

Kids, Courts and Communities

Lessons from the Red Hook Youth Court

Written by

David Anderson

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About the Author

David Anderson is acting director of communications at the Ford Foundation and a former member of the editorial board of the New York Times.

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Rhonda

Rhonda wants to be a lawyer: “I like to argue a lot,” she says. And it was an argument that ended up putting the 15-year-old in a good place to advance her ambition — an internship with the Brooklyn Bar Association. A dispute with another girl (she doesn’t care to say what it was about) led to heated words, then an exchange of blows. No one was hurt, but the other girl’s mother felt aggrieved enough to report Rhonda to the police. Instead of a visit from a police officer, however, Rhonda got a call from a man named Derek Miodownik, who asked her to come in for an interview at the Red Hook Youth Court.

Rhonda knew some other young people who were involved in the youth court, which operates out of a ground floor apartment in her Brooklyn housing project. But she didn’t know much about how it worked or what it was all about. Now she was about to learn.

At the Youth Court office, Miodownik, who runs the program, told her that the police had forwarded her case to the court. If she would accept responsibility and submit to a sanction imposed by the court’s jury of teenagers, she could clear up the matter with the police. If she refused, she wouldn’t be subject to arrest, but her failure to respond could be taken into account if she got into trouble with the law again.

Rhonda thought it over and decided to cooperate. That meant an interview with a “youth advocate” who would represent her during a hearing before the full court, a group of six, most of whom she also knew from the streets and projects of Red Hook. At the hearing, her advocate told Rhonda’s story — Rhonda, she said, does well in school, understands that fighting harms the community, and is willing to make amends. Then the group peppered her with questions, drawing her out about the circumstances of the fight and her feelings about it.

Finally, the jurors who had led the questioning retired to deliberate about a sanction. After several minutes of discussion, they reached consensus, ordering Rhonda to perform four hours of community service -- helping out the maintenance crew at the health clinic across the street from her project building.

Before sending her on her way that day, one of the jurors thought to ask Rhonda another question: “How would you feel about becoming a Youth Court member yourself?”

“I told them I would like it,” she recalls, and after the hearing, Miodownik explained that it was possible, if she were willing to do the work.

That turned out to be substantial. Rhonda attended Miodownik’s training classes, 24 hours over the course of three weeks. Then as a member of the court, she served for five hours per week. The work paid off. Impressed by her motivation and interest in the law, Miodownik wound up recommending her for an internship at the local bar association, where she now helps out in an office that refers clients to attorneys. The job gives her a first hand view of the legal world, a good reference for college and the beginnings of a contact network in the profession.

“Getting in that fight,” Rhonda reflects, “wound up having a big effect on my life.”

A Broken System

Rhonda’s case amply demonstrates the Red Hook Youth Court’s capacity to intervene in troubled young lives and turn them in positive directions.

While a number of jurisdictions have set up youth courts nationwide, the Red Hook model is one of the first to serve a densely populated low-income community — youth courts are more typically found in suburban or rural jurisdictions. And it has purposefully engaged youngsters who have had problems in school and with the law as jury members, providing them with training and continuing involvement in a constructive program. The links the youth court has forged with local high schools give its value as an educational project the same weight as its contribution to juvenile justice.

The need for the court grew out of concern over the obsolescence of New York City’s traditional system for handling the lowest level cases of juvenile delinquency. In suburban or rural areas, offenses like vandalism, fighting and other mischief may still be referred to juvenile or family courts. But in New York this rarely happens. Instead, when a young person is picked up for a minor offense, police are required to note the incident in their “YD card” files and then call the offender’s parents, on the assumption that discipline will take place at home.

The process is a vestige of an earlier era, when police officers were intimately familiar with a precinct’s families and kids. All too often today, parents are absent, distracted or otherwise unable to exercise any meaningful control.

“The system has broken down,” Miodownik says. “A YD card is essentially just a write-up of an incident. There’s no punitive measure, no links to services.” Sarah Bryer, a Center for Court Innovation planner who helped set up the youth court, adds that the system sends the message to delinquents that “nobody cares, nobody will do anything about it. It doesn’t matter.”

Even so, Bryer and other planners recognized an opportunity in the YD card problem. For many young people, the card is an early warning of more serious trouble. A court that could intervene at this stage, holding offenders accountable, getting them to give something back to the neighborhood, perhaps linking them to social services, could make a big difference.

Origins

A number of forces coalesced to create a youth court in Red Hook, a Brooklyn neighborhood of some 11,000 residents dominated by a massive low-income housing project and a general sense of neglect.

Since 1994, the Center for Court Innovation has been an active presence in Red Hook, leading an effort to create a community-based justice center modeled after the Midtown Community Court in Manhattan. As part of a community needs assessment, planners from the Center engaged in extensive discussions with neighborhood residents and leaders. “One of the clearest things that emerged from these conversations was the urgency of coming up with a new approach to delinquency,” says Greg Berman, who led these early planning efforts. “Local residents urged us to create some sort of early intervention for young people, particularly those who were on the precipice between success and getting involved in the justice system.”

Setting up such a program made strategic sense as well. The Center’s planning team knew that building a justice center would take years. In the interim, it was crucial to build credibility with the local community. They sought a project that could be established quickly and effectively to demonstrate their commitment to the neighborhood.

A door-to-door survey of local residents revealed that 90% felt Red Hook needed more youth programs. Pursuing that idea, the Center convened a series of focus groups with local parents and kids. Young people who participated confirmed the general failure of the YD card system. Adults lamented the passing of a time when parents in the community were able to check up on each others’ children. As the groups talked, everyone, adolescents included, began expressing enthusiasm for a youth court.

To turn this idea into a reality, planners from the Center assembled an unusual partnership, bringing together the Brooklyn District Attorney’s Office and Good Shepherd Services, the largest social service provider in Red Hook. The prosecutors tended to focus on accountability while the social workers pondered how a youth court could help troubled youth. “In a sense, we had both punishment and help sitting at the table with us,” Bryer says. “Our task was to develop a product that incorporated both perspectives.”

Chris and Jamie

Chris, a massive young man of 17, seems to command any room he enters. As a youth advocate, he is questioning Jamie, a 15-year old picked up for truancy. At first Jamie is reluctant to admit that he actually cuts school, but Chris slowly breaks down the defense.

“How often do you cut a class?”

“Only once.”

“Once a week?”

“Well, more like four times a week.”

“Oh, so you’re basically cutting a class every day.”

“Yeah.”

“Look,” Chris says. “I used to be just like you. I went to school freshman year, did great the first semester. Then the second semester I started cutting. It’s what everybody did. It’s addictive. I’d come in at 8:50 in the morning, and I’d leave one period early. I never got caught out on the street. I look older than I am; the cops thought I was in my twenties, a guy out on the street. They never bothered me. But that doesn’t mean I didn’t cut.”

He stares directly at Jamie who stares back, then bows his head, breaking eye contact.

“Well,” says Chris, “sooner or later you have to get your life on the right track.”

Positive Peer Pressure

It quickly became clear that the youth court would be a significant departure for the Center for Court Innovation. The Center’s previous experiments — the Midtown Community Court, the Brooklyn Treatment Court, the Brooklyn Domestic Violence Court and others -- had relied heavily on the use of coercive power to engage criminal offenders in community service projects and social services. The decision to target YD card cases meant that the youth court would have no such authority, since these are cases that never reach a courtroom. Instead of the legal authority of a judge, the youth court would have to rely on the power of peer pressure and teenage culture.

The initial challenge for project organizers was to find a core group of youngsters willing to articulate standards of behavior, in effect setting norms for other teenagers. The Center’s team of planners insisted that those chosen be genuine peers of the young offenders appearing before them. “We decided that if we were going to do this in an urban setting,” Bryer says, “it couldn’t be run by the straight A students and called peer pressure. There had to be kids on the court that the offenders could relate to -- and vice versa.”

Instead of “creaming” honor students and campus leaders, the court sought out interested youngsters with histories of truancy and other problems, then sought to train them for work on the court.

Structure

The youth court also departed from familiar models by having an active jury. In other youth courts, the star students with training serve as judge, prosecutor and defense attorney in a process that mimics the traditional adversarial process of adult courts, while untrained students sit passively through the proceedings as jurors. In the Red Hook court, all participants receive extensive training qualifying them to serve in all of the court positions: judge, bailiff, community advocate, youth advocate and juror.

The judge supervises the hearing while the bailiff maintains order, distributes confidentiality forms and conducts the jury out of the room for deliberations. The community advocate delivers a statement explaining the nature of the offense and its impact on the community. The youth advocate meets with the offender before the hearing in order to deliver a statement that highlights the

offenders' positive qualities -- interests, school record, commitment to family and friends, willingness to perform community service.

It is the jurors, however, who carry the weight of the hearing; although anyone is allowed to question the offender, they are expected to take the lead. In addition to determining the facts of the offense, their questions are also expected to elicit a rounded picture of who the offender is, how he or she is getting along with family and in school, what specifically led to the commission of the offense and what larger problems underlie the misbehavior.

As they deliberate, the jurors take all they have learned into account in order to craft a constructive sentence that combines accountability with help. The youth court staff puts at their disposal a range of community service possibilities; in addition to setting a number of hours, up to a maximum of 20 (most sentences are for six to eight), the jurors look for appropriate matches. A truant, for example, may be sent to tutor grade schoolers, getting a reminder that education is important and a chance to be seen as a positive role model. The jurors may order letters of apology to victims or, commonly, to the offender's parents, setting the number of words to match the severity of the crime. And they can require attendance at workshops on anger management or consultations with caseworkers from Good Shepherd Services.

Voices from the Bench

Court members develop clear preferences for different roles. "I like being the youth advocate," says 17-year-old Chris. "I try to calm them down before the hearing. I say, 'I'm there. You have a problem in the hearing, just tell me, and I can ask for a recess and we can talk about it.'"

Nineteen-year-old Melissa says she prefers community advocate: "You can make them realize what they do to the community, that they should stop thinking about themselves." Maria, 16, says she likes to be the judge: "You get to be in control."

Whatever their preferences, members of the court are expected to rotate through all the roles during their semester-long commitment to the program. "All the members are trained to think of themselves as part of a team," Miodownik says. "They're supposed to work together, trying to act in the offenders' best interest. The offenders pick up on this, which is one of the reasons why they don't feel under attack."

Most of the court's participants come from South Brooklyn Community High School, an alternative school run by Good Shepherd Services for teenagers who were truant or who had been expelled from public school. South Brooklyn agreed to offer youth court membership as an elective course; Miodownik conducted training at the school, spreading a 32-hour course over a 12-week semester. The class drew heavily on the local legal community for expertise. Local defense lawyers and prosecutors helped teach students about the legal process and how to craft an effective oral argument. A field trip to an adult criminal court yielded advice from a judge. Students who passed the class joined the

youth court, earning high school credit for their service for the first three months. In later stages, they were eligible to receive a small stipend.

While the idea of paid service might raise eyebrows among managers of wholly voluntary suburban or rural youth courts, the Red Hook planners consider it essential in a low-income community. Without such compensation, many Red Hook teenagers would forgo a voluntary opportunity, however interesting or rewarding, in order to supplement family income with a job at McDonald's or an obligation to care for younger siblings.

As the court began to function, word spread in the neighborhood and young people who had no connection with the South Brooklyn High School or Good Shepherd Services began to inquire about it. Others, like Rhonda, signed up for training after getting their first taste of youth court as offenders. Last summer, Miodownik held an open training for anyone from the neighborhood who was interested. He has also begun offering a training course at John Jay, the local public high school. Since the program opened in April 1998, 25 youngsters have served on the court. Another 18 are currently in training.

Francisco and Luisa

Fifteen-year-old Francisco comes to a meeting with Luisa, his youth advocate. He brings with him his mother and his little sister and brother. He has a sweet face and a diffident manner, but it soon becomes clear that he's in a lot of trouble. The police stopped him at one o'clock in the morning and cited him for carrying a knife with a blade more than four inches long.

"What were you doing on the street?" Luisa asks.

"I'd been visiting my aunt, and I was walking home."

"Wasn't this a school night? You were out walking home at one o'clock in the morning?"

"He doesn't go to school," his mother says. "He won't go to school, he won't work. He won't do anything."

Luisa looks at Francisco. "Why don't you go to school?"

"There's nothing there that interests me."

"What did you like when you did go to school?"

"Science. Computers. I want to run a computer business."

"Well if you want to learn about computers, don't you need to go to school?"

Francisco has no answer.

"Look," Luisa says, "how do you think your mother feels about your not going to school?"

"She doesn't like it."

"How does it make you feel to know you are making her so upset?"

"Not good."

"Do your little brother and sister look up to you?"

"Yes they do."

"And do you think you are being a good role model for them?"

Again, no answer. Francisco's little sister whines something to her mother.

“Be quiet,” the mother says to the little girl. “We have to wait until Francisco is finished with the lady.”

Luisa looks at her, surprised. “I’m not a lady,” she says, gesturing at Francisco. “I’m the same age as him.”

Getting to Court

A youngster’s trip to youth court begins at one of the three precincts in the court’s catchment area. The cops refer cases directly to the court, exercising some discretion over whom to send. Those affiliated with street gangs are eliminated, for example, lest youth court members be marked for retaliation.

When Miodownik receives referrals, he and the court’s only other salaried employee, Red Hook resident Michael Williams, attempt to contact the offender and his or her parents. A good deal of attrition occurs at this point in the process, since there are no consequences for not participating. Many youngsters get away with giving police false telephone numbers and addresses. In some cases, the court reaches offenders’ homes but the offenders choose not to cooperate and parents don’t respond. In some cases, parents are indifferent; in others they prefer to keep discipline within the family. Many are simply wary of “the system.” As a result, only about a fourth of referrals result in a youth court appearance.

Miodownik and Williams emphasize that the youth court is a voluntary process. “You don’t have to do this,” they tell offenders during intake interviews. “But by appearing in youth court, you will clear up the matter with the police and, more important, you will show that you are willing to take responsibility for yourself.”

The pitch doesn’t always work, but it does often enough to maintain a healthy caseload. So far, the youth court has held 71 hearings, an average of more than two per week.

Partnership

The youth court depends on the active involvement of local partners. The housing authority contributes office space. Hearings are held at a church or at the precinct house. The Brooklyn D.A.’s Office, the Legal Aid Society and others participate in training. Victim Services provides a mediator to help resolve ongoing disputes between offenders and their families.

Other local agencies supervise community service sentences as they put offenders to work. Assignments include helping out at the local health clinic, shelving books at the library, serving food at a soup kitchen and reading to elementary school children at a program sponsored by the local tenants association. Additional supervision is provided by staff from the Center for Court Innovation’s neighborhood AmeriCorps program.

Results

There are two ways to evaluate the youth court: by its effect on the young people who participate and its effect on offenders. While it is still early, there are signs that the youth court is making a difference to both.

Exit interviews and focus group conversations with program graduates reveal that they leave with a better understanding of the criminal justice system, a greater sense of commitment to their neighborhood and improved self-confidence. The program's effect on offenders is more difficult to gauge. Peer pressure appears to generate compliance: more than 90 percent of offenders complete the sanctions ordered by teenage juries. Questions about more lasting effects on offenders can't be answered until the court has been in business longer.

In addition, there are indications that the program is gaining currency as an alternative to more traditional juvenile justice in the broader Red Hook community. In recent months, several parents have brought their children before the youth court when they began to engage in delinquent behavior, rather than calling the police or filing a PINS (Person-In-Need-of-Supervision) petition in Family Court.

The court also draws praise from police. "This is very good," Alex L'elie, a youth officer from the 78th Precinct, said of the youth court. "It makes the individual realize that they are going to pay for the crime." He also points out that he doesn't see much recidivism from youngsters who go through hearings and complete sanctions. "I look through juvenile reports to see if any are coming back, and I haven't seen any yet. Those kids have stopped getting in trouble. I definitely say the program is effective."

Judging the Judges

At neighborhood schools and on the street, the youth court seems popular, despite the resentment of some offenders. "They didn't believe me," says 14-year-old Mannie, sanctioned for fighting. "They weren't even handling it...they were just going like that, like I'm lying." He considered his sentence to five hours of community service "kind of long."

Concerns that angry offenders might cause trouble in the neighborhood for youth court members have proved unfounded so far. Indeed, Mannie wound up assigned to help the cops photograph youngsters for an identification program designed to aid investigations of missing child reports and enjoyed playing photographer with the Polaroid they handed him. Youth court members often perform service alongside offenders, reinforcing the larger message of community.

Rhonda recalls that she felt no resentment against the young people sitting in judgment on her in her hearing. "I feel that business and pleasure are two different things and you should be able to keep them separate," she says. "I saw them afterwards, and I could still be friendly with them." She appreciated being judged by teenagers rather than adults — "When you're older, you don't understand how fights start that easily" — and she thought her sanction was fair.

Fifteen year-old Roberto, caught with an illegal knife, also harbored no bitterness. "I did something wrong; I have to pay the price," he says. The court gave him four hours of community service, a 150-word letter of apology to his mother and an anger management class. His record of truancy led the jury to more

pointed questions about how he hoped to get ahead in life without an education. He now terms the encounter with the court a “good experience...I thought about it. It gave me chances. I’m going back to school. I want a great future.”

Ricky

Between cases, members of the court have been hanging out, flirting, jiving with each other. As the court comes to order again, the atmosphere of gentle horseplay continues; there’s a bit of shoving as they take their seats, laughter only barely stifled. But as the case is presented, they suddenly get serious:

The offender, Ricky, is 14 but looks about 10, hunched on his chair in the witness box. He got arrested for carrying a box cutter; as the story unfolds, however, the court learns that he pulled the weapon in the course of a sidewalk scuffle between two groups of boys. The jurors quickly get to the heart of the matter.

“Why do you carry a boxcutter anyway?”

“For protection.”

“You are 14. Do you really think you need to carry a box cutter?”

“No.”

“So why do you carry it?”

The question hangs in the air.

“Do you know how to use a box cutter?”

“Yes.”

“Have you ever used a box cutter?”

“No.”

“Then how do you know how to use it?”

Another shrug.

“How would you feel if you cut somebody?”

“I don’t know.”

The questions circle off in other directions, an effort to learn more about Ricky’s school history (poor) and his relationship with his mother (difficult). The jurors also discover that he has an older brother who doesn’t live with the family.

“What would your older brother say if he knew you were carrying a box cutter?”

“He’d tell me to stop.”

“And if he told you to stop, would you?”

“Yes.”

“Then why can’t you do it on your own behalf?”

In the hallway outside the courtroom, the jurors don’t need much time for debate. They find Ricky’s attitude unrepentant. They decide on 10 hours of community service, a letter of apology to his mother and field trip to a federal penitentiary where adult inmates reflect upon their experiences for the benefit of youngsters.

Ricky’s mother, who has sat through the whole proceeding, is impressed. “This is different from other courts with a lot of adults and an angry judge. It

was something different to see children trying to teach other children.” And how would Ricky respond? “I don’t know for sure, but I think he needed something like this to wake him up.”

A National Movement

At last count, there were more than 500 youth courts across the country. Since the first was created in the early 1970s, every state but Maine has implemented at least one. And all of this has occurred on shoestring budgets with minimal prodding from the federal government.

What accounts for the popularity of youth courts? One factor may be their potential to change public perceptions about courts, which in recent years have grown more remote from the lives of citizens and neighborhoods. Youth courts encourage civic engagement and education about justice.

Experiments like the one in Red Hook offer evidence that youth courts can play an important role in building safer neighborhoods. Recent research shows lower rates of violence in neighborhoods with a strong sense of community, where neighbors are likely to intervene when a child is truant from school or scrawling graffiti on building walls. The Red Hook experience suggests that youth courts can serve as catalysts for change within neighborhoods, reinforcing positive values within the peer culture and creating networks of support for troubled adolescents. The youth court provides a legal framework for adolescent energy and peer pressure, channeling it in a positive way. At the same time, it mobilizes other agencies -- the district attorney’s office, schools, the bar association -- to create a constructive new dynamic between court and community.

The case of Rhonda, the teenager charged with menacing, demonstrate the possibilities. Before the youth court, the matter would have ended with the police calling her parents and letting her off with a warning. With her agreement to go before the court, Rhonda wound up giving something back to the community, embracing the values of the court as a member of its team, even gaining exposure to a professional workplace.

If that’s good for Rhonda and the Red Hook neighborhood, it’s also instructive for the larger national debate about courts and communities. The youth court offers valuable lessons about how to engage a neighborhood and mobilize youngsters to enforce common standards of behavior.

Challenges and Questions

Many questions remain. How far can the youth court model be pushed? Peer pressure and local services appear effective in dealing with low-level juvenile cases; could they address more serious offenses and offenders as well? Would the youth court work if it were to hear cases referred from the Probation Department or Family Court? At what point does a case become so grave that it demands a more traditional approach with adult decision makers?

And what of offenders? Rhonda’s case is unusual in that she went on to join the court as a member; for most offenders, engagement remains short-term. How can the youth court do more to link young people to longer-term mentoring,

treatment and education? How can it involve their parents, guardians and siblings as well?

Finally, how should the Red Hook and other youth courts measure success? No one has yet undertaken a rigorous evaluation. What should it entail? Recidivism? Education? Effect on community perceptions of youth and justice?

These are provocative questions. The Red Hook experiment so far suggests that positive answers are possible, and well worth pursuing.

Notes

Center for Court Innovation

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts can solve difficult problems like addiction, quality-of-life crime, domestic violence and child neglect. The Center functions as the New York State Unified Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, family treatment courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping courts across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice by convening roundtable conversations that bring together leading academics and practitioners and by contributing to policy and professional journals. The Center also provides hands-on technical assistance, advising court and criminal justice planners throughout the country about program and technology design.

For more information, call 212 397 3050 or e-mail info@courtinnovation.org.

Center for Court Innovation

520 Eighth Avenue, 185h Floor
New York, New York 10018
212 397 3050 Fax 212 397 0985
www.courtinnovation.org

U.S. Department of Justice

Office of Justice Programs
Bureau of Justice Assistance
810 Seventh Street, N.W.
Washington, D.C. 20531
202 307 5974
www.ojp.usdoj.gov/BJA

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