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ARTICLE

Mass Incarceration, the School-to-Prison Pipeline, and the Struggle Over “Secure Communities” in Illinois

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Abstract

This paper describes educational policies and disciplinary practices that constitute a school-to-prison pipeline, specifically in Illinois and Chicago Public Schools. During the 1980s, the so-called war on drugs and harsh sentencing laws ushered the United States into an era of mass incarceration. In the 1990s, zero-tolerance policies were implemented and schools began to be treated as secure facilities, while simultaneously Illinois constructed a dozen new prisons. Since the early 2000s, policy trends began to shift. Some criminal statutes were overturned, several juvenile prisons were closed, and youthful offenders were increasingly re-directed toward rehabilitation services for non-violent offenses. Simultaneously, new pathways to prison were being forged, such as the reterritorialization of school districts under No Child Left Behind (2001) and an alarming trend toward deporting Latinos under the Secure Communities program. This paper describes the connection between prison construction and the criminalization of urban students. Ultimately, prison expansion in Illinois contributed to the injustice of the Chicago School System, creating a school-to-prison (and/or deportation) track. In the end, we look at some policy initiatives that have gone against the grain of incarceration-oriented agendas.

Introduction

Much has been written recently about mass incarceration in the United States (Alexander, 2010; Western, 2007), and Illinois is no exception. During “the punishing decade” of the 1990s (Ziedenberg & Schiraldi, 2000, 1) Illinois added seven new adult prisons, and doubled the number of state and county juvenile detention facilities. The prison boom was a product of the tough-on-crime hysteria that grew out of the 1970s and 1980s, and the targeting of public spaces such as schools as spaces of zero tolerance. Much less has been written on the recent trend of some large states to opt for the closure of correctional facilities (Porter, 2011), and juvenile facilities, in particular (Mendel, 2011; National Juvenile Justice Network, 2011). At the end of fiscal year 2011, the State of Illinois will have closed four of its ten juvenile correctional centers^[1] while most county juvenile detention facilities in Illinois continue to operate below capacity.^[2] This paper looks at the school policies that affected incarceration rates and criminal justice policies that affected Illinois schools.

Surveillance infrastructure and disciplinary policies in public schools have expanded since the 1990s (Casella, 2003; Giroux, 2000; Kupchik, 2010), albeit at a slightly slower rate in recent years. Chicago Public Schools (CPS) currently uses police officers and metal detectors inside their facilities to monitor students, and some schools are now expanding their use of security

cameras (Ahmed-Ullah, 2011). Policies of surveillance are ultimately aimed at disciplining so-called problem students, to move them toward expulsion. These policies contribute nothing toward the mission of educating every child; instead they exclude students by treating them like criminals. An expelled student is not a criminal, but expulsion from school can be seen as part of a process of criminalization of youth (Rios, 2011). Once expelled, students who face poverty, the absence of a high school diploma, and a culture of street crime will find it almost impossible to find gainful employment. For many, the drug trade will seem to be one of the only potential sources of revenue. Illinois' harsh drug laws have ensured that the drug trade will also be a source of incarceration; drug crime has accounted for much of the spike in Illinois prison populations since the 1980s (see Table 1).

The school-to-prison pipeline could thus be defined as a set of implemented policies that transfer students or juveniles toward incarceration or prison when they are found in violation of school rules or state laws. The pipeline is distinguished by the absence of alternative remedies to rule noncompliance, and the tendency of subsequent policies to plug up any figurative leaks in the pipe. Many such laws are outlined below, but let us recognize that these are fluid, shifting structures. CPS has recently reported that the police-in-schools program is too expensive to continue in its current form, and drug sentencing laws are being reformulated, as can be seen in recent actions aimed at decriminalizing marijuana in the Chicago area (Wisniewski, 2011). The school-to-prison pipeline is not as simple as its name would imply; hence, there is a need to theorize its new and changing forms.

Before we analyze the current situation, we outline the history of juvenile justice in Illinois leading up to the construction of a school-to-prison pipeline in the 1990s. Specifically, we focus on a handful of tough-on-crime policies with a focus on CPS, zero-tolerance policies, and the concurrent rates of incarceration within the state. We elaborate on some of the educational policy changes that have taken place in recent years, and the turn away from youth incarceration since 2002. While the number of incarcerated people has stabilized, and the number of incarcerated juveniles has declined, other metrics suggest that increasingly fewer alternatives exist for youth expelled from school without a general equivalency degree (GED). The reputation of Illinois' juvenile justice system at present is very poor. Illinois' own Department of Juvenile Justice released a report recently citing high recidivism rates and stating that the juvenile justice system "is, in many ways, the 'feeder system' to the adult criminal justice system and a cycle of crime, victimization and incarceration" (Haggerty, 2011). Against the backdrop of economic recession, such studies have provided a rationale for redirecting funding away from the juvenile justice system in recent years. At the same time, Illinois' detention facilities are being re-oriented by the current emphases of law enforcement in the United States.

Amplified anti-immigrant policies, persistently high unemployment, growing poverty, and the gutting of the welfare state have become the new norm. In 2011, the Secure Communities program of U. S. Immigrations and Customs Enforcement (ICE) had been implemented in 50% of the nation's municipalities, leading to a record number of deportations (Bennett, 2011). This mass deportation entailed a re-tooling of jails and prisons as holding cells for arrested immigrants facing deportation trials. We describe Chicago's emergence as a central battleground in the emerging struggle over Secure Communities which in some states has already extended to the criminalization of children of immigrants in public schools. Additionally, and crucially, No

Child Left Behind (NCLB) has led to school closures that have exacerbated inter-neighborhood tensions amongst Chicago youth in recent years. In the end, we call for a move away from expulsion and criminalization of youth, a wholesale reconsideration of the war on drugs, the repeal of Secure Communities, and a rollback of NCLB policies that punish failing students and schools. Illinois is a major site of debilitating incarceration and deportation, though we imagine it could be a leading player in envisioning pathways away from the era of mass incarceration.

A Brief History of Juvenile Justice and Mass Incarceration in Illinois

The first Juvenile Court in the United States was established in Cook County (Chicago) after a campaign led in part by Jane Addams. The first juvenile-only detention center was created simultaneously with the passage of the Illinois Juvenile Court Act of 1899. By 1907, the court and detention center shared a building of their own with a “competent staff” (Addams, 1910, p. 325) that coordinated with Addams’ Hull House to look after the (predominantly) immigrant children tried by the court (Addams, 1910, p. 232-234). In the context of the Progressive Era, the first juvenile courts were considered an advancement in that they were looking after the special needs of youth who would have otherwise been lumped with the criminal adult population. The court was specifically oriented to the needs of immigrant children; as Addams herself remarked, “four-fifths of the children brought into the Juvenile Court in Chicago are the children of foreigners” (1910, p. 252). For its part, Hull House hosted a weekly meeting of the Juvenile Protective Association which sought “to treat the youth of the city with consideration and understanding” and lobbied the businessmen who sold immigrant youth “indecent postal cards... liquor... tobacco,” as well as watchmen who oversaw the “waiting rooms” of department stores and “railroad yards,” which were the sites of youth crime (Addams, 1910, p. 235-236).

In the decades that followed, juvenile courts and prisons became the status quo in the U. S., though it is unlikely that anything as holistic as the network around Jane Addams existed in most cities. It also must be remembered that the immigrant youth Addams worked with were ethnic Europeans who would assimilate and acquire White privilege in subsequent years. Contemporaneously, African-Americans were effectively being re-enslaved under Jim Crow laws (Blackmon, 2008; Oshinsky, 1996), and Mexicans experienced mass deportation during the Great Depression (Molina, 2006; Ngai, 2005; Sanchez, 1993) and again in the 1950s under what was called *Operation Wetback* (Oropeza, 2005; Calavita, 1992). People of African and Latin American descent were criminalized simply for existing in the United States all the way up to the civil rights struggles of the 1950s and 1960s. By the end of the Civil Rights Movement, juvenile courts were a standard feature of the states’ justice systems, and as we will see, the trend was to incarcerate increasing numbers of African-Americans.

In 1974, toward the beginning of the current phase of mass incarceration, the Juvenile Justice and Delinquency Prevention Act provided federal funding for the operation of states’ juvenile justice systems (Bostwick, 2010). The nation-wide policy was a distant cousin of Cook County’s court from the Progressive Era. The 1974 law was passed in the context of Nixon’s newly announced *war on drugs*, which is generally seen as one of the starting points of the current era of mass incarceration. Still, the Act’s conditions echoed some of the original intentions of the Cook County Juvenile Court almost a century earlier: To be eligible for federal funding,

incarcerated juveniles had to be separated from incarcerated adults, and the use of prison for youth charged with status offenses (i.e., offenses that would not be criminal if committed by an adult, such as truancy) was restricted. The original aim of creating a juvenile court and jail a century earlier had been to keep young people out of adult jails and prisons at a time when high school was still a rare opportunity for young Illinois residents.^[3] By the 1970s, compulsory high school was part of public education in most of the 50 states—juvenile court and jail were therefore exclusive and parallel state institutions for youth outside of mandatory public schooling.

In 1977, Illinois became the fourth state to pass a mandatory sentencing bill (Public Act 80-1099) while simultaneously creating a special *Class X* felony designation that lent its namesake to the bill (Griset, 1997).^[4] The Class X bill came into effect in 1978, abolishing parole release for felons, while creating six felony classes with mandatory sentencing ranges for each class. Similar laws had recently been passed in California (Gilmore, 2007) in what would become a national bandwagon to remove discretion from the judiciary and increasingly allow politicians to legislate prison sentences from parliament. This marked the beginning of the road to widespread juvenile detention.

At the end of the 1970s, there were only a dozen adult prisons in Illinois, and five juvenile prisons. Most counties in downstate Illinois simply did not have a nearby jail or correctional facility designated for youth; youth incarceration was avoided whenever possible. When youth incarceration was deemed necessary, juveniles were shipped out to one of the state facilities that existed. The same pattern holds true today, the only difference being that there are more juvenile prisons throughout the state. On the county level, most municipalities relied upon a wing of the county jail or set of rooms at the local children's home to provide bed-space for young people facing criminal prosecution. Even after the Juvenile Justice and Delinquency Prevention Act (1974), most counties refused to build detention centers for youth. Youth convicted of crimes faced fines, probation, community service, parole, counseling, and/or incarceration at one of Illinois' Youth Correctional Centers (IYC's). In other words, the counties did not increase youth incarceration of their own accord; they would be forced to incarcerate young people under sentencing laws passed by politicians who were elected on promises to be tough on crime.

During the 1980s, the tough-on-crime narrative echoed in the policy arena. It became a commonplace assumption that the inner cities in the United States contained dangerous criminals who were habitual offenders, thus deserving of incarceration. The mandatory sentencing laws were a manifestation of politicians' newfound purpose in setting crime-specific prison sentence durations, abolishing the preceding system of parole and ensuring that "specific parole supervision terms were attached to each crime class" (Griset, 1997, p. 270). The tough-on-crime crackdown thus originated from politicians and policies that gave legislators power to decide how judges sentence convicted criminals. It continued as elected officials re-defined drug laws to elevate crimes of possession and distribution to the same status as violent crimes.

In the 1980s, President Reagan announced his own war-on-drugs policy, which was later re-framed as the *war on crack cocaine*. Popular perception has held that the crack epidemic led to the war on drugs. Alexander (2010) demonstrated how Reagan's policy preceded the crack epidemic; when crack hit the streets, the administration launched a national media campaign

framing the use of crack, and thus the communities affected by crack, as ground zero in the fight against social decay. So it began that poor communities of color in America's blighted inner cities became targets of constant police activity aimed at removing individuals on drug charges. New sentencing statutes, including mandatory minimums established for all illegal drugs, led to a rapid increase in the number of people incarcerated for drug crimes in Illinois (see Table 1). This was in stark contrast to earlier decades in which drug offenders were more commonly handed fines, community service, parole, and rehabilitative programs instead of imprisonment.

Illinois was swept up in the war on drugs, and schools quickly became a potent rhetorical battleground in the campaign. In 1985, Illinois added a special condition to drug offenses within newly created *drug-free school zones*. Under the 1985 rule, youth were automatically transferred to adult court for selling small amounts of illegal substances within 1,000 feet of schools, public housing, or other public facilities (Ziedenberg, 2006). In subsequent years, enhanced penalty zones came to include public parks, public housing, buses and bus stops, truck and rest stops, places of worship, and nursing homes. Mere possession of a controlled substance would now automatically transfer a juvenile to adult court, almost a century after youth courts were established and a decade after youth courts had become a national norm.

In 1990 Illinois Department of Corrections (IDOC) launched a magazine entitled *Insight into Corrections*, which provided prison statistics and commentary on Illinois' prison system. The inaugural issue included an article titled "Prisoners in the War on Drugs," which stated that the catch-and-release method of controlling drug crime was being abandoned because it did not work. In a 1994 article which provides a correctional perspective on the increased incarceration of youth, Joanne Perkins, the Deputy Director of IDOC's Juvenile Division, explained that once the adults of various gangs were threatened with incarceration, they began to send younger gang members to carry out various crimes, apparently based on the premise that youth would be given several warnings before being incarcerated, and only then for shorter sentencing periods (Fairchild, 1994). The remainder of the article consists of Perkins calling for a further expansion of "secure facilities" (i.e., prison) to "treat" the young gangsters (Fairchild, 1994, pp. 5-6).

The automatic transfer of youth to adult courts contributed to the incarceration of youth with no opportunity for a second chance, despite the fact that more than 65 percent of all automatic transfers had no previous convictions in juvenile court, and more than two-thirds of all automatic transfers were young people convicted of low-level drug offenses (Kooy, 2001). Drug-free school zones also had a disproportionate impact on minority youth: Ninety-nine percent of all automatic drug transfers in Cook County were of racial and ethnic minorities (Ziedenberg, 2006). This is how mass incarceration came to embrace youth as a legitimate target: The war on drugs provided an enemy defined by criminality, politicians provided rhetoric and policy aimed at getting tough on the perpetrators of this criminality, and juveniles were stripped of their right to be tried in separate non-adult courts. The apparent racism of the system was camouflaged by the colorblind language that targeted *criminals* (Alexander, 2010), just as the criminalization of juveniles was hidden by the age-nonspecific language of drug-free schools.

Drug Free School Zones and Zero Tolerance Policies in Illinois

Educational policies were similarly cast against a backdrop of inner-city violence in the 1980s, and motivated by the fear thereof. Zero-tolerance (ZT) discipline policies in public schools represent the beginning of the school-to-prison pipeline inside schools themselves. The formulation of the laws themselves may seem benign. The Gun-Free School Zones Act of 1990, for instance, ostensibly aimed to reduce the threat of violence to students. The law required that any state receiving Elementary and Secondary Education Act (1965) funds have a law requiring a one-year expulsion for possession of a firearm (Zweifler & De Beers, 2002). Other federal statutes such as the Safe and Drug-Free Schools and Communities Act (1989) served to standardize on the national level what Illinois was already doing on a state level—target schools as a site of guns and drugs.

Zero-tolerance policies took a more specific aim in targeting violence in schools. There were three categories that guided national initiatives for violence reduction in schools: “the development of violence prevention and conflict resolution programs in schools; attempts at gun control laws; and the implementation of punitive and judicial forms of discipline” (Casella, 2003, p. 874). In this sense, ZT refers to the latter two initiatives. Such policies may have been intended to keep schools safe, but they used the same strategies as other drug-free and gun-free laws, which ultimately forced juveniles onto the streets, into undesirable jobs, and/or into the hands of the law. Again, although these policies did not explicitly reference race, class, or citizenship they had profound implications for low-income, minority students. There may have been an intended deterrence effect, but today we know it was accompanied by an unjust incarceration effect.

The policy objective of producing safe, drug-free schools was reasonable, but in actuality the policies only relocated drugs and guns (and the juveniles who possessed them) to the street. Illinois proceeded to pass controversial, and ultimately overturned, legislation to criminalize the act of being on the streets itself. The 1992 Chicago Gang Congregation Ordinance called for the arrest of any group of two or more people who remained in a public place with no apparent purpose whenever the police reasonably believed they were gang members and they failed to disperse (Meares & Kahan, 1998; Strosnider, 2002). This anti-gang loitering act complemented the existing stop-and-frisk law that allowed police officers, at their discretion, to stop and search people who looked suspicious. The policy provided the perfect cover for a *de facto* policy of constant surveillance of young men of color in poor communities on the basis of their perceived connection to gang activity. The law was ruled unconstitutionally vague and was overturned by the U. S. Supreme Court (*City of Chicago v. Morales*, 1999).

The passing of these policies, whether they were reversed or not, represents an important parallel in the politics of crime in the U. S.: Legislatures charged the school districts with detecting and reporting crimes at the same time as courts were charged with giving out uniform sentences. In the court system, judges and juries were denied the discretionary power to consider mitigating factors in a subject’s punishment: Within the school system, principals and teachers were forced to expel students caught with weapons and drugs, and then later to hand them over directly to law enforcement. In 1997, the Illinois General Assembly passed the Reporting of Drug Violations Act, which required all state-funded schools to report drug crimes within 1,000 feet of

the school to local police within 48 hours. This bill provided the means by which direct school-to-prison transfers could take place. A juvenile caught with a controlled substance on school grounds would now be transferred to police; and under the 1985 Drug Free School Zones Act, they would be automatically transferred to adult court, where a conviction would lead to a mandatory minimum sentence in a state prison.

It is especially troubling to consider the fact that prison has never been known to truly deter crime or rehabilitate people convicted of crime (Martinson, 1974). Casella (2001) states that students ensnared by these policies “were in the words of school staff on the ‘prison track’ or at a ‘dead end’ in their lives” (p. 74). Rios (2006) sees no reason to posit any positive effects of incarceration:

Black and Latino youth are further stigmatized and ‘hyper-criminalized’ upon entering [prisons] for non-violent offenses...in an era of mass incarceration, a ‘youth control complex’ [has] created a network of racialized criminalization and punishment deployed from various institutions of control and socialization...to manage, control, and incapacitate Black and Latino Youth. (p. 40).

The school-to-prison pipeline is fundamentally at odds with the mission of the public school system. Only in an extremely cynical look at schools’ “responsibility to prepare individuals for society” could this extreme stratification of student opportunities be justified as a sort of cold-hearted lesson aimed at all students (Casella, 2005, p. 185). A more reasonable view would be to recognize the school-to-prison pipeline as a perversion of the role of schools, in which educational opportunities are shattered, replaced by the crippling effects of incarceration, and in which youth are disenfranchised from many of the rights afforded to adult citizens.

The Expansion and Partial Contraction of Juvenile Detention in Illinois

There was a national explosion in prison construction during the 1980s and 1990s, and Illinois was no exception. The number of prisons in Illinois doubled during these two decades. Between 1990 and 2003, Illinois planned and built five new state prisons for juveniles, growing the number from 5 to 10; during the same period, the number of county juvenile detention centers increased from six to 17 (See Tables 2 and 3). This doubling of the youth incarceration infrastructure was directed by the State Assembly and various county boards that understood the implications of the tough-on-crime policies being passed at the state and federal level. However, while the prison boom has continued in some states, none of Illinois’ state facilities built since the year 2001 have remained open. Rather several prisons, including four juvenile facilities, have been closed ([see Figure 1](#)). Illinois currently has six juvenile detention centers on the state level, and seventeen juvenile detention centers administrated by county governments.

As of 2012, Illinois hosts six state youth centers (i.e. juvenile correctional facilities) and 17 county-based juvenile detention centers, for a total of 23 sites where people aged 11–16 may be incarcerated (Chicago Youth Justice Data Project [CYJDP], 2011). Generally speaking, the state facilities are for longer sentences imposed on youth convicted of serious crimes, while the county-based facilities are intended for shorter sentences and pre-trial detention, and are more

oriented toward programming, education, and local release. There is some controversy over the age at which convicted youth enter the general prison population. The IYCs incarcerate youth until their 17th birthday, upon which they are transferred to an adult prison, if space permits. According to the federal policies, 18 years of age is a requirement to register for the armed services, and 21 years of age to consume alcohol. The irony behind these conflicting policies reflects the complexity of the juvenile justice system. One will often find 17- and 18-year-old juveniles placed in county facilities as well. Recent U. S. Supreme Court cases have reviewed the constitutionality of sentencing juveniles as adults.

County Juvenile Detention Facilities

The majority of the county juvenile detention facilities have been built since 1990 (see Table 2), and the majority of these facilities are now at least partially empty as a result of defunding, staff cuts, and re-direction of youth. At the height of the prison-building boom, these counties were constructing multiple facilities simultaneously. Between 1999 and 2001, six different facilities were opened to receive those labeled youthful offenders.

Most County-based Juvenile Correctional Centers (JCCs) do not publicize information about their histories or bed-space, so we learned of their construction dates by calling the facilities on the phone. Many provided a similar story: Stress due to overcrowding in the 1980s and 1990s led to the construction of youth correctional facilities in the 1990s, but in the past decade, funding cuts led to personnel lay-offs, and now they operate below capacity. As such, most JCCs that we called seemed frustrated when questioned about the number of beds, given that many beds have remained empty for years.

At the Sangamon County Youth Correctional Center, for instance, a correctional officer who had worked with youth corrections for over 20 years stated that Sangamon County used to hold youth facing charges in a wing of the county jail in the late 1970s; but when there came to be too many youthful offenders in the early 1980s, the Sangamon County Children's Home designated 14 rooms for housing youthful offenders. He explained that in the mid-to-late 1990s, there was overcrowding once again; so in 2000, a 58-bed facility was built, which opened in 2001. He cautioned, however, that there have never been more than 30 youth in the facility in recent years, and he stated his understanding that this was the statewide trend.

Theoretically, some counties may actually want their juvenile detention to be semi-empty, if the reputation of the facility is a liability. In 2011, the Cook County Juvenile Temporary Detention Center reported its lowest incarceration rates since the 1970s, effectively taking its juvenile detention rates back to the beginning of mass incarceration ([see Figure 2](#)).

In 2003, the Illinois Criminal Justice Information Authority (ICJIA) published a report on the juvenile detention facilities in each of Illinois' 103 counties. For each of the counties that did not have a juvenile facility, the study stressed, "research has found having a detention center is significantly correlated with an increase in detention rates" (Smith 1998, cited in ICJIA, 2003). This is a pattern (and rationale) that operates in many of the low population counties within the state. The understanding, and thus the policy, that guides youth disciplinary practices is that serious juvenile crimes are rare and occasionally warrant a stay at, for instance, the Mary Davis

Home in Galesburg, Illinois. That facility serves more than a dozen northwest counties of Illinois. By contrast, when each county has its own facility, the surplus bed-space beckons judges to fill them.

Prison Slowdown in Illinois

Viewed from the bigger picture of criminal justice in Illinois, the transformations of juvenile justice are essentially an epiphenomenon of the change in attitude (and prison slowdown) initiated under Republican Governor George H. Ryan. Ryan expressed uncertainty about guilt/sentencing of those on Illinois' death row and bemoaned the expensive cost of the prisons. He issued a moratorium on the death penalty in Illinois in 2000 (Illinois Government News Network, 2000) and closed the men's prison at Joliet (Heinzmann, 2002) and the Valley View juvenile prison near St. Charles in 2002 (Wronski, 2002).

Incoming Governor Rod R. Blagojevich announced in his first budget address that the new men's prison at Thompson and the new juvenile prison at Rushville would not be funded, and that ongoing prison construction projects at Hopkins Park and Grayville would be suspended (Illinois Department of Corrections, 2003). The existence of the Thompson Correctional Center re-surfaced briefly when President Obama proposed the re-location of Guantanamo Bay prisoners there in 2009. This plan was scrapped, and the facility was permanently closed in 2010. The IYC-Rushville facility was converted into a detention center for adult sex offenders in the custody of the Department of Human Services.^[5] The half-built prisons at Hopkins Park and Grayville became abandoned construction sites.

Governor Patrick Joseph Quinn abolished Illinois' death penalty in March 2011. Later in the year, he announced plans to close the Logan Correctional Center at Lincoln, Illinois, as well as IYC-Murphysboro by the end of 2011 (McKinney & Pallasch, 2011). The plan met fierce opposition from state legislators and AFSCME Council 31, which represents Illinois state employees. On November 28, 2011, a deal was reached to keep the facilities open into 2012 if the legislature can provide funding; Quinn's office has signaled that the facilities will be shut down by 2014, regardless.^[6] On February 22, 2012 Quinn announced the closure of two adult prisons, two juvenile facilities, and several halfway houses and mental health treatment centers (Mills, 2012). When he had abolished the death penalty, Quinn had echoed Ryan's uncertainty about the verdicts handed down to death row inmates, but his only explanation of the prison closures was that it was a response to the state's budget deficit. Thus, the two central narratives of prison slowdown through the three governors were (1) uncertainty about guilt/sentencing, and (2) the excessive cost of prison.

County Detention Centers Persist in spite of the Incarceration Slowdown

None of the county juvenile detention centers have closed, in spite of the fact that they were built at roughly twice the rate of the state facilities which are being closed.^[7] The IYCs are run with state legislature-approved funds, under the leadership of the Governor of Illinois, and the statewide policies of the Illinois Department of Juvenile Justice. Each county juvenile detention center in Illinois is, by contrast, administrated by a local county board. The county and state facilities operate in different political environments, with different political pressures. The

seventeen counties with juvenile facilities have chosen to continue operating their detention centers, even if they are only half-filled, in part because they would send funding outside the county every time they incarcerate a child elsewhere. The facilities have lots of unused capacity and are probably a tax burden on the counties, but the counties nevertheless keep their facilities on the map of juvenile prisons.

By contrast, the state feels pressure to close a facility when incarceration of youth decreases or when the state budget deficit grows. Rather than reduce the population in multiple facilities, as has been the case in the county facilities, the governor can order the closure of one state facility while transferring the children to the others. This is a key difference between state and county juvenile detention centers in Illinois. Illinois incarcerated fewer youth after the 1990s and three of the state juvenile detentions centers were closed in the 2000s (see Table 3). However, during the same time period, the number of county facilities peaked, and to date none has been closed (see Figure 3). Some of the implications of this surplus carceral infrastructure for youth are addressed below.

De-incentivizing Youth Incarceration

The trend away from state-level incarceration has recently been affected by changes in funding for juvenile commitments in Illinois. In many states, commitments to state custody are funded by the state, whereas local jurisdictions support the entire cost of community-based supervision and treatment programs. Some states have recently modified their funding mechanisms to increase the incentive for local courts to treat youthful offenders in their communities whenever possible. Ohio's RECLAIM policy, for instance, restructured funding incentives so that counties receive a fixed budget allocation but must reimburse the state for each youth committed to a correctional facility. Thus counties are rewarded for supporting local treatment and supervision programs. A recent report claims that "120 subsequent studies have shown that the community-based RECLAIM programs reduce offending by low- and moderate-risk youth participants and yield substantial savings for taxpayers" (Mendel, 2011). Redeploy Illinois, modeled on RECLAIM Ohio, substantially reduced commitments in four participating pilot sites from 2004 through 2007. Overall, commitments in the pilot sites fell from 212 in 2004 to 96 in 2007—a 55 percent drop (Redeploy Illinois Oversight Board, 2010). After decades of tough on crime legislation, the shift in policy was relatively quiet, uncontroversial, and successful:

In 2005, after passing the Illinois Senate and House unanimously, Senate Bill 283 was signed into law. The bill offers individualized review of the decision to try youth involved in drug cases in adult courts, including a clear set of factors that the courts must consider before transferring a young person from juvenile to adult court for prosecution. SB 283 also ensures a less subjective process and it acknowledges the developmental differences between youth and adults, which many believe allows for increased prospects for rehabilitating youth if they receive the correct treatment (Ziedenberg, 2006, p. 17).

While juvenile corrections policy was turning more toward programming, school policies were turning away from the hard line taken in earlier statutes. In 2005, "Illinois legislators reformed their Drug-Free School Zone laws to remove a provision that required that 15- and 16-year old

drug sellers be automatically tried as adults” (Justice Policy Institute, 2006). Such actions represent a significant rollback of the school-to-prison pipeline. More than a century after Jane Addams called for separate courts for youth, they are coming back into fashion for roughly the same reasons they were created in the first place, with an added urgency of reducing spending on the state’s enormous penal infrastructure.

On November 17, 2005, Governor Blagojevich signed Senate Bill 92, which created the Illinois Department of Juvenile Justice. The State of Illinois website explains that “the new department will provide treatment and educational, vocational, social and emotional services to the state’s young offenders to help them get on the right track” (Illinois Government News Network, 2005, p.1). On July 1, 2006, the Illinois Department of Juvenile Justice was formed. Up until that time, Illinois had been one of the few remaining states to administer juvenile correctional facilities through the adult prison system, the Illinois Department of Corrections (IDOC). More than a century after Cook County led the way in creating a prison-diversion track for youth, legislators in Springfield did the same.

The New Wave of Criminalization of Immigration

Looking forward, there is cause for concern over attempts to create a school-to-deportation pipeline. Secure Communities, a program of U. S. Immigration and Customs Enforcement (ICE), has led to record-breaking number of deportations in 2011 (Bennett, 2011). Implicit in every deportation is the incarceration of individuals awaiting trial.^[8] Recent bills passed by some states have seemingly aimed at racial profiling of Latina/o Americans. Examples include the State of Arizona’s HB 1070 (2011), which was partially upheld by the Supreme Court on June 25, 2012, and the State of Alabama’s controversial HB 56 (Hammon-Beason Alabama Taxpayer and Citizen Protection Act, 2011), which aimed to ban illegal immigrants’ children from public schools, a provision that was blocked by the 11th Circuit Court of Appeals on October 14, 2011, pending a review of its constitutionality. If these laws were to be upheld by the Supreme Court, it would effectively create a new chapter in the criminalization of school spaces for Latina/o children.

The boom in prison construction may seem to be in decline, but much of the infrastructure remains in search of a new purpose. The reconfiguration of crime in the past decade has focused on terrorism and immigration, and the conflation of the two under the Office of Homeland Security (DeGenova, 2007). In a high-profile case, the Justice Department charged José Padilla, a U. S. citizen of Puerto Rican descent, with conspiracy to commit acts of terrorism formerly assumed to be originating from the Middle East. A few years later, Congress drafted the Border Protection, Anti-terrorism and Illegal Immigration Control Act of 2005, which blatantly conflated illegal immigration with terrorism. The Latina/o community rose up in an unprecedented display of public demonstration across the country and the bill was tabled. The anti-immigrant sentiments remained, however, and the economic collapse at the end of George W. Bush’s presidency in 2008 returned the anti-immigrant rhetoric to a position of protecting American jobs in a period of soaring unemployment.

The advent of Secure Communities in 2008 was not marked by the construction of a prison or an immigrant detention center, nor was there an announcement of a war on anything. Initially, President Bush approved a pilot program for reporting all police suspects with questionable immigration status to Immigration and Custom Enforcement (ICE), which was recently converted into a branch of the Department of Homeland Security. In 2008, 14 jurisdictions participated in the program (Carrol, 2008). As of August 1, 2012, ICE reported 3,074 jurisdictions participating in Secure Communities, 97% of the 3,181 jurisdictions in the United States, resulting in 151,571 deportations since the program was initiated.^[9] The only remaining non-participating jurisdictions were in Illinois and Alabama. All of these deportations, and a roughly equal number of cases that did not result in deportation, resulted in an ICE detainer being placed upon suspects, such that they were held in a prison, jail, or detention center. These numbers are not included in prison statistics because they represent immigrants awaiting immigration hearings. The reality on the ground, however, is the production of a large new population of people to fill jail cells in the United States. Implicit in increased immigration enforcement is the separation of families, which in some cases, the parents are undocumented, but their children are American citizens.

States such as Arizona and Alabama have passed laws that go beyond Secure Communities to innovate new mechanisms of immigrant detention. Alabama's HB 56 is arguably among the toughest immigration laws in the United States. On September 28, 2011, Judge Sharon Lovelace Blackburn of Federal District Court in Birmingham, ruled that Alabama's controversial immigration law was constitutional, including "a section that requires elementary and secondary schools to determine the immigration status of incoming students" (Robertson, 2011). The latter is an incendiary precedent, which has been temporarily enjoined by the U. S. Court of Appeals for the 11th Circuit. Still, Alabama HB 56 is effectively a declaration of intention to construct a school-to-deportation highway in the United States. A contemporaneous study cited two rural Illinois county jails, Jefferson County Jail in Mt. Vernon, and Tri-County Detention Center in Ullin, for human rights violations of immigrants detained under Secure Communities (Tareen, 2011).

By contrast, the Chicago-dominated Illinois State Legislature has provided key counter-policies aimed at undermining the new highways to deportation. On May 5, 2011, Illinois Governor Quinn declared that the State of Illinois was pulling out of the Secure Communities Program (Preston, 2011). New York and Massachusetts soon joined Illinois, only to be told by the Obama administration that the program is mandatory and compliance in all counties will be necessary by 2013 (*New York Times*, 2011; Wessler 2011). On September 7, 2011, Chicago's Cook County Board took a stand not to enforce ICE's program, citing the failure of the federal government to provide funding for the roughly \$15 million spent by Illinois to detain suspects in county jails in compliance with ICE detainers (Olivo, 2011). The next day, Governor Quinn announced plans to shut down the Correctional Center in Lincoln, Illinois and the Juvenile Detention Center in Murphysboro, as well as five mental health treatment centers (McKinney & Pallasch, 2011). In addition, Chicago Public Schools announced in the summer of 2011 that the policy placing two police officers per school is too expensive (Rossi, 2011). We might call this tactic the *Chicago method* of denying an expansion of punitive reforms on the basis of budget shortfalls and questions about effectiveness.

Soon after Chicago's latest stand against implementing Secure Communities, it became clear that ICE had proposed to bring an immigrant detention center to Crete, Illinois, which is a poor, old, industrial town just south of Chicago. The proposed facility would be privately built and run by the Corrections Corporation of America (Schlikerman, 2012). The strategy was clear enough: promise to create jobs in a depressed town during an economic recession. Additionally, Crete is listed in an online database as a former *sundown town*, a town that demanded people of color to leave each day before sundown, so one might think that the city's history of racial segregation would predispose its citizens to the unpleasant work of removing undocumented residents.^[10] Citizens of Crete rose up against the proposed detention center, filling the city council chambers and marching across the city in protest. (FitzPatrick, 2012). On June 11, 2012, the city council of Crete voted unanimously to reject the proposal (Mitchell, 2012).

One could thus argue that politicians from the Chicago area have produced some of the most dramatic pro-immigrant policy decisions of 2012. On June 15, President Barack Obama announced that his administration would allow undocumented immigrants who arrived in the United States as minors to apply for temporary work permits on August 15, 2012. While in contrast to the President's otherwise aggressive deportation record, the above policies combine to make the Chicago area one of the places in which immigrant students are perhaps least under attack for their undocumented status, the aforementioned criminalization of poor communities of color in the war on drugs notwithstanding.

Conclusion

Many authors and organizations continue to work on undermining the school-to-prison pipeline, mass incarceration and Secure Communities (Alexander, 2010; Mendel, 2011; National Juvenile Justice Network, 2011). Most see the issues to be closely connected: The criminalization of youth is a contributor to the failure of schools (Thompson, 2011) and mass incarceration in general. Some have theorized that Secure Communities is a sort of synthesis of mass incarceration and Operation Wetback in the era of the Obama presidency (Kilgore, 2011). Most agree that the United States is in a moment of transition with regard to crime and prison policies, and the sentencing policy trend for youth is pointed toward incarcerating violent offenders as though they are adults, while treating non-violent offenders outside of prison until they reach the age of eighteen. Examples from Illinois suggest the nation may be undergoing a differentiation between Democratic- and Republican-led states in how juveniles are dealt with (Carmichael & Burgos, 2011), with Republicans trending toward harsher sentences and Democrats trending away from incarceration except for violent offenses. Recent research has shown that state receptivity to immigrants impacts the educational outcomes of children of immigrants; specifically, states led by the Democratic Party have higher levels of achievement for children of immigrants (Filindra, Blanding & Coll, 2011). In what follows, we provide a few final thoughts on changes we would like to see in the years ahead.

We urgently call for the de-criminalization of youth, de-escalation of mass incarceration, and an end to the Secure Communities program. We want to see increased funding of public education, reduction of class sizes, and an immediate halt to school closures. Educational administrators can create more nurturing learning environments by cutting police presence in schools, drawing back

the techno-surveillance of children, and eliminating punitive discipline measures in order to foster a better school climate. Whenever possible, policymakers should consider the decriminalization of students and the relaxing of sentencing rules. While there has been a slight reduction in juvenile incarceration, it must be remembered that felony convictions carry lifetime consequences in terms of eligibility for jobs, access to federal services, and, in many states, juveniles have been permanently disenfranchised by losing their right to vote after being convicted of a felony. Also, juveniles/felons will forever carry the burden of stigma that is associated with being incarcerated, along with the emotional distress that family and communities endure from youth being locked away.

In order to make significant progress in derailing students from entering the school-to-prison track, there is a dire need to implement rehabilitation programs, prevention measures, restorative justice practices, school-to-trade jobs, and criminal record expungement processes in schools. The fact of the matter is that the crimes of theft, violence, and drug trafficking are best solved by re-orienting public policy away from capitalism's obsession with growing the economy and instead focusing on meeting everyone's needs. Under President Reagan, high crime and weak schools were considered impediments to U. S. development.^[11] The responses to such challenges have come to look more like a racialized penal state than a plan for economic development. In 1999, there were 992 African-American men who received bachelor's degrees from Illinois state universities, while roughly 7,000 African-American men were released from Illinois state prisons the following year just for drug offenses alone (Street, 2002, p. 3; Alexander, 2010, p. 185). The disparity is instructive. Mass incarceration and the war on drugs have become a racial nightmare, not a viable component of economic development. The state must be required to educate and provide for security for its most vulnerable communities, not only to incarcerate and deport those communities that were insecure in the first place.

The individual counties in Illinois should reduce the number of juvenile detention centers operating in the state. Given an increase in youth criminalization and a shortage of imagination, the counties indeed required some additional prison capacity during the 1990s. However, they tripled their capacity, and the result has been a surplus of detention facilities. Dialectically, a surplus of prison facilities suggests a deficit of crime. Empty prisons are an incentive to incarcerate more people. It would be far better to combine the populations of several county juvenile facilities, close the remainder, and re-allocate the funds used to maintain these facilities toward programs that prevent youth incarceration in the first place. Minimally, in the short-term, we could reduce funding for juvenile centers and re-allocate dollars toward prevention programs.

Finally, for those who are undocumented, we would rather see a road to citizenship than a pipeline to deportation in the coming decade. Under Secure Communities, ICE is not only deporting people for victimless crimes such as carrying a weapon, but also for being apprehended under suspicion of committing misdemeanors. We do not see any tangible benefit to such policies. Chicago City Council's refusal to comply with ICE detainers under the act should be applauded; it strikes a contrast with Arizona's HB 1070 and Alabama's HB 56. The city of Crete's decision not to host an immigrant detention center also demonstrates the Chicago area's move away from deportation track. Better yet would be to reduce overall detention capacity so that the argument cannot be made that it is easier to incarcerate and deport communities instead of dealing with the social and economic problems that face our society. The

current financial crisis in the U. S. is a crisis of capital accumulation at the top, and the criminalization of immigrants and children represents a counterproductive scapegoating. We need to create new roads to citizenship, just as youth need new pathways to create productive adult lives. This is the function we would like to see schools contribute to the U. S. social and economic system.

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Notes

[1]The Illinois Youth Centers at Murphysboro and Joliet are slated to be closed due to budget shortfall. Governor Pat Quinn announced on February 22, 2012, that the facilities will be closed August 31, 2012, in a speech focused on reducing Illinois' budget deficit.

[2]Part of our investigation of juvenile detention in Illinois involved calling all of the detention centers in Illinois, which are administrated at the county level. When we asked how many beds were at a given facility (a common unit for measuring incarceration capacity) we would regularly be told that the number of beds did not in any way represent the number of youth incarcerated at the facilities. Most of the juvenile detention centers were operating at two-thirds capacity and some were operating at half-capacity. Some simply reported that a wing of the building hadn't been used since the 1990s, or that several beds were no longer in use.

[3]According a website chronicling the history of Illinois schools, there were 69,512 students attending high school in all of Illinois in 1912 (Bantz, 2008); the statewide population according to the 1910 U. S. Census was 5,638,591 (United States Census, 2010).

[4]In Illinois, felonies were divided into six classes: non-probationable murder, non-probationable Class X, and probationable classes 1–4.

[5]The Rushville Treatment and Detention Facility is managed by the Illinois Department of Human Services (IL-DHS). It is a detention center for individuals deemed sexually violent predators through a civil process with IL-DHS. Between 400-500 are housed there, enough to make it worthwhile for the Rushville city government to annex the facility in order to inflate local population numbers and, thus, state income tax revenues to the city (Akins, 2010). These men are not included in Illinois Department of Corrections (IDOC) statistics on incarceration because they are not incarcerated by IDOC. Thus, more people are incarcerated in Illinois than are reported by IDOC.

[6]On November 28, 2011, Quinn’s senior health care policy adviser announced a plan to keep Logan Correctional Center (Lincoln, IL) and IYC-Murphysboro open through the end of FY2011 in June 2012 (Illinois Statehouse News, 2011). This plan was superseded by the closures announced on February 22, 2012.

[7]All 103 Illinois Counties have a jail, with the only exception being that Alexander, Union, and Pulaski counties share a tri-county jail (County Jail Inmate Search, 2011).

[8]While these deportations involve the use of detention facilities including prisons, they are not accurately reflected in prison statistics. People are held in county jails when municipalities comply with ICE detainers, immigration court proceedings take place under the Executive Office for Immigration Review (EOIR), and state prisons are then used only to stage deportations. The current mass deportation is not reflected in the reporting on mass incarceration.

[9]At time of writing, ICE was continuously updating their report on Secure Communities activation (Immigrations and Customs Enforcement, 2012).

[10]The database of sundown towns came out of the book of same name by James Loewen. See: <http://sundown.afro.illinois.edu/sundowntownsshow.php?id=1567>

[11]See the report commissioned by President Ronald Reagan, *A Nation at Risk: The Imperative for Educational Reform*, by the National Commission on Excellence in Education (Department of Education, 1983). The paper essentially argued that the United States needed better test scores to compete in a global economy, and the U. S. schools had become too permissive in their student-centered approach. *A Nation at Risk* was the keystone of Reagan's educational policies, as well as that of his successors.

Table 1
Drug-related Convictions in Illinois

Sample Date	Number of People in Prison for Drug-related Convictions (IL)
Jun. 1984	589
Dec. 1992	5,820
Dec. 2001	11,503

Note. Number of Illinois citizens incarcerated for non-violent crimes (Griset, 1997, 247; Illinois Department of Corrections, 2001).

Table 2
Opening Dates of County Juvenile Detention Centers in Illinois

County Juvenile Detention Center (City)	Year completed
1. Cook County Juvenile Detention Center (Chicago)	1899
2. Knox County / Mary Davis Home (Galesburg)	1913
3. Madison County Detention Home (Edwardsville)	1969
4. Dupage County Youth Detention Center (Wheaton)	1971*
5. St. Clair County Juvenile Detention Center (Belleville)	1976
6. Will County / River Valley Juvenile Detention Center (Joliet)	1990
7. Winnebago County Juvenile Detention Center (Rockford)	1992
8. McLean County Juvenile Detention Center (Normal)	1993
9. Lake County (Hulse) Juvenile Detention Center (Vernon Hills)	1995
10. Kane County Juvenile Justice Center (St. Charles)	1997
11. Peoria County Juvenile Detention Center (Peoria)	1999
12. Champaign County Juvenile Detention Center (Urbana)	2000
13. Adams County Youth Detention Center (Quincy)	2000
14. Vermillion County Juvenile Detention Center (Danville)	2001
15. Sangamon County Juvenile Detention Center (Springfield)	2001
16. Franklin County Juvenile Detention Center (Benton)	2003

17. LaSalle County Juvenile Detention Center (Ottawa) 2007

Note. Twelve out of seventeen County Juvenile Detention Centers were completed between 1990 and 2003. *A new Dupage County juvenile facility expansion was completed in 1999.

Table 3
Opening and Closing Dates of State Juvenile Detention Centers in Illinois

Illinois Youth Centers (Juvenile Prisons)	Years of Operation
1. St. Charles	1904 – present
2. Sheridan	1941 – 1973
3. Joliet	1959 – 2012 (projected)
4. Pere Marquette	1963 – present
5. Valley View	1966 – 2002
6. Warrenville	1973 – present
7. Harrisburg	1983 – present
8. Murphysboro	1997 – 2012 (projected)
9. Chicago	1999 – present
10. Kewanee	2001 – present
11. Rushville	2003 – 2003 (never opened)

Note. Three juvenile detention centers were closed during the most recent decade.

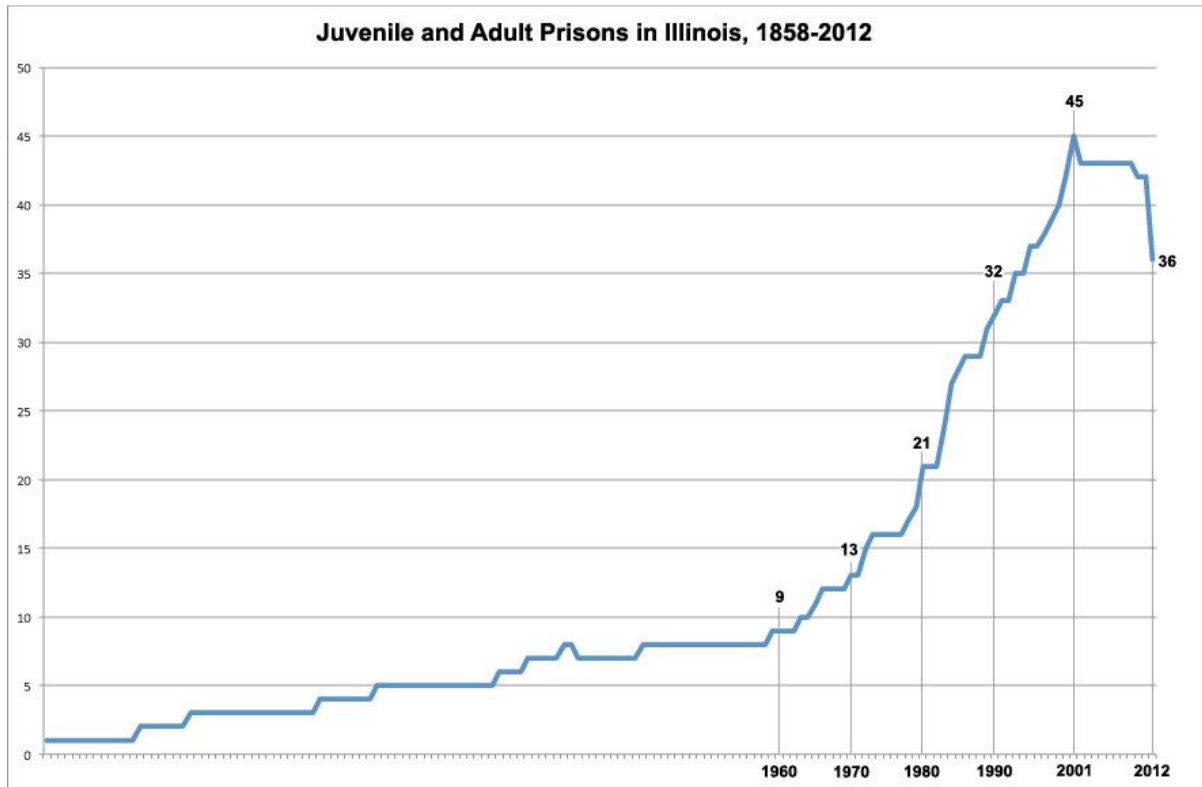


Figure 1. The number of prisons in Illinois, including juvenile facilities, since 1858, when the first Illinois State Prison was opened in Joliet. During the first 101 years, nine prisons were built. The prison boom in Illinois lasted from the 1960s until 2001. Since that time, nine were closed. Note: Six of the closures are projected for August 31, 2012, at time of writing. County jails and detention facilities are not represented in this chart.

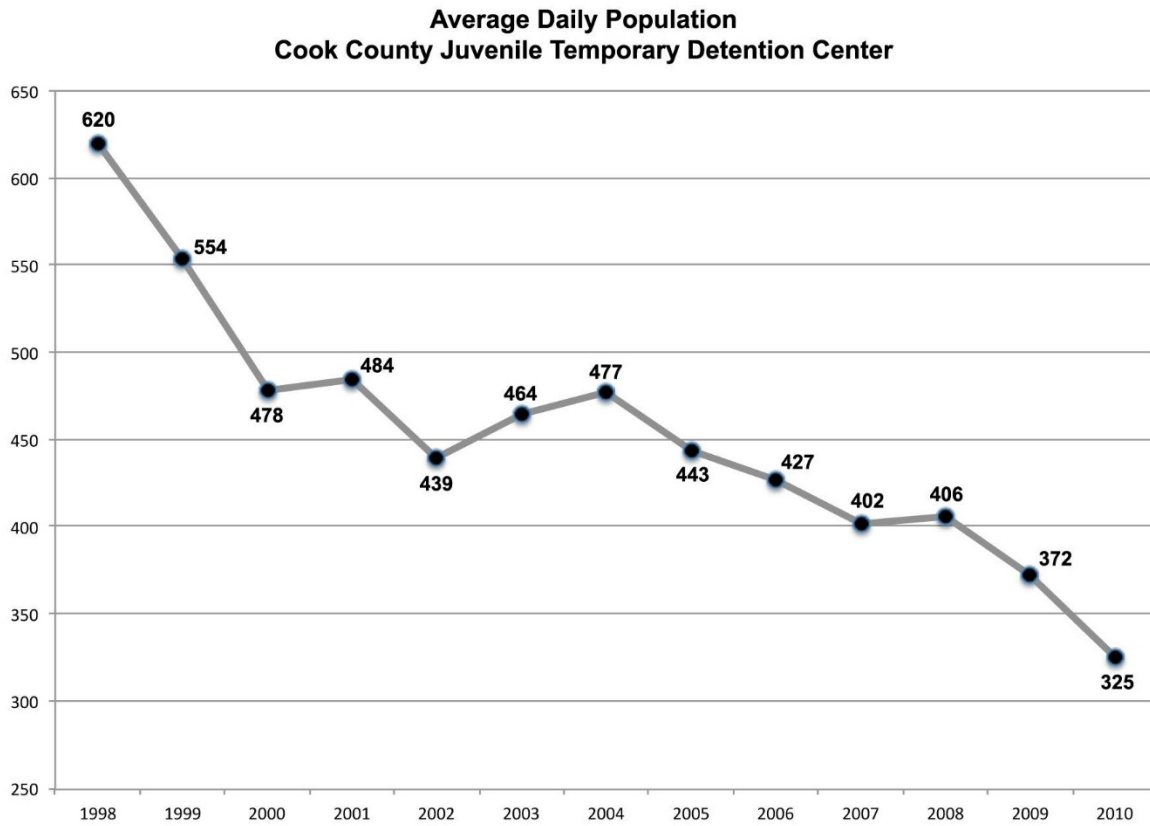


Figure 2. Incarceration rates at the Cook County JTDC over the past decade show a decline in numbers. (Annie E. Casey Foundation, 2011).

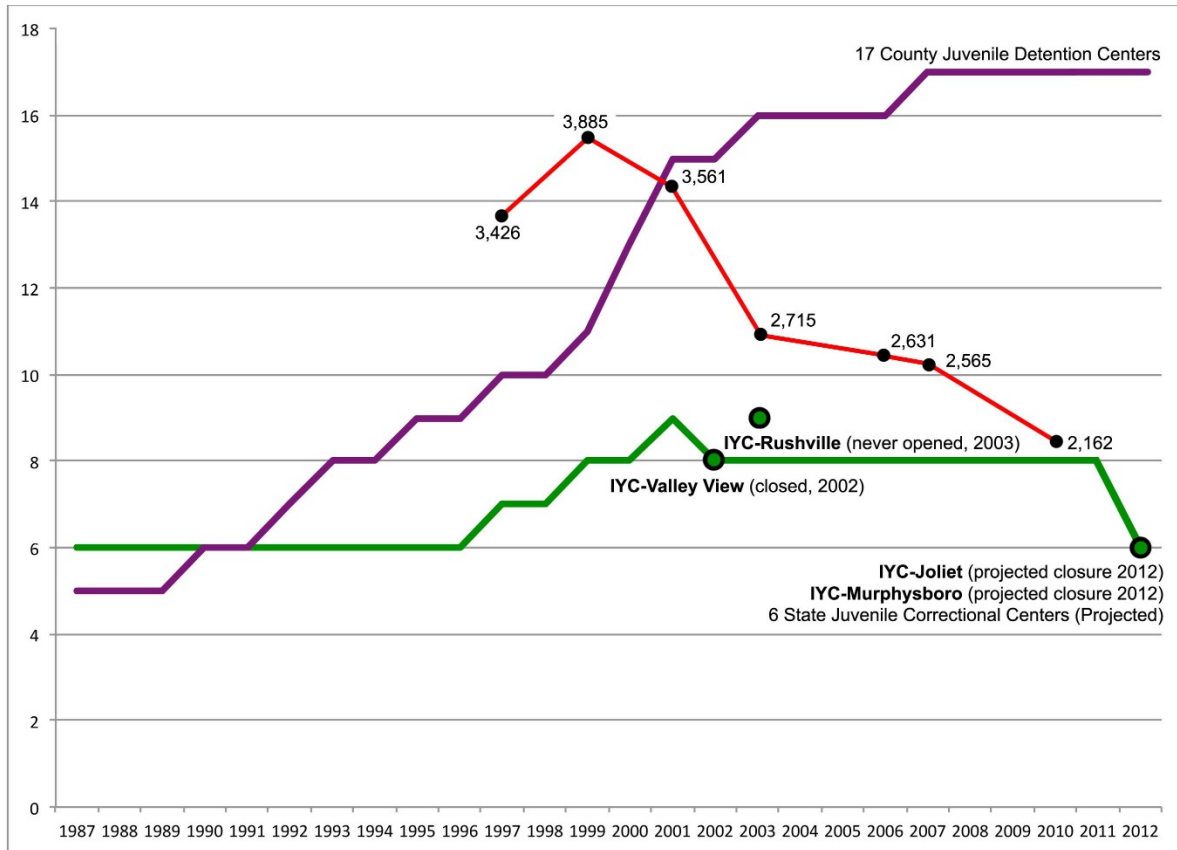


Figure 3. The number of county and state juvenile detention facilities in relation to the number of juveniles incarcerated in Illinois. Four state facilities were closed during the recent decline in juvenile incarceration (green line); the seventeen county facilities remained open and continued to function below capacity (purple line). The red line represents the number of incarcerated juveniles in a given year (Sickmund, Sladky, and Kang, 2011).