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**Fresh air funds and functional families: the enduring politics
of race, family and place in juvenile justice reform**

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Abstract:	This article examines the enduring ways that racial politics are masked by discourses of place and family in the history of juvenile justice in America. The tropes of place and family have been invoked since the inception of America's juvenile justice system and have influenced the processes of policing, removal, and return, even as the latest incarnation of reforms focus on building juvenile justice facilities and alternatives to incarceration within urban areas. By pointing to recent manifestations of this rhetoric in New York, the article identifies the thread that links these claims together: the desire by social control agents for submission by the primarily impoverished and young people of color who defy legal authority.

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ABSTRACT

This article examines the enduring ways that racial politics are masked by discourses of place and family in the history of juvenile justice in America. The tropes of place and family have been invoked since the inception of America's juvenile justice system and have influenced the processes of policing, removal, and return, even as the latest incarnation of reforms focus on building juvenile justice facilities and alternatives to incarceration within urban areas. By pointing to recent manifestations of this rhetoric in New York, the article identifies the thread that links these claims together: the desire by social control agents for submission by the primarily impoverished and young people of color who defy legal authority.

KEYWORDS: juvenile justice, urban, rural, Progressive era, realignment, removal, reform

Introduction

In the middle of the 19th century, Charles Loring Brace, a New York philanthropist and social reformer, became concerned about the rising numbers of poor European immigrant children in New York City. He was disconcerted by city-based institutions aimed at the care of young people; instead, he saw promise and potential in rural family life. Brace felt that the "outcasts, vicious, reckless multitudes of New York boys, swarming...in every foul alley and low street" (1872: 28-9) could only be reformed in the homes of good rural families (Grossberg, 2002).

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¹ His work was bolstered by that of other social reformers like Jacob Riis, whose photographs documented what were said to be the harsh effects of urban life on children's physical health, leading to the establishment of organizations like the Fresh Air Fund, which still exists today (Vanderbeck, 2008). Brace sent urban immigrant children to live with rural families—and they got there via his famous 'orphan trains.' The trains were funded by Brace's organization, the Children's Aid Society. One hundred and sixty years later, the same organization now has a contract with the City of New York's Department of Probation to provide life coaching and job training services for the overwhelmingly African-American and Latino teenagers adjudicated as delinquents and who are receiving interventions in the city through an initiative called 'Close to Home,' which aims to keep them closer to their home communities. The orphan trains have technically stopped running, but child saving persists.

For many contemporary analysts, juvenile justice reforms have moved in a progressively better direction. Juvenile prisons are out of favor and many local jurisdictions are now supportive of alternatives to incarceration. Yet today, youth in the juvenile justice system continue to be 'other people's children,' and teenagers who engage in crime and their families and communities continue to be pathologized by reformers and the people who work inside the system.² This article focuses on the enduring racial politics of juvenile justice reforms initiated during the 19th century. Using the case study of New York, it seeks to reveal the institutional racism that has been masked by reformers' focus on family and place as the causes of delinquency and the sites of intervention.

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4 Drawing from a qualitative study about the governance of juvenile crime in
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6 New York, I seek to answer two questions: what logics animate contemporary
7
8 juvenile justice policies and interventions? What are their sources? I argue that
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10 while there have been myriad 'cycles' of juvenile justice reform since the late 19th
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12 century (Bernard and Kurlychek, 2010), the present day logics of reform are
13
14 connected to those of the founding period in that ideas about urban life, family and
15
16 crime have remained intact.³ These ideas are ultimately reproduced through the
17
18 continued policing and removal of children who come from primarily urban families
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20 of color understood to be the incubators of crime.
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24 25 *The Racialized Submission of Urban Families* 26

27
28 Interventions into the lives of young people accused of crimes in the United
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30 States were arguably *always* aimed primarily at the poorest children in the country,
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32 inasmuch as they have been preoccupied with the preservation of social hierarchies
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34 and the exercise of social control (Schlossman, 1977). Historians of juvenile justice
35
36 interventions have identified the ways that the earliest "child savers" in our country
37
38 sought out ways to remove, re-socialize, and, ultimately repress the urban child in
39
40 Houses of Refuge, Reformatories, and cottage-based systems modeled after rural
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42 family life (Schlossman, 1977, Platt, 1969/1977). There were arguably two
43
44 consistent logics which reformers relied upon in justifying the removal of urban
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46 poor children from their homes: the criminogenic nature of urban life and the idea
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48 that poor family was ill-equipped to raise a law-abiding child.
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54 Youth crimes and vagrancy have long been attributed to the inadequacy of
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56 the poor urban family to properly nurture their children (Feld, 1999, Schlossman,
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3 1977). Yet, it is arguable that the links between urban life, criminality, and family
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5 were made in the Eastern United States during the late 19th century when criminal
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7 justice reformers sought to control the ‘dangerous classes’ of European migrants
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9 who entered the country in large numbers. These ‘other people’s’ children were
10
11 seen in need of removal and discipline by the state. The stated logic behind the
12
13 doctrine of *parens patriae* –the state engaging in the role as parent when the natural
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15 parent was found to be incapable of doing so--was that “public institutions could
16
17 compensate for the failures and deficiencies of private families” (Feld, 1997, p. 53).
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23 The story of the spatial politics of juvenile justice cannot be told without
24
25 reference to the profound effects of urbanization on 19th century American life.⁴
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27 European social reformers in cities across the country saw links between criminality
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29 and the environment within urban communities of racialized European immigrants,
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31 Native Americans, Spanish, and Mexican people, and particularly their children
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33 (Platt, 1969/1977, Muhammad, 2010, Chávez-Garcia, 2012). According to these
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35 reformers, “the city symbolically embodied all the worst features of modern
36
37 industrial life. The city was no place for the innocence of a young child; it
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39 debilitated, corrupted, misled, and tarnished youth” (Platt, 1969/1977: 40). During
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41 the late 19th century and early 20th century, a group of white reformers addressed
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43 what they saw as these dangers of unfettered industrialization in the lives of the
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45 urban poor (Muhammad, 2010). This idea that crime emanated out of urban life
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47 would ultimately justify the relocation of large numbers of urban youth to rural
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49 facilities.
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3 The young people in the urban areas of the Eastern United States who were
4 initially placed in orphanages, asylums, reformatories, settlement houses, and rural
5 homes were largely *white* youth. In his comprehensive history of ideas about urban
6 development and criminality as they are tied to racialized thinking, Muhammad
7 (2010) argues that white liberal reformers in the 19th century held a largely
8 *optimistic* view of reform and its possibilities in the lives of white immigrant youth;
9 for African-Americans, he found, *cultural* explanations of their criminality were
10 largely dominant amongst liberal reformers, and reform was seen as a largely futile
11 venture for them (see also Ward, 2012, Schlossman, 2012). Reformers felt that
12 crime by white Eastern European migrants to the United States could be eliminated
13 and prevented in these places, and they may even be able to become 'whiter' there
14 (Jacobson, 1998, Ward, 2012).

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32 With the end of the Civil War and Emancipation, the Great Migration resulted
33 in waves of African-Americans arriving in Northern Cities from the South. As this
34 large-scale population shift occurred, so to did the racialized dynamics of law
35 enforcement and removal (Feld, 2005, see also Chávez-Garcia, 2012: for the
36 Western story). Irish immigrants—previously the most dominant population in
37 New York City's juvenile reformatory—were replaced by African Americans as the
38 subject of scrutiny and policing (Pickett, 1969, Muller, 2012). Once they entered the
39 courts, African American youth were denied access to the institutions and
40 reformatories that were designed by the child savers for the immigrant youth; they
41 were given harsher and longer sentences and sent to adult prisons in the early part
42 of the 20th century (Ward, 2012, Wolcott and Schlossman, 2004).⁵

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By the early 20th century, Black youth in trouble with the law and who were considered to be incorrigible were removed from their homes and sent to upstate, rural residential facilities (Ward, 2012). Ella Fitzgerald was one of these youth: in 1933, when she was fifteen years old, she was sentenced to three to five years in the New York State Training School for Girls. Authorities said that she was “ungovernable and will not obey the just and lawful commands of her mother” and she was adjudicated as a delinquent (Immarigeon, 2014). The training school was racially segregated and Black girls were subjected to harsher conditions of confinement than white girls. These conditions were later challenged by the NAACP (Immarigeon, 2014).

In its early years, the juvenile justice system disproportionately affected urban youth whose riskiness was constructed via their positions as the urban precariat—whomever posed a particular threat to the middle and ruling classes might find themselves subject to the reforms. Through their actions, the courts began to shape the meanings and messages associated with risky urban youth: in the early part of the system they were overwhelmingly Irish, Polish, and Italian; later, they were primarily African-American. All youth had families that were constructed as dysfunctional. These young people were ultimately banished to juvenile facilities in the rural parts of the state (see also Beckett and Herbert, 2010, Bauman, 2000).

Methods

This article draws from is a study focused on the governance of youth crime in New York within its residential juvenile facilities in upstate New York, in

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2
3 community based alternative-to-incarceration programs, detention facilities, and in
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5 courts and jails. The research took place from 2007 until 2011, a time when
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7 significant reforms took place in New York's system directly impacting on the
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9 relationship between urban and rural life: over 31 residential facilities located in
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11 upstate New York closed, hundreds of rurally-based staff members were laid off
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13 from their jobs. The research involved ethnographic fieldwork inside of four of the
14
15 state's rural residential facilities. I examined the roles and relationships of youth
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17 and staff in the facilities. Thirty-nine young people were followed for a year and a
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19 half as they made their way in, out, and through the system. Over seventy-five staff
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21 members were interviewed.⁶ I engaged in participant observation at numerous
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23 policy and research meetings with key advocacy stakeholders, government officials,
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25 judges, attorneys, and lawmakers, including legislative hearings, city council
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27 meetings, and meetings convened with advocates and system administrators. I also
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29 interviewed former juvenile justice system administrators from New York. Finally, I
30
31 conducted a content analysis of various policy documents, hearing and meeting
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33 transcripts and reporting on the reforms. This article draws from these data to
34
35 advance broader claims about the links made by staff and reformers between space,
36
37 family, and crime. As a number of recent analysts have found, it is often the moment
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39 at which the practitioner faces the policymaker or the young person and their family
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41 impacted by the system face their oppressor when the richest data might emerge
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43 about the influence of politics and ideology on human lives (Chávez-García, 2012,
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45 Trost, 2013, Ward, 2012).

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Contemporary Laws and Practice

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Space and family continue to have salience in contemporary reforms. In a reverse of the logics that guided the 19th century reformers, the critiques of the state's current system by reformers have largely relied upon the idea that rural facility life is criminogenic and that children in trouble with the law do their best when they are located closer to their families.⁷ In the last seven years, these critiques have been leveraged in support of a large-scale deinstitutionalization process in New York.

There have been various periods throughout New York's history when juvenile facilities have closed in response to pressure by reformers and advocates, often in response to claims that the facilities are criminogenic in their effects. The late 19th century saw a group of reformers rejecting the Houses of Refuge in favor of reformatories; reformatories themselves were later rejected in favor of smaller cottage-based facilities (Schlossman, 1977, McGarrell, 1988). New York embarked on a deinstitutionalization process in the 1970s, closing many facilities, yet a number of them ultimately re-opened during the 1980s and 1990s (McGarrell, 1988). In recent years, New York closed many of its rurally-based facilities and established smaller facilities in New York City. These facilities were run not by the state but by some of the city's oldest child-saving organizations, such as the New York Foundling and Leake and Watts Services, both established during the 19th century.⁸

The recent reform plan—to close upstate residential facilities in order to open smaller, urban-based facilities--in part relied upon the conflation of rural life with an outdated approach to juvenile justice. The staff in 'upstate' rural residential

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3 facilities were often characterized by reformers as individuals who were
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5 intransigent, belligerent, mainly white, and out of touch with the young people's
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7 lives. Facility cultures of control, along with the overuse of restraints and the high
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9 rates of recidivism were blamed for the death of the young man in a residential
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11 facility. Additionally, the forms of punitive management were seen to exacerbate
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13 crime as opposed to prevent it (Feldman, 2007). The U.S. Department of Justice led
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15 an investigation of the facilities, and they were placed under federal oversight in
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17 2010 (King, 2009, Confessore, 2010). At a statewide juvenile justice advisory group
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19 meeting, the former commissioner of the system, the Office of Children and Family
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21 Services (OCFS), Gladys Carrión said, 'quite frankly, in some of my facilities, I am
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23 convinced that I cannot change the culture. It is too embedded, it is a toxic
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25 environment.' The term 'facility culture' became associated with the public sector
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27 unions and Republican legislators from the districts surrounding the prisons who
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29 were resistant to the closures.
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37 Charles Loring Brace, the child saver whose orphan train project centered
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39 around the logic that fresh air and rural life would benefit urban families, argued
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41 that placing young people with rural families would be less expensive than reliance
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43 upon state-run reformatories (Schlossman, 1977: 44-45). Ironically, members of
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45 the state legislature rejected his claims, continuing their support of state
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47 reformatories. Schlossman (1977) speculated that Boss Tweed's ring may have had
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49 some role in correctional administration in New York and thus some influence on
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51 this support. In contemporary reform politics, the unions representing upstate
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53 facility workers and prison staff are said to have a similar influence on upstate
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3 legislators and their continued resistance to the closure of juvenile facilities and
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6 prisons despite claims by reformers about the costliness of the system and its
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8 negative effects. Governor Cuomo spoke directly to this concern in his state of the
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10 state address in 2011:

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13 An incarceration program is not an employment program. If people need jobs, let's get
14 people jobs. Don't put other people in prison to give some people jobs. Don't put other
15 people in juvenile justice facilities to give some people jobs. That's not what this state is all
16 about and that has to end this session.
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19 Ironically, Cuomo's father, Mario Cuomo, led *the* largest prison expansion project in
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21 New York history during his tenure. But Andrew Cuomo, a canny politician,
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23 leveraged growing sentiment, largely emanating from his downstate constituents,
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25 that not only was the criminal justice system a failure, but that rural residents
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27 possessed a greed for jobs that had no ethical boundaries—that they were
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29 *dependent upon* the prison economy.⁹ Reformers also leveled critiques at the
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31 consequences of incarceration for young people of color, directly critiquing the
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33 apparent greed and willingness of upstate constituents in job preservation over the
34
35 elimination of institutional racism. Carrión, the leader of the state's system, said "I
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37 am not running the Economic Development Agency for upstate New York...I will no
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39 longer export black and brown kids to finance the upstate economy" (Dwoskin,
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46 2010).

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48 These appeals worked. Together with the support of *The New York Times*,
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50 prominent child saving institutions, Mayor Bloomberg and Governor Cuomo,
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52 Carrión achieved a large-scale deinstitutionalization of the state's system. In 2008,
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54 62% percent of young people admitted to custody in New York state's residential
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56 juvenile facilities were from New York City. Eighty seven percent of youth in those
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3 facilities were African-American and Latino (OCFS, 2008). By 2013, there were just
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5 539 young people admitted to OCFS custody, down from 2,116 in 2003 (Office of
6
7 Children and Family Services, 2013).
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10 Paralleling the space-based analysis of juvenile justice was an emphasis by
11 reformers on the centrality of *family* in organizing criminality. The City of New York
12 began a program called the Juvenile Justice Initiative, which provided social workers
13 to families of young people involved in the system. Advocacy groups lauded these
14 initiatives. The Citizen's Committee for Children, a prominent children's rights
15 organization, argued:
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25 ..judges often sent children to these facilities — often hundreds of miles away from home —
26 because local communities lacked the means to help them with mental problems or family
27 issues. These are costly decisions, both in the emotional toll they take on children and the
28 financial toll they take on taxpayers. To institutionalize one child for a single year, the state
29 can spend as much as \$200,000 (2009: 5).
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32 State officials and city officials developed legislation aimed at closing facilities for
33 juvenile delinquents and contracting with non-profit providers to provide
34 residential care (Negredo et al., 2014). This 'Close to Home' legislation was
35 ultimately enacted by the New York State legislature in 2012. Through the
36 legislation, Family Court judges in New York City were obligated to place young
37 people adjudicated as delinquents in facilities based in the city. Those who
38 developed the term 'Close to Home' undoubtedly engaged in a rhetorical strategy
39 that tapped into growing sentiments amongst the reformers that the removal of
40 urban children from their homes into rural institutions was harmful; yet, as
41 revealed below, the appeal to family-based care may have still relied upon the idea
42 that the urban family of color remained ill-equipped to manage their child.
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3 The alternatives developed under the Close to Home plan included an
4 expansion of Functional Family Therapy, Multisystemic Family Therapy, and other
5 home-based interventions into the lives of young people and their families. The
6 New York City Administration for Children's Services (ACS), which operated the
7 city's detention facilities and later became the chief administrator for Close to Home,
8 included the goal of increasing community and family interaction in their strategic
9 plan. Carrión, the former commissioner of OCFS, became the commissioner of ACS;
10 in many ways, this move symbolized the political and symbolic power of the city in
11 the context of these reforms, as what could be considered a step down was
12 considered by many to be her promotion. These city-based reforms focused on
13 making the largely African-American and Latino families under the care of ACS
14 (which is responsible for child welfare *and* juvenile justice) 'functional.'

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32 In many ways, the reforms obscured some of their arguably more direct
33 intentions: cost savings in the aftermath of the global financial crisis. Yet they also
34 spoke to the enduring power of the child saving logics; urban families and their
35 children continued to be in need of saving and cost savings were a convenient
36 ancillary effect of that project. A report for a statewide task force on probation
37 noted a potential total cost savings of \$175 million if the state shifted to the use of
38 Multisystemic Family Therapy, Functional Family Therapy, and Multidimensional
39 Treatment Foster Care. The authors of the report argued:

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51 Restrictive out-of-home placements, such as residential treatment, psychiatric
52 hospitalization, and incarceration, fail to address the known determinants of serious
53 antisocial behavior and fail to alter the natural ecology to which the youth will eventually
54 return (Task force on the Future of Probation in New York State, 2008: 4).
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3 The language of 'community' has become prevalent in discourses of reform in New
4 York: community is emphasized via new policies focused on 'community
5 development' and community 'capacity building.' It was also observed during the
6 research study that the term 'community' became shorthand for African-American
7 and Latino 'communities' in New York City.
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15 The use of the word 'community' as shorthand for communities of color was
16 not only a euphemism; it may also have been a strategy of governance. By
17 emphasizing the need to strengthen urban 'communities' of color, reformers
18 pointed to a shared understanding about the limits of past juvenile justice practices
19 which were solely aimed at *removal* of children from their urban communities and
20 what they believed to be the related neglect of those communities. Yet, there may
21 have also been a strategy of governance enmeshed in this rhetoric: in many
22 localities, there has been a shift from the state to individual and group responsibility
23 "for the management of local risks and security" (Crawford, 1999: 6). Individuals,
24 non-profit organizations, and private entities within cities are anointed with the
25 responsibility for the management of impoverished and marginalized urban
26 residents. Families themselves are expected to learn appropriate forms of social
27 control. So, while 'community' is elevated and celebrated, this may also be an effort
28 by state and local governments at stimulating informal social control, particularly in
29 the context of financial crises.
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51 The invocation of 'community' may also serve to build legitimacy for state
52 and city actors who were initiating a large scale process of reform that would
53 necessitate public buy-in and support; acknowledging and anticipating the critiques
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3 of institutional racism by focusing on support for communities of color could serve
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5 to preempt any critiques about what they may be doing to actually impose different
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7 forms of social control over the lives of urban families—a kind of *transcarceration* as
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9 opposed to decarceration. For in fact as facilities closed in upstate New York, they
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11 also opened in New York City; the ‘Close to Home’ facilities, while not *prisons*, are
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13 still secure environments which young people cannot leave. For those youth who
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15 remained with their families, the net of control arguably extended more broadly
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17 over them *and* their families, as their parents are required to take part in the
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19 functional family interventions.
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25 Throughout, the focus of reformers has been on the ways that rural facilities
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27 perpetuate racism and urban-based care eliminates it. In a report about the reforms
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29 authored by the Vera Institute, who were commissioned by the state to manage a
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31 task force on juvenile justice, they argue:
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35 It is important to note that the practice of institutionalizing youth in order to give them
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37 access to needed services disproportionately impacts youth of color, who often come from
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39 under-resourced, urban, and marginalized communities. In effect, the current system is
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41 punishing young people for circumstances that are beyond their control. To perpetuate a
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43 system in which young people who pose little or no threat to public safety are removed from
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45 their homes and their communities is a recipe for on-going failure. It consigns them to a
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47 future with little promise, bleak prospects for advancement, and repeated involvement in
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49 the justice system (Task Force on Transforming Juvenile Justice, 2009: 36).
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52 The Vera report – and the reformers who helped to shape it –mobilizes the claim
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54 that the uses of upstate rural facilities perpetuate the harmful racial
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56 disproportionality that exists in the system.¹⁰ This identification of institutional
57
58 racism may actually distract from an analysis of the racialized dynamics that exist at
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60 the *front end* of the juvenile justice system, through policing practices and actuarial
assessments which often conflate riskiness with blackness (Harcourt, 2010). In his

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2
3 work on the history of policing and juvenile justice, Wolcott (2005) points to the
4 ways that policing practices and ideologies often differed sharply from those of the
5 child savers and reformers; in New York City today, it is often the very same young
6 people receiving services in the city's 'Close to Home' facilities who have been
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8 arguably over-policed by its Stop and Frisk practices.
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14 *Facility Staff*

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18 The perceptions of staff members working at the frontlines of the juvenile
19 facilities in the parts of upstate New York which were condemned by reformers may
20 help illuminate the logics that animate the contemporary reform practices. In this
21 site where policy meets practice, or more precisely, where reform meets the
22 reformed, it becomes possible to see the persistence of racial politics in juvenile
23 justice as expressed through ideas about place and family.
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32 Line staff in juvenile facilities were not only expected to implement facility-
33 based changes, but they also observed the cycles of reforms. They encounter, day by
34 day, the overwhelmingly urban young people of color who have been identified as
35 the riskiest youth in the state by police, prosecutors, and judges; they are tasked
36 with enacting the practices intended to control those 'risky' youth, in a setting in
37 which they are invested in, primarily for the sake of job security. They are also the
38 individuals who possess the least amount of social and political power to enact
39 change; no staff members were included in the Close to Home reform process.
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51 The facility staff are overwhelmingly undereducated—many just possess a
52 GED (high school equivalency diploma). They often work 16-hour shifts and few, if
53 any, of the staff participants I spoke to were politically active or active in their
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3 union. These staff are often positioned in the most high risk spaces in the facility
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5 landscape, as individuals who are charged with 'guarding' youth in a locked and
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7 secure environment, they are often in an oppositional role to them, and while many
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9 staff form strong bonds with the youth under their care, their primary role is
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11 defined as custodial by those above them. As such, there is little room for them to
12
13 advocate for changes in the system they are charged to maintain, even if they do
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15 possess critiques of such a system.
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18 19 20 *Criminogenic Spaces and Families* 21

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23 Based on a reading of media reports alone, staff in juvenile facilities are
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25 straightforwardly opposed to reforms aimed at closing the facilities they work in.
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27 Yet a closer analysis of their expressions of resistance arguably points us to some of
28
29 the reasons why the intervention and removal of 'other people's children' has
30
31 endured for so many years in this country. Amongst the staff that I interviewed,
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33 their logics of resistance relied heavily on the links between crime, space, and
34
35 family. Previous analyses have focused on the perceptions of street-level
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37 bureaucrats at the front end of the juvenile justice system, such as probation officers
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39 (Bridges and Steen, 1998, Harris, 2009, Leiber and Peck, 2012). This analysis
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41 suggests that those working at the frontlines of the historically contested sites of
42
43 reforms—the reformatories themselves—reflect the complex and sometimes
44
45 contradictory ways that meanings about space and family become sedimented in the
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47 very *places* where youth have been removed from their families.
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54 Staff members often identified the neighborhoods that the young people in
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56 the facilities came from as anarchic places where the temptation to offend would
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3 outweigh the impacts of any forms of treatment they may have received. They were,
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5 in other words, constructed as places where the exercise of self-control was absent.
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7 This world was considered to be dysfunctional and criminogenic. As a staff member
8
9 at the girls' facility put it, "we can change the kids, but we can't change the outside."
10
11 She noted that in contrast to the young people's home communities, "this is the best
12
13 place for them to go." Staff presented the idea that, for the young people, 'home' in
14
15 the city would always remain terrible, and that it was their role to change the
16
17 individual, who would have to resist the influence of the city. As one staff member
18
19 said, the reason why their facility had so many parole violators was because "you
20
21 are going back to the same corner." These assessments spoke to the enduring
22
23 messages communicated about urban communities by the child savers of the 19th
24
25 century, and the powerful ways that the siting of facilities in rural communities gave
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27 those claims life.
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35 In the face of arguments presented by reformers that it was better for young
36
37 people to be placed in their home communities, staff members asserted the
38
39 importance of the "structure" and accountability that the facility offered and which
40
41 they said was absent on "the street," or in the city—the site of the new Close to
42
43 Home facilities. A staff psychologist at a boy's facility said that a strong form of
44
45 "accountability" needed to exist because young people came to the system from a
46
47 place (the "community") where "accountability" was meaningless. The staff would
48
49 often characterize the city as a place absent of social and behavioral controls. As
50
51 one staff counselor in a rural facility which faced imminent closure put it, "there's
52
53 some kids that need to be placed and learn a different way of life and they haven't
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3 learned that. They're gonna learn it when things break loose down in the city."
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6 Ironically, many of the staff members came from rural and Rust Belt communities
7
8 plagued by high rates of unemployment, drug addiction, and domestic violence.
9

10
11 Thus, their claims were ones that held complex meanings and messages, as 'rural'
12
13 communities were no longer the pastoral idylls described by early reformers.
14

15
16 A number of staff members critiqued the approach by the statewide
17
18 administrator, Carrión, to close the facilities, conveying their sense that the young
19
20 people were ultimately ungovernable, and that their time in the cities wouldn't help
21
22 them. A staff member spoke about how Carrión is "intent on saying that all a kid
23
24 needs is a little support in the community," but that the kids were "incorrigible" to
25
26 the degree that "it's embarrassing." During the reforms, many staff members turned
27
28 to anonymous online message boards, where they could anonymously vent their
29
30 frustrations about the reforms:
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35 ...where we failed these children is when they r (sic) released from facilities. Most of them go
36
37 home to poverty drugs or no one. Carrion doesnt (sic) want to place these kids anymore but
38
39 whats (sic) going to happen to them, in the case files so many of them have parents who do
40
41 not want them home. U can only do so much to fix broken families. I am so sick of hearing
42
43 excessive force...(Mangus, 2009).
44

45
46 Ms. Carrion is a perfect example of a racist. I've never seen her comment on kids being
47
48 locked up unless she first uses "black or brown" as a prerequisite in her statements. She
49
50 states the kids should be in their home environment to get the "support" they need. Funny,
51
52 they had between 14 and 17 YEARS of their neighborhood's support before they ended up
53
54 violent criminals. ...She came to this position with a preconceived notion of how terrible all
55
56 these upstate people and facilities are and never once discusses how many kids passed the
57
58 GED or regents examinations that they would have NEVER taken if they remained in their
59
60 home environment.

Some staff members made these comments in the face of perceived criticisms that
they were responsible for young people's re-offending . Their charges of reverse
racism thus perhaps grew not only out of the connections they made between

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3 criminality and blackness, but also out of a defensiveness that their expertise was
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5 being challenged.
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8 As has been identified throughout the history of juvenile justice in New York
9 State, young people's families were identified by some staff as a key cause of their
10 delinquency. Yet a number of staff members' critiques of the young people's
11 families may have also emerged from a defensiveness about their own positions as
12 actors engaging in an *in loco parentis* role. This in many ways was a role that could
13 be differentiated from the paternalistic role of the judge, the lawyer, the probation
14 officer, or even the facility social workers: as noted above, these individuals often
15 spent up to 16 hours a day with the young people, perhaps experiencing complex
16 feelings of transference and attachment. One staff member noted:
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30 A lot of them have very low self-esteem. They come from disgusting houses, apartments that
31 are dirty, filthy, poor. They're stealing to eat, some of them, so they have very low self-
32 esteem. So we do very little to try to do anything to build that back up.
33

34 When they learned about the facilities closing, some staff members said that the
35 young people they worked with would be sent to places where their troubles would
36 grow worse. One staff member felt that when the facilities sent children home, "it's
37 like sending an alcoholic to a bar to work." Several staff members used animal
38 metaphors to describe the kinds of behaviors that the young people engaged in and
39 the behavioral conditioning that was necessary to teach them to abide by the
40 standards of the institution. One staff member said "you take a lion from the jungle
41 and "he'll conform," and you put them back "out there" and "they've gotta survive."
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These animal metaphors were most often used to describe the young people of color
in the facilities. These assessments of young people of color as disrespectful of

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3 authority and unmanageable have been identified by other scholars (Cicourel, 1968,
4 Bridges and Steen, 1998). The staff language also illustrate and support Frohmann's
5 (1997) argument that "place and person descriptions *work together* in legal settings
6 to construct moral character."
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13 Bridges and Steen (1998: 567) found that probation officers would often
14 attribute white youths' offending to their social environments and Black youths'
15 offending to their "negative attitudinal and personality traits." Harris (2009) too
16 found that attributions of dangerousness and blameworthiness were more often
17 given to African-American youth, and that these had real consequences for juvenile
18 justice decision-making. In juvenile facilities, where staff describe both white youth
19 and youth of color, their invocation of the moral depravity of youth as connected to
20 place and family arguably reflects their focal concerns in this context: job
21 preservation and their investment in the utility of their task, which is focused on the
22 treatment and control of primarily urban youth of color in a facility far from their
23 homes.
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40 In New York, as is increasingly common in many other states, 51% of the
41 facility line staff are African-Americans (Cox, 2013). Thus, these condemnations of
42 urban youth and their behavior are not clear expressions of a white-black binary of
43 racialized social control. They are complex mobilizations of narratives about
44 urbanity and family life that are expressed by individuals who often grew up
45 confronting racism and marginality and who struggle to balance support and
46 punishment in intra-race dynamics that are infused by histories of marginalization
47 (see also Watkins-Hayes, 2009). Thus, it is arguable that staff members deploy these
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3 narratives about city and family life not only as an expression of resistance to
4 reforms which will jeopardize their livelihood, but also as a means of underscoring
5 the logic which they have been trained to uphold: removal means reform.
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10 11 12 13 *Upstate vs. Downstate*

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15 In New York, many prisons and juvenile facilities are located 'upstate.' To be
16 'sent upstate' is often shorthand for incarceration, even for individuals from
17 'upstate' Rustbelt cities such as Newburgh, Poughkeepsie, and Rochester. The
18 facility closures—although initiated in Albany (upstate)—were perceived by a
19 number of staff members to be a part of a larger agenda to shift resources away
20 from upstate New York and toward New York City. As one staff member put it, in
21 referring to the leader of the state's system, "Her goal is to have all the money down
22 in the city—no money upstate." Another said "That's where our money's going.
23 That's where our jobs are going. They hate us down there." There were often
24 implicit messages about race embedded within the discourses about upstate and
25 downstate (see also Frohmann, 1997). More frequently, staff, as opposed to
26 reformers, would invoke these differences, which is perhaps suggestive of the
27 symbolic power that 'the city,' and downstate played in the staff members' minds—
28 it was the base of both the reformers *and* the children under their care, in much the
29 same way that 'community' became a shorthand used by reformers to describe
30 neighborhoods occupied primarily by people of color.
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54 Over time, juvenile facilities have become a source of stable employment in
55 rural areas hard-hit by deindustrialization. In the post-World War II years, many of
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3 New York's cities along the Hudson and Mohawk rivers had thriving automobile,
4 steel, heavy equipment, consumer and industrial electronic industries, apparel and
5 printing disappeared (Castellani, 2005). Displaced workers found help in the growth
6 of public sector jobs. Government employment grew by more than a third from
7 1965 to 1972 in upstate New York, while manufacturing jobs declined significantly
8 (Castellani, 2005). Public sector positions, particularly those in the criminal justice
9 system, were considered to be a salve for rural economic deprivation (King et al.,
10 2003).

11
12 The dynamics of 'upstate' and 'downstate' jobs and reforms were
13 complicated by a lack of a clear binary. Many of the places that the original facilities
14 were located were formerly industrial *urban* locations themselves. The New York
15 Training School for Girls (now closed), was built in a formerly industrial city,
16 Hudson. The Tryon facility was on the outskirts of Amsterdam, New York, once a
17 thriving industrial city located on the banks of the Mohawk river. As these cities
18 declined, they became metonyms for 'rural' despite continuing to be, in fact, cities,
19 but ones plagued by deep social isolation, segregation, and unemployment.

20 21 *Conclusion*

22
23 Early interventions into the lives of white European youth were justified by
24 reference to the allegedly damaging effects of urbanization and harmful 'social
25 ecologies' of poor families, who were seen to be incapable of inculcating white
26 middle-class values in their children in the midst of their own pressures to work in
27 the rapidly expanding capitalist economy. The 'streets' themselves were considered
28 to be incubators of incorrigibility—exposing young people to environmental and
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3 social pollutants. Interventions and reforms today on their face identify rural
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5 people institutions as toxic influences in the lives of urban children. They promote
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7 the idea that children should stay at home as opposed to being placed in institutions.
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9 But a closer look at the contemporary interventions reveals that they are in fact
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11 reliant upon many of the same logics that guided the older reforms—that
12
13 impoverished children of color from the city live in families which do not embrace
14
15 middle class white ideals of behavior. In their sometimes very plain language, the
16
17 staff in the juvenile facilities arguably expose the enduring role *and* effects of these
18
19 logics. Their language, and the language of that of reformers, also speak to the ways
20
21 that language and descriptions can be mobilized in support of clear outcomes for
22
23 youth (Maynard, 1982). In this case, impoverished urban youth of color arguably
24
25 continue to receive interventions aimed at establishing their – and now their
26
27 family’s – self-control and behavioral control. These practices simply take place
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29 more often within geographic reach of their own homes.
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37 As the geographer David Harvey has argued, the myths about America’s
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39 humanitarian, all-embracing and democratic ethos are in part sustained by the
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41 “emphatic denunciations and demonizations” of evil spaces, such as threatening
42
43 world orders (Iran, Iraq, the Taliban, for example) and the “inner city” (2000: 546).
44
45 In this article, I suggest that the space-crime-family logics formed the underpinnings
46
47 of this nation’s juvenile justice system *and* have sustained its focus on
48
49 interventionism. The staff members’ reflections and reactions are not only
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51 indicative of their power to fight facility closures, but also of the embeddedness of
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53 such discourses. Despite significant processes of downsizing and reform that have
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3 occurred across the United States, there are greater numbers of youth of color in
4 institutions than ever before (Davis et al., 2014). Thus, the strategies of
5 reformers—to keep young people closer to their homes and families—have *not*
6 necessarily resulted in changes in the patterns of criminalization that led these
7 youth into the system in the first place. This confirms what researchers have shown
8 us—that there is a relationship between concentrated disadvantage in urban life
9 and the likelihood not only of offending, but also of incarceration (Rodriguez, 2013,
10 Sampson and Loeffler, 2010).
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22 The discourses of facility staff members and reformers in the contemporary
23 juvenile justice reform landscape in New York were seemingly misaligned—they
24 fought on two different ‘sides’ of the issue, upstate vs. downstate, city vs. rural,
25 white vs. black. Yet this seeming misalignment actually obscured some common
26 underlying logics. Both groups tapped into longstanding narratives about urban life
27 and crime in their processes of reform. Both groups mobilized ideas about
28 dysfunctional families in their articulation of the need for intervention in family life.
29 And both groups mobilized ideas about African-American and Latino youth that are
30 ultimately far more complicated than can be captured by reforms, as seen by the
31 deepening racial disparities of young people involved in the system and the
32 expanding presence of African-Americans amongst facility staff.
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49 It is argued here that ideas about family and space have been symbolically
50 powerful in mobilizing transformations in the penal field in New York. The
51 narratives of progress that have been used in recent years may fail to fully address
52 the role that these enduring ideas play in continuing efforts at punishing the poor.
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¹ Brace originated the term 'dangerous classes.'

² There is also arguably a scholarly tradition of pathologizing 'other people's children,' via what Rios (2011) has termed the 'jungle book' trope.

³ See also Goodman *et al.* (Forthcoming) who argue that clear narratives about punishment moving from 'penal welfarist' to retributivist orientations and back (Garland, 2001) do not adequately convey the variegated and 'agonistic' nature of penal change over time and place.

⁴ There was an active English reformatory movement that was arguably animated by different political imperatives and dynamics.

⁵ Although see the work of Schlossman (2012), who found that Mexican-American youth living in California were *less* likely to be sentenced to out of home placement in the early part of the 20th century because informal racial quotas existed which limited the placement options for youth of color. Schlossman theorizes that in addition to the racial quotas, juvenile justice administrators in California also found white youth to be inherently more reformable than their Mexican counterparts.

⁶ I only interviewed staff in the rural residential facilities, not the detention facilities based in New York City.

⁷ The reformers I refer to here include advocates from non-profit organizations aimed at juvenile justice reform, largely based in New York City, and key policymakers working in the system on policies largely aimed at decarceration, the expansion of therapeutic treatment options, and building community-based alternatives-to-incarceration.

⁸ Realignment involves shifting responsibility of incarcerated individuals from the state to the local level (Butts and Evans, 2011).

⁹ See Small (2014) on newfound support for prison reform amongst right and left wing politicians.

¹⁰ Vera has been contracted by the City of New York to develop a database which will monitor the effectiveness of the implementation of Close to Home.