

A CONVERSATION WITH
JAMES BELL

AS TOLD TO CHRIS STURGIS

AND THE
YOUTH TRANSITION FUNDERS GROUP

WHAT HAPPENS WHEN THE **BARGAIN**
OF CIVIL SOCIETY
IS BREACHED?



THE W. HAYWOOD
BURNS INSTITUTE



James Bell¹, Founder and Executive Director of the W. Haywood Burns Institute for Juvenile Justice, Fairness and Equity², recently spoke with members of the Youth Transition Funders Group³ about why we must apply a child well-being framework to young men of color.

Here are some highlights from that conversation.

How can the child well-being framework shape our efforts to improve the life outcomes of youth?

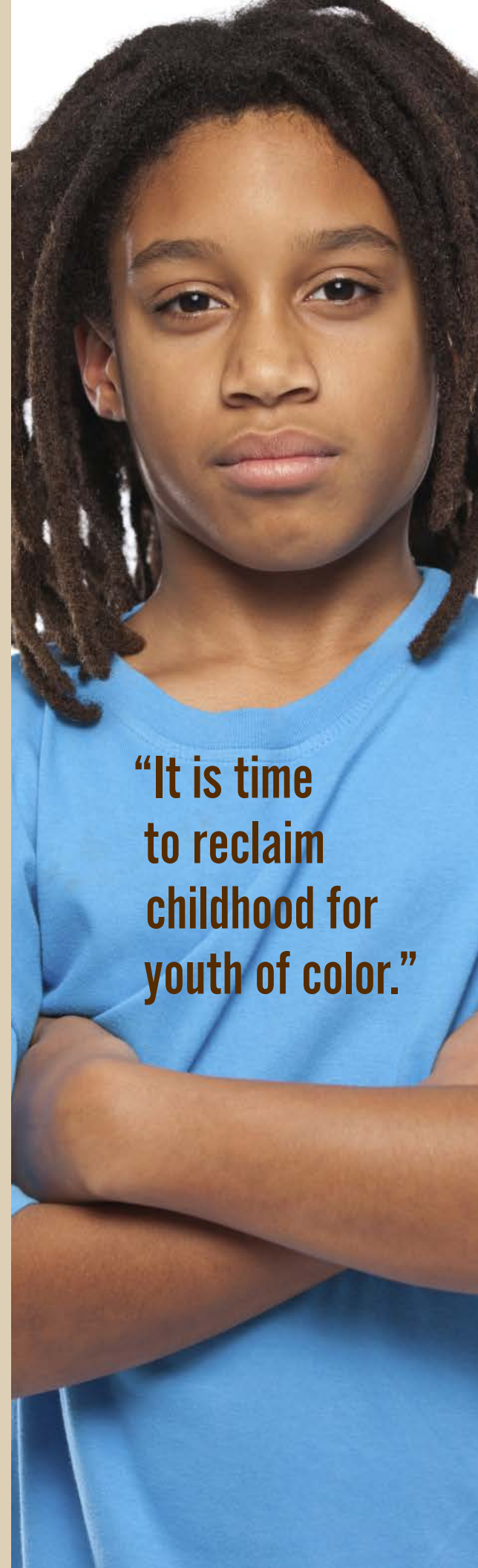
From the time our children are born, we aspire for them to grow up in a loving environment with opportunities for education and play that keep them happy and healthy. As a society, we have an obligation to provide nurturing and positive supports for children so that they are able to reach their maximum potential. The right to a childhood ought to exist for all young people regardless of their skin color, gender, sexual orientation, income, or ability.

Indeed, in many communities across this nation, children are expected to exhibit all of the characteristics of childhood—good and bad—as part of their normal adolescent development. However, in far too many communities of color, we have eliminated the space for children to exhibit

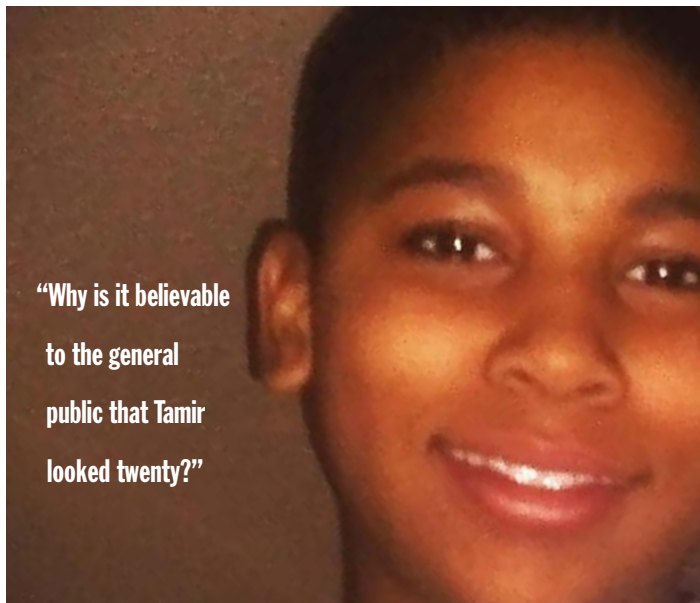
¹ <http://www.burnsinstitute.org/staff-members/james-bell/>

² <http://www.burnsinstitute.org/>

³ <http://www.ytfg.org/about-ytfg>



**“It is time
to reclaim
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“Why is it believable to the general public that Tamir looked twenty?”

There are numerous studies documenting that youth of color bear the brunt of decisions that unfairly push them towards incarceration. Yet in spite of this, children of color are supposed to miraculously brush off these policy and practice assaults and demonstrate exemplary behavior in any institutional setting. It is quite the psychological challenge to exist as a young person of color while navigating through societal institutions that have been built from a structurally racist framework. Alvin Ransom, a resident of Ferguson, MO, said it best while reflecting on the killing of unarmed Michael Brown by a police officer—“*we have to put on a show so they think we are perfect.*”

Perfection? When has a teenager ever been expected to make good decisions all of the time?

Neuroscience tells us that their adolescent brains are undergoing enormous changes that are shaping their behavior. Perfection is an expectation that no teenager throughout history has ever met; yet the resulting impact of youthful misbehavior for children of color is juvenile justice system involvement.

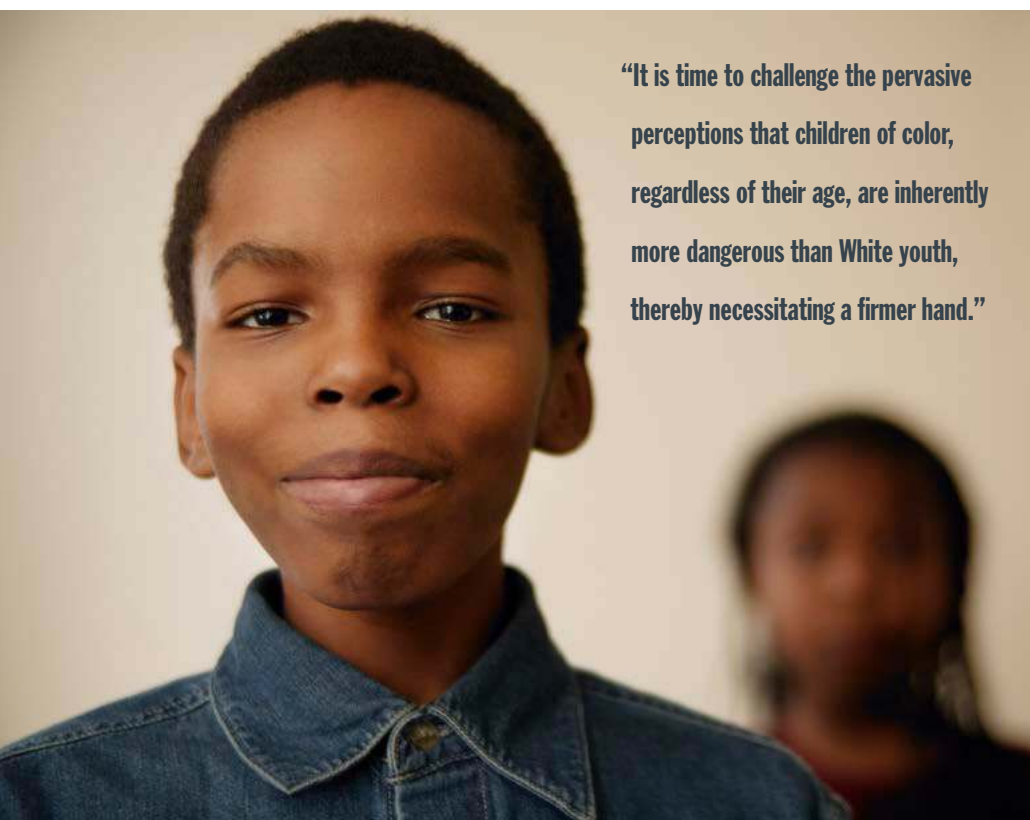
Of even more concern is the degree to which we project super-human attributes onto young men and boys of color. The narratives that are told about the shootings of Trayvon Martin and Michael Brown suggest that young men are predators with superhuman strength.

According to the officer’s narrative, Michael Brown was so out of control that he had to be shot seven times. When you listen to the video of the shooting of Tamir Rice, you can hear the officer refer to this twelve-year old child as a *twenty-year-old Black male*. Where is this coming from? Why is it believable to the general public that Tamir looked twenty or that suddenly Michael Brown had super-human strength?

age appropriate behavior by criminalizing their conduct through fear-based policies and practices.

It is time to reclaim childhood for youth of color.

It is time to challenge the pervasive perceptions that children of color, regardless of their age, are inherently more dangerous than White youth, thereby necessitating a firmer hand.



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This deeply rooted bias against young men and boys of color is derived from living in an American society where we are bombarded with messages in the media, in the political rhetoric, and in the music and entertainment we consume that perpetuates the myth of the Black male super-predator.

The end result of this unfortunate socialization is that we, as a society, have become afraid of our children of color. These children have become the unknown and what is unknown is too often feared. Due to this fear and the policies that have arisen as a result, children of color have become our society’s throwaway children.


The research described in the report, “The Essence of Innocence” by Philip Goff and his colleagues⁴, demonstrates that Black children are *less likely* to be seen as children and afforded the innocence of childhood than are their White peers. Their research showed that a group of university students and police officers, when reviewing

pictures of youth labeled as having committed a misdemeanor or a felony, *overestimated* the age of Black children – and to a lesser degree Latino – while *underestimating* the age of White youth labeled as having committed a similar offense. In essence, the research study demonstrated that youth of color are too often seen as more culpable



and prone to violence than their White counterparts. This suggests that society holds a deeply ingrained belief system about young people of color that renders us unable to see them as the children they are and, instead, we fear them.

⁴ <http://www.apa.org/news/press/releases/2014/03/black-boys-older.aspx>



“We must make our young people of color visible in a way that people working within youth-serving systems are able to see their full humanity.”

The child well-being framework firmly asserts the rights of all young people, regardless of their race and ethnicity, to be viewed as children who are experiencing a normal adolescent journey and to be treated with fairness and equity.

This framework can be a powerful tool to look across the four systems that are serving our young people—education, child welfare, juvenile justice, and public health/mental health—to interrogate whether or not we are holding the same standards for childhood and innocence for all children.

Given these dynamics, what are the implications for our communities and our country?

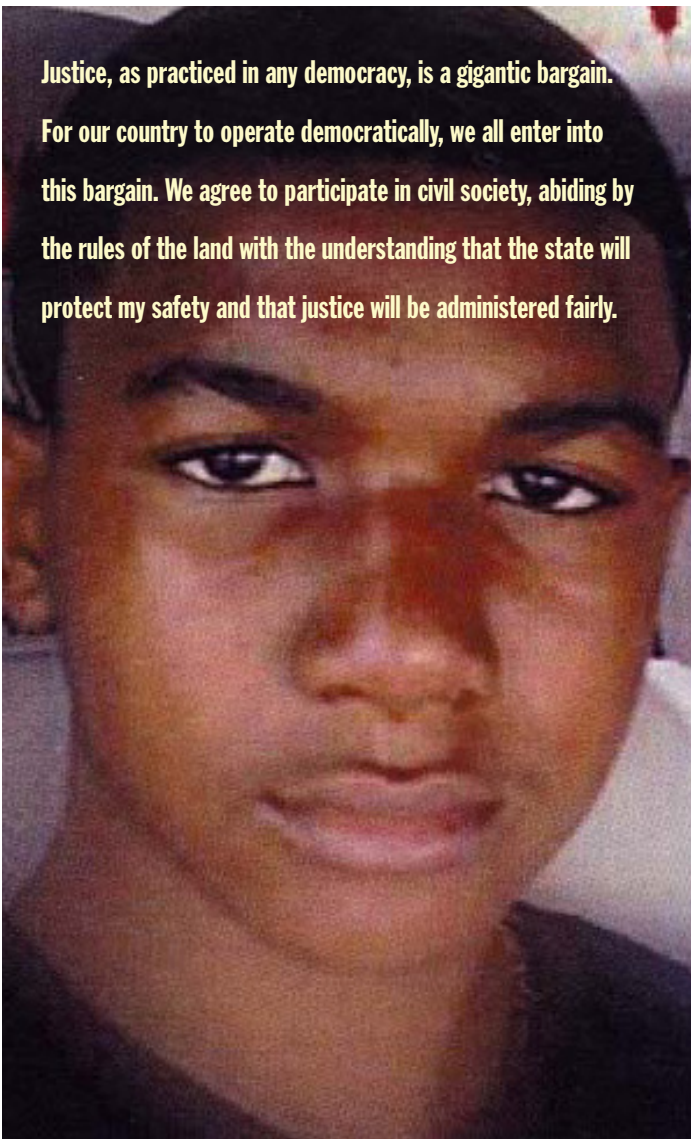
The United States is dramatically changing racially and ethnically. In fact, its composition has already fundamentally changed. Today, children of color represent the majority of babies born in the United States. States such as Hawaii, New Mexico, California and Texas already boast a total population that is a majority people of color. This new demographic reality will be the experience of every state in the coming decades and it will change the shape of our nation.

People of color in the United States are disproportionately poor and the generational poverty impacting communities of color is a culmination of longstanding, racially inequitable policy decisions across the four youth-serving systems and beyond. The result is entire neighborhoods that have the attributes of concentrated, geographically isolated poverty that lack the opportunities for children of color to be given a fair shot at success in life.



For most of today's young people growing up in concentrated, geographically isolated poverty, the education system has broken down. Many young people are not even being taught to read beyond elementary school levels. Only a few can navigate the education system and emerge with enough skills to go on to college without facing crippling student debt. The juvenile justice system certainly isn't providing the services and interventions that children and youth need to address their social and emotional needs. Many of our young people in child welfare end up in Group Homes that provide little for their transition to self-sufficiency in adulthood.

If our youth-serving systems are failing now, then imagine the damaging effect on the United States as a whole as the population of communities of color—and the poverty that comes with them—continues to grow. The very future of our democracy is at stake.



Justice, as practiced in any democracy, is a gigantic bargain. For our country to operate democratically, we all enter into this bargain. We agree to participate in civil society, abiding by the rules of the land with the understanding that the state will protect my safety and that justice will be administered fairly.

We are beginning to see that the bargain of civil society is being breached.

Justice, as practiced in any democracy, is a gigantic bargain. For our country to operate democratically, we all enter into this bargain. We agree to participate in civil society, abiding by the rules of the land with the understanding that the state will protect my safety and that justice will be administered fairly. Essentially, I will participate in the *administration* of justice because it will be *justly* administered. If trust in these institutional agreements begins to erode, such as what we've seen with the exploitative practices of "reasonable doubt for a reasonable price," then the very heart of our nation's democracy erodes as well.

The disparate treatment of Black Americans by the justice system is drawing into question whether or not justice is being justly administered. "Driving-While-Black" and stop-and-frisk policies that disproportionately impact young men of color are driving deep distrust of the system and rightfully raising questions about fairness and equity. When people begin to believe that the system isn't fair, they are going to stop participating. We can see the results of this distrust in people refusing to "snitch" because the system isn't keeping their part of the bargain. The killing of Eric Garner was an enormous breach of the bargain and we can see the resulting uproar in the "Hands Up, Don't Shoot" direct action demonstrations taking place all over the country.

Given this trajectory, what do you think we should do?

There is no time to waste. Last year's ninth grade class was the last graduating class that will be the majority White. We can't think about the impacts of the incarceration of children of color as a future problem, but one that needs to be addressed right now.

First, we must make our young people of color visible in a way that people working within youth-serving systems are able to see their full humanity.

If our police see our youth of color as super-predators rather than as children and teenagers, then they will be held to a very different standard. We need



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people to see young people of color as teenagers with all of the potential, experimentation, fallibility, and mistakes that come along with being a kid. We need a communication strategy that helps people become aware that we must work to return the right of childhood to Black teens.

Second, we need to approach the reform of the four youth-serving institutions structurally. A structural racism lens on the child well-being framework must be applied to our understanding of youth-serving systems and the policies and practices necessary for their transformation.

Research, such as “The Essence of Innocence,” tells us a lot about how we as a country are holding different expectations for children. These views are shaping the ways that police and other institutions within the justice system are engaging our young people. We can assume that it is shaping how the other three systems approach young people of color, as well. However, we must stop talking about the lack of opportunity for children of color as solely a result of isolated incidents of individual bias or individual racism. We don’t have enough time to try to get every person to eliminate their racism, to overcome their bias, nor is that strategic given the scope of the problem.

We must consider approaches that address structural racism, or the interactions across the four youth-serving systems that disproportionately limit life opportunities for youth of color, if we hope to impact the crisis of incarceration and generational poverty.

When we make the accusation that kids of color are not getting the same treatment as White kids, the reflexive response by police and others working in the system is, “*I’m not racist, I’m just doing my job.*” The problem is that their jobs as defined are structurally racist. Discrimination against youth of color was institutionalized within the earliest penal system

so profoundly that it continues to influence policy that determines which youth are valued and which are neglected. While juvenile justice policy has attempted to become more racially inclusive over time, “universal” or “race-neutral” policies have only perpetuated the unequal playing field that exists for youth of color.

Third, we need to transform the juvenile justice system so that it has the capacity and expertise to deal with kids who are making age-appropriate decisions in their communities.

An enormous challenge for our work ahead is to fundamentally alter a juvenile justice system that has no reference point to deal with kids except through custody control and suppression. The system is terribly limited by the status quo and has little to draw upon to be able to meet the needs of young people from geographically isolated and impoverished communities. The system, as it currently exists, simply isn't equipped to provide what kids need.

If there aren't any jobs available, then earning income may result in selling drugs. Although not the best decision, it may make sense to a teen until someone helps them talk through the consequences and finds another opportunity for them to form connections with the labor market. But again, when have we ever thought teenagers make the best decisions? Mistakes and shortsighted decisions made by teens are how we help them learn the skills and judgment they need to become fully actualized, healthy, and self-sufficient adults.





We can't think about the impacts of the incarceration of children of color as a future problem, but one that needs to be addressed right now.



We must challenge the juvenile justice system to create the capacity to know when there is a social or emotional issue at work rather than a legal one. We need to forgo the “trail them, nail them, and jail them” mentality of probation that produces 66 percent recidivism rates and, instead, hire the types of social and community workers who can get better outcomes for youth.

What this means is that we need to look carefully at the incentives and disincentives of the education, juvenile justice, child welfare, and mental health systems. We need to change the nature of the jobs in these systems to turn the unknown into the known. For example, we could restructure the job of new police officers so they are assigned to sections of a community with the expectation that they get to know the people in that community. Promotion could then be based on recommendations from the community. We must re-engineer these systems so that they are about supporting the development of young people, regardless of their ethnicity or the color of their skin.

We must also overcome the silo mentality that is currently plaguing the four youth-serving systems. Without greater alignment and collaboration across these systems, youth of color will continue to have their life outcomes severely reduced. We can learn from the communities that have been able to successfully create and sustain strong partnerships and interactions, thereby changing the nature of the systems themselves.

Children of color have the right to a childhood. They should not be feared, rather nurtured. We must act now to develop new capacities and approaches so that we no longer rely on the status quo practices that are structurally designed to funnel kids into the juvenile justice system because the other systems can't meet their needs. Our kids deserve better and so does our society.



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