

# Bard

Bard College  
Bard Digital Commons

---

Senior Projects Spring 2015

Bard Undergraduate Senior Projects

---

Spring 2015

## "We Can't Fix Their Idiot Lives:" Juvenile Treatment Programs in an Era of Neoliberal Social Abandonment

Morganne Loach Sample  
Bard College, [ms1644@bard.edu](mailto:ms1644@bard.edu)

Follow this and additional works at: [https://digitalcommons.bard.edu/senproj\\_s2015](https://digitalcommons.bard.edu/senproj_s2015)



Part of the [Sociology Commons](#)



This work is licensed under a [Creative Commons Attribution-NonCommercial-Share Alike 4.0 License](#).

---

### Recommended Citation

Sample, Morganne Loach, ""We Can't Fix Their Idiot Lives:" Juvenile Treatment Programs in an Era of Neoliberal Social Abandonment" (2015). *Senior Projects Spring 2015*. 165.  
[https://digitalcommons.bard.edu/senproj\\_s2015/165](https://digitalcommons.bard.edu/senproj_s2015/165)

This Open Access work is protected by copyright and/or related rights. It has been provided to you by Bard College's Stevenson Library with permission from the rights-holder(s). You are free to use this work in any way that is permitted by the copyright and related rights. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself. For more information, please contact [digitalcommons@bard.edu](mailto:digitalcommons@bard.edu).

Bard

“We Can’t Fix Their Idiot Lives:”

Juvenile Treatment Programs In an Era of Neoliberal Social Abandonment

Senior Project submitted to  
The Division of Social Studies  
of Bard College

by  
Loach Sample\*

Annandale-On-Hudson, New York

May 2015

\*State Subject Name: Morganne Sample

## **Abstract**

Using two months of interviews and fieldwork at Youth Care Corp., a non-residential treatment program for court mandated youth, this project serves as a case study and critique of theorized structural shifts around and within the crime control apparatuses of the U.S., such as the expanding privatization of welfare, increases in risk management thinking, and the abandonment of the rehabilitative ideal. In this paper I argue that a combination of these forces, in particular the de-funding of welfare services and move away from deviant rehabilitation, has created a tension within Youth Care Corp. between its institutional focus on the responsabilizing empowerment of low-risk youth and the informal, unprofessional provision of welfarist direct aid by individual staff.

### **Many Thanks To:**

Cody, the Arkansan teen-wolf trans-boy immigrant who made me strong, made me care, made me cry, and made me want to write about this shit. Because I wasn't the friend or mentor that you deserve, and because this paper will never do you or anyone else any good and because this paper will never make the social workers recognize your pain or lock up your dad or help you find a better apartment. You made me realize how fortunate I am to be doing something so useless as this.

Kedian, for hating sociology.

Professor McKim, for not suggesting I go to grad school.

My parents, for making me want to get as far away as possible.

My brother Matthew, without whom I would not be any good.

My brother Alex, at times my only real frienemy.

My professors at that tiny Christian college, John Brown University, for making me feel like maybe I was sort of smart and that maybe I could do okay in college even if I was most certainly condemned to hell.

The folks at YCC for your time and patience.

## Table of Contents

1. Welcome to Youth Care Corporation-----	5
2. Reconstituting Rehabilitation:	
YCC as a Case Study of The “New Penology” -----	26
3. Risk Management as	
Selective Empowerment, Selective Abandonment-----	51
4. Leaning In, Looking Out:	
Empowerment as the Finding of Order-----	67
Conclusion-----	88

# 1

## Welcome to Youth Care Corporation

It was a mild summer day for Arkansas in June, with clouds that threatened rain, and three teenagers worked off their court-mandated community service hours by sanding the railings under a Methodist church awning. Across the parking lot, I sat looking up at Francis<sup>1</sup>, a white woman in her late thirties. She works for Youth Care Corp (YCC), a private, non-profit treatment program for deviant juveniles in Arkansas. With sites in seven different communities, and a diverse set of programs, it is one of the most expansive juvenile providers in the state. Their services, aimed specifically at youth and their families, range from mandated electronic monitoring of juvenile offenders, to free counseling for “walk-ins” (non court-mandated clients). As a caseworker responsible for handling the more punitive side of YCC services, it is typical to find Francis out supervising work crews of juvenile offenders like the one I observed. Francis directed her attention at the three teens, but absentmindedly mused, “Sometimes I wonder, ‘would anything really be different if we as a provider didn’t exist?’ Maybe we’re all just wasting our time.” She ends her thought with a shrug, reclining on a stone wall made by teen offenders through YCC’s juvenile justice program years before. Next to her, Nance—white and in her early forties, the general population case manager at the same YCC office—was silent; she has similar doubts as Francis but does not entertain them quite as openly. Francis continued, “Would it really be different if the kids just went to adult prison, or if nothing happened at all?” and looking down at me concluded with another shrug, “I don’t know.” YCC staff no longer think that they can rehabilitate youth or their families.

---

<sup>1</sup> All individuals, towns, counties, as well as non-state or federal organizations and programs are given pseudonyms.

A few hours later, we all climbed into the office van and traveled the twenty minutes back to the Springfield office, where the teens were picked up by their parents. The Springfield office is a small, square, metal building off a county highway in a dilapidated business center, and is one of seven locations of the private non-profit situated throughout the valleys and hills in Northern rural Arkansas. Surrounding the building, there is a day care, a Baptist church, and two unused “for lease” buildings. In 2013, with 20% of Arkansans living in poverty by federal standards (National Kids Count Data Center, 2014), rural Arkansas towns like Springfield struggle with a lack of jobs, resources, and infrastructure. Within these resource deserts, YCC provides free services to their young clients regardless of their Medicaid eligibility or financial standing. But these services are limited, considering YCC also struggles with a lack of resources for their buildings and programs: “We don’t have enough space for people to park so the church usually let’s us park in their lot,” Francis comments as we walk into the building. Because YCC is located in primarily poor, rural, and white/hispanic/latino areas, the staff often note that it is essential they remain one of the totally free service providers.

The caseworker Nance and therapist Susanna conversed across the building from their individual offices. Susanna cried out, exasperated, “They have roaches! Tons of disgusting, dirty roaches! How am I supposed to tell them to clean it up?” Nance yells back, “Oh it’s not the Johnsons’ fault. They’ve been having issues with their landlord. He hasn’t been taking care of it.” But what can staff actually provide for these low-income families, who often struggle to pay for their meals? We pass the empty waiting room and sit down in Francis’ office. Because of the limitations of their funding sources, staff argue, YCC cannot rehabilitate clients and their families like they attempted to in the 1960s, nor provide them with direct material aid. While it is

not the Johnson's fault that have roaches, it is not the professional role of YCC staff to step in, even to improve the lives of their underage clients.

Some of the first rehabilitative efforts were directed at children in the late 1800s, and this marked the beginning of the earliest welfarist projects (Garland, 2012). YCC and juvenile justice organizations like it are the offspring of these welfarist ideals, so why is it that now many of the staff of YCC question the very values that used to be the foundation for its existence? YCC, as an institution aimed at the treatment of juveniles, was only made possible by the penal-welfare ideals of reformation and rehabilitation as well as the accompanying progressive definition of adolescence. It was founded on the idea that individuals could be remade and trained into productive, responsible citizens.

Now, staff do not believe that they or, or anyone else for that matter, have the ability to totally shift a youth's life-course, prevent their evictions, make it possible for them to become president, or even achieve some class mobility. This sort of change would require massive cultural and systematic restructuring that staff view as highly idealistic. In many ways, YCC has tracked Feeley and Simon's theorized transformations of the U.S. correctional system and the ways it addresses criminals and newly defined "risky" individuals. Feeley and Simon argue that we have moved away from the welfarist rehabilitation of all criminals (penal welfarism) and toward the cynical containment of dangerous/risky criminals in prisons and the management and surveillance of lesser criminals in community based programs (what they have termed the "New Penology") (Feeley and Simon, 1992). YCC no longer fully partakes in the ideology of rehabilitation and as a result views itself not as an alternative, but a tool of the correctional system. At their most pessimistic, staff will speak of YCC as a mere waiting room for juvenile detention centers. But contrary to the presumptions of Feeley and Simon, YCC staff do not



simply abandon youth within a bureaucratic funnel, nor act as a surveillance system for probation officers. In fact, instead of altogether discarding rehabilitative practices, they have been “reconstituted” as empowerment (Gough, 2012), and all of YCC’s programs get filtered through this new rationale.

In this way, the existence of Youth Care Corp. checks any attempt to construct the contemporary correctional system as totally separate from past regimes. While they cannot rehabilitate youth, they can empower them; counselors and caseworkers can help deviant clients learn to take control of their lives. Empowerment is the responsabilization (Miller and Rose, 2008) of youth, the assertion that youth have the agency to change their lives (in some minimal though important ways). Don, the CEO of Youth Care Corp comments that empowerment “means that they learn to solve their own problems, learn coping skills. I hope it means that they learn to not just rely on us to tell them how to act and react because we’re not always going to be there. Our job is to teach them, to give them the skills to be better people themselves.” But this notion of empowerment is vague, and tricky to transform into specific programs, especially for underage individuals who are legally considered dependents. In their daily counseling and casework, staff (especially when they first arrive) struggle to restrain the amount and type of aid they give clients. Professionally, they are not meant to give clients rides to counseling appointments; this is enabling and prevents deviant youth from taking responsibility. But staff note that it is often practical to provide these sorts of informal aids, and even more so, necessary when a client’s family does not have a car, or cannot afford gas money, or cannot take off work to drive them thirty minutes to the YCC office. Institutionally, they deny the cause of total rehabilitation, but individually, staff’s actions still mirror older forms of correctional aid.

David Garland, like Feeley and Simon, notes that the correctional system is changing in opposition to rehabilitative penal-welfarism and in coordination with neoliberal ideologies, but that this transformation is uneven and disjointed (Garland, 2001). In this period of late modernity, Garland notes the devolution government services (their reduction and relocation into private organizations), the general disavowing of the rehabilitative ideal, and its replacement with strict sentencing guidelines, organized around the assessment of criminals “riskiness.” The anti-rehabilitative mentality gets translated to different spaces and organizations in diverse ways. Here, I take his theories further, and use the micro space of YCC as a case study of these shifts. While Garland highlights the contradictory diversity of the correctional field as a whole, here I reveal the ways YCC and its staff have responded to their “political masters” (Garland, 2001: 111) in *internally diverse* ways.

Within the past decade, more ethnographic, site-based research has begun to fill the gap in knowledge around community based programs (See Haney, 2010; Hannah-Moffat, 2001; Lynch, 2000). Very little work--especially ethnographic work--has been done to explore the micro realities of community-based alternatives to incarceration for juveniles. Nevertheless, these micro realities are often generalized about and called upon in more macro conceptualizations of the changes to the carceral system. State-created outcome measures of community-based programs are not able to capture the realities of these spaces; in fact, often I found that YCC created tools to navigate around these outcome measurements. Instead, this ethnographic essay situates Youth Care Corp. and its field of action within the national historical trajectory in the attempt to make these theories more complex and more relevant. As Miller and Rose argue, “It is only with this set of micro actors...that the ‘cold monster’ of the state is actualized” (2008: 6). Following Lynn Haney and her analyses of two treatment programs for

women, I am “concerned with the ways in which larger material and cultural imperatives make their way into state institutions. But instead of assuming this to be a straightforward route--from the ‘macro’ needs of neoliberal governance regimes to ‘micro’ state spaces--I investigate the concrete exchanges through which such imperatives emerge” (Haney, 2010: 21). As a result of these exchanges, can YCC really be fit within descriptions of penal welfarism, the punitive “New Penology,” or neoliberalism? Is it more so a governmentality that creates a less obvious power relation, involves a less obvious construction of subjects? Or is YCC a composite of many of these formulations of reality?

YCC and its staff must confront changes to the penal system and the discursive tensions they create. As a result of my research, I found that YCC, as an organization that empowers low-risk, low-threat deviant youth, situates itself in partnership with the juvenile court system. And thus while Garland has noted that new techniques of governing “coexist with the residues and continuations of older arrangements” (2012: 167), I stress in line with Hannah-Moffat that the risk management of the court and empowerment of community-based programs actually undergird and bolster each other (2001). But this attempt to keep rehabilitative efforts “at a distance” (Miller and Rose, 2008) with empowerment is in tension with the harsh economic reality of YCC’s clients. Institutionally, staff argue that self-control and a sense of self-esteem are all that they can provide for these poor, resource-less youth. But they deviate (some offices more than others) from this call to only “help youth help themselves,” and often provide youth informally with direct aid. It is the staff and their personal networks and resources that are responsabilized, and provide the services once orchestrated by the government through welfare. These findings reveal the internal flaw of the empowerment discourse, especially when applied

to youth populations and hold implications for the future of juvenile justice policies, and the regulation of staff at organizations like YCC.

But to fully understand the significance of YCC now, we must look at the historical happenings that led to its existence. In the following pages, I show the process of “eventualization” (2008; 6), show how things were not all that necessary or inevitable.

### **The Progression of Juvenile Welfare Projects**

The state and the community have not always been so involved in the movements of society and the maximization of its health and wealth, but once this redefinition of the role of the state occurred, interventions largely took the form of punitive imprisonment, that removed deviant individuals from their communities thus containing their potential harmful impact (Foucault, 1991). In the early 1800s, rehabilitation of criminals was unheard of, and according to the criminologists of the period (mainly physicians and various academics), any sort of aid to criminals or those considered mentally or physically deficient breaks the laws of nature and thus inhibits evolution and human progress (Platt, 1977). This perception of the immorality and uselessness of aiding deviants validated laissez-faire policies and encouraged the uninhibited competition between men in society. The majority of these conservative Darwinist academics did not take the concept of the hopelessness of deviants so far as to suggest sterilization of this inferior class. Nevertheless, “the majority of American criminologists were preoccupied with the intractability of the ‘criminal class’” and as a result they were relegated to poor houses and almshouses (23).

Centuries of activist groups implemented a variety of relief techniques--poorhouses, prisons, scientific charity, etc-- none of which seemed to garner much belief, support, or semblance of success in “solving” these social problems, or in containing the negative impact of

troubled persons (Katz, 1986). These failures, combined with the continually increasing scale of urbanization and immigration in the 1870s, into the early 1900s, led to fears regarding the survival of traditional values and the search for a solution to these newly defined social problems. And thus by the mid 1800s, new modes of intervention were being developed.

Unlike adult criminals who were thought of as irrevocably and wholly formed into sinful beings, children had not become lost in their own vice and still malleable, and thus were the ideal target for any attempts to save society (Platt, 1977). In contrast to the conceptualization of all offenders as a lost cause, the social reformers of the 1880s and 90s stressed the malleability of juveniles and adolescence. By creating systems that would halt deviance in adolescence, one could prevent these deviant youth from becoming vicious adults. Biologically deterministic ideals still held sway, but were reformed to argue that in-born deviant traits could be combated and mitigated at an early age. While this new movement (started by the “child savers”) certainly was not the first example of welfarism, it did represent a significant expansion of welfarist systems. Welfare can be defined as the the set of institutions and their techniques that are developed to ameliorate what are defined as “social problems,” such as poverty, truancy, and drug use. It focuses its efforts on individuals and their rehabilitation, their normalization.

Redefinitions of the malleability of the criminal self and the state’s responsibility toward dependent children created a host of new programs and this new expansion of the welfare system changed the relationship between the family and the state (Katz, 1986). Since in the early stages of child saving and juvenile court movement, the state (the federal government) was not yet totally invested or involved in welfarist projects, these first projects were largely “anti-legal” and relied more on privatized sources (Platt, 1977: 141). But even though these institutions were private, they were not necessarily separate from the State (defined here as an abstract apparatus)

or from the attempt to enforce restrictive and oppressive norms. In addition, these private reform schools and organizations acted with federal funds and in conjunction with the governmental institutions and broad state goals.

Efforts were made to move children, particularly immigrant children, out of the workforce and into public schools. In addition, reform schools for delinquent juveniles were created to remove children from their delinquency-promoting environments and inspire them with learning, particularly in rural areas. These reformatories were often situated in opposition to the alternative of adult prison. They were considered more disciplinary (as opposed to punitive) and more educational than adult prison. It is important to note that not all youth were included in this reform movement; black youth were not allowed access to reform schools or rural agricultural programs, according to Reich in *Fixing Families* (2005: 30, 35). In cooperation with reform schools were juvenile courts. The first juvenile court was initiated in Massachusetts, but it was the 1899 Illinois model a few years after that popularized the practice throughout the rest of the United States (Platt, 1977). Because reform schools and the juvenile courts were not considered punitive institutions, no due process was instituted for many years. But to say that they were disciplinary--rather than punitive--institutions does not obfuscate their role as controlling institutions or make them similar to the disciplining programs of the 1960s. The majority of these reform schools relied on job training, and often sold the labor of the children to companies. This attempt to acclimate delinquent children, often from lower class families, to their lot in life was validated through the romanticization of rural trade and agricultural labor. So while the rhetoric or rationality behind juvenile reformatories was unique, in effect it likely was not that much different than adult prison. And in addition, many juveniles were sent to adult prison despite the proliferation of juvenile courts. (Rosenthal, 1986).

Like contemporary community judicial systems and non-profits, these juvenile courts--especially at their outset--struggled with a lack of institutional resources. This meant that they had to rely heavily on the police, and had less control of the implementation of their reformative ideologies. Indeed, it is contentious whether the juvenile court and its backers actually had a solid ideology for it to implement in the first place (Wolcott, 2001).

The 1890s saw a massive expansion of institutions directed at the welfare of children but by the 1909 White House Conference, these institutions had almost no defenders (Wolcott, 2001). In line with this new anti-institutional sentiment, reformers turned away from family breakup techniques and toward family preservation. By the 1900s, the definition of criminality as a problem of defective families and improper socialization had fully integrated itself, and was used to explain not only the delinquency of the child but that of the adult (Garland, 2012). Within this framing of crime, blame was not necessarily placed on the individual nor was the individual pathologized. Thus the solution to crime in this era and into the 1960s was an increase in governmental aid, aimed at individuals as part of a family structure. Individuals were not expected to pull themselves up by their bootstraps without any sort of help or advising. It was the opinion of reformers that children should be kept in their homes because no other system or setting can match the benefits of this natural relationship. And when one helps children in the home, one also helps parents and vice versa (Platt, 1977). In order to encourage this ideal, the government began giving pensions to widowed (though not divorced) mothers to keep their children at home.

While the expansion of juvenile warehousing institutions of the early 1900s was significant to power relations, what was even more significant was the development of preservation ideals, which enabled state institutions to righteously make conquest into defected

homes, saving children and monitoring parents and their morality. This was accomplished through the role of the probation officer and caseworker (Rosenthal, 1986). In this period, treatment was directed at the environment of young dangerous and in-danger youth, not their psyches and not their specific criminal behaviors. For the court to legitimately stage intervention into homes, the child did not need to commit a crime. However, because of a lack of resources, for many years preservationist values were not implemented fully, and organizations were not particularly involved in home lives. The preservation ideal, however, did stay strong into the 1950s, with YCC basing its rationalities and techniques around family preservation.

After the stock market crash in 1929 and the ensuing Great Depression, aids like those to widowed mothers with dependents became even more essential to the survival of individuals in general but especially of children and families. These aids were formalized in their inclusion in state techniques in the historic 1935 Social Security Act. Despite this formalization, after only ten years of popularity throughout the states, in 1932, the juvenile court fell out of favor. Judges, their courts, and their probation officers had failed to accomplish the goals of welfare advocates. Founders of the Aid to Dependent Children bill began to view formal legal solutions as unnecessary and even harmful to the children they address. Such situations could be handled instead through alternative means, but still through governmental paths and with federal funding and external regulation from the Children's Bureau. The critique made by The Children's Bureau was not radical and exists within the institution i.e. it is not anti-institutional though it does suggest the devolution and dispersions of power from a single judge to a group of counselors or caseworkers. While much of the rhetoric in the US was beginning to invest in the anti-court, anti-judicial, and anti-incarceration arguments of the Children's Bureau, the sentiment in Arkansas was slightly different. As in many other cases, here the dictates and shift in goals of organizing



institutions did not get disseminated or actualized and in 1936, Arkansas was one of the handful of states that used new welfare funds to bolster judges and probation officers rather than more independent child-centered programs.

The 1960s brought with it mass protests, civil unrest, increasing crime and fear, and an increasing awareness of the brutality of police and governing forces (Garland, 2001). By 1968, with ever-increasing distrust in the government, protests were held demanding community control, particularly over public education (Platt, 1977). By the 1970s, academics had produced a full library of critiques of the welfare state as just another tool of state oppression and apparently a tool they considered effective and thus worthy of elimination. Radically, academics suggested the amputation of a whole professional field and set of institutions. Similar critiques and suggestions had been presented before, but not with the same success they garnered in the 1970s. That being said, they were not advocating for the total elimination of aid, but rather the allocation of such aid power to local communities instead of federal welfare agencies and courts. They were in part harkening back to early welfare programs that were frequently locally run, but they wanted continued federal funds. Critics argue that direct service in the hands of the government becomes an unequal and manipulative power relation, but in the hands of the community such hierarchies may be avoided. It seemed there was hope that the court system, especially for children, would be made obsolete with welfare. But this did not happen. Instead, the two systems integrated.

What is contentious is not that there is power and social control involved as a motive. It will surprise no one to say that the carceral system controls people; it is an inherently mandated and coercive system. What is contentious is whether or not this message and power is 1) unified and total 2) intentionally oppressive in classed, raced, and gendered ways and 3) productive or

oppressive of action. Academics like Platt from the 1970s view social control as an obvious reassertion of power, even though those who promote these controls (reformers and activists) are not intentionally oppressing. That is, power legitimates itself through the discourse of help or welfare, and believes its own legitimation fully. In comparison, some contemporary thinkers (See Alexander, 2010) argue that the carceral system (particularly mass incarceration of black populations) is a result of *intentionally* racialized and racist policing and judicial policy. Both contemporary Marxist thinkers and 1970s academics regard welfare as a form of social control that is oppressive rather than productive (Foucault, 1991). This reassertion may be productive for power, but is totally repressive for its targets.

As a result of their progressive criticisms, support for welfare did significantly reduce, so much so that during the Nixon administration in 1972, The Subcommittee on Fiscal Policy declared a “crisis in public welfare” (Cruikshank, 1999). But politicians and academics abandoned welfare for very different reasons. Again, whereas radical academics like Platt saw welfare as an unethical intrusion into and manipulation of oppressed groups, Reagan era conservatives targeted what they perceived as its weaknesses, namely its inability to prevent crime and reform criminals or delinquents, and its overuse and manipulation by “welfare queens.”

There was thus a fracture in the opinions around welfare. Radical academics and liberal protesters fit into a social control argument, almost insinuating that welfare worked too well in its true endeavor to oppress and control poor populations; welfare did not empower, it oppressed. Conservatives, however, put forth a totally different critique of welfare, claiming that it did not work to control or normalize populations. Both arguments nevertheless call for the end to the rehabilitation movement. And after roughly eighty years, faith in the ability for criminal and

defective populations to change (or for the government to humanely normalize) was largely lost.

This moment in the early 1970s signals the beginning of the punitive turn. However, despite a shift in rhetoric, rationality, and institutional goals, institutions did not go through a total transformation. Even though academics are want to describe clean, clearly delineable eras, the evolution from a penal-welfare system to a punitive system was uneven in its actualization (Garland, 2001). New Federalism dealt out cuts to social service funding, and the management of criminals fell back onto the shoulders of the court system. Courts again became more punitive and formal, with juvenile courts reintroducing due process in the 1980s (Garland, 2001) and with confinement rates for juveniles rising from 1975-1995, a spike in the ascent between 79-87 (Annie E. Casey Foundation, 2013). The massive system of welfare programs remain materially (in their actual institutions and funding structures), but have been re-defined as tools of the court, instead of alternatives. Even into 2014, punitive techniques and rationalities have not subsumed welfare in total, as is evident at Youth Care Corp.

The punitive turn or Feeley and Simons's New Penology suggests that such reform institutions will be abandoned for detention centers and prisons, community-based programs acting as mere surveillance systems. But many welfare institutions like YCC remain in place and are growing (Garland, 2001). Additionally, while adult incarceration rates experienced a massive rise from 1970 to the 1990s, they have dropped slightly since. Juvenile incarceration rates have dropped significantly, however. From 1995 to 2010, they dropped 41% (Annie E. Casey Foundation, 2013). But the restrained use of youth commitment and the expansion of CBPs does not mean that the rehabilitative ideal is re-entering the field. For one, while this larger history can be evaluated as a patterned cycle, alternating between treatment to punishment, the material

foundation of each of these systems is never completely demolished. While there was a brief increase in severe punitiveness, especially around youth “superpredators,” in the 1990s, this movement has largely passed (Singer, 1997). Now, the correctional system tends to gravitate more toward neoliberal risk management than to the pure warehousing of the punitive turn.

By 1980, the spending cuts associated with New Federalism (Garland, 2001; 85) and the accompanying privatization of services was well under way. This can be seen as a major landmark for neoliberalism and the changes to contemporary community based providers like YCC. Neoliberalism is particularly associated with an increased emphasis on free market ideology and thus scaling back of direct government services. With this focus on the market comes the privatization of social services and the devolution of power from the federal to state level, to the extent that the majority of state-funded direct services are provided by local level non-profits (Marwell, 2004). This fact by itself is not wholly unique. In the early 1900s, we saw a decent amount of services directed and funded by local communities. Services for children in particular were often situated against the use of law and court in the lives of children. YCC in the 50s was such a program, a private non-profit obtaining some state (not federal) funding, and having a decent amount of control of the use of such funds. While the government had provided direct income-aid to families, it was not until the 1960s with the War on Poverty that the federal government provided huge sums of (conditional and regulated) money to local level providers. But with devolution, the control and management of how providers use these funds is again situated in the hands of state actors.

Responsibility for social services thus devolves to the local state level, taking any blame from the federal government (Garland, 2001). This is a convenient end, but not necessarily a purposeful one. This result may appear to be in line with the ideal of the 70s progressive

reformers, and essentially it is; it is placing resources in the hands of small, local organizations. The argument is that CBPs and their state-level regulatory system takes power away from the federal government and thus removes governmental influence from the workings of individual liberty. However, the neutrality and benevolence of these organizations is contested. Rather, as Garland notes, with funding regulation and outcome measures, these CBPs serve more as arms of the state than grassroots organizations (2001).

The increase in devolution, privatization, and thus community-based providers has led to a diverse field of providers. This goes hand-in-hand with the change to evaluations of deviance the techniques of interceding in the deviant process. In past eras, deviants were evaluated more on their past dangerous behaviors; it was only once a juvenile committed illegal, deviant acts that they were addressed by the State directly (Castel, 1991). However, with the move away from the ideal of rehabilitation, the notion of “risk” as opposed to “dangerousness” increasingly began to direct service providers and their array of funders. If you cannot fix people after they have become deviant, then you must contain them, or use targeted prevention tactics on those that are considered the highest risk of becoming criminals and deviants. This means that huge populations of people become labeled “risky” based on particular autobiographical facts, such as their parent’s marital status. For juvenile populations, the use of risk management leads to services like drug abuse prevention classes and the creation of diverse groups of offenders.

Using risk categorization, the court and its intake officers are able to separate juveniles into categories from low to high risk, and have a clear treatment plan and service provider associated with each risk level. Not all courts have moved into this mode of classification. It is with the logic of risk that we are able to make sense of both the increase in the rhetoric of punitiveness and the increase in CBPs.

But with neoliberalism and the emphasis on free market actors, responsibility is shifted not only downward to the state, but to the individual. The individual as an agential and rational market actor is responsabilized and incentivized to govern their selves (Miller and Rose, 2008). Individuals have the capability to take care of themselves so the state does not need to; this capability just needs to be revitalized and recognized. And thus the responsabilization of the individual gets overlaid with and implemented through empowerment rhetoric (Cruikshank, 1999).

Although many new CBPs have sprouted up throughout the US as a result of privatization, they only exist in relation to the courts. The creation of community-based programs does not make the carceral system any less punitive or more welfarist or more in line with progressive critiques of the 1970s. In this way, risk management is connected to privatization is connected to the punitive turn. In the move away from rehabilitation, only certain populations are abandoned wholesale to detention centers and adult prisons; the highest risk populations, i.e. poor, black, males with violent offense charges. This is a new mode of governmentality, one based not on discipline like 60s welfare. Instead, it is a managing governmentality that involves the removal of some to prisons and detention centers and the temporary management of those labeled low-risk in community settings like YCC (Lynch, 2000). It is only with this complex historical understanding in mind that we can make sense of why a counseling-based, rehabilitative, community-based juvenile provider would no longer attempt rehabilitation in its fullest sense, nor abandon its mission altogether.

### **The Whys and Hows of Research**

My research began informally in the summer of 2013, when I received a grant to go back to my home state of Arkansas and work with a non-profit progressive policy organization in the

state capital. While there, I researched juvenile justice issues and produced a briefing on the school-to-prison pipeline. But during my time interning, I was less interested in assisting my supervisor with his statistical research, and more interested in “the field:” the sets of institutions and actors that affect the lives of youth. Working in the office for three months, I attended meetings of the House of Representatives committee meetings, the “community,” and various providers. In these spaces, there was a pervasive rhetoric of youth empowerment/inclusion, yet at these meetings I was always the youngest person in the room. So I began to wonder, “if the kids are not being empowered and transformed here, in what hole are they being kept?” My supervisor attempted to educate me, explaining that many (but not enough) deviant youth are treated at community-based programs, other are lodged at various horrifying detention centers. But even after reading all of my supervisors literature on community-based programs, I never found out what these providers actually did, where they were, or if they “really worked.” I was critical of and surprised by the wholehearted support for community-based programs as a method of treating youthful offenders, and wanted to see and study the programs myself.

The second major experience that struck me was the incapability of these professionals and their institutions to actually help any youth. Over the course of my summer I became close to a young trans-boy immigrant. Cody lived in a mobile home park with two happy dogs, some chickens, a garden, a sister, and Mom and Dad. His father was frequently abusive. After a particularly bad week with his dad, Cody called the social workers, but they told him his scars were not fresh enough, so they could not help. As his school counselors had not informed him of the availability of scholarships, he had abandoned hope of college as a means of getting away home. When he ran away from home and school to escape the abuse, the LGBTQ support group he attended banned him from the meetings for holding the other youth “emotional hostage.” One

night, he called me crying. He had locked himself in his room, hiding from his angered dad. “Pack a pack a bag and climb out your window. I’ll be there in ten minutes.” From his hiding place in the ditch, I ushered him into my car and took him to my one-bedroom apartment, where he slept for a week as we tried to find him a job and a home; not easy for someone under age. Back at my workplace for youth advocates, I asked my supervisors about what I could do to help Cody, asked if the parents could actually sue me like they had threatened, asked if they knew of anyone who could take Cody in, but they had no suggestions and no answers. The only resources available for youth were purely counseling based, and often involved the court, the police, and thus the possibility of deportation. So I gave Cody a couple hundred dollars, dropped him off at McDonald's with his girlfriend, and made my way back to Bard. He lived with her for a month or two until they broke up. I have not heard from Cody since, but when I left he was thinking of joining the military. Millions of dollars, thousands of employees, hundreds of pamphlets and publications, but no one could help Cody. I wanted to know why all of these institutions could fail so miserably.

Back at Bard a year later, deciding on my research site, I stumbled across Youth Care Corp and remembered getting lunch with the CEO back in Little Rock. After a few emails, CEO Don agreed to let me research YCC. When I began the Internal Review Board research approval process, my goal was to find out how the youth, who I viewed as the largely ignored/silenced subjects of these CBPs, experience their treatment. But this proved intractable considering research ethics for youth in the “care” of the court. Instead, I have focused on the staff at YCC and the surrounding court systems. Over the course of two months in 2014, I conducted a total of 22 interviews with YCC counselors, case managers, office assistants, program leaders, executive staff, as well as probation officers, public attorneys, and acute mental health staff. I hung out in



the offices, went on work crews, and observed juvenile court hearings. Ultimately, this focus on staff and institution--rather than youth experience--has helped to reformulate and answer my original question, "do these programs help youth and why do they fail?" Instead of questioning the efficacy of the provider, which would tend to rely on my own subjective understanding of "what actually helps youth," I ultimately asked a more site-based question: "How do these staff and service workers think the carceral system should treat youth, and what complicates their approach and the actualization of their approaches through aid techniques i.e. how do they actually treat youth?" This second question around staff lends itself to micro-macro connections.

In this sense, my research methodology tends to fall somewhere close to an extended case method, which seeks to refit macro theories around micro analyses. As an unusually large, juvenile-focused non-profit, YCC is not representative of all community-based providers. But it can serve--cautiously--as an example of the types of tensions that neoliberal penology can create within community-based programs.

In Chapter 2, expanding and specifying the historical overview presented above, I analyze two of YCC's historical documents from the 1960s and 1970s. I reconstruct the welfare past of YCC as a project aimed at the rehabilitation of the parents of deviant juveniles. In some ways YCC, in response to changes to funding and regulations, seems to have tracked Feeley and Simon's theorized turn away from rehabilitation in the correctional system (1992). But in critique of this polarizing theorization of the "New Penology," I argue that it discounts the agency of individual staff to push against and work around these structural changes and does not acknowledge the ways in which rehabilitation has been reformulated as empowerment.

In Chapter 3, I discuss this expansion of risk management theories, and the ways they are implemented informally at YCC. I argue that, while risk management has not been implemented

formally within the Arkansas juvenile court system, the division of youth populations into the created categories of low and high-risk is essential to YCC's continued legitimacy within the field. The informal definition of their low-risk targets validates their programs internally and externally by arguing that some youth have the potential to empower themselves, while others are too dangerous and should be contained by YCC's punitive partner, juvenile detention centers.

While Chapter 3 discusses the target of empowerment, Chapter 4 expands on the rationale and techniques of empowerment. I show that the YCC offices of Berrytown and Springfield respond to external tensions in different ways. While Berrytown has responded to the positive incentives of YCC's administration and restructured their definition of empowerment so that it is less time and resource consuming and gives staff more time to streamline casework, see more clients, and more accurately fill out required paperwork for Medicaid and the Department of Youth Services. Springfield, however, continues to resent and resist these regulations, and emphasized the importance of spending time with clients (in and out of work) instead of "filling out boxes." But regardless of their professed ideology in these offices, individual staff members from all offices end up taking on the responsibilities of traditional welfare, buying their clients school supplies and helping them find places to stay. This is because of the internal inconsistency and impossibility of the empowerment discourse, which requires totally resource-less individuals to "take responsibility." This tension is only made more extreme by fact that their clients are not only resource-less, but juveniles, who are legally incapable of obtaining basic resources for themselves.

## 2

### **Reconstituting Rehabilitation:**

#### **YCC as a Case Study of The “New Penology”**

*“Every human has a possibility of change which is unique to him. The only way ‘hopeless’ and ‘hopeful’ can be assessed is in terms of what any one family wants and the capacities it can marshal to fulfill those wants” –Summer, 1960s Caseworker*

In 1958, the judge in a small county in Arkansas founded Youth Care Corp as a collaborative project of a variety of community and state actors. Since the 50s, the techniques and goals of YCC have transformed in response to structural and ideological shifts, but there are also institutional holdovers and oddities. Using two historical documents, a caseworker’s review of a family they served in 1961, and an institutional financial review from 1975, as well as the history provided on their website, we can establish a sense of the rehabilitative, welfarist past of YCC. In the analyses of past values and practices at YCC, we can better understand the significance of its contemporary role, goals, and techniques. Theorists like Feeley and Simon have attempted to establish the significance of the current U.S. penal system as altogether new and dissociated from the previous welfare era. In this chapter I argue that YCC has changed in many ways that match neoliberalism and the New Penology: the organization has implemented performance indicators that emphasize service efficiency, staff experience more expansive regulation from funding sources, are skeptical of the possibility of rehabilitation, and tend to organize youth based on risk. But while Feeley and Simon were concerned that the New Penology and its technique of risk management had totally consumed rehabilitative ideals, along with Gough and many others I argue that this is not the case. Rehabilitation has not been removed, but rather “reconstituted” (Gough, 2012).

In 1959, YCC began a private probation program in coordination with the county court system. While this privatization moved responsibility from the state and into the non-profit sector, power still remained with the state judicial system through the appointed judge, who presided over YCC's clients and programming. YCC fit very much into the typical 1960s New Deal welfare schema of techniques and ideas. In contrast to the saving practices of the early 1900s that removed children from their homes and from urban environments, child welfare organizations like YCC practiced family preservationist methods in the 1960s and beyond (Platt, 1977).

In the 1961 account written by Summer, a YCC caseworker, she describes a married couple living in a "shack" with eight kids and her ensuing attempts at "rehabilitation." The caseworker became involved with the family after the superintendent of the local school reported the children to YCC in addition to the County Welfare Department and the County Health Department, requesting "that something be done about the children who are irregular in attendance, came to school with filthy bodies and clothing, and constantly spread to other children such diseases as impetigo, pink eye, itch, etc." The concern and attention of the school is directed at these children because they are important in and of themselves but also because of the danger they present to the other local school children.

Similarly, Summer states in her review that YCC is "a pilot project to combat juvenile delinquency through organized community action" with the ultimate goal of the "rehabilitation of the delinquent child." But blame is not centered on the children, nor are they the primary focus of treatment: "[The] Superintendent was *disturbed* by the deplorable conditions of the home and the apparent *inability of the parents* to provide properly for the children" (Emphasis mine). While children are the intended and supposed recipients of help, this attempt at

rehabilitation involved foremost the rehabilitation of the parents. From the delinquency of the children and the unhygienic living conditions, it was deemed that the parents were not adequately providing for their children. It is the well-being and productivity of the parents that determine the well-being of a family and children in particular. Thus children were used as an inroad to the family, and legitimated state intervention into the lives of adults.

The general intervention and intrusion of governmental and private organizations into the “private” sphere of the home is made possible by the definition of children as savable dependents. Thus YCC only makes sense as an organization because of the work of the late 1800 child savers (Platt, 1977). But the specific method of saving children--the rehabilitation of parents--relies on the definition of adults as responsive to treatment, which is particular to a 1930s turn toward family preservation. Family preservationist ideology is founded on the notion that adults, and humans in general, can change and are not without hope (Platt, 1977).

In the 1960s, the deserving/undeserving distinction of welfare recipients had been challenged and dismantled in welfare policy in favor of a more universal aid, but the designation of worthiness was and continues to be a prominent part of the discourse on welfare and poverty (Pappas, 1996). In line with this idea that all families and individuals are worthy of aid, she argues that no family is hopeless and should not be abandoned until all agencies within a community are collectively invested in the treatment process. For instance, Family X, as Summer calls them, are hopeless in many ways but that does not mean they are not worth helping. Family X was selected for treatment because of the hopelessness of their situation: the disarray of their living conditions, lack of hygiene, and low IQ of parents and children. Despite their failings, the YCC caseworker saw potential. Summer focused on two major elements of these parents as redeeming: the mother could hardly form sentences, but had “defiant eyes,” and while the father

was equally dumb, he was gentle and patient with the children. And even more important than the presence of some redeeming qualities, it was essential that these parents wanted help or at least grew into accepting help: “Yet, there was more to those eyes than defiance...a plea for acceptance, understanding.” In many ways, Family X was part of the worthy poor, deserving of YCC’s help because of their status as a married, willing, pliable couple. But everything else about them signaled that they were already a lost cause.

The parents are described almost as innocent, pitiful children who, similarly to the children themselves, are not wholly responsible for their actions. Mr. and Mrs. X, as Summer calls them, are in this position of poverty and vulnerability not because of their own immoral tendencies. Rather, they are also in part the victims of bad genes and bad families. After catching Mrs. X on the school’s playground equipment, Summer reasons that “Mrs. X has never been a child. She was yanked out of school by her parents before she reached the third grade and put in the fields to work...Consequently, she’s still a child in many ways.” But unlike the actual children, Mr. and Mrs. X and the other parents they represent may become capable of responsibility, and this is the implicit reason behind why they receive the most attention and treatment.

How society, a community, or an organization defines the problem of poverty is essential to the way that the problem gets fixed. Rather than blaming the misfortune of the children on the parents alone, Summer often emphasizes the difficult conditions in which they are trying to find work and a home. To some extent then, the whole community is responsible for the outcome of a family. But YCC and its caseworkers do not suggest changing society. They do not address inequality or the structural forces that may lead to the situating of poverty in certain groups. Instead, they address issues of opportunity and work within the existing system and try to change

the specific living conditions of the family: the home, their employment, parenting, and personal hygiene habits. The home in particular was important to YCC, and improvements in the living environment could alter overall affect and improve the children's behavior.

Like mainstream welfare in the 60s, YCC was centered specifically on “education,” and here we may think of welfarist education in more expansive terms than just job training courses. Education for YCC is similar to what Foucault would call discipline, a rather forceful and direct method of making individuals into subjects, of aligning their will with the state (2012). According to Katz in his book on the history of welfare, “The war on poverty’s sponsors mounted no attack on the distribution of economic power or resources. Instead, they fixed their attention on opportunity, not inequality...[and] opportunity so often became defined as education” (1986: 255). Thus welfare focuses more on individual rehabilitation than on structural changes and relies on the responsivity of adult subjectivities.

YCC did not counteract social structures, but staff did recognize the immediate social context that presented challenges to families and their upward mobility. Individual rehabilitation is an attack on a “culture of poverty.” An idea popularized by scholars of the day like Oscar Lewis (1966), the culture of poverty suggests that even if structural causes of poverty change, a culture of laziness and crudeness will remain (Small et al, 2010). This education and socialization is highly gendered. YCC helped Mr. and Mrs. X obtain literacy education, but they also spent a good deal of time helping Mrs. X learn how to “shave her underarms” and curl her hair. They do not groom and shave Mrs. X to prepare her for a job interview, instead, this grooming is more symbolic, a sort of ritual to make the primitive adult-child look and feel closer to a cultured adult. It is only once Mrs. X has embodied “normal” hygiene practices that she will be able to discipline her children into similar patterns. Conversely, as the appropriate

breadwinner, Mr. X is provided with job search help. The only way that the members of Family X will find success is if they are educated, re-socialized, normalized. If the parents can be instilled with the proper social repertoire, then they may pass this down to their children, and provide them with a better future.

But YCC was not able to rehabilitate the X family. Despite YCC's perceived advantages as an organization (their lack of external regulation, capacity for sympathy, panache for community-level case management), at the end of her report, Summer concludes dramatically that they "failed." After failed attempts to find them a new home (it burned down), to keep them clean (the mother never continually shaved or washed), and prevent them from having anymore children (the father would not let Mrs. X "have her tubes tied"), the eight children were removed from the house and placed into the foster care system.

Because of YCC's apparent freedom, Summer argues that YCC was in a better position to help the family compared to the Health Department, the local Welfare office, or the school psychologist or nurse. During the 1960s, Summer's review reveals that funding came primarily from the federal and state level. YCC was quite integrated with governmental structures; their one site provided private probation services for the judge, who founded this YCC program. Because of this partnership and lack of organizational competition in the field (there were not as many private providers then), they faced minimal regulation. Even after acknowledging their ultimate failure to "preserve" the family and keep the children with the parents, Summer emphasizes that there is no such thing as total failure. She still asserts the possibility for success, the possibility to reform adults and help children. The rehabilitative ideal stands true.

When I visited YCC in 2014, there was no emphasis on rehabilitation--at least not in name. Instead, they used terms like "empowerment" and "self-control" During my first two



days of research, Springfield caseworker Francis described a story of empowerment. She talked about a 17 year-old boy who had recently completed a long stretch of mandated treatment with YCC. While some of the staff spoke about Trevor under their breaths as “sociopathic,” as Francis emphasized (and other staff would concede as well), he was “just a kid” with bad, drug-abusing parents. Like Summer, staff now note the structural challenges that their extremely poor, resource-less clients face but similarly (though for different reasons) do not confront these structures. They did not attempt to rehabilitate Trevor’s parents like they would have in the 1960s and 70s, because parents “will never change,” and thus it becomes the responsibility of Trevor and the rest of YCC’s young clients to transform their own circumstances. But the youth are not without help or external guiding in this process of self-transformation; YCC’s programs provide youth with behavioral management counseling, and incentive based schooling programs. The types of aids considered routine in the 60s--provision of clothing, home supplies, networking--are now viewed negatively as “enabling.” Yet staff still provide for clients informally, without the organization’s ideological or financial support. For instance, Francis and Sarah would drive Trevor every night to his new job at Tyson, and pick him up at four o’clock in the morning to take him home.

Staff hope that all of their work--personal and professional--will result in client rehabilitation. Like the 60s, the number of youth who actually make a major life change is low. But unlike Summer, Francis and the others do not consider it their responsibility, their ultimate goal, to rehabilitate youth. This is primarily because YCC staff now, lacking the appropriate funding, do not think it is in their power to help youth make these changes. Trevor was able to keep a job for a month or two before getting fired. For another few weeks, he lied to Francis and Sarah so they would continue to give him rides. Francis still feels like his case was a success,

however. While they were not able to rehabilitate Trevor, Francis feels that he was empowered. He was not able to keep a job, and even though he lied and manipulated Francis and Sarah and probably ended up in prison, he did stop cursing out everyone around him, and was a more confident individual. They helped him realize that he has the power to change his life course if he just tries hard enough.

YCC transformed from a penal welfare organization that sought to control and normalize parental behavior, and rehabilitate them through discipline, to an organization that focuses instead on the behavior of youth. YCC has changed in many ways, but has the ideal of rehabilitation really been excised? Do their current programming, ideology, and behavior represent a total break from the past? The following pages explore how the accepted form of juvenile treatment transmuted from universal rehabilitation to selective empowerment and selective imprisonment.

### **1970s, 1980s: The Critique of Rehabilitation and State Devolution**

It was not long after Summer's review was published by YCC in 1961 that the rehabilitative ideal, so essential to YCC's self-defined role in the community, came under great criticism. The 1970s and the 1980 marked a period of critique and rethinking of the role of government and of the technique of penal welfarism. Criticisms came from "ethical, empirical, and theoretical perspectives" (Gough, 2012: 69). These critiques were directed in particular at, for one, the perceived unfair, indeterminate nature of sentencing; professionals would set release dates based on rather arbitrary (or at least subjective) evaluations of whether or not the individual had truly been rehabilitated. In addition, it came to light through various studies that there was no empirical evidence for the effectiveness of rehabilitative treatment (Gough, 2012; 70). In fact, despite rehabilitative attempts and growing wealth, crime was increasing (70). Thus there was a

shift in social and governmental values toward proportionate sentencing (punishment matches the crime thinking) that prized the idea of public safety above individual rehabilitation.

But rehabilitation oriented programs like YCC were not abandoned, and contrary to the theorists of the “New Penology”(Feeley and Simon, 1992), nor were their rehabilitative ideals altogether transformed (Cheliotis, 2006; Gough, 2012; Hannah-Moffat, 2001; Lynch, 2000). Thus this section examines structural changes, institutional changes at YCC, and importantly the actual practices and beliefs of YCC staff. In many ways, YCC and the Arkansas field of juvenile justice exhibit the characteristics of the neoliberal new penology as described by Cheliotis (2006). In Arkansas, there has been a rise in the popularity of risk assessment tools, a diversification of CBP funding structures, and a resulting increase of competition “inter and intra-agency competition” (2006), and a competition that has more to do with client basis and outputs than long-term outcomes. But although there are many elements like YCC’s productivity measure that fall into the category of the New Penology, YCC also diverts in many ways from this category, largely because of the unsanctioned opinions and actions of staff members.

In the wake of critiques of rehabilitation in the 80s and 90s, there was a two-tiered response: the US reached the apparent “apotheosis of imprisonment (e.g. Langan and Farrington, 1998; Garland, 2001a)” (Cheliotis, 2006) and there was an increase in the popularity of community-based programs as cost-effective solutions to crime (Katz, 1986). The seemingly discongruent systems of control (“soft” community programming and “hard” incarceration/detention) are made partners through the framework of risk management. Because risk assessment techniques create and hierarchize populations based on their perceived threat to the community, high-risk populations are relegated to very controlling detention centers and prisons, while low risk populations are surveilled in community-based programs (Gough,

2012). Feeley and Simon in their original article asserted dramatically that this was a total reformulation of the penal system and a totally new governmentality. But since their initial publication, many scholars have challenged the extent to which the New Penology framework of risk management is actually new, and to what extent it has really replaced rehabilitation, saturating both policy/ideology and micro treatment sites (See Cheliotis, 2006; Feeley and Simon, 1992; Garland, 2001; Gough, 2012; Hannah-Moffat, 2001; Lynch, 2000). YCC has changed, especially in its institutional structure, but this does not mean that it represents the supposed new penology divorce from the past. The far-reaching arguments made by the new penology become especially suspect when we account for the agency of individual actors within the institution (Cheliotis, 2006).

According to YCC's financial report from 1975, during this period, YCC was still working out of a single office, with only seven staff members: an administrator, a supervisor, a counselor, an intake worker, a probation officer, a secretary, and a bookkeeping clerk. While federal social welfare programs experienced budget cuts and programming shifts, private community based programs continued to receive support (Platt, 1977). In fact, roughly a decade after Summer's review, the majority of their budget still came from the federal government: while 21% came from "local sources," such as the United Way fund, the city, and the county court, the rest was federal aid.

Now, YCC has expanded significantly with seven different locations and a total of 75 employees. Between 1975 and 1994 when current CEO Don was hired, there were 16 employees, which means within a nineteen-year period, their staff double. But between 1994 and 2014, their staff more than quadrupled to 75. This slow growth in the late 80s and 90s could be due to the spike in the punitive treatment of juveniles that climaxed around the description of

youth “superpredators” in 1995 (Singer, 1997). Thus more support and resources would have been given to detention centers and prisons. But it was not long before policy makers realized the heavy costs of incarcerating more youth, and also the fiscal efficiency of using community based programs for the majority of youth (Abrams, 2013). Even though popular conceptions of the appropriate treatment of offending juveniles changed, the institutions they created remained intact. Through the cycling of rehabilitative and punitive ideas, many of the same institutions remain, though their framing and funding may change (Singer, 1997; Lynch, 2000).

As YCC grew, its programs changed with the desires of its funding sources, and as a result has provided a whole range of services. Since the early years of YCC, the court system and federal programs paid YCC to provide probation services and some casework to the community. After being awarded a license from the Child Welfare Agency, they began participating in the foster care system. In the early 2000s, they also started a day school program for youth who were expelled in addition to a drug treatment program. A diverse funding structure made of grants, private foundations and funds, the court system, and Medicaid has allowed YCC to provide a vast array of services but many of their services are heavily regulated. As Katz notes, this inhibits the ability of YCC and other non-profits to remain responsive to shifting community needs and desires (Katz, 1986). Instead, their programs tend to be determined and regulated by their funding sources.

When asked about the impact of funding sources and their regulations on YCC services, most staff members were rather conflicted. But it was clear from the majority of my interviews that a significant turning point for YCC was in 2000, when they became an official Medicaid provider. Now, the majority of the 75 staff are counselors with Medicaid-covered clients. According to current CEO, Don Benford “the year 2000 is when we became Medicaid and that

corresponds to a lot of our growth.” My primary informant, the Juvenile Caseworker Francis, observed that when DYS was their major benefactor they did not provide as much counseling as they do now with Medicaid: “There weren’t as many counselors” under DYS, “and now we’re able to provide way more services because of the extra funding.”

But in 2000, for profits also began contracting with Medicaid. For Arkansas, 2000 thus marks the point when, in accordance with Cheliotis’ conceptualization of the New Penology, competition greatly increased in the provider field (2006). Don recalls regretfully that with the help of Medicaid funding, new for profit providers only took five years to establish themselves, and “Now there are some that are even buying out some of the nonprofits...for profits have come in and they’re billing billing billing and they’ve raised the costs of these services around the entire state and we’re suffering because we do a lot more free services.” Even though Medicaid is available to all of these programs, there is limited money, and limited number of clients eligible for Medicaid coverage.

As the competition grows within the provider field, YCC struggles to balance their dedication to organizational values with the need to obtain referrals, contracts, grants, and public donations. At Berrytown, one of YCC’s larger sites, a caseworker asserts, “there are a lot of for-profits competing with for-profits, and we just step back and say ‘hey y’all we’ll serve you for free.’ Sometimes that can hurt us because we’re still competing for referrals and grants. But we choose not to participate in the political stuff. And even though it hurts us, I like that [we don’t participate]; it’s a karma thing for me.” Roughly 60% of clients are covered by Medicaid, while 20% of clients are given free services, and many of the staff name the free services as a major reason they are proud to work at YCC. As a self-described “ethical” provider, the staff do not participate in many of the political lobbying activities of the for profits, as CEO Don argues:

“They’re chasing ambulances... giving huge contributions to legislators and taking them out to dinner. Nonprofit’s lobbying options are super limited. It’s an uneven playing field.” But the privatized system, as opposed to a federal welfare system, is supposed to provide just that, an even “playing field” that is considered inherent to the free market. Competition resulting from privatization does not mean that the best provider (the provider with the best results in outcomes measures) receives funding. Instead, according to Don and other staff members, those institutions that are willing to sacrifice their morals and participate in shady dealings are the institutions that receive funding.

Because they do not participate as heavily in the inter-agency competition (Cheliotis, 2006), the intra-agency competition becomes more essential to the survival of YCC, according to CEO Don. As a result, Don instituted a system that gives bonuses to the offices that achieve a 98% or above on the performance indicator scale. The performance indicators rate the number of clients that staff see per day and the accuracy of their paperwork in association with the client programming. This ensures that they please their funding sources and cut costs by keeping on fewer staff, especially on the administrative level. A large portion of their monthly staff meetings are dedicated to the discussion of how each office as a unit is fulfilling Medicaid requirements. It essentially encourages staff to spend less time with each client, and more time with the paperwork of the client.

YCC receives funding from the Division of Human Services (DHS), Medicaid, private grants, and their own foundation, all of which (excluding the latter) have specific programmatic requirements. While grants certainly have their own application process and program reviews, the majority of YCC’s regulation and paperwork comes from DHS and Medicaid. CEO Don talks about the constant pressure to meet the outcome and efficiency quotas of the Department

for Youth Services (DYS), the child welfare branch of Department of Human Services. Don notes that, “In the past there was less oversight from our funding sources and you could take someone for granted.” Like Don, many of the staff members mention the increasing rules, regulation, and oversight by their funding sources.

Obtaining contracts with DHS and Medicaid are important not only for the funds they bring, but also for the symbolic status and legitimacy these contracts carry. The Department for Human Services is essentially welfare renamed. It is a governmental agency that contracts with smaller providers like YCC to create a “safety net” for “vulnerable residents” of the state (Department of Human Services, 2011). This agency independently creates its own set of standards for child welfare services, and enforces these values through agency applications and audits. In order to obtain legitimacy as a non-profit in Arkansas, one must obtain a DHS contract. In the waiting room and entryways of many of the non-profit offices I visited in Arkansas hung framed DHS contracts, congratulating the organization for continued excellence of service. This applies to Medicaid certification as well. When Julie Ann first started working at YCC twenty-one years ago, she was working on obtaining “RSPMI certification; It’s to be on Medicaid services. Establishing that we are a quality program and that sort of thing.” In the provider field, this accreditation is directly connected to organizational legitimacy.

Julie Ann has been with the agency for twenty-one years, and thus she has a more complex sense of how these larger funding structures have affected YCC, in terms of programming type and paperwork:

The Medicaid shift happened in 2000. Before that we got funding from basically the DYS program or the Petty Gene foundation funds. We have grown since then and changed a lot. Changed because of growth but a lot of it also has to do with Medicaid criteria and the accreditation. We have to meet certain standards for those. Medicaid is much more specific, has a lot more criteria but DYS has expanded their expectations as well. I think that they tend to focus too much on paperwork. There’s just so much it’s ridiculous and I



think that's a common complaint. I would rather be focusing on their needs than on if I need to get a treatment plan done a certain way.

Julie Ann casually notes that YCC has changed as a result of funding and funding requirements.

In order to get enough money to provide any services, YCC has had to follow the criteria of Medicaid and DYS, which means implementing particular programs. But she also argues that overall this has not diverted YCC from its values, though it has affected some of the specifics of how they interact with clients and how they spend their time.

Medicaid and such doesn't necessarily change what we do with the clients. We've always been focused on providing what the client needs, individualizing for each client and not trying to fit them into a certain box. It's just changed the administrative side of what we have to do...if you don't do it that way then we'll cut funding...We're talking about governmental ideas that don't always fit into the real world. You know, people who don't work on the front lines and are looking at other things. Again, we still value quality across the board.

The staff at YCC attempt to remain a more rehabilitative, "individualizing" service, in many ways combatting the push toward risk management's depersonalizing custodial treatment.

According to Julie Ann then, these regulations do not contradict the values of YCC, though they may impede their goals in some ways. For instance, filling out the required paperwork for multiple hours everyday means they have to spend less time with clients or even their own children. This does not totally contradict their goals of client-centered service but it does mean they are not fulfilling them to the extent they would like.

They acknowledge the potential impact and annoyance of completing paperwork and outcome measures for Medicaid and DHS, yet many argued that YCC was less impacted by funding than many other similar organizations. For instance, Counselor Maria, who just recently started working at YCC comments, "Some of the other agencies are so focused on the money and productivity and that's really what it's all about....their bosses are on them about productivity and I'm just like 'wow.' How can you even focus on the clients when you're thinking about the time?" Julie Ann, Maria, and the majority of others argue that despite the

hassles and pressure or funding, YCC has less than most, and in fact these hassles like paperwork do not have significant impact. Why is this? In part it seems they minimize the impact in order to maintain the integrity of the institution, and emphasize to me as an outsider that they are able to do what is best for the kids, regardless of what institutions support YCC.

But YCC isn't like that; we think about the kids not time...I mean yeah, our treatment plans have to be done in 90 days and then you have a review and you get a little griped when the paperwork isn't done and you don't get paid...And there's been nights when I couldn't go home and take care of my own kids because I was up late trying to finish the paperwork before midnight. That's the part of this job that I don't like but there's no way around it. You just have to be better at paperwork and time management than I am.

Maria is attempting to protect the integrity of the institution in a rather contradictory way. She tries to assert the agency of YCC in a structured provider field. YCC is faced with a number of difficult expectations, but is able to flourish and establish independence if the staff behave correctly. Maria understands that there are structural barriers for YCC and their programs, but she ultimately places any responsibility, any success or failure, on herself and the other staff. If YCC fails in its institutional goals of providing individualized, empowering treatment, it is because the staff were not able to control or manage their time and selves efficiently.

Interestingly, these are the same values the members place on their clients. This process of allocating responsibility is similar to what Nikolas Rose terms "responsibilization" (Miller and Rose, 2008).

Rose and Miller describe responsibilization as the product of advanced liberal democracies, in which free market theory and rational actor theory are emphasized, and governmental intervention is criticized. In this era, which is similar to what others have described as neoliberalism, state responsibility is downloaded to the market, to private organizations like YCC, and even further to individuals (2008). Responsibilization is the process by which agency is moved to level of the individual. Thus, at YCC, the staff are responsibilized in the same way

as their clients. While structures and larger patterns may guide, incentivize, and manage YCC, their staff, and clients, it is in the end the responsibility of each of these actors to overcome these forces. At YCC, this responsabilization of staff is accomplished through the already described performance indicators.

Philip, another counselor from the same office as Maria and Julie Ann, has worked for YCC for five years, and has seen more rules and regulation being added even within this relatively short timespan, and views their effects as outside of his control. Unlike Marie and Julie Ann, he does not feel it is his responsibility to find ways to work around their demands:

Medicaid...They're the gatekeeper...Sometimes I will question whether a client should go to in patient because my first thought is 'can I get Value Options [an arm of Medicaid] to agree with me?' Because they're the ones that will say yes or no if it's a Medicaid client. It definitely has a big influence on what you do therapeutically. Treatment plans and paperwork...got to be done a certain way and that's overkill. I'm not an accountant and therapy has some spontaneity that happens that's necessary that you can't always plan and schedule for.

Medicaid can have an affect on the type of treatment (which they often refer to as a "treatment plan") that a YCC client participates in. YCC may still individualize their services, but this is restrained by Medicaid.

At these provider programs, according to the logic of New Penology, "Emphasis is placed upon efficiency controlling internal system processes, as these are now evaluated not by reference to intractable social purposes (i.e. rehabilitation) but rather via self-directed indicators, tailored to feasible (i.e. cynical) targets like the proper allocation of resources and streamlined case processing (see Peters, 1988; Raine and Willson, 1997; Kempf-Leonard and Peterson, 2000)" (Cheliotis, 2006). Cheliotis, in his essay critiquing the New Penology, argues that Feeley and Simon's theory ignored the agency of micro-level actors. While many staff argue that their values are not affected by these internal processes, they do acknowledge the ways it affects their implementation of values. In the implementation, staff are able to maintain some of the old

rehabilitative era, but certain offices more than others. The Springfield office, for instance, cares very little about the push toward efficiency, and foregoes their bonuses in order to spend more time with clients instead of on perfect paperwork.

As a whole, the staff recognize how funding affects their daily routines, even to some extent their programming (some rely on the availability of grants) and interaction with clients, but they do not expand on the significance of this. They do not think funding ultimately affects the key aspects of institutional values or client outcomes; especially if staff manage themselves appropriately. As the staff are integrated within the institution, their views of how to treat juveniles have shifted with the values of their funding sources.

The amount of time that offices devote to fulfilling the expectations of their external funders and internal administrators determines their direct client relationship in addition to their relationship with the court system, other providers and resources, and the community as a whole, and thus we move to a description of these other actors, their relationship to YCC, and potential or current YCC clients.

### **The Punitive Path to Empowering Treatment**

Youth Care Corp. is just one of the many actors within the field of juvenile justice in Arkansas. Medicaid and DYS are the gatekeepers to funding for YCC and thus affect their programming and values. However, with risk management and redefinition of community based programs not as alternatives to the court, but as its partners, YCC must also pay dues to the in order to continue functioning YCC must also maintain and pay dues to their relationship with a whole host of other institutions. Essentially, they establish relations with any institution that deals with potential or current clients. In addition to the small number of individuals who are “walk-ins,” clients come to YCC through referrals from the schools, court system, and doctor’s

offices. They also must work with the local police, acute mental hospitals, and the child protective agency (Division of Children and Family Services, a division of Human Services).

The two offices I spent the majority of my time at shared a judicial circuit, and thus the same judge. Yet each office had a very different relationship with the court. The Springfield office had very close relationships with the probation officers, intake officers, and judge. But this also meant that they often had disagreements with the court system. Francis complained on several occasions about the lax and lazy nature of the probation officers; they would frequently ignore Francis' suggestions to sanction a youth for cursing or generally bad behavior. The staff often talked about how they thought DYS should contract out probation services to YCC, as they would do a better job. One of YCC's offices does in fact have contract probation services, but this is unlikely to spread to other counties, as judges prefer to have the power to hire and control their own staff. But in Berrytown, the staff had very little to say about the court system, and most of the counselors could not name the probation officers in their county. Perhaps this is in fact a result of Berrytown's focus on performance indicators, which emphasize paperwork rather than networking and community engagement.

Youth arrive at YCC often through a combination of various institutions. A juvenile (defined in Arkansas law as any person younger than 18) may go through two major channels. For one, the Families in Need of Services (FINS) program allows any community member to report a juvenile for delinquent behavior. In particular, those who tend to file reports are family members over the age of ten and law enforcement officials, but reports may also come from a pastor, a teacher, a neighbor, or any adult. FINS is reserved primarily for "juvenile" crimes like truancy, running away from home, and disobeying parents in addition to any youth under the age of ten. Once a FINS report has been filed, the local intake officer determines the course of action.

Through interviews with the family and the offending youth, the intake officer determines if the FINS complaint is legitimate. If so, then they determine if the conflict is resolvable without court intervention, in which case the youth would be diverted to one or more community-based programs, such as a behavioral based counseling program or a drug education class.

Alternatively, the intake officer may decide, for instance if the crime is severe or complicated, that the issue is best resolved with the wisdom and authority of the judge. If a child is taken before the judge and goes through the adjudication process, the court now has total authority over the parents and children and may order drug screenings, family therapy, etc and is obligated to review the case every 6 months.

The other major channel is through the police. While a police officer may file a FINS report, they also may simply take the child into custody. This is meant for youth who have committed “adult” crimes and are between 10-17. If the child is taken into custody, they are held in a detention center until their pre-hearing. One courthouse outside of Arkansas even has a detention center located off of the intake and courtroom for ease of transport. The pre-hearing determines if the youth should remain in the custody of the court based on the fact that either 1) the youth poses a threat to the community and should remain in detention until the actual adjudicatory hearing or 2) the youth is at risk of victimization in their home and should be kept out of that environment for the time being.

When visiting the smaller Springfield office of YCC, the staff took me to adjudicatory hearings (the juvenile version of trials), meetings with probation officers, and introduced me to intake officers. In my first week at the Springfield office, I spoke with counselor and office manager Sarah about the court system and problems of nearly illiterate probation officers, failing hiring protocol, and lack of trained juvenile professionals in the court system. Later in the week

Sarah brought me to the courthouse to find out if I could sit in on some of the adjudicatory hearings.

Located in the center of town, I approached the early 1900s stone courthouse shaded by large old oaks. The stuffy, lonely building was home to the DMV and a variety of other government offices. Sarah quietly led me to the third floor into a wood paneled, messy, hot corner office and introduced me to Lucinda. A white woman in her late fifties, exasperated and sardonic, Lucinda sat behind a large desk in a jean jacket with teased, bleached hair. As we entered, she was playfully scolding her twelve-year-old daughter who sat with a laptop in the corner. While Lucinda has worked in the juvenile justice field for eleven years, she has worked for the county as an intake officer for six years. An average of 20 clients come through her office per day, most of them parents of delinquent children who want to file a FINS petition: “They’re just parents who don’t care and want us to deal with it.” In the experience of Lucinda and a few probation officers I spoke with, they act as surrogate parents to these virtually abandoned children. “I’ve raised 10,000 of these kids!” Lucinda scoffs, “some of them do well and some of them don’t. The problem is that they go back to the same meth-head parents and abusive siblings.” Contrary to the New Penology view of probation officers as soulless bureaucrats siphoning youth into programs based on their lives as statistics, Lucinda claims to spend much of her time, personally and professionally, caring and raising these deviant youth.<sup>2</sup>

Regardless of their poor environments, Lucinda notes that the majority of youth she helps “stay clean,” graduate out of the juvenile justice system and do not have further contact. Much of her success she attributes to her relationship with the county judge. Because the judge oversees

---

<sup>2</sup> This is not to say that her continued role as a more welfarist, paternalistic probation officer is necessarily better for youth, just that the fears of risk management are perhaps not altogether grounded.

three small counties, he is able to establish relationships with the various intake officers and probation officers. Lucinda was gracious enough to allow me to sit in on a few days of hearings. Wrongly presuming from my accent that I was not from Arkansas, she introduced me to the judge as a “college student from New York.” He nodded at me blankly and adjusted his robe.

There is no jury, and no public access to juvenile hearings without permission. In Dakota County, this permission is informal, and I was not obliged to sign any contract or make any oath. I sat alone in the long row of pews except for a high school student, who was very friendly with the judge and sat taking notes (she dreams of becoming a probation officer one day). There is a single guard standing by and no security cameras. I see three cases in a row and two are dismissed. In one case, the El Salvadorian single-mother who filed the complaint decided she no longer wanted or needed court intervention to control her son, thus the judge simply dismissed the case, but commented afterward that the “son was obviously in control and was manipulating her.” In the other case, a white seventeen year old was sneaking out late with a boyfriend, disobeying curfew and the parents’ disapproval in her choice of lover. The probation officer Lucinda, acting also as the court-appointed public defender, made the argument that these issues did not rise to the level of FINS, as she did not have issues in school and was not in counseling. Because of this additional context, rather than interpreting these actions as delinquency, the judge dismissed the case on the grounds that she was simply “displaying independence.” In response, he told her to control herself and wait to assert herself when she turned eighteen and could make her own decisions. The third case, another white seventeen-year-old had not completed a requirement of probation, which mandated GED courses, a behavioral class, and community service. He had not completed his community service hours by the deadline, and thus the judge ordered more hours onto his sentence.



The laissez-faire attitude of this judicial district was striking, especially in comparison to the other juvenile court setting I experienced just south of the large city of Little Rock, Arkansas' capital. Here there were mandatory screenings and check-ins before entering the building. The waiting room outside of the courtroom was filled with youth and their guardians. In order to gain entry to the hearings, I was asked to sign a confidentiality agreement. Guards and cameras were around every corner. The difference in racial composition of these two courts was striking; while the previous was primarily white, the subjects of intervention in this court were primarily people of color. The first case I witnessed, a black eight year old was brought before the judge in handcuffs and orange scrubs. This was a pre-adjudication hearing, and the judge spent the majority of his efforts questioning the mother. What circumstances led to her son being left alone and unsupervised long enough for him to rape his younger sister? If they were to release him in the meantime, could she prevent this from happening again? Who else could he stay with? Would she be willing to submit to a drug test? With this last question the mother panicked, and began to back out of the room, mumbling, "You can't do this...I don't do drugs! You're going to make me lose my job!" The guard handcuffed her calmly as the judge spoke over her, "Since you are proving unwilling, we are ordering mandatory drug screening." They took her away screaming as her son stood quietly, head down before the judge. The difference in the tone of these courts is striking. But how do we explain this contrast?

In part, the differences are due to the differences in offense in these individual cases, but this does not explain the intensive surveillance and security measures. The majority of youth offenses in Arkansas are primarily non-violent (Annie E. Casey Foundation, 2013), but it is also possible that this more punitive court oversees a county with more violent offenses, or more "risky" populations.

According to a publication by child advocates Pat Arthur and Tim Roche, judges across the Arkansas utilize standardized risk assessment tools (2008). But in my interviews with YCC staff, they reveal that the judges—perhaps fearing a loss of judicial discretion--have been resistant to the mandated use of risk assessment tools. But progressive policy advocates like Arkansas Advocates for Families have continued to fight for inclusion in the legislation. The CEO of YCC also, has advocated for risk-management technology as a way to secure appropriate clients for YCC; to prevent low-risk youth from being cycled into deviance, and to prevent high-risk youth from entering YCC. Despite their efforts, juvenile detention and confinement rates in Arkansas have continued to rise, contrary to trends in the rest of the U.S. (Annie E. Casey Foundation, 2013). In this way, Arkansas seems to be tracking larger shifts to juvenile justice, but just at a slower rate; Arkansas is still participating in 1990s punitive pulls, but also attempting to organize juvenile around risk categories. While the intake officer, probation officers, and attorneys I spoke with did not think that a punitive approach was the solution, they did assert its necessity.

Regardless of office differences, YCC as a whole views itself as a partner--not an adversary--to the court. Because of their reliance on DYS's institutional funding in addition to a increasing popularity of risk management ideologies (though not quite yet technical practices) among progressives, they must accept this cohabitation in the field. As a result, they situate themselves in a low-risk category that allows them to assert both a punitive and rehabilitative mentality. In the contemporary field, these ideologies do not contradict each other, but instead affirm each other.

Youth Care Corp is in many ways a product of the contemporary neoliberal era. It is not wholly welfarist nor is it wholly punitive, and it is through the study of this micro level site that

we may better understand and complicate the macro conceptualizations of the changes to the carceral control system. The historical backing now hopefully being clear, we can now see the ways in which YCC adheres to generalizations about the current state and also memorializes the penal-welfare past. Structurally, YCC has tracked this move away from the rehabilitative ideal, despite being a historically rehabilitative program. But it has yet to implement the more scientific and formal risk classification system that requires a certain austere management of youth. In this rather unsteady setting of juvenile justice, frequently shifting between punitive and rehabilitative, YCC must continually find new ways to validate their existence and affirm the worthiness of their clients as targets of empowering intervention.

Youth Care Corp. is still rehabilitative in its emphasis on individualizing treatment, but as I will explore further in the following chapter, staff believe in the punitive techniques of crime control as much as they do in their own techniques of empowerment. The following chapter addresses more specifically the practices of risk assessment and management techniques, exploring how the staff talk about their individual clients and their families, and the ways they validate their treatment of lower-risk youth.

### 3

#### **Neoliberal Risk Management:**

##### **Selective Empowerment, Selective Abandonment**

The study of Youth Care Corp. shows that the penal system has not transformed from top to bottom as the New Penology suggests (Feeley and Simon, 1992). Instead, it is more accurate to situate YCC, its programs and rationalities, within the broader category of neoliberal governmentality. Miller and Rose's conceptualization of current modes of social control have noted a move toward a neoliberal (or what they call "advanced liberal") governmentality that governs "at a distance" (Miller and Rose, 2008; 18). As opposed to Feeley and Simon's expansive warehousing model of governance, Rose and Miller's idea of governing at a distance is better able to account for the co-existence of punitive systems of detainment and empowering treatment programs. This new governmentality relies heavily on the notion of risk, and the creation, categorization, hierarchization, of populations in terms of their riskiness. This explains why YCC is still relevant within the correctional field as a semi-rehabilitative organization. Feeley and Simon recognize that rehabilitative institutions remain, but I argue that rehabilitation itself has not been abandoned, but reshaped and reserved as a tool of the court system for dealing with low-risk youth. In this chapter, I begin by discussing risk theory literature and the ways that it constructs risky populations. I then move to describing and analyzing staff's explanation for why their clients are appropriate targets for empowerment.

Between 1989 and 1995, over 2,500 articles were published in the US focusing on the notion of "at-risk" children and families (Lubeck and Swadener, 1995). While this actuarial language is not necessarily new, the current period is an expansion of such techniques (Cheliotis,

2006). With the use of risk management theories, the state is not interrogating individuals themselves, but populations as collections of individuals and individuals as part of a population. Thus, risk management circumvents the 70s critiques of governmental intervention as excessive (on the right) and repressive (on the left) while still allowing for the use of prison, detention, drug treatment, counseling and other forms of state mandated treatment (Garland, 2001). Risk theories thus create a balance between older welfare ideals of rehabilitation and the reassertion of the demands of economic feasibility, efficiency, freedom of individuals as rational market actors.

Risk assessment determines what deviant individuals should be placed in detention centers versus community-based diversion programs. These assessments seek to determine what populations are most likely to cause the most harm to their community. Individuals are organized into the categories of low, medium, and high risk based on a wide variety of factors. So wide that some argue, “the discourses of at-risk youth are potentially encompassing of all youthful behaviors and dispositions” (Kelly, 2000; 465). Typical risk factors for youth include parental relationship status, parental and youth drug use, offense record, grades, association with gangs, depression, anti-social behaviors, lack of remorse, and sexuality, in addition to many others. (See Dawkins et al., 2005). Thus, youth with a single, drug-using parent, a violent offense record, and a lack of remorse, are considered a serious threat to security within a community, and are more likely to be considered for detainment as opposed to a community-based program.

YCC staff along with progressive youth advocates in Arkansas promote risk-based thinking with the hope that these assessment tools will help judges better determine which youth *really* belong in detention centers versus those who could be better served in the community. Progressive child advocates and staff at YCC tend to view detention centers as the end; once youth are detained they are more likely to continue exiting and re-entering the justice system for

the rest of their life, continuing a cycle of poverty and criminality that they argue sometimes spans many generations.

For Don, youth policy organizations, and the staff at YCC, the juvenile justice system is made more fair and equal through the use of a system that organizes individuals into low, medium, and high risk categories using risk factors like those promoted by risk assessment literature (such as family structure, race, age, and offense record). They explain the use of this system by saying that it promotes fairness in sentencing, for the community as a whole as well as the offending juveniles: “I’m definitely into standardized risk assessment and the creation of a grid based on risk and need and services that match up instead of having the fate of these kids be determined by the whim of some person who’s trying to get off work early,” Don asserts. Youth have a diverse set of “needs” that cannot be treated in the same ways or within the same institutions. Some youth do need to go to a juvenile detention center and some need more sensitive care. By distinguishing the type of services these youth need, they are necessarily constructing different treatment populations. This has serious implications for those who are considered likely unresponsive to empowerment, and thus belonging in detention centers.

However, formalized, grid-based risk assessment tools have not fully integrated into Arkansas’ juvenile court system, according to YCC CEO Don. As a result, populations YCC would consider low risk are treated differently in drastic ways depending on the judge and court the youth find themselves in: “In one court, a kid shoplifts and gets 80 hours of community service and another court sends the kid to therapy. Another court he messes up again and he ends up in a detention facility for a month. And once they get in there they don’t tend to do very well.” Within the court system, judges are not mandated to use risk assessment techniques in their decision process, according to Don, and thus they are utilized informally and sporadically.

But based on my interviews with probation officers and my experiences sitting in on adjudicatory hearings, there is a general consensus that those who pose the greatest security risk (generally those with violent offenses) belong in detention centers, if not prisons. However, considering the majority of youth offenses are non-violent, there necessarily are many other populations considered dangerous enough for detention (Annie E. Casey Foundation, 2013). Because of the continued tension in Arkansas between detention centers and community-based treatment programs, for YCC, the process of defining their population as different and needing of their services in particular is essential to their self-definition and their continued relevance.

Even though there is not a formalized risk assessment system in place, staff construct and employ a more informal but still unified classification of juveniles based on factors such as parent drug use, parent relationship status, record of past offenses, grades, outward expression of anger, and lack of remorse or empathy. Accordingly, those youth with a record of offenses, single parents, a history of violence, lack of remorse are more likely to be unresponsive to empowerment treatment and to decrease the security of the community, and thus should be detained. When YCC staff talk about their clients and youth in general, they describe four major groups of youth based on these risk factors: 1) those that are just exhibiting a “normal” amount of deviant adolescent behavior 2) those that need a “wake up call,” 3) those with “uncontrollable” pre-existing psychological issues due to “bad genes” and 4) those with behavioral issues caused by “bad parents” and an unhealthy living environment. Each type of youth requires a particular sort of treatment within the juvenile justice system and YCC.

The definition of childhood and adolescence, increasingly biological as revealed by the U.S. Supreme Court rulings of *Graham v. California*, *Miller v. Alabama*, and most recently *Toca v. Louisiana* leaves room for a level of “normal” deviant or antisocial behavior among all youth.

When policy and the judicial branch define adolescence as period in which the prefrontal cortex (the supposed hub of our primary rationalizing abilities) has yet to develop, it normalizes a certain level of adolescent deviance, and attempts to limit the severity with which even violent youth offenders are treated. But the amount and type of deviance that is to be considered “normal” goes unspecified among YCC staff. Often, as a preface before describing why and how youth end up at YCC, staff will comment similarly to Julie Ann that many youth “are just dealing with normal adolescent behavior and won’t stay long.” In the determination of what youth are exhibiting “normal adolescence” versus the symptoms of a psychological disorder or a behavioral disorder, the assessment of parents and parenting is central.

In this sense, parents are evaluated as one of the most important risk factors. While YCC has largely moved away from the rehabilitation and treatment of “bad” parents, parents are still involved in “diagnosis” of riskiness and thus prescription of treatment. Parents and familial context is important in the decision of youth’s potential to reform their selves. Knowledge of the family helps judges, intake offices, and YCC counselors answer the questions, “How much can we change this child for the better? What-if any--behaviors can be improved with treatment, and what type of treatment is effectual?” Juveniles with bad parents are more likely to be labeled as high-risk.

Primarily, YCC staff think of youth as victims of their own dependency on bad parents, and this relates directly to their institutional mission of “empowering” youth. However, a very select few number of YCC clients come from “good” families, and are not high-risk or in need of empowerment. According to Don, youth from different class groups have different home lives, and thus need different judicial processes: “It’s rare... that there’s just a middle class kid who comes from a good family and just goes crazy over the weekend...well yeah he probably needs a



little punitive measure; make him pick up some trash.” Deviant youth from a “good family” do not need empowerment, they need punishment. Having a “good family” (without drug use, substance use, with two parents, and a stable income) reduces a youth’s riskiness, and correlates to the need for an immediate, punitive approach. The implication behind this risk-equation is that a good family has regularly provided normal socialization based on a rationalized system of rewards, i.e. incentives. Thus, the implementation of new modes of control are necessitated.

Interestingly, staff think of detention centers and more punitive measures as ideal for both the lowest risk population of youth from good families *and* the highest risk population of youth from bad families. Again for the low to no-risk youth, detention serves as a “wake up call” and is often referred to as “jail therapy.” The highest risk populations of youth, however, supposedly have a history of offending, and have already gone through many of the lower risk treatment programs. The system has fulfilled its obligation to attempt to normalize these adolescent dependents, and so the only place left is detention or prison.

These high-risk youth are spoken of as lost causes, beyond any help, beyond any hope. Based on my interviews with YCC staff, probation officers, and intake officers in addition to my experiences in court, youth are classified as high-risk for a number of reasons. Often, it is because they have a history of violent offenses and/or recidivism. In addition, family environment, psychological evaluations, drug tests, age, and school history are all factored into their evaluation. Formal risk assessment theories coming out of sociological and political academic journals site these and a host of other possible risk and protective factors. Risk assessment theorists, however, stress the effects of race and class on possibilities for future or continued deviance than those I interviewed in Arkansas.

At YCC and in the Arkansas juvenile justice system, the practicality of intervening in low risk populations and abandoning high populations is a foregone conclusion. However, there are many risk theorists that instead argue for the efficiency of targeting high-risk youth, especially in prevention work (See Andrews et al, 1990; Kethineni and Braithwaite, 2011). But like in Arkansas, the majority of intervention provisions are targeted at low and medium risk youth, while high-risk populations are relegated to detention centers and prisons (Kethineni and Braithwaite, 2011). CEO Don advocates strongly for the decrease in the use of detention centers, but many of his staff wish that probation officers and the court would actually enact more punitive sentencing for high-risk youth. In fact, staff regretfully concede that many youth may belong in prison.

Claudia, who is young compared to many of her fellow staff members, graduated college with a degree in Sociology in 2003 thinking she would work as a prison guard. But she realized that she wanted to work to help not punish youth and began working as a case manager at Youth Care Corp. She believes in youth empowerment, but in her relatively short career, “It’s been proven” to her that “the system doesn’t work with every kid.”

Some kids will do it anyway. Some kids there’s no consequence that scares them. Those are the kids that scare me. Those are the delinquents that I don’t know what to do with. We’ve had a couple that have been through here that are in prison now. I don’t know how to modify those scarey people’s behavior.

Nance, also a case worker, but who has been with YCC longer, feels similarly: “Sometimes we’ll get to a point and me and the therapist will throw up our arms and just say you know ‘I don’t know what we’re doing here this is not going anywhere and is a waste of everybody’s time and somebody’s money.’” They partner up with the court system to determine who belongs in prison versus who belongs in the community. Staff members frame continued client deviance not as a failure of YCC as an institution or counselors as individual, but as a sign of the type of child they

are interacting with. Children in general are *more* reformable than adults, but some are lost, and it is only with the attempt at treatment that this becomes knowable. In order to continue viewing juvenile responsabilization as possible, YCC staff must isolate these unreformable youth as outliers. Typically, they are categorized as sociopaths. The number of youth that staff actively categorize as sociopathic and deserving of prison is small. Many more YCC clients likely end up in prison later in life, weeks, months, or years after they complete treatment.

### **Bad Family, Poor Community**

Ideally, YCC as a particular type of service is supposed to receive a particular type of (low-risk) client. These are the youth that staff feel they are most equipped to help. Low-risk youth essentially represent the space within the juvenile justice sphere that YCC claims as its expertise. However, because of the inconsistencies in sentencing between judicial districts, YCC is tasked with the empowerment of court-mandated youth from a variety of backgrounds and risk levels. But in general these clients are not considered high-risk. Don describes the type of youth they serve as fitting into three different levels, each receiving different types and length of treatment:

Generally we see like a level 1,2, and 3. You could also call it “supportive” “intermediate” and “intensive level.” I would say our intensive programs are like “day treatment” and therapeutic treatment care program where we have to give them lots and lots of services. Intermediate we may give them more home intervention stuff than supportive. Supportive might just consist of coming in once a week for some family therapy type stuff. We prefer to bring them in at a higher level 3 and bring them down to a level zero. There are some level three clients that we’ve had for three or four years. But most level ones will stay in the program for 3-6 months and some only have a month or two. Intermediate probably the same maybe up to a year and get to where we only see them once a month to wean them off services.

The majority of clients fall into the moderate risk “bad family” category.

In talking about these clients, staff assert that the youth are generally not to blame for whatever missteps they have taken. Instead, parents are seen as a major cause of youth deviance:

“Typically, for our average client, my view is that there is something going on at the house anyway. I view a child as a barometer of the family.” Deviant children are only reacting to their negative environments, and thus while they need intervention and treatment, they cannot be held totally accountable. But this creates a dilemma. Parents are often the source of their children's bad behavior, but they cannot be fixed. Years of penal welfarism attempted to normalize abusive, drug-using, criminal--and sometimes just poor--parents. The consensus of the late 70s was that these governmental attempts failed (Platt, 1977). But adolescents are not without hope; because of their definition as inherently malleable, youth-targeted institutions like YCC may still assert their legitimacy within the field of governance. Neoliberalism and welfare privatization moves and disperses responsibility down from the federal government to individual market actors. The adult parents of deviants are fully responsabilized market actors, and this agency coincides with their intransigence. In comparison, youth are not wholly formed, and thus their independence may be fostered into something more in line with the state.

Having bad or non-present parents increases the riskiness of children continuing deviant behavior. In these homes, children are not exposed to incentivizing discipline. Instead, many have been the victims of frequent abuse, interpreted by YCC as a punitive tool of control. For the youth growing up in these environments, in contrast to youth from middle-class families, the “punitive measure” of detention centers or trash crews “may just make them act out even more. They need compassion and love and a parent that realizes how they’re contributing to the situation.”

There are many different types of bad families with a whole host of issues. Any family that is structured dissimilarly from a classic nuclear family is more likely to create deviant children. According to YCC staff, youth raised by single parents or grandparents are more likely

to offend or have behavioral issues. In their population of mostly low-income families, Julie Ann comments, there are “a lot of grandparents raising grandkids because the kid’s real parents addicted in some way, whether it’s to drugs, alcohol, relationships, other mental health issues and they can’t take care of their kids.” But the grandparents do not necessarily provide a better environment than their parents: “An example is this mother who is an alcoholic and left her kid to *her* mother and I don’t think there’s any structure there with the grandmother, no expectations except ‘be at home in your bed at night...I don’t care about if you’re going to school or not unless the court makes me.’” Single parents, as well, have trouble raising normative children, according to CEO Don: “I mean it’s tough enough to raise kids with two parents and you do just one and you increase risk...Then of course there’s alcohol abuse, drug abuse, sexual abuse. It all adds up.” Many staff view the nuclear family as the ideal and most secure, but would contend, like counselor Philip, that what matters most is the provision of a “support structure,” and that can be found in the home of a parent or grandparent.

Staff acknowledge the difficulties of parenting in general, and especially when one is a single parent, below the poverty line, and living in a rural community. Many staff are keenly aware of the lack of public infrastructure that makes parenting and growing up difficult; the majority of the staff have grown up in rural communities and also hear from their clients on a regularly basis the struggle of rural living.

Loach: How responsible do you think these youth are for the situations they’re in?

Julie-Ann: The availability of positive, constructive activities don’t really exist. And if there are things then they cost money, and people don’t have money. Just because there’s a boys and girls club here in town doesn’t mean that someone living 30 minutes out has the gas money to get them here and back. There’s no public transportation. So those infrastructural things are lacking in these rural communities and kids get bored and involved in bad things. But then there are kids who aren’t involved in community activities who also aren’t committing crimes. And they have a family structure and certain values taught to them and they occupy themselves with family or what have you, they go get summer jobs and are productive.

But inevitably, parents are responsible for their own failures, as counselor Maria also maintains:

I personally think that parents are to blame because when you bring children into this world, you are responsible for them and you are responsible for providing for them the basics necessities of life. For me, that doesn't just include a roof over your head and clothes and food; it includes a healthy emotional environment[...]You really don't have a chance if you grow up in such an awful environment where there's abuse. So yeah I blame parents.

Regardless of their acknowledgement of structural hindrances for poor families, there is still a strong, anti-welfarist, culture of poverty argument present in this comment and at YCC in general. The government has no role in helping parents provide resources for their children.

“Yes,” staff seem to imply, “raising children is hard, keeping a steady job is hard, but it is possible with a strong work ethics and good values.” The American Dream is real, though rare.

Julie Ann suggests that the problem with these poor parents is that they do not have the right values. As we sat in her windowless office, she spoke animatedly about all of the roach-infested, feces covered houses she has worked in as a case manager, but lowered her voice when talking about the culture of those who are poor:

Loach: So lack of resources in the community isn't the full picture?

Julie Ann: No it's certainly not the whole picture. It's an issue but it's not the whole picture. A lot of it is values, not valuing other people or property[...] There seems to be a certain culture that is pervasive within certain socio-economic levels. And there are cultural differences there too. You can look at a particular culture that values rules and order and caring and see how their children reflect those same things and they may be of a lower socio-economic background. We see that a lot with our hispanic families, who value very much the caring and cleanliness and family time [despite being poor]

These “hispanic” families prove that it is possible to live in poverty and also raise well-balanced children. So while there is a “culture of poverty,” it is not inevitable or inescapable. It is the job of these parents to fix themselves.

While YCC case managers and juvenile justice caseworkers visit client homes on a weekly basis like they did in the 1960s welfare era, the stated purpose of this is firstly to evaluate

the home environment in order to better serve their youth clients, not police or manage the parents. While it is not staff's intention to police parents, parents likely experience their presence as policing, especially considering parents often associate YCC with the Department of Human Services (DHS). Perhaps because of this, case managers are wary of commenting on parent behavior in these settings. They will often suspect, for instance, that parents use drugs or have a drinking problem, but do not consider it their job to interfere, find evidence, or report the family to DHS. Francis, who works with juveniles when they have been released from juvenile detention centers (called aftercare) and youth who are on electronic monitoring notes cautiously, "I won't snoop around and I don't look for drugs on the table I walk in just do my thing and go. Maybe I'm wrong but I do what I'm being paid to do [...] so I don't look. But if I see something that is alarming I'll take the appropriate measures." When younger children are displaying behavioral issues, the caseworker may refer the parents to parenting classes, which are certainly normalizing but necessarily mandated. In addition, parents are expected to attend their children's counseling sessions at least once a month. But for the most part, the preference is to direct treatment and help to youth as opposed to their parents, especially in the case of youth who are above eight or nine.

Samantha explicates this well with a story from her early days as a caseworker at Youth Care Corp, before she had experience and realized that parents are rather unreachable and difficult to reform.

You learn lessons the hard way. There was this one lady and she was sort of low functioning and her son was low functioning too. And I went to do a home visit and the home was so cluttered and dusty and not really nasty but trash everywhere. The second visit I went in and I said, 'Can I help you clean the house? We can do it together and I'll show you how to do some of this stuff.' I offended her and she called my boss. I apologized to her and she let me come back to her home. And I want you to know that she became a really close friend. If I wanted to now, I could say 'Nicole, let's get this

house cleaned up' and she would just say okay. But I don't want to anymore. But I still will try to get teenagers to clean up.

As a caseworker, one must make tough ethical decisions, and determine when the parenting is poor enough to necessitate a report to the Department of Human Services and when to confront parents directly. Ultimately, the "hard lesson" that caseworkers and counselors must learn is that, despite their desire to help deviant youth and provide them with a healthy environment, they cannot change parents, the common source of suffering for youth. In this sense, they are a part of the reproduction of the anti-welfare movement that views adults as un-reformable. Instead, they validate the use of youth empowerment for appropriate, responsive populations of youth.

### **Intervention as Abandonment? Inaction as Intervention?**

Considering the all-encompassing risk factors described in child development journals and by YCC staff, all youth are theoretically legitimate subjects of some type of intervention. Despite the potentiality of risk theories to increase intervention into the lives of youth, in the US as a whole, detention rates for youth are declining, though they are rising in Arkansas (Annie E. Casey Foundation, 2013). It is not clear, however, what proportion of youth are netted by the "diversion" tactics of the juvenile justice system. With the division of youth populations and youth services, evaluating whether or not Feeley and Simon's fear of mass warehousing/intervention is valid becomes difficult. For one, there is simply a lack of specific statistics reporting the number of youth in various types of treatment/diversion programs. Additionally, it is not clear what types of programs "count" as intervention or are concerning. If we only care about the potential mass incarceration or detention of youth, then perhaps risk assessment tools are not the appropriate target of our fear; the CEO of YCC praises grid-based risk assessment tools for their ability to decrease youth detention rates and divert lower-risk youth to programs like YCC.



Risk management theories and techniques may not realistically lead an increase in juvenile detention, but in Arkansas it does lead to a potentially problematic definition of those youth who are high-risk and are sent to detention facilities. As shown in interviews with staff at YCC, high-risk youth become lost populations, considered unresponsive to any forms of treatment. Based on risk assessment literature and YCC's description of risk factors, those who are considered high-risk are more likely to be racial or ethnic minorities from low-income families, with unemployed or imprisoned parents (Dawkins et al, 2005). This means that those who are already at a disadvantage because of historic and continuing oppression are more likely to become "warehoused" (Feeley and Simon, 1992) or trapped in the carceral system. According to an institutional review of the Alexander Correctional Facility conducted by the National Center for Youth Law (NCYL) and the Arkansas Disability Rights Center in 2007, youth faced systematic and patterned abuse (NCYL, 2007). Despite continually renewed attempts from 1998 to 2007 to better monitor this corporately owned 143 bed Alexander facility, the NYCL found that two youth had committed suicide, one died due to lack of medical treatment, many were improperly given anti-psychotic drugs for the purpose of pacification, and youth did not receive adequate education to receive high-school diplomas. As of August, 2014, Alexander was again under review for new incidents of physical abuse of youth (Arkansas Matters, 2014).

Detention centers have more serious long-term implications for the mental health and potential normative success of deviant youth they "treat," but privatized alternatives are more likely to impact greater numbers of youth (low and moderate-risk youth), and may not be as innocent as many progressive child advocates would hope. The potential for harm is perhaps most present at private residential programs. But while programs like YCC do not actively control youth day and night, they do supervise youth with home visits and electronic monitoring.

It is important to not discount the power of governing from a distance; just because the control is not actively present, that does not mean it does not have power or impact.

For one, it is more likely that mass intervention would occur through privatized programs considering their institutional flexibility and cheapness. The FINS (Families in Need of Services) program in particular has the potential to net large numbers of youth into the carceral system. Probation officers talk about how parents frequently use this service as a parenting tool. As result, interaction with courts has become normalized as a part of low-income teen life. Regardless of the paternalistic and supposedly “caring” nature of these FINS court interactions, this normalization has real implications for the future of these youth. It also signals the changing role of community. Families, churches, and schools, now tend to divert the daily management of youth, their curfews, school attendance, values, social behaviors, to the court, while the court also diverts responsibility to the youth “experts” at privatized programs like Youth Care Corporation.

Within the field of juvenile justice, the use of counseling and emotion management services at private diversion organization has become so normalized that counselors will sometimes comment in jest “all kids should go to some of our counseling.” While only high-risk youth need containment within detention centers, staff comment that all of the youth in their communities would benefit from counseling. It is important to note, however, that the majority of the youth in their communities are from low-income families, living below the poverty line. Thus, staff are specifically arguing that all youth growing up in poverty could use some extra help. But what sort of help do these deviants need? High-risk youth are “treated” within detention centers, but are essentially abandoned, left vulnerable before these institutions and their

power. Alternatively, according to Arkansas' progressive advocates and YCC staff, community-based programs "empower" low and moderate-risk youth with targeted interventions.

In this chapter, I discussed the creation and division of youth populations around risk. The majority of at-risk youth and youth who offend are from "bad" families. While some of these youth are unresponsive, many youth may still be empowered to overcome poor parenting. In the following chapter, I explore the discourse of youth empowerment. While empowerment and abandonment are dichotomous in language, in their application they may not be so dissimilar.

## 4

### **Leaning In, Looking Out: Empowerment as the Finding of Order**

YCC has evolved in many ways to meet and work around the demands of a shifting governmentality. The responsabilizing empowerment of supposed low-risk that “helps youth help themselves” satisfies new demands for output efficiency, partnerships with the court, and lower costs while at the same time holding on to some semblance of a rehabilitative past. As explored above, Youth Care Corp. offices have a unified idea of what causes youth delinquency and of who is likely responsive to empowerment. Broad definitions of empowerment, as well, are similar across offices. Rural youth in Arkansas struggle with poverty, poor education, abuse, lack of entertainment, but because of a decrease in ideological and financial support for direct aid, these are not the problems the majority of community-based programs seek to alleviate. YCC’s goal is not to fix parents, nor to provide families and youth with material provisions, nor to directly train youth for the work force. Instead, they empower youth; they help deviant youth realize that despite their unfortunate environmental context, they themselves are responsible for and capable of success.

The general definition of empowerment remains, but how this definition is actualized varies. Even though these offices have the same broad definitions of empowerment, as revealed by their individual practices and specific programs, the Berrytown and Springfield offices conceptualize empowerment as a technique of treatment in rather different ways. In order to empower youth and help them take responsibility over their futures, Berrytown focuses on self-control and Springfield encourages the possibility of success through hard work in a free market. The desired result is essentially, the same; they hope to facilitate the transformation of youth

from irrational, emotional deviants to self-controlled, confident, manageable citizens. However, these different techniques have the potential to impact clients in significantly different ways. The staff at Springfield do not “buy-in” to new mandates of efficiency that call for the maximization of the number of clients they see (“output”) and the accuracy of funding source paperwork. As a result, staff have more time for informal, unprofessional aid of clients. In fact, I argue specifically that compared to Berrytown, Springfield is located in an area with fewer social services, and thus *must* provide these additional direct aids like care rides to counseling appointments in order to empower youth. This reveals the strain within the empowerment discourse.

### **Researcher as Subject**

As I visited court and detention centers, I had a contradictory dual standing on one hand as an obviously deviant appearing youth with alternative hair and tattoos and on the other as a student from a prestigious college in New York and as a native of the richer North West corner of Arkansas. The first time I became aware of my interesting situationality was in the summer of 2013, when I visited the notoriously offensive Alexander Correctional Facility, escorted by my internship supervisor. The director of the detention center graciously led me through the various facilities, keeping a hand on my back or arm, expressing a form of protectiveness inseparable from possessiveness and control. As I left, teasing me about my appearance, he tousled my green hair and opened the door before me. A year later, as I toured courts, judges often ignored me, and probation officers gave me friendly pats on the back. At the various YCC offices, too, staff treated me very particularly. The way staff at the Berrytown office versus the Springfield office interacted with me is emblematic of how they think of youth in general.

My first day at the Berrytown office was structured and efficient. I sat in the quiet and spacious waiting room, and after introducing herself, the office manager, Samantha, guided me to each office to set up interview appointments. As she helped me schedule interviews, she noted to each counselor and caseworker, "If possible, I want Loach to finish all of the interviews in one day." This could easily be read as either a misguided attempt to help me complete my research (I would have preferred as a researcher to wander about the offices and observe interactions), or as a way to minimize my presence at the office. The interactions were formal and brief, with minimal chitchat, swearing, outward enthusiasm, or inquiry into my personal life or purpose as a researcher. Similarly to how they would later describe their interactions with clients, they were managing and encouraging my own self-control with their presentation of structured interaction.

Conversely, during my time at the small Springfield office, the five staff members treated me not so much as a researcher, but instead as perhaps a more well adjusted client. Francis, who became my primary informant, often invited me to go to the country club, fundraisers, lunch dates, and work crews. During my time at the office, we had many long conversations about national politics and the role of the government in the "private" sphere. She consistently insisted that I "stop researching" and share my personal opinions about YCC's treatment programs and the juvenile justice system. Sarah also brought me with her for a free lunch at a Kiwanis meeting, and generously introduced me to all of the members, as well as the president of a local college who was in attendance, always prompting me to explain my research, adding when I did not that I was from a "prestigious school in New York." This was very much an attempt to help me network with people of local import, and help me feel like I was succeeding, accepted. While relations with staff members in Berrytown were limited to the office itself, the individuals in Springfield went out of their way to show me the town and find me diverse people to interview.

Interpreting their actions toward me as an extension of their broader values around the “treatment” of youth, then we see that Berrytown focuses on the creation of internal structure, while Springfield focuses on care and assertion of external order. These patterns were found in my interviews as well.

### **Controlling for Class**

At the larger Berrytown office, the majority of work was invested in the promotion of self-management as the technique of empowerment. This self-control is essential because it help youth establish emotional independence from pathological, poor, unstable, parents, but also prepares them for the market, which rewards hard work. These two benefits also act upon each other, so that establishing emotional independent from family members, friends, and co-workers will help youth focus more on work and self-work.

Empowering self-control is primarily realized by helping youth realize that they cannot change the adults in their life, but that they can change themselves.

Counselor Maria: I can't make her be the mother you want. So what do we do about that? We can't change people we can only change how we react to them. Most of the family conflict is that right there. The people, your parents, your grandparents, they're not going to change. They're not going to stop yelling at you the way they yelled at you the last 15 years. It's just not going to happen. The only thing we can change is the way you react. If we can change how you react to it then it's going to help you because you're the one that's getting fired up and getting in trouble.

Staff's encouraging of the emotional distancing of YCC from their parents is not as severe as the earliest iteration of the child saving movement that removed children from their homes(Platt, 1977), but the two are certainly not dissimilar. Again at the Berrytown site, Julie Ann echoes Maria, and argues that youth need to develop a focus on inward order.

Julie Ann: People need to be empowered[...]. It means to have certain sets of knowing that you can do things for yourself and your family, that you can make some things happen and some things change.

Loach: And what is it that they can change?

Julie Ann: How they act, how they respond, how they deal with things[...] For those kids whose parents are totally uninvolved and we can't get them involved, because they're too inside their own issues and bare necessities, we get the kids to focus on their own actions and thoughts.

Because of an absence of adult role models, YCC clients never learned the basic tools to control their emotions. It is essential for youth to have adults in their life that provide incentive-based discipline, and the counselors thus attempt to take on this role. Without which, they could not understand the value of self-control.

Samantha: Empowerment[...]: help them function. These kids will often get in fights or yell at their teachers[...] they have to learn how deal with it and stop and think before they react. I named it SAT, which I use especially with low functioning kids (One kid just took a clock off the wall and smashed it over his head).

This ability to self-contain will not automatically garner youth success, but they argue that anyone who is successful is able to self-contain.

However, it is often the case that in order to help youth contain their behavior, staff must first address pre-existing psychological issues. While the family is generally to blame for many of their child's problems, in some cases, youth also have psychological conditions that they cannot in fact manage on their own. In contrast to Springfield counselors who are very wary of diagnosing or pathologizing, the staff in Berrytown see it as an essential step in the treatment. As the counselor Claudia explains, "Some of it is underlying mental health issues that we're trying to work through. So getting him some meds, getting him stabilized, helping with that, would have to take place before we get to behavior type issues. So that's in the process, and it is a process." These mental health issues are attributed largely to genetics, while behavioral issues are more commonly attributed to family problems.

Samantha: There are genetics like ADHD and some of the mental illnesses. I thought that stuff only started when you got older like 16-17 but we've got young children that already have no conscious and show no remorse for anything they do. It could be caused by something or nothing at all, just genetic.



But they do not trust all psychological explanations, especially when youth come into the program using it as a reason for their deviance: “We get that a lot with the ADHD kids. They’ll use it as an excuse all of the time. ‘It’s not my fault that I steal cars it’s my ADHD.’ I would prefer to not tell any of them anything. Do not tell them they have anything. Do not give them a label.” But medication is still a valid and sometimes necessary part of juvenile treatment.

Empowerment for the Berrytown office means responsabilizing youth through self-control tools like SAT (Stop and Think) that focus on the production of an inward order typical of contemporary self-help discourses (Illouz, 2008). This is revealed in their counseling session techniques as well as their alternative schooling program (called Alt-Ed) for youth who have been expelled. According to the YCC pamphlet, this program is meant for youth who are displaying psychiatric and behavioral “symptoms” that have prevented the youth from participating in regular school. When youth are sent to Alt-Ed, they spend long days in a rounded metal building with one small windowless classroom and one large classroom. Running across the walls of the small room are twelve framed “values.” Resembling a twelve-step program, the supervisors of the Alt-Ed program assert that the internalizing of these twelve values will help youth graduate the program, and avoid future delinquency. The “values,” which are really rules, are enforced through positive and negative incentives. Client progress is measured by a point system, which measures positive and negative behavior. Those who meet the required points will graduate, while those who do not will continue at YCC or “fail-out.”

Julie Ann brought me to the large classroom. Youth ages 10-16 sat in small desks arranged in a half moon around the desk of the two teaching supervisors. Julie Ann pointed at the teachers, “That’s Mary and Kristy, the teachers.” They waived hello as introduction. Meanwhile, a young boy stood up, walked over to me, shook my hand, and in a stilted tenure introduced

himself and sat back down. One-by-one, the rest of the 20 students stood up and shook my hand, some forgetting to say their name, most avoiding eye contact, all ignoring my attempts to introduce myself. I wondered how many points would be added or negated for their behavior.

Outside of the Alt-Ed program, a caseworker at the Berrytown office utilized an additional tool to incentivize youth clients. Samantha created “a little coupon booklet for rewards that don’t cost money. I developed it with my own daughter and I couldn’t afford to buy her a new CD every time she did something good and these families definitely can’t afford it.” According to Samantha, this coupon system teaches the children that their behaviors have consequences, and that “good behavior” leads to positive outcomes. “I try to teach kids that playing video games, going outside, staying up late to watch TV—those are all privileges not things parents have to do.” For instance, if a child does their chores on time, then they get to have “a few hours with mom or dad.” This system, however, is not altogether easily implemented, as it relies on the full participation and structured behavior of the parent(s). Thus at Berrytown the focus is on self-imposed discipline skills developed in counseling sessions, rather than parental structure. But like Springfield, their programs rely on an empowerment discourse that is based on the supposed existence and power of individual agency. Individuals very well may not be able to change, but only the individual has the right and the power to rehabilitate themselves.

### **“They’ll Never Be President:” The Myth of Meritocracy**

Empowerment at the Springfield office, like at the Berrytown office, is an attempt to help youth find order and a sense of agency. But the staff at Springfield use a much different approach. The staff are less likely to implement self-control techniques or describe their clients with psychiatric terms. Instead of showing youth their power to create inward order and the

impossibility of outward order (especially in the family environment), staff at Springfield office try to reassert the pre-existence of external order. Deprived of relationships with self-controlled and stable adults, these youth have no examples of normative success, and thus do not believe in the possibility of success for themselves. Yes, bad parenting has deprived youth of social skills like self-control, but more importantly, bad parenting and poverty has deprived youth at YCC of a trust in adults, the American Dream of meritocracy, and the capitalist democratic system as a whole. Without a hope for the future, these youth feel lost in a disordered world, and react in turn with disordered behavior. Thus the Springfield staff view the solution to youth deviance as the rekindling of trust in community and the market. This is perhaps most revealed in their continual emphasis on the importance of “showing care” and also in the creation of the unique Springfield leadership program.

More than the Berrytown office, the staff at Springfield tend to express regretfully that there is not much they can really do for these youth. My primary informant Francis, a juvenile justice caseworker, speaks openly about the limits to what they can accomplish as an organization: “If you’re saying empowerment is an economic thing, then that’s more than we can do. If it’s an educational thing that’s more than we can do.” From the perspective of child advocates and policy makers, class mobility--or at least the prevention of future deviant behavior--is the purpose of programs like YCC. But Francis argues that this is an unlikely if not impossible expectation for their organization. As explored in the previous chapter, staff describe their clients as victims of extreme poverty, abuse, under-education, and lack of resources: “I mean so many of our clients live in pitiful situations; they aren’t educated they don’t have any money they don’t have a car...so it’s hard and it’s lofty and we should all try to do it and we should all try but if you really sit down and think about changing peoples’ lives...I don’t know.”

Children and teenagers in rural Arkansas face extreme barriers to normative ideas of success or stability, and YCC and other community based programs do not have enough funding or community support to really create a path toward this success: “I think if the CBPs had more money we could do so much more. And it’s a shame it’s based on money.”

“This isn’t New York,” as Francis noted on a work crew visit, “and our clients will never be president.” Instead, at the very least, staff feel that they can empower youth by making them feel cared for by adults and their community, and this may help youth. Hopelessness among youth is perceived by Springfield staff as one of the most significant results of poverty and poor parenting, but it also conveniently all they really have resources to combat. For a few months to a few years, staff can mentor these youth and give them affection, which may or may not help them get a steady job at a local Tyson meat processing plant. Here, I return to a quote I presented in the start of this essay.

I think how we do change their lives—and I don’t know if this is empowerment—is I do think these people the kids and the parents they would tell that they know that we truly care about their lives[...] Every kid that comes in here I feel there is something we can do and it may not be keeping them out of jail or changing their life but it can be making them feel good about themselves today.

Staff at YCC--regardless of the office--emphasize empathetically the extreme barriers that poor youth face. Because youth have been deprived of so much, it is a feat and a credit to their profession if they can help a young delinquent “feel good” and as a result manage their cursing at teachers or wear clean clothes. Staff consider these objectively low expectations to be not just realistic, but high.

In order to instill in youth a sense of hope through caring empowerment, the Springfield office organized a leadership program. Independent of the upper administration and state funding sources, three staff members at this small office decided to draft a program in line with their own definition of empowerment. Using funding from grants, the Springfield office constructed a nine-

month leadership program for court-involved youth who voluntarily apply to take day-trips to various businesses (potential employers) in Arkansas.

Because neither the staff nor the youth are mandated to participate, the staff are able to assert their altruistic caring: “They like coming because they made the choice...Kids need time from people that care about them and they need to know that it’s not just because we’re getting paid to do this. Kids know that the five of us would help them off the clock and we do and we spend our own money on them.” While the Berrytown office would consider this enabling and not necessarily empowering, for Francis, Nance, and Sarah this leadership program is essential to their mission of empowerment. The voluntary and independent nature of the program apparently helps youth feel like they can achieve: “We thought most adults had given up on us but this showed that they do care and want us to succeed.” The hope is that when youth realize that adult employers in their community--unlike their antagonistic and abusive parents--are invested in their success, these delinquents will become motivated.

The leadership program fights the youths’ apparent misperceptions of community. As one plant manager notes to a group of teens in the promotional video, “We would love it if you were a useful citizen in our community with a good family; it’s good for the economy.” Youth feel hopeless because they do not understand the way “community” (i.e. the market) works. They do not understand that because of the nature of a national economy, the community benefits from each individual’s success, and is harmed by each individual’s failure. The community wants their success, and also affirms that it is possible. Visiting electronic manufacturing companies, banks, realty offices, other local businesses, and the state capital, youth are shown a range of potential futures from which to choose. Business owners and managers in the leadership program assert the possibility of going from the “bottom” to the “top.” In a promotional video for the program,

CEOs and managers waived their fingers at the teens, emphatically declaring that “No matter what situation you’re in, there’s a way to get up and out--I’m living proof of that.” As rational actors, once youth recognize this external order of the market, they will correctly align their interests with those of the community.

### **Empowering Government(ality)**

Empowerment is a technique of governmentality in the types of “community” organizations that it promotes, and in the ways that it responsabilizes clients. The ideal of empowerment was part of the initial radical leftist critique of welfare in the 1970s (Garland, 2001). Welfare was perceived and experienced as a normalizing and thus overtly oppressive institution, one that demanded the conformity of its subjects without fulfilling its promised personal gains. In opposition to a welfarist method of governmental intervention, these critics suggested community-based programming as an “empowering” alternative, one that stressed first and foremost agency and individuality. In her study of women’s prisons in Canada, Kelly Hannah-Moffat finds similarly that empowerment as a discourse was in the past associated radical activists get taken up by governing institutions and transformed into a strategy of governance (2001: 164). In the U.S., while empowerment was part of a reaction against a form of governance, it was also the part of its reconfiguration and transformation into another governmentality. In the organization of the institutions that it creates, and in the type of responsabilizing it encourages in its subjects, empowerment is another form of governing subjects “at a distance” (Miller and Rose, 2008: 16).

For one, the actual organization and management of empowerment institutions in general and in Arkansas is not controlled by stakeholders. YCC is to some extent community-run, in the sense that staff and certain members of the community (like entrepreneurs, professionals, and

school counselors and boards) can suggest that YCC create new specific programming. But unless YCC obtains all of the funding for these programs from community donations, these programs will still be regulated by the funding source. Thus as Willse notes of funding for services for homeless populations, “the nature of this federal authority is not simply a top-down hierarchy...but rather a ‘metagovernance’ or the governance of governance...in which states, municipalities and localities are ‘free’ to innovate within restrictions attached to funding” (2010: 164). Even though YCC is a “community-based” empowerment agency, it tends to bolster more than it undermines pre-existing power relations. As YCC does not systematically enlist or utilize the advice or demands of community members or stakeholders, it can hardly be said to empower in the way that 1970s radicals hoped for.

Instead of viewing new diverse, community-based crime control agencies as existing in a less political field, separate from the state, here I argue that YCC is an extension of state power, an arm of the court system. As Garland notes, “state agencies activate action by non-state organizations and actors. The intended result is an enhanced network of more or less directed, more or less informal crime control, complementing and extending the formal controls of the criminal justice state” (2001: 124). Thus we can see the ways that empowerment agencies, as arms of the state, do not in fact empower communities.

Garland suggests that state agencies are “shaping” private actors “to the ends of crime control” (2001: 124), but again this crime control takes on more banal means than the disciplinary penal-welfarism. Crime control, as a way to maximize health, wealth, and security, no longer takes the form of rehabilitation. At YCC, staff attempt to govern youth via the responsabilization of their young clients, but ultimately, they are not confident that they succeed, and nor are they particularly concerned if they fail. At YCC, success is not the transformation of

criminals, nor is it their containment. Instead, YCC and the multiplicity of “crime-control” organizations serve a larger governmental goal. As Willse notes, “In such a situation, illness and unproductivity may not need to be reduced or eliminated, as they would be in the social welfare state. Rather, illness and waste, and populations organized as such, become fertile sites for economic investment, as they multiply opportunities for developing and extending governance mechanisms, making economic life possible” (2010; 178). Governance mechanisms/institutions become an end in and of themselves. Any empowerment or crime prevention that occurs is beneficial, but not required.

Even though the offices at YCC have different approaches to empowerment, staff are inevitably attempting to responsabilize their clients, incentivize them to behave in appropriate ways. With self-control counseling and leadership programs, youth are treated as “active participants in the process rather than objects of domination. Thus, citizen subjects are educated and solicited into an alliance between personal objectives and institutional goals, creating government at a distance.” (Merry, 2001; 45). If we affirm the proposition that empowerment is a form of governing, and one that is productive for the “state,” for a national set of power relations and bureaucracies, the question then becomes, is it repressive or productive for the targets of governmentality? Because I was not able to interview the clients themselves, this question is more difficult to answer with any accuracy. But here I can present how staff feel they help youth, and point to the ways that empowerment might help youth navigate the contemporary social-economic field.

During my second week talking with Francis, she asked me to “stop researching” and be honest about my critiques of YCC so far. I told her that I was concerned that they were misleading youth with their empowerment discourse. I feared youth would blame themselves



when faced with failure caused not by their own missteps but in fact by structural barriers. She laughed and turned to Nance, chortling, “Did you hear that? Loach wants us to tell the kids they’re screwed.” At Springfield, empowerment is not thought of as the best technique to help youth, but it is the technique that politicians, administrators, and funding sources tend to support. Similarly, at Berrytown, self-control is certainly not the ideal; the ideal would be that client’s parents would stop using drugs and start being parents. But both offices still feel that their work does *some* good, even if--as Francis said--it does not prevent youth from reoffending and going to prison.

YCC does not prepare youth for the job market in a traditionally welfarist way, but perhaps in some ways they are preparing youth for the contemporary market. Illouz(2008) and Silva(2013) discuss the ways in which emotional capital is increasingly important within the marketplace and social world. Illouz argues that, “Like cultural competence, emotional competence may be translated into a social benefit such as professional advancement or social capital” (Illouz, 2008:210). By this evaluation, although the staff are not providing youth with traditional job training like Francis would like, they are to some extent providing youth for the contemporary job market that requires a particular sort of self-control and emotional “toolkit.” In one of my few opportunities to observe youth with YCC staff members, a 16 year-old participating in the work crew program commented proudly that other mental health professionals and teachers were very impressed by his “processing skills,” and asked where he had learned these tools. Again, whether or not youth experience this as productive of repressive is not answerable in this paper.

It is important to recognize the programs of YCC within one large umbrella of neoliberalism and responsabilizing governmentality and the ways this denies, acknowledges,

combats, or participates in the oppression and subjugation of poor rural youth. But there are practical implications to the type of responsabilizing empowerment that each office favors. For instance, Berrytown office focuses on the creation of these self-control toolkits, a structured, controlled office setting, and precise paperwork. This leaves less time for the extra informal, welfarist aids that Springfield provides. Springfield's version of empowerment facilitates staff's mentorship of youth, and leads to an increase in informal, welfarist aid.

### **Unspoken and Informal Aid**

*“We’ve worked them hard on 8 hour work days in the sun, walking 17 miles picking up trash and that doesn’t mean they shouldn’t do what needs to be done but I’m going to let them eat lunch. You can do what you gotta do and not be a shit head. That should be the best line in your paper.” -Francis, Caseworker at Springfield*

Youth Care Corp. has a complex legitimation of its role within the Arkansas juvenile justice system. In particular, staff think it is their role to empower (not enable) deviant youth. They walk a fine line, constantly questioning what practices might accidentally enable irresponsibility or laziness in youth. At staff meetings, they fight about whether staff should buy lunch for a teen who forgot their sandwich at home. Or, alternatively, if a teen only brings a bag of chips as a lunch, does it count as a proper meal? or should they be scolded for not preparing themselves something more wholesome? Opinions are often divided, with the Berrytown office establishing more stringent boundaries and expectations for the youth, and the Springfield office acting more forgiving and lenient. But despite their opposing standpoints, they both interact with youth in ways the overt ideology of the institution would disavow.

At Springfield, the staff realize that helping clients “outside of the office” is not part of their job, but they do not think that this provision will harm youth, but instead will encourage their trust in the right adults. And in this sense, as with their startup leadership program, these additional institutionally denied or unsupported aids are essential to the meaningfulness and

success of their interactions with youth. Francis, emphasizing the extra work everyone at Springfield puts in, states, “I guarantee you that there isn’t a person in this office that, getting a call for help late at night from one of our clients, would not help them or would not give them a ride or get them help, even though we might get in trouble for even doing it even though we don’t get compensated for it.” Francis describes one less extreme instance of a staff member going above and beyond. While Sarah, one of the counselors, gets paid to simply sit in the “back office and talking about his feelings and shit--not to belittle the counseling process--but instead [Sarah and her client] got in the nice car--not the stinky shit car but her nice car--and went to the bank” and set up an account, and “that’s empowering.”

Nance contends that there is a danger of enabling, but only if clients are really the valueless, lazy people that the culture of poverty and the Berrytown staff suggest:

And to a certain extent that’s true with our families too you know if they’re just sitting watching TV and they’re too lazy to pick the kid up from counseling that’s a whole other deal but that’s not how it is. There was one time Francis was chastised by a person from another office about that I mean literally the kid lived 4 minutes away and it was just silly considering Francis had nothing else to do. We want to help them.

Clients and their families have plenty of valid reasons to not take their kids to counseling, to not pack the kids lunch. Namely, Nance suggests that they are busy trying to “make it,” pay this months rent, and may not have money for gas or a packed lunch. And for Nance, Francis, and Sarah, this is reason enough to step in and do what they can to help kids get the services they are mandated to complete.

Falling into rather traditionally conservative mode of thinking, the Berrytown staff view the provision of a lunch as encouraging laziness, and thus harming their clients in the long run. Julie Ann, and many others at Berrytown state definitively, “Children have to experience struggle in order to learn how to deal with it. We have to allow children to make

choices...There's a lot of stuff that we can't do. We can only direct them, try to empower them, and that's all we can do." A caseworker at Berrytown, Samantha, considers it enabling

if I buy the head lice medicine or if I buy the kid's way in these activities, or keep giving them rides instead of holding the parents accountable. Sometimes you get so involved that you don't see what you are doing. The therapists will often tell me, "Samantha, it's time to step back. You're enabling the parents and not making them show responsibility." And it's the same for the kids. You can't always bail them out when they keep making the same mistakes over and over again.

Yet at other times Samantha described instances when she had gone "above and beyond" for her job; how she had driven families to the grocery store, bought a prom dress for a client, taken kids to see their mother in the hospital.

We had a Hispanic mom who could hardly speak English and her fifteen year-old daughter had shown up to school drunk. The police department called me. I showed up and she was passed out face down with her pants down around her ankles. They were going to pull her pants up but I told them I would do it. I wouldn't want some police officer touching my daughter. She was really close to alcohol poisoning. They wouldn't transport her to the hospital. She was trying to kill herself. So I took the mom and the daughter to the hospital. The mom had to sit on the daughter in the back seat because she woke up and was trying to kick out the doors.

The staff admonish the other offices for enabling clients, for being too permissive and giving, yet they themselves participate in this "enabling" behavior. Berrytown is much more concerned with being by the book, maintaining a 98% performance rating, but help in many ways that not in their job description.

How can we explain this apparent duality? It is not enough to say that the staff care and thus do not want the children to suffer. And they do care, as Nance says simply, "We want to help." It would be difficult to imagine any individual working for a decade or more counseling youth if they did not empathize with the extremely challenging pasts and trajectories of clients. A more sociologically convincing reframing of their desire to help has to do with role tension. The majority of Youth Care Corp. staff were raised in these communities. Thus their first experiences in these communities were not as a provider, a hired, distant professional, but as a community

member. Even if they were not raised in the communities, many of the staff have worked at YCC for 5-20 years, and have established themselves in the local clubs (like Rotary and Kiwanis) and have served some clients for up to six years.

YCC staff contrast their own communal embeddedness to the experiences of staff at for-profits. Because of neoliberal decentralization of funding and the privatization of providers (Marwell, 2004), there is a diversity of provider types and provider roles, and while for-profits may consider themselves community based programs, they are less likely to have close ties and interactions with the community itself. For-profit organizations, in attempts to minimize expenditures and maximize revenue, hire independent “contractors.” Difficult working conditions and a lack of benefits (the organizations are not required to give healthcare to these individuals) lead to a higher turnover rate in these offices. While the use of contractors increases profit, the side-effect of professional vulnerability is that contractors are less likely “buy-in” to the programs or the community. Thus, the emotionally and financially costly “unspoken aids” that YCC staff provide are less feasible and hold less emotional pay-off for the contractors at for-profits. Professional stability within YCC--and the long careers it creates--enables informal client service provision.

An additional, more persuasive explanation for YCC’s informal aid is revealed in the analyses of the smallest and youngest Youth Care Corp. office in Dragg Springs. Established in 2002, YCC is the only service provider with an office space in Dragg Springs itself or in the immediate vicinity. Other providers will sometimes visit clients at their schools and homes in Dragg Springs, but this is rare. There are no homeless shelters, crisis centers, food pantries, job or temp work centers, or any other providers that help people in poverty survive. As Lynch argues in reference to probation services, there is a lack of social support and funding for

previous welfarist programs like job training, and thus the organizations that remain receive funding responsabilizing strategies (such as empowerment at YCC) (2000). Correspondingly, Arkansas only gives YCC enough money for counseling, behavioral classes, and electronic monitoring. But on the micro level, fewer direct services in the community and less funding for these services at YCC does not prevent these organizations from providing aid to clients and local families. In fact, it actually makes staff likely to spend more of their professional time and personal income helping clients meet their basic needs.

Like Berrytown and Springfield, Dragg Springs staff do a lot of “extra” work for clients. But while Berrytown altogether denies that these services are a part of their institution, and Springfield integrates it into their technique of empowerment, Dragg Springs views their additional direct aid as simply a practical necessity. As one of the counselors comments plainly regarding a teen whose family was evicted and without supporting relatives or friends, “I doesn’t make sense to have her sit on the couch in the back of the office and ask her how she’s feeling. I know how she’s feeling; she’s freaked out that she doesn’t know where she’s going to sleep tonight, and talking about that isn’t going to help her.” She thus finds it reasonable to instead spend that time contacting churches and friends with motels to find her client a safe, warm place to stay. When clients are at such a severe level of deprivation, it prevents any potential progress through the counseling process. This is a third, specific understanding of informal aid, but it highlights the underlying reality of clients, and a major cause of staff’s aid.

Through the perspective on aid at Dragg Springs, we see that there is a tension between the empowerment program demands, and actual client realities and potentialities. Considering their complete lack of resources, basic program expectations (like attending counseling sessions regularly) are often impossible for families below the poverty line. The feasibility of YCC’s

programming thus relies on informal, “inappropriate,” unprofessional services, which are sustained through ties to local clubs like Rotary, various churches, and random business owners. The offices that are located in the most rural, resource-less communities develop and rely more on their own abilities and networks. This reveals the practical problems with the implementation of the empowerment discourse, and court mandated treatment in general. Ideally, they hope to make youth responsible for their own behaviors, failures and successes, but they can hardly encourage or facilitate this responsabilization if clients cannot make it to the office for counseling. Offices like Berrytown that are not in as extreme of resource deserts, however, can afford to say no to people, because there are other resources to pick up where they leave off. Whereas, in Dragg Springs, counselors comment, “I know I’ve crossed boundaries. I’ve bought school supplies, toothpaste, soap. But we don’t really have [formal] secondary resources to call on. I never give anybody money, but if I can’t find a way to get a need met, then we have to get creative. DHS doesn’t really help us.”

Informal aids make YCC’s program feasible, but whether or not informal services truly benefit clients is debatable (and indeed debated hotly within YCC and the provider field as a whole). What is more concerning than the aid itself, however, is the inconsistency of aid. As Dragg Springs’ Casandra critiqued, “The person before me set me up for failure because she would babysit her clients for three hours, would tutor them. That’s too much. But then some people think *I* do too much” Casandra is highlighting the difficulty that inconsistent aid expectations cause her, not her clients. But to take the client perspective, inconsistency in informal aid means that one’s fallback (or even consistent) source of necessities like child care, school supplies, tutoring, and housing could be removed at any moment.

At YCC, there is a striking mismatch between how staff view their role in the juvenile justice system and the community, and the realities of how they actually relate to and provide for youth. In a post-welfare climate, the provision of rehabilitative aid is thought of as enabling of laziness or alternatively as oppressive and controlling. As a result, YCC responsabilizes youth, placing any responsibility of success or failure on the youth themselves and their ability to believe in their own agency. But because of the stark reality of these youth in resource deserts, empowerment cannot in fact be implemented without the extra provision of “enabling” aid from staff.



## Conclusion

New modes of governing enter into “periods of criticism and crisis, where multiple perceptions of failure coalesce, and where alternatives are proposed for the failures of one mode of governing for the formation of another” (Miller and Rose, 2008: 17). Out of the critique of welfare came a new governmentality “at a distance.” But this governmentality did not remove the past structures of welfare as Feeley and Simon’s New Penology suggests, or remove top down all hope in rehabilitation (1992). Instead, Youth Care Corp. acts an example of the unevenness with which these shifts in governance techniques occur (Garland, 2001), but furthermore reveals the ways that in some micro spaces, these so-called rehabilitative and punitive regimes of governance become partnered through risk management and reinforce each other (Hannah-Moffat, 2001). I argue that, in response to the privatization of welfare and the increased funding competition and regulation, YCC’s rehabilitative past gets “reconstituted” as empowerment (Gough, 2012). Staff attempt to empower youth through responsabilization, which seeks to make clients realize that, despite severe poverty and isolation, they have agency and the tools to help themselves. The empowerment of low-risk youth is the framework through which staff at YCC assert their professional and institutional legitimacy and partner themselves with the court system. But I show that even though staff try to keep their rehabilitation at a distance, in the more rural offices especially, they still provide youth with welfarist aids. Thus in many ways, the responsabilization of even lower-risk, rural, poor youth is inherently unviable.

In Chapter 1, I set up the historical backdrop to YCC, the construction of adolescence and juvenile delinquency and the social solution of welfare created in response. I then moved on in Chapter 2 to discuss Feeley and Simon’s theorized breakdown of penal-welfarism, which attempted to rehabilitate criminals (1992). Using two historical documents from YCC as a case

study of these supposed governmental shifts, I noted that YCC in many ways mirrors the characteristic shift from penal-welfarism to the New Penology, transforming away from a self-defined “rehabilitative,” minimally regulated, un-competitive service in the 1960s. I described in particular staff’s views of the impacts of the diversification and privatization of funding sources and argued that increased regulation and lack of funding have led YCC’s mission of rehabilitation to reconfigure into responsabilizing empowerment. This reconfiguring means that YCC is able to hold onto some ideal of youth transformation within anti-rehabilitative field while simultaneously maintaining their relationship with the punitive court system as a program for low-risk youth. Thus there are two major results of the shift in governmentality at YCC: increased use of risk thinking, paired with a new discourse of responsabilizing empowerment, which I addressed in chapters 3 and 4 respectively

Chapter 3 addresses the notion of risk assessment tools more specifically. In Arkansas, judges have resisted the attempts of progressive policy advocates to institute standardized risk assessment tools. While the assessment of youth is largely informal, there is a consensus in the field that high-risk, violent offenders should be detained while low-risk, non-violent offenders may be better served in CBPs. And in general the types of factors that they see as increasing risk match up with those presented in risk assessment tools. These informal assessments construct some populations as security threats that require containment in detention centers, and other populations as low-risk and potentially responsive. These latter populations do not have a risk level of zero, but whatever potential economic harm they may do to the community is not worth the real economic costs of indefinite cycling of detention. Staff dedicate much time during interviews to describing what populations are more likely responsive, and others more deserving of detention. I argued that, because the roles and expectations of the court and CPBs are in flux,

it is essential to YCC's institutional relevance that staff construct their clients as low-risk, potentially responsive subjects, thus situating themselves and YCC as a unique, efficient, and necessary tool of the juvenile justice system.

But as I discussed in Chapter 4, while staff do feel that some youth are more likely to rehabilitate themselves than others, in general they do not think that any major life transformations are possible for youth. They attempt to responsabilize youth and incentivize them to take control of their selves and their futures. YCC's programmatic attempts to empower youth could result in a shift in life-course, away from prison and toward a stable career and non-abusive relationships, but usually is just means that youth do not yell at everyone around them and are essentially more tolerable for systems of discipline like the school and the home. Additionally, staff define their empowerment work in opposition to enabling help, but find it difficult to find a balance in helping them help themselves. This is because, as poor, legally dependent youth with struggling parent (s), it is often practically impossible for these youth to help themselves, to drive themselves to counseling appointments, find a job, do their homework (because they lack school supplies or computers), or obtain emotional distance from abusive parents. Because of this tension, and a decrease of services provided by the government, YCC's ideal of empowerment is only made possible by staff's informal, unprofessional provision of their personal time and resources.

Theoretically, YCC is interesting and important because of the ways that it complicates our understanding of the changes to the ideal of rehabilitation and adds our understanding of the ways that macro shifts to governance get translated down to micro site in diverse ways. In the contemporary era of neoliberal governing at a distance, YCC, separating itself from the

stigmatized repressive rehabilitative ideal, reconfigured its juvenile treatment programs around the concept of empowerment, with low-risk youth as the targets of these distant interventions.

But YCC as a case study also holds important social and policy implications for how CPBs are regulated, and how social services are (or rather are not) distributed. In much of rural Arkansas, there are no social service offices to provide for the very real needs of youth and their families. In this context, caught between maintaining funding (and maintain their jobs) and finding ways that clients can actually participate in services, staff at YCC are responsabilized to step in where the federal government has stepped out, and dedicate their own material resources to youth. This places strain on the individuals that work at YCC, and on the clients that rely on them for help.

This ethnographic analysis adds to a slowly growing body of literature around the relationship between neoliberal governmentality, community-based programs, and their role as rehabilitative or managing/surveillance programs. In the future, more research should focus on the specifics of state devolution, privatization, and outsourcing. For instance, my research could have benefited from more knowledge on Medicaid and DHS regulations, and the ways they are managed not by these institutions themselves, but by a whole other set of private actors. Additionally, research should focus on youth in these programs, and interrogate their experiences of empowerment.

## References

- Abrams, Laura S. 2013. "Juvenile Justice at the Crossroads: Science, Evidence, and Twenty-First Century Reform." *Social Service Review*. 87 (4): 725-252. Retrieved November 18, 2014, (<http://www.jstor.org/stable/10.1086/674074>).
- Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press.
- Andrews, D. A., Zinger, I., Hoge, R. D., Bonta, J., Gendreau, P., & Cullen, F. T. 1990. "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis." *Criminology*, 28(3), 369–404.
- Annie E. Casey Foundation. 2013. "Youth Incarceration in the United States." Retrieved March 4, 2015, (<http://www.aecf.org/resources/youth-incarceration-in-the-united-states/>).
- Arkansas Matters. 2014. "Youth Detention Problems Being Investigated in Alexander." *Arkansas Matters*. August 18. Retrieved April 2, 2015, ([http://www.arkansasmatters.com/story/d/story/youth-detention-problems-being-investigated-in-ale/91271/b72ITO6PKEu91\\_Uv4VGu9w](http://www.arkansasmatters.com/story/d/story/youth-detention-problems-being-investigated-in-ale/91271/b72ITO6PKEu91_Uv4VGu9w))
- Arthur, Pat and Tim Roche. 2008. "Juvenile Justice Reform In Arkansas: Building a Better future for Youth, Families, and the Community." Division of Youth Services.
- Batten, M. and G. Whithers. 1995. "Programs for At-Risk Youth: A Review of the American, Canadian and British Literature since 1984." Melbourne: Australian Council for Educational Research.
- Best, Joel. 1999. *Random Violence: How We Talk About Victims and Villains*. Los Angeles: University of California Press.
- Castel, Robert. 1991. "From Dangerousness to Risk." Pp. 281-299 in *The Foucault Effect: Studies In Governmentality*, edited by G. Burchell, C. Gordon, and P. Miller. Chicago: The University of Chicago Press.
- Cheliotis, Leonidas. K. 2006. "How Iron Is the Iron Cage of New Penology?: The Role of Human Agency in the Implementation of Criminal Justice Policy." *Punishment & Society* 8(3): 313–40.
- Cruikshank, Barbara. 1999. *The Will to Empower: Democratic Citizens and Other Subjects*. Ithaca: Cornell University Press.

- Dawkins, Marva, Marvin P. Dawkins, Constance Fullilove, and Ilyse Grinberg. 2005. "Adolescents at Risk for Violence: An Initial Validation of the Life Challenges Questionnaire and Risk Assessment Index." *Adolescence*. 40 (159): 573-599.
- Department of Human Services. 2011. "About DHS: Mission Statement." Retrieved January 12, 2015, (<http://humanservices.arkansas.gov/Pages/AboutDHS.aspx>)
- Feeley, Malcolm M. and Jonathan Simon. 1992. "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications." *Criminology* 30: 449–74.
- Foucault, Michel. 1991. "Governmentality." Pp. 87-104 in *The Foucault Effect: Studies In Governmentality*, edited by G. Burchell, C. Gordon, and P. Miller. Chicago: The University of Chicago Press.
- Foucault, Michel. 2012. *Discipline & Punish: The Birth of the Prison*. New York: Knopf Doubleday Publishing Group.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Gough, Dennis. 2012. "Rehabilitation and Risk: A Fusion of Concepts." Pp. 65–83 in *Risk and Rehabilitation: Management and Treatment of Substance Misuse and Mental Health Problems in The Criminal Justice System*, edited by A. Pycroft and S. Clift. Bristol: Policy Press at the University of Bristol. Retrieved April 23, 2015, (<http://www.jstor.org/stable/j.ctt9qgz5r>).
- Haney, Lynne. 2010. *Offending Women: Power, Punishment, and The Regulation of Desire*. Los Angeles: University of California Press.
- Hannah-Moffat, Kelly. 2001. "Empowering Prison : Neoliberal Governance." Pp. 162–87 in *Punishment in Disguise*. Toronto: University of Toronto Press. Retrieved April 23, 2015 (<http://www.jstor.org/stable/10.3138/9781442678903>).
- Harding, David J., Michele Lamont, and Mario Luis Small. 2010. "Reconsidering Culture and Poverty." *The ANNALS of the American Academy of Political and Social Science* 629(1): 6–27.
- Illouz, Eva. 2008. *Saving the Modern Soul: Therapy, Emotions, and The Culture of Self-Help*. Los Angeles: University of California Press.
- Katz, Michael B. 1986. *In the Shadow of the Poorhouse: A Social History of Welfare in America*. New York: Basic Books.

- Kethineni, Sesha and Jeremy Braithwaite. 2011. "The Effects of a Cognitive- Behavioral Program for At-Risk Youth : Changes in Attitudes, Social Skills, Family, and Community and Peer Relationships." 93–116.
- Lewis, Oscar. 1966. *La Vida: A Puerto Rican Family in the Culture of Poverty--San Juan and New York*: New York: Random House.
- Lubeck, S. and B.B. Swadener. 1995. "The Social Construction of Children and Families 'At Risk': An Introduction." Ed Im B. B. Swadener, and S. Lubeck. *Children and families 'at promise': deconstructing the discourse of risk*. New York: State University of New York Press.
- Lynch, Mona. 2000. "Rehabilitation as Rhetoric: The Ideal of Reformation in Contemporary Parole Discourse and Practices." *Punishment & Society* 2(1): 40–65.
- Merry, .2001.
- Marwell, Nicole. P. 2004. "Privatizing the Welfare State: Nonprofit Community-Based Organizations as Political Actors." *American Sociological Review* 69(2): 265–91.
- Miller, Peter and Nikolas Rose. 2008. *Governing the Present: Administering Economic, Social and Personal Life*. Malden: Polity Press.
- National Center for Youth Law. 2007. *NCYL Works to Reform Arkansas Juvenile Justice System*. National Center for Youth Law. Oakland, CA. Retrieved April 2, 2015, ([http://www.youthlaw.org/juvenile\\_justice/ncyl\\_works\\_to\\_reform\\_arkansas\\_juvenile\\_justice\\_system/](http://www.youthlaw.org/juvenile_justice/ncyl_works_to_reform_arkansas_juvenile_justice_system/))
- National Kids Count Data Center. 2014. "Population in Poverty: 2013." Annie E. Casey Foundation. Retrieved April 12, 2015, (<http://bit.ly/1DKbk6R>).
- Pappas, Alexia. 1996. "Welfare Reform: Child Welfare or the Rhetoric of Responsibility?" *Duke Law Journal* 45(6): 1301–28. Retrieved February 4, 2015 (<http://www.jstor.org/stable/1372888>).
- Platt, Anthony M. 1977. *The Child Savers: The Invention of Delinquency*. 40th ed. New Brunswick: Rutgers University Press.
- Reich, Jennifer A. 2005. *Fixing Families: Parents, Power, and the Child Welfare System*. New York: Routledge.
- Rose, Nikolas. 2001. "The Politics of Life Itself." *Theory, Culture & Society* 18(6): 1–30. Retrieved July 14, 2014, (<http://tcs.sagepub.com/cgi/doi/10.1177/02632760122052020>)

- Rosenthal, Marguerite G. 1986. "The Children's Bureau and the Juvenile Court: Delinquency Policy, 1912-1940." *Social Service Review* 60(2): 303–18.
- Ryan, Kevin. 2011. "Governing the Future: Citizenship as Technology, Empowerment as Technique." *Critical Sociology* 37(6): 763–78.
- Silva, Jennifer M. 2013. *Coming Up Short: Working-Class Adulthood in an Age of Uncertainty*. New York: Oxford University Press.
- Singer, Simon I. 1997. *Recriminalizing Delinquency: Violent Juvenile Crime and Juvenile Justice Reform*. New York: Cambridge University Press.
- Stone, Deborah M. et al. 2014. "Sexual Orientation and Suicide Ideation, Plans, Attempts, and Medically Serious Attempts : Evidence From Local Youth Risk Behavior Surveys, 2001 – 2009." 104(2): 2001–9.
- Wolcott, David. 2001. "'The Cop Will Get You:' The Police and Discretionary Juvenile Justice, 1890-1940." *Journal of Social History* 35(2): 349–71.