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For Young Offenders, Hope in a Jury of Their Peers

By [TINA ROSENBERG](#)

Juvenile justice is a field where the cure aggravates the disease. Take a kid of 15 or who shoplifts, gets into a fight, is caught with marijuana or is out at night spray-painting graffiti with a gang. He's no hardened criminal — yet. After a tour through the juvenile justice system, however, he may well be. He'll be mixed in with real criminals, in an environment where violence is the only path to respect. He'll understand what society expects of him: more crime. Perhaps most important, he'll have a criminal record — a major deterrent to getting a job.

On Saturday mornings at the H. Carl Moultrie Courthouse of Washington D.C.'s Superior Court, an alternative form of justice is at work. In the ground-floor courtrooms there are trials going on — with juries, defendants, bailiffs and judges. But everyone involved is a teenager.

This is the Youth Court of the District of Columbia, designed to give first-time non-violent offenders between 12 and 17 a way to stay out of the formal juvenile justice system. Cases are heard by juries truly composed of the offenders' peers: other teenagers who have been through the same process — some as recently as the week before.

Local judicial officials must agree to divert an arrested teenager to Youth Court. The court can't investigate guilt or innocence, so teenagers who don't admit responsibility stay in the formal system. In Youth Court, a teenager can be sentenced to write essays, make apologies, attend boys' or girls' discussion groups or pay restitution; almost everyone is sentenced to serve on the Youth Court jury. Teenagers who don't complete the requirements in 120

days go back to a real judge — and the labyrinth of the juvenile justice system.

“The idea is to take that first encounter with the law, especially for minor things, and use it to put them back on the right track, turn it into something positive,” said Carolyn Dallas, the D.C. Youth Court’s executive director. Not only does youth court aim to keep teenagers out of the juvenile justice system, but to lower the possibility they will re-offend, help them learn to negotiate and communicate better, make better decisions and have a greater sense of control of their own destinies. The evidence says that it succeeds.

The Washington D.C. Youth Court was established in 1996 by Arthur Burnett, Sr., a Superior Court judge, and Edgar Cahn, who also came up with the idea of [time banks](#). Youth courts are an expression of the idea that people do better when they contribute to the solution of their own problems. (The court changed its name this year from Time Dollar Youth Court.) [The National Association of Youth Courts](#) counts more than 1000 youth courts in the United States. The D.C. court is one of the largest — with 675 cases heard in fiscal 2010. About a fifth of all juveniles arrested there are sent to Youth Court. The D.C. court tends to work with older teenagers and more serious offenses than other youth courts.

Geraldine Martin, a no-nonsense woman of 19 in glasses and a high-necked blouse, runs one of the courtrooms. On a recent Saturday morning in her court, the jury box held eight young men and six women, almost all of them in jeans. The bailiff, a stocky young woman with twists, went out to bring in the defendant, a 17-year-old in a fleece jacket named Travon, and his mother, who walks with a cane.

A juror read the charges: Travon was arrested while hanging out in an alley near his house. One of his companions had a gun. Travon did not, but refused to move along when a police officer told him to. The jurors questioned him; Travon barely looked up and mumbled his responses. When the jury finished, the bailiff escorted him out of the courtroom.

But the jurors were not satisfied with his answers. “He’s lying,” said one girl. They instructed the bailiff to bring him back for more questions. “Why were you sitting in the alley when you have a porch?” asked a girl in a blue leopard-print kerchief. They questioned his mother, too. “How’s he doing in school?” asked the

kerchief-wearing girl. His mother shook her head. “He won’t go to school,” she said. Travon has a three-year-old daughter, the mother said.

Travon left again, and the jurors deliberated. They sentenced him to write essays on the importance of going to school and of taking care of his child. He was also told to serve on the jury for eight weeks and make a formal apology to his mother for the suffering and embarrassment his behavior had caused her.

Afterwards, his mother stood outside the building, smoking. She was very upset. She uses the cane because she has bone cancer, she said. “He came out of here saying ‘I’m not doing it.’ I need *help* with my son,” she said, through tears. “He needs a drug treatment program. He needs counseling. He has a mental disorder. He needs to be *forced* to go to school. These are children — his peers. They have no authority over his decisions. You can’t ask for that from children. This was a waste of my time.”

Later that day, Dallas talked to Travon’s mother and promised that Youth Court would make sure he was getting the services he needed; casework has become a normal part of the already overstretched staff’s job. Travon’s mother told Dallas that her son was bipolar, and that she was concerned about his behavior. “I tried to reassure her we wouldn’t just toss him out of the building,” Dallas said. “We have a way of working with kids. I felt she was projecting her feelings onto him, and that he could turn out to be a great juror and enjoy the process.”

Many jurors I talked to said that a lot of kids start out like Travon, full of bravado, but then become enthusiastic jurors. But his mother’s reaction was not uncommon, as parents tend to overestimate the influence adults have on teenage behavior. Travon’s mother felt he needed an authority figure telling him what to do. But he’s had that before — this was his first arrest, but he’s been through other parts of the system. Most of the teenagers coming through Youth Court have not lacked authority figures telling them what to do. What they haven’t had before is the chance to hear their peers disapprove of bad behavior, to see teenagers who carry that message enjoying authority and respect, and to become one of those people themselves.

Youth courts are a success. A survey of the D.C. Youth Court’s alumni showed that 77 percent graduated from high school. This is substantially higher than the overall graduation rates in the city,

which is remarkable given that the court's alumni had all been arrested. Of high school graduates, 43 percent have gone on to college. Since 2003, the one-year re-arrest rate for people who come through Youth Court is 11 percent, compared to the formal juvenile justice re-arrest rate of around 25 percent. The difference might be expected, however, given that the Youth Court only takes first-time nonviolent offenders. (No one has compared rates for teenagers in D.C. Youth Court with similar youths in the formal system.) But [a study](#) by the Urban Institute did make this comparison in youth courts in Alaska, Arizona, Maryland and Missouri. They found that recidivism in youth courts was from one-third to one-half the rate of teenagers processed for similar offenses in the formal system.

Perhaps just as important to lawmakers, youth courts save money. The D.C. Youth Court has only five paid employees (it has lots of volunteers in part because D.C. high schools require 100 hours of volunteer service to graduate) and a budget last year of \$300,000. That means it spent about \$444 per defendant. Not all these cases would have been heard in formal juvenile court, but some would have, at a far higher cost. More significantly, youth court saves by cutting the recidivism rate. That reduces crime and future court costs, and saves tens of thousands of dollars per year in incarceration.

One would think the District of Columbia would see Youth Court as a profitable investment, in both human and financial terms. But the court's budget is always precarious; it closed in 2007 for several weeks due to budget cuts. This year it is taking a 40 percent cut, and its employees are working only part time. Dallas hopes to recover some funds through private donations.

There is a lot of evidence that youth courts work, but we still aren't sure why. On Wednesday I'll respond to comments and explore some of the reasons that they are more effective than traditional justice at changing teenagers' behavior.

UPDATE: In June, [I wrote about Kamiar and Arash Alaei](#), Iranian doctors who had been imprisoned for their AIDS prevention work. Kamiar had been released in the spring and was living in Albany, where he was studying and working for the release of Arash.

About a month ago, the Iranian government finally [freed Arash](#) as well.



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