

Incarcerated DisCrit: The Intersection of Disproportionality in Race, Disability, and Juvenile Justice



Taryn VanderPyl¹

Justice Policy Journal • Volume 15, Number 1 (Spring, 2018)

© Center on Juvenile and Criminal Justice 2018 • www.cjcj.org/jpj

Abstract

Many incarcerated youth experience the complex intersectionality of disproportional representation in race, disability, and juvenile justice. While a lot of research examines the phenomena of disproportionality in each of these three areas singularly, none explores the multidimensional intersectionality where these three areas converge. Further, much of the literature on these three areas of disproportionality is purely quantitative, leaving out the perspective of the subjects themselves. Without the voice of the individuals living at this intersection, the story is incomplete. The Disability Critical Race Studies (DisCrit) framework provides a lens through which a more complete understanding was sought in this study. Emergent themes in 1,008 writing samples from incarcerated youth were examined in the areas of a desire to change, the experience of incarceration, race and racism, and school. Through the writing samples, the voices of the incarcerated youth give context to these topics and clarify their lived experiences at the intersection of the three areas of disproportional representation. The writing samples lend credence to the literature and emphasize the importance of incorporating the voice of the subjects in research regarding any vulnerable and marginalized population, particularly incarcerated youth.

¹ Pacific University

Corresponding Author: Taryn VanderPyl, taryn.vanderpyl@pacificu.edu

Introduction

Come with me and I'll take you through a journey² / And I will show you the two sides of me / And you will see the good in me / And you will see the bad in me / And you will see it is difficult to be me / Come with me and take my hand / And I will tell you my experiences / And you will hear my secrets / And you will hear my happiness / And you will hear my sadness / Come with me and you will understand / Come with me and I will teach you I am not who you think I am / And you will learn I am misunderstood / And you will learn why I do what I do (Anonymous, Spring 2012, p. 50, "Journey")

In this poem, a young man who is incarcerated illustrates the common desire of youth in the juvenile justice system to be seen beyond their representative statistics. Youth impacted by the juvenile justice system are frequently described and discussed in terms of startling statistics with no regard for their lived experiences. For example, there are more than two million juvenile referrals to police from schools each year, 70% of which are for racial minority youth (Southern Coalition for Social Justice, 2014). Additionally, 85% of incarcerated youth have disabilities compared to 11-12% of a typical school population (National Council on Disability [NCD], 2015). Nearly two million delinquency cases pass through the juvenile courts each year (Barrett & Katsiyannis, 2015; Sentencing Project, 2009) and there are more than 90,000 youth incarcerated in this country at any moment (Sentencing Project, 2009). While these statistics are valuable for grabbing attention and for telling one aspect of the story of the juvenile justice system, their usefulness is limited by dehumanizing those who live within it and those whom it affects.

For example, many incarcerated youth exist at the intersection of three different types of disproportionality and inequality: racial minority youth in special education; racial minority youth in the juvenile justice system; and youth with disabilities in the juvenile justice system. Although a significant amount of research examines each separate phenomena of disproportionality, none have examined the intersection of all three areas of disproportionality together. Furthermore, none of the existing research has included the voices of the incarcerated youth whom they discuss.

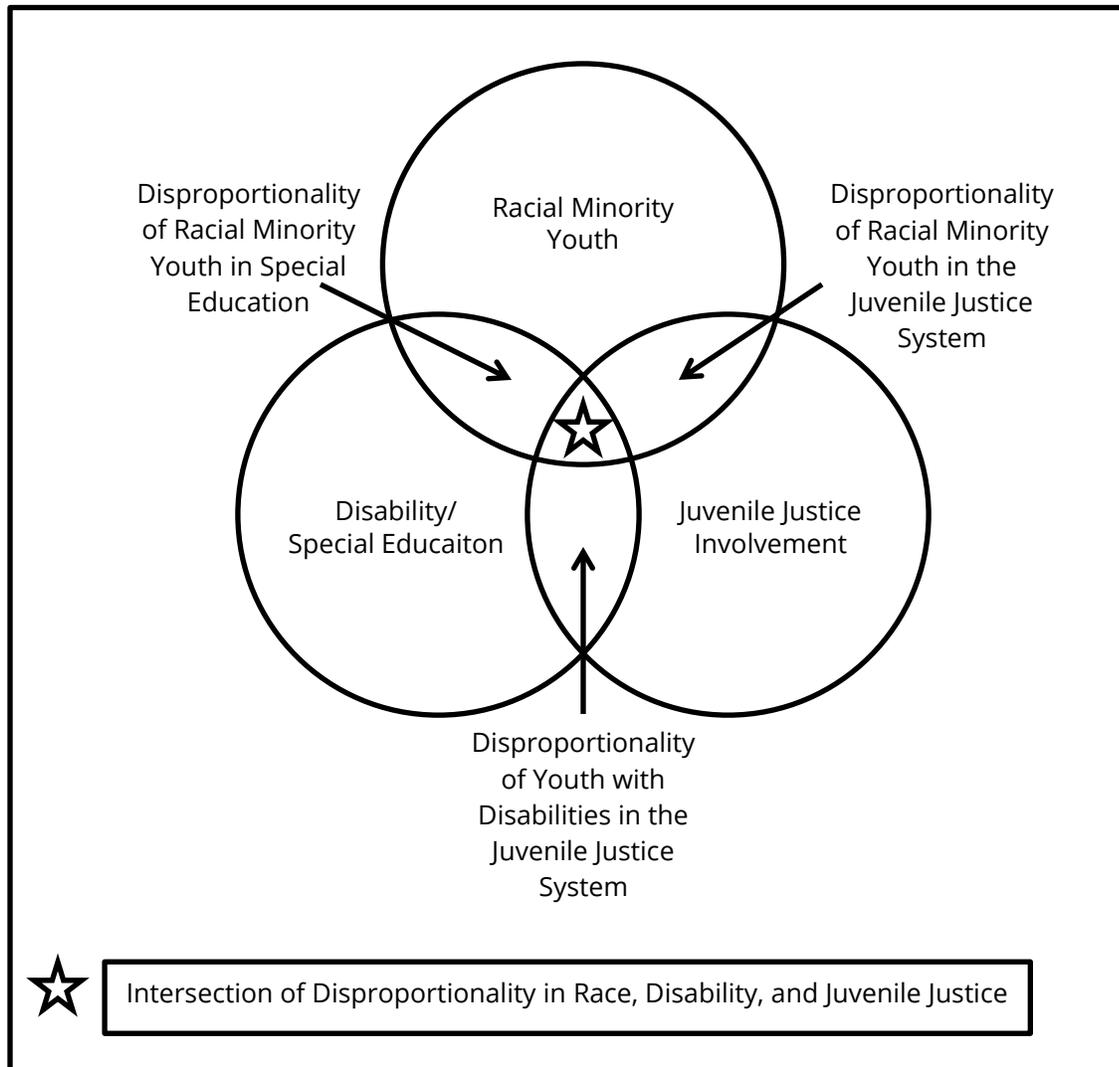
Similarly, research in each of these three areas of disproportionality is predominantly quantitatively focused. In examining numerical data, there are no analyses that can show the full picture. The youths' situations and experiences are not understood within their environment, social context, and systems of power from the perspective of the individuals themselves. Bonilla-Silva and Zuberi (2008) explain, "Data do not tell us a story. We use [quantitative] data to craft a story that comports with our understanding of the world" (p. 7). Numerical data may show *what* is happening, but cannot explain *why* or *how* (Zuberi & Bonilla-Silva, 2008). The result is another avenue by which this vulnerable and marginalized population is silenced, overlooked, or ignored.

² Writing samples are shared unedited. Any misspellings or grammatical errors are uncorrected to respect and maintain authenticity of the author's voice.

Intersectional Disproportionality

The multidimensional intersectionality experienced by *racial minority* youth who are diagnosed with a *disability* and who are *incarcerated* within the juvenile justice system is both obscure and complicated. Where these three areas of inequality overlap is the intersection of disproportionality shown in Figure 1.

Figure 1. Intersectionality of disproportionality in race, disability, and juvenile justice



Disproportionality of Racial Minority Youth in Special Education

African American students are three times as likely as their white peers to be identified as having an intellectual disability (Annamma, Connor, & Ferri, 2012). They are also twice as likely as their white peers to be diagnosed with an emotional disturbance and nearly twice as likely to be diagnosed as having a learning disability (Annamma et al., 2012). Interestingly, over-representation of students of color is much less likely in dis/ability

categories that are sensory or physical in nature such as blindness, deafness, or physical impairments. This fact alone is evidence that race and perceived ability (or lack thereof) are still connected within educational structures and practices today albeit in much more subtle ways. (Annamma et al., 2012, p. 3)

Although there is a movement toward inclusion of students with disabilities into the same classes as their non-disabled peers, 95% of students in special education are still segregated to some degree. Furthermore, “Many efforts to change educational inequities and enhance opportunities rest on problematic assumptions and values about race and ability differences” (Artiles, 2011, p. 435).

Many categories of disability are diagnosed at the school level. Based on the subjective judgment of teachers and administrators in the school, students are diagnosed with learning disabilities, emotional and behavioral disorders, and intellectual disabilities (Posny, 2007). This subjective judgement has resulted in students of color being overly identified for these disability categories (Annamma, Morrison, & Jackson, 2014). The overrepresentation of students of color in special education continues to create and reproduce inequalities in education (Ben-Moshe & Magana, 2014).

Blanchett (2006) addressed disproportionate representation of African American students in special education “in the context of the White privilege and racism that exist in American society as a whole” (p. 24), placing the onus on the educational system, not the individual student. Scholars have made the case for the racialization of disability (Artiles, 2013) by looking at the systems of inequality in which these students exist (Baker, 2002; Connor & Ferri, 2005; Harry & Klingner, 2006). MacMillan and Reschley (1998) “caution drawing causal inferences from what are descriptive data relating ‘race/ethnicity’ to ‘placement in disability category’” (p. 15). Yet, research continues to leave out context when evaluating special education diagnoses. It is this context that clarifies the resultant overrepresentation that comes from subjective diagnoses at the school level (Patton, 1998). Patton (1998) explains the bias coming through in research that clouds the actual reasons for the existence of disproportionate racial minority representation in special education. “[C]ertain basic assumptions, world-views, beliefs, and epistemologies used by some special education knowledge producers serve to perpetuate the disproportionality drama” (p. 25).

Disproportionality of Racial Minority Youth in the Juvenile Justice System

Nearly one million youth were arrested in 2015, and this number exceeds two million when also counting those referred to law enforcement by school personnel in which the cases did not end in arrest (Barrett & Katsiyannis, 2015; Office of Juvenile Justice and Delinquency Prevention [OJJDP]; 2017). More than 70% of the referred youth were students of color (Southern Coalition for Social Justice, 2014). Specifically, African American youth make up 16% of the total juvenile population in the United States, yet they represent 34% of

arrested youth and 40% of incarcerated youth in juvenile corrections facilities (OJJDP, 2017; Rovner, 2016).

Controlling for all environmental or risk factors, when there is very little difference in the probability of youth committing a crime, racial minority youth are much more likely to be arrested. Then, when adjudicated, youth of color are 2.7 times more likely to be sentenced to incarceration than white offenders and are more likely to receive longer sentences, even for convictions of the same types of offenses (Puzzanchera & Hockenberry, 2015; Southern Coalition for Social Justice, 2014; White House Council of Economic Advisers, 2015).

Racial minority youth experience significantly disparate treatment compared to their white peers at each step of the juvenile justice process. From school disciplinary actions to sentencing, youth of color consistently receive more punitive treatment (Barrett & Katsiyannis, 2015; National Council on Crime and Delinquency, 2007; NCD, 2015; Rovner, 2014). Young men of color are more likely to receive a harsher penalty for the same infraction as their white peers “and are least likely to be given a second chance” (Johnson & Shelton, 2014, p. 13). Studies show Black youth are less likely to receive leniency within judicial and non-judicial options and are more likely to be detained than their white peers (White House Council of Economic Advisers, 2015).

African American youth are 4.5 times more likely than whites, and Latinos are 2.5 times more likely than whites to be detained when arrested for the same crime (National Council on Crime and Delinquency, 2007). White youth are more likely to be placed on probation for the same crimes for which their peers of color are detained, leading to African American youth being incarcerated at twice the rate of whites (National Council on Crime and Delinquency, 2007; White House Council of Economic Advisers, 2015). Additionally, Latino youth are incarcerated in adult prisons at five times the rate of white youth in some states (Arya, Villarruel, Villanueva, & Augarten, 2009). Latino youth encountering the juvenile justice system are 16% more likely than their white peers to be adjudicated delinquent and 28% more likely to be detained (Arya, Villarruel, Villanueva, & Augarten, 2009).

One theoretical framework that posits an explanation for the disproportionate representation of racial minority youth in the juvenile justice system is *differential treatment or bias theory* (Leiber, 2003; Pope & Feyerherm, 1990). This theory focuses on the structure of the system that puts racial minority youth at a disadvantage. Scholars applying this theory argue racial minority youth are more likely to receive harsher consequences than their white counterparts because the judicial system treats racial minority youth more punitively (Mallett & Stoddard-Dare, 2010; Leiber, 2003; Leiber, Brubaker, & Fox, 2009; Richetelli, Hartstone, & Murphy, 2009).

Another explanation is the *racial or symbolic threat theory* used to expose the social-psychological processes behind decisions that disadvantage racial minorities (Kurtz, Linnemann, & Spohn, 2008; Moak, Shaun, Walker, & Gann, 2012; Ousey & Lee, 2008). This

theory claims those in positions of authority make decisions based on a fear of racial minority youth threatening the middle-class way of life and safety (Leiber & Fox, 2005).

Disproportionality of Youth with Disabilities in the Juvenile Justice System

As previously mentioned, as high as 85% of youth in the juvenile justice system have disabilities (NCD, 2015). Students with disabilities represent 12% of the overall school population, but 25% of students arrested and referred to law enforcement (U.S. Department of Education Office of Civil Rights [USDOEOCR], 2014). Also, students with disabilities receive more school discipline infractions than their non-disabled peers, and more than twice the rate of out-of-school suspensions (USDOEOCR, 2014). Repeated school discipline frequently leads to students dropping out or being pushed out of school and increases the likelihood of contact with the juvenile justice system (National Evaluation and Technical Assistance Center, 2015). Recognizing the connection between policies and practices that push students from schools into the juvenile justice system, the National Council on Disability (2015) advocated, “We cannot address the School-to-Prison Pipeline without a disability lens” (p. 6).

The disability categories that are dependent on subjective diagnoses at the school level are the same categories most often represented within the juvenile justice system: learning disabilities, emotional and behavioral disorders, and intellectual disabilities (Leone, Meisel, & Drakeford, 2002; National Council on Crime and Delinquency, 2007; Rutherford, Bullis, Anderson, & Griller-Clark, 2002). The presence of a disability often is accompanied by behaviors that do not represent the dominant majority in society such as lack of impulse control, improper social skills, and misunderstanding social cues – all characteristics that can increase a youth’s vulnerability with the justice system. Once students with disabilities enter the justice system, the educational supports they receive are sub-par at best and completely absent at worst (Burrell & Warboys, 2000; Leone & Meisel, 1997; Meisel, Henderson, Cohen, & Leone, 1998). This lack of adequate support sets students further behind their peers upon release, setting them up for failure and a likely return to the system (VanderPyl, 2015).

Explanations abound for the disproportionality of youth with disabilities in the juvenile justice system. Dodge, Greenberg, Malone, and the Conduct Problems Prevention Research Group (2008) confirm the predictive nature of early academic struggles, among other factors, in the use of the *dynamic cascade model of development*. This model has been used to predict violent behavior (Dodge et al., 2008), the onset of substance abuse (Dodge, Malone, & Lansford, 2009), and the development of conduct disorders (Conduct Problems Prevention Research Group, 2011). The dynamic cascade model follows the developmental progress of experiences and environments that frequently lead to negative outcomes (Dodge et al., 2008).

Another theory, *differential treatment*, is based on the belief that youth with learning disabilities do *not* conduct more criminal activity or demonstrate more delinquent behavior

than their non-disabled peers. Keilitz, Zaremba, and Broder (1979) found non-disabled youth and those with learning disabilities or similar diagnoses reported near equal levels of delinquent behavior. Therefore, they posited “it may be argued that learning-disabled and non-learning-disabled children engage in essentially the same behaviors but that, somewhere in the juvenile justice system, learning-disabled children are treated differently from non-learning-disabled children” (Keilitz et al., 1979). It is important to note the time in which this theory was posited (1979) and the continued lack of progress in this area of disproportionality decades later.

Conceptual Framework

Disability Critical Race Studies (DisCrit) provides a framework for exploring the complex multidimensional intersectionality of incarcerated youth. Arguing against deficit perspectives common in literature on both race and disability, DisCrit takes social context, environment, and systems of power into account for a more thorough understanding of the lived experiences of the actual individuals involved (Annamma et al., 2014). As Annamma et al. (2014) explain, “understanding that racism and ableism are common occurrences, not aberrations, this conceptual framework exposes how ‘neutral’ discourse, policies, and pedagogy reinforce normative standards of White and able-bodies, marking those that differ from these norms as problematic” (p. 56).

The tenets of DisCrit include a call for research that “privileges voices of marginalized populations, traditionally not acknowledged within research” (Annamma et al., 2012, p. 11). Such methods change research from being *about* a marginalized population to including the subjects in the research. Thus, applying the DisCrit framework to the multidimensional intersectionality of race, disability, and juvenile justice provides perspectives of the incarcerated youth whom are often analyzed without their own participation.

Methodology

This study employs methodology that centers the voices of those living at this intersection of disproportionality by using extant data from the *Borrowed Voices* writing program conducted at a long-term juvenile corrections facility in the greater Los Angeles area. A content analysis of the *Borrowed Voices* published anthologies spanning five years and 1,008 writing samples was conducted to identify emergent themes. Writing samples were analyzed for topics the incarcerated youth chose to write about as a result of or despite the assigned writing prompts. It is in this manner, these data provide a voice for this population that is thus far missing from the literature.

The *Borrowed Voices* program was not intended to collect data for any study, thus maintaining the purity of voice and avoiding multiple threats to validity. Because the data were examined retrospectively and wholly separate from the writing program itself,

selection bias, treatment interactions, hypothesis guessing, or other common threats to validity were avoided. Although this method provides only secondary access to the participants' voices, it serves as a beginning to research in which they play a larger role.

Emergent themes from the writing samples are the focus of this study, not necessarily what was directly assigned as a writing topic. Multiple rounds of coding took place by the lead researcher and two research assistants. Codes were identified individually, and then the research team met weekly to discuss assigned codes for each writing sample. In this manner, each sample was coded by at least two coders thus ensuring inter-rater reliability.

Through this process, the three coders identified a total of 28 codes, the list finalized over a period of four weeks and as many iterations of the codebook based on what was repeatedly emerging in the writing samples. Coders chose one main code for each writing sample and up to five cross codes. See Table 1 for the list of codes, definitions, and examples referenced in this article. Specifically addressing the three areas of disproportionality that are the focus of this article, the codes of "change," "incarceration," "race/ethnicity – positive," "racism," and "school" are discussed. It is within these coded writing samples that the lived experiences and voices of these youth are privileged and shed light on this specific multidimensional intersectionality.

Table 1: Codes, definitions, and examples specific to the intersection of disproportionality in race, disability, and juvenile justice

Code	Definition	Example
Change	References to the desire to prove people wrong, turn one's life around, looking forward to the future and going down a different path	"From now on / when I get out ..." (Jazel, Spring 2014)
Incarceration	References to the experience of incarceration, the facility, guards, school, parole officers, or others <i>within</i> the facility or related to their sanction	"... We wake up to staff screaming and threatening / we eat the same thing almost every morning ..." (Anonymous, Spring 2013)
Race/ethnicity – positive	References to race or ethnicity or culture that are positive, pride in heritage	"... I have pride in being a Mexican ..." (Wilber, Spring 2012)
Racism	References to experiencing racial discrimination or any negative references to race or ethnicity or culture	"... Justice sometimes depends on if you are black or you are white ..." (Anonymous, Fall 2011)
School	References to challenges with school, the importance of school	"... I'm in a class where they call themselves mental ..." (Jaylen, Spring 2014)

Findings

Luis shared regarding the writing program, "...This is my way of making my voice heard... I've tried to speak, / But I've been beat / So [*Borrowed Voices*] / Is the way to make my voice heard..." (Spring 2015, p. 57). The voices of incarcerated youth are heard in their writing samples in the *Borrowed Voices* program. The social context, environment, and systems of power that pervade the lived experiences of the individuals existing at the intersection of disproportionality addressed in this study are clarified through examining the codes of change, incarceration, race, racism, and school. The writing samples that represent these codes or themes provide a more thorough understanding of the lives and stories from the individuals themselves. See Table 2 for a summary of the frequency of representation of each of these codes in the writing samples.

Table 2: Frequency of code representation by percentage of main and cross code labels

Codes	Change	Incarceration	Race/ethnicity -positive	Racism	School
Representation as Main Code	8.53% (n = 86)	7.24% (n = 73)	2.28% (n = 23)	0.69% (n = 7)	1.98% (n = 20)
Representation as Cross Code	12.40% (n = 125)	22.02% (n = 222)	3.57% (n = 36)	2.68% (n = 27)	13.69% (n = 138)
Total Representation	20.03% (n = 211)	29.27% (n = 295)	5.85% (n = 59)	3.37% (n = 34)	15.67% (n = 158)

Note: Representation frequency equals percent of total writing samples (n = 1008).

Change

The young men shared a desire to change in more than 20% (n = 211) of the writing samples. Those writing samples coded with "change" as the main topic (8.53%, n = 86) demonstrated a predominant theme of a desire to prove people wrong, to turn their lives around, or that they were looking forward to their future plans that would lead them down an alternate path. Those coded with "change" as a cross code (12.40%, n = 125) had various predominant themes in their writing, but also addressed the desire to change within the writing sample. For example, Joel tells about his experience as a gang member, followed by his desire to change.

I grew up around it my whole life / Shootings, stabbings, and death that I have seen / I promised my parents I was never going to join a gang / But that promise I broke very quick / ...10 years old and already banging / But I became official at 12 years old! / To survive and

keep myself safe / ... Because I'm from a gang I always end up going to jail / But being in jail lets me think / Now I'm thinking I want to change... (Spring 2014, p. 38, "Adversity")

The predominant theme of Joel's writing sample was his experience in a gang, and thus received the main code of "gangs." The writing sample also received a cross code of "change" for the manner in which his lived experience led him to want to seek a different path. Of the 86 writing samples that were coded with "change" as their main theme, 44 also discussed "incarceration" in the same writing sample. The references to incarceration within a writing sample about change usually regarded the need or desire to change to avoid future offending and recidivism. As Jazel shared in his writing sample, "I want to change / Be different / So when I get out and go home this time / I won't come back..." (Spring 2014, p. 24, "Untitled"). Similarly, Jesus expressed his need for change and fear of returning to the facility.

Stress, stress, it causes me pain / it is all over my head / please someone make it go away. / Thinking about being home / with my family everyday, / regrets from my past / are what I think about before going to bed - / fear coming back to jail... Now I ask my mom to forgive me / promising her that we're going to live a good life / and about how there's going to be no more lies... (Spring 2015, p. 36 – 37, "I'm Going to Make a Change")

Also, of those writing samples with "change" as the main code, 43 were coded with "school" as a cross code. All of those who referenced "school" along with a main theme of "change" pointed to school as the means by which they would achieve such change. For example, Ricardo shared, "The thing that I wanna do when I get out is change / I wanna go to school and stay out of trouble ..." (Spring 2015, p. 55, "Change"). Similarly, Jazel shared in another writing sample:

From now on / When I get out / I just want to show my family and friends that I can be / Better than what I've become so far / I want to prove to them that I'm not dumb / That I could get good grades / And become a successful person / Tired of the judging from people / Because they don't know where I come from / And why I'm the way I am (Spring 2014, p. 40, "Untitled")

Michael further emphasizes the importance of school in his ability to prove people wrong as he works toward change:

...People, friends, teachers, even family doubted me / Even though I am in jail I know I am going to be a somebody / They said, I will get nowhere, I'll probably not even see the age of 18 / Now I am 18 / I am 20 credits away from getting a high school diploma and / A couple months away from going to college / They said I was going nowhere / Now I am about to be better than everyone who doubted me (Spring 2014, p. 30, "Untitled")

Race and Racism

Racial, ethnic, and cultural pride was found as the main theme in 2.82% (n = 23) and as a cross code in 3.57% (n = 36) for a total representation of 5.85% (n = 59) in the writing

samples. Wilber shared, "...I have pride in being a Mexican because at some point we were the minorities in the U.S., now we are the majorities. I'm just proud to be a Mexican because of my family..." (Spring 2012, p. 5, "Untitled"). Marquez also expresses pride in his Mexican heritage.

I am proud to be from the Southside of Los Angeles / A Chicano living in Southern Cali / Compton, California is where I was born / A city where Blacks and Chicanos live / A Chicano is a Mexican who was born in the U.S. / But is really from Mexico / The way we dress and / The way we talk are things that we love / "Cholos." (Spring 2014, p. 29, "Untitled")

Although much racial, ethnic, or cultural pride is represented in the writings, there is also a frequent crossover with racism. As this anonymous writing sample demonstrates:

Even if most wouldn't understand "Brown Pride" is a lifestyle... / I'm a product of the hood / Of our roots / Of our style / 50% of us get deported / 25% of us get in gangs / And the rest are left to God's will - / College, teen dads, and vocational skills / No matter what, we all get discriminated / What most don't comprehend is that we won't give up / That is Brown Pride (Spring 2014, p. 28, "Untitled")

Similarly, Harold shares:

I am proud of being a Black African American / But being black comes with consequences / Such as being thought of as a thief, a liar and an dishonest person / But I have my own pride / I don't care what people think / I'm always going to be my own person / I would never change the way I act for someone else / I'm proud to be black / I'm proud of the way I dress / The way I look and / No one's going to change me / I have my own pride (Spring 2014, p. 30-31, "Untitled")

Although the code "racism" was represented as the main code on only 0.69% of the writing samples, the messages are powerful. As Deante shared:

Where I come from I get dogged by my color / Walk down the street the cops are going to assume I'm up to no good or I have a gun / It's sad because a lot of our people fought for this to end, but it seems like they / Never won / Now I'm the one getting put in jail for what I wear and where I'm from / In reality I think racism is still going on but people got smarter / A white man will fire you not because you're black, he'll tell you to work harder (Spring 2014, p. 39, "Untitled")

An anonymous writer shares a similar sentiment as he processes the racial disparities he is witnessing in his own life and in the system:

Justice is not as easy as wrong or right / Justice sometimes depends on if you are black or you are white / Justice is based on a false reality / Justice sometimes comes down to you verses me / If justice served its purpose / Then why do guilty bankers walk free / Taking from our pockets without humility / Look all around you; our faces are brown and black / I'm a first time offender who got a bad rap / Justice should be ashamed of itself / Whether I'm guilty,

depends on my wealth / Lawyers represent guilty rapists and child molesters / In my neighborhood the police always pester / Leave me alone, I haven't done anything wrong / Justice you have failed me / But I'll keep singing my song (Fall 2011, p. 1, "Justice")

School

As previously mentioned, school is often listed as a means to change and a protective factor in preventing reoffending. "School" was the main code in only 1.98% (n = 20) of the writing samples, yet it was a cross code in 13.69% (n = 138). As this demonstrates, school is seldom the main focus, but rather is discussed as a means to an end. Some mentions of school are full of regrets and the belief that staying in school would have kept the author on a more desirable path. An anonymous writer shared:

My message to the world is for the kids to have a good education. It all starts when you're in elementary. Your mother needs to take you to school. I remember my parents wouldn't take me to school or drop me off. My brother always told me not to go. It all carries on to middle school and high school. It's a habit. It was for me. Once you don't go to school, you start hanging with the wrong people. Doing drugs because you don't got nothing better to do. Joining gangs – that's when you start going to juvie. They say that 8 out of 10 of you will get locked up as an adult if you are locked up in your youth. To be a good person – education first. (Fall 2013, p. 33, "My Message")

Others see education as a personal long-term goal or dream as Israel shares,

I hope to graduate / To step on the college floor / Boy wouldn't that be great / To open my classroom door / To have a high school diploma / And put it on my living room wall / Might go into shock and fall into a coma / To go to college I'll be the first man out of all in my family to have graduated. (Spring 2014, p. 23, "Untitled")

Rather than a distant goal or dream, others see their education as an accomplishment within their grasp. Writers shared the joy of earning their high school diploma while incarcerated, proudly embracing the achievement. As Ben shares,

I predict that I will be proud of myself / For graduating high school on schedule... / Even though I don't get to flaunt my cap and gown / Or go to grad night or prom / I can still be proud I made it this far... (Spring 2014, p. 31-32, "Stairway Too?")

Many other writers expressed frustration over their own school experiences, both previous and current. Andres shares the negative messages he received in school and elsewhere, "...Then people started telling / Me I ain't going to be / Anything but a fool / So I started messing up and / Ditching school..." (Spring 2013, p. 22, "My Dream"). Ivan similarly had concerns over the lack of positive influences and supports in his school, "There were resources at my school, but no one to support us towards our dreams..." (Fall 2012, p. 79, "If I Were A Politician").

Conversely to the young men who shared their excitement about earning their high school diploma while incarcerated, Robert expresses concerns he has with the school in the juvenile corrections facility, "...The school we attend seems like a good place to escape to / But is only setting us up for failure..." (Spring 2014, p. 40, "A Day in Camp"). Jaylen adds to this concern and states, "...I'm in a class where they call themselves mental..." (Spring 2015, p. 9, "The City That Was Put on Paper"). While time spent incarcerated is often used for credit recovery and making progress toward earning a high school diploma, it is clear not all the young men in this particular facility are experiencing the same level of success.

Incarceration

The experience of incarceration was a commonly referenced topic, with 7.24% (n = 73) representing "incarceration" as the main code and an additional 22.02% (n = 222) as a cross code, for a total representation of 29.27% (n = 295) of the writing samples. As may be expected, the experience of incarceration was the most frequently represented code in all of the writing samples.

Interestingly, within those writing samples that received the main code of incarceration, "change" was also coded in 26.02% (n = 19) of them, "race/ethnicity – positive" in 1.37% (n = 1), "racism" in 2.73% (n = 2), and "school" was cross coded in 21.92% (n = 16). Thus, among the 73 writing samples having the main code of incarceration, more than half (52.05%, n = 38) represent the intersectionality discussed in this article. The substantial presence of these themes in the writing samples demonstrates the complex intersectionality in which these young men live their lives, particularly as it relates to race or racism, school or disability, and incarceration. Ivan shares some of what he has learned from his own life experience:

On the Economy: ...When you don't have jobs you try to get money the easy way. At one point I could avoid the path these people were taking until I started struggling... On School and Race: In my school there were are least four or five race riots, what M.L.K. fought for is still true. ... I noticed a lot of Caucasians get off with easier sentences in court. In jail nowadays, you see more Browns then Blacks. In court, they need to start treating people equally. On Drugs and Crime: ...People are desperate to feel good... so they can hide from reality and feel like the privileged do. This is my second time in camp once people are released from here they need to be given more support... (Fall 2012, p. 79, "If I Were A Politician")

Discussion and Conclusion

In addition to giving credence to the literature, the voices of incarcerated youth give clarity and context to the lived experiences of the young men themselves. It is from their voices and their stories that much can be learned to drive programming and policy decisions. Rather than the purely quantitative research that excludes the subjects yet guides top-

down programming and policy decisions, the voices of the youth affected by these decisions must become a key part of the process.

Research

It is clear, in looking at purely numerical data, researchers see an incomplete story. “Statistical results, themselves, do not prove anything beyond the numerical relationship between two or more lists of numbers or variables” (Zuberi & Bonilla-Silva, 2008, p. 9). In a plea to be heard and seen as more than a statistic, Anthony states, “...we’re nothing but a number in the system / And a pay check to the government ...” (Fall 2012, p. 8, “Life Behind Bars”).

Artiles (2013) conducted a critique of frameworks surrounding the intersectionality of race and disability with a call toward mindfulness of “intersectional complexity” (p. 329). Three of his five suggestions as a result of the critique reinforce incorporating the voice of the subjects being studied to gain a more thorough understanding of the complexities of intersectionality (Artiles, 2013). In short, he recommended experienced scholars: (1) teach new scholars how to delve into intersectionality; (2) understand differences within groups rather than only between groups when researching intersectionality; and (3) pay attention to subjects’ agency for a complete picture (Artiles, 2013). Similarly, Critical Race Theory (CRT) research methods suggest incorporating storytelling, specifically counter-storytelling from the subjects as a means to see a phenomenon from multiple perspectives.

Scholars must include those they study, especially when working with vulnerable and marginalized populations, to look past the statistics to the person behind the numbers. As espoused in the DisCrit framework (Annamma et al., 2012), seeking to understand the environment, social context, and systems of power from the perspective of the individuals themselves will enhance the learning to be gained from research and the outcomes it produces.

Scholarship in its most common embodiment is conducted and written *by* researchers *for* researchers. Research with a social justice mission, however, has the potential to be transformative for the subjects of the study itself. Vulnerable and marginalized populations, such as incarcerated youth, deserve and desire a voice and they get that opportunity through writing programs such as *Borrowed Voices*. Including their writing samples in research further lends credibility and legitimacy to their stories and experiences. More of this research is desperately needed, not only with incarcerated youth, but also with all vulnerable and marginalized populations.

Policy

In addition to research being conducted *about* incarcerated youth rather than *with* them, policy decisions are typically made by those who have not been through the juvenile justice system themselves. In this case, by examining these writing samples, those in positions of authority are able to learn a unique perspective on what is actually experienced by those

for whom they are making policy and programming decisions. Rather than deciding what *should* work to rehabilitate justice-involved youth, there is significant value in involving the youth themselves in those discussions, debates, and decisions.

One example of programming designed with youth involvement and voice is the Hope Partnership at MacLaren Youth Correctional Facility in Oregon. The leadership council of Hope Partnership is comprised of incarcerated youth who determine the overall direction and specific programming. Guided by the leadership council of youth, Hope Partnership provides workshops, classes, and groups ranging from vocational training and transition services to “public speaking, writing, art, native beading and jewelry making, radio, and improvisation theater to eager youth anxious to learn” (Janus Youth, 2015). The success of the program is demonstrated through waiting lists for classes and requests for more volunteers to keep up with demand. Further, the Oregon Youth Authority credits Hope Partnership with contributing to the relatively low juvenile recidivism rate of 23.4% (Oregon Youth Authority, 2018).

As the writing samples demonstrate, these young men exist within complex multidimensional intersectionality, particularly as it relates to the intersection of disproportionality in race, disability, and juvenile justice. The findings of this study show that the authors of these writing samples do not experience these different areas of disproportionality singularly or simply. Recognizing this complexity is a necessary first step for both scholars and policy makers. These youth do not fit simply into singular categories convenient for planning and programming; rather, they are complex individuals from whom we have much to learn.

References

- Annamma, S. A., Connor, D., & Ferri, B. (2012). Dis/ability critical race studies (DisCrit): Theorizing at the intersections of race and dis/ability. *Race Ethnicity and Education, 16*(1), 1-31. doi: 10.1080/13613324.2012.730511.
- Annamma, S. A., Morrison, D., & Jackson, D. (2014). Disproportionality fills in the gaps: Connections between achievement, discipline and special education in the school-to-prison pipeline. *Berkeley Review of Education, 5*(1), 53-87.
- Artiles, A. (2011). Toward an interdisciplinary understanding of educational equity and difference: The case of the racialization of ability. *Educational Researcher, 40*(9), 431-445. doi: 10.3102/0013189X11429391.
- Artiles, A. (2013). Untangling the racialization of disabilities: An intersectionality critique across disability models. *Du Bois Review, 10*(2), 329-347. doi: 10.1017/S1742058X13000271.

- Arya, N., Villarruel, F., Villanueva, C., & Augarten, I. (2009, May). *America's invisible children: Latino youth and the failure of justice*. Retrieved from http://www.campaignforyouthjustice.org/documents/Latino_Brief.pdf.
- Baker, B. (2002). The hunt for disability: The new eugenics and the normalization of school children. *Teachers College Record*, 104(4), 663-703.
- Barrett, D. E., & Katsiyannis, A. (2015). Juvenile delinquency recidivism: Are Black and White youth vulnerable to the same risk factors?. *Behavioral Disorders*, 40(3), 184-195.
- Ben-Moshe, L., & Magana, S. (2014). An introduction to race, gender, and disability: Intersectionality, disability studies, and families of color. *Women, Gender, and Families of Color*, 2(2), 105-114.
- Blanchett, W. J. (2006). Disproportionate representation of African American students in special education: Acknowledging the role of white privilege and racism. *Educational Researcher*, 35(6), 24-28. doi: 10.3102/0013189X035006024.
- Bonilla-Silva, E., & Zuberi, T. (2008). Toward a definition of white logic and white methods. In T. Zuberi & E. Bonilla-Silva (Eds.), *White logic, white methods: Racism and methodology* (3-30). Landham, MD: Rowman & Littlefield Publishers, Inc.
- Burrell, S., & Warboys, L. M. (2000). *Special education and the juvenile justice system* (1-15). US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Conduct Problems Prevention Research Group. (2011). The effects of the fast track preventive intervention on the development of conduct disorder across childhood. *Child Development*, 82(1), 331-345. doi:10.1111/j.1467-8624.2010.01558.x.
- Connor, D., & Ferri, B. (2005). Integration and inclusion – A troubling nexus: Race, disability, and special education. *The Journal of African American History*, 90 (1/2), 107-127.
- Dodge, K. A., Greenberg, M. T., Malone, P. S., & Conduct Problems Prevention Research Group. (2008). Testing an idealized dynamic cascade model of the development of serious violence in adolescence. *Child Development*, 79(6), 1907-1927.
- Dodge, K. A., Malone, P. S., & Lansford, J. E. (2009). A dynamic cascade model of the development of substance-use onset. *Monographs of the Society for Research in Child Development*, 74(3), 1-23. doi: 10.1111/j.1540-5834.2009.00529.x.
- Harry, B., & Kingner, J. K. (2006). *Why are so many minority students in special education? Understanding race and disability in schools*. New York, NY: Teachers College.
- Janus Youth Programs. (2015, December 21). *Hope Partnership celebrates its fifth year anniversary*. Retrieved from <http://www.janusyouth.org/news/post/hope-partnership-celebrates-its-fifth-year-anniversary>.
- Johnson, B., & Shelton, J. (2014). *My brother's keeper task force report to the president*. Retrieved from http://www.njjn.org/uploads/digital-library/My_Brother's_Keeper_Task_Force_Report,%205_1.28.2014_1.PDF.

- Keilitz, I., Zaremba, B. A., & Broder, P. K. (1979). The link between learning disabilities and juvenile delinquency: Some issues and answers. *Learning Disability Quarterly*, 2(2), 2-11.
- Kurtz, D. L., Linnemann, T., & Spohn, R. (2008). Investigating racial disparity at the detention decision: The role of respectability. Paper 12. *Faculty Publications of the Center on Children, Families, and the Law*. Lincoln, NE: University of Nebraska.
- Leiber, M. J. (2003). *The contexts of juvenile justice decision making: When race matters*. Albany, NY: State University of New York Press.
- Leiber, M. J., Brubaker, S. J., & Fox, K. C. (2009). A closer look at the individual and joint effects of gender and race on juvenile justice decision making. *Feminist Criminology*, 4(4), 333-358.
- Leiber, M. J., & Fox, K. C. (2005). Race and the impact of detention on juvenile justice decision making. *Crime & Delinquency*, 51(4), 470-497.
- Leone, P. E., Meisel, S. M., & Drakeford, W. (2002). Special education programs for youth with disabilities in juvenile corrections. *Journal of Correctional Education*, 53(2), 46-50.
- Leone, P. E., & Meisel, S. (1997). Improving education services for students in detention and confinement facilities. *Children's Legal Rights*, 17(1), 1-12.
- MacMillan, D., & Reschly, D. J. (1998). Overrepresentation of minority students: The case for greater specificity or reconsideration of the variables examined. *Journal of Special Education*, 32(1), 15-24.
- Mallett, C. A., & Stoddard-Dare, P. (2010). Predicting secure detention placement for African-American juvenile offenders: Addressing the disproportionate minority confinement problem. *Journal of Ethnicity in Criminal Justice*, 8(2), 91-103.
- Meisel, S., Henderson, K., Cohen, M., & Leone, P. (1998). *Collaborate to educate: Special education in juvenile correctional facilities*. College Park, MD: National Center on Education, Disability, and Juvenile Justice.
- Moak, S. C., Shaun, T. A., Walker, J. T., & Gann, S. M. (2012). The influence of race on preadjudication detention: Applying the symbolic threat hypothesis to disproportionate minority contact. *OJJDP Journal of Juvenile Justice*, 2(1), 73-89.
- National Council on Crime and Delinquency. (2007). *And justice for some: Differential treatment of youth of color in the justice system*. Retrieved from http://www.nccdglobal.org/sites/default/files/publication_pdf/justice-for-some.pdf.
- National Council on Disability (NCD). (2015). *Breaking the School-to-Prison Pipeline for students with disabilities*. Washington, D.C.: National Council on Disability.
- National Evaluation and Technical Assistance Center. (2015). *Did you know?* Retrieved from <http://www.neglected-delinquent.org>.

- Office of Juvenile Justice and Delinquency Prevention (OJJDP). (2017, March 27). *OJJDP Statistical Briefing Book*. Retrieved from <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2015>.
- Oregon Youth Authority. (2018, January). *OYA Quick Facts*. Retrieved from <http://www.oregon.gov/oia/docs/QuickFacts/QuickFacts-Jan2018.pdf>.
- Ousey, G. C., & Lee, M. R. (2008). Racial disparity in formal social control: An investigation of alternative explanations of arrest rate inequality. *Journal of Research in Crime and Delinquency*, 45(3), 322-355.
- Patton, J. M. (1998). The disproportionate representation of African Americans in special education: Looking behind the curtain for understanding and solutions. *Journal of Special Education*, 32(1), 25-31.
- Pope, C. E., & Feyerherm, W. H. (1990). Minority status and juvenile justice processing: An assessment of the research literature (Part I). *Criminal Justice Abstracts*, 22(2), 327-335.
- Posny, A. (2007, April 24). *United States Department of Education, Office of Special Education and Rehabilitative Services, memorandum to State Directors of Special Education*. Retrieved from <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep07-09disproportionalityofracialandethnicgroupsinspecialeducation.pdf>.
- Puzzanchera, C., & Hockenberry, S. (2015). *The number of juveniles in residential placement reached a new low in 2015*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. Retrieved from https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_CJRP2015.pdf.
- Richetelli, D. M., Hartstone, E. C., & Murphy, K. L. (2009). *A second reassessment of disproportionate minority contact in Connecticut's juvenile justice system*. Avon: The Office of Juvenile Justice Programs, US Department of Justice to the state of Connecticut.
- Rovner, J. (2014, May). *Policy brief: Disproportionate minority contact in the juvenile justice system*. Washington, D.C.: The Sentencing Project. Retrieved from http://sentencingproject.org/doc/publications/jj_Disproportionate%20Minority%20Contact.pdf.
- Rovner, J. (2016, April). *Policy brief: Racial disparities in youth commitments and arrests*. Washington, D.C.: The Sentencing Project. Retrieved from <http://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>.
- Rutherford, R. B., Bullis, M., Anderson, C. W., & Griller-Clark, H. M. (2002). Youth with disabilities in the correctional system: Prevalence rates and identification issues. *ERIC Document Reproduction Services (No. ED 471 213)*.
- Sentencing Project. (2009). *Criminal justice primer: Policy priorities for the 111th congress*. Washington, D.C.: The Sentencing Project. Retrieved from <http://www.sentencingproject.org/doc/publications/cjprimer2009.pdf>.

- Southern Coalition for Social Justice. (2014, April 8). *Mass incarceration of juveniles: Does putting children in jail solve anything?* Retrieved from <http://www.southerncoalition.org/putting-children-in-jail/>.
- U.S. Department of Education Office of Civil Rights [USDOEOCR]. (2014). *Civil Rights data collection data snapshot: School discipline*. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.
- VanderPyl, T. (2015). Easing reentry through employability skills training for incarcerated youth. *Journal of Applied Juvenile Justice Services*, 41-57. Retrieved from <http://npjjs.org/jajjs/wp-content/uploads/2015/02/Easing-Reentry-VanderPyl-Final.pdf>.
- White House Council of Economic Advisers. (2015). *Economic costs of youth disadvantage and high-return opportunities for change*. Prepared by My Brother's Keeper initiative. Washington D.C.: White House. Retrieved from https://www.whitehouse.gov/sites/default/files/docs/mbk_report_final_v2.pdf.
- Zuberi, T., & Bonilla-Silva, E. (2008). Telling the real tale of the hunt. In T. Zuberi & E. Bonilla-Silva (Eds.), *White logic, white methods: Racism and methodology* (3-30). Landham, MD: Rowman & Littlefield Publishers, Inc.

About the Author

Dr. Taryn VanderPyl is an Assistant Professor at Pacific University in Oregon in the program of Criminal Justice, Law and Society. Her earlier experiences as a high school special education teacher and consultant, as well as a foster parent, have contributed to her research interests in the disproportionate representations of vulnerable and marginalized populations in the criminal and juvenile justice systems. Dr. VanderPyl's work on affecting the outcomes of youth in the juvenile justice system, in particular, has led to participation in numerous academic, behavioral, and reintegration programs in both juvenile and adult correctional facilities. She has a passion for taking students in the Criminal Justice, Law and Society program from merely learning about issues, to actively intervening; resulting in student projects and efforts that continue to positively impact local juvenile justice concerns. E-mail: taryn.vanderpyl@pacificu.edu

Copyright of Justice Policy Journal is the property of Center on Juvenile & Criminal Justice and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.