

Social Movements in Juvenile Prisons: An Investigation

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After a recent lecture I gave on my research about the experiences of incarcerated teenagers, an audience member asked if I had ever encountered any young people in the juvenile prisons that I studied who engaged in organized resistance or protest. I had grappled with this question during my research about juvenile prisons,¹ but also while I taught in them as the Pelican Bay prisoner hunger strikers fought to end solitary confinement and as my university-based students participated in Black Lives Matter protests. Why was there such an absence of organized, collective action amongst the young people in the juvenile facilities that I studied?²

Young people's engagement in social activism and social movements has been highly visible in the last decade, and has a long and significant history, from the work of the Student Non-Violent Coordinating Committee during the Southern freedom movement, to the youth members of Occupy Wall Street, to Black Lives Matter (Noguera & Cannella 2006, Taft 2011). In a survey conducted by the Higher Education Research Institute and the UCLA Graduate School of Education and Information Studies, one in ten first year students entering colleges across the USA in 2016 expected to participate in protests, the highest number in in the survey's history (which began in 1966) (Higher Education Research Institute 2016). Youth activists have also engaged in movements to resist the building of youth jails in jurisdictions across the United States (Taft 2011, Tilton 2010). Yet, in the context of juvenile prisons, there is little documented participation by teenagers inside of those facilities in broader social movements, despite the participation by members of their age cohort in protest movements elsewhere, and by adults in prisons who spent time in juvenile facilities as teenagers.

This article examines the obstacles to protest in a juvenile prison landscape where young people are deemed at once in need of management and control *and* seen as in possession of a strong capacity to engage in self-change. Juvenile prisons are often viewed by their staff members as tinderboxes of violence and chaos, where young people can erupt at any moment (Abrams, Anderson-Nathe, & Aguilar 2008, Lopez-Aguado 2018, Peterson-Badali & Koegl 2002). Yet, at the same time, these places are often constructed by reformers as containers of seemingly vulnerable young people in need of protection (Task Force on Transforming Juvenile Justice 2009, Bernstein 2014). This mix of moralizing, punitive and paternalistic perspectives, I argue, is combustible—it creates a space where young people who are incarcerated are ‘treated’ in a highly controlled and controlling environment. This form of “repressive welfarism” (Phoenix, 2009) does not necessarily prevent young people from engaging in a critique of the state, but makes the operationalization of that critique extremely difficult. In her work on approaches to the so-called ‘problem child,’ largely racialized, of the carceral state, Erica Meiners (2017) argues that children can represent “radical liberatory futures.” In this article, I probe the ways that these radical liberatory futures are often squelched in juvenile prisons.

I argue that the current approach to juvenile imprisonment in the United States involves the regulation and control not only of young people’s bodies, but also of their minds, in a way that uniquely reflects the stifling effects of paternalism, welfarism and punitiveness. This form of penal power arguably results not only in the squelching of dissent, but also of a stultifying of what I argue are developmentally appropriate reactions to social inequalities. It does not lead to the total elimination of resistance or the evacuation of young people’s ability to refuse the terms of their confinement, but it makes their ability to engage in organized resistance extremely difficult. Young adults have been at the center of social movements that have transformed our policies and attitudes towards racialized social control, war and violence, and colonial power, among other forms of

power. Thus, juvenile prisons are actually spaces of exception to the actually quite *prevalent* role that protest movements have placed in prisons around the world. The article will begin with some context about prison-based protest movements, and will then shed light on the responses by the state to organized resistance, in particular in shaping the avenues for engaging in resistance. I then draw on a piece of empirical research to shed light on some of the institutional modes of repression that exist in contemporary juvenile prisons.

Prison-based protest movements: some brief context

There is a long history of prison riots, protest movements, prison movements and activism in the United States in adult prisons (Adams 1994, Berger 2014, Chase 2015, Thompson 2016, Abu-Jamal and Fernández 2014, Thompson 2014, Useem & Kimball 1991, Berger & Losier 2018). Yet in this voluminous history, there is almost no mention of acts of organized resistance that have occurred in juvenile prisons or facilities. For the most part, the movement history that has been documented largely suggests that organized opposition and resistance, in the form of strikes, riots, and protests, have been confined to adult prisons. However, there is some work that has documented either the early exposure of prison social movement organizers to juvenile prisons, from the Soledad brothers to members of the Black Panther party (Berger 2014, Murch 2010).

Myers and Sangster (2001) document the collective actions and riots that girls engaged in in the Canadian reform school system in the early part of the 20th century, and they and others have pointed to the nuanced ways that young people have refused the terms of their incarceration, such as through the act of running away from facilities (see also Chávez-García 2012, Child 1999, Platt 2018). Riots themselves are not unheard of in the juvenile facility landscape, and the public media regularly documents these incidents. Other literature focuses on the emotion work that young people do inside of facilities, and the ways that they may engage in acts of deviance as a form of resistance to the pains of imprisonment (Halsey 2007, Reich 2010, Lopez-Aguado 2018, Abrams &

Anderson-Nathe 2013, Fader 2013, Cesaroni & Alvi 2010). While this work reveals the important contours of young people's agency within custody within the sociological discourse of agency and structure, we know less about the ways that young people engage in political and legal critiques of the conditions that they find themselves in; this is consistent with broader gaps in the literature on youth participation (Taft 2011).

The Changing Landscape of Grievances and Complaints

Protests and social movements have arguably transformed the prison landscape in ways that have facilitated the end of punitive practices, the expansion of civil liberties and rights, and the introduction of liberatory frameworks within the prison landscape. Goldstone and Useem (1999) argue that prison riots are a productive site in which to examine the conditions of social movements more broadly, for it is the very conditions and context of the prison itself which reflect the social dynamics of the outside world. As a result of some of these social movements, there has been a modest recognition of the religious freedom and due process rights of people in prison (such as the introduction of law libraries), but also a restriction and limiting of those rights, such as through the introduction of the (U.S.) federal Prison Litigation Reform Act (PLRA) in 1996, which has arguably created enormous hurdles for prisoners' abilities to challenge the conditions of confinement (Human Rights Watch 2009).

These developments in the area of prison litigation and the law in the United States have arguably created even more restrictions for young people than they did for adults. Juvenile prisons seem to have largely been neglected in the introduction of law libraries. The 1977 U.S. Supreme Court case *Bounds v. Smith* addressed the right to counsel for adults, establishing the fundamental constitution right of individuals of access to law libraries, among other rights. The issue of juveniles' access to law libraries has only been litigated at the lower court level in a 1992 case *John L. v. Adams*, a Tennessee case where young people incarcerated in the state argued for meaningful access to the

courts through libraries. This right was upheld in Tennessee, but there haven't been any higher court decisions on this issue (see also Levick and Desai, 2007). Very few states ensure young people's access to law libraries, often arguing that young people are incapable of understanding the law that they seek to research.

The PLRA also transformed the landscape of prison-based grievances, arguably negatively impacting on young people in particular. The PLRA has what is called an "exhaustion requirement" which demands that a person in prison file a grievance with the prison administration; once or if that grievance is unaddressed, then the incarcerated person has to file an appeal to that grievance to the central state correctional agency. They need to continue with the appeal until the highest court in the state if they want to file a lawsuit against the correctional facility (Poser 2016).

Behavioural Control as a Response to Organized Resistance

Prison protest movements have also arguably shaped and been shaped by external social movements for Black liberation and social justice, which facilitated an organized and collective resistance to punishment (Berger 2014, Berger & Losier 2018, Thompson 2016, Sparks, Bottoms, & Hay 1996). This was not unique to adults; young people who aligned themselves with identity-based movements against the racialized prison state also got involved in protest movements. Berger and Losier (2018) document the fight by young Muslim men at Lorton correctional facility in Virginia in 1962 after they were denied halal meals following class action litigation in the matter. Even before the flourishing resistance movements of the 1960s, historian Carl Suddler identified the presence of youth-led organizations in Harlem in the 1950s who challenged hegemonic ideas about 'delinquency' and instead argued for stronger levels of accountability of the adults who defined and policed delinquency, particularly in a racialized way (2015: 185-186).

Yet these forms of radical resistance to punitive practices by young people, particularly young people of color, were met with resistance by administrators in the form of behavioral control.

In a 1967 progress report on the development of a specialized ‘treatment’ program developed for boys at the Otisville training school in New York, the author makes it clear that the program was designed to neutralize what was perceived as the rising influence of the Five Percenters, a Black nationalist group, and the Young Lords, in the facility (see also Knight 2008):

Adhering to the tenets of a streetboy religion which he hardly understood, this new inmate—Negro and sometimes Puerto Rican—threw the training school off balance by his insistence that he was a Supreme Being, in fact, Original Man, and that he possessed Supreme Wisdom beyond the understanding of decayed training school personnel whose systems had been poisoned and whose minds had been stunted by their poor, weak and wicket mothers who maliciously had fed them pork... Harm was inherent in the introduction of a racist doctrine which identified the white man as the devil incarnate. And harm was seen in the lack of respect and in the actual disrespect to chaplains during religious services (Holcomb 1967).³

The response of the state juvenile justice administrators to what they perceived to be a difficult and intransigent group of young people was to develop a specialized behavioral treatment program. The program was deeply influenced by Gisela Konopka, a pioneer of group treatment work. Like many of her peers in the field of group treatment, Konopka advocated for a family-like environment for young people in custody, arguing that this kind of environment would facilitate rehabilitation for young people. However, despite these ostensibly ‘caring’ intentions, the environment she advocated for would be aimed at tightly and quickly reinforcing young people’s so-called ‘negative’ behaviors.

Konopka wrote:

...we are guided by three basic beliefs. First, children need and want to be controlled until they are capable of managing themselves. Second, destructive behavior must be externally controlled until inner controls are sufficiently strengthened to provide the necessary controls. Third, the disturbed child will continue to act out until limits are effectively set on his behavior (1962, 9).

It is no coincidence that forms of behavioral control like those advocated by Konopka emerged in New York State’s juvenile facilities at a moment when the world outside the facilities was being transformed by largely youth-led social movements. Although many of the members of these movements were celebrated for their rebellious ability to question authority, others, including some from the psychoanalytic establishment, chastised activists for their ‘infantile conduct’ in need of appropriate tools for self-regulation (Kauders 2011). It is perhaps these broader critiques that

invoked the responses to young people that we observed in the juvenile facilities which continue to have consequences for young people in facilities today.

Ground-level considerations of prison reform in the juvenile prison context

This article draws from three years of research conducted inside of New York State's residential juvenile facilities between 2008 and 2011 (see Cox 2018) to point to some of the ways that the contemporary juvenile facility arguably shapes and squelches dissent. This research involved semi-structured interviews and observation inside of five of the state's boys' (four) and girls' (one) facilities, with young people and staff members. There were 39 young people and approximately 70 staff members who participated in the research study. The young people in the facilities were adjudicated as delinquents and also charged as adults under New York State's Juvenile Offender law, which allows 13-15 year olds to receive adult convictions and sentences, although they begin their sentence (before their 21st birthday) in the juvenile facilities.

This article also draws from the experience of teaching two college-level courses in one of the state's residential juvenile facilities for boys. The research also builds on archival work done on history of the New York State system as well as participant observation at state and local reform meetings, which provided an opportunity to contextualize the developments in youth incarceration over the course of its 150-year history in New York.

The research in the facilities, examining the lives of young people, was focused on three of the following themes:

- Understanding how young people express agency in the context of the contemporary youth justice system.
- Identifying some of the ways in which they believe they can get out and stay out of the system.

- Examining what role the state plays and can play in either inhibiting or facilitating young people's exit from the system.

Building on in-depth observation of the everyday routines, practices, and dynamics of facility life, the research was particularly focused on understanding these ideas from the perspectives of young people. Thus, I also employed participatory action research methods in order to better understand how young people themselves might then begin to not only make sense of, but engage with, the conditions of confinement around them.

In order to triangulate the research findings about young people, I then engaged in a research study about staff perspectives on confinement, and in particular, staff perspectives about the systemic change that was taking place in the state's facilities during the research period. This article is a critical reflection on the broader experience and findings of the research.

New York State was the site of one of the most significant prison incidents in the country's history, the Attica uprising of 1971 (Thompson 2016). Even though Attica was an adult male maximum-security facility, a number of the policies and practices, as well as the material aftermath of its force, impacted on the juvenile facility environment. Not only did it take me approximately one year to gain access to the state's juvenile facilities in order to do research, a process arguably made more difficult by the deep restrictions on prison-based research that emerged in the aftermath of Attica (Wacquant 2002), the qualitative examination of facility life, as well as the impact of Attica and other protest movements on litigation, reform and oversight (Deitch and Mushlin 2010) revealed the spaces where the legacies of the protest movements existed.

The Behavioral Context for Dissent

The skein of behavioral control that exists in the juvenile facilities in New York, and which exerts itself over the lives of the teenagers within the facilities, draws closely from the 'rehabilitative' approach developed in the 1960s in response to the emergence of the Five Percenters and Young

Lords, and arguably impacts on young people's ability to identify sources of organized resistance to that system.

While ideas about adolescent vulnerability and temperament are highly socially constructed (Meiners 2017, Swadener and Lubeck 1995, Jenks 1992), there are some material and lived realities of adolescence. Teenagers' relationships to authority, particularly in contexts where those authorities not only have coercive power over them, but are also older, are deeply constrained. Although a number of scholars have commented upon teenagers' interest in *questioning* authority as a common feature of their age (Steinberg and Cauffman 1996), fewer have analyzed the consequences of questioning authority in a context where those authority figures have the power to control them not only in the name of age, but also in the name of the state. That power is also one of physical force and might (see also Tilton 2013). Juvenile facilities raise significant questions about the legitimation of power, for it is in these environments that power is not necessarily negotiated in the manner that other commentators have suggested must occur in adult prisons (Sparks Bottoms & Hay 1996, Liebling & Arnold 2004); instead, the coercive power of the state is rooted in the power to punish and manage a class of individuals who lack full citizenship, both in a symbolic and a material sense.

Teenagers also have a complex relationship to responsibility, and juvenile justice systems place a profound sense of importance on ideas about responsibility—both in the sense of responsibility for one's criminal actions, but also responsibility for one's future (see also Tilton 2013, Abrams and Anderson-Nathe 2013). Their ability to take responsibility for their lives and their futures in the context of a contemporary world where young adulthood is marked by severe economic precariousness is in fact a difficult one (Giroux 2009). Numerous commentators have identified the ways that young adults face the most severe consequences of a contemporary political economy that is marked by deep inequalities and constraints on social mobility (France 2016). Young people without a high school diploma or college education face some of the biggest obstacles

to social mobility, and some of the greatest vulnerabilities to criminal justice system contact (Western 2006). Inducements towards them to take responsibility for their lives and their futures is consistent with the emotional discourse of contemporary life, but do not attend to the economic realities of their existence (Silva 2013, Gray 2009). Yet, it is arguable that the discourse of self-responsibility and self-ownership that is promulgated in the juvenile facilities taps into a desire by young people to identify a source of control in a context where they often feel so out of control. For many young people, they landed on that source of control within themselves; Ellen, a young woman who had been punished by system administrators for her non-compliance with facility programs, and had been required to write entries into what was termed a ‘Change journal,’ expressed frustration with the demands of the system to perform change. In response to this systemic demand, Ellen identified her own source of change, saying “I’m here to do me, and to do me only.” A number of the young people embraced this language of self-controlled and responsabilized power—one which they felt in some ways distanced them from the system they were in, but to some extent also enmeshed them in the very field of power that they sought to distance themselves from (see also Cox 2011). For if young people were to embrace the idea that the tools to their exit from the system were under their own control, and they could enact that liberation by embracing self-control, deference, and responsibility, then the system itself functioned efficiently and effectively.

It is also in this context that young people’s difficulties and their resistance is uniquely pathologized and repressed. Although a young person’s expression of hurt, pain, and frustration with systemic demands may be *developmentally normative*, and indeed appropriate, particularly for someone who has been exposed to an enormous amount of systemic and personal trauma, within the context of the system, these forms of resistance are penalized. There were various forms of punishment used in the facilities, from the overt to the more subtle. Room confinement, a euphemistic term for solitary confinement, was routinely used as a form of punishment for

individual transgressions, and regularly used a form of collective control for times when staff members felt they had lost control of their units. Staff had the ability to lock residents' rooms from a central control device. Residents were also often sent to the infirmary as a form of punishment; they were held in isolation rooms there ostensibly for their own safety. Often this form of punishment was used in response to young people's emotional outbursts or expressions of anger, rather than any physical threat that they posed. Physical restraints were also often used as a form of control, but young people would frequently experience them as a form of punishment, experiencing the staff response to them as aggressive and traumatic. During a focus group at a young women's facility, one girl noted of a restraint that "it's the first thing [the staff] want to do." The use of physical restraints in juvenile facilities is extremely well documented (see Government Accountability Office 2009), and prolific; this form of control is arguably one that is uniquely pertinent to understanding the repression of young people's dissent, for it is often exercised by adults who are physically larger and more powerful than the young people under their control.

Finally, the 'soft' forms of control that are exercised in the residential facilities are the behavioral management strategies that are unique to juvenile facilities. Most of the facilities employ a token economy aimed at inducing behavioral change by creating behavioral expectations that are linked to an advancement through a tiered system tied to privileges. Other techniques and approaches included those imported from mental health contexts, like the 'Egregious Behavior Protocol.' Under this protocol, a young person is required to write and reflect on the 'chains' and 'links' that lead to their 'egregious behavior,' and then apologize to their residential unit. The process is said to be aimed at 'repairing harm' (Citizen's Committee for Children 2009: 46, Cox 2018). These behavioral programming systems arguably create particular demands for what I have termed 'responsible submission,' a kind of deference that is highly structured by adult expectations—and ones that are particularly shaped by white middle class norms (Cox 2015). Even minor forms of

resistance are penalized in this system, and this has material consequences; if a young person questions the rationale of rules, or the authority or knowledge of a figure of authority, they face a variety of possible consequences. Young people adjudicated as delinquents can have their time in the system extended well past their original sentence and those charged as adults can lose an opportunity to be released early. They can lose time on the phone to talk to their families. They can lose access to food and drinks in the commissary, or soap and other supplies. Or, they can receive a disciplinary infraction, be placed on room confinement, or even be arrested.

In the context of young facilities, the locus of control is clear; adults possess and operate it in ways that has consequences for the way that young people respond to it. This impacted on young people's sense of autonomy and 'freedom' within the facilities. This was revealed in the desire by a number of young men facing lengthy sentences to 'sign out' early of the juvenile facilities (before their 21st birthday) and go to an adult prison because their perception was that they would find *more* freedom in adult custody. As Newz, who was in a juvenile facility facing a lengthy adult-level sentence of three to nine years put it: "they make decisions for you. You're going to rec, you're going they're going to dining hall. In real jail you can refuse the dining hall, refuse to go to school." The carceral consequences of a desire for prison over juvenile facilities often seemed absent in these conversations, which were simply focused on identifying liberation from the seemingly pervasive forms of control in juvenile confinement.

The Educational Context for Dissent

Educational provision in juvenile facility contexts is notoriously unregulated; in many US jurisdictions, juvenile facility teachers are not required to be certified, there is minimal provision for students with learning disabilities, and the facilities themselves are often not able to grant credits. Many juvenile facilities and prisons are located in rural areas, far from research centers and educational training institutions. Library provision in juvenile prisons is poor; none of the six

juvenile prisons that I have done research in have had full time librarians, unlike the requirement that all state prisons in New York have librarians (see also Austin 2012). Access to books depends on staff willingness to make libraries available, interested volunteers, and staff investment in reading. Outsider organizations involved in sending books to prisons rarely include juvenile prisons in their outreach.

Young people's engagement with knowledge revealed the ways that their access to such knowledge was constrained and protected by the custodial staff. I encountered those constraints when I brought a book donation to a small, locked facility in upstate New York. I assembled this donation after realizing that the facility lacked a standalone library. Among the books that I had received was Blacks and the Law by Randall Kennedy. One of the facility administrators decided to review the content of the bag of books that I brought to the facility before deciding to accept or reject them. Upon seeing the title of the book, which he had not read, he rejected the book, saying that the book might be used by the young people as a tool to 'blame' their conditions of confinement on racism; the irony was not lost on me that Kennedy advances a relatively conservative perspective on 'race' and the law that may not have been out of synch with the responsibility-taking perspectives of staff members. I later taught a college-level sociology course in one of the state's juvenile facilities with a colleague; one of the texts we selected for the students to read was Eduardo Bonilla-Silva's (2001) work on racialized social systems, *White Supremacy and Racism in the Post-civil Rights Era*. When we later debriefed with our students from the facility about their experience of the course, we were regularly told by those students that they were taught by facility teachers (who observed all of our classes, but did not speak) to disregard our lessons from the book because those lessons prevented the students from identifying their individual responsibility for their incarceration.

Curricular innovation in juvenile prisons is rare, textbooks are often outdated, and teachers often lack the training and access to professional education and pedagogical developments (Domenici and O'Leary 2015). The provision for students with learning disabilities is often out of compliance with federal standards and requirements. And basic access to extracurricular opportunities and purposeful activities is routinely restricted. Finally, in the rural environments where many facilities are located, far away from the urban communities where young people come from, a number of the teachers arguably suffer from what some educationalists have described as “cultural incompetence” (Fenning and Rose 2007). While there was arguably a movement of young and progressive student teachers in the 1960s and 1970s who infused juvenile facilities with radical ideas and literature (Miller 1991, Austin 2017), the educational provision, with some exceptions, has increasingly been subjected to neoliberal logics of content delivery and service provision, coupled with state-level austerity policies. In one the facilities I studied, young people attended school by unit rather than by age level, and the curriculum was reused every year; for some young people serving lengthy sentences, this meant that they experienced the same curriculum several years in a row. A number of teenagers in the facilities in New York addressed what they perceived to be the low expectations of them in terms of school achievement; they talked about being encouraged to get their high school equivalency diploma rather than completing high school itself, being pushed to do trades, and being discouraged from attending college.

The schools that have shaped the lives of the young people *before* they get to the facilities have also played a role in shaping many of their identities as ‘dangerous’ and ‘bad’ individuals, only ever able to be controlled through exclusion and policing, particularly in racialized and gendered ways (Rios 2009, Giroux 2009). This arguably has consequences for the ways that young people experience themselves as educational subjects: if their experiences of the educational system prior to their incarceration was one where they were largely treated as ‘bad’ and excludable, then their

experiences inside the facilities are ones where those identities can become sealed, particularly if they continue to be educated in ways that assume their ultimate disposability (Giroux 2009). A teacher I interviewed at one of the facilities felt that proposed legislation in New York to make the juvenile facilities school districts, thus enabling the facilities to grant diplomas, was “horrendous” and setting the young people “up for failure” because, she said, so many of those young people came to the facilities with so little formal education, and it would be impossible for the facilities to bring them up to speed in the short time that they were there. A number of other staff members spoke about what they perceived was the need for longer sentences for young people just so they could obtain educational qualifications in a coerced context, because, as this teacher noted, the kids can’t “keep up...we give them an A here, but they know that’s not what they’re getting in public school.” A teacher at a girls’ facility said that the children under their tutelage were the “worst kids you can drag off the streets,” and that it is too hard to “try to get them to learn.” The classroom dynamics often revealed the negative perceptions that staff had about young people, and their effects. Young people often fell asleep and showed deep levels of boredom, as did the security staff members who watched over them. Young people often challenged the teaching staff, asking questions about the efficacy of the curriculum, only to be responded to by the use of administrative ‘levels’ or behavioural punishment slips. Lessons were frequently interrupted by alarms and other facility-level demands, which staff members often treated with resignation and without resistance. In response, young people often found solace in books because, as one young person said, “books are where you can learn,” as opposed to the classroom. Thus, rather than facilitating acts of collective resistance, the schools arguably diminish them.

Youth Grievances

As noted above, young people have limited avenues to legally challenge the conditions of their confinement. In New York State, those avenues arguably became more deeply constricted

through the introduction of a process that was on its surface aimed at creating *greater* avenues for exercising their right to complaint. Around 2008, New York State bolstered the power of its ombudsman's office which served the state's juvenile justice system, in part in response to an investigation by the federal government about conditions of confinement and allegations of sexual abuse by guards in the state's facilities (King 2009). As part of their work, the ombudsman's office left boxes in each of the residence halls of the state's juvenile facilities for young people to submit forms; posters soliciting the complaints included statements like "if you've got beef, call the ombudsman." The ombudsmen would travel to juvenile facilities to meet with young people, discuss their concerns, and intervene on their behalf, but their approach was a highly individualized one, which ultimately elicited individualized complaints. In interviews with members of the state ombudsman's office, I learned that a number of the complaints from young people centered around the quality of the food, young people's desire for release plans, their boredom, the lengthy time periods that they spent in their rooms, and staff practices of excluding youth from educational settings for disciplinary purposes. For example, one ombudsman noted "a lot of kids complain about the time they spend in their rooms, not necessarily official room confinement, or even as discipline, but also just the afterschool 'we're sent into our rooms and we don't come out for two hours,' or during shower time." She also noted that "a lot of kids call about their releases, they wanna know when they're going home, or why they haven't gone home yet." These complaints are about what is a seemingly pervasive form of in-facility control, but also the effects of the indeterminacy of placement, particularly for young people adjudicated as delinquent, who can have their placement well past their original sentence.

In general, the ombudsman's process treated each individual complaint administratively, conveying to young people, for example, that their frustrations about room confinement were not necessarily structural concerns as much as they were problems with individual 'bad seed' staff

members. Each ‘complaint’ was generally handled by the ombudsman responsible for them, by them calling the facility administrators and talking about the issue, or advocating for the young person individually with the court.

However, the complaints made by young people did not legally constitute grievances for the purposes of litigation, and members of the Legal Aid Society, who filed class action claims against the state with respect to conditions of confinement, found themselves struggling to establish the proper legal precedent for a lawsuit.⁴ Thus, in an effort to promote youth participation, the state effectively foreclosed young people’s ability to effectively hold it properly accountable. In a context where the age discrepancy between adult staff and incarcerated children reflects a greater power differential than in adult prisons, children and young people may have been scared to file a grievance against a staff member who they would have to encounter daily after the complaint was made. The Prison Litigation Reform Act, described above, also requires that the individual filing the complaint identify a clear legal or constitutional breach has taken place. These breaches were hard to discern in the everyday complaints of young people, particularly if they do not have access to law libraries where they can conduct research about such breaches.

The complaints the ombudsmen heard –and their responses—may also not fully reflect the spectrum of critiques that young people have of the system. To assume that young people lack the capacity to make moral assessments and evaluations of their social conditions would be wrong (Thomson and Holland 2002). Young people have a clear sense of fairness, particularly when it comes to their experiences in legal systems (Fagan & Tyler 2005, Tyler & Trinkner 2018, Hinds 2007, Hicks & Lawrence 2004). *Criminalized* young people in particular have critiques of justice and injustice in their experiences of the legal system, particularly as it is mediated through the experience of racism (Hagan, Shedd, & Payne 2005, Bell 2016, Inderbitzen 2007).

In order to more fully understand what young people had to say about the broader structural pressures on the system, I engaged in an exercise called the ‘Problem Tree’ method which is used in participatory action research projects to help identify problems and develop solutions to these problems. The leaves of the tree represent the problems, the branches are the intermediate causes, and the roots are the underlying and systemic ‘roots’ of the problem (Youth Researchers for a New Education System 2008, MDF 2005). The young people were given sticky notes, which represented the ‘leaves’ of the tree, on which they would identify problems. The ‘problem’ I proposed was the statement ‘the criminal justice system isn’t working.’ This statement was intended to stimulate a discussion which would help to later inform the research questions.

Young people identified a range of symptoms which they argued fed the problem of the criminal justice system not working. In their comments, they focused on their limited power in the court process, particularly because of their age (“knowledge of rights are missing,” “we know nothing about the law process/system so we have to just trust our lawyers,” “more opportunities to express yourself in court,” “no bail”⁵ and “we shouldn’t be treated as adults in the criminal justice system”) and their (negative) perception of the authority figures they faced (“they look at us like we’re crazy—like we’re straight criminals,” “lack of help from your public defender,” “the way prosecutors and judges punish us for the things that we do, but don’t understand or try to understand why we do it,” “do right thing but still get treated poorly because of current position”).⁶ They also questioned their relative power and autonomy in the system, and the responsibility-related contradictions inherent in being charged as an ‘adult,’ which some of the young people I interviewed were, but not being able to make key decisions about their time in custody. The paradoxes of age and criminal responsibility, in other words, were not lost on the young people. Nor were the broader systemic and structural issues which fed processes of criminalization and control. Yet, if the

locus of concern by administrators at the juvenile facility level is focus on ‘complaints,’ then this arguably ensures that there is no space for systemic critique.

Systemic Efforts at Leveraging Youth Participation

One of the cornerstone juvenile justice reforms in recent years has been to promote youth ‘voice’ and participation in the juvenile justice system, in keeping with the movement in the broader children’s rights landscape. The goals of this form of participation arguably emerge out of a liberal nod to engagement and deliberation, but they arguably squelch agonistic perspectives (Laclau and Mouffe 2001). In the juvenile facilities I studied, residents were selected by staff to participate on student councils. This council generated a set of concerns and demands which they then presented when they met with a facility director. These kinds of councils have been established in facilities across the country. Consistent with other domains of social life, there has been an increasing investment in and attention to youth participation in the juvenile justice context, from foundations to juvenile justice advocacy organizations. The Annie E. Casey foundation has formed a Juvenile Justice Youth Advisory Council, the Coalition for Juvenile Justice has a National Youth Committee, and the federal government requires a system-involved participant on its state-level Juvenile Justice Advisory Groups, among many other efforts to engage young people.

Yet, even though this nod towards participation rights is done in an effort to enhance youth ‘participation,’ it is rare that these forums for participation generate the forms of dissent or deliberation that they seek to model. Instead, they tend to be a forum for minor complaints and concerns, which facility directors seek to address, but do so in a way that conforms to facility objectives. And these fora are explicitly designed in a way that legitimizes those in power (they can say that they met the obligation to hear youth perspectives) and actually delegitimizes youth perspectives. They essentially become fora for feedback, as opposed to foundational settings for building a place for democratic engagement. In the facilities that I studied, youth were *selected* by

facility directors for participation in the councils, rather than *elected* by their peers; this often resulted in the selection of young people who embraced some of the official language of individual responsibility, rather than challenged it (see also Tilton, 2013).

Youth participation rights are increasingly at the forefront of national and global agendas, but it is important to pay critical attention to how this idea of participation is operationalized (Prout 2000). One danger or risk of this level of participation is that young people's engagement in system reform becomes tokenistic-- their level of participation becomes distilled to their experiences in the system, and the demands on them to provide testimony, as opposed to engaging as active, participants, raises questions about epistemic objectification (Fricker 2007), when the speaker is reduced to a narrow set of avenues to express thought. As some of the leading theorists of youth participation have argued:

...broad applications of the term "participation" masks what is often tokenism and the illusion of consultation that may serve to advance dominant interests... If young people are not treated with equal respect and taken seriously within their institutions, they are less likely to have confidence in democratic processes as adults" (Cahill & Hart 2007, 218-19).

This arguably eclipses the possibility that the speaker is understood as anything other than their ability to tell the story of their time in the system or as a non-threatening mouthpiece for surface-level, reformable complaints about the system. The form of participation valued in youth justice contexts may only ever envision the young person who has been system-involved as useful in connection to their system involvement, not as an active citizen in other domains of their life.

Spaces of Possibility, and Cautions

There has been a long tradition of recognizing youth subcultures and deviance *as* a form of resistance to broader social structures (Hebdige 1979, Cohen 2004). Although the landscape of educational provision in juvenile facilities across the United States is deeply limited, there are some promising practices that reflect the ability of some educators to engage in critical pedagogies inside of the juvenile facility landscape in ways that seek to build young people's critical capacities, actively

engage them as citizen scholars in-the-making, and hold potential for building and sustaining meaningful youth participation and engagement. Goddard and Myers (2011, 2013) have usefully identified productive and progressive sites of engagement with criminalized youth, and have argued that it is critical to seek out spaces of hope in what is often characterized as a totalizing neoliberal penal environment. They also caution against the desire to establish whether programs ‘work’ to prevent crime amongst young people, and instead point to the possibilities to build a social consciousness and solidarity amongst young people. Indeed, they find that some programs subvert neoliberal responsibilisation strategies in order to actually “sow the seeds of social change” (2011, 653) in communities that have been negatively impacted by such strategies. They study a charter school in Los Angeles that serves young people who have been excluded from ‘mainstream’ and alternative schools, particularly juvenile and criminal justice-system involved youth, and educates them to become social movement organizers, teaching them to become actively engaged in the decision-making processes of the school. In doing so, the schools’ focus is not only on the democratic engagement of its students, but also in teaching them to address and have the power to change the structural forces that shape their social realities (Goddard and Myers 2011, 663)

Jerry Flores (2015) writes about the ways that some educators in California juvenile facilities engage in what he calls “creative resistance” to the punitive rationalities of the settings. They did this, he argues, by creating extracurricular programs in their classrooms, engaging in a race-conscious pedagogy, and emphasizing critical thinking skills (2015, 22-3). Austin (2012) writes about the possibilities for youth detention facility libraries and librarians to engage in critical interventions that facilitate a critical awareness and insights. The publication ‘The Beat Within’ with art and writing produced by young people in juvenile detention in the San Francisco Bay area, often conveys powerful critiques of the system; there are other projects like this around the United States.⁷ There

are emerging programs such as the UCLA prison education program's courses, held at the Barry J. Nidorf juvenile hall in Los Angeles, which includes a course on the arts, activism, and agency.¹

Young people's civic engagement has been demonstrated to have positive developmental outcomes (Larson 2000). The concept of 'positive youth development' –a "strengths-based, resilience-oriented" perspective, has been introduced into the youth justice context—'positive youth justice' is a term in circulation in youth justice systems around the United States and across the Atlantic in the United Kingdom (Butts, Bazemore, and Meroe 2010, Butts, Mayer, and Ruth 2005, Case and Haines 2018). Positive youth justice draw largely from developmental psychology, and has been incorporated into youth justice systems in the form of interventions which seek to nourish youth 'resilience' and strengths. These approaches now include 'strengths' and 'needs' as well as risks, and are attuned to the existing knowledge about adolescent brain development (Connecticut state prisons have developed a specialized unit which serves young people and where staff are trained in adolescent brain development). However, the extent to which these kinds of programs exist in tension with the critical pedagogies described by Flores, Goddard and Myers remains: positive youth justice programs largely seek to stimulate "positive youth behaviors and outcomes," (Case and Haines 2018) particularly in the areas of education and employment, in a mainstream sense, rather than encouraging young people to meaningfully engage in structural and systemic change.

Conclusion

In her work on the lives of so-called 'wayward' girls of color, Saidiya Hartman argues for an analysis of the practices of antagonism and refusal. She analyzed the "spaces of enclosure and containment" that girls of color living as domestic servants in the early 20th century who were

¹ See, e.g. <http://www.uclaprisoned.org/bjn.html>

punished and policed for their ‘wayward’ actions, and argued for a study of the ways that girls “make, do and act” within those spaces (Princeton University 2015). Juvenile prisons are important sites of antagonism and refusal; young people regularly fight back against the terms of their confinement in the limited ways that they are able to. They spit at staff and yell at them, they push back against those who physically restrain them, they fight and argue and question the content of the curriculum, they refuse to go to school, or to work, they build friendships where they are disallowed, they talk about racism when they know they’ll be penalized for it, they read books they are not allowed to. But juvenile facilities themselves, and the way that they function and operate, from the tightly structured behavioral change rules and programming expectations, to the limited access to books and progressive curriculum, to the constrained avenues for ‘voice’, arguably inhibit and suppress young people’s opportunities to create organized and sustained avenues for resistance. This absence of organized resistance means in large part that the call to abolish youth prisons often comes from without, from organizations largely led by adults (although organizations that are youth-led have engaged in successful campaigns to prevent the building of youth jails (Tilton 2010, Kaplan 2012). This raises significant questions about the transformation of the juvenile prison landscape, and the power and potential for youth-led social movements about imprisonment, for if those movements largely involve the use of young people as tokens, not social actors, then the transformation of those places may be severely limited.

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¹ In this article I will refer to 'juvenile prisons' as all custodial facilities which house children and young people until the age of 24. Each state in the United States has a different approach to the incarceration of young people, but most states have custodial facilities that exclusively house young people. England and Wales have Secure Training Centres for girls aged 12-17 and boys aged 12-14 and Young Offender Institutions for boys aged 15-21. Germany has facilities which house youth up until age 24. This article is addressing the experience of facilities for young people, not adult prisons which house teenagers.

² This article does not address the ways that young people have been criminalized for their engagement in protest, such as those arrests of teenagers in the black-led freedom movement documented by Ward (2012, see also Meiners 2017)

⁴ These data are drawn from the research study described below and from personal communication with Legal Aid Society staff members.

⁵ In the New York state court process for young people adjudicated as delinquents and those charged as Juvenile Offenders (13-15 year olds charged as adults), the court does not set bail; a young person is either remanded or released.

⁶ These are comments by individual members of focus groups that I conducted in three facilities.

⁷ <http://www.thebeatwithin.org/>