

Review

***Courting Kids: Inside an Experimental Youth Court* by Carla J Barrett
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Historically, the juvenile justice system in the US was guided by the *parens patriae* philosophy, which acknowledged the need for alternative measures for responding to child offenders to those offered in the criminal courts. This concept emphasised rehabilitative and individualised models of justice in order to divert law-breaking children from a life of crime and allow their transition to adulthood free from the stigma of a criminal record (p 4). Following a racialised moral panic around youth violence and an ideological shift towards a system which valued retributive justice, the 1990s marked a new era of juvenile justice in the US, where draconian ‘transfer laws’ either allowed or demanded the trying of children as adults by transferring children out of juvenile courts and into criminal courts. In the state of New York, however, such laws have operated since passage of the *Juvenile Offender Law* of 1978 (p 26).

In her book, *Courting Kids*, Carla J Barrett provides an articulate and intelligent ethnographic study of the Manhattan Youth Part, an experimental court championed by Judge Corriero and dedicated to the prosecution of youths as adults in New York City. Primarily, this work explores the creative strategies employed by the Youth Part to simultaneously manage complex and problematic legislative requirements and the needs of the children who came before it, and asks us to reassess the current system, which is a constant source of frustration and contradiction for those working in and around it. To achieve this, Barrett adopts a qualitative mixed-methods approach consisting of observations, in-depth interviews and ‘court narratives’, a methodology that is detailed, justified and in line with immersion in the law in action. Collectively, this ethnography produces a rich analysis of the chosen phenomena as seen from the inside (Walter 2006:321).

The presentation and interpretation of ‘court narratives’, in particular, allows Barrett to effectively portray the tactics of the Youth Part and Judge Corriero, and underlines the importance of such tactics to the achievement of justice. For example, Barrett details the case of ‘Jeffrey’ and the lengthy dialogue in which he and the Judge engaged over many court appearances (p 106). In this instance, the author engages the reader to form an understanding about how purposeful delay was exercised as a means for the Judge to accumulate evidence about a child’s capacity for rehabilitation. Traditional views of time delays in the courtroom as an obstacle to justice are challenged. This is just one example of the effective mobilisation of courtroom narratives demonstrating calculated judicial discretion, an innovative courtroom culture and the individualised justice approaches exercised by Judge Corriero and the Youth Part.

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Further, through identifying and discussing the key inherent contradictions that arise from the prosecution of children as adults, Barrett offers a comprehensive and well-grounded critique of the Juvenile Offender Law and of transfer laws generally. Barrett suggests that the most fundamental contradiction at play is the inconsistency between a young offender's legal labelling as an adult while retaining the social status of a child (p 130). This raises issues around the simultaneous prosecution of young offenders in the family and criminal courts, as well as instances where young offenders might be considered 'child victims' by the law. It allows Barrett to move seamlessly into her final chapter, where she argues that transfer laws simply do not work in terms of deterrence or public safety. Instead, they serve to criminalise and demonise young people who, by their adolescence, should be afforded differential treatment before the law. She aptly puts forward this question for further debate:

If transfer laws create such convoluted and contradictory challenges for case processing, which in turn require court actors to develop special strategies that work to ignore, sidestep, circumvent, reinvent, or accommodate the intent of those laws, then might not the legitimacy of the routine prosecution of youths as if they were adult be suspect? (p 151).

For this reader, one of Barrett's most salient points is made when she attempts to evaluate the success of the Youth Part. Here she notes that too much attention is given to recidivism rates. Although considering such rates is a common method of evaluation, focusing solely on them overlooks important court functions other than deterrence. As such, Barrett utilises the concept of procedural justice — a concept she highlights as being particularly relevant given its focus on a subjective sense of fairness with the process itself, rather than mere outcomes (p 157). This is a valuable point for two reasons. First, it enforces her qualitative, interpretivist epistemology. Second, it holds the potential to inform future naturalistic, evaluative research of projects, programs and experiments in the context of social and legal justice. To this end, she advocates that the Manhattan Youth Part was highly successful as it gave children and their families a voice in court by creating an alternative court culture that was less adversarial and found spaces within the law in order to re-imagine the philosophy of *parens patriae*.

The concluding sentences cement this socio-legal writing as a triumphant piece of scholarly activism that wastes no words. Barrett recommends reform to transfer laws and powerfully states: 'True success of the work of the Manhattan Youth Part would be passage of new state legislation that would simply render the court unnecessary' (p 168). Her work fills a void in ethnographic research into the criminal prosecution of children as adults and calls for further research to be conducted. This delimited book is a timely examination of a subject worth exploring and is a must-read for scholars, practitioners and any person interested in the area of juvenile justice the world over.

Statute

NY Juvenile Offender Law, 1978 NY Laws ch 481

Reference

Walter M (2006) *Social Research Methods: An Australian Perspective*, Oxford University Press, Melbourne, 2006