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Preparing for prison?

The criminalization of school discipline in the USA

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Abstract

American schools increasingly define and manage the problem of student discipline through a prism of crime control. Most theoretical explanations fail to situate school criminalization in a broader structural context, to fully explain its spatio-temporal variations, and to specify the processes and subjectivities that mediate between structural and legal forces and the behavior of school actors. A multilevel structural model of school criminalization is developed which posits that a troubled domestic economy, the mass unemployment and incarceration of disadvantaged minorities, and resulting fiscal crises in urban public education have shifted school disciplinary policies and practices and staff perceptions of poor students of color in a manner that promotes greater punishment and exclusion of students perceived to be on a criminal justice 'track'.

Key Words

criminalization • school discipline • school security • social exclusion
• urban education

That school was run more like a prison than a high school. It don't have to be nothing illegal about it. But you're getting arrested. No regard for if a college going to accept you with this record. No regard for none of that, because you're not expected to leave this school and go to college. You're not expected to do anything.

(JW—Former inner-city high school student,
current maximum security prisoner¹)

Order and discipline have always been an animus of American public schools, especially those serving the children of the working class and the

poor. Even comparisons of urban schools and prisons have become well established—even commonplace (Bowles and Gintis, 1976; Foucault, 1977; Parenti, 2000; Staples, 2000; Wacquant, 2001; Giroux, 2003; Fine et al., 2004). The emphasis on the orderly movement of students and their obedience to strict codes of conduct is important both to schools' operational functioning and to their societal functions. Critical scholars have argued that strict disciplinary regimens in working class schools help to promote smooth and voluntary transitions into an industrial workplace that tightly regulates and subordinates laborers (Bowles and Gintis, 1976; Foucault, 1977). Commentators like Horace Mann and Emile Durkheim, both of whom saw mass education as the cornerstone of a cohesive, inclusive, and democratic society, also valued discipline for instilling moral and civic virtues (Durkheim, 1973; Bowles and Gintis, 1976).

Whether viewed as democratization or domination, the traditional disciplinary project of American mass education is slowly crumbling. The industrial economy and civil society have weakened considerably in recent decades, especially in cities. At the same time, the criminal justice system has ballooned in size and influence. These changes weakened the structural and ideological foundations of school disciplinary practice. The management of student deviance, divested of its broader social aims, is prone to redefinition and reappropriation for other ends. Especially in schools that face very real problems of gangs and violence (Devine, 1996), rule-breaking and trouble-making students are more likely to be defined as criminals—symbolically, if not legally—and treated as such in policy and practice. In short, the problems that once invoked the idea and apparatus of student discipline have increasingly become criminalized.

Studies of criminalization have a rich history (Jenness, 2004), so it is important to clarify and justify this article's usage of the term. Whereas the concept usually connotes the social and political process that culminates in behaviors like abortion or stalking becoming criminalized, only a small portion of the criminalization of school discipline fits this definition. Most legislative responses to school deviance do not codify new crimes or escalate penalties. Rather, legal reforms mandate that certain behaviors—already illegal—such as drug and weapons possession are referred to the police when they occur on school property. Other policies stipulate that students are treated like actual or suspected criminals, for instance by subjecting them to in-school suspension or scrutiny by armed police, dogs, or metal detectors.

Criminalization is conceived here even more broadly as the shift toward a crime control paradigm in the definition and management of the problem of student deviance. Criminalization encompasses the manner in which policy makers and school actors think and communicate about the problem of student rule-violation as well as myriad dimensions of school *praxis* including architecture, penal procedure, and security technologies and tactics. In *Governing through Crime*, Jonathan Simon (2006) analyzes the parameters of a crime control paradigm in the realm of school governance and elsewhere. He extends the concept of criminalization into the

symbolic realm, arguing that non-crime problems such as school failure can become criminalized in political contexts through the use of crime metaphors in framing the problem and through embracing solutions that share the structure and logic of crime control.

I focus here on the most visible, clear-cut, and quantifiable manifestations of school criminalization in order to address the etiology of criminalization rather than its conceptualization and to lay the groundwork for empirical tests of my theoretical propositions. However, even my proposed 'hard' indicators of criminalization are not necessarily or universally experienced as criminalization. Schools' practices, including the meting out of punishment and the provision of security, are widely variable both between and within jurisdictions. This corresponds to variation in state and local political conditions and to the unique professional and behavioral milieu of each semi-autonomous school (Bryk et al., 1998). Still, an overall trend in school criminalization has accelerated since the early 1990s across the socio-economic and geographic spectrum. This article critiques extant accounts of school criminalization and introduces a new multilevel theoretical model that integrates structural and cultural approaches. Weaving together insights from extant theories, this account explains key patterns of divergence, as well as convergence.

The divergence pattern most fundamental and worthy of explanation is that criminalization is more prevalent and intense in schools that are heavily populated by disadvantaged urban minorities (Wacquant, 2001). The theory developed herein, which accounts for temporal, spatial, and demographic concentrations in criminalization, posits that schools' altered disciplinary and security regimes can be traced largely to deindustrialization, which shifted impacted schools and their disciplinary practices from productive ends toward a warehousing function, and the ensuing massive criminal justice expansion that deprived schools of potential resources. Aided by a crime-fixated and punitive political climate, these changes helped reorient school actors more toward the prevention and punishment of crime, and less toward the preparation of workers and citizens. The present account, unlike its predecessors, specifies the intermediary processes linking political-economic shifts to school practices, as well as subjective interpretations and other forces that condition these processes.

Three dimensions of school criminalization

From the complex and variegated phenomena of school criminalization, I distill three distinct yet interlocking dimensions. To understand why schools have come to look, sound, and act more like criminal justice institutions, it is necessary to examine each of these developments. The first major trend is that school punishment has become more formal and actuarial. Mirroring developments in juvenile justice (Feld, 1999), school punishment is increasingly based on uniform procedural and disciplinary guidelines evolving

around the nature of the offense rather than the discretion of teachers and other traditional disciplinary agents. This trend is most recognizable in the set of policies and practices dubbed 'zero tolerance'. Zero tolerance policies spread rapidly in the early 1990s in the midst of rising rates of school victimization and juvenile violence overall (Toby, 1998; Burns and Crawford, 1999). They were nationalized in 1994 with the passage of the Gun-Free Schools Act. Mandated to adopt zero tolerance for weapons, a large majority of school districts soon adopted 'zero tolerance' policies for alcohol, tobacco, drugs and violence (Simon, 2006). These policies resemble the determinate sentencing schemes that prevail in most states. But unlike mandatory criminal sentences, zero tolerance policies typically permit little consideration of mitigating circumstances (Schwartz and Rieser, 2001).

The transfer of disciplinary discretion from teachers and school authorities to disciplinary codes that stipulate exclusionary punishments has contributed to a second trend of more frequent suspensions and expulsions.² Expanded school exclusion is a symbolic form of criminalization, irrespective of whether it follows strict penal guidelines or the whims of authorities. Education agencies that increase their use of exclusionary punishments endorse the prevailing rationale of contemporary criminal justice practice—deterrence and incapacitation (Garland, 2001).³

Reflecting patterns in the criminal justice system, the intensification of school punishment is borne disproportionately by youth of color. Studies consistently document that minority students are more often subject to suspensions and expulsions and that these disparities do not closely reflect behavioral differences (Brooks et al., 1999; Skiba et al., 2002). Furthermore, suspensions for offenses that are not subject to automatic penalties, like disorder and insubordination, also appear to have increased, especially for disadvantaged minorities (Civil Rights Project, 2000).⁴

Declining teacher discretion and increased harshness in both defining and punishing school deviance can be properly understood only in relation to a third set of practices, namely, the importation of criminal justice into schools. This form of criminalization includes increased use of criminal justice technology, methodology, and personnel for disciplinary and security purposes. 'Zero tolerance' exemplifies this trend too, but it is merely the tip of the iceberg.

Criminal justice tools and personnel play an increasingly important role at nearly every stage of the disciplinary process. While police and security officers in schools are hardly novel, school policing is the fastest growing law enforcement field.⁵ A 2004 national survey of teachers reports that 67 percent of teachers in majority-black or Hispanic middle and high schools report armed police stationed in their schools (Public Agenda, 2004). Suburban schools, where 60 percent of teachers work alongside armed police, are not far behind, however (Public Agenda, 2004).

Generally accompanying police and security guards are law enforcement methods like bag searches and video cameras. Among preventive practices, metal detectors and personal searches seem the clearest indications of criminalization since they define students as criminal suspects. Not surprisingly,

the likelihood of metal detectors is positively related to the prevalence of minority students (DeVoe et al., 2005). Urban schools feature more gates, walls and barricades as well (Gottfredson et al., 2000). On the other hand, drug sniffing dogs are more commonplace in suburban, rural, and predominantly white schools (DeVoe et al., 2005).

To properly portray the extent and distribution of criminalization, one must dig deeper than national prevalence patterns. A reasonable proposition induced from journalistic and ethnographic accounts is that large, hyper-segregated school districts like New York City (NYC) and Chicago, which have placed city or school district police departments in charge of school security, are the most criminalized. NYC's school police force is larger than the entire Boston Police Department (Devine, 1996). School resource officers (SROs) in these schools receive training specific to educational settings. However, as on the street, any violations of the law are subject to arrest, and school officers are not required to obtain permission from anyone to make an arrest (Devine, 1996; Hagan et al., 2002). Ethnographic research suggests that an influx of law enforcement erodes the traditional disciplinary role of teachers and other school authorities (Brotherton, 1996; Devine, 1996). In Miami-Dade, Florida, school arrests increased from 820 in 1999 to 2435 in 2001, and offenses that were once handled mostly internally—simple assaults and 'miscellaneous offenses'—comprised a staggering 57 percent (Fuentes, 2003).

The criminalization of school discipline extends into the juvenile court. Data from several jurisdictions including Toledo, Ohio, Miami-Dade (Rimer, 2004), and Katy, Texas (Graves, 2004), on the type of offenses that schools refer to the juvenile court show that the alleged misconduct leading to court referral is typically quite minor. This 'net-widening' effect reflects increased collaboration between schools and the juvenile justice system, which has eroded the traditional boundaries between the two institutions. As of 2000, 41 states mandated law enforcement referral for school crimes including drugs, violence, and weapons violations (Civil Rights Project, 2000). According to a recent news investigation, 'In Ohio, Virginia, Kentucky and Florida, juvenile court judges are complaining that their courtrooms are at risk of being overwhelmed by student misconduct cases that should be handled in the schools' (Rimer, 2004: A1). In addition, information-sharing agreements between education and justice agencies set the stage for laws that permit schools across diverse jurisdictions to expel students for outside legal entanglements (Bickerstaff et al., 1997; Spielman and Rossi, 1997; Brooks et al., 1999).

Although such hard indicators illustrate and quantify the problem of criminalization, they fail to convey its fluidity and complexity. Unidimensional descriptions tend to overstate the convergence in criminalization across contexts. It is true that some middle class suburban and rural schools have also instituted metal detectors and school police, along with tools at the less coercive end of the carceral continuum like video cameras (Kupchik and Monahan, 2006). However, homology of form does not dictate uniformity in

substance, etiology, or function. While suburban schools are hardly immune from criminalization, criminalization in these contexts takes on more diluted or hybridized forms owing to the primacy of competing ideals like consumer choice and individual freedom (Casella, 2003). Casella (2003) views suburban schools' widespread adoption of security technologies as the result of concerted efforts on the part of private security companies to cash in on the fears of drugs and violence among educators and parents. Both the marketing of these products as well as their manner of implementation, however, are tailored to an audience that is wary of the prospect of criminalizing valued students. Surveillance technologies are most appealing to this audience if they embrace the logic and aesthetic of consumer freedom and individual productivity (i.e. self-discipline).⁶

At the same time, for reasons described in the next section, the imperatives of criminalization do weigh on suburban schools. These imperatives are often difficult to reconcile with the image and prevailing ethos of many of these schools. This distinction between the criminal justice mode of control and the softer, surveillance approaches embraced by the middle class is aptly described by Staples (2000). While contemporary criminal justice control is, for the most part, externally imposed, physically coercive, and exclusionary, post-modern 'everyday surveillance'—the logical culmination of the disciplinary power described by Foucault (1977)—is productive, relatively democratic, and inclusive (Staples, 2000). According to Staples, the latter forms of school control embody middle class parents' and education professionals' desires for greater order, efficiency, and predictability in an increasingly complex, scary, and fragmented social world.

Thus, school disciplinary and security planners in towns and suburbs, more so than in the inner-city, must pursue technologies and practices that are flexible enough to fit contradictory aims and discourses. Video cameras offer this flexibility, since they, on the one hand, expand disciplinary power through providing knowledge of students and promoting self-monitoring and, on the other hand, unobtrusively help to deter, detect, and prosecute potential crimes. In a similar fashion, I posit that SROs in these schools give more weight to their education and counseling functions and reserve coercive law enforcement methods for students identified as threats or trouble-makers. Metal detectors, in contrast, are less ambiguous and flexible in their purpose and symbolic associations. Accordingly, whereas a recent mass walkout among students in a NYC public school was unsuccessful in ending their use (Santos, 2005), these devices spark more effective and united resistance from students, parents, and educators in suburban schools, leading metal detectors to go unsold or unused (Cantor et al., 2002).

Thus, criminalization in middle class schools is less intense and more fluid than in the inner-city, where proximate or immediate crime threats are overriding concerns. Suburban security reforms are more likely to complement existing school disciplinary approaches rather than displace them (DeMitchell and Cobb, 2003). In short, the gated community may be a more apt metaphor to describe the security transformation of affluent schools, while the prison metaphor better suits that of inner-city schools.

Four extant interpretations of school criminalization

Voluminous material has addressed the racial inequities and other harms associated with the criminalization of school security and discipline (Devine, 1996; Brooks et al., 1999; Beger, 2002), but detailed theoretical explanation of this multidimensional phenomenon is scarce (but see Kupchik and Monahan, 2006). This is surprising, given how vast are the separate literatures linking punitive criminal justice reforms and all key features of schooling, respectively, to the cultural, political, and economic order (Bowles and Gintis, 1976; Bourdieu and Passeron, 1977; Willis, 1977; Parenti, 2000; Garland, 2001). By contrast, etiological discussion with respect to criminalization in the school sphere, as summarized below, tends to eschew deeper, structural underpinnings in favor of proximate influences within the socio-political milieu.

Most commonly, this discussion evokes the language and imagery of the ‘moral panic’ (Cohen, 1972), portraying the hardening of school discipline and security as a response to the upsurge of school crime and juvenile violence beginning in the late 1980s and several school ‘rampages’ in the 1990s (Brooks et al., 1999; Beger, 2002; DeMitchell and Cobb, 2003; Rimer, 2004). According to this perspective, jarring media constructions of the ‘crisis’ of school violence unite the public, stakeholders (e.g. teachers’ unions), and public officials in a stance of righteous indignation toward a marginalized ‘folk-devil’ (Burns and Crawford, 1999). Often emerging from this emotional and political mobilization are quick-fix, punitive solutions (e.g. zero tolerance, metal detectors) that are disproportionate to actual threats of violence. Consistent with the moral panic perspective, school criminalization escalated throughout the USA in the 1990s, even though most schools reported no serious crimes, urban schools experienced no ‘rampage’ shootings, and overall rates of school violence dropped steadily from 1993 through 2000 (Brooks et al., 1999; Devoe et al., 2005: 11, Figure 2.1).

The moral panic framework suggests when a rigorous political response to an issue is required, but does not dictate a specific course of reform. Public and media outcries over school violence do not always result in a universal clamor for tighter security and more punishment, as evidenced by the school violence panic in the 1970s (Toby, 1998). At the same time, this framework does not explain why schools often maintain or intensify their punitive efforts long after public panics over school violence subside. Episodic moral panics help explain the initiation of criminalization but its institutionalization rests on political, organizational, and structural forces that fall outside of the scope of the theory.

A second account, which partially explains the sustainability of panic-inspired reforms, focuses not on the political management of periodic moral crises, but instead on the management of the neo-liberal push for school accountability. In brief, the school accountability narrative suggests that teachers and principals from financially strapped schools can meet externally imposed demands to boost standardized test scores and attendance rates by excluding low-achievers and truants (Bryk et al., 1998; Fuentes,

2003)—an outcome promoted by selective or frequent application of the exclusionary practices described thus far (Bowditch, 1993).⁷

The school accountability narrative is consistent with the spatio-temporal and demographic distribution of criminalization. However, it is inconsistent with the character of some reforms like zero tolerance. Criminalization for the purpose of excluding particular underperforming or disruptive students is best accomplished by strengthening school authorities' discretion rather than by transferring it to rigid guidelines and security agents that take little account of academic standing. It is certainly the case that zero tolerance and school police facilitate the exclusion of students accused of committing offenses, but the apparent willingness to sacrifice some promising students in the process begs explanation (Fuentes, 2003).

Both the moral panic and school accountability narratives give insufficient attention to the wider social, legal, cultural, political, and economic contexts that frame schools' responses to moral panics about youth and to school accountability reforms. With respect to the legal context of disciplinary reform, sociologists offer a third, due process narrative. Toby (1998) and Arum (2003) both argue that a student rights movement occurred in the school disciplinary arena from the late 1960s through the mid-1970s as judicial rulings increasingly sought to curb the arbitrary application of exclusionary school punishments and press for greater codification and standardization of disciplinary procedures. Both authors argue that these court rulings undermined the traditional moral authority of school authorities, and schools became more restrained in imposing exclusionary punishments (Arum, 2003). They further assert that these rulings emboldened students to openly defy teacher authority. Increasingly fearful of either being attacked or sued by their students and eager to focus on teaching instead of behavior management, teachers generally desired clearer delineations of their disciplinary responsibilities, along with the delegation of some frontline responsibilities to other personnel. School principals, who levy exclusionary sanctions, were also wary of litigation. Accordingly, teachers unions and associations (e.g. American Federation of Teachers) and national school principals associations are the major stakeholder groups behind zero tolerance policies (Boylan et al., 2002). The due process narrative also helps explain the expanded role of police and the juvenile court in school discipline, since limiting the involvement of school professionals in the process reduces their vulnerability to litigation. The reason why zero tolerance policies and SROs did not proliferate sooner may be that dual crises in school violence and school funding were necessary to garner the necessary political support for these initiatives.

Whereas the due process narrative illuminates the legal circumstances that hastened the formalization of school punishment, it fails to explain why harsh disciplinary codes and an armed law enforcement presence are especially pronounced in inner-city schools. Arum notes that, 'unlike middle class whites' many African-American and other non-white students and their families 'are not in a position to sustain serious legal challenges or pursue

legal remedies related to the application of school disciplinary procedures without significant institutional support' (2003: 210). At the same time, judicial rulings since the 1980s—in keeping with 'get tough' sensibilities—have largely upheld harsh, exclusionary punishments in the sole interest of school safety (as long as no violations of due process are evident) (Arum, 2003). If concerns over liability are the primary impetus for the criminalization of school discipline, then one would wrongly predict greater criminalization in affluent suburban schools.

A fourth causal narrative, the 'governing-through-crime' thesis (Simon, 2006) also does not focus on the unique penal dynamics of inner-city schools. The proper backdrop of this meta-narrative, mapped extensively by David Garland (2001), features the decline of the industrial economy, the neo-liberal and conservative attacks on the social welfare apparatus and other 'non-market' institutions including public schools, the turbulent racial politics and rising youth crime beginning in the 1960s, and the decline of the rehabilitative ideal. Within this altered economic, cultural, and political context, Simon argues, fewer governmental entities pursue legitimacy through quality goods and services or through redistributive claims. Beginning with the Omnibus Crime Control Act of 1968, Simon traces the ascendancy of a new model of governance centered on the control and punishment of crime. In the school context, this mode of governance recasts disruptive students and failing schools as criminals, treats other students and their parents as potential victims, and elevates centralized education policy makers to the roles of prosecutor and judge. These role realignments temper and narrow both the obligations of government and the rights of citizenship with respect to education. Through instituting market competition, performance monitoring, and accountability, federal education reforms like the Safe and Drug Free Schools and Communities Act (SDFSCA) and No Child Left Behind, analogous to the criminal law itself (Reiman, 1979), place the onus of responsibility for school crime and the 'crime' of illiteracy on the underperforming students, teachers and schools, while exonerating the political and economic system and its leaders. Simon views federally sponsored or mandated responses to student misconduct such as zero tolerance, school police, metal detectors, and mandatory law enforcement referrals as instrumental to the shift toward a 'crime' model of school governance. At a rhetorical level, they aid in the attempt to imagine various school actors in the roles of criminal, victim, and law enforcers. At a political level, focusing on the crime issue is a safe and effective strategy for politicians vying for the moral high ground, as epitomized by Nixon in 1968 and Rudolph Giuliani and Clinton during the 1990s (Beckett, 1997). Finally, at a practical level, such reforms provide the 'techniques of knowledge and power' that form the actual apparatus of crime governance. They are the means through which schools are expected to document and manage their crime problem, or risk harsh judgment and sanctions.

The governing through crime meta-narrative provides a cogent account of governance at the upper-levels of school policy making, where criminalization initiatives often originate. However, a full explanatory account of

criminalization must further scrutinize the consent and complicity of the governed. At the school level, criminalization is not merely accommodation to an altered set of government constraints, mandates, and incentives. Isomorphic institutional changes in schools also follow the diffusion of professional and broader cultural norms and related changes in the perceived needs, behaviors, and circumstances of their students (DiMaggio and Powell, 1983). Federal laws like SDFSCA afford states and localities considerable leeway in defining their own needs, goals, and objectives, leaving such issues as metal detectors, drug sweeps, specific zero tolerance provisions, and most other program-specific regulations up to local discretion. Compliance with key SDFSCA provisions is reportedly partial and haphazard within and across schools, and favored activities often stray from a crime control paradigm (e.g. counseling and recreation) (Gottfredson et al., 2000).

Collectively, the preceding accounts lend multiple layers and dimensions to our understanding of penal intensification within American schools. The remainder of this article adds some pieces to the theoretical puzzle. While integrating viable elements of all four narratives, I make two additional contributions. First, I affix these elements more securely onto the structural configurations of present-day America including the post-industrial economy and the expanded penal system. Second, whereas the extant interpretations imply that all schools or broad categories of schools sway in unison to prevailing political winds, the narrative developed here recognizes the limited agency that school actors possess in defining and pursuing ends and means other than those dictated by overseeing and regulating entities (Willis, 1977). One fundamental and enduring goal that school actors pursue, through diverse means and with variable success, whose critical relevance to school disciplinary reform has not been adequately theorized—until now—is the preparation and sorting of youth for future positions in the occupational and social order.

The role of ‘objective’ structural conditions

The natural starting point for a narrative predicated on the interdependence between schools and the larger social order is an analysis of political-economic conditions. Various observers have described an economic contraction in the late 1960s that seriously threatened corporate profit margins by the 1970s (Parenti, 2000; Garland, 2001). In response, corporations reduced labor costs and increased profits through shifting industrial production offshore, automation, and mergers. The corresponding political agenda included deregulation and an ideological and policy assault on social welfare and worker protections. Public schools, which have provided a periodic locus for struggles for full citizenship and equal opportunity and a vision of the public good that counters the hegemony of the market (Katznelson and Weir, 1985), did not escape the conservative and neo-liberal offensive (Nolan and Anyon, 2004).

While the adverse consequences of these responses to the economic downturn trickled down through the social class structure, school criminalization is particularly bound up with the fate of two impacted groups. First, the accelerated deindustrialization in the USA's core urban manufacturing centers, coupled with the mass exodus of the middle classes and their property tax dollars to the suburbs, resulted in concentrations of unskilled inner-city minorities with little access to legitimate work—except in the expanding low-wage sectors (Wilson, 1996) and the military—as well as to opportunities afforded by an equitably funded public education.

While deindustrialization deprives overwhelming numbers of inner-city minorities of a productive role in the USA's economy and perpetuates cycles of drugs and violence, predominantly white cities and towns are also beset by huge job losses in industry, mining, and agriculture (Duncan, 2000). In earlier eras, the plight of these groups may have ushered in a second 'New Deal' or 'War on Poverty' including massive government outlays to rebuild the nation's infrastructure and train disadvantaged populations for the increasingly high-tech, flexible, global economy. But for reasons detailed elsewhere (Beckett, 1997; Simon, 2006), elected officials saw more advantage in fixating on urban crime and drug 'epidemics' and building a stable infrastructure around the control of crime.

While the rise of the 'criminal justice-industrial complex' may be, in large part, the long-term, unintended consequence of short-sighted 'get tough' campaigns, its staying power derives from its role in the post-industrial political economy. Penal expansion helped the State manage both rural and urban economic crises. With respect to urban economic devastation, a campaign of arrest and incapacitation of an unprecedented pace and scope kept a lid on unrest and opened the door to strategic urban redevelopment within designated 'safe zones' (Parenti, 2000).

The prison-industrial complex also curbed the decline of many white rural areas and, more broadly, pacified the white working class. Criminal justice expansion artificially tightens the labor market (Western and Beckett, 1999), stimulates the economy of ailing rural communities (Huling, 2002), and affords rural residents greater electoral representation and population-based federal appropriations (Huling, 2002). Accordingly, many rural politicians stake their political careers on the location of juvenile and adult prisons in their districts and the hundreds of stable, well-paying jobs that they promise to generate for their constituents.⁸

The twin developments of deindustrialization and mass incarceration, through shifting the political calculus of school policy decisions, have important direct implications for state-level education policy. The same state legislators with vested interests in building or expanding prisons in their districts are empowered to vote on state financing of urban education and state school security and penal initiatives necessitated by federal reforms. Politicians with largely rural and small town bases, who hold considerable sway over the legislatures in states with large prison populations like Texas, New York, and California, should benefit more politically from

expansionist justice policies and exclusionary school policies—which help keep prisons full—than from generous urban school funding. Even urban mayors and school superintendents have little incentive to invest in genuine educational opportunities for unexceptional students trapped in underperforming schools. The post-industrial economy, relatively lucrative illicit opportunities, and limited social capital foster widespread inability and reluctance to take full advantage of these opportunities (Noguera, 2003). Political-economic transformations have resituated inner-city schools (and ‘lockdown’ environments therein) structurally alongside the aggressive policing and imprisonment of disadvantaged blacks and Latinos as a means to control and warehouse ‘disposable’ youth (Wacquant, 2001; Giroux, 2003; Nolan and Anyon, 2004).

Predictably, then, the criminal justice boom diverted public funds that could have been directed at public education (Western et al., 2003; Jacobson, 2005).⁹ As criminal justice budgets have skyrocketed, lawsuits in more than 40 states have alleged that inequitable state financing of poor school districts is responsible for conditions in poor schools that run afoul of the states’ own constitutions (*New York Times*, 2003). Extreme fiscal restraints coupled with pressure to lift sagging student performance and reduce school crime, leave school actors with a shrinking pool of ameliorative options. Part of the appeal of school accountability reforms, under which state and federal school disciplinary mandates can be subsumed, is that they are relatively inexpensive to implement. Forced inter-school competition, ‘high-stakes’ testing, and the removal of dangerous and disruptive students are cheap alternatives to renovating and modernizing schools and hiring more qualified teachers and counselors.

As mentioned, however, centralized mandates set only general parameters for district-level policy. They lack the necessary specificity, therefore, to explain convergent criminalization patterns such as increases in metal detectors, drug sweeps, and court referrals from schools. The diffusion of concordant practices across subsets of schools (e.g. inner-city) is rooted not only in state coercion and incentives and in similar triggering factors (e.g. overcrowded facilities and disengaged students) but, more fundamentally, in school organizations’ shared quest for professional and political credibility. For schools to effectively interrelate across institutional domains—with government, employers, families, and the media—they must affirm society’s prevailing ideas and values, including the new ‘political accord’ (Gintis and Bowles, 1988) that has been reached on youth crime and punishment. One way that schools can openly endorse aspects of this accord such as incorrigibility, high rates of juvenile crime, the threat of youthful ‘predators’, and the necessity of expanded punishment and control (Garland, 2001; Giroux, 2003), is through the ‘transportation of political practices’ from the penal realm into the school (Gintis and Bowles, 1988).

The similarity of particular techniques, symbols, and rationales that schools borrow from the penal realm is also rooted in the shared pursuit of credibility. Schools can minimize political risks and maintain effective inter-institutional

communication by adopting ‘best practices’ and relying on the advice of recognized school security professionals (DiMaggio and Powell, 1983). School security consultants are often rooted ideologically and professionally in the wider criminal justice profession (Trump and Lavarello, 2001) and have helped situate school misconduct within the purview of criminal justice (Simon, 2006). The independent contribution of criminal justice professionals to school penal trends is explored more fully later.

The ‘subjective’ influence of social structure on school criminalization

Structural factors shape school penal trends, not merely through shifting the strategic calculus of lawmakers and policy makers, but also through exerting direct influence on individual actors operating at the levels of the school and the classroom. Most scholars who explore the relationship between structural realities, like social class hierarchies and individual subjectivities, follow in the path of Pierre Bourdieu. Bourdieu and Passeron describe how the parallel lines of social thought and actions entailed in group membership instill in group members a shared habitus or ‘system of internalized structures, schemes of perceptions, conception, and action’ (1977: 86).

The criminalization response, whether a teacher’s decision to summon security guards to a minor classroom disturbance or a principal’s pursuit of the arrest or removal of that student, is mediated by individual interpretations of social reality. While sociologists differ widely in how much autonomy they permit individuals in developing their own interpretations and acting upon them, few disagree that structural forces *condition* and *constrain* their thoughts and actions.

Two interrelated aspects of the habitus with profound implications for classroom and school disciplinary climate are perceptions of students’ future prospects and the negotiated balance of power between teachers and students. While perceptions of the opportunity structure are an important mechanism linking social structure with student aspirations and effort (MacLeod, 1987), they also are an important component of the habitus of school staff, which should condition how these actors respond to errant students. Educators consciously and unconsciously aim to prepare youth to assume their rightful position in the social strata and hierarchical workplace (Bowles and Gintis, 1976; Katznelson and Weir, 1985; Ferguson, 2000). Accordingly, much school activity is organized around the tasks of classification and socialization. Even school punishment, which is generally depicted as a response to past and present behavior, also acts prospectively by sorting future ‘dropouts’ (Bowditch, 1993) and socializing students (Durkheim, 1973; Foucault, 1977). If schools’ penal and surveillance practices are tools of classification and socialization, it follows that teachers’ perceived changes in the occupational structure onto which these devices are mapped should prompt corresponding changes in these practices.¹⁰

This argument finds support in evidence suggesting that criminalization practices reflect increased perceptions of troublesome students as future criminals or prisoners. The needs of such students fall outside of the traditional school disciplinary paradigm, which is tied to images of students as future workers and citizens. Bleak prospects are so noticeable in poor communities and media constructions thereof, that they cannot have escaped the notice of urban school professionals. For instance, nearly 60 percent of black male high school dropouts experience imprisonment by age 30–4 (Pettit and Western, 2004).

Of course, many education professionals in distressed schools are dedicated to diverting as many students as possible from the ‘criminal justice track’. On the other hand, recent examples abound of teachers and school administrators projecting criminal futures onto their students (Blum and Woodlee, 2001; Nolan and Anyon, 2004). Concordant research in California finds that many students in impoverished schools believe that educators perceive them as ‘animals’, ‘inmates’, or ‘killers’ (Fine et al., 2004) and that black males and females are less than half as likely as their white counterparts to believe that their teachers support them and care about their success (Noguera, 2003).

Ferguson (2000) offers deeper exploration into how objective penal realities are internalized by school staff and assimilated into the school disciplinary process, even for students as young as fifth and sixth graders. Through her inquiry into why African-American youth were disproportionately banished to the school’s ‘punishing room’ and ‘jailhouse’, she discovered that young African-American children facing discipline, unlike white children, are written and cast into roles imagined for adults in the world outside the school. Owing to a dominant image of black males as criminals and prisoners, many school authorities view chronically disobedient black boys as ‘bound for jail’ and ‘unsalvageable’.

Implicit in the designation of black students as unsalvageable is the recognition of two emergent structural realities discussed earlier: (1) that prison, which reifies criminality and tends to foreclose a productive future, looms over the future of African-American youth who fail in school; and (2) that schools lack the resources to reverse the downward trajectories of the most troublesome students without compromising the quality of teaching and services aimed at more deserving or promising students. It is likely that this dynamic is most conspicuous in the ‘lowest tier’ high schools where labels like ‘bound for jail’ are often legitimized through justice system interactions both inside and outside the school (Devine, 1996).

The anticipatory labeling of students as future prisoners in need of coercive control or exclusion can be a self-fulfilling prophecy as students frequently suspended from school face increased risks of juvenile and adult incarceration (Arum and Beattie, 1999; Skiba et al., 2003). Just as the success of a ‘College Prep’ track can be gauged by the share of students in this track who attend college, the reliability of penal and exclusionary practices at weeding out those students on the ‘fast track’ to jail may, perversely, legitimate and reinforce these practices.

Focusing on perceptions of external opportunity structures is insufficient, however, since the attitudes and behaviors that confront school staff each day exert a much more decisive influence on their disciplinary responses. However, even those who believe that the complex, dynamic rituals of power and resistance within schools possess their own internal logic and autonomous sphere of influence (Willis, 1977) acknowledge that disciplinary regimes must assume new forms within a structural landscape of mass unemployment and incarceration (Willis, 2004). In *Learning to Labor*, Willis argues that most working class students cede to teachers' respect and obedience in exchange for their 'equivalents' in knowledge and credentials. For students who begin to see school knowledge and credentials as irrelevant, on the other hand, 'the teachers' authority becomes increasingly the random one of the prison guard, not the necessary one of the pedagogue' (Willis, 1977: 72). Pragmatic teachers often respond by offering freedom and fun instead of knowledge and expect, in return, that disaffected students not hinder the 'good students' or otherwise challenge the basic paradigm of power relations in the school. Both sets of terms may be more difficult to negotiate and maintain, however, with discontented students forcibly concentrated in today's inner-city schools. First, such an exchange system garners little faith from either teachers or students when unemployment and incarceration are objectively more plausible than college. Teachers are often bereft of not only sufficient resources but also a cogent narrative of opportunity that can help them gain voluntary compliance from students and couch their role in non-repressive terms. The second option of ceding more control to the disaffected students, while not uncommon, is also less viable where teachers are called to account for lax performance and behavioral standards. In this light, it is understandable that teachers and administrators often perceive little choice but to summon repressive means to swiftly remove disruptive students from the classroom and the school. Criminal justice offers a useful template and accessible tools for this purpose (Simon, 2006).

The independent role of justice system agents

Teachers and other education professionals are not the only agents whose interests and subjectivities should figure prominently in a theory of school disciplinary transformation. It is also important to understand the role of security and criminal justice agents. As mentioned earlier, criminal justice professionals have assumed an enlarged role in the school disciplinary process, often usurping traditional responsibilities of teachers. The emergence of crime as a central pathway for governance (Arum, 2003 Simon, 2006) and the willingness of overwhelmed and fearful school actors to summon and to cede disciplinary authority to justice system agents help explain this trend. However, these explanations largely treat justice system actors as objects of reform rather than as agents of it.

While a passive characterization of justice system actors was appropriate when criminal justice fields were smaller and less professionalized, it is less tenable today. Criminal justice professionals, thanks to the vast expansion of the criminal justice system, are highly organized. Through professional associations, they seek to maintain or enhance their legitimacy, prestige, and working conditions (DiMaggio and Powell, 1983; Beckett, 1997; Simon, 2006).

Once justice system actors implicated in school criminalization are conceptualized as professional and political interest groups, one is compelled to ask how the flow of criminal justice personnel, technology, and expertise into schools serves these groups' interests and what role these groups play in school criminalization (Becker, 1984). For example, installing police to find and fight crime in schools can bring collective benefits to the policing profession by creating more jobs and funding opportunities, and, with the help of educational components like DARE, by promoting their image as a vital and benevolent institution.¹¹

Similar explanations have been offered for the increased role of the juvenile court within the school disciplinary process. While many overburdened juvenile court judges resent the addition of school misconduct cases to their dockets (Rimer, 2004), others may welcome this change. Expanded procedural protections and moral panics about juvenile crime since the 1960s jointly led to the criminalization of juvenile courts (Feld, 1999). In the process, juvenile courts lost jurisdiction over tens of thousands of youth to criminal courts. Even more importantly, the increasingly adversarial and punitive thrust of juvenile justice reform threatens the professional status and survival of the large contingent of juvenile court professionals who retain a rehabilitative orientation (Leiber et al., 2002). Expanding the juvenile court's jurisdiction over schools, which includes other popular initiatives like school-based probation, at once helps keep court dockets full (Becker, 1984; Schwartz and Rieser, 2001) and reclaims for the court a rehabilitative role within a marked rehabilitative space—the School (Muncie and Hughes, 2002).

While the involvement of police and juvenile courts in the regulation of student behavior obviously signals schools' incorporation of a crime control paradigm, it bears repeating that security guards, police, and judges, like students and teachers, are subjective actors, prone to accept, but capable of resisting, the imperatives of criminalization. For instance, Devine (1996) notes that school officers in the lowest tier schools of NYC build mentoring relationships with students. Likewise, a training model for school police officers developed by the Vera Institute of Justice that teaches adolescent development and positive reinforcement has been incorporated into the NYPD's training of 'all new school safety agents'.¹² The importation of criminal justice into schools thus involves a process of mutual accommodation. Whether some progressive schools are capable of co-opting criminal justice tools and agents to the extent that they no longer qualify as agents of criminalization is an open theoretical and empirical question.

Conclusion

The importation of symbols, tactics, and personnel from the realm of criminal justice into schools is neither an inevitable and universal trend nor an accident of social history. Schools, like all institutions, are sites of dynamic social interaction wherein functions are continuously negotiated, structural constraints subjectively interpreted, proper responses hotly contested and inconsistently implemented—and the results of this cacophony of conflicting forces never completely certain. Even in the most distressed urban schools, progressive visions of education—rooted in the values of liberty, equality, tolerance, citizenship, and personal growth—actively compete with penological imperatives in shaping personal and institutional agendas (Gintis and Bowles, 1988; Fine et al., 2004). The extent to which students confront school environments that weigh penological imperatives and images more heavily than pedagogical ones is an empirical question that deserves more systematic attention. That said, sufficient evidence supports a provisional thesis of an overarching criminalization of school discipline, especially within urban schools.

At the same time, the criminalization of school discipline, however prevalent, should not be subsumed under a singular social project or process, whether it is the USA's moral panics about youth and school violence, school accountability reforms, the automation of school disciplinary procedures, or the ascendancy of crime as a narrative for governance. Rather, the present-day, multidimensional penal realities in the USA's schools are fully understandable only through tracing their multiple historical and social underpinnings (Garland, 2001). The increasingly bleak employment and imprisonment prospects of inner-city students and teachers' and administrators' perceptions of these realities should figure prominently in efforts to theorize criminalization in the school context and in strategies to reverse it.

Notes

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1. Personal interview with the author in May 2002.
2. The Department of Education's Office of Civil Rights estimates that from 1974 to 1997 the rate of suspensions increased steadily from 3.7 percent of all students to 6.8 percent (Brooks et al., 1999). As states implemented zero tolerance policies during the 1990s, the number of expulsions mounted (Fuentes, 2003). In Chicago, officially recorded expulsions increased from 14 in 1992–3—before zero tolerance was enacted—to 737 in 1998–9 (Civil Rights Project, 2000).

3. It is true that virtually all the major stakeholders in education policy at the national level endorse alternative education programs for banished students (Boylan and Weiser, 2002). However, those who operate, staff, and fund such segregated school environments may come to define their purpose as the isolation and control (or even punishment) of a criminal population. Nolan and Anyon refer to urban forms of these settings as 'new intermediary institutions that manage the stages between school and prison' (2004: 142).
4. During the 1999–2000 school year, African-American students comprised 17 percent of San Diego's students and 50 percent of those suspended for 'disruption' or 'defiance' (Applied Research Center, 2002).
5. Thanks largely to federal funding begun under the COPS program, urban, rural, and suburban schools all vastly expanded the number of school resource officers. By 1997, public schools hosted 9400 school resource officers (Bureau of Justice Statistics, 2000). Their number mushroomed to 14,337 by 2003 (Bureau of Justice Statistics, 2006).
6. Even the West Paducah, KY high school that experienced one of the 'ram-page' shootings of the 1990s has greeted criminalization with ambivalence. According to the school's principal, the main goal of the school's SRO is to be a 'positive role model' and 'build trusting relationships with students' (Pascopella, 2005). Likewise, the morning ritual in which teachers search book bags and pat down students is couched in a way that rejects the rhetoric of coercion and criminalization in favor of a consumerist discourse. The school principal asserts, 'We've tried to make it a Wal-mart greeter situation rather than, "I'm searching your book bag." We try to make it a positive experience' (Pascopella, 2005).
7. Many inner-city schools, in their zealous pursuit of performance standards, have adopted rigid drill-based instruction and 'proto-military' methods of classroom discipline (Duncan, 2000; Kozol, 2005). One may surmise that the importation of criminal justice tools and personnel helps to sustain this 'pedagogy of direct command and absolute control' (Kozol, 2005: 64).
8. Becoming a 'prison town' can sometimes be a mixed economic and social blessing (Huling, 2002).
9. Empirical research supports an inverse relationship between prison funding and school funding. For instance, Johnson (1996), in his study of 'transcarceration' across social control institutions in the USA, finds that states' prison admission rates negatively predicted states' high school population rates, and that they were the only significant predictor in multivariate models.
10. This interpretation of classification and socialization practices should not be confused with the correspondence principle, which posits a functional correspondence between the needs of the social structure, labor market, or corporate elite and the practices of schools and teachers (Bowles and Gintis, 1976). The correspondence thesis has been challenged by work showing that teachers' perceptions of the labor market are fuzzy, misguided, and contested, and that schools' sorting and preparatory practices often fail to produce their intended results (Weis, 1990). With respect to explaining criminalization, however, it is not important whether these

perceptions perfectly mirror objective conditions of the labor market or are actualized in student outcomes. It is important only that they shift substantially and correspondingly in response to structural changes and that they influence disciplinary practices.

11. The criminalization of schools evolves new forms as terrorism becomes the major axis for new public safety initiatives. Facing progressive cuts in federal funding for SROs, the 9000-strong National Association of School Resource Officers, along with school security consulting firms, have called for an Education Homeland Security Act to ‘fund school terrorism training, improve security and crisis planning’ (Porteus, 2003).
12. http://www.vera.org/section2/section2_4.asp

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