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**Beyond the School-to-Prison Pipeline: Social Death and
the Relationship Between School and Incarceration**

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Beyond the School-to-Prison Pipeline: Social Death and the Relationship Between School and Incarceration

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The school-to-prison pipeline is perhaps the most well-known current framework for understanding the relationships between school and incarceration, but the prolific use of this pipeline metaphor is problematic. It tends to omit or obfuscate more complex understandings of the hows and whys adolescents end up incarcerated. Challenging the school-to-prison pipeline narrative is an important precursor to examining the complex factors that lead to and perpetuate youth incarceration, as well as developing solutions for addressing it. This paper first critiques the school-to-prison pipeline narrative. It then offers a way to reimagine how we can think of adolescent criminalization in terms of another metaphor, that of social death, which refers to the systematic criminalization and dehumanization of entire groups of people. Based on an interview study with twenty-nine adults who were first incarcerated as adolescents, this paper uses case studies of three Black and three Latino male participants to demonstrate how social death manifested in zero tolerance, wrongful accusations, and proactive surveillance in and out of the classroom.

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Introduction

My crime was like, I don't even feel like I did no wrong.... I feel like that's how they get us though. It's little minor stuff that then turn into a felony. By the time you look around, you're in there for real. That's what happened to my homeboy. He got in like three fights at school, got three, five citations. It blew up from there, he was in jail for a year. He had all types of misdemeanors that they said led up to a felony. Like are you talking about murder and killing? You put somebody that's not even done no killing around killers.¹

The quote above is from Wally,² a young Black man who was 22 years old at the time of his interview, as he theorized his criminalization and the criminalization of his peers in school after telling me how he was arrested for a fight at school when he was 14 years old leading to five days in juvenile hall. On the surface, Wally's experience and analysis support the *school-to-prison pipeline* narrative, which refers to a unidirectional trajectory from schools to incarceration, in which racially disproportionate and harsh school discipline pushes youth out of school and into the juvenile justice and criminal justice system. Wally and his fellow Black student were harshly punished for their school behavior leading them to the other end of the pipeline, the juvenile justice system. However, Wally's experiences with harsh punishments were not confined to the classroom. Wally shared another story of his first police interaction in his neighborhood when he was also 14 years old. Mother's Day was coming up and, not having money, Wally shoplifted a

¹ In a stylistic choice, quotes from participants are italicized to help them stand out.

² All names are pseudonyms.

few watches for his mom and other women in his family. Someone saw him, and he ran and dropped the watches, but the police had already been called. When Wally saw the police car he lay on the grass and placed his hands out where the officer could see them. On the ground with his arms out, the officer still told Wally, *“Don't move. I'm gonna shoot you.”* I asked him how, at 13 years old, he knew to lay down and put his hands out. He answered, *“Because everybody getting shot like this. This is the time when Trayvon just got shot.”*³

The pipeline imagery of the school-to-prison pipeline implies that schools and jail are two separate systems, however as Wally's example shows, he and other Black youth, like his classmate and Trayvon Martin, are simultaneously positioned in and out of schools as criminals that must be locked up or killed. Black boys are not the only ones categorized as dangerous and disposable this way; Latino boys are also especially likely to experience criminalization in and out of schools. Looking at schools merely as one end of the school to jail trajectory cannot adequately explain the complex relationship between criminalization, schools, and incarceration. This paper has two main arguments: 1) Rather than two separate systems connected by a pipeline, schools and the juvenile justice system both reflect and perpetuate larger forces of oppression that criminalize and dehumanize Black and Latino boys; 2) The metaphor of social death, which centers criminalization and dehumanization across systems, is a more effective framework for understanding youth experiences with surveillance, policing, and punishment in school and out of school.

This paper first analyzes some of the shortcomings of the school-to-prison pipeline narrative, including its false dichotomy between school and jail. It then explains the

³ Trayvon Martin was a 17-year-old unarmed Florida high school student who was shot in 2012 as he walked home from 7-Eleven by George Zimmerman who thought Trayvon looked suspicious (Weinstein & MoJo Team, 2012). Zimmerman was charged and later acquitted of second-degree murder (Alvarez & Buckley, 2012).

concept of social death and argues it is a more useful metaphor for understanding youth incarceration. Next, it summarizes the methods of the larger interview study the six case studies derive from. The rest of this paper uses Wally's experiences, along with the experiences of two other Black and three Latino men, as case studies to illuminate that rather than a pipeline from school to jail, systems of oppression work in concert to reflect and reinforce social death through criminalization and dehumanization.

Some Shortcomings of the School-to-Prison Pipeline Metaphor

The *school-to-prison pipeline* is perhaps the most ubiquitous research and policy metaphor describing the link between the school system and the juvenile justice system.⁴ While the actual definition of the school-to-prison pipeline is nebulous (McGrew, 2016; Skiba, Arredondo, & Williams, 2014), the pipeline can generally be summed up this way: the post-1980s moral panic of the fear of dangerous youth criminals was soon followed by tough-on-crime laws and zero tolerance policies in schools leading to high rates of suspensions and expulsions, especially for youth of color (Archer, 2009; Mallet, 2016, Noguera, 2003; Wun, 2016). Since high percentages of incarcerated youth have been suspended and expelled from school due to these discipline policies, and there is high correlation between suspensions and expulsions and the non-completion of high school and incarceration (Wald & Losen, 2003, p. 11), the pipeline argument concludes that school suspensions and expulsion can lead to youth incarceration (Heitzeg, 2009; Mallett, 2016).

⁴ As of December 2015, "there have been at least 7 special journal issues and 50 symposia on the topic. At least 16 books, 13 dissertation theses, and 145 articles, conference papers, reports, or book chapters contain "school-to-prison-pipeline" in the title. The term appears in the text of at least 294 academic journal articles, 876 news stories, and 263 books. Google Scholar finds the term in 3,200 sources while Google finds the term in 324,000 sources" (McGrew, 2016, p. 341-2).

Despite the often unquestioned and wide-spread use of the school-to-prison pipeline narrative, a small but growing list of scholars critique the usefulness of the pipeline metaphor in understanding the connection between schools and youth incarceration (e.g., McGrew, 2016; Rios, 2011; Shedd, 2015; Sojoyner, 2013; 2016; Wun, 2016). McGrew (2016) provides focused critique of the school-to-prison pipeline framework. Drawing largely from his argument, this section discusses three shortcomings of the school-to-prison pipeline model. First, the school-to-prison pipeline framework purports to be a causal relationship without proof of causality. Second, the metaphor of a pipeline misconstrues the relationship between schools and juvenile justice as two separate systems or two unintentionally overlapping systems, when in actuality, both these systems reflect and perpetuate a larger system of oppression. Third, the concentrated focus on school discipline concentrates reform only on school discipline, circumventing transformative, systemic change. These examples are not meant to be exhaustive, but rather provide some evidence for the model's ineffectiveness and set the stage to argue that social death better captures participant experiences.

Proponents of the pipeline framework argue for a linear causal trajectory between suspensions/expulsions and youth incarceration. However, this argument contains at least one logical fallacy: *post hoc, ergo propter hoc*, also known as *correlation does not equal causation*. McGrew (2016) finds only two studies that attempt to test a relationship between school discipline and incarceration. While these studies show a correlation between school discipline and incarceration, that is not the same as a causal relationship (Skiba et al, 2014). To prove linear causality would mean accounting for the “countless known and unknown factors, and the interaction between them that cannot be controlled

for” (McGrew, 2016, p. 349). I argue that accepting causality as a given starting point discounts and/or disregards other factors that might directly or indirectly connect schools to jails, such as the criminalization and dehumanization that permeated multiple domains of participants’ lives.

In addition to the lack of empirical evidence in support of the school-to-prison pipeline as a causal trajectory, the pipeline narrative rarely considers how school is implicated in greater systems of control and oppression, instead often positioning school and incarceration as separate systems or as unintentionally overlapping systems. For example, Skiba et al. (2014), without considering other systems outside of school, conclude that there is a relationship between school discipline on end and juvenile justice involvement at the other. Mallett (2017) argues that while both “schools and juvenile courts” have “always had a focus on control of young people, particularly those difficult or troubling to manage” (p. 16), they “*never intended to operate in a collaborative paradigm*” (p. 15, italics mine).

Mallett’s (2017) premise ignores research on how schools and the juvenile system, rather than developing their own parallel social control structures, historically reflect and perpetuate larger forces of oppression, including an overarching system of criminalization and punishment targeting youth of color and low-income youth. For example, Shedd (2015) argues that the “school disciplinary superstructure” (p. 81) which surveils and disciplines youth of color in schools is reflected in the surveillance and discipline in the surrounding neighborhoods. Many of her participants reported high levels of police contact outside of school, including getting harassed and searched (p. 86-89). Thinking more broadly about criminalization, Sojoyner (2016) uses the term “enclosure” to conceptualize

the “removal/withdrawal/denial of services” (p. xiii) for Black youth as a way to contain them.

The school-to-prison pipeline is often used specifically to explain the experiences of low income, urban, Black and Latino boys. Rios (2011) counters the argument that school policies and practices targeting Black and Latino boys are isolated tactics by illustrating their criminalization in *and* out of schools. Based on his three-year study of 40 Black and Latino boys in Oakland, California, Rios (2011) conceptualizes a *youth control complex*, which he sees as “a combined effect of a web of institutions” including, but not limited to, schools and the criminal justice system, which use material and symbolic means⁵ to “collectively punish, stigmatize, monitor, and criminalize young people in an attempt to control them” (p. 40). The net effect of this youth control complex is *hypercriminalization*, which he defines as “the process by which an individual’s everyday behaviors and styles become ubiquitously treated as deviant, risky, threatening, or criminal, across social contexts” (Rios, 2011, p. xiv, italics in original).

In addition to the unproven causality and the narrow focus on school as a separate system, the school-to-prison pipeline narrative can also lead to ineffective solutions (McGrew, 2016). For example, focusing predominately on flawed discipline policies can lead to the erroneous belief that once these flaws are corrected, all will be good (Sojoyner, 2013). Like the previous premise that schools and the juvenile justice system were never meant to collaborate, this premise ignores the fact that schools have never been supportive spaces for marginalized students (Fasching-Varner et al., 2014). Rather than being the

⁵ “Material criminalization” refers to tangible behaviors such as “police harassment” and “incarceration” while “symbolic criminalization” refers to intangible behaviors such “surveillance” and “profiling” (Rios, 2011, p. 40).

great equalizer (Mann, 1848) where all can learn to be productive citizens and the vehicle through which to obtain social mobility (Labaree, 1997), school is and always has been a reflection and extension of the state that marginalizes, excludes, destroys, and stifles Black youth (Dumas, 2014; Sojoyner, 2013; 2017) and other youth deemed inferior (Vaught, 2017) and pathological (Meiners, 2007) in the eyes of Whiteness.

As these three limitations help demonstrate, the school-to-prison pipeline metaphor is inadequate for holistically contextualizing the relationship between schools and incarceration. The linear relationship between school discipline and incarceration is both causally unproven and relationally reductive. More importantly, it treats these two systems as separate and sequential, when in actuality they are part of an overarching system of surveillance and control. I argue that the metaphor of social death can more accurately describe the “nexus or a web of intertwined punitive threads” between school and incarceration (Meiners, 2007 referring to Simmons, 2004, p. 32). While I agree with another of McGrew’s (2016) critiques that metaphors should not stand in for phenomena (p. 348), at the same time I agree with Lawrence-Lightfoot & Davis (1997) that metaphors can be helpful in depicting phenomena.

Why Social Death

Social death is a concept popularized by Patterson (1982), who used it to refer to the way those who were enslaved across cultures and across time are deemed “social nonpersons” (p. 40) either as “someone who did not belong because he is an outsider” or “someone who became an outsider because he did not (or no longer) belonged” (p. 44). Scholars such as Sexton (2010; 2016) use social death to specifically describe anti-

Blackness, i.e. the infliction of violences on African Americans by equating them and treating them as less than human. Sexton (2010) argues that "...because blackness serves as the basis of enslavement in the logic of a transnational political and legal culture, it permanently destabilizes the position of any nominally free black population" (p. 36).

Other scholars adapted the concept of social death to describe the phenomenon of incarceration. Sowle (1993) uses social death to describe the rise of US penitentiaries in the 1930s as a way to socially isolate criminals who "were germs infecting the body politic" (p. 528). Guenther (2013) discusses social death in terms of solitary confinement, in which incarcerated individuals are forcibly separated from human connection. Price (2015) also argues that "to be sentenced to prison is to be sentenced to social death," though in addition to the mistreatment in prison he adds the lingering stigma of incarceration after release (p. 5). Rios (2011) briefly mentions social death in his conclusion to refer to the six of his participants who ended up in prison and the "social incapacitation" or "microdoses of social death" that prevented all his participants "from functioning, thriving, and feeling a sense of dignity in their daily interactions with institutional forces" (p. 160).

Cacho's (2012) iteration of social death centers on a priori criminalization. In her version of social death, an individual's everyday behavior is criminalized, not because the individual is acting like a criminal, but is by their very existence, criminal. She uses her concept of social death to conceptualize the violences of labeling, surveillance, and punishment of gang members, undocumented immigrants, and suspected terrorists to show "how human value is made unintelligible through racialized, sexualized, specialized, and state-sanctioned violences" (Cacho, 2012, p. 4). It is this conceptualization of social death that better describes the experiences of participants in my study. There are two

reasons social death is a more suitable metaphor for understanding participants' experiences compared to the school-to-prison pipeline. First, social death in itself offers a more in-depth understanding of criminalization and dehumanization and the interaction between the two compared to other frameworks. Second, I use social death as a key component of an ecological model to describe the experiences of participants in the larger study that these case studies draw from.

Despite its infrequent use, social death is the best lens through which to understand the experiences of the six participants compared to more well-known frameworks. While no framework is as prolific as the school-to-prison pipeline, Rios' (2011) *youth control complex* is also commonly used to conceptualize the criminalization of youth.⁶ His framework presents an alternative to the pipeline's linear causal trajectory. And unlike the school to prison pipeline metaphor, which is empirically weak and undertheorized (McGrew, 2016), Rios' (2011) framework is empirically sound, providing strong evidence that hypercriminalization occurs at the hands of the youth control complex. However, I argue that the phenomenon is more complex than criminalization and control and that social death accounts for this complexity. Cacho (2012) argues that criminalization is one aspect of social death, but of equal importance is how certain groups of people are categorized as "illegible for personhood" and unworthy of empathy or compassion (Cacho, 2012, p. 6). This dehumanization positions some youth as appearing human but "really subhuman on the 'inside'" (Merlo & Benekos, 2017, p. 27 citing Smith, 2016; see also Haslam & Loughnan, 2014). The intertwining of criminalization and dehumanization is not the only advantage to using social death. In terms of metaphor, the metaphor of death,

⁶ In an October 2019 Google Scholar search, I found 218 uses of "youth control complex" since Rios coined the term in 2006.

rather than of control, more explicitly signifies that forces of oppression actively inflict violences on oppressed populations.

The other reason for using social death has to with the larger study that these case studies are drawn from. Data from the larger study were used to develop an ecological understanding of some of the violences that were inflicted on participants. There are four *faces of death* that emerged from that larger project. As mentioned above, my approach to social death is adapted from Cacho's (2012) work to conceptualize the violences of criminalization and dehumanization participants experienced as adolescents and young adults. The other three faces of death that I employ are historical, psychological, and biological. I use *historical death* to capture the violence of erasing and/or rewriting participants' cultural history in and out of schools. *Psychological death* refers to the psychological consequences of historical and social death, and *biological death* refers to physical health consequences of historical, social, and psychological death. *Biological death* includes actual loss of life, which unfortunately one of the study participants succumbed to.

Methods

Data for this paper are drawn from an interview study with 29 adults who were first incarcerated before age 19. The purpose of the study was to gain a better understanding of the phenomenon of juvenile incarceration. Interviews were semi-structured, giving participants the freedom to discuss anything they thought was important related to their experiences before, during, and after juvenile incarceration. Participants in my study comprised a demographically varied group, who ranged in age from 18-76; ranged in gender from male, to genderqueer, to female; ranged geographically from rural, to

suburban, to urban areas; and who identify across a range of racial/ethnic groups, including, but not limited to, Black, White, Latinx, Asian, Native American. All participants lived in California at the time of their interviews, and many were incarcerated in California, though a few were incarcerated in other states. Since the school-to-prison pipeline narrative is most often discussed in terms of Black and Latino boys, this paper focuses on the experiences of three Black and three Latino men. The experiences of many of the other 23 participants are similar to the six highlighted here.

The three Black male participants were: Wally, age 22; Lernis, age 47, and Tio, age 18. Tio and Lernis identified as African American, and Wally identified as Jamaican. The three Latino participants were: Michael, age 22; Benito, age 26; and Shorty, age 30. All three Latino participants identified as Mexican. Benito was undocumented, coming to the United States when he was six months old. All six participants grew up in urban low-income neighborhoods of color. Five participants spent all or the majority of their lives in California, while Wally spent his elementary school years in Florida and moved to a foster care home in California when he was in high school. At the time of their interview, four of the participants were in college. Wally, Shorty, and Benito attended a 4-year university and Michael was in a community college certificate program. Tio had dropped out of high school and was currently on house arrest, and Lernis worked as a social worker and a nightclub bouncer.

Social Death and De Facto Status Crime

To understand the process and consequences of social death in the lives of the six participants requires focusing on “how individuals come to be viewed as disposable bodies, public enemies that threaten our way of life” (Meiners, 2007, p. 20). Social death is

comprised of two equally important forms of oppression: criminalization and dehumanization. Social death differentiates between criminality (propensity to commit crime) and criminalization (stereotyped as a criminal) (Story, 2016).⁷ Specifically, social death manifests as the conflation of “criminality” and “criminalization” (Cacho, 2012). Cacho calls the embodiment of social death a “*de facto status crime*”, which, rather than referring to “illegal activity...refers to others’ perception that a person of a certain status is certain to commit future crimes and may well have already committed crimes unwitnessed” (Cacho, 2012, p. 43). In addition to being deemed synonymous with criminality, irrespective of offending, social death refers to those relegated to a status of “living death” and “dead-to-others” (Cacho, 2012, p. 7). This second aspect of dehumanization is integral to understanding social death and participant experiences (Haslam & Loughnan, 2014; Merlo & Benekos, 2017). Only thorough dehumanization can criminalization justify the “punitive and harsh retaliations and reprisals” (Merlo & Benekos, 2017, p. 27) aimed at participants during their adolescence.

The rest of this paper uses experiences from the six participants’ adolescent years as case study exemplars for the violences of social death in and out of school. While at first glance, the participants’ school experiences seem to fit within the school-to-prison pipeline narrative, the pipeline metaphor cannot adequately explain their experiences outside of the classroom, nor the complexity of the interaction between their criminalization and dehumanization. For Wally, Michael, Benito, Lernis, Tio and Shorty, social death manifested in and out of school in three overlapping situations: harsh consequences for minor

⁷ “Criminality is understood to be a state of objective deviance located in the individual”, while “to be criminalized is to be subjectified as well as subjugated by the coercions of law enforcement and the criminal justice system” (Story 2016, p. 266).

offenses, wrongful accusations of offending and affiliation, and/or proactive surveillance of them, their families, and their neighborhoods.

Social Death and Zero Tolerance

The school-to-prison pipeline framework is often used to explain the trajectory between zero tolerance policies in school and later incarceration. Of the six participants, all but Lernis had been suspended, expelled, and/or arrested at school, and then ended up in juvenile jail, which seems to support the pipeline metaphor. Only focusing on participants' school experiences ignores the ways what happens in school is mirrored outside of school. Benito shared two experiences, one in school and one out of school, where the punishment for an offense could be argued to have exceeded what the actual behavior warranted. Benito went to the same school from pre-K to sixth grade and had never been in trouble. One day in sixth grade, Benito was suspended from school for calling a girl in his class a "ho". He *"had [just] been elected the school president"* but *"ended up getting kicked out of that position because"* of the suspension. In seventh grade he started at a new school where he was expelled for *"tagging"*, i.e. writing his graffiti name on school property. Benito (and other participants in the larger study) explained that tagging is akin to proof of gang affiliation in the eyes of school officials. He was *"called into the office by the campus police officer"* who told him that *"someone already told us it was you, just admit to it and you'll be in less trouble."* Believing the officer, he admitted he was the one who had tagged the school property. He was promptly expelled.

On the surface, Benito's harsh punishment for minor infractions seems to support the school-to-prison-pipeline narrative: he was expelled from school and later ended up in

a juvenile detention facility. However, Benito's experience did not start and end in school, rather his criminalization in school was paralleled by his experiences in his neighborhood. One night when Benito was 13 years old, he was stopped by police for riding his bicycle late at night. The police told him, "*You look like you've got something. We're going to search you.*" They patted him down and found a butterfly knife, which is illegal in California.⁸ Benito was put on automatic probation with "*gang terms*" for possessing the knife.

Social death offers a lens through which to better understand how Benito was labeled and criminalized as a gang member. Cacho specifically sees social death is "an analytic" that allows us to "see through another's eyes" as a way to "analyze how criminality is recognized" (Cacho, 2012, p. 10). In the eyes of the criminalizer, the de facto status gang member is a criminal whether or not an offense has been committed, and when an offense is committed it justifies the a priori criminalization and the use of harsh punishments (e.g. see Ferguson, 2010; Jones, 2014; Rios, 2011). More than just criminalization, social death also means gang members are vilified as being unworthy of any intervention besides punishment and banishment. Benito was a priori labeled by school officials as a gang member for tagging, leading to his expulsion, and by neighborhood police for carrying a knife, justifying their gang enhancement probation terms.

Wally's experience discussed at the opening of this paper also fits into the intersections of criminalization and dehumanization. Wally was over six feet tall and 300 pounds at the time of our interview and already tall and husky by the time he was 14 years

⁸ Under CA Penal Code 17235 a butterfly knife is classified as a switchblade, which under CA Penal Code 21510 is illegal if the blade is longer than two inches.

old. Irrespective of his actual behavior, both school officials and the police officer already saw Wally as dangerous, and in the case of the police officer who threatened to shoot him while he was on the ground, as someone whose life is not valued. There is other empirical evidence to support the interconnected violences of incarceration and dehumanization for Black youth. For instance, the inherent association of Blackness with criminality (Anderson, 2012, Wun, 2016) and non-personhood (Cacho, 2012; Patterson, 1982, Sexton, 2016) makes it no surprise that Black youth are more likely to be shot by the police than any other racial group (Males, 2014).

De facto gang members like Benito are not just subject to criminalization and dehumanization for offenses committed, but also for perceived associations. Tio's guilt-by-perceived association occurred in school and led to his first arrest in sixth grade when he was 11 years old. Tio shared a story of the time another student stole a teacher's laptop and used Tio's locker to hide both the laptop and a gun. Tio was at a new school and did not know many students. School officials could see on camera that Tio was not the one who placed the items in the locker, but since Tio's locker was used, school officials automatically assumed that Tio must be involved. No matter how much Tio denied knowing about the incident, the school called the police. When I asked him why he thought they did not believe him, he answered that *"they thought I was connected to a gang because there was a gun."*

Tio's criminalization did not stop with positioning him as a liar and a potentially dangerous gang member. His arrest and incarceration were also dehumanizing. The police arrested Tio and not the student who placed the items in the locker. Describing his 11-year-old self, he told me, *"I'm freaking out.... They come in and they're like, 'please put your hands behind your back, please be silent' and stuff like that. Then I go to juvenile hall, like I'm a*

convict. I'm crying my eyes out." Cacho (2012) argues that the gang member is criminalized in a way that "forecloses empathy" (p. 82) "beyond even unsympathetically begrudged ethical obligations" (p. 64). In the eyes of others, Tio is not a terrified and crying 11-year-old, but a "criminal in being" (ibid, p. 66) who deserves his fate (ibid, p. 88-89).

Guilt-by-perceived association also occurred in the neighborhood. Shorty told me of a time when he and his friend were sentenced to six years in prison at 16 years of age for being at a party where someone was stabbed. The police who arrested them told the boys, "*We know you didn't do it, but we know you know who did.*" The police did not have proof that the boys had witnessed the stabbing but were convinced the two boys were gang-affiliated and thus affiliated in some way with whoever had committed the crime. Shorty knew that he hadn't done anything and, like Lernis, thought the court system would clear his name. Unlike Lernis' experience, where the system at every level believed he must have committed the crime, the justice system knew Shorty had not committed the crime, but his alleged gang affiliation made him just as culpable. Fearing a worse fate if they went through trial, both Shorty and his friend were pressured to take six years in prison as a plea deal.

As Tio's and Shorty's experiences reveal, proving innocence is difficult when guilt-by-existence becomes compounded by guilt-by-association. When it comes to gang members, guilt-by-perceived association is codified in the law. For example, Proposition 21 in California which was passed in 2000 introduced harsh sentences and "changed the definition of gang affiliation from "active participation" in a gang to anyone who "benefits from" the actions of a gang.... offenders no longer needed to be members of a gang to be charged as active gang members" (Cacho, 2012, p. 45). Even though "juvenile crime rates including homicide had fallen substantially for several years from their since high point in

early 1990s” (Scott & Steinberg, 2008, p. 105), fear of the dangerous gang member gripped the public and the initiative passed with 62% of the vote. The effects of Proposition 21 continue to be felt. Rios’ (2011) participants were so impacted by Proposition 21 they started to use “Prop 21 as a verb” (p. 33).

Social Death and Wrongful Accusations

Another way the criminalization and dehumanization of social death manifested in the lives of participants was in the form of wrongful accusations. Michael and Benito both experienced wrongful accusations of offending in school. Michael shared an experience he had in sixth grade. He and three other students were brought to the office accused of stealing the principal’s car keys. Michael was accused of being the one who actually took the keys because, according to the principal, he was the *“one that gets in trouble the most.”* Since he was being sent to her office often, she reasoned that any “bad” things that happened were caused by him. She threatened to call the police on him unless he admitted the theft. As it turned out, she found her car keys and apologized. Benito did not get off so easily. He shared a story of being wrongfully accused of drug possession when he was 12 years old in seventh grade. Staff at school thought they smelled marijuana, and *“then they called me into the office.”* Even though he did not have any drugs on him, the school still *“called the cops”* and he was arrested.

Michael told me the key incident was one of the few times he remembered not being punished at school for something he was accused of. Both he and Benito were already positioned as criminals who did not deserve the right to be seen as innocent until proven guilty or the right to have a parent informed of the situation and the ensuing disciplinary

action (the issue of parental notification will be discussed below). The criminalization and dehumanization of youth in their schools was reflected and perpetuated outside of the classroom. In the following examples, police targeted Lernis and Michael in their neighborhoods for small offenses as a way to wrongfully accuse and punish them for an unwitnessed or implied greater offense.

Until Lernis was eight years old, he lived in an ethnically diverse working-class neighborhood in Northern California, after which he moved to a more affluent, predominately White neighborhood. One evening when he was 15 years old, he was stopped by the county sheriff for riding his bicycle home from his friend's house past curfew. The sheriffs "*asked me if that was my bike and I said, 'this is my bike.'*" Then, without parent consent, he was taken "*to the station and they took pictures of me and I remember being fingerprinted*" before being driven home. A few months later two detectives come to his house to say that on the evening he had been picked up, there had been a violent robbery at a beauty salon. Without telling him at the time, he had been stopped and taken to the police station because he "*fit the description*" of the police sketch. It did not matter to the police that Lernis could not see without his glasses and the sketch had no glasses. Despite having no police record, not matching the sketch, and his friend saying Lernis had been at his house, he was arrested for the robbery. Terrified, but sure that the courts would see he was innocent, Lernis went to trial. However, no one seemed interested in his innocence. His public defender advised him to plead guilty or run the risk of being sentenced as an adult rather than a juvenile. He took the plea and was then sentenced to two years in a detention facility for violent offenders for a crime he didn't commit. Lernis'

story is a clear example of the violence of being “dead to others.” He existed as a stereotype and not a person with rights, leaving him no recourse in a court of law.

Michael, who had been wrongly accused of stealing the principal’s keys in sixth grade, shared how his criminalization had escalated by the time he was 16 years old and in 11th grade. One day he was “*ditching*” school to watch a basketball game. He told me he was sitting in his

living room watching TV. The TV is in the corner by the front of the door. Something just tells me to turn my head a little bit and I turned my head and I just see two cops walking [up to the door]. And the way they were dressed, they had on like armor. It looked like a movie. I'm looking and two of them have M-16s, and I see three more come up. And then those three have M-16s too. They're all dressed the same and I'm like, 'wait, what's going on?' And then after that, after the five passed by, there's two more. In the middle is the gang unit.

Michael thought about running but realized he would not get far, so instead he answered the door. One of the officers told him they had a warrant for his arrest. When Michael asked what it was for, an officer answered, “*for not going to school.*” When I asked him why the police would show up with M16s because he was truant, he answered,

because they had put me on gang file...And at that time I wasn't even involved with a gang or nothing -that whole time I was getting arrested, from maybe 12 almost like to 16. I probably didn't start getting involved with the gangs until like my senior year.⁹

⁹ Michael told me that the repeated accusations of being in a gang in part pushed him to eventually join a gang.

Both Michael and Lernis were guilty of status offenses, i.e. breaking rules/laws that only hold true for minors. Lernis was out past curfew and Michael was truant, however, these were not the actual offenses they were targeted for. Lernis and Michael were stereotyped as dangerous criminals and then criminalized as such: rather than a teen breaking curfew, Lernis was seen as a criminal who used his bicycle to commit a violent crime; rather than a teen playing hooky, Michael was seen as a gang member whose truancy implied something more nefarious. As potential and perpetual dangerous criminals, no proof of a violent crime was needed. As less than human, no humaneness was needed in their treatment.

Social Death and Surveillance

In addition to harsh punishments for minor infractions and perceived guilt-by-association, and wrongful accusations, participants were also subject to preemptive, warrantless searches in and out of school. Michael and Benito both shared about having their backpacks, clothing, and lockers searched without their permission. Suspension, expulsion, and arrest occurred whether or not anything illegal was found. In Benito's example above, the police were called even though they did not find marijuana on him. In tenth grade, Michael was pulled off the school bus on his way home. The school security officers searched his backpack and didn't find any drugs but did find an empty container that smelled of marijuana. They then searched his clothes and found a tiny arrowhead, which they thought he must have used to carve his "tag" on one of the desks in the biology room. They then arrested him for the tagging. He was put on house arrest for a month.

Youth who are criminalized are treated as if due to their criminal nature, they may at any time commit or have already committed a crime. Thus, searching them at any place and any time becomes a justified tool for the school and juvenile justice system to thwart or punish a crime. Moreover, in Michael and Benito's case where there was no proof of a crime, as well as in Tio's case where they had video evidence of the laptop and gun, none of the boys' parents were notified when police were called by school officials. The lack of parental notification is not coincidental. As Meiners (2007) argues, "Schools advance with the belief that they are inherently sound and that the problem lies in the student's family or home life" (p 149).

Before 1985, a common legal justification for warrantless searches without parent or student permission in school and out of school was the concept of *in loco parentis*. *In loco parentis*, which in Latin means "in place of parents", relates back to English common law, giving schools the power to act in place of parents (Dutton, 1984). In the case of the juvenile justice system, since its inception the authority of the state has been used as a pretense to compensate for parents' inability to monitor their children and their failure at teaching their children self-control and proper socialization (Gottfredson, 2001, p 47-48, citing her previous work, Gottfredson and Hirschi, 1990; Krisberg & Austin, 1993; Platt, 1977). Per California law when a minor is put on probation, there is a "requirement that the minor be subject to warrantless searches of his or her person, residence, or property under his or her control, upon the request of a probation officer or peace officer" (Cal Wel & Inst Code § 794).

With pain in his voice, Shorty told me about the last time he was pulled over by the police while on juvenile probation when he was in the car with his mom. The officer handcuffed both he and his mother and started going through their car. He told me the

officer *“had the nerve to say, you [neighborhood] moms are constantly protecting your kids and carrying their drugs, carrying their weapons. I know your kind. I'm going to go through your entire car.”* The officer then *“ripped up the car, went through everything. They didn't find anything. That hurt me [to have my mom treated that way]. After that, there wasn't an apology. She just took off the cuffs, left everything a mess, and said, ‘Well, we'll catch you another time.’”*

In the case of school, the belief that the “school’s function is similar to that of the family,” i.e. watching for and punishing “instances of misbehavior” (Gottfredson, 2001), extended to the “authority of school officials to conduct warrantless searches of school students” (Dutton, 1984, p. 141). One of the most important cases involving the concept of in loco parentis and warrantless searches in schools is *New Jersey v. T.L.O.* in 1985. The Supreme Court disagreed on the surface with the justification that warrantless searches were allowed by the doctrine of in loco parentis (Davis, 2015), arguing “school officials exercise state authority, not authority delegated by parents” (Gupta-Kagan, 2018, p. 2019). However, the Court held to the spirit of the concept in deciding that “primary and secondary school officials could search students without a warrant and with only reasonable suspicion of a school rule or criminal law violation” (Gupta-Kagan, 2018, p. 2015).

When Shorty was 12 years old, the local police *“did a huge sweep in the neighborhood. They went to the middle school and the high school and they took all the Latino children [from his specific neighborhood] out and they lined us up in the office with gang task force and started taking our photos.”* They used the photos to create a county-wide gang database. None of the boys had committed an offense and there was no proof any were gang-involved. Shorty’s mother and other mothers from the neighborhood sued the police, but in the two years their lawsuit

dragged through the courts, the damage was already done; the school and the police started treated all the youth as if they were dangerous gang members. By the time he was arrested at 16 years old for guilt-by-perceived association, Shorty had already been carrying the preemptive gang label for four years.

Social death through in loco parentis is racialized and spatialized. Criminalized youth are linked “not only to the body of the family and its ancestors but also to the segregated spaces where impoverished people of color live” (Cacho, 2012, p. 72). In criminology, neighborhood effects theories argue that “where you live determines whether or not you are likely to engage in criminal behavior, and therefore whether you will be likely to be sent to prison” (Story, 2016, p. 264). Shorty’s experience shows how proactive policing¹⁰ and surveillance are used in schools as a way to monitor criminalized youth. Practices governed by neighborhood effects theories stem from beliefs that criminality may be “transmitted spatially” (Cacho, 2012, p. 72) in de facto status crime neighborhoods, requiring prevention and containment of the “contagion effects of a socially dysfunction neighborhood” (Story, 2016, p. 264, sic).

Continuing the neighborhood effects argument, since schools are situated in neighborhoods, de facto status crime neighborhoods need schools that focus on surveillance and control (Gottfredson, 2001). Based on this belief schools begin to reflect “*institutions of confinement*” in themselves with a “primary mission...not to educate but to ensure ‘custody and control’” (Wacquant, 2001, p. 108 italics in original) by “ratchet[ing] up their punishment

¹⁰ *Proactive policing* refers to tactics such as stop-and-frisk and preemptive sweeps in “hot spots” in order to prevent crime before it occurs or to catch criminals not actively in the commission of a crime (Jones, 2014; NASEM 2018; Rios, 2011). For example, Rios (2011) found that his participants “who were not delinquent but lived in poor neighborhoods” were treated with suspicion and criminalized (p. 19). Vaught (2017) describes an example of proactive policing in a de facto status crime neighborhood. The police preemptively swept through neighborhoods “at the beginning of the weeklong winter holiday and the midwinter and spring breaks,” incarcerating many of the kids to prevent crime (p. 86-88).

policies” (Kupchik, 2010, p. 13) and their use of “security forces (such as security guards and law enforcement officers) and surveillance technologies (such as metal detectors and security cameras) to deter students from misbehavior and catch those who do misbehave” (Kupchik, 2010, p. 14). These similarities between social control of criminalized neighborhoods and social control of schools in those neighborhoods are not coincidental, but rather are evidence of the interconnectedness between these domains.

The metaphor of social death with its dual forces of criminalization and dehumanization captures participants’ adolescent intertwined experiences with surveillance, accusations, and punishment in school and in their neighborhoods. Criminalization was not dependent on whether or not participants committed an offense but was instead was premised on the belief in their inherent criminality caused and/or exacerbated by their criminal families and their criminal neighborhoods. In the logic of social death, through their perceived inherent criminality, they, by default, forfeit their right to be treated as a human (Haslam & Loughnan, 2014; Merlo & Benekos, 2017).

According to Cacho (2012), one of the only avenues to social redemption for the socially dead “*requires rejecting the other Other*” (p. 17, italics in original), i.e. pitting one marginalized group against the other to prove that one is not as bad as the other and thus worthy of being treated as human (p. 129). In the case of adolescent social death, redemption often pits the youth who commit minor offenses against those who commit more serious ones. For example, Steinberg (2009) argues that “normative teenagers” partly commit crime due to psychosocial immaturity that they will outgrow and thus should be treated leniently by the justice system (p. 480). However, he does not afford this same empathy to those youth who are “chronic offenders,” i.e. who offend as children and/or

keep offending as adults (p. 478). To avoid “the lure of legibility” (Cacho, 2012, p. 31), this paper explicitly omits discussing whether participants were or were not gang members, whether or not they disclosed committing serious offenses, and whether or not they were incarcerated later in life. The point of these case studies is not to ascertain if participants were or were not criminals, but to argue that, no matter what they did as adolescents, no one deserves to be criminalized and dehumanized in the ways they were.

Conclusion

This paper describes some of the systemic ways Black and Latino boys are subject to criminalization and dehumanization. This paper opened with Wally’s experiences with being harshly punished in and out of school, including being perceived as potentially dangerous as he lay unarmed on the ground. I argue that social death is a useful concept for understanding how Wally and the other participants were bombarded in all domains by ideological and tangible violences that come from being treated as inherently criminal and unworthy of being treated as human. As discussed earlier, causality is difficult to prove and thus this paper does not claim that social death fully explains the causal relationship between criminalization and incarceration. However, the concept of social death offers the possibility to understand the phenomenon in a more multi-faceted way as compared to the linear pipeline metaphor. Social death better describes how youth in and out of schools are “*always and already* scrutinized and under systems of surveillance” (Meiners, 2007, p. 14, italics in original) and “simultaneously construed and constructed as dangerous, uneducable public enemies, requiring containment” (Meiners, 2007, p. 7) and removal from both the classroom and society.

This paper started out by arguing that the school-to-prison pipeline metaphor is inadequate for describing the connection between youth and incarceration for at least three reasons: logical fallacies about causality, presumptions about the separateness between the school systems and the juvenile justice system, and the narrow focus on racially disproportionate school discipline as the focus for solutions. The rejection of the pipeline metaphor is not a denial that adolescents, especially adolescents of color, are disproportionately surveilled, punished, and pushed out of schools with real and lasting consequences: five out of the six participants were suspended, expelled, and/or arrested at school. However, for these case study participants, getting in trouble in school was not something that happened before getting in trouble with the law; rather their experiences in school were a reflection and perpetuation of their criminalization and dehumanization outside of school.

It is not enough for schools to acknowledge their role in the larger system of social death, knowledge must be followed by action. In the most optimistic scenario, schools would systematically find ways to decouple themselves from these larger systems of oppression and to help youth develop the tools to heal from and disrupt forces of social death outside of the classroom. As Meiners & Winn (2014) argue, fighting the school to prison connection means dismantling prisons and the prison-like policies in the school and *“imagining something different”* (p. 4, italics in original). Even a less utopian plan can be impactful in the day-to-day lives of students. Whatever the overall school policies, teachers have the ability and obligation to reflect on the ways they may perpetuate or be complicit in the criminalization and dehumanization of their students. Wally, whose analysis opened this paper, suggested a practical starting point for counteracting social death. When asked

if he had any closing words, he wanted to say something directly to anyone who would be listening to his interview. To all of you he states,

People just need to see the light. That's really all it is. It just take a couple of folks...

Start uplifting folks, just tell folks that they're going to be good at what they're doing, no matter what they're doing. Just tell them that they're going to do good.

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