

The Criminalization of Black, Indigenous, People of Color (BIPOC) Adolescents with Intersecting Social, Emotional, and/or Behavioral Disabilities with other Ethnic Identities

*A Presentation Presented at
The Missouri Juvenile Justice Association Convening
Lake Ozarks, Missouri • October 26, 2022*

Larry C. Bryant, PhD



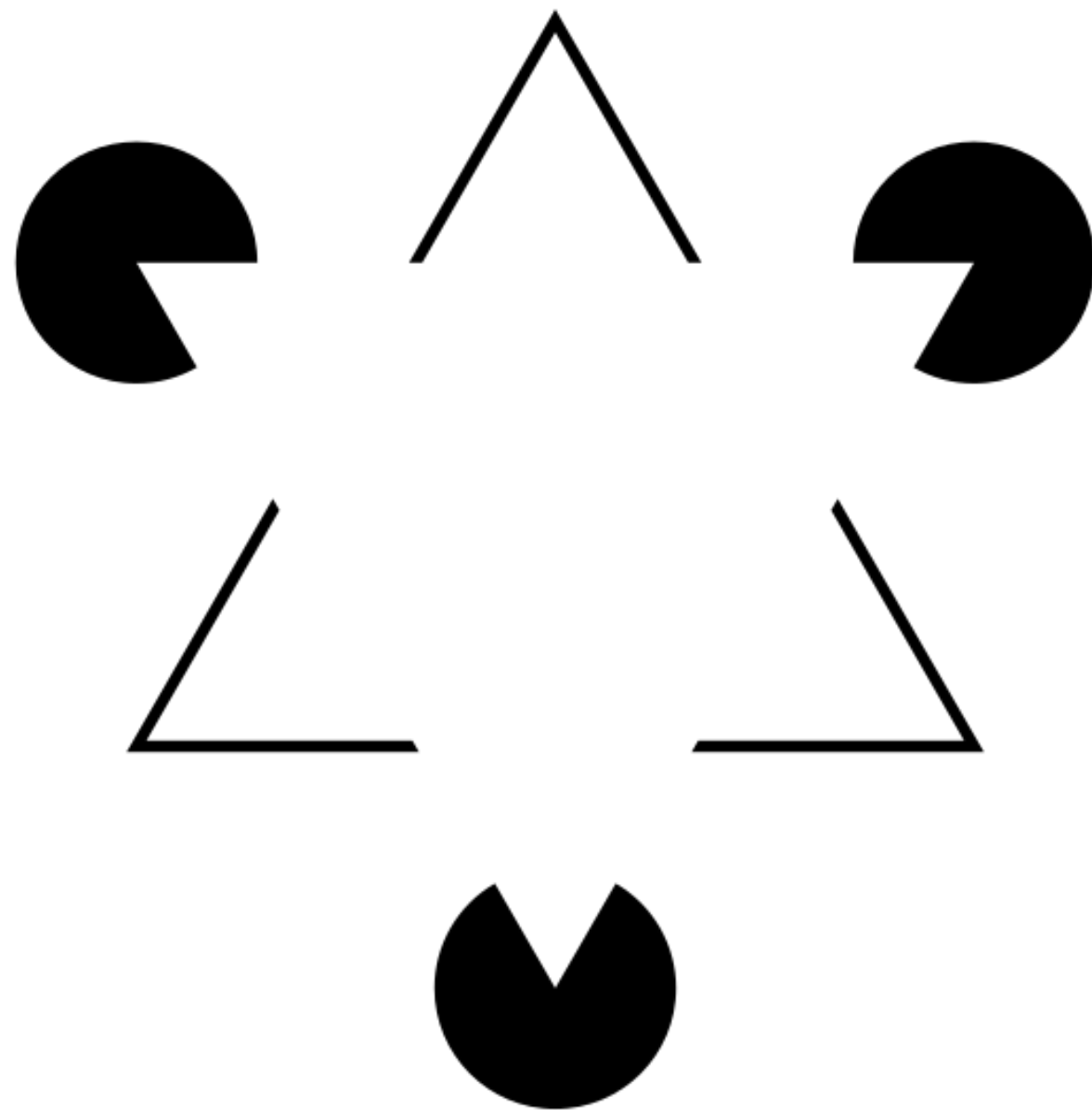
What brings us here...

Grounded in over 175 types of bias, The goal of today is to dive deeper into the impact of historical, theoretical, and political development of “carcerality”, including technologies of punishment, coercion, surveillance, and control as it impacts the lives of BIPOC adolescents.

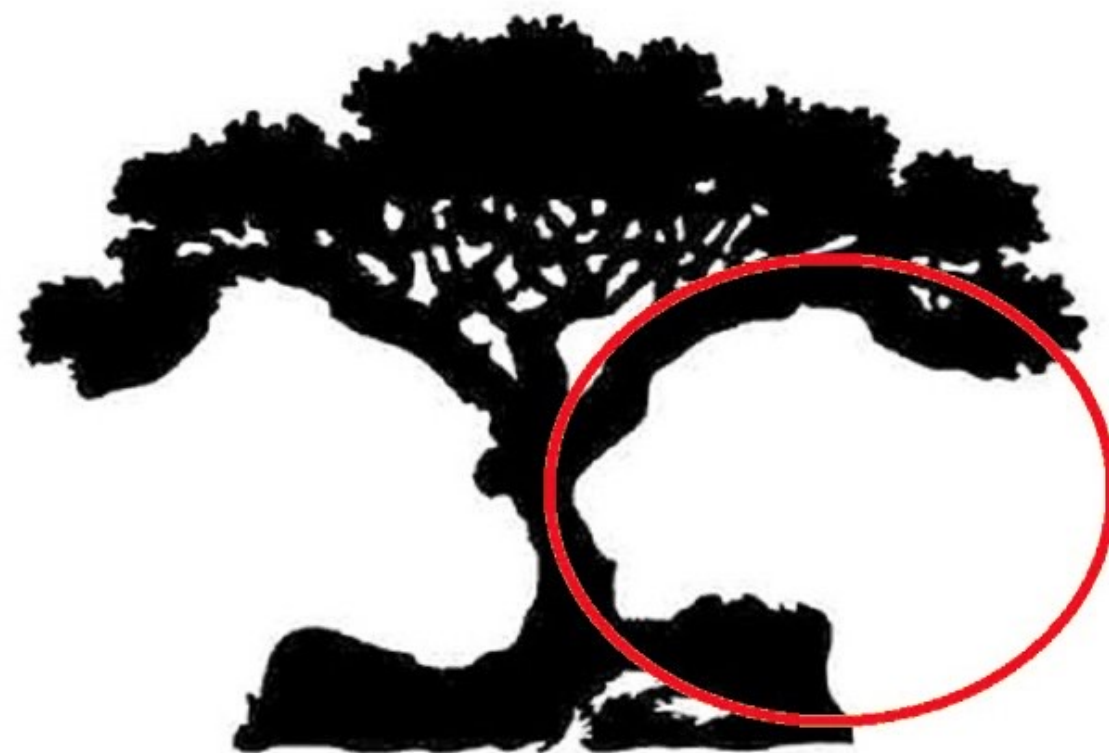
What is your antiracism goal for today?

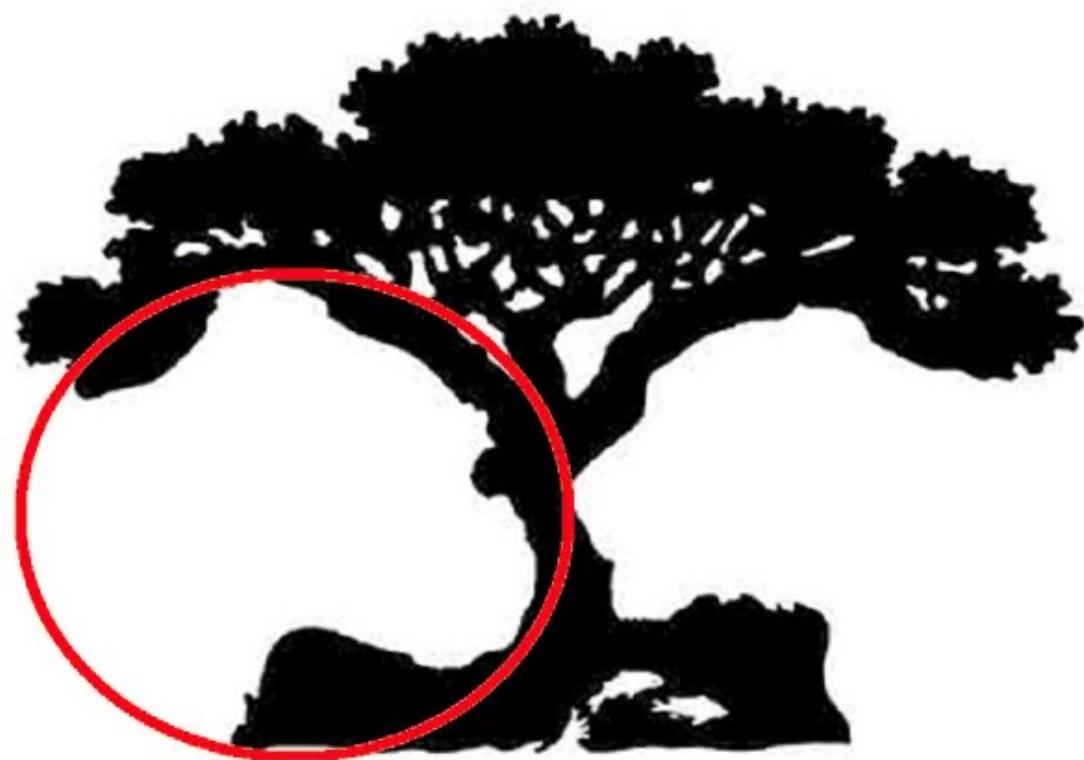
My Goal: I will be thoughtful and intentional with how I show up and how I provide safe spaces for others to show up with me.

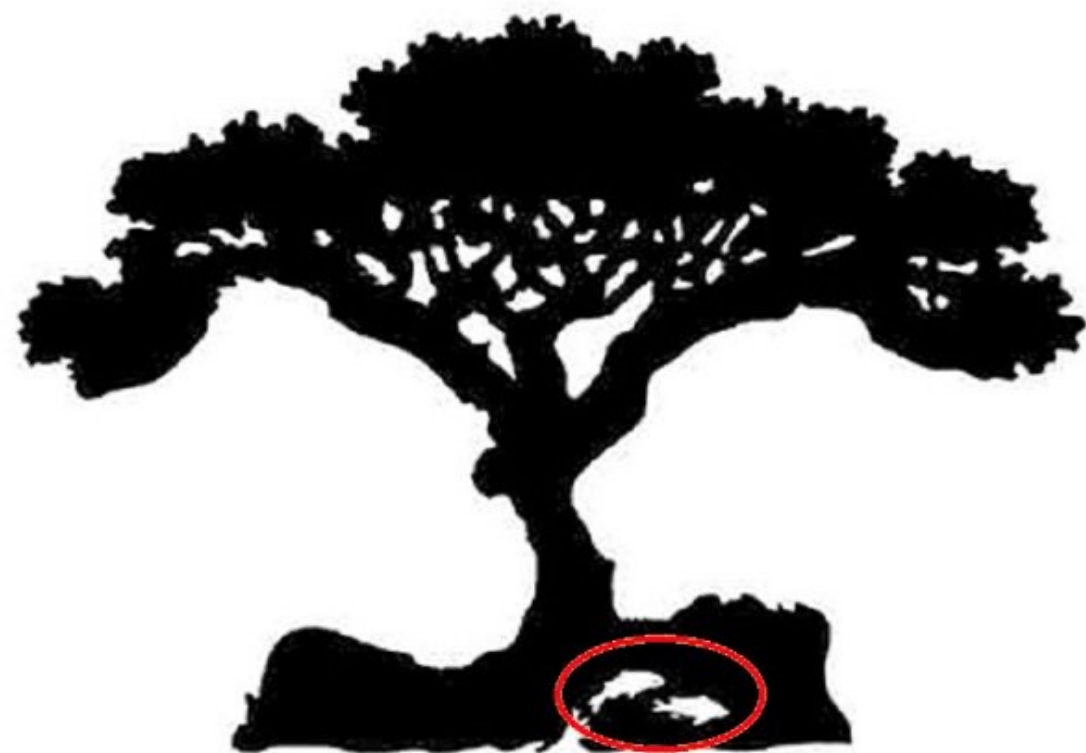
Grounding Exercise











Glossary of Terms

- **anti-racism**- to actively identify, challenge, and change the values, structures and behaviors that perpetuate systemic racism.
- **bias** - a disproportionate prominence in favor of or against an idea or thing, usually in a way that is closedminded, prejudicial, or unfair. Biases can be innate or learned. People may develop biases for or against an individual, a group, or a belief.
- **BIPOC** - A person or group who identifies as Black, Indigenous, or Person of Color.
- **cultural competency** - The ability to use critical-thinking skills to interpret how values and beliefs influence conscious and unconscious behavior; the understanding of how inequity can be and has been perpetuated through socialized behaviors; and the knowledge and determined disposition to disrupt inequitable practices to achieve greater personal and professional success.
- **cultural fluency**- Familiarity with cultures: their natures, how they work, and ways they intertwine with our relationships in times of conflict and harmony. Cultural fluency means awareness of several dimensions of culture. It also involves understanding and use of elements from different cultures for the purpose of communication. It enables the communicator to convey meaning across cultures, and the receiver to understand messages as they are intended.
- **implicit bias** - Also known as unconscious or hidden bias, implicit biases are negative associations that people unknowingly hold. They are expressed automatically, without conscious awareness.

BIPOC Adolescents are Bonded by Trauma

Mental Health

Colorism

School & Society

THE RESEMBLANCE AND REFLECTION IS REAL

Educational Trauma

Education System

The Individuals with Disabilities in Education Improvement Act of 2004 (IDEA)

Due to bias within the education system (including within assessments and academic and other policies), BIPOC adolescents can be misidentified as needing special education; and are then placed in more restrictive settings and experience harsher discipline because of the intersectionality of race and disability or perceived disability.

Emotional Behavior Disability

IDEA defines emotional disturbance as follows: “...a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.”

As defined by IDEA, emotional disturbance includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance

Characteristics

Some of the characteristics and behaviors seen in children who have an emotional disturbance include:

- ✓ Hyperactivity (short attention span, impulsiveness);
- ✓ Aggression or self-injurious behavior (acting out, fighting);
- ✓ Withdrawal (not interacting socially with others, excessive fear or anxiety);
- ✓ Immaturity (inappropriate crying, temper tantrums, poor coping skills); and
- ✓ Learning difficulties (academically performing below grade level).

Children with the most serious emotional disturbances may exhibit distorted thinking, excessive anxiety, bizarre motor acts, and abnormal mood swings.

Specific Emotional Disturbances

Anxiety Disorders

Bipolar Disorder

Conduct Disorder

Eating Disorders

Obsessive-Compulsive Disorder

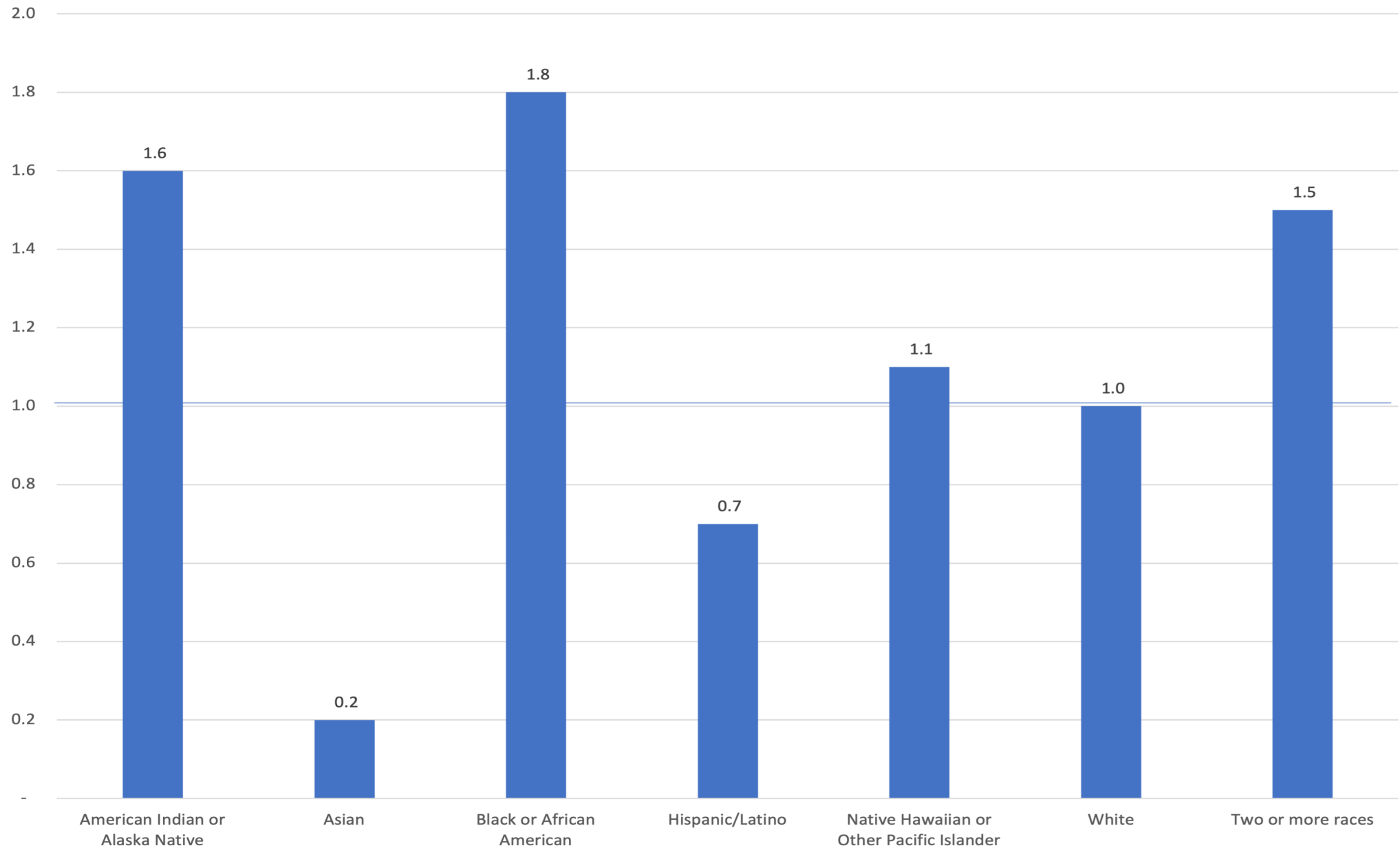
Psychotic Disorders



Children and adolescents with this disorder have great difficulty following rules and behaving in a socially acceptable way. This may include some of the following behaviors:

aggression to people and animals;
destruction of property;
deceitfulness, lying, or stealing; or
truancy or other serious violations of rules.

Emotional Disturbance, Risk Ratio for students 5 to 21School Age, USA, Fall 2019



Students of Color Face Harsher Discipline and are More Likely to be Pushed Out than Whites

40%



Of students **EXPELLED** from U.S. schools each year are Black.

70%



Of students involved in “**in-school arrest**” or referred to the police are Black or Latino.

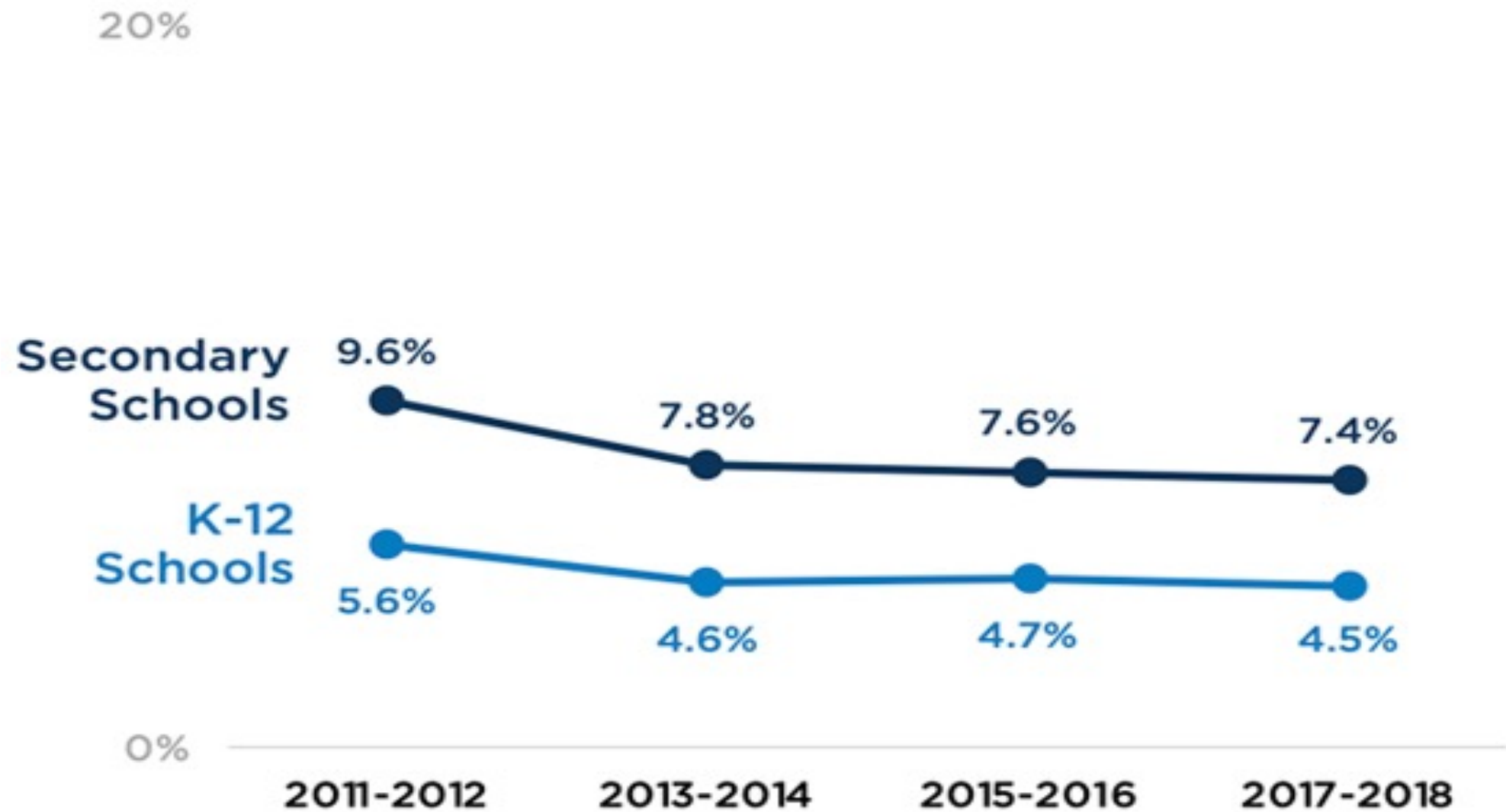
3.5 X



Black students are three and half times more likely to be **SUSPENDED** than Whites.

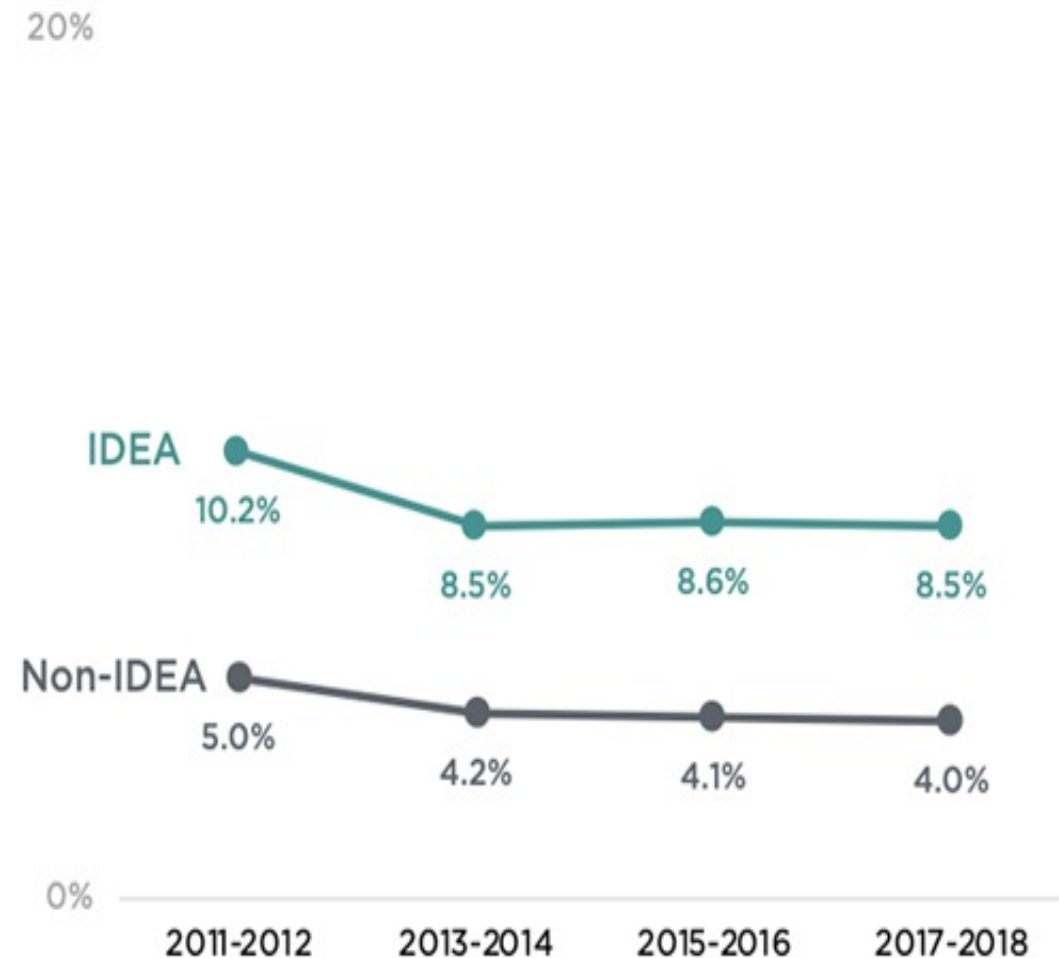
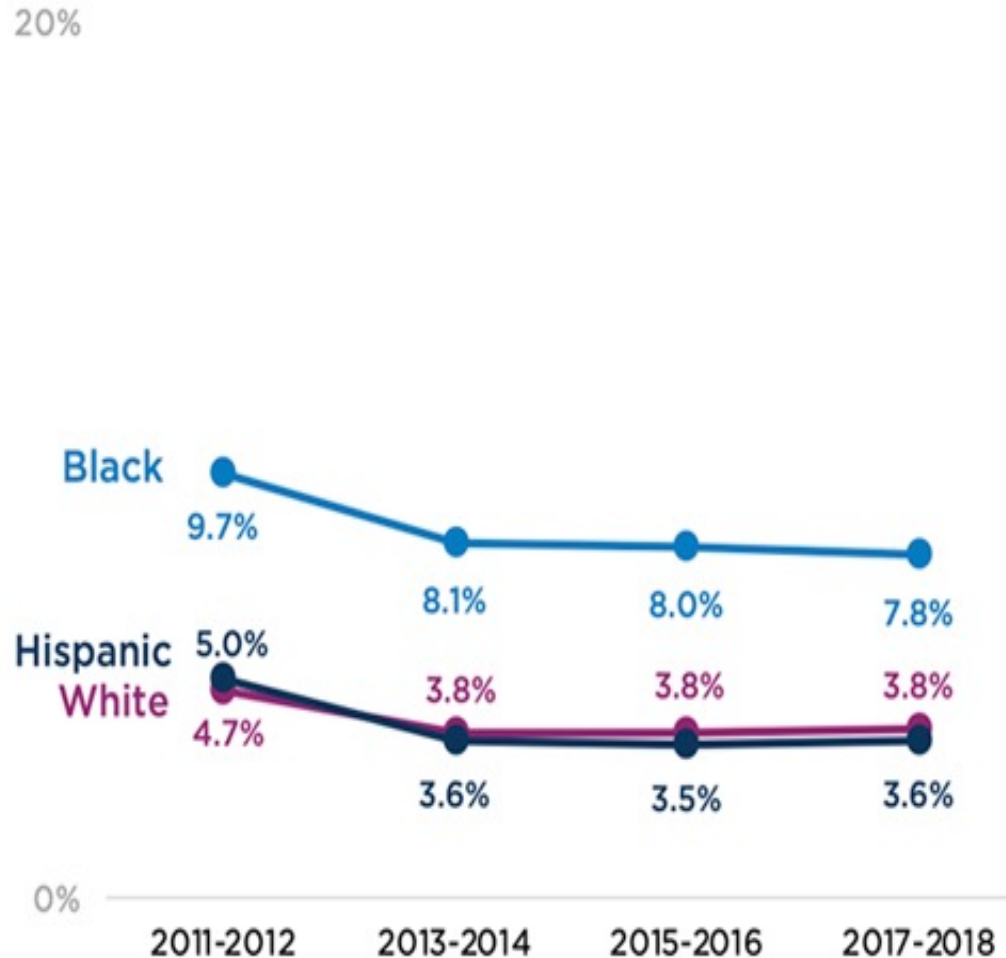
Source: www.suspensionstories.com

Suspension Rates in the Average K-12 and Secondary School, National, SYs 2011-12 to 2017-18



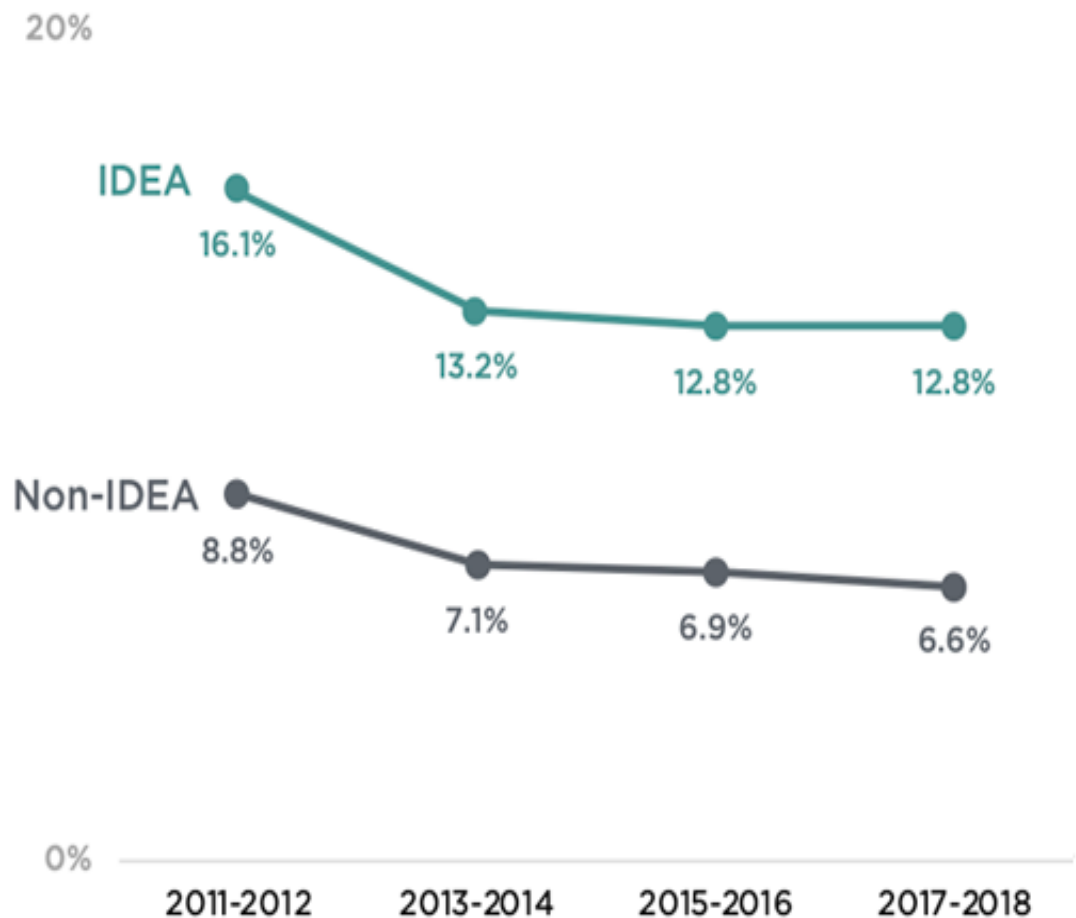
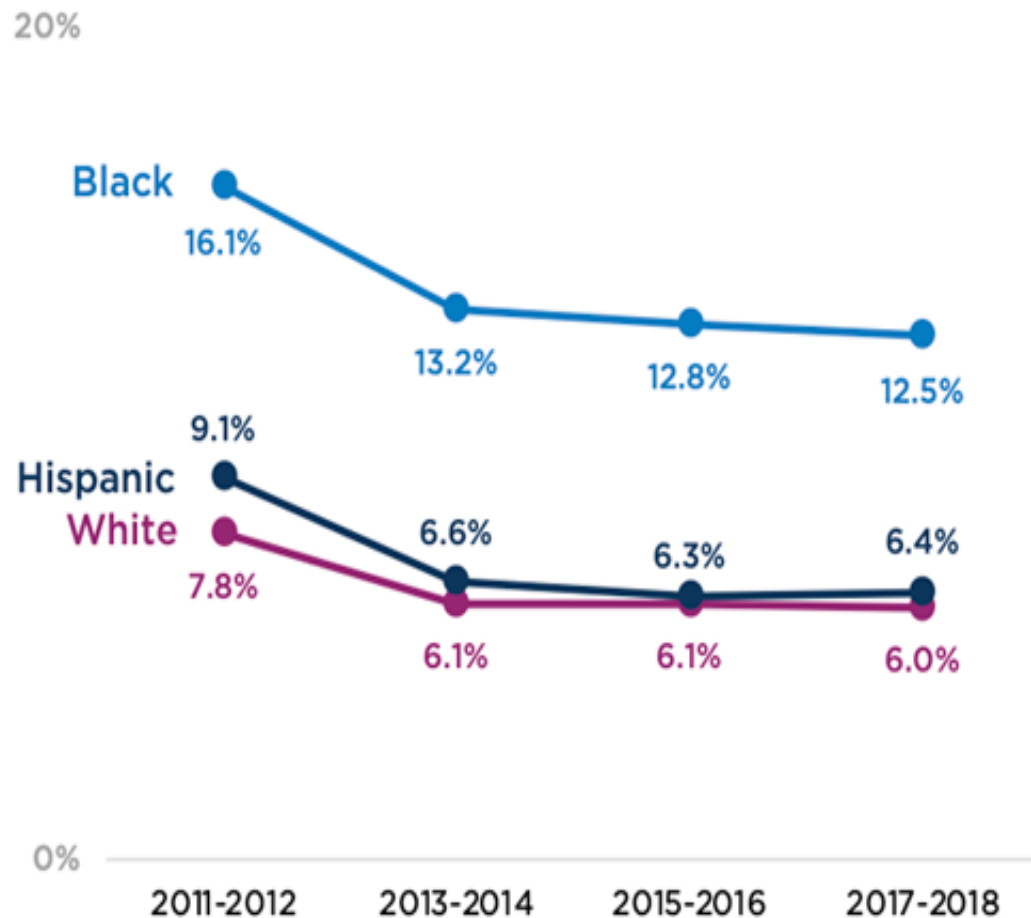
Suspension Rates in the Average K-12 and Secondary School by Student Race/Ethnicity and IDEA Status, National, SYs 2011-12 to 2017-18

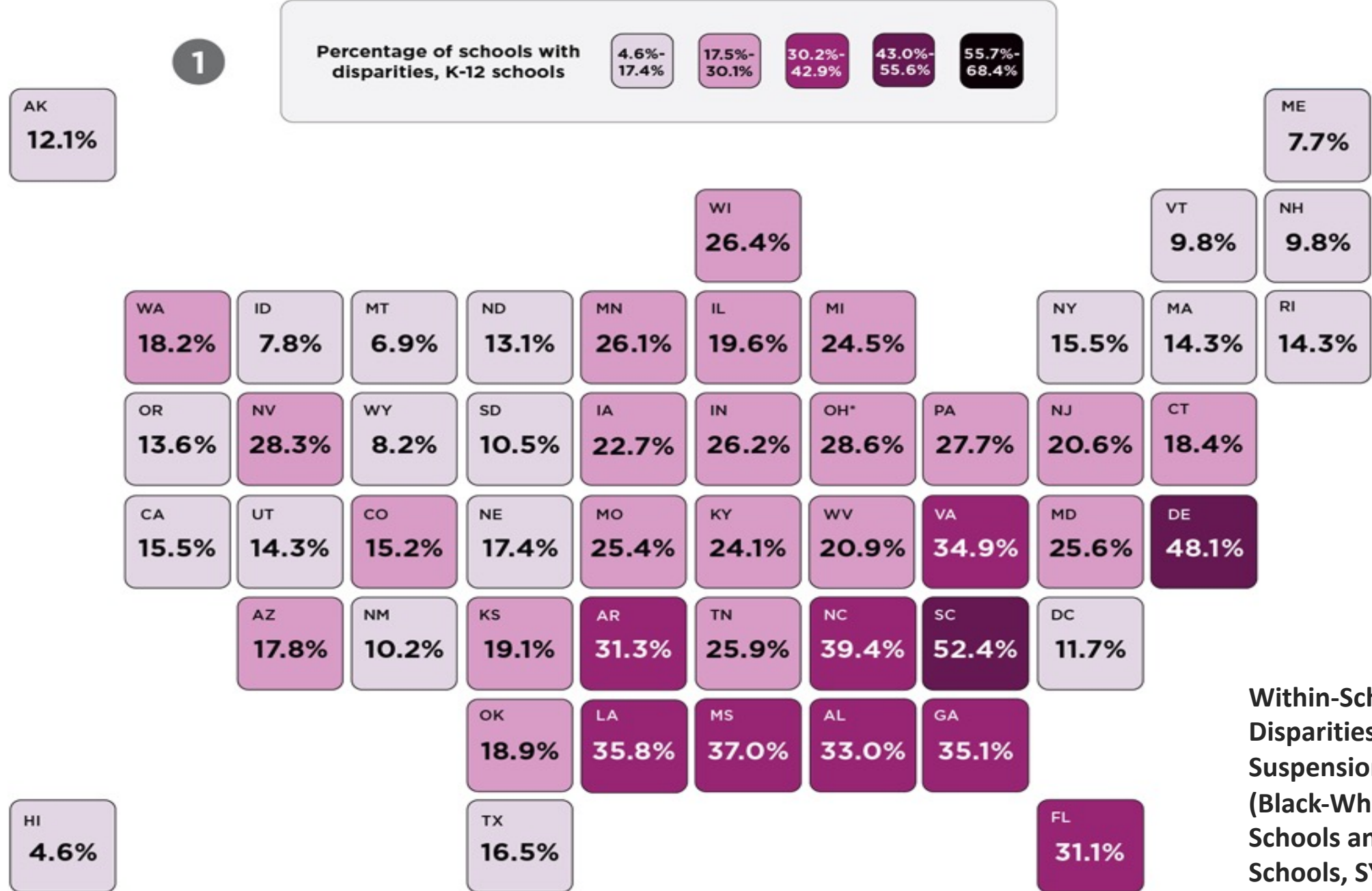
1 K-12



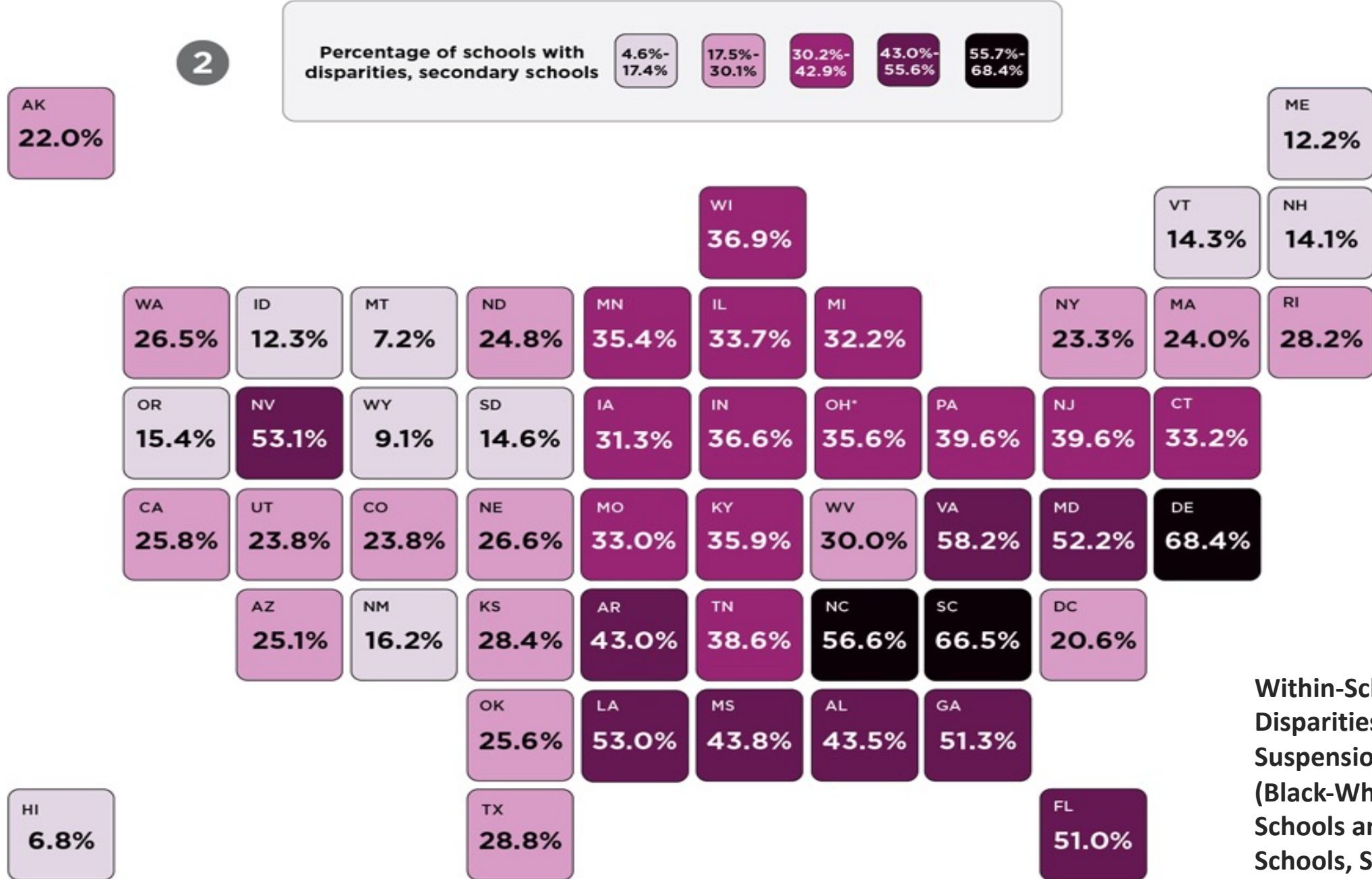
Suspension Rates in the Average K-12 and Secondary School by Student Race/Ethnicity and IDEA Status, National, SYs 2011-12 to 2017-18

2 Secondary

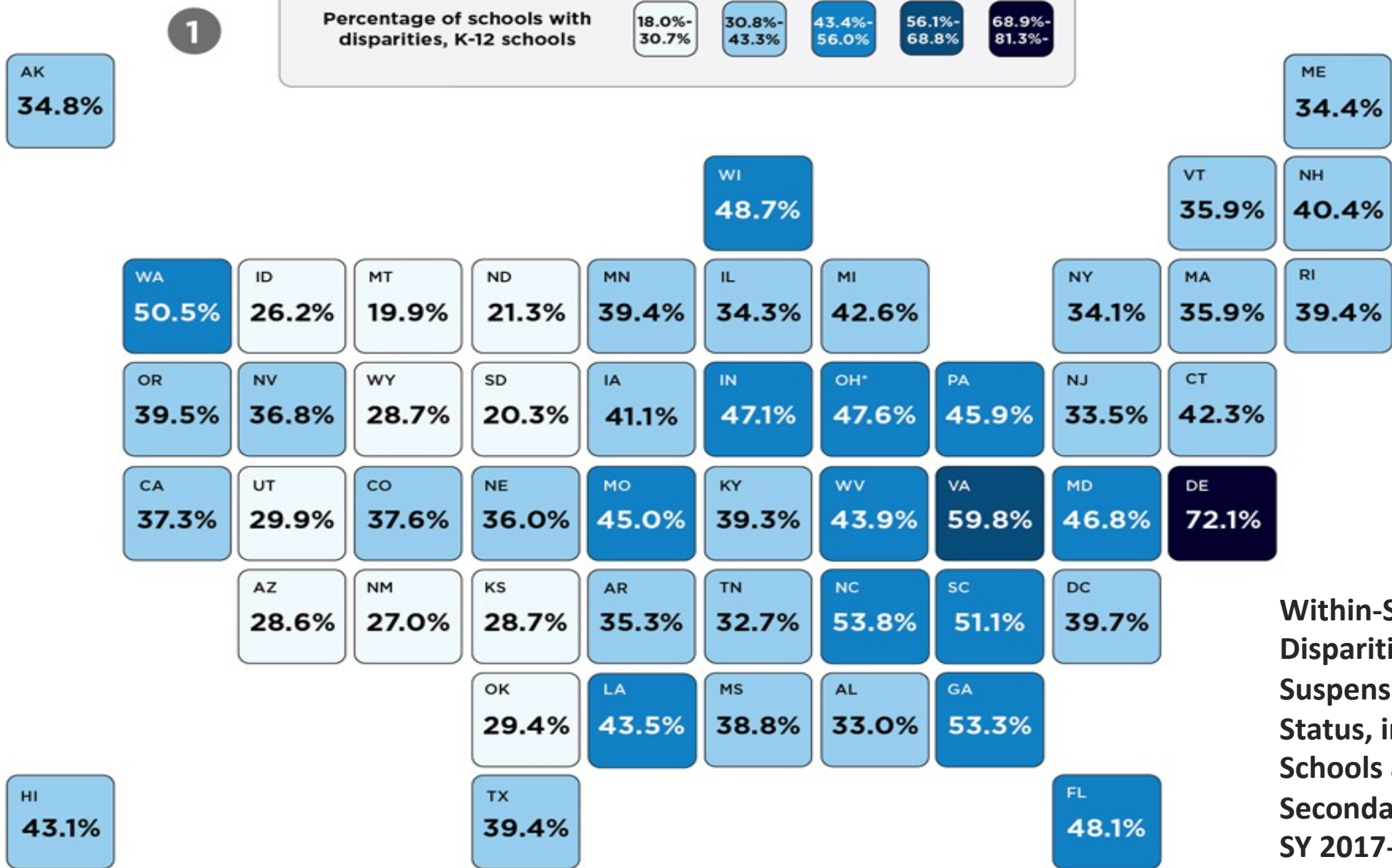




Within-School
Disparities in
Suspension by Race
(Black-White), in K-12
Schools and Secondary
Schools, SY 2017-18



**Within-School
Disparities in
Suspension by Race
(Black-White), in K-12
Schools and Secondary
Schools, SY 2017-18**



Within-School
Disparities in
Suspension by IDEA
Status, in K-12
Schools and
Secondary Schools,
SY 2017-18

2

Percentage of schools with
disparities, secondary schools18.0%-
30.7%30.8%-
43.3%43.4%-
56.0%56.1%-
68.8%68.9%-
81.3%AK
43.0%ME
55.9%WI
54.6%VT
60.8%NH
58.8%WA
59.3%ID
33.0%MT
20.6%ND
22.8%MN
44.2%IL
45.8%MI
54.3%NY
43.3%MA
55.9%RI
59.5%OR
47.5%NV
49.1%WY
28.7%SD
18.0%IA
43.5%IN
52.9%OH*
54.3%PA
57.3%NJ
54.8%CT
60.2%CA
49.8%UT
41.3%CO
43.2%NE
34.8%MO
46.4%KY
53.2%WV
65.8%VA
72.0%MD
64.0%DE
81.3%AZ
31.4%NM
33.5%KS
30.5%AR
40.7%TN
41.9%NC
68.0%SC
60.7%DC
39.0%OK
28.4%LA
54.9%MS
46.7%AL
34.7%GA
53.2%HI
64.2%TX
48.8%FL
54.6%

Within-School
Disparities in
Suspension by IDEA
Status, in K-12
Schools and
Secondary Schools,
SY 2017-18

Who is graduating from high school?



2 x



Black and Latino students are twice as likely **TO NOT GRADUATE** high school as Whites.

68%

Of all males in state and federal **PRISON** do not have a high school **DIPLOMA**.

Source: www.suspensionstories.com

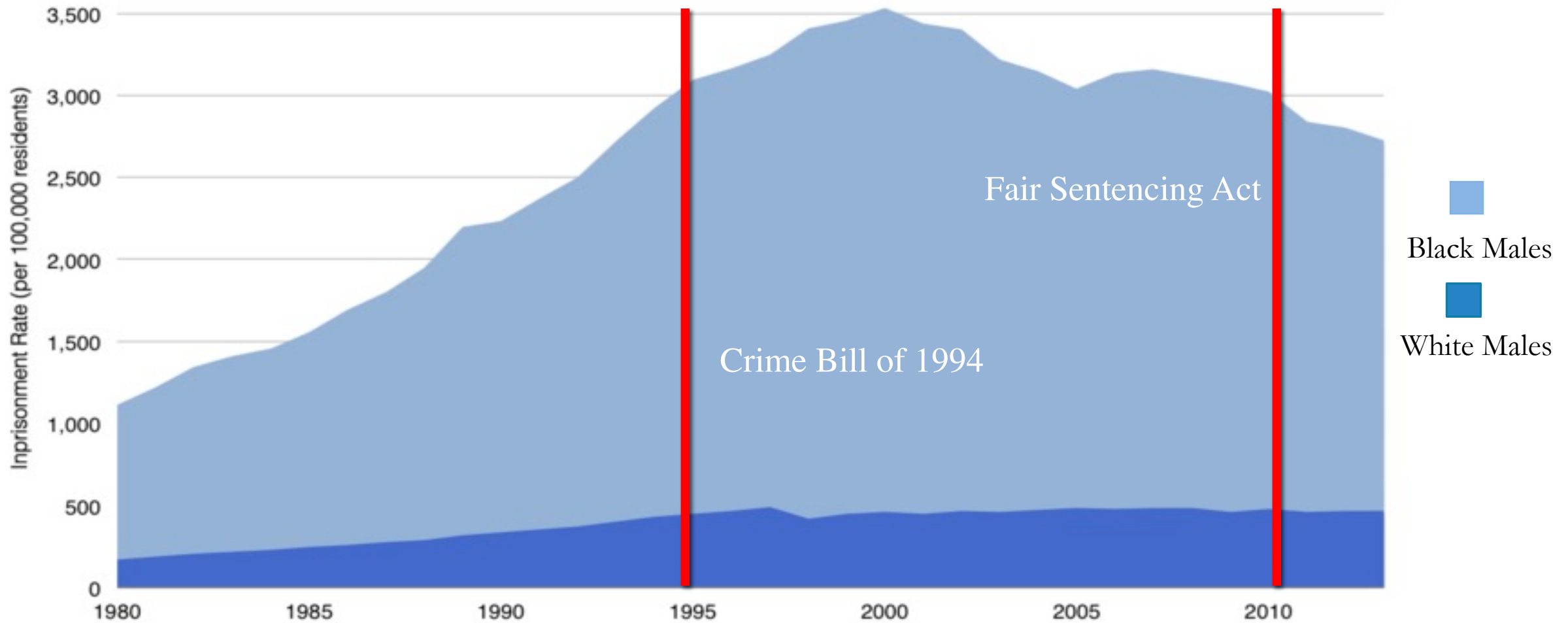
Social Trauma

Social System

The Violent Crime Control and Law Enforcement Act of 1994 (Crime Bill of 1994)

The 1994 bill interacted with—and reinforced—an existing and highly problematic piece of legislation: The Anti-Drug Abuse Act of 1986, which created huge disparities in sentencing between crack and powder cocaine. Under this bill, a person was sentenced to a five-year minimum sentence for five grams of crack cocaine, but it took 500 grams of powder cocaine to trigger the same sentence. Because crack is a cheaper alternative to powder cocaine, it is more prominent in low-income neighborhoods. These neighborhoods are more likely to be predominately Black and in urban areas that can be overpoliced more easily than suburban or rural areas.

Male Imprisonment Rate by Race per 100,000 residents of each group



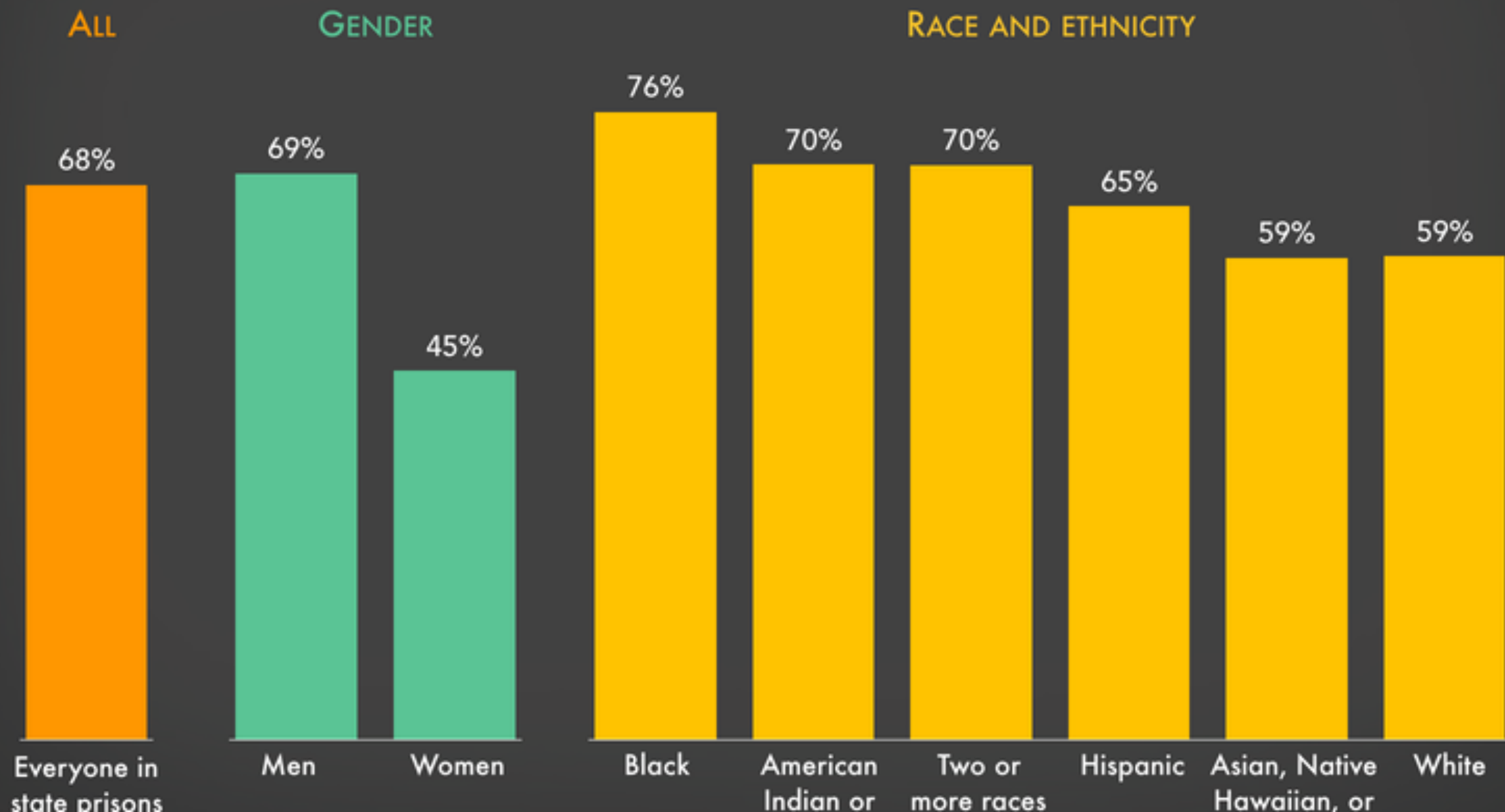
Note: The imprisonment rate is defined as "the number of prisoners under state or federal jurisdiction sentenced to more than 1 year per 100,000 residents."

Sources:

U.S. Department of Justice Bureau of Justice Statistics, "Correctional Population in the United States Series," accessed May 11, 2016

U.S. Department of Justice Bureau of Justice Statistics, "Prisoner Series," accessed May 11, 2016

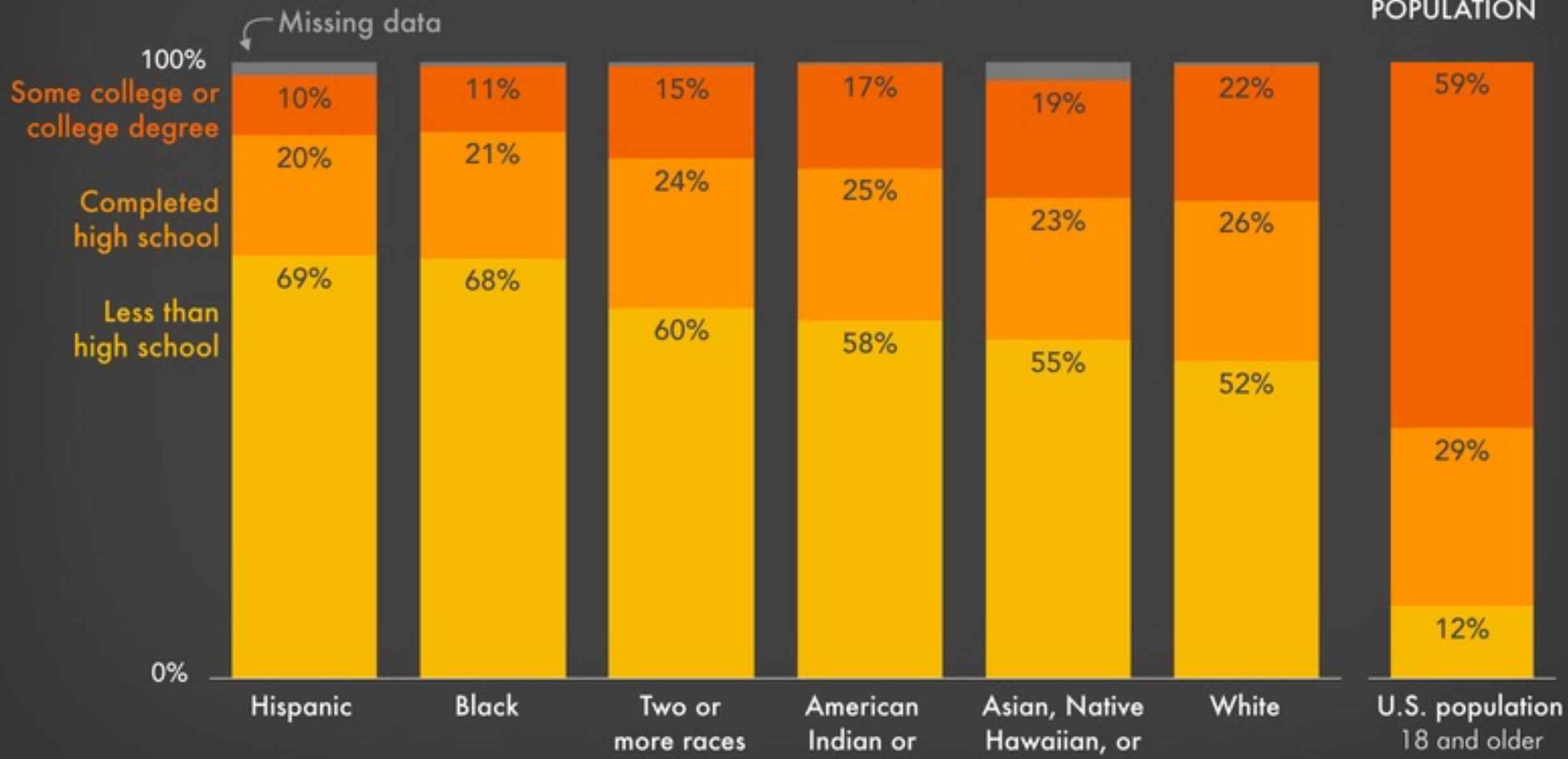
FIRST ARREST AT AGE 18 OR YOUNGER



Highest level of education completed before admission to state prison, by race and ethnicity, compared to the total U.S. population over age 18 in 2016

PEOPLE IN STATE PRISONS, 2016

TOTAL U.S. POPULATION



Almost two-thirds of young people in prison are Black or Hispanic

Share of people in state prisons ages 18-24
by race or ethnicity

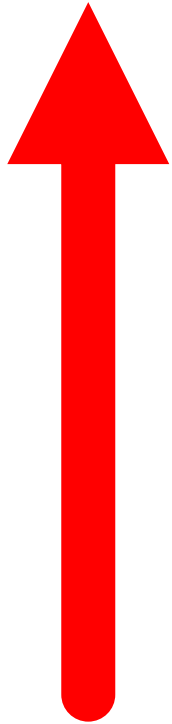


Source: Bureau of Justice Statistics' *Survey of Prison Inmates*, 2016 data analyzed by Prison Policy Initiative.
Groups do not add up to 100% due to rounding.

What does this all mean?

Double Discrimination via Carceral State

Educational Institution



School Superintendent
Building Administrator
School Social Worker
School Psychologist
School Support Team
Classroom Teacher

Rehabilitation Institution



Politicians
Judges
Parole Officers
Probation Officers
Attorneys
Police Officers

Schools Replicate Society's Successes and Failures

The Carceral Effect

Social structures/symbols
designed to construct power
and control in urban spaces.



Constant Police Presence & Patrolled



Security Bars



**Heavy
Surveillance**

Red

Yellow

Blue

Green

Brown

Green

Red

Yellow

Purple

Blue

Red

Purple

Green

Blue

Yellow

Yellow

Green

Blue

Red

Purple

Blue

Purple

Green

Purple

Green

Red

Green

Blue

Yellow

Brown

Types of Bias

Cognitive Bias

Unconscious bias

Prejudices

Contextual Bias

Unconscious or Implicit Bias

Statistical Bias

Conscious Bias

Confirmation Bias

HINDSIGHT BIAS

The Framing Effect

Unconscious Cognitive Bias

Self serving Bias

Availability Bias

False Census Effect

Anchoring Bias

Inattentional Blindness

Moral Licensing

The effect when people initially behave in a moral way, then they are later more likely to display behaviors that are immoral, unethical, or otherwise problematic.

Affinity Bias

This is our tendency to get along with others who are like us, and to evaluate them more positively than those who are different. Our personal beliefs, assumptions, preferences, and lack of understanding about people who are not like us may lead to repeatedly favoring “similar-to-me” individuals.

Confirmation Bias

The tendency to seek out, favor, and use information that confirms what we already believe.

Carissa Brown holds the belief that left-handed people are more creative than right-handed people. Whenever Carissa encounters a person that is both left-handed and creative, she place greater importance on this "evidence" supporting her already existing belief.

Michael Lovely believes he is environmentally friendly. He only uses recycled materials: paper plates, cups, napkins, and such. Recently Michael purchased a house with a fantastic fireplace, which is the center piece of the great room. At his housewarming party, he made a beautiful and warm fire for his guest. Michael and his guest sat around the fire and shared a great time.

When meeting Stephen for the first time, Alicia's quick judgment to be his friend was based on appearance, gender, and interests. Her subconscious judgments lead to quick conclusions about whether or not she would get along with Stephen. This conclusion directly affected how much effort Alicia put into getting to know Stephen.

**What Can You Do to Make a
Difference?**



- Tune into your emotions
- Recognize how your experience has shaped your perspective
- Stick to facts, and don't make assumptions.
- Turn frustration into curiosity.

Learn about others

- Recognize how their experiences have shaped their perspective
- Consider how they might see the situation and what is important to them
- Think about how your actions may have impacted them

Engage in dialogue

- Ask open-ended questions
- Listen to understand, not to debate
- Offer your views without defensiveness or combativeness
- Disentangle impact from intent
- Avoid blame, think contribution

"eXpand" the options

- Brainstorm possible solutions
- Be flexible about different ways to reach a common goal
- Experiment and evaluate
- Seek out diverse perspectives

WHAT HAVE WE LEARNED?

Thinking about how your work can impact or interrupt the social injustices of the school-to-prison pipeline; tell me something you will do tomorrow, something you will do fortnight, and something you will do next year.

The Inner Work of Your Whole Self: A focus towards the Mind, Body, & Soul



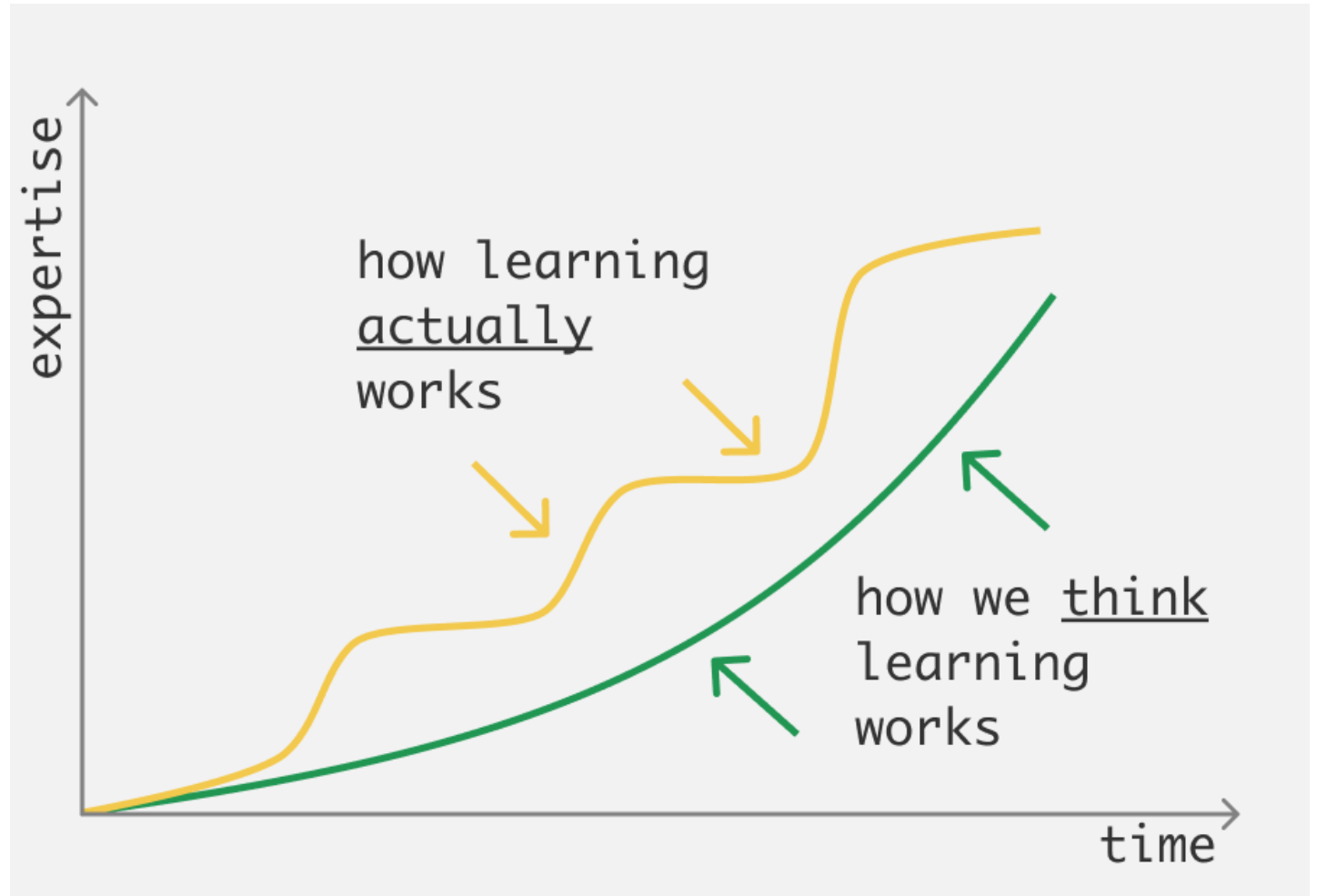
Your Whole Self

1. What is your wholistic identity?

2. How has your thinking impacted your experience in education/profession?
Name positive, negative, neutral, and transformative experiences

Deliberate practice

- You must practice at the edge of your abilities.
- You must methodically practice things that you are not good at.



Identify

Reframe

Educate

Identify

Flaw (s) in thinking that is guided by past experiences and mental preconditioning.

Know your biases – read about them – recognize that they exist – be mindful in your words and actions

Reframe

Think critically - look at problems as a diamond that is multifaced vs a coin with only two sides

Educate

Challenge assumptions and traditions – take a contrary view – and ask why and why not, often.



You can't learn when there's a
bee in the room!!!





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AWARENESS



- We are experts in our own lived experiences, but we are not experts in the issues.
- This is a very important conversation to be having today and we will be collecting questions we may not be able to answer and try to find those answers.
- We are just exploring the topic; we are not going to solve it here, but it's a safe place to share your perspective and ideas of the topic.

School & Society

THE RESEMBLANCE AND REFLECTION IS REAL

Significant Disproportionality:



1 in 4 Black boys with disabilities are suspended each year.



Students of certain racial and ethnic groups being identified for special education at higher rates.



Disciplined at markedly higher rates than their peers.



Placed in more restrictive educational settings.



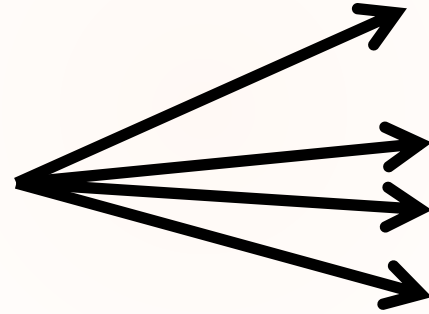
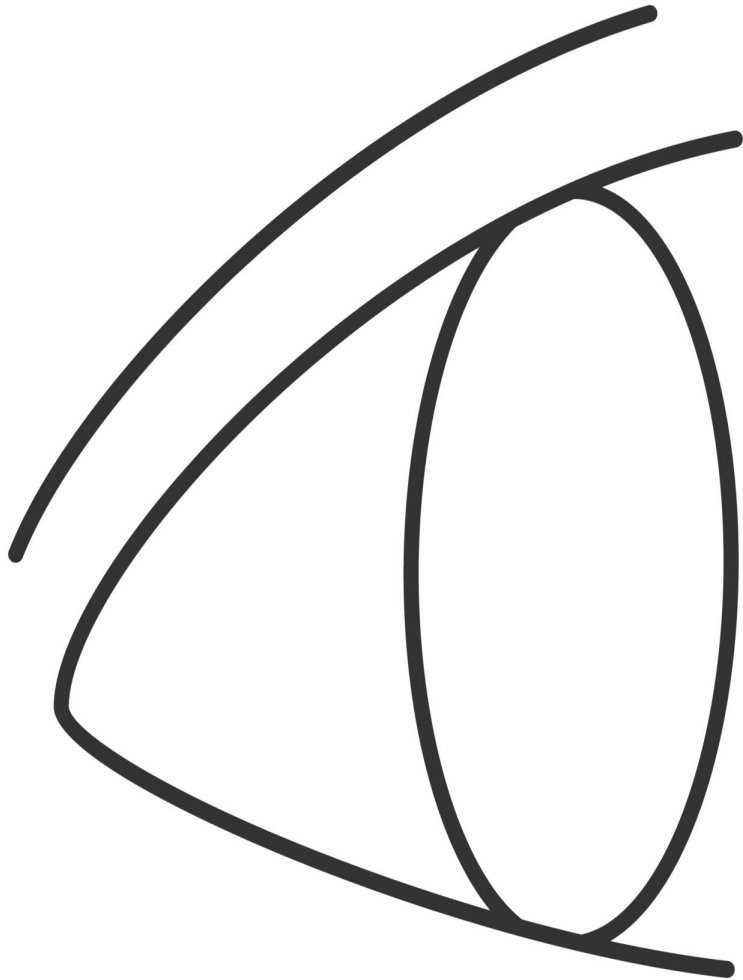
How did we land HERE???

*The most
common biases
are based on
social identity
markers such as:*

*Race
Ethnicity
Gender
Religion
Sexual orientation
Socioeconomic background
Educational background*



Lenses through which we use Bias



[Cognitive Bias
Conscious Bias
Unconscious or Implicit Bias
Contextual Bias
Prejudices
Statistical Bias

The Carceral State

The federal government's formal institutions of the criminal justice system.



The US Congress

Correctional
Officers



Parole &
Probation



Court
Martial



A
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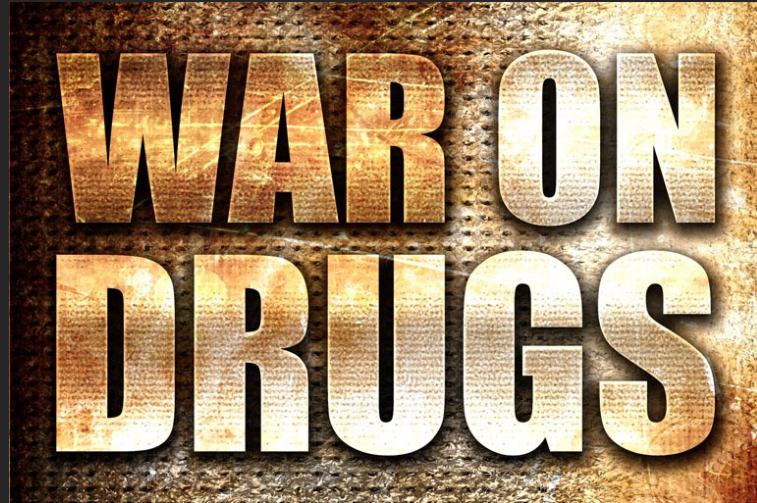
Judges



Police

The Carceral Network

A continuum of social programs that legitimizes punitive forms of correction thereby normalizing social control.

The text "WAR ON DRUGS" is rendered in large, bold, 3D block letters. The letters have a metallic, golden-brown texture with a weathered and distressed appearance, set against a dark, textured background.The text "WAR ON POVERTY" is rendered in large, bold, brown block letters on a plain white background.The text "THE GREAT SOCIETY" is rendered in large, bold, white block letters on a solid red background.

The Carceral Effect

Social structures/symbols
designed to construct power
and control in urban spaces.



Constant Police Presence & Patrolled



Security Bars



**Heavy
Surveillance**

"And Ten Dollars Extra, for Every Hundred Lashes Any Person Will Give Him, to the Amount of Three Hundred"

Of the thousands and thousands of advertisements offering rewards for the return of runaway slaves appearing in antebellum Southern newspapers,' one of the most interesting and significant appeared in the Nashville Tennessee Gazette in the fall of 1804: Stop the Runaway.

FIFTY DOLLARS REWARD.

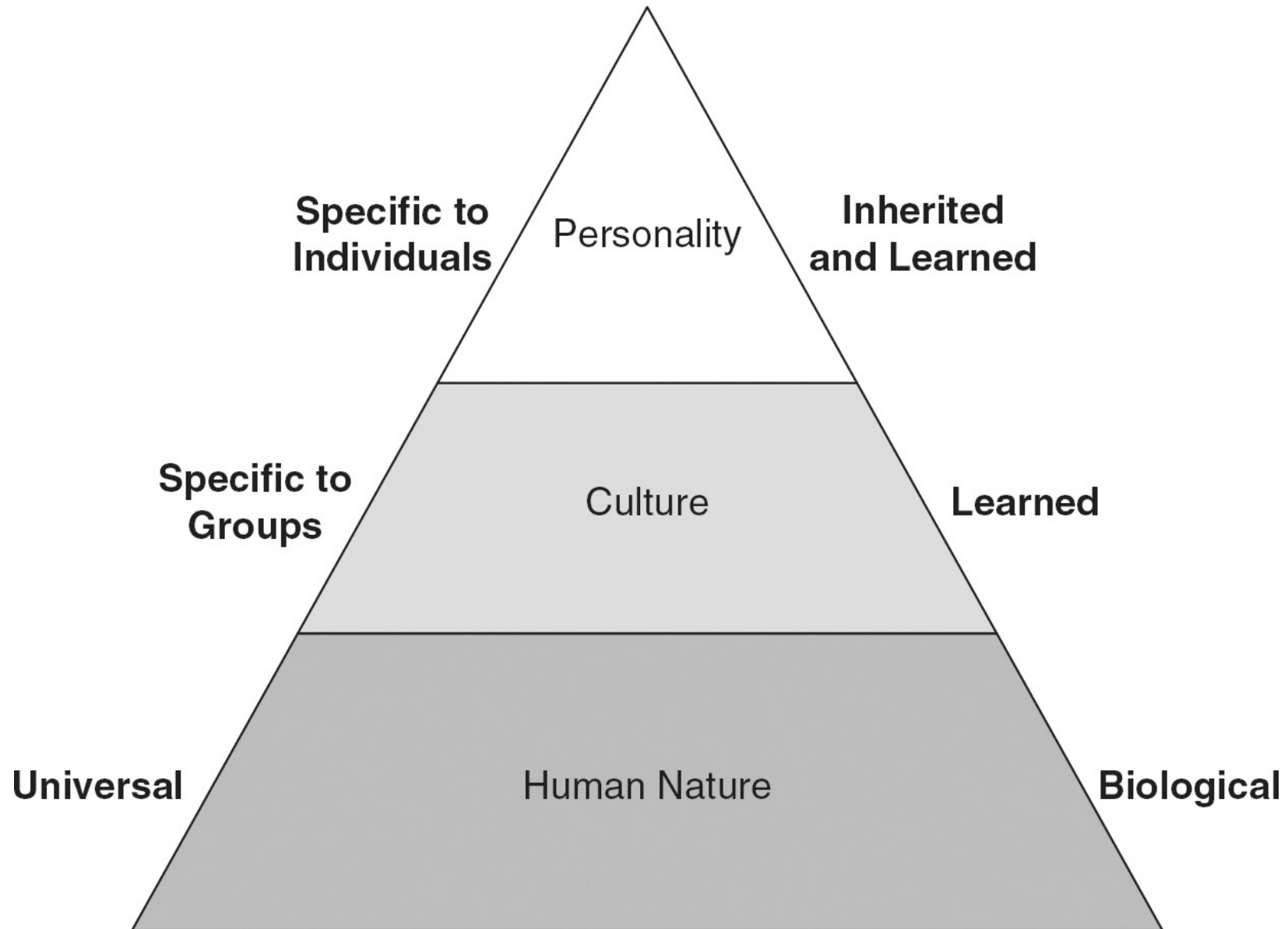
Eloped from the subscriber, living near Nashville, on the 25th of June last, a Mulatto Man Slave, about thirty years old, six feet and an inch high, stout made and active, talks sensible, stoops in his walk, and has a remarkable large foot, broad across the root of the toes-will pass for a free man, as I am informed he has obtained by some means, certificates as such took with him a drab great coat, dark mixed body coat, a ruffled shirt, cotton home-spun shirts and overalls. He will make for Detroit, through the states of Kentucky and Ohio, or the upper part of Louisiana. The above reward will be given any person that will take him, and deliver him to me, or secure him in jail, so that I can get him. If taken out of the state, the above reward, and all reasonable expenses paid and ten dollars extra, for every hundred lashes any person will give him, to the amount of three hundred.

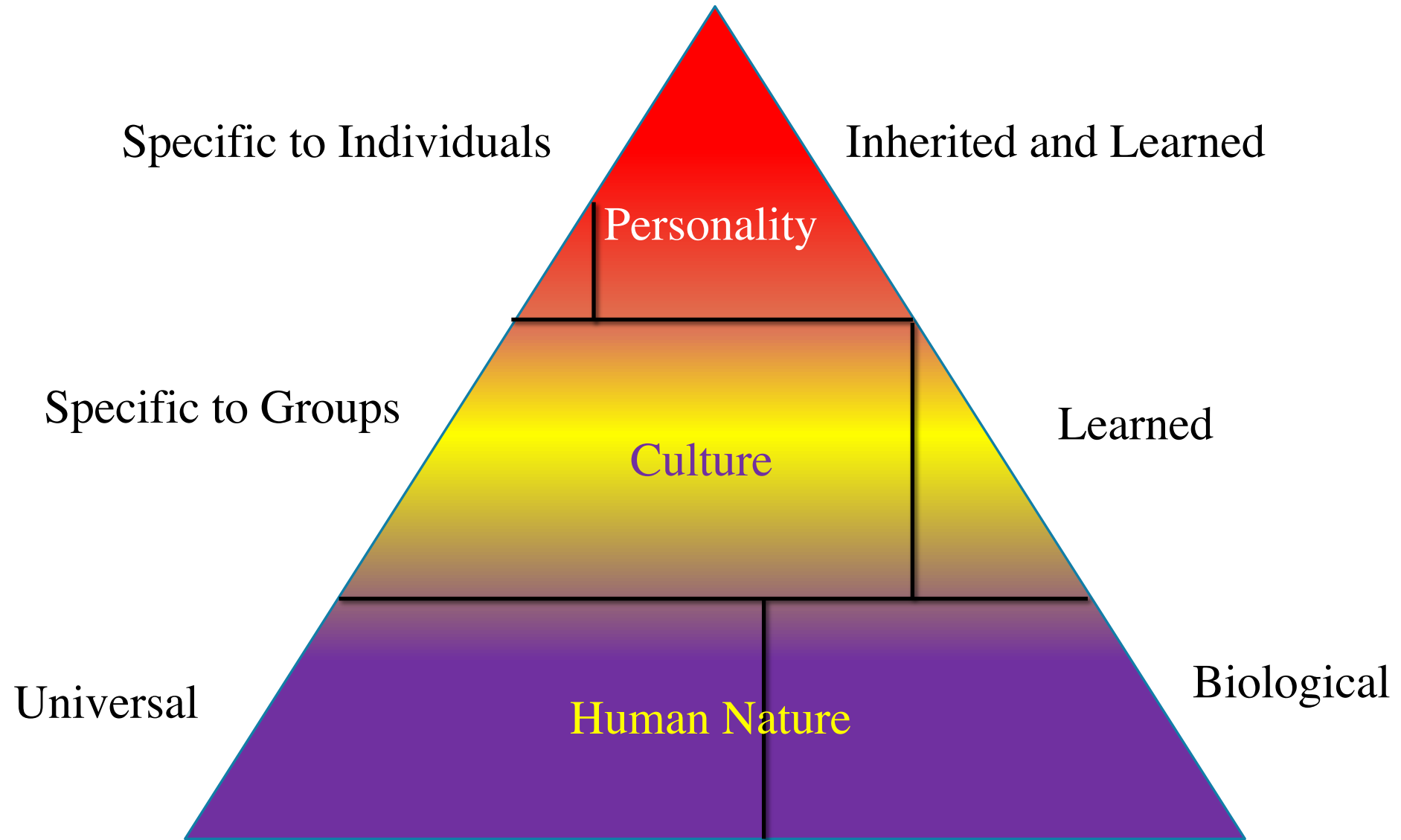
ANDREW JACKSON,
Near Nashville, State of Tennessee.'

A Note on Andrew Jackson's Runaway Slave Ad of 1804 and on the Historian's Use of Evidence
By ROBERT P. HAY



Cross-cultural profile analysis





WHAT BRINGS US HERE?

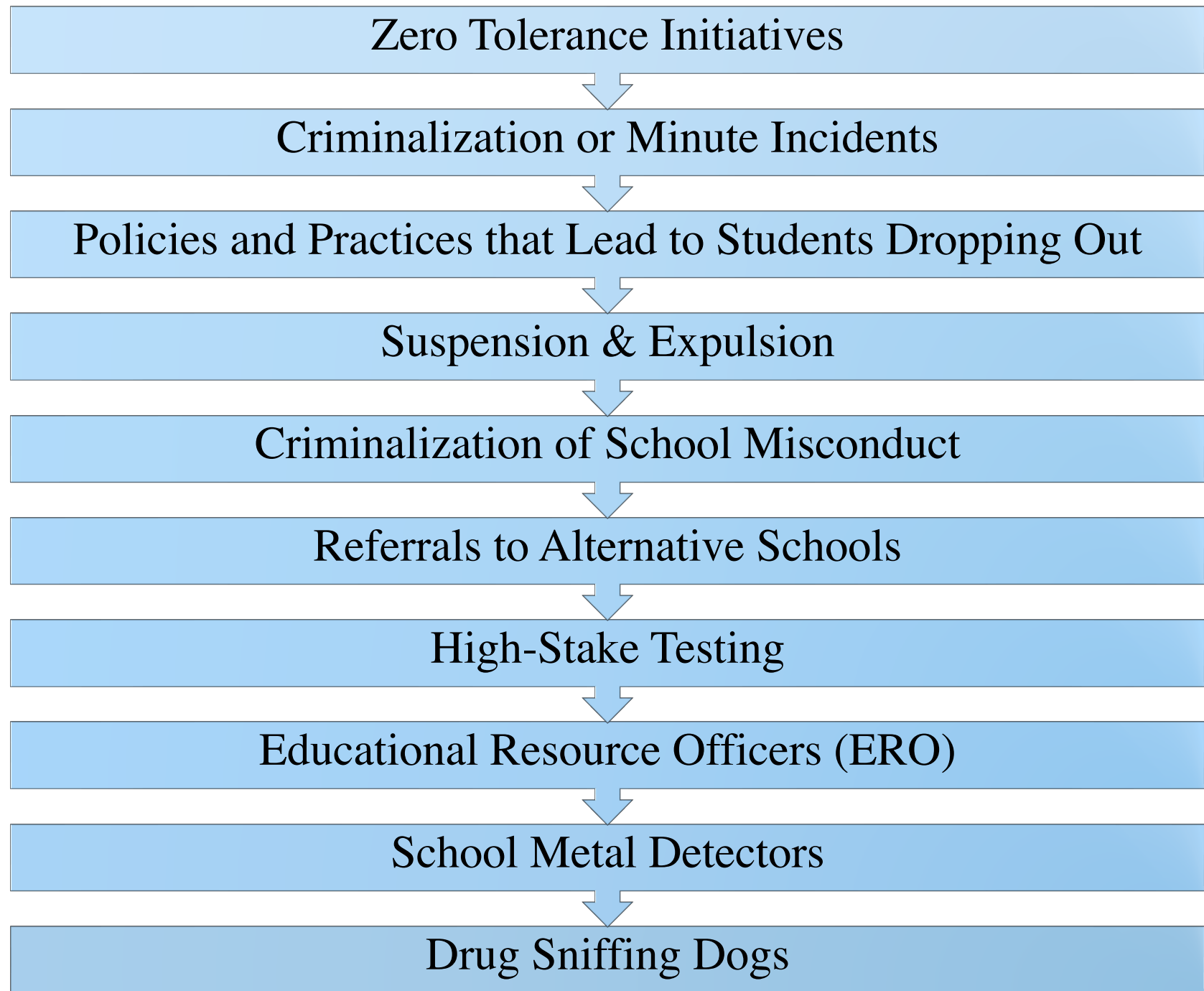
...to bring about an awareness to a phenomenon that is having a negative impact on society.

The School-to-Prison Pipeline

Definition – School-to-Prison Pipeline

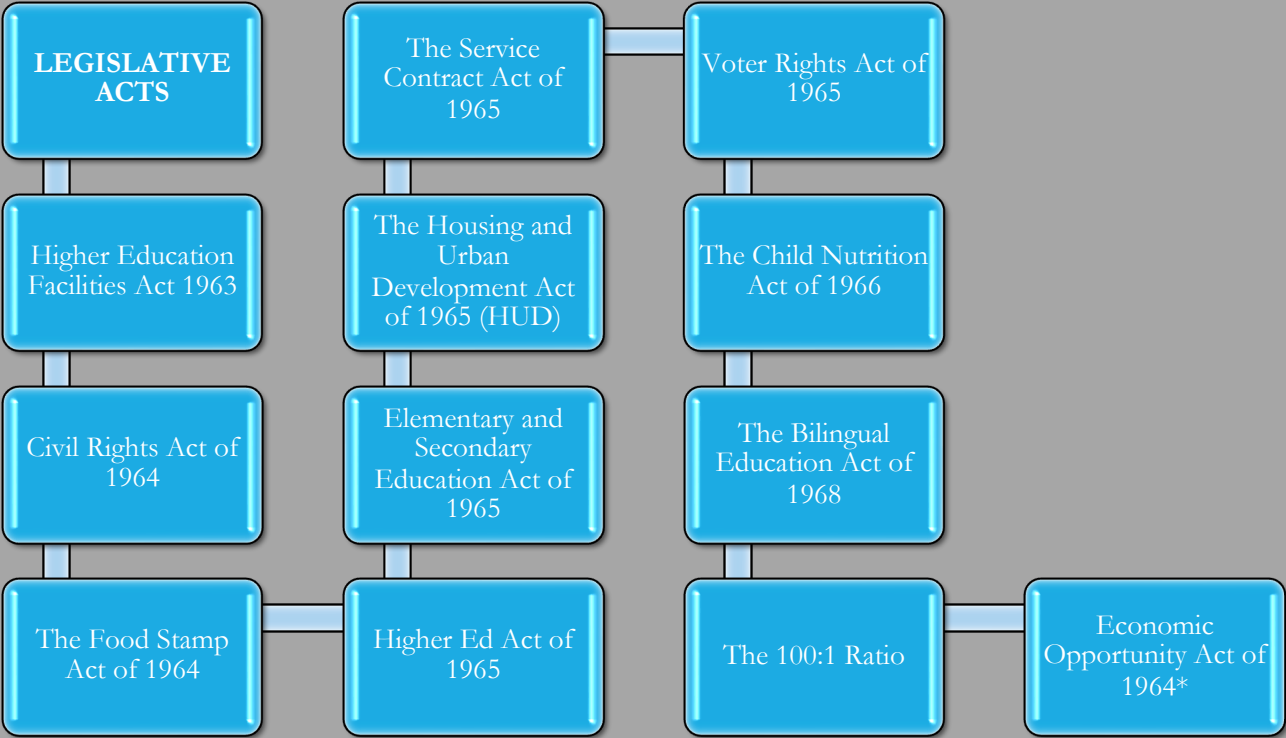
The school-to-prison pipeline refers to contemporary policies and practices with consequences that pushes children (especially children of color) out of schools and into the juvenile and criminal justice systems.

School Initiatives



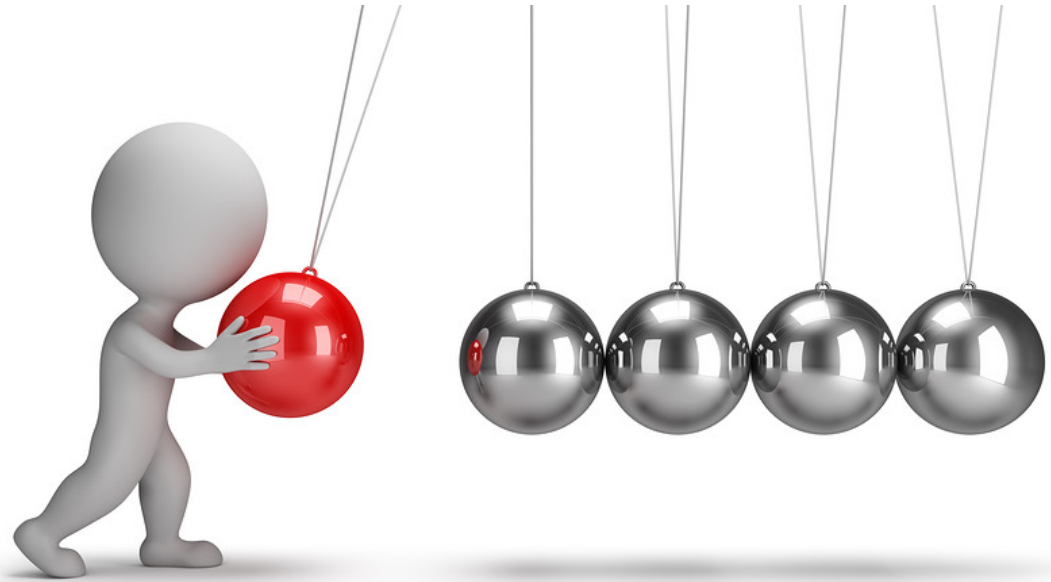
Social Initiatives

WAR ON POVERTY PROGRAMS AND ACTS



PROGRAMS	Social Security	Aid to Families with Dependent Children (AFDC)
Job Corps	Neighborhood Youth Corp	Volunteers in Service to American (VISTA)
Model Cities Program "for urban redevelopment)	Upward Bound	Food Stamp Act of 1964
Community Action Program	Head Start	Medicare & Medicaid

Some Suggestions for Action



Crawling Activities (requires low comfort level)

- Review Local School's Disciplinary Policy (Online)
- Research Social Programs of The New Deal
- Research Social Programs of The Great Society
- Browse School District's Webpage

Walking Activities (requires medium comfort level)

- Attend a School Board Meeting
- Attend a Public Rally
- Attend PTA Meeting
- Write Letter of Concern to School Board Members
- Chaperone a Class Field Trip
- Do a Walking Tour of your Local School

Running Activities (requires high comfort level)

- Interview the Perspective of an Early Teen
- Adopt a Classroom
- Serve as a Mentor
- Volunteer to Assist in a Classroom

Form of Bias	Definition	Depiction
Cognitive	<i>It refers to deviation from standards of judgement whereby you may create inferences, assessments or perceptions that are unreasonable.</i>	<i>Using simple strategies to understand complex experiences.</i>
Conscious Bias	<i>This is a type of bias that you are aware of. The bias is happening consciously, in that you know you are being biased and are acting with intent.</i>	<i>Uses derogatory language to describe others.</i>
Unconscious Bias	<i>Unconscious biases are beliefs and attitudes that operate outside of a person's awareness and control. Unconscious bias can be in direct contrast with the beliefs and values you think you hold.</i>	<i>Holding the belief that everyone is expected to perform a task, because you did it.</i>
Contextual Bias	<i>This refers to when experts who have good intentions are vulnerable to making incorrect decisions, based on external influences or influences that are irrelevant or unrelated to the situation.</i>	<i>Using information that does not pertain to the current situation.</i>
Prejudice	<i>A prejudice is a prejudgement or prior opinion that a person makes before they are given the relevant facts and information.</i>	<i>Developing an opinion before having an experience.</i>
Statistical	<i>This is related to the process of data collection. Statistical bias can affect the way a sample is selected or the way that data is collected and analyzed.</i>	<i>Manipulating the data to have it say what you want it to say.</i>

Disposition Framework

- Promote equity and antiracism in schools, communities and society.
- Build supportive and inclusive communities of educators and learners.
- Co-construct knowledge through learner-centered instruction.
- Engage in thoughtful and critical inquiry and reflection.
- Critical care – commitment to helping all succeed (especially racially marginalized groups).
- Intentional Professional Growth – engages in decision-making that is ethical based on multiple forms of evidence and feedback.
- Imagination and Innovation – creates enriching and engaging learning environments to support all students.
- Advocacy – promotes systemic change for students, families, and communities that are responsive to historical inequalities.

You can't learn when there's a
bee in the room!!!



DO YOU HAVE ANY QUESTIONS?

