Losing the Children, Early and Often:

Families, schools, and the juvenile justice system are failing at-risk children, making them vulnerable to the Cradle to Prison Pipeline

By Marian Wright Edelman

Patricia Clark remembers the first time she met Frankie several years ago. Clark, chief judge for the Juvenile Division of King County Superior Court in Seattle, had to lean over slightly to see him from the bench in her courtroom. Frankie, a 10-year-old good-looking African American boy, was charged with assault stemming from an angry outburst in his foster care placement. This charge was a misdemeanor.

Anger and depression are essential elements of Frankie's makeup. He was taken from his mother at birth and spent the first eight years of his life moving from one foster home to another. As his behavior problems got worse, he was moved into therapeutic foster care so those issues could be addressed. Instead of analyzing his needs and adjusting his treatment, the therapeutic foster home where he was placed called the police after Frankie hit a staff member. He was arrested and charged – the first entry in what has become a long criminal record. The last time Judge Clark saw Frankie, he was 15 and charged with multiple felony robbery offenses. He was convicted and is now serving a three-year sentence in Washington State's juvenile prison. When he gets out, he will be 18 and will have aged out of the child welfare system. With no support or resources, his next stop will very likely be an adult prison.

Frankie was failed at every turn by his parents, the child welfare system and the juvenile justice system – all the adults in his life who should have protected and nurtured him. In tragically real terms, a prison cell has been reserved for Frankie since before he could even crawl. And all of his life, he has been on a course toward that prison cell through what the Children's Defense Fund (CDF) has identified as America's "Cradle to Prison Pipeline." There are tens of thousands of children like Frankie – nearly 100,000 juveniles in detention alone – to say nothing of the children who are not incarcerated but live lives that are, at best, marginalized. They come mostly from low-income families in depressed neighborhoods and the majority of them are children of color. During their childhoods, the multiple entry points to the pipeline will seldom be far away.

For the past two years, CDF has been researching the entry and exit points of the pipeline, talking with families and children who are at risk, those who live in the pipeline, and also talking with advocated, service providers and others who work to dismantle it. There are four key "feeder systems" into the pipeline – healthcare, early childhood education, the foster care system and schools.

Race and poverty form the foundation of the pipeline, but its multiple components include struggling families, depressed communities, underperforming schools, broken child welfare and juvenile justice systems, disparities in access to healthcare and mental health treatment and a political ethos that prioritizes incarceration over prevention and children development.

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Under the nation's system of juvenile justice, poor children are arrested, convicted and incarcerated at younger and younger ages. About two-thirds of these children are locked up for non-violent offenses. One reason more children are being routed into the pipeline is the advent of zero tolerance laws in the mid-1990s. These measures led to the shuffling of many children directly from the schoolhouse to the jailhouse at the initiative of school-based police officers.

Many of these offenses used to be handled by school officials, community leaders, pastors or families. Regrettably, the Cradle to Prison Pipeline has been a far more consistent mechanism for incarceration than the forces in society that could contribute to Black and Latino youth getting into college, gaining productive employment or becoming successful parents.

For a nation that claims to be the world's greatest democracy and a beacon for justice and freedom, this crisis is unacceptable. The Cradle to Prison Pipeline must be dismantled. It costs our nation billions of dollars each year and ruins the lives of tens of thousands of our children. And the prison pipeline is sapping low-income communities of the young talent needed to build a brighter future.

A Healthy Start

One factor in determining whether a child enters the prison pipeline is access to healthcare. Currently, 9 million children in America are without health insurance, and the latest statistics show the number is growing.

A healthy start for any children begins in the womb, but many low-income pregnant women do not receive prenatal care or health counseling. Black and Latino woman are more than two times as likely as White women to have late or no prenatal care. Women who abuse alcohol or dugs while pregnant are more likely to deliver low birth-weight babies. Children are placed in greater jeopardy if they don't receive routine healthcare, including the standard vaccinations against diseases such as measles, mumps and rubella.

One in five children have a diagnosable mental, emotional or behavioral disorder. Some of these problems include attention-deficit hyperactivity disorder, depression, post-traumatic stress disorder, dyslexia or mental retardation. These and other unaddressed health problems such as hearing or vision loss and learning disabilities – which can be effectively treated if caught early – often turn into deficits and developmental delays in poor children and those without health insurance.

People are often surprised to learn that an overwhelming majority of all children living in poverty – 70 percent – are living in working families, usually headed by single mothers. Yet the breadwinners of these families may not receive health insurance through their low-paying jobs, so the health problems of their children often go undiagnosed until they become serious and treatment becomes more challenging. Parents who struggle to provide food, clothing and shelter for their families often find it difficult to get their children to a health clinic.

These parents also have little energy left to provide the stimulation that is critical to a child's early development, such as taking them to the zoo or a museum and reading to them at night. Teen mothers whose own education and personal development have been arrested by early pregnancies are often still learning how to be adults themselves and so are unprepared to raise a child. Children who begin their first critical years with unhealthy starts are likely to begin school not ready to learn. Unless they receive serious intervention, they may never catch up.

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Schools Feeding Justice System

Far too many poor children begin their educations at schools that are ill equipped to provide them with a good education. These schools are even less prepared to identify and address the developmental delays of some of their students. Since 2001, funding cuts and unfunded mandates under the Bush Administration's No Child Left Behind Act (NCLB) have forced public schools to cut enrichment programs such as art and music, yet the federal requirements failed to help our students. In the 49 states and the District of Columbia reporting, under NCLB requirements, 25.8 percent of all public schools – a total of 22,873 schools – failed to make adequate yearly progress in the 2005-06 school year.

The number of African American and Latino teachers in public schools is significantly lower than the number of White teachers and the population of public school teachers is overwhelmingly female. Poor minority children attend schools where there are few teachers who look like them and have very few male role models in the classroom. In 2001, while 90 percent of public school teachers were White, 6 percent were African Americans and the percentage of male teachers was at a 40-year low at 21 percent. It is not uncommon for teachers to have low expectations for children from marginalized families, at least in part, because administrators lack the cultural competence to relate to their problems.

As a result, a child may be penalized for having poor English skills or may be labeled "dumb" or even mentally retarded because he has a common learning disability like dyslexia or attention-deficit hyperactivity disorder. Children may act out in school if they come from home where they are beaten or sexually abused. Public schools are hard pressed to acquire the staff or resources to recognize these problems and provide counseling and therapeutic help for their students. It is much more likely that a child's behavior will be perceived as insubordinate, disruptive or unruly. In these cases, "zero tolerance" disciplinary standards are frequently applied.

A disturbing outgrowth of the zero tolerance approach is that schools are becoming the point of entry into the juvenile justice system as children are increasingly arrested on school grounds for subjectively and loosely defined behaviors such "disorderly conduct" and "malicious mischief." In Miami-Dade County, Fla., for example, a 2003 report showed that student arrests had tripled since 1999. In 2004, more than 2,500 students were arrested while at school. One need only recall the 2005 case in Florida of the 5-year-old who was handcuffed and arrested by three St. Petersburg police officers for having a temper tantrum in her kindergarten classroom.

Many children are locked up, not because they commit crimes, but because they have a mental or emotional disorder. Parents who don't know how to deal with such behaviors are sometimes left with no option other than relinquishing them to the foster care or juvenile justice system, hoping that they will then get the mental health treatment they need.

Some children are sentenced to juvenile detention facilities because they are awaiting treatment that does not exist in their communities. In July 2004, a U.S. Senate committee heard evidence that 15,000 children psychiatric disorders were improperly incarcerated in 2003 because no mental health services were available. Sadly, we're seeing more cases where children with mental disorders from families with money get psychiatric intervention, while poor children end up with the prison psychologist.

In 2002, there were 3.1 million suspensions from school—and Black students were nearly three times as likely to be suspended as White students. Teens are pushed out of school almost invariably are thrust into worse situations because they are likely to be home without adult supervision if their parents work. Some students simply hang out on street corners, where they

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socialize with ex-offenders who are neither in school nor employed. The corner is not a place where values such as academic achievement or deferred gratification are taught. It is a place that teaches the negative values of not accepting responsibility, rationalizing harm and blaming others or the system for one's problems. Street corners are a gaping entry way into the Cradle to Prison Pipeline.

Unequal Justice

There are more boys in the prison pipeline, but it is open to girls, too, and they are the fastest-growing population in the juvenile justice system. Among victims of abuse and violence at home, the entry offense into the prison pipeline for girls is often domestic violence. Once scenario might be two sisters fighting—when one punches the other, a parent calls the police and they are taken to a juvenile detention center. The second time the police are called, one or both are charged with a felony.

To be sure, teens arrested for serious crimes—armed robbery, assault, car theft and homicide—must be appropriately accountable for their offenses. However, only about one-third of the juveniles in detention nationwide have committed a violent offense. The juvenile justice system handles more than 1.6 million cases a year. Many of them are relatively minor infractions that used to be handled by families and community organizations. With their dockets crammed, juvenile courts have become one of the biggest feeder systems of the Cradle to Prison Pipeline.

Disparate treatment plays a role in every decision point in the justice system, from arrest through incarceration. For example, national data show that Blacks and Whites report using illegal drugs at similar rates, but Blacks are arrested at a much higher rate for drug offenses and are incarcerated at an even greater disproportion.

Poor children and teens who reach juvenile court often face an overcrowded system where they are unlikely to be treated fairly. A poor child charged with an offense may appear before a court with no member of his family to stand with him, and he may not understand the legal process or the gravity of the situation. His case may be assigned to a public defender whom he meets for the first time on the day of his trial. By contrast, a teenager from a family with resources will likely appear in court with both parents and an attorney. They may persuade a judge to be lenient in exchange for the family's promise to send the child to drug rehabilitation or military school.

Judges pressed to process as many cases as possible often dispense verdicts in minutes. Once they enter the juvenile justice system, the chances that poor and minority children and teens will get a second chance are not good. Too few judges offer poor youthful defendants alternatives to incarceration—restitution, community service, electronic monitoring, drug treatment or placement in a "staff secure" but not locked community corrections facility.

The deeper a poor child gets into the justice system, the harder it is for him to get out. Some never make it out. In January of this year, 14-year-old Martin Lee Anderson died of suffocation at a state-run boot camp in Florida after seven guards restrained and beat him. His death occurred soon after he arrived at the boot camp after violating parole for taking his grandmother's car.

Dismantling the Pipeline

The Cradle to Prison Pipeline must be demolished along with the structures and policies that support it. This will be a daunting task, but every segment of our society should take part in

this effort. First, we must all demand that programs that work be fully funded and that policies that contribute to criminalizing children be eliminated.

We've already heard Frankie's tragic story. Frankie's needs were not met by either the foster care or the juvenile justice system—in fact, these systems only exacerbated his problems. Our society must be able to keep what happened to Frankie from happening to other children in similar circumstances.

We should start by guaranteeing healthcare coverage, including mental health treatment, for all children in America. This should be a national priority. Next, we must provide greater financial support for proven early childhood development programs that build healthy bodies and minds such as Head Start and Early Head Start. Schools must be fully funded. Zero tolerance policies responsible for mass suspensions and abusive treatment of young children must be terminated.

We must also dismantle the pipeline at home. Parents must get the help they need to become the best parents they can. We must all take personal responsibility to advocate for children and be change agents in our communities. Individuals and families can open their hearts and homes by being role models and mentors and nurturing children in need. One can join the national mentoring program Big Brothers and Big Sisters, for example. Families can set another place at the dinner table once or twice a week for an at-risk child. If you are taking your children to a museum or the zoo, make room in the car for another child. Buy an extra ticket to a ballgame or play.

There are a variety of opportunities for communities to make a difference by working to keep schools open after hours as safe havens from the dangerous influences of the streets. Much of the trouble children and teens get into occurs after school and before their parents return from work, between 3 p.m. and 6 p.m. There are numerous tested model programs that partnerships of parents, educators, community organizations, pastors and local governments can come together to replicate.

We ignore the continuing devastation of the Cradle to Prison Pipeline at our peril. We must recognize that the failure to improve healthcare coverage, schools, and the child welfare and juvenile justice systems will perpetuate the cycle of criminalizing children. We must secure our future by investing in families to enable them to nurture children who will grow up to be strong, self-sufficient adults who are good parents and assets to their communities.

Black America has had to fight slavery and Jim Crow segregation. In each of those struggles, we had valuable allies. Now we must fight to tear down the Cradle to Prison Pipeline. All of the forces of goodwill in this society must join this battle. For the sakes of all of our children, this is a battle we must win.

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