics have no clue what goes on here in the inside. They think that these kids can be rehabilitated with how it is now. But they need to come on the inside so they can gain perspective and so that they can realize that community based programs are the answer. Right now people don't take the time and the probation staff does not take the time to serve the real needs of the minors. They have the money just not the proper people are in power, like politicians, to make a change. There is a cry for help from these kids. A wide-majority do what they do because they need help. So they turn to gangs as a source of support and to get the structure that is missing in the family and turn to other things like crime.

**Me:** what do you see that can be changed at Camp Afflerbaugh Paige?

**Staff:** There is old leadership and old ideas. Like I am old school. But is there room for improvement? Yes. It's an easy job but it's mentally draining. There is a shortage of staff and so they burn out and lag. So I think we need more staff on board and we need to be on the same page. It's all going in the wrong direction and patience is running thin. I think that more staff support would help. We should also have more of a focus on counseling. The quality does go up and down. It's like this (hand gestures like a roller coaster, up and down, up and down). Sometimes it's constant and then low and high. Eight years ago it was great. We had staff and a lot of support from the administration. The incoming staff was properly trained. But now that kids have more rights it limits the staff and what we can do to control the kids. We can't put our hands on the kids and we can't search them the way we want and the kids know it. Now we have boundaries that we can't cross. Part of job is to confront, correct, and support. And that is the best we can do. We have the orientation video that you saw earlier. (I viewed the video before our interview). To get the kids to understand their time here. But believe it or not theses kids want to be confronted and they want structure and support. They don't mind firm as long as it's fair. I mean this is like Disneyland to some, compared to home. This is easy.

Structure is very important in keeping control of the kids. In my 19 years in this work I may have had only four fights while I was in charge because I respect the kids, listen to their problems, and I am fair. Some kids have never been listened to before. And they appreciate that.

**Me:** Earlier you talked about having the staff on the same page would help. What did you mean by that?

**Staff:** I mean we have rules and regulations and procedure memos that go out, but the staff won't follow them. Men especially. They put their emotions into it and want to prove things, using excessive force or verbal abuse. We need to follow procedures consistently.

**Me:** How do you feel about the demographics of the camp?

**Staff:** It used to be more African American here and that hurt me. Now there are few of them, with so much more Hispanic. You might be surprised at me saying this but I am going to say it anyways. The African Americans want favoritism from me because I am Black too. They expect me to treat them differently. But I treat everyone equally.

**Me:** How do you explain the phenomena the high numbers of minority kids in institutions like this?

**Staff:** I mean a lot of them (African American and Hispanics) are on welfare and have single parent home. So, some kids don't even have a chance, but it's up to us to try and give them guidance.

**Me:** are there a lot of racial conflicts here?

**Staff:** Not a lot. But sometimes. The African Americans don't have a sense of organization and leadership skills and experience with common sense decisions. I have seen that the Hispanics do stick together even if they are from rival gangs. Maybe it's due to their cultural background. I have seen staff pick on African American kids, especially if they are big. It may be an issue that they are more threatening, so staff picks on them. I have seen it.

**Me:** Do you have any last comments?

**Staff:** Don't get me wrong, it's a wonderful job but the kinks need to be worked out. These kids having so many rights....some of them are vicious and you have to be careful. You can get burnt out. Camp is a lot about group control. It's a mental thing. One staff

sits in the middle of a control center in the dorm with another staff on the other side with 80 kids in the dorm. How do you keep control of that? It's a mental thing. And that is draining.



***Interview 1c Male Probation officer not tape recorded***

**Me:** What does your job entail in the process of rehabilitation?

**Staff:** It's not a whole lot of rehabilitation. It's mainly to make sure that the minor is following court orders. We have very few programs of rehabilitation. I know of one that is run by this Hispanic girl. The one you saw in the office. She gives them guidance on school work, and tutoring, or how to apply to college, stuff like that. I enforce the court orders, make sure they go to school and get satisfactory grades. I do council them, but I don't have a degree or anything. I give to them though, the best I can. My main thing to control. Some staff let them run like animals, but I will just send them back to court if they don't behave.

**Me:** I know one kid who was sent to the California Youth Authority last week. What exactly is that?

**Staff:** Oh. Yeah, that was Charles (pseudonym for privacy rights). I did that. So, Charles started off at Camp Gonzales and was involved in I think about 2 gang related fights. So he was then sent to court again for violation of his parole. After his refile he was sent to Camp Rocky. While there he was said to have touched a teacher's ass and was involved in 5 fights, that we know of. So he was refilled on again and was sent here. Now he had access to a marker and there was gang signs marked all over the dorm. Not small stuff but real big. His gang was marked on mattresses and pillows and on the beds. The beds are fireproof mattress so they are expensive and that stuff wouldn't come off. So he destroyed property because we can't let the kids sleep on beds with gang slurs all over it. He was also caught smoking, some tobacco or marijuana, I don't know which. But now Charles was not my ward, so I could not punish him. He was the ward of someone else who let him get away with that stuff. But then his probation officer retired and so the staff had to hand out and take over his cases. Charles went to another staff and I got some kid whose parents spoke Spanish so I traded him with the other probation officer in order to get Charles. I got Billy when he already had 15 write-ups. So I told him that if he so much as sneezed without permission I would refile on him. After our talk he disappeared for the next week. I mean he was invisible he didn't do anything to gain attention. But then another probation staff decided to make him squad leader of her group. I asked Charles though to see if he was ready for that. HE said he was. I told him it's a lot of

responsibility and the staff will be watching you more. But he still wanted to do it. Not 24 hours later after being squad leader, he got into a fight with another ward because Charles was giving him instructions and the kid refused to do them. After this we talked for 45 minutes about his behavior and how I was going to refile on him, but because I allowed him to be exposed to that environment I let him slide. I should have protected him and not let him be squad leader cuz' he wasn't ready. But he was caught using gang slurs and get's a write-up for it. So I sent him back to court.

**Me:** He went to CYA? What exactly is CYA?

**Staff:** It's for violent offenders with more serious crimes. It's like prison. Wards have their own cell. Charles deserved to go there. At least there, there's more mental health staff, and he can get more intense counseling. He already had more than 3 recommendations made for CYA transfer. He (Charles) was a very violent guy.

**Me:** what needs to happen to prevent things like this from happening?

**Staff:** We need to start from the root. I mean we can't fix a kid in 90 days. By the time they get here, it's not the first time they have committed a crime. It's the home. Now, is it their fault? It's not their fault, but they still have to be accountable. Poverty breeds crime and crime breeds gangs. There are a few success stories, but the odds are against you.

**Me:** What do you think can be done on a more immediate level to insight change?

**Staff:** Improvement on accountability from the director on down. We need to be on the same page and take responsibility for our jobs.

**Me:** You mentioned that you refile on minors. What is that exactly?

**Staff:** its when they are sent back to court. Then they get sent to another camp, they rarely get sent to the same camp again. Or they are sent to another type of facility like CYA or they get more time added to their sentence. The average time in CYA is about 2 years. Here is like 3 months, which is nothing compared to that. Right now (at Camp Afflerbaugh Paige) we have a lot of new kids who are big problems, but because they haven't been here very long there is no paper trail of write-ups to get them back into court and out of here. Camp is better than home for some of them.

**Me:** What is that? (Wards are helping set up chairs in an open cemented area)

**Staff:** Oh, it's for an event tomorrow. The director is coming and they are having something?

**Me:** What's that like?

**Staff:** They come here and they do all this for them. Meet the kids. It's whatever. It's cool to be like "Oh, you want some candy? How are you? Awww." But there is reason why they are here. They are criminals. You don't want them in your neighborhood (referring to the director and administrators coming to event). Can you imagine if they did...the crime wave that would happen? Some parents don't even want their own kids. On their release date some parents are here at 8am or 10am. But some get here that night or call... "Oh, my car broke down."...They don't want them and the kids know it.

**Me:** So what other options do we have?

**Staff:** Preventive measures focused on parents. Some have issues raising kids. It needs to start from 8 or 9. There are kids with tattoos on their neck and head. What do the parents think of that? Sometimes you hope some will learn from being here, but some want to go to the penitentiary. Maybe after 3 camp programs and a short time in county jail they will fix themselves. But we can't do anything really in 3 months. I have seen though that the African American kids are more disrespectful and slow to respond to the program. Maybe it's a cultural thing, because Hispanics have closer family relationships. But African Americans have gang ties that are traditional. Like my father and my grandmother and her father. Like that.

**Me:** What contributes to minors coming back?

**Staff:** Home life contributes to them coming here. Parents don't have control of their kid. Where they live at does to (contribute to recidivism rates). It's not a choice for some of them. Some of them are addicted to drugs. It's not useless though (camp programs). There are some success stories. You try (the probation staff), but what else you gonna do. We have to attack the problem from the root. Kids do get something out of the program. Do they apply it? Sometimes. A lot of times it's about maturity. We can affect them but sometimes they don't care.

**Me:** How do you explain the discrepancy of race in the juvenile justice system?

**Staff:** Poverty and education. If you see a White kid here it's like "What happened? You didn't have a good lawyer? Or they were just bored." Schools, inner city schools, are shit too. That environment breeds crime and gangs, which make the problem even worse.

**Me:** What do you think we can do to solve the problem?

**Staff:** People need to vote and get involved. As a kid I saw a huge protest on same sex marriage in South L.A., but there they have shit schools and gang violence and poverty there all around. To me they are wasting their time. They could be doing something else that could be more positive for changing those issues.

**Me:** How long have you been working for corrections?

**Staff:** I have been at Camp Afflerbaugh for one year. And doing this type of work for four years.

**Me:** Do you feel like you don't have enough time here to do your job?

**Staff:** We have so much time here. Our shifts are 56 hour shifts. But people are lazy and unprofessional. It's what you make it. I refile kids to improve camp environment. I get rid of the kids who are really bad. For my kids I started watching them really closely and giving them vocab tests every week. If they do well on their test then I give them more time for their phone calls. Most staff only give a few minutes for calls, but some of my kids get 30 minutes. I am not a teacher, but I am trying to teach something. I feel that a lot of people think this job is not rewarding, but I feel fortunate to have this job. They pay well and we don't have to do too much. I am practically stealing money from you (taxpayers) for the work I do. But I feel like I am making a difference. Only a few but at least its some. Cuz' there are a lot of staff that sell drugs and are even involved in gangs themselves and provoke the wards. I am really just trying to create a positive image on this department.

*Interview 2a Male 17 years old Camp Afflerbaugh-Paige Ward*

**Me:** Why do you think the judge sent you to Camp Afflerbaugh-Paige?

**Ward:** Because I was already on probation. It was the next step. A higher level of incarceration. And because I was already recommended for camp placement by my P.O.

**Me:** Do you feel that Camp Afflerbaugh-Paige has had a positive impact on you?

**Ward:** (shaking head) No. It doesn't do nothing for you. It's like a house, they just house you.

**Me:** Have you met anyone that has had an impact on you?

**Ward:** Yeah, like teachers and some staff, they are like your friend and me advice.

**Me:** Do you follow it?

**Ward:** What do you think?

**Me:** I don't know tell me.

**Ward:** No. I don't follow it.

**Me:** Why not?

**Ward:** I'm still growing up and I'll make mistakes. I have to learn from them on my own.

**Me:** How do you see yourself? Describe yourself.

**Ward:** Easy going. (shrug shoulders like he is out of words)

**Me:** How would you P.O. describe you?

**Ward:** Disrespectful sometimes. Like I don't know when to stop. I go too far and don't know when to stop.

**Me:** What type of stuff do you do?

**Ward:** Like cursing and smoking.

**Me:** Where did you learn that stuff?

**Ward:** My Dad. My P.O. says I am very...what's the word...incorrigible, that's the legal term for it. I get sucked up into what other people are doing. That's what they expect from someone my age though, right?

**Me:** What is your P.O.'s job?

**Ward:** Structure me. Kinda like a parent. Yeah, he's a parent for when I am here, now. And to check up on me. Talk to me. No, not to talk. Naw, he doesn't talk to me.

**Me:** So, what was your experience with the courts before coming to Camp A.P.?

**Ward:** Well, I was in Children's Court before Juvenile Court. I was in a foster home from when I was 1 or 2. No maybe it was 2 or 3. I was in a foster home off and on. I was with my parents for like 11 years. When I was 3 or 4 I guess I was still in foster care. Then, when I was 5 I started living with my Dad till about 12 years olds. My mom was a crack addict and she lived in like shelters with some of my other brothers and sisters. But she took me back after she cleaned up. I was with her from when I was 12 until I was like 13. Cuz my mom started selling drugs again and we were taken from her. We were all put in group homes for about 7 months. Then I started living with my Dad again. But I began to do all this stuff and was put on probation around 16. He stopped caring. He didn't care anymore. He just didn't say anything. All he did was sit on the couch and smoke a cigarette. He just stopped caring and so did I. So I just did what I wanted.

**Me:** Did he have a job?

**Ward:** No. He didn't work cuz he got shot in his back and got a check every month. Some SSI check.

**Me:** Tell me about the ways that Camp Afflerbaugh-Paige tries to help you.

**Ward:** They don't help you. All you do is sit here and waste your time.

**Me:** Don't you get counseling?

**Ward:** No. You have to ask for counseling.

**Me:** You don't ask for it?

**Ward:** No. Mickey (pseudonym) does. He goes for like an hour every week.

**Me:** What do you think the purpose of the camp is?

**Ward:** To house you. Just to house you.

**Me:** When you here the word rehabilitate, what do think of? How would you define the word?

**Ward:** Hold you. To confine you. Waste your time. It's just a waste of time.

**Me:** You didn't learn anything while you were here?

**Ward:** I got smarter I guess. I can read better then most kids here (pointing to the rest of the class). Before I came here I could barely read. Here I read books. The ones they have here. Right now I am reading this book about a Jewish kid.

**Me:** What would it take for you to be rehabilitated?

**Ward:** Grow older. To just let me live my life instead of being held here.

**Me:** If you were not here at camp, what would you be doing?

**Ward:** The same shit. Not go to school, rob people. But it's just me though. No one influences me to do those things. I would be locked up again and maybe learn my lesson.

**Me:** Being locked up helps you to learn your lesson?

**Ward:** I don't know....I don't know a lot of shit.

**Me:** Do you think you will come back to another camp program on another offense?

**Ward:** Yes, because they said so. They talk about recidivism, I guess that's me. I'll probably be back before summer or sometime during the summer.

**Me:** What would it take for you to not come back?

**Ward:** To move out of the country. But probably even there I would do the same things.

**Me:** How do you feel the majority of the time?

**Ward:** Thoughtful. Always thinking about life, past mistakes, the future, people. It's a long ass list.

**Me:** Any last comments about Camp A.P. and your time here?

**Ward:** It's bullshit and a fucking waste of time. I hate camp. I want to kill some of these staff.

**Me:** How do you feel about what happened to Charles...Who was sent to CYA?

**Ward:** With Charles, that was fucked up. It was a P.O. dope-feign triple 7 (777 is code for refile).

**Me:** What is that?

**Ward:** It's when a P.O. files a whole bunch of write-up on us and tries to get us refilled on before we leave. What happened to Charles happens a lot. It's like a joke to the P.O.s. They refile on you during your last week or the day you are supposed to get out. Sometimes guys are in court the day they were supposed to get out. It's fucked up. Or like a double 11 (1111 code for a 30 day extension on camp time). Or a 778. That shit will stretch out your time too, but then send you somewhere else. That's what I think they are trying to do to me. That's what the kids say they heard the staff saying. I have only one more write-up and I am out of here. Staff will tell me, "Ok! You're gonna get a write-up." And the rest of the day I just shut up and don't say anything. I can't They are playing with your life. That's 9 more months. That's hell. But it's nothing to them.

***Interview 2b Male 17 years old Camp Afflerbaugh-Paige Ward***

**Me:** Why did the judge send you to a camp program?

**Ward:** I was on probation already. At first I had man as my judge and he probably would have sent me back with just probation. But then I got a new lady judge. She was shady. She asked me if 6 moths in camp was the best option for me. I told her “No. It just what you want to give me. It’s not the best.” But my lawyer told me not to argue. So then she sent us on a recess to discuss the sentence, so I just accepted it. I didn’t want to but your not supposed to challenge it. You can speak out in court people just don’t. you have to watch what you say cuz that’s all recoreded.

**Me:** Do you feel that Camp Afflerbaugh Piage has had a positive impact on you?

**Ward:** Hell, naw! It’s had a bad one. I bet anyone would tell you that. Some staff, not all of them, but some are shady. They do stuff just to get on our nerve. They do it cuz they can get away with it. Just to see us get mad. Like make us stand next to our bed for a really long time just because they know I gets us mad. It’s petty shit for no reason. They act like minors.

**Me:** How would you describe yourself?

**Ward:** Manipulative. I mean not like I do it to be mean to you. I mean I could use it for good and bad. I can be stubborn and I like to get my way. Staff describes me as good. Because they don’t see me mess up. But when I do mess up one time in like a month they are surprised. But I don’t know why. They should know that’s why I am here.

**Me:** What is your P.O.’s job?

**Ward:** His job is to make sure that I follow the terms and conditions of my probation. That I am doing well in school.

**Me:** What are your terms and conditons of your probation?

**Ward:** be in the house by 6pm, don’t go to other schools that I have been expelled from, like I can’t be within 100 feet of them. No drugs, no gang anctivity, and I can’t be around other people who are on probation. But I live with my sister and she is on probation too. So I don’t care if that is what I can’t do. I am going to do it anyway cuz I live there. That is dumb.

**Me:** Have you ever been in court before?



**Ward:** My Dad was on probation. He went to jail for a while in violation of his and I had to go with my mom to pick him up and I went to court with him. I would see him in his chains and handcuffs and stuff in court when he violated his probation.

**Me:** Tell me about the ways the Camp A.P. tries to help you?

**Ward:** It's supposed to be rehabilitative so that I don't commit anymore crimes. My P.O. is supposed to council me and get therapy but I don't need it. They have anger management too. I don't need it cuz I know what I am doing. I do what I wanna do. I am not doing it for other reasons, I don't need counseling.

**Me:** What do you think the purpose of the camp is?

**Ward:** Rehabilitation.

**Me:** Do they attain that?

**Ward:** No. because there is not enough structure. There is a way that this placed is supposed to be run but it's really not run like that. Like the orientation video they show us before entering the camp...it shows all this stuff on how the camp will be like and how everything will be done a certain way. But its really not like that. But I really don't care. If it was like that there would probably be a better tone around here and help you more. But I don't ever expect it to be like that.

**Me:** Could you define the word Rehabilitate?

**Ward:** To make better. In a way I want to be rehabilitated. But only from some stuff, but other things I don't. So I just do what they say here so I can leave. I just play a role here. When I get out it will be different. In here its just a front cuz I am just doing it to get out.

**Me:** What would it take for you to be rehabilitated?

**Ward:** I don't even know. A brain test! HAHHAHA. But I mean I can control myself. I know what to do and how to care of myself. But I don't really know what it would take.

**Me:** if you weren't at camp what would you be doing?

**Ward:** Honestly, I'd be in school and would catch the bus home in a little bit. I like to go to school. I mean the only way to get out of school is to go to it. Right? I do real good in school. Cuz if I don't all these females help me. I know stuff, but if I need help they give it to me and tell me to behave when I act out in class so that I don't get kicked out. School is fun to me. You meet new people and there is always stuff to do. I like being with a lot of people.

**Me:** Do you think you will come back on another offense?

**Ward:** No. cuz I know what I need to do now in order to not come back. I am going to take care of my business. I have my baby to take care of and get a job. I am going to listen to the people who know what they are talking about and I will follow my probation terms and conditions. If I do that I'll be straight.

**Me:** How do you feel the majority of the time?

**Ward:** Not depressed but like "Damn, I am here!" thinking about how I could be out and how I am not. I could feel bad for myself but I did what I did. So I can't. I feel lucky I just got 6 months, cuz I'll be home one day, if I do what I gotta do. You really feel free when you know what it is like to be locked up.

**Me:** Any last comments about your time here?

**Ward:** I am gonna make the best of it. I learned a lot while I was locked up. I am going to keep my sisters from being locked up. One has already been locked up, but I can use myself and her as an example to prevent them from doing it. I am just going to take what I learned from my time here and run with it.

***Interview 2c Male 17 years old Camp Afflerbaugh-Paige Ward***

**Me:** Do you feel that Camp A.P. has been worth the time you spent here?

**Ward:** No. I don't feel that it is worth it. I just want to get it over with. After I get out it will have a new start and be able to get a job so that I can support my baby and my family. In a way it did help me though. It helped me see the bigger picture in life, and to see what I need to do to take care of my one month old baby.

**Me:** What is the camps purpose?

**Ward:** Its purpose is to rehabilitate and help you think better to make better decisions. It is supposed to teach us to follow instructions and have responsibilities.

**Me:** Does it accomplish those things?

**Ward:** No. it doesn't. I feel that sometimes it does the opposite and makes others feel frustrated. The staff looks down upon us instead of seeing us for how we grew up...the situations that we come from and the bigger picture. I mean the majority of the staff are just like us...they are kids. They talk to us like animals instead of with respect. They bring all there issues and put them on us.

**Me:** What do you think should change?

**Ward:** The staff should have more training on communication skills with the minors. They need to learn how to talk to us. We were supposed to have a committee on how to change the staff/minor dynamic, but it hasn't happened yet. I don't know why it hasn't, the director probably hasn't had time yet. But it was supposed to happen a long tome ago. They are missing our perspective and that was the purpose of the panel they were going to have. I mean they understand to a certain extent, but they don't know how to help us.

**Me:** Do you get counseling from your P.O.?

**Ward:** No. With my P.O. its Boom Bam and I am out of there. We sometimes talk longer if I have a question or something but usually he just tells me what I need to know and I am out of there.

**Me:** Do you want counseling?

**Ward:** No. Not really. I don't like that. I am not a very open person so I don't like to talk about stuff.

**Me:** Does the staff respect you?

**Ward:** Me? Yeah. But a lot of other minors no. It's because of the way they carry themselves and how immature they are. A lot of them are really disrespectful. You give what you want to receive. I respect them so they respect me.

**Me:** Is the staff fair?

**Ward:** No, they are not fair. Like there is favoritism. Some of us got juice.

**Me:** What does that mean?

**Ward:** Like that some of us get stuff that others don't. like we are the favorites.

**Me:** Do you think you will come back on another offense?

**Ward:** No. I won't come back. I have other goals. I won't come back because I have other things to look forward to. And with a supportive family I have a better chance of staying out then when I was younger.

*Interview 3a Male High School Staff tape recorded*

**Me:** What is most prioritized here at Camp A.P. in terms of rehabilitation?

**Staff:** Safety and security are areas that we focus on first and foremost. Making sure that the kids are in a safe environment. Where they are not going to be harmed and that no harm comes to staff. So we make sure that those issues are dealt with.

**Me:** do you feel you all are successful in attaining that?

**Staff:** Yeah, I think so. We basically hope to rehabilitate the kids. So if they are making mistakes, then the goal is to try and get them to recognize those mistakes and try to develop that they can make better decisions down the road.

**Me:** Could you give me some background information on the camp and the high school?

**Staff:** Well, now I don't know the exact date it was founded. I think this camp has been here since the 1960's and the school has always been a part of any camp setting and that is by law. Any kid that is incarcerated and is the age 18 or and below are entitled to a free education while they are in custody.

**Me:** Have you noticed any changes in the way the camp functions over the years?

**Staff:** There was time when the focus was mainly on custody and having them incarcerated and keeping them lock up. And then it moved to more of a model of...to rehab them and to focus on vocational skills that they would be interested in. and then it moved from that to a more concentrated traditional school function. Where kids are pushed to graduate from high school or receive their GED. It's still at that last phase where the kids are expected to get a traditional high school education regardless of their background or how much school they attended in the public. So now they are expected to come here and if they dropped out in the 5<sup>th</sup> grade they are supposed to be able to jump back on board and try and get a GED or high school diploma.

**Me:** How many kids are here?

**Staff:** Right now we have two hundred two students.

**Me:** Do you feel that the facilities you have are suited for that capacity?

**Staff:** I think we need more updated structures, buildings. The facilities defiantly need a serious face-lift.

**Me:** How many staff do you have?

**Staff:** I'd be guessing but I am assuming that there are ...last time I heard there is 1 staff for every 20 kids. In the school we have 11 teachers, 2 administrators, and 2 teachers assistants.

**Me:** What is your budget for the school?

**Staff:** Our budget comes through Title I, a federal program for delinquent students. And it changes yearly based on population. This year we have about 300,000. Right now that appears to be fairly adequate.

**Me:** How do you feel about the differences in federal funding for schools and punitive institutions?

**Staff:** Well, I mean there's a need for these kids to have facilities, and have people here that are trained in working with them and helping them to deal with some of the issues that they come to us with. Others schools, yeah there is always a need for more funding for public schools and trying to make sure that the kids who are doing well can continue to have those resources in place. But these are products of public schools that we deal with here. They are just leaving from there to come to hear and we are expected to move along the continuum.

**Me:** What do you think is the difference between treatment and punishment?

**Staff:** Treatment is where you are defiantly trying to find a solution to the problem that students are faced with and trying to help them better understand the decision they make and how those decision impact other people. Punishment is just trying to make them understand that they made a mistake which they already know and that they need to be treated in a manner that constantly reminds them that they are being punished.

**Me:** How exactly does the institution try to do to find solutions to these problems and punish at the same time?

**Staff:** Well, I mean. Actually, if done right the two can work hand in hand. And people do need to be reminded that what they did was not something that was acceptable by society and at the same time they need to learn the skills that will enable them to better decisions the next time they are placed in those type of situations.

**Me:** What is the difference between Camp Afflerbaugh and Camp Paige?

**Staff:** Camp Paige is a senior camp and Afflerbaugh is a jr. camp. Because of the program that Camp Paige has, the work forestry program, kids need to be a certain age to

get paid and to handle the equipment. Afflerbaugh because they have more younger kids tries to focus on just rehabbing them and trying to get them to understand their mistakes.

**Me:** Which has a higher recidivism rate?

**Staff:** Afflerbaugh. Because they have younger kids and their focus is different than Paige. The kids from Paige leave with a little more confidence and more skills, like in handling certain equipment and being able to go out in the community, while they are, and work and clear brush. At Afflerbaugh its just a little different focus. They do have a program where they go to out to work in the community with Senior citizens. And the seniors try to mentor them and talk with them. So that's good but they don't have very many kids that participate in that program. They usually keep around 8 kids in that program. Paige on the other hand has a ton of kids in the forestry program. Half of their camp is typically working in the program every month and the other half go to school.

**Me:** Have you seen the forestry program to be very successful?

**Staff:** I don't really keep up with it. But the kids really like it. They really like learning to do those things. They see it as something worth wild while they are here. Learning how to go out and do what they do, helping people and really feel like they are making progress. Not only in their own personal development but in just helping other people out.

**Me:** What obstacles have you encountered in working in this field?

**Staff:** One of the issues that could be worked on with the school and probation is more collaboration between the two, in terms of our programs and their programs and making sure kids do understand the value of education. The kids really do like going out working. When it comes to school sometimes their focus really isn't much of a priority. I think collaborating with probation would be an improvement. And having the facility upgraded. So that it really does look like a space that really cares about itself and its people. Right now it is a real dry, drab, and cold appearance. And it doesn't really look like the way it should or be up to the standards that it should be. I mean with places like this it can't really look like a beauty but at the same time it at least should be appealing and have a sense of pride about its appearance. And sometimes kids feed off of that. Its like a classroom that is neat and clean and organized and well structured the kids tend to respect that a little more. Hopefully that is something that can happen here. Some

organization and structure issues with respect to how camps are run and the various programs that they have for the kids. They could stand to emphasize that a little more. They could bring in agencies that can teach the kids something and the kids will enjoy being a part of. Job placement programs, mentor programs, just program that teach them really how to be more involved in making society a better place.

**Me:** Anything else?

**Staff:** I think that is about it

**Me:** what do you see as the benefits of splitting the camp into junior and senior camps?

**Staff:** the benefits are that kids that are around the same age tend to get along a little bit better. Some camps are more beneficial to certain kids based on their interests. Some may not be interested in forestry at all and so why put them in a program that they are just going to help. So there should be some difference in the way that things are done in each camp.

**Me:** what does your job entail?

**Staff:** My job entails monitoring the classrooms, supervising teachers, handling discipline problems, making sure curriculum is aligned with state standards.

**Me:** Do you have to develop any programs yourself?

**Staff:** We can. We have that option if we find programs that we can afford and programs that we feel are going to be beneficial to helping improve our students. Then we can work towards building those and improving upon those things. But typically the county determines what the curriculum is going to be.

**Me:** Have you not been able to do something at the camp that you have wanted to do?

**Staff:** Actually, most of the things that I have wanted to do I have been able to do. Based on my experience coming from other places, what this place looked like before I got here in terms of how it was run. So we have been able to make a lot of changes over the past 2 ½ years. The classrooms, the classroom schedule had been changed to not only benefit the teachers but the students. Students now are changing classes, whereas they were in the same class pretty much all day. So we were able to focus in on the teacher's strength and allow them to teach the subjects that they were stronger in. so that has all been changed. The check-in procedure has completely been changed. And the way the kids are assigned to classes have been changed.



**Me:** What are the factors that contribute to the youth coming back to places like this?

**Staff:** Socio-economic factors, problems in the home, single parent families, gang problems in the community, drugs.

**Me:** Have you found that Camp A.P. has been able to combat some of those factors?

**Staff:** Part of the problem is that when they leave here they go back to the same places they came from. Although there are resources that the kids are entitled to. Like agencies that are supposed to help the kid once they get out. Helping them to either find jobs, helping them to continue on the path towards getting their GED or their high school diploma. Agencies that are to help the family. Those are all things that are available to the kids. Now, to what extent they actually receive those services once they get out of here that is a different question. I really don't know what happens once they leave. The only thing I know is that we do see kids returning. So that sort of tells you something. We are really big on gang issues. One of the ways that they combat the factors contributing to them returning is that they do have people that come in to talk to them who are former gang members and then they give presentation on what gang activity leads to. And there are also services such as tattoo removal of kids and they offer that to them. In terms of improving their family life, there are agencies that are supposed to provide services to the families. Whether they are receiving them I really couldn't comment on.

**Me:** Do you think group family counseling that happens onsite would help?

**Staff:** Well, that is kind of hard to do because of the limited amount of time that they have during visits. And they are more interested in seeing their kids and talking to them and letting them know about the different things that are happening with the other siblings. So the majority of time is spent dealing with that. We made attempts in the past to utilize some of that time to talk to parents about how their kids are doing in school and let them know that they need to talk to their kids about how they are behaving and a lot of times the parents really don't want to spend their time talking about that stuff. They just want to see their kids. Group counseling is a good idea but how practical it could be? I don't know.

**Me:** Do you think it would help if the kids came back to the same camp after they were refiled on?

**Staff:** I don't see that happening. Although I have seen it happen, I don't see the benefit in it. Because they have done it before and now they are doing it again. What are they really learning by repeating the same program.

**Me:** How long have you worked here?

**Staff:** 2 ½ years. In this field its been 15 years. Previously I was a teacher and prior to that I was in the military for 10 years. It really did help me in terms of being a lot more disciplined and focused and really understanding what it takes to change the mindset of a kid. Or at least developing some skills that help you to do that. Because in the military that is what they do. They sort of break you down to a certain level and then build you back up again. So that is helpful. And with a drill sergeant yelling you sort of get used to that environment.

**Me:** Do you find that there are ways to improve the way in which the institution builds them back up?

**Staff:** Again, it really takes a person who understands the dynamics that the kids are dealing with and where they are coming from and what type of issues they are faced with and what they are going back to. Some staff do it really well and others need some additional training. Not everyone is aware of the kids background. It would really help if they did. But we are not privy to certain information that are in their probation file. It is only when we talk with probation more in depth about a kid that we find certain things out about them that really make you understand what this kid is going through.

**Me:** Any last comments about your time here?

**Staff:** I love it. I mean it's a great place to be. You really do have the opportunity have some sort of impact on kids with regard to the choices that they make and every day you encounter something different that requires you to think on your feet and to be able to sort out ways to deal with various issues. If you really have a passion for trying to help kids improve their circumstances, then this is the place to be. You will definitely have your share of challenges. But you have to make sure the kids know that you are fair and that you do care about them making good choices and that you do want them to succeed and improve themselves. Although they may see it completely different. They may see it as you being mean or difficult. As adults we tend to look further down the road and they tend to live in the now. I just like being here and doing the best I can and help them see

things a different way. Each kid's story is different. Some have stories that would just completely blow you away. Stuff that they have seen and dealt with. One problem is that some staff have major issues and have to deal with those, but then they are working with kids with major issues and when they come together you can really have some fireworks going off. That's where we need to get the problem. At the level of the kids. Help them at that level then by the time they are adults they have a little bit better understanding. I've seen a lot of success stories. I have seen kids become doctors and some that have become lawyers. That's 15 years working in the field. There are people who have overcome major obstacles and challenges. Although things have gotten worse. Society is different, the family structure is different. Now there are a lot more challenges to deal with...the gangs and the drugs. But if you can start at this level to change the kids...you know that you have made an attempt to make a difference. Even the little things that you do throughout the day have some sort of impact. But one of the issues that they go back to the same environment. I know that probation was trying to make an attempt to relocate kids with other family members that lived in other places, but you can imagine that if you had a hard core gang banger cousin trying to come to live in your house and influence your kids. It's a real challenge that the family members have to deal with. Do they really want to go into all the time and effort working with them. A lot of them go back to group homes because parents don't even want them. So then placements come in a do interview to see which kids they want to take. It's up to the placement. They don't have to take the kid if they don't want them. Otherwise they will stay here until a placement finds him or he turns 18. Some kids stay in placement forever. Some kids have parents that don't even have a home. They are homeless. There are some major challenges out there. There are agencies that are trying to help the kids but it takes a lot of coordination with probation and the agency workers to pull things off. And the family has to be highly motivated with time and effort. A lot of parents have to be persistent to get what they are entitled to. A lot of them just give up. But it's those people who are persistent that get it.

Appendix B  
Poetry  
\*not available

## **Appendix C** Interview Guides

### *Probation Officer Interview Guide*

1. What does your job entail?
2. What are your thoughts on the juvenile justice system
3. Is there room for improvement? Where? And how?
4. What models of rehabilitation does Californian policies uphold?
5. What factors contribute to youth returning to places like Camp Afflerbaugh-Paige?
6. What do you think constitutes a rehabilitated youth?
7. What technique do you think is most effective in crime control?
8. Do you have any last comments?

### *High School Staff Interview Guide*

1. What is most prioritized here at Camp Afflerbaugh-Paige?
2. What is the background information of Camp Afflerbaugh-Paige? Year it was founded, how many wards it holds, how is the camp organized?
3. Do you receive sufficient funding?
4. What is the difference between treatment and punishment/
5. What is entailed when a punitive institution utilizes rehabilitative techniques?
6. What is the difference between Camp Afflerbaugh and Camp Paige?
7. What obstacles do you see or have had to overcome during your time here at the camp?
8. What does the camp value most?
9. Any last comments about your time here?

### *Ward Interview Guide*

1. Why do you think the judge sent you to Camp Afflerbaugh-Paige, instead of putting you on probation?
2. Do you feel that Camp Afflerbaugh Paige has had a positive impact on you?
3. How do you see yourself? Describe yourself.
4. Tell me about the ways that Camp Afflerbaugh-Paige tries to help you.
5. What do you think the purpose of the camp is?
6. When you hear the word rehabilitate, what do you think of?
7. How would you define the word?
8. What would it take for you to be rehabilitated?
9. If you were not here at camp, what would you be doing?
10. Do you think you will come back to Camp Afflerbaugh-Paige on another offense?
11. What would it take for you not to come back?
12. How do you feel the majority of the time?
13. Any other comments on your time spent at Camp Afflerbaugh-Paige?

**Appendix D****Interview Consent and Authorization Forms**

Dear Participant,

The Department of Sociology at Pitzer College supports the practice of protection for human subjects participating in research. The following information is provided for you to decide whether you wish to participate in the present study. You may refuse to sign this form and not participate in this study. You should be aware that even if you agree to participate, you are free to withdraw at any time.

The purpose of this study is to learn more about the rehabilitative models with in juvenile detentions centers. Procedures for this study include one 30-45 minute interview, in which you will be asked questions about your personal experience with the juvenile justice system. It should be noted that a short follow up interview may follow the original interview on a later date. The interviews will be tape-recorded for accuracy and later transcription. I do not anticipate any potential risks to participants in this study, nor do I anticipate any direct benefits.

If you agree to participate, your information will be kept confidential. Your name **will not** be associated in any way with the information collected about you or with the research findings from this study. I will assign a case number to your interview instead of your name. You also have the right to cancel your permission to use and disclose information collected about you, in writing, at any time, by sending your written request to me at: Scripps College 1030 Columbia #510, Claremont, CA 91711. If you cancel permission to use your information, I will stop collecting additional information about you. However, I may use and disclose information that was gathered before I receive your cancellation, as described above.

**Participant Certification:**

I have read this Consent and Authorization form. I have had the opportunity to ask, and I have received answers to, any questions I had regarding the study and the use and disclosure of information about me for the study. I understand that if I have any additional questions about my rights as a research participant, I may call 909-621-8218 or write to: Thesis Advisor, Dipa Basu Scott Hall 1050 N. Mills Avenue Claremont, CA 91711.

I agree to take part in this study as a research participant. I further agree to the uses and disclosure of my information as described above. By my signature I affirm that I have received a copy of this Consent and Authorization form.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Kimberlina McKinney, Thesis Research; Pitzer College  
1050 North Mills Avenue • Claremont, CA • 91711 • 909-621-8000

**Appendix E**

## Petition and Order for Research Form

Petitioner's Name: Kimberlina McKinney Organizational Affiliation: Pitzer College and Scripps College  Address: 1030 Columbia #510 Claremont, CA 91711	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES          JUVENILE DIVISION</b> Office of the Presiding Judge 201 Centre Plaza Drive, Suite 3 Monterey Park, CA 91754-2158	
On Behalf of:   <p style="text-align: center;">Petitioner</p>	<b>PETITION AND ORDER          FOR RESEARCH</b>

Petitioner respectfully requests permission to conduct the following research described below:

## 1. Project purpose and description:

*The purpose of this study is to learn more about the process of rehabilitative in juvenile detentions centers.*

*The research I will be conducting is for a Senior Thesis Project. It is to be turned in by April, 20, 2007. Thus, I am requesting an exception to the time allotment for notice of petition. My research project will not be considered for publication and is only submitted to Pitzer College and Scripps College for consideration of a B.A. in Liberal Arts. The title of my Thesis is: The Process of Rehabilitation: An Investigative Look at our Juvenile Detention Centers*

*My Thesis report will be approximately 50 pages with 25pgs consisting of research gathered from interviews. And the names of participants **will not** be associated in any way with the information collected. I will use an identification number instead of actual names.*

2. Proposed start date: *Tuesday, March 27th*                      Data collection completion date: *Friday, April 6th*  
     Projected study completion date: *Friday, April 20th*              Requested duration of access: *11 days*

## 3. Subjects or information Petitioner requests access to:

*Five Juveniles from Camp Afflerbaugh Paige :  
 Moses Shiferaw, Billy Williams, Michael Hansen, David Sanchez, Justin Smith*

## 4. Methodology:

*Procedures for this study include one 30-45 minute interview, in which participants will be asked questions about their personal experience within the juvenile justice system. The*

*interviews will be tape-recorded for accuracy and later transcription. I do not anticipate any potential risks to participants in this study, nor do I anticipate any direct benefits.*

5. Information to be extracted:

*The following questions will be asked in the interview:*

*Why do you think the judge sent you to Camp Afflerbaugh-Paige?*

*Do you feel that Camp Afflerbaugh Paige has had a positive impact on you?*

*How do you see yourself? Describe yourself.*

*Tell me about the ways that Camp Afflerbaugh-Paige tries to help you.*

*What do you think the purpose of the camp is?*

*When you hear the word rehabilitate, what do you think of? How would you define the word?*

*What would it take for you to be rehabilitated?*

*If you were not here at camp, what would you be doing?*

*Do you think you will come back to Camp Afflerbaugh-Paige on another offense?*

*What would it take for you not to come back?*

*How do you feel the majority of the time?*

*Any other comments on your time spent at Camp Afflerbaugh-Paige?*

6. Describe the potential benefits to the Courts, Department of Children and Family Services (DCFS), Probation Department and/or the subject class as a result of this project:

*I do not foresee any direct benefits to the Courts, Department of Children and Family Services (DCFS), Probation Department and/or the subject class, unless further research is done in regards to my initial findings, from which policy proposals and/or structural alterations can be implemented to improve upon the juvenile justice system.*

During this project, Petitioner agrees to the following conditions:

- A. To pay any and all costs incidental to the research or record search. These costs will be established prior to initiation of the project.
- B. Abide by all confidentiality laws, and policies and procedures of DCFS, Probation Department and the Court.
- C. Abide by all confidentiality of record information requirements outlined in Penal Code section 13202 for delinquency records.
- D. Ensure that no unauthorized persons or agencies have access to the information released to Petitioner.
- E. Make all scheduling arrangements with the appropriate agency to obtain access to information, minors, and/or staff.
- F. Ensure names or identifying information regarding minors, offenders or victims are not published in any documents (i.e. reports, evaluations).



- G. Submit all research reports using specific case information to the Court and the appropriate agency for approval prior to publication.
- H. Provide a copy of all research reports upon completion to the Court and the appropriate agencies.

Petitioner provided notice of the petition to the following parties, where applicable:

- |   |              |   |
|---|--------------|---|
| <input type="checkbox"/> County Counsel<br>US mail            | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> DCFS<br>US mail                      | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> Children’s Law Center<br>US mail     | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> Juvenile Courts Bar Assn.<br>US mail | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> District Attorney<br>US mail         | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> Public Defender<br>US mail           | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> Alternate Public Defender<br>US mail | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> Probation<br>US mail                 | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |
| <input type="checkbox"/> Other:<br>US mail                    | Date served: | <input type="checkbox"/> personal service/fax/email; <input type="checkbox"/> |

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

Kimberlina Nicole McKinney  
Print Name of Petitioner

\_\_\_\_\_  
Signature of Petitioner

DCFS/Probation Department comments:

Request approved: \_\_\_\_\_

Request not approved: \_\_\_\_\_

\_\_\_\_\_  
Signature of Bureau Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of DCFS Director/Chief Probation Officer/Designee

Date: \_\_\_\_\_

IT IS SO ORDERED.

This order shall remain in effect until \_\_\_\_\_.

Date: \_\_\_\_\_

