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Understanding and Challenging the Overcriminalization of Youth of Color

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Prologue

Teaching social studies entails crafting a curriculum that intentionally guides students to unpack and interpret peoples' stories: stories that they can relate to, stories that challenge their belief systems, stories that help them make meaning of their world, and stories that inspire, transform, and empower them. My teaching philosophy is rooted in ethnic studies; the heart of the course revolves around studying how marginalized groups have actively reshaped and pursued American ideals. It deeply examines people of color's contributions and legacies, and teaches how people, especially youth of color, can continue to politically transform their communities.

In order to engage students in a curriculum that validates their humanity and challenges them to grow as political active community members, we must confront the damaging narratives hurled at our students. Biased narratives that paint youth of color as threats and entrenched in an unending cycle of hardships must be unpacked and discussed in a classroom, a space that has traditionally ignored young people of color's minds and souls.

There are three main objectives for this unit. The first one is to examine the historical, societal, and institutional forces that have contributed to the controlling and policing of young people of color's lives. The second objective is for students to confront damaging tropes via youth activism. Students examine numerous counter-narratives that showcase youth of color's complexity versus society's more narrowed and biased portrayals. Finally, students' third objective is to apply their learnings in a project that entails researching school-wide issues that they can feasibly address. This project allows students to consciously step into the role of student leaders and activists. They will implement school-wide proposals and programs that challenge racist and classist that characterizes youth of color as delinquents.

Many may argue that teaching uncomfortable histories and issues can dishearten and discourage students from politically engagement. I wholeheartedly disagree. Teaching students about their histories and the ways they have individually and collectively resisted racist and classist institutions is a political act. It is a conscious act that validates and nurture youth of color's complexities in a country entrenched in racist and classist values. Teaching these issues is an act that acknowledges youth of color as intellectuals, makers, social change agents, and young human beings.

Rationale

Although William C. Overfelt High School is located in the affluent Silicon Valley, 89% of its 1,500 students qualify for free or reduced lunch. 99% of the school consists of students of color and the Hispanic population is the majority ethnic group. The school is located in a segregated neighborhood known by locals as the "Eastside" or formally as East San Jose. The community the school serves faces a tremendous amount of poverty and high crime rates. The area is marred with violence, motor vehicle thefts, and property crimes. Due to the presence of street gangs, the city of San Jose labels the area as a gang hot spot. In spite of these circumstances, the area is also known for its spirit of activism, its cultural pride, and a strong sense of community. Many past and present community activists call the Eastside home. Former residents include Cesar Chavez and *campesinos* (farm workers). Today, many community organizers and members are fighting for affordable housing, living wages, and criminal justice reform.

My students often feel judged, misunderstood, and policed by society. They often wonder why watchful and leery police officers stop them on their way to school. They ask me why black and brown bodies are continually brutalized by cops, and why black and brown kids are most likely to drop out and go prison. They ask why many young people in their neighborhood seem to get into trouble with the authorities. My students are aware that racism and classism prevent people of color from thriving in this country, yet they have not had the opportunity to understand how these ideologies have permeated our institutions and have fueled policies that criminalize young people of color. Sometimes, they even catch themselves believing and labeling their peers with the delinquent, thug, and gang-banger tropes. In the midst of their daily struggles, sometimes students fail to recognize their own strength and resilience. Many students care for siblings after school, hold a job (or two) to support their families, or endure day-to-day violence. While they support each other, they can also forget their individual and collective power. This unit will validate and remind students that their engagement in their community can yield transformative and lasting changes.

Overview and Content Objectives

This unit is designed as a freshman social studies elective class. Although it was created for freshmen, the unit can be tailored to any grade level. The unit's structure follows the same structure as my year-long ethnic studies class. The year is divided into thematic units: education, housing, immigration and citizenship, workers' rights, and the criminal justice system. Students study problems specific to people of color and the roots of such issues. Then, they analyze and reflect on the issues' current impacts on themselves and their community. Finally, students learn, critique, and adapt the successes and lessons of the various social movements and youth-led responses.

Students will be using the following essential questions to understand how and why youth of color have been overcriminalized in our society and ways they can challenge the overcriminalization of youth of color:

1. Why is there a disproportionate number of young people of color in the juvenile justice system?
2. How do public institutions (schools, law enforcement, government) control, criminalize, and push youth of color into the prison pipeline?

3. How can young people of color help reduce the school-to-prison pipeline? What can you do to solve the problems our community faces?

The unit is purposefully divided into two parts: understanding the current system of oppression, and learning how to address it. The first half aims to address the reasons institutions have prevented young people's success and how institutions continue to push them further into the margins of grinding poverty or prison. Students will learn that young people of color were criminalized by society and state governments even before the juvenile justice system's inception. Students will study the history of the juvenile justice system, its blatant disregard to serve youth of color, and its failure to rehabilitate this specific group. Then, students will look into how implicit bias and the characterizations of youth as delinquents have created policies in schools, law enforcement, and in California that push youth of color to fail and locks them in the prison pipeline.

The second half of the unit helps students reclaim their power and confront these damaging narratives. This goal will be achieved by studying youth activism's significance and impact. The class will reframe students' stories as political acts of resistance through an analysis of the anti-Super Jail Campaign. Students will analyze youth organizing's successes and pitfalls by studying the anti-Super Jail campaign and what Youth Participatory Action Research (YPAR) entails. They will then engage in a YPAR project where they will conduct research, run a campaign, and hopefully initiate a program to address issues that plague students and the school-wide community. Although YPAR will be used to address issues in East San Jose faces; YPAR'S principles can be tailored to one's specific community. I have added two school-specific issues (school fights and zero-tolerance policies) and a local one using law enforcement in interventions to decrease juvenile crime (using law enforcement interventions to decrease juvenile crime) that connect well with the unit's themes. Because students do need some structure when starting a new project, I have added two suggested programs that follow restorative principles: peer mediation and youth court. Groups of students who struggle with the project can study the suggested programs and adapt or modify them to better suit the school's and community's needs. The end of this unit is a call to action. The culminating YPAR project recognizes the East Side's spirit of activism. My students and I will continue to fight for the community's rights and dignity.

Content Background

Introduction: A Culture of Control and Punishment

As educators, many of us recognize our students' humanness and complexities. We recognize that adults make mistakes and so do children and adolescents. Research proposes that mistakes are a part of a young person's development. Recent studies in neurological development confirm that the brain structures responsible for logical reasoning, self-regulation, long-term planning, and impulse control are the last to develop.[1] Scholars also claim that youth delinquency is a product of normal adolescent development.[2] However, in spite of numerous studies that highlight youth's susceptibility to err, policymakers, educators, journalists, police officers, and the public willfully ignore their biases by casting youth of color as irredeemable delinquents.

This youth-as-delinquents narrative is evident based on the increase of police presence in schools and communities where people and youth of color reside. In schools, more police officers, also known as school resource officers (SROs), handle behavioral issues than teachers. Zero-tolerance policies also punish youth of

color for the most minor infractions. In their communities, youth of color encounter police officers more than their white peers. Youth of color are also more likely to be in juvenile courts for minor, low-impact actions.[3] African American youth are five times more likely to be detained compared to their white peers. Latinos in general are 65% more likely to be detained compared to their white peers.[4] A 2012 Stanford study found that implicit bias amongst white Americans has led to significant support in harsher sentences for people of color.[5] From the data alone, one can presume that our country has actively targeted and set up youth of color to fail, or worse, to be locked up.

American society chooses to ignore daily acts of political resistance made by youth to reclaim their dignity and transform their communities. Many of my students struggle and face incredible daily challenges. They work one to two jobs, take care of their siblings, and help their families navigate the immigration system. Yet they persevere. Their daily actions in the context of a racist and classist society deserve praise. Even more incredibly, youth have historically partaken in struggles that defeated many racist and oppressive policies that defined the American experience for people of color. In the 1960s, Birmingham's and East Los Angeles' youth organized to fight for their rights in spite of police officers' violent attempts to control them. Today, youth of color continue to turn to activism; they join and lead local programs and campaigns to stop the further degradation and criminalization of their communities. Involvement in activism offers a way for youth of color to develop a positive self-identity and challenge their own internalized biases. It allows them to build trust with adults, reclaim their space and their country, and fight racist tropes. Finally, activism allows youth to empower themselves as agents of social change, to transform their communities, and to mold our society into a more compassionate and humane one.

Racist and Classist Ideologies and the History of Criminalizing Youth of Color

The dangerous dominant narrative that characterizes young people of color as delinquents has been influenced by racist and classist ideologies. These ideologies have manifested themselves in the multiple ways, including the creation of the juvenile justice system and the treatment of young people of color within our criminal justice system. Racism and classism influences how educators correct student behavior in schools and how law enforcement police neighborhoods. This narrative is present in the policies that citizens voted for that curtail people of color's rights. Our institutions have created and maintained a system that continues to criminalize and damage the lives of young people of color.

The creation of the juvenile justice system stemmed from the criminalization of the poor and popular nativist rhetoric. At the height of the Industrial Revolution in the United States, rural migrants and immigrants moved to cities for work. Since many of these families were poor, children desperately tried to help their families. Many begged while others committed petty crime. Bell asserts that a "new age of delinquency" emerged as local governments criminalized children's efforts, such as begging, to provide for themselves and for their families. New York City officials responded to this crisis by enacting legislation that allowed apprehending children under 15 for begging.[6] Children were then sent to the newly created Houses of Refuge for rehabilitation. Although these institutions attempted to provide services for reforming wayward youth, many times these houses abused and exploited children. [7] Young people of color fared worse. When Houses of Refuge first started providing services, the houses only served white children. Racist attitudes dictated many local policies. The public believed that placing white children in the same room as African American children degraded white youth; therefore, many black children were placed in adult jails.[8] Although a separate section for black children was added to the Houses of Refuge, black youth often experienced abuse and lived in much harsher conditions.[9]

In Chicago, hundreds of children from low-income and immigrant families were funneled into jails and adult prisons. Appalled and concerned with the state of the youth, reformers Lucy Flower and Julia Lathrop built a coalition in support of a separate system for children.[10] In response, the Illinois state government created its first juvenile justice system and, in that same year, opened the first juvenile court. At its inception, the court focused on the "child's need and not the deed."[11] The system was designed to be restorative, not punitive.

However, the vision of the two women reformers failed to serve children of color. In general, black children were either still placed in adult jails or small cottages. If the city had a juvenile court, it barely functioned. In Memphis, a police officer, not a judge, presided over the county's juvenile court. In 1840, Mary Huggins reviewed 53 courts across the country. She stated that "Negro children are represented in a much larger population of the delinquency cases than they are in the general population and "cases of Negro boys were less frequently dismissed than were white boys."[12] Even in its inception, the juvenile justice system failed to serve children of color.

Based on the data, the overrepresentation of youth of color in the criminal justice system is not a recent phenomenon. California instituted policies that criminalized young people of color. Decades after the Gold Rush, California built the Whittier State School to serve as a reformatory school in 1891. It housed young people aged ten to eighteen who had "violated middle-class norms of society" and whom officials thought leaned towards "an idle and immoral life.[13] " State legislatures criminalized Native American children by charging or jailing any unemployed Native American Californian found loitering or begging, regardless of age.[14] Even though the Whittier State School was established for young people, many children of color ended up in San Quentin State Prison. As more Latinos and Chinese immigrants settled in California, these groups started being funneled in prisons. Latino children were also grossly overrepresented in San Quentin as they made up 65% of the children locked up.[15] Chinese boys also made up 25% of the imprisoned children in San Quentin in the 1870s.[16] Our past juvenile justice system served to punish children of color and has continued to do so by controlling, targeting, and detaining youth of color.

Aggressive Policing in Communities of Color

Heavy surveillance and aggressive policing are common in communities of color. I focus on Latinos because the majority of the school and the community is made up of Latinos. The dearth of studies poses a challenge in explaining the interaction between police and the Latino community; however, one can argue that Latinos have experienced discrimination and overcriminalization from the police.

In the 1970s, the U.S. Civil Rights Commission held hearings regarding the treatment of police towards Mexicans in Los Angeles; the Commission heard frequent allegations that law enforcement officers discriminated against Mexican-Americans.[17] Such discrimination includes more frequent use of excessive force against Mexican-Americans than against Anglos, discriminatory treatment of juveniles, and harassment and discourteous treatment toward Mexican-Americans in general.[18] Moreover, in the 1980s, broken-windows policing became a popular practice in communities of color. According to broken window theory the theory, the presence of cops will help maintain order. Proponents argue that policing low-level offenses can deter serious crimes. However, police do not have the trust of many Latino communities as compared to white communities. Police biases have led to an indiscriminate number of stops and frisks. Surveys show that one out of three Latinos feel that they are "usually treated unfairly" by local police officers and immigration officers. In fact, 20% of Latinos have reported being treated unfairly by the police.[19] Aggressive policing of communities of color has contributed to the overcriminalization of marginalized communities. This treatment

perpetuates a cycle of mistrust, suspicion, mistreatment, and suffocating control.

In communities with a large Latino population, police officers engage in heavy surveillance and increased scrutiny of the youth's behaviors, especially youth associated with gangs. Police officers have overcriminalized youth of color by judging their behaviors and styles as delinquent. Since city officials have labeled East San Jose as a gang hotspot, increased police presence can be felt. Gang violence has been a primary concern for law enforcement. Police departments in California have established databases to monitor suspected gang members. They have developed gang profiles based on physical attributes, even though research has shown that gang profiles do not effectively identify gang members.[20] Police profile suspected gang members based on the territory, identification by an informant, affiliation, and on clothing (baggy pants, shaved head, one that is typically associated with *cholo* style). Gang profiling does not follow due process. There have been cases where a person who has been profiled as a gang member cannot testify in court to prove that he or she is not member of a gang. Police have targeted people of color as gang members. In Orange County, out of the 13,000 that were reported as gang members, 75% are Latinos while the rest are Asians."[21] Gang profiling is a racist and ineffective way of reducing gang-related crimes in the neighborhood.

Certain Latino youth, such as my students, choose to adopt aspects of the *cholo* style or dress like a gangster. However, their self-expression does not showcase their affiliation with gangs. For some, dressing as a part of a subculture is an assertion of their ethnic pride.[22] Although white people used the word *cholo* as a derogatory term to describe Mexicans entering the United States in the early 20th century, the term has been reclaimed by Latinos today. Many youth have adapted the *cholo* culture through the way they dress. Although many have associated dressing like a *cholo* with gang membership, most of the youth who have adopted part of the *cholo* style are not affiliated with gangs, and if they were affiliated with gangs, most of them have not necessarily committed a crime.[23] Adults in the dominant culture, especially law enforcement, have associated the *cholo* style with criminality, and profiling a young person by the way they dress represents an overcriminalization of youth of color.[24]

For certain Latino communities, the *cholo* subculture represents the deviation from the norm (white culture). While Latino youth are often aware of the negative implications of dressing like a *cholo*, they still choose to follow the subculture as an act of political resistance. The style also provides a sense of belonging, especially since the mainstream culture has pushed them to the margins.[25] Furthermore, *cholo* clothes are stylistically appealing to youth because, even though they do not choose to be in a gang or commit a crime, presenting themselves in these clothes sends a message of resistance to authority. Their style departs far from a clean-cut and mainstream style. One chooses to dress like a *cholo* to be seen, a symbolic act to push a historically marginalized group from the shadows to be visible. The *pachucos* in the 1940s did something similar in the 1940s; by wearing zoot suits, they deviated from the mainstream culture. To the *pachucos*, the zoot suit style of dress and mannerisms reflected an intersectional identity that encompassed class, race, and gender. By expressing themselves loudly, they rebelled against what mainstream culture expected of them.[26] Like the modern-day students who dress as in the *cholo* style, *pachucos* consciously chose this cultural self -expression to reclaim their dignity and self-respect, despite knowing the consequences of police harassment.

In highly impoverished communities, police officers engage in constant surveillance and over-policing of vulnerable youth. In his book *Punished*, Victor Rios joins police officers in ride-alongs in a predominantly Latino community. He watched police officers target youth dressed like *cholos.* During ride-alongs, officers usually were hyper-focused on catching kids getting into trouble. They routinely profiled and stopped kids on the streets. Rios observed police officers interact with youth. For instance, Rios witnessed a police officer stop a

teenager from picking up a paintbrush; the officer thought that the kid looked like he was about to paint illegal graffiti. But, after a confrontation with the boy, the police officer learned that the child was painting a mural for a community project.[27]

For at-risk youth, such as gang-affiliated youth, these police interactions take a toll. Constant police scrutiny and harassment continues to stigmatize their existence. Police's attempt to control these children often lead youth of color to fall into despair. They start to internalize these messages, as if adults are waiting for them to "mess up."[28] A lack of positive and trusting relationships with police and adults in general further erodes their sense of safety. A lessened feeling of safety and belonging leads to psychological distress. Some argue that psychological distress can even cause a child to engage in delinquent acts.[29]

The overcriminalization of youth of color also has led to deadly consequences. If a young person does not comply with a police officer, or even just appears to be a threat, a police interaction can be deadly. Such was the case for Andy Lopez who was shot while carrying a toy that was mistaken for an AK 47 rifle. Seven bullets entered his body within six seconds. For communities of color, these violent interactions with law enforcement are alarmingly frequent. Not only that, these interactions send the message to youth of color that they are already type-casted as criminals and that their lives are disposable.

Punitive Responses in Schools

The majority of young people spend significant time in schools. Schools can be safe learning spaces for young people to explore their identities as they struggle, fail, learn, and strive for their goals. Instead of a place where youth can grow with the support of educators, schools have become places that punish youth of color. Schools may be the first place where youth of color are labeled as delinquents, failures, or knuckleheads, even at a young age. Current school policies, such as zero-tolerance policies, prove so. The tough-discipline approach on students of color manifested in the 1980s and 1990s with the rise of juvenile crime.[30] Moreover, in 1993, a surge of media coverage of random violent crimes caught the public's attention; television crime coverage doubled and media coverage of murder tripled. To quell the public anxiety's regarding their children's safety in schools, Congress passed the Gun-Free School Act. The law required states that received federal money for schools to expel a student for bringing a weapon to school. Other states passed stricter laws that required a student who brings a weapon or a substance that can cause bodily harm to another be suspended or expelled.[31] Congress hoped that extreme penalties could deter someone from bringing a weapon and thereby protect students. In the most extreme cases, documented by the Advancement Project, a 10-year-old African American child was handcuffed and brought to a police station for bringing scissors to school. In another case, a 14-year-old was arrested and charged with battery for pouring milk over a classmates' head.[32] Instead of using schools as places where students can learn from their mistakes, schools punish youth of color by pushing them out of the educational system.

Despite a decrease in juvenile crime, zero-tolerance policies are still widely used across the nation. Although zero-tolerance policies vary from school to school, students can be suspended for numerous reasons such as being disruptive, talking back to the teacher, being willfully defiant, fighting, or possessing alcohol or drugs. Due to implicit bias, school officials single out students of color: they perceive them to be most threatening, most disrespectful, and most disruptive in classrooms. Many studies have found that zero-tolerance policies impact African American and Latino students the most due to an overrepresentation of these students suspended. Children's and teenagers' behaviors that can be corrected through counseling, mediation, and community service have turned into serious infractions that come with harsh penalties such as suspension, expulsion, arrest, and detention in a facility. Many argue that students who are not in school, for example

those who are suspended or expelled, are more likely to drop out of school altogether, which means that there is a higher chance of them ending up in prison.[33] Zero-tolerance policies push students of color out of schools and funnel them into the prison pipeline.

Zero-tolerance policies have impacted my district, the East Side Union High School district (ESUHSD). The district mostly serves students of color, namely Hispanics followed by Asians; 50% of students in the district receive free/reduced lunch.[34] In 2015, NBC Bay Area news released an investigation finding that my school district outranked other districts in the Bay Area for calling the police on their students. ESUHSD officials and teachers called the police 1,745 times in the 2011- 2012 school year, whereas the Oakland Unified School District (OUSD) only referred 12 students to law enforcement despite that it has 15,000 more students than ESUHSD. Based on the investigation, African American students and students with disabilities were referred to the police the most.[35] The ESUHSD superintendent stated that zero-tolerance policies and inadequate support at school led school staff members to contact the police.

Examining OUSD's policy changes can shed light on the significant decrease of school referrals to law enforcement, suspensions, and expulsions. In 2005, OUSD school leaders, aware of the ineffectiveness and harmful impact of zero-tolerance policies on students of color, started to replace zero-tolerance policies with restorative practices to correct student behavior. A decade since the implementation of restorative practices, OUSD has seen significant positive changes: attendance, reading levels, and graduation rates have increased and overall school climate improved.[36] Oakland's school board also voted to remove willful defiance as a category for suspension in 2015. ESUHSD has also started to implement restorative justice policies as of 2015; hopefully, they will eventually replace zero-tolerance policies. Zero-tolerance policies are entrenched in racism and classism and do not have any place in schools; these policies criminalize youth of color and limit meaningful opportunities for them to learn and succeed.

Governments and Voter Repressive Initiatives

In the 1970s, conservatives such as Edward Meese pushed the rhetoric that rehabilitation did prevent crimes; they argued that, if offenders were imprisoned, then they would not be able to commit any more crimes. The Reagan administration in the 1980s supported this tough on crime and lock 'em up attitude by reducing rehabilitation programs. In the 1990s California lawmakers declared a state of crisis, and blamed gangs for violence in the streets. State legislators passed the Street Terrorism and Prevention Act in 1998, which added longer sentences for crime offenders affiliated with gangs. The majority of people labeled as gang members were black and Latino youth. In the 1990s, the media and Hilary Clinton hypercriminalized youth of color by labeling them as "superpredators," a term for violent, impulsive, remorseless youth who must be locked up to keep communities safe. Clinton's administration responded with a continued tough-on-crime stance; he passed the 1994 Crime bill that increased community policing and included more funding to law enforcement, prisons, and juvenile detention facilities.

Because of the government and media's influence, the public responded with voter repressive initiatives that pushed communities of color further to the margins. In 1994, California voters approved Proposition 184, a three-strikes law that imposed a life sentence for repeat offenders convicted of two previous felonies regardless of how minor the most recent crime was.[37] The law led to the growth of the prison population and disproportionately affected minority groups. In 1998, more than half of California state voters approved of the Gang Violence and Juvenile Prevention Act, which severely penalized juveniles convicted of gang-related crimes. Under the law, children as young as 14 can be tried as adults. Instead of going through juvenile court, juveniles can go straight to adult court as prescribed by the district attorney. Concerned members of the

Latino community saw the law as a means to funnel their children into adult prisons.[38] In 2001, California voters passed Proposition 21, which made graffiti a felony if it incurred damages of at least $400. The proposition targets gang members and helps prosecutors try youth as adults; it has also increased police powers, which makes it easier for police to randomly search young people.

Along with passing punitive laws, California voters approved the reduced education spending. Laws such as Proposition 187, passed in 1994, limited the educational rights of undocumented immigrants.[39] If Proposition 187 had been fully implemented, the law would deny undocumented immigrants from receiving public education and healthcare. In 1996, Proposition 209 passed and outlawed affirmative action, a policy that has helped students of color get into state universities. Lastly, Proposition 227, which was passed in 1998, ended bilingual education in the state. The passage of these initiatives indicates nativist sentiments amongst Californians.[40] Voters took the already limited opportunities away from youth of color, especially from many immigrants. Although California voters may have wanted to tackle crime to keep young people safe, they also imprisoned children of color instead of investing in their education and success.

Shifting to a Culture of Empowerment: Activism

Young people, especially youth of color, believe that succeeding in the educational system will provide them with more access to opportunities. However, there are times when they disengage with school. Often, what they learn in school seems disconnected with events in their daily lives or the so-called real world. I argue that schools can be more meaningful and engaging to youth of color can by integrating activism in the classroom.

Research demonstrates that youth activism positively impacts youth of color.[41] Engaging in activism influences young people to make community changes. Activism also emphasizes that youth are fully competent participants in their communities, which is a shift from the commonly held youth-as-deficient worldview. Young activists feel more connected to their community as they interact with their peers and adult community members more regularly. Surveys, ice breakers, check-in conversations, and social time in the communities all help young people of color build relationships and uncover the issues that they are facing. Youth activism also encourages relationships with older generations, and these more mature adults naturally mentor the youth involved. These mentors become a crucial support system for these youth as they engage in dismantling oppressive systems. Having trusted adults and a supportive community positively affects adolescent development. Youth of color do better in and outside of school when they have a support system that cares for them and empowers them to thrive.[42]

Activism participation shifts youth of color's understanding of school and society. Instead of feeling alienated from school, they feel more deeply engaged in their education because they can see the relevance of what they learn.[43] Youth activists build leadership skills as they learn to question powerful institutions and work on challenging systems to shift power to the people. Their work also brings legitimacy to the power of the youth. Their programs and campaigns have shed light on policymakers that can bring about the structural changes for their community.[44]

I argue that we must engage our youth and foster activism in our classrooms. Most research on reducing the-school-to-prison pipeline and reforming the juvenile justice system focuses on what actions adults can take. It is crucial to acknowledge that students are part of this dialogue. Students should be able to develop a deep-rooted knowledge and understanding of the historic and current systems that oppress them. Through this critical consciousness, students can translate their academic work into organized action that transforms their communities. One way to encourage youth activism is through youth organizing.

Youth Organizing

Youth organizing works by "developing within a neighborhood or community a base of young people committed to altering power relationships and creating meaningful institutional change."[45] In the 1980s and 1990s, many young adults in the United States used organizing to respond to rising economic inequality, slashed social programs' funding, blatant racial injustices, and the criminalization of youth of color.[46] Young people who are involved in community organizing reaped positive benefits: they took more rigorous classes, earned better grades, aspired to go to college, and continued to be civically engaged. Research shows that 92% of youth who were involved in youth organizing attended college.[47]

More importantly, youth activism is a catalyst for personal empowerment. Beatrice Galdamez, a student who participated in activist training reflects on her personal development as a youth activist:

> Before activism, I didn't have a clear vision of what was really going on around me. I grew up in a low-income home in a Latin American community, where I learned what a woman was "supposed" to act like, and what a man had to do... I didn't have opinions of my own, because I was taught adults knew better. I felt trapped in a mold others create for me, but I never fell into these roles easily.
>
> Eventually I … [attended] the Youth Organizing Institute's 2012 Freedom School. It was a space where I could share my opinions and develop them without fear of being judged. I had the opportunity to learn about multiple systems of oppression and how they exist within our society… Today, I fight to create a community where differences do not influence who gets treated better. I fight for a community where people of color don't have to constantly worry about whether their experience with the police is going to be their last… - I fight for everyone who wants to be able to live their full selves. (Beatrice Galdamez)[48]

The impact social justice work can make on a young person of color's life is immeasurable. In her statement, Galdamez recognizes her transformation after she had attended the Freedom School. Her experience in youth organizing taught her that her story, and those of others like her, reveal a legacy of systemic oppression in this country. Her involvement with the Freedom School equipped her with the necessary skills, confidence, and tenacity to fight for people to live as they envisioned.

Youth Organizing Case Study: The Alameda County anti-Super Jail Campaign

Youth of color have not only challenged and critiqued the racist and classist ideologies that fuel the existing systems, but they have also had helped change policies. For example, in the San Francisco Bay Area, a coalition of young people, in collaboration with the Ella Baker Center for Human Rights, fought a successful campaign that halted the expansion of a juvenile hall in Alameda County. The coalition consisted of young Latino, African American, Southeast Asian, Tongan, and Jewish students who challenged the tough-on-youth-crime outlook throughout California in the 1990s.

The Problem: In the 1990s, young people of color were overrepresented in the juvenile justice system: 89% of the youth admitted in juvenile hall are children of color. Furthermore, juvenile arrest rates for Asian Pacific Islander youth, a group rarely discussed in the criminal justice system, rose 44.1% from 1991 – 2000. Moreover, the arrest rates for Laotian and Vietnamese boys surpassed the arrest rates of Latinos and African

Americans in Alameda County.[49] Even though only 17% of Alameda county's population is African Americans, 59% of the children placed in its juvenile detention centers are black.[50]

The Campaign: The campaign started in 2001 when Alameda County's probation department requested $54 million from the California State Board Corrections to build a larger juvenile hall. Although Alameda County's crimes committed by young people had decreased by 27% in 1994, the probation department secured funding inaccurately by claiming that youth violence increased by 64% in 1999. Outraged by such an intentional manipulation of data and by the looming encroachment of the broken juvenile justice system, the youth of color of Alameda County organized a campaign.[51]

These youth activists first criticized California's policies that targeted youth of color. They created fliers with pie charts that described the overrepresentation of youth of color in juvenile halls. They called the Super Jail "racist." They conducted research and found that black boys were disproportionately expelled from Oakland public schools.[52] They creatively disseminated this information through fliers, teach-ins, spoken word, hip hop performances, and videos.

Youth organizers worked with other young people, college students, and nonprofit organizations. They also brought together an older generation of activists, such as Angela Davis, to develop strategies to challenge the prison industrial complex.[53] The Youth Force Coalition and the Ella Baker Center organized teach-ins, protests, and meetings with supervisors as well as other local officials. The youth participated in all activities; they also developed media-savvy strategies, and distributed guides and critiqued the news' coverage of youth crime. They shifted the conversation and critiqued the over-criminalization of youth of color.

In one statement, a young activist spoke against the over-criminalization of youth of color and asked that adults invest in education instead:

> What's up with the new maximum security juvenile hall? There's a secret hidden message, 'You kids are bad." Have we finally given up on youth? Are bars going to teach us anything? Crime has gone down since 1996, especially youth committing crimes. What are handcuffs going to teach youth? Just because the juvenile population goes up, does that mean crime goes up? Talk about future overcrowding in juvenile hall, what about present overcrowding in schools?[54]

Youth organizers critiqued adults and social institutions by reminded them that they were children, not delinquents. They argued that labels hurled at youth, such as "thugs" and "super-predators", set them up for failure from a very young age. They challenged such labels and tried to reclaim their identity as children. They also held lawmakers and the media accountable. They redefined what "at-risk" meant; one speaker at a meeting with policymakers said "we are at risk of police brutality, at risk of poverty, at risk of people trying to lock us up… What kind of future are you trying to build?"[55] They encouraged the state and their community to be collectively responsible for children. Not only that, the youth recognized the urgency to act. In front of Alameda County Board of Supervisors, a young Latina spoke about her concerns by stating, "the expansion of juvenile hall is the destruction of young people. I see it every day. We are dying. I am dying because of what you are putting us through. Our communities are crumbling. It's a bigger picture. It's about oppression… It's about oppression."[56] They demanded that those in power to take responsibility, act quickly, and create changes.

The Results: The coalition eventually won its demands after two years. The Alameda County Board of Supervisors voted for a smaller juvenile hall and decreased the number of proposed beds from 540 to 330. They approved to move the facility's location closer to Oakland, where two-thirds of the detained youth lived.[57] The youth activists convinced the supervisors that the money would be better spent on intervention programs and other alternatives such as funding more programs in schools.[58] Moreover, beyond the scope of this effort, these young people organized even more campaigns. They pressured a school superintendent to change policies that were unfair to students of color, called for a creation and implementation of a Ethnic Studies class in their high schools, worked on convincing Oakland City Council to increase programs and staffing in a neighborhood recreation center, and garnered congressional support to stop the deportation of immigrants convicted of non-violent crimes.[59]

The youth organized under a shared political pan-ethnic identity to resist and fight a system that sought to limit their opportunities. This political identity is a shared history of racism, oppression, and resistance to oppression through organized action. These young people identified "lock 'em (young people of color) up" policy as a problem under a broken system that sought to coerce, control, and punish young people of color. Their participation made them feel empowered: "when you go, you bring… people that you know… you get to talk to the people about what's going on, and what has happened, and to change what is about to happen. Also, you're learning too… changing something, making a difference…we get to show people your power."[60] These youth of color people learned that change is possible through youth organizing and through their involvement and collaborative work with their peers.

Several community organizations play an integral role in facilitating youth activism; in direct opposition to a culture of control in the United States, community organizations foster positive youth development. These organizations, staffed by conscientious youth advocates, provide a safe and supportive space in communities where disorder and constant police surveillance youth's physical and emotional spaces. Community organizations, through thoughtfully planned activities, foster the development of a young person's positive sense of self and identity.[61] Adults working for these community organizations, who share the same socio-economic backgrounds as local children, provide validation and support; their relationships encourage young people to safely express their experiences with social injustices and further explore their political identities.

The youth involved in the anti-SuperJail campaign debunked the biased dominant narrative of young people of color (delinquent) and brought social changes to their communities. These young people are not problems in society; instead, they found solutions to societal problems. By developing their critical consciousness through direct involvement in the campaign, they generated social change.

Fostering Youth Activism in Schools: Youth Participatory Action Research Project (YPAR)

> "[Youth Participatory Action Research paves a way for young people] to speak the world as they see and experience it, envision the world as they desire it, and then take action."[62]
>
> – Jonathan London

A key component in developing youth activism and addressing community changes is research-based activism. One can encourage activism in the classroom by engaging the students in a youth participatory action research project. Youth participatory action research (YPAR) is a youth-driven inquiry-based process

where young people investigate pressing issues that affect their personal lives and communities. YPAR diverges from traditional research where non-community members distance themselves from their subjects. With YPAR, researchers are *the* subjects themselves. In the early stages of YPAR, youth deeply reflect upon their own experiences; they develop critical thinking skills as they analyze the root causes of the issues that they plan to address. Since the youth pick the issues that they want to address, they feel empowered to change their lives and their environments. Then, they strategically plan the next steps to disseminate information to community members to gather allies and support for their project. Once the research phase is complete, they do the groundwork through teach-ins, rallies, presentations, and other concrete actions, thus securing resources to resolve the issues they identified.[63]

Just like the youth in the anti-Super Jail campaign, the youth from Serving Our Youth and Community actively gathered data to present the most pressing issues to convince their local officials. Although they were not able to see the successes to fruition, their research and groundwork allowed the community to finish what the original campaign. First, seven teenagers from the community organization decided to address the lack of safe spaces for young people to congregate in the South of Market District in San Francisco, a neighborhood that was going through urban redevelopment. A member of the group recalled the early stages of their project, "as an effort to make a difference, our team of seven youth went out to talk with our peers about what they need in the neighborhood."[64] From their survey, they learned that the most important concern from the youth was the lack of safe places; their peers reported of being kicked out of the indoor mall and their neighborhood. They did not feel safe congregating outside their homes as they were constantly watched by police officers.

Another striking concern the lack of an elementary school within their neighborhood. For 20 years, parents have pleaded with the city to build a school so that their children do not have to take long bus rides across the city.[65] After careful planning, this group of teenagers presented their findings and recommendations to the San Francisco Redevelopment Authority; they urged for an immediate construction of a youth facility and an elementary school, and they also proposed the building of a new high school in the near future. One of the members noted how elated and empowered he felt as a part of the campaign, sharing "I got the power to change 6th street, to fix up 6th street."[66] The campaign took a long time and the group who initiated the campaign had moved on to higher education and other endeavors; however, the groundwork and research completed by these seven teenagers proved crucial to inspiring many community members to act.[67] The community members took ownership of the campaign and were able to persuade the city to build a new elementary school and a four-acre park.

The teens from Serving Our Youth and Community demonstrate how actions can inspire further efforts, even if the original participants no longer take part. Although my students have new teachers as they progress through school, I recognize that the groundwork they perform for YPAR can be sustained. For example, these students could choose to participate in an after-school program, or the next cohort of students could continue their work. I am also hopeful that, with the beginnings of YPAR in my school, my students can connect with community-based organizations and build momentum. Community-based organizations and other community members may also choose to adopt and continue the work.

What Can My Students Do? Tackling Our Issues in the East Side

In his talk on mass incarceration, Professor James Forman Jr discusses the four principles to respond to human rights' crises in our communities. He asserts that "we must never give away our power, [that] we must build relationships with the most vulnerable members of our communities, [that] we must confront the

uncomfortable history of oppression in our country, and [that] we must remain hopeful."[68]

The principles that guide the Ethnic Studies course revolve around his message: everyday, we teach, remind, and ask our students to learn and understand the community's needs, to question the racist and classist dominant narratives written in history textbooks and disseminated in the media, to understand the triumphs and legacy of their ancestors, to reflect on their growth, and to transform their knowledge and assert their power. This final unit is a call to action for my students.

Potential Youth Participatory Action Research (YPAR) Topics Regarding At-Risk Youth and Juvenile Crime

Police Screenings as an Intervention Tool: According to *The San Jose Mercury News*, there has been an increase in juvenile crime in San Jose.[69] Most of the youth that is arrested or cited in Santa Clara County is from the zip code 95122; this is the area in East San Jose where most of my students live.[70] This increase in juvenile crime includes home burglaries, car break-ins, carjacking, and auto theft. Gentrification and rising housing costs have led to an increase in property crime. As a response, San Jose Mayor Liccardon proposed using law enforcement officers to identify at-risk youth. Outraged by the proposal, community members contended that the police cannot be trusted to intervene. Many also claimed that an increase in police intervention will result in more arrests. Community members further argued that gangs and the crime increases result from gentrification and of local and state government failures. Instead of asking law enforcement to intervene, they want the mayor to address the root cause of the crime increase: poverty.

To curb juvenile crime, the young people of San Jose offered a partial solution: they are asking the city fund more community organizations and intervention programs and to re-open a youth center in East San Jose.[71] Based on the rising number of juvenile crimes and the community's concerns with police intervention, students can consider this issue as part of their participatory action research project. They will be able to offer several proposals and action plans to help decrease juvenile crime in the area.

Project 95122 Addresses Zero-Tolerance Policies in the East Side**:** Alarmed by the high number of youth getting arrested or cited in East San Jose, the district attorney, the San Jose Police Department, and school leaders collaborated to create Project 95122. Latino youth in the 95122 zip code were twice as likely to be arrested than white youth, and African American youth were six times more likely to be arrested compared to their white peers. Project 95122 is an intervention program that aims to mitigate the impact of zero-tolerance policies. The program's goal is to ensure that a teenager arrested for a minor crime does not get sent to juvenile hall, but instead, goes to in-school counseling to address the issue and keep the student accountable. The student would also not receive a record. According to law enforcement and school officials, the project has been effective in decreasing the number of youth adjudicated in the system. However, their work is still not enough. Even though the numbers declined in 2014, we cannot ignore the fact that most youth arrested and cited in Santa Clara Country are from zip code 95122.[72] Based on this data, students can also consider this issue as a part of their participatory action research project.

Fights on Campus: At Overfelt High School, many students would say that fights on campus make "Overfelt High ghetto." On social media, students take pictures and film short clips of these fights; they wittingly describe the images as "Royal Rumble," a wordplay on the school's slogan "Home of the Royals." Fights amongst students have been continually decreasing over the past five years; however, there were seven documented fights last year. In-school fights are one students' most pressing concerns in our class discussions. Students can investigate the number of fights at school, why fights occur, and the disciplinary

policies and actions taken on those who have been involved. Students can conduct research through a series of surveys and interviews; then, they can produce restorative justice proposals (ex. youth court, peer mediation, and others). They can educate the school on the benefits of nonviolent communication and conflict mediation to decrease the number of fights and altercations at school.

Suggested Youth-Led Programs: Youth Court and Peer Mediation

My freshmen need more structured support to undertake the YPAR project. I included two proposals that they may consider as intervention programs. By no means am I rejecting student proposals. The modeled generic suggestions serve to alleviate the anxiety younger students may feel when tackling a new project. Freshmen students may examine two youth-led programs that have been successful in schools nationwide and decide if they want to pursue integrating those programs at our school.

Peer Mediation

One way to address in-school violence and improve school climate is through peer mediation. In peer mediation, students in conflict meet in a safe and confidential space to understand each other's perspectives, use nonviolent communication to assert their needs, and later, repair the harm. A trained peer mediator oversees the process. Through peer mediation, students involved can practice effective communication, and those who become trained peer mediators can become student leaders. The entire school benefits from such practices; there is a reduction in physical aggression in school, involvement with student leadership increases, and the school climate improves.[73] Research suggests that peer mediation also helps mitigate the school-to-prison pipeline. Those who are required to attend peer mediation might not need to be suspended and, if the conflict gets resolved before escalating, there would be no need for police intervention. Ultimately, students learn to resolve conflict healthily. Moreover, peer mediation can help in lessening student fights in school.[74] The entire school benefits as the culture shifts from a culture of punishment to a culture of accountability.

Youth Court

Another way students can help disrupt the school-to-prison pipeline is through establishing a school youth court. According to research, youth courts offer a great alternative to the juvenile justice system. Youth courts empower people to intervene and take an active role in the justice system. A youth court works by putting young people in charge. Youth courts do not punish a peer who has done harm, but rather, young people give their recommendations to keep the offender accountable. Youth courts have been effective because peer influence can be a useful positive tool in persuading a student to be more accountable for his or her harmful actions.[75] Youth court also invites more community involvement because community members (parents, students, school staff, and local organizations) have to find ways to involve the offender in serving the community. Rather than suspending a student, which is punitive and isolating, the community can keep the child accountable in repairing the harm that he or she had caused. Youth courts help disrupt the school-to-prison pipeline because law enforcement does not have to be involved in the process; therefore, the student avoids having a school or criminal record. Youth courts also develop student leadership and civic engagement as involved students deepen their knowledge of the judicial system. Youth courts are highly effective.[76] Having a youth court at school can help teach students how to be responsible and compassionate decision-makers that have the power to make a difference in their peers' lives.

Conclusion

Although our country continues to demonize, control, and punish young people of color, we must actively shift this damaging characterization. It is our duty as adults to challenge this culture of criminalization and to foster a culture of empowerment amongst our students. Young people of color are powerful agents of change, and as we instill this belief in their lives, they can transform their communities into how they rightfully envisioned them to be.

Teaching Strategies and Timing of the Unit

The unit will be taught in the last marking period of the second semester after students have learned about master and counter-narratives, de jure segregation and de facto segregation in education and in housing, and the social movements in the 1960s and the 1970s.

Analysis of primary and secondary sources: students will interpret historical and current data on laws passed at the state and local level, political cartoons and speeches that depicted young people of color as criminals, data on racial profiling, and the neighborhood's crime rate, income levels, unemployment rate to understand why young people of color are disproportionately overrepresented in the juvenile justice system.

Socratic Seminar: Using academic literature on the criminalization of young people of color, such as articles, images, op-ed, newspaper articles, students will discuss the essential questions in a Socratic seminar.

Youth Participatory Action Research (YPAR) Project: students will address the three issues proposed in the content - increase in juvenile crime, high arrest and citation rate for youth in the 95122 zip code, and violence (fights) in school. They will gather data by conducting surveys and interviews in school and in the neighborhood. They will analyze the data and come up with proposals to help solve the issues they picked.

Student Activities

Weeks 1 – 4: Students will investigate what occurred in California that led to such high numbers of incarceration for youth of color. They will analyze primary and secondary sources that discusses (1) the political, societal, and media bias against children of color focusing on the "superpredator" myth (Clinton speech), gang databases, heavy policing in high needs neighborhood, (2) state laws passed in the 80s and 90s such as drug free zones, zero-tolerance policies that have led to the school to prison nexus, Proposition 184 "three strikes law," and the "Gang Violence and Juvenile Prevention Act," (3) and the attack on education through the slashing of funding in education, ban on affirmative action, and the end of bilingual education in contrast with the boom in construction of juvenile detention facilities. These sources will be done through jigsaw in groups. For the assessment, students will then create an annotated timeline of the national and state laws that have targeted youth of color.

Weeks 5-8: Students will learn ways that the youth and schools help in disrupting and dismantling this broken criminal justice system. Students will look at how successful young people have been in involving themselves in current social issues. Then, they will dissect the success of different youth-led campaigns or programs: Anti Super Jail Campaign in California and Serving our Youth and Community. They will analyze the identified needs of the school and the community. They will also read about Project Youth Court and Peer Mediation. They will also research other programs that can be implemented in our school. They will follow through with the YPAR process. Students will come up with proposals for the school and the community that will help decrease the school to prison pipeline in the East Side. They will be graded in groups on the following sections: the need for the program, evidence, rationale, the proposal of the program, the target allies (community organizations), the plan of action, and long-term steps to ensure that the project is sustainable. Students will present their proposals to our administration and to our District Attorney who have been supportive of the efforts of those involved in Ethnic Studies.

Appendix

California Historical and Social Science Skills Standards:

Chronological and Spatial Thinking

1. Students compare the present with the past, evaluating the consequences of past events and decisions and determining the lessons that were learned.
2. Students analyze how change happens at different rates at different times; understand that some aspects can change while others remain the same; and understand that change is complicated and affects not only technology and politics but also values and beliefs.
3. Students relate current events to the physical and human characteristics of places and regions.

Historical Interpretation

1. Students show the connections, causal and otherwise, between particular historical events and larger social, economic, and political trends and developments.
2. Students recognize the complexity of historical causes and effects, including the limitations on determining cause and effect.
3. Students interpret past events and issues within the context in which an event unfolded rather than solely in terms of present-day norms and values.

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