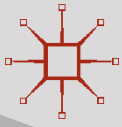
GEOMETRIES OF CRIME

How Young People Perceive Crime and Justice

AVI BRISMAN



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For Joshua El-Bey and the youth of Red Hook

Acknowledgments

In March 2008, I presented a paper at the annual meeting of the Southern Anthropological Society entitled "The Thick Fine Print of Clifford Geertz: A 'Microscopic' Examination of Some of the Citations and Footnotes in *The Interpretation of Cultures*." The paper argued that one could glean something of the originality of Clifford Geertz's theoretical orientation and narrative strategy by examining his citations and footnotes in *The Interpretation of Cultures: Selected Essays*. As a springboard for this discussion, I noted some of the literature in law and other academic disciplines ruminating on the use of footnotes. It should come as no surprise that footnotes have hardly been lauded for their ability to express and communicate ideas. Indeed, John Barrymore, the American actor of stage and screen, once observed that reading footnotes is akin to "having to run downstairs to answer the doorbell during the first night of the honeymoon."

Although I have not conducted similar research on the style and content of Acknowledgments sections of Geertz's scholarship (or any other scholar's, for that matter), I would hazard a guess that many view the Acknowledgments portion of a work with a similar lack of respect—as the "undercard" to the "main event"—something like a cocktail hour that can be skipped if one is short on time or, by pattern and practice, accustomed to being fashionably late. At least, this is the conclusion

I have drawn based on a non-randomized survey of the students I have taught.

Given that I have devoted time and energy to researching and writing a paper on footnotes—and have devoted countless hours to crafting footnotes in many of my own articles, books, and book chapters—it should probably not astonish readers to learn that the pages of a book devoted to Acknowledgments are among my favorite in works of non-fiction. For it is here that we can often glimpse something about an author's personality and humanity (or lack thereof) absent from, obscured by or otherwise unavailable to us in the rest of the text. Indeed, it is in the unnumbered or Roman-numeral pages of a text devoted to Acknowledgments that we might understand something about those who have influenced the author—people who may or may not appear in, well, the *footnotes* of the book (or its other forms of citations and references).

If readers of this book have made it this far, they might be disappointed to learn that I make no claims, here or elsewhere, that my Acknowledgments will convert those who disdain or simply skip Acknowledgments. Perhaps at some juncture in my career, I will be so lucky as to craft such an earth-shattering Acknowledgments section. Until that day—and for present purposes—the best that I can do is to quote from my favorite Acknowledgments.

"Acknowledgments," Douglas E. Foley writes at (obviously) the beginning of *Learning Capitalist Culture: Deep in the Heart of Tejas*, "usually include long lists of people who have helped make the work possible. One's loving wife and long-suffering children, and colleagues, even if they ruthlessly penciled the manuscript, get tossed some gratitude. Sometimes authors' vanity gets the upper hand, and they list the tribulations of life that have left their work and careers mildewing in some musty study. Having suffered like Hamlet, I too am sorely tempted to gush on" (1994:xiii). Foley does not, but he does allow himself to thank some twenty-five friends and colleagues.

This is not what makes Foley's Acknowledgments section brilliant (although it did resonate with me more than the opening sentences of other Acknowledgments sections that I have read). Rather, it was his

comments in the second-to-last paragraph of the section: "acknowledgments usually thank the 'people' [one has studied] for their friendship and free information" (1994:xiv). Foley does thank his research subjects/informants, but he also admits that his book "criticizes what they take as good and natural" and expresses the hope that his book will be viewed less as a stab in the back than as a "loving critique."

I, too, wish to thank the "people" I have studied. This book would not have been possible without the kids with whom I spent many afternoons. And I would not have had the privilege of meeting them and learning about their participation with the Red Hook Youth Court (RHYC)—one of the youth programs that I studied during the course of my doctoral fieldwork at Red Hook Community Justice Center (RHCJC)—had it not been for the generosity of numerous current and former RHCJC staff members (such as Gerianne Abriano, Julian Adler, Liz Bender, James Brodick, the Honorable Alex M. Calabrese, Sabrina Carter, Jessica Colon, Sharese Crouther, Leroy Davis, Mouhamadou Diaman, Kate Doniger, Melissa Gelber, Shante Martin, Rachel Swaner, Ericka Tapia, Brett Taylor, Elise White, and many others) who facilitated my early interactions with the kids and answered many of my queries about the RHYC and other youth programs at the RHCJC. While I recognize that this book may, in parts, criticize what RHYC members and RHCJC staff members "take as good," like Foley with *Learning Capitalist Culture*, I hope that this book will be viewed less as a stab in the back than as "loving critique."

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References to Internet websites (URLs) were accurate at the time of writing. Neither the author nor Palgrave Macmillan is responsible for URLs that may have expired or changed since the book was prepared.

Finally, I would like to express my gratitude to the following publishers for permission to reprint sections of previously published materials:

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The Corners of Crime: An Introduction

In the mock courtroom at the Red Hook Community Justice Center (RHCJC)—a multi-jurisdictional problem-solving court and community center located in the heart of the Red Hook neighborhood of Brooklyn, New York—a group of African-American and Latino/Hispanic teenagers, fourteen to eighteen years of age (although most are fifteen or sixteen), had gathered for a group interview. Each was hoping to earn a place in a nine- to ten-week-long unpaid training program for the Red Hook Youth Court (RHYC)—a juvenile diversion program designed to prevent the formal processing of juvenile offenders (usually first-time offenders) within the juvenile justice system. The teenagers who are selected from the pool of applicants must complete the training program and pass a "bar exam" in order to serve as RHYC members, where they will help resolve actual cases involving their peers (e.g., assault, fare evasion, truancy, vandalism).[1]

[1] In this book, I use the terms "adolescents," "juveniles," "kids," "teens," "teenagers," "young people," and "youths" interchangeably (although "kids" and "youths" appear most frequently, and I tend to shy away from using "juvenile" because of its legal evocations and often pejorative connotations). While I am aware that these terms reflect different age groups in different contexts and across cultures (see, e.g., Chokprajakchat et al. 2015:315; Garot 2010:1, 13; Matthews 2012:36 [citing Burr 2003]; Olsson 2012:417, 421; Stephens 1996:75; Young 1992:34), and while I am appreciative of

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All of the teenagers who had come for the group interview had done so *voluntarily*. In other words, while some of the teenagers may have been encouraged to apply to the training program by a family member, none of the kids in the group interview was there as a result of a court order or pursuant to a threat of punishment from within the criminal justice system.

Ericka, the RHYC coordinator at the time, had put up signs on the walls of the courtroom and had explained to the kids that she would make a statement and that they would have to walk toward and stand by the sign that best represented their position with respect to the statement. The signs, which Ericka had hung in the four corners of the room, read as follows:

Strongly Disagree	Strongly Agree
Disagree	Agree

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the contributions of historians, sociologists, and cultural studies scholars who have explored the cultural expressions of twentieth-century youth (see, e.g., Austin and Willard 1998)—as well as cognizant of the dynamics and features of "emerging adulthood" in psychology (see, e.g., Arnett 2000, 2004; cf. Bynner 2005; Hayward 2012, 2013 for criticisms)—my choice of terms reflects the language of my informants. Two of the programs that I studied contained the word "youth" in their titles. Program participants frequently referred to each other as "kids," and RHCJC staff also tended to call RHYC members and other program members "kids." As Barrett (2013:16) explains in defense of her use of the terms "kid" and "kids" in her ethnographic account of the Manhattan Youth Part's experiment in attempting to provide legal alternatives for black and Hispanic boys from poor urban communities facing felony charges and possible incarceration,

> while many terms could be used to describe the young defendants who come before the Youth Part—adolescents, juveniles, children, teenagers—I most frequently use 'kid' or 'kids,' simply because this is the way that court actors most commonly referred to Youth Part defendants. Phrases such as 'these kids,' 'our kids,' or 'I have a kid' were used repeatedly in conversations by the judge, attorneys, court officers, detention facility personnel, program representatives, and parents. Also, 'kid' is what the average person would use if he or she saw any one of these youngsters on the street, as in, 'Yesterday I saw this kid who was wearing a t-shirt that came down to his knees.' By using common descriptors, rather than those inscribed by the criminal justice system, it is my intention to stand in contrast to the majority of criminal justice research on court-involved youths, which tends to depict them more as criminal justice system objects than as real human subjects.

Although the RHCJC took steps to ensure that the young people who appeared before the RHYC for a transgression or crime were *not* treated as "criminal justice system objects"—in part, by referring to them as "respondents," rather than "defendants" (see Chapter 3)—and although the focus of this book is on young people involved in the RHYC as *members* rather than as *respondents*—I share Barrett's broad concern about the depiction of youth in the criminal justice system, subscribe to the same logic and reasoning, and thus follow her terminological lead in this book.

All of the kids' names are pseudonyms. I use the real names of those RHCJC staff members who granted me this permission, and for those who did not, I use pseudonyms as well.

"OK?" Ericka asked. The kids nodded and murmured their assent. "OK. Graffiti is wrong." No one moved. "C'mon," implored Ericka, pointing to the signs and corners and gesturing for the kids to pick up their feet.

The kids shuffled around the room. Once they stopped, Ericka began in the "strongly disagree" corner. One of the interviewees, Dandre, stated that graffiti is "antagonizing" and that "you can go to jail for doing it." Another—Ronda—proffered that there is "no reason for tagging" and that "you could get arrested." Neither kid seemed to be standing in the right place because both of these answers seemed indicative of a position that graffiti is, indeed, wrong.

Ericka jotted down their responses and then turned to the kids standing by the "disagree" sign. "[It's] a way someone expresses himself," the first boy, Jayden, said. Unlike Dandre and Ronda's statements, Jayden's answer seemed appropriate for the place where he was standing. Those near him under the "disagree" sign offered similar perspectives: "it's art," "it's freedom of expression."

Ericka noted these comments and then asked the kids standing by the "agree" sign why they thought "graffiti is wrong." "I agree it's art, but sometimes what you write can offend people," Chandell said. "It's wrong—it's someone's property," the girl next to Chandell replied.

Ericka acknowledged these positions. "So, why is graffiti wrong?" Ericka asked the kids standing by the "strongly agree" sign. One of the kids volunteered, "Graffiti is art. As long as it's not on someone else's property." Another kid ventured that graffiti was wrong because it "messes up someone's stuff." And Kirk asserted that "you can do graffiti in a positive way."

Ericka looked around the room to see if anyone else wanted to volunteer an answer. Those who had not spoken looked at their feet or out the window or up at the ceiling—anywhere but in the direction of Ericka.

"Next statement," announced Ericka, after a couple of moments. "People who commit crimes are bad." Again, the kids stood still. "Let's go," said Ericka, and gestured as if she were ushering chicks out of a coop. Some of the kids remained in their corners, while others shifted to the "disagree" corner of the room and a couple positioned themselves near the "strongly disagree" sign.

"Why?" asked Ericka when the movement around the room had stopped. Ericka gestured in the direction of the "disagree" group.

"Because it means that what you did is bad, not who you are," Kirk explained.

"What about you?" asked Ericka, looking at the girl next to Kirk "What do you think?"

"Yeah, I'm with Kirk," the girl said. "Committing a crime is a bad choice. It doesn't mean you're a bad person, just that you made a bad choice."

"It doesn't mean that someone should judge you," said Sean, who was standing next to the girl. Ericka frowned, as if trying to understand. Sean must have picked up on Ericka's expression of confusion. Searching for the words, Sean added, "Just because you commit a crime doesn't mean that they should *call* you 'bad'."

Ericka did not respond. She seemed to be weighing Sean's response. Or perhaps she was trying to figure out what he meant. I, too, had initially been confused by Sean's answer. But then it dawned upon me. The first two kids had interpreted the statement, "people who commit crimes are bad," as a moral equation: "people who commit crimes" = "people who are bad." Thus, the first two kids were trying to draw a distinction between people who are bad and people who do bad things or make bad choices. Sean, on the other hand, was approaching "bad" as a label. For him, "people who commit crimes are bad" had meant "people who commit crimes should be stigmatized as 'bad.'"

I must have smiled as I reflected on Sean's interpretation of the statement, for she nodded at me and then said, "OK. Good, Sean." Sean breathed a sigh of relief.

"Who's next?" Ericka said and, before anyone could answer, pointed to a heavyset boy, Walter, who had seemed completely uninterested in everything that had transpired at the group interview. "Kids are dumb; they want to be what they see," Walter said rather nonchalantly.

Walter seemed to be referring to kids who imitate the criminal actions of peers or adults. At least that is how I interpreted his statement. But before I could gauge anyone else's reaction—or do much more than wonder whether Walter considered himself to be a "dumb kid"—the girl

standing next to Walter stated: "It depends on the crime you commit. You might not have enough money."

A couple of people chuckled. The girl, blushing, backpedaled. "No, I mean, there's a difference between stealing to raise a kid and stealing because you want something"—the implication being that the former was an acceptable reason for theft, while the latter was not.

"Yeah, OK," said a couple of kids, and the girl who had just spoken smiled shyly and seemed to relax.

"Other perspectives," Ericka called out.

"It don't change your personality," offered Ronda, who seemed to be standing in between the "disagree" and "strongly disagree" signs.

Ericka nodded and indicated that she wanted more answers. But I was not sure she had picked up on Ronda's subtle distinction. Some kids had interpreted "people who commit crimes are bad" as a declarative statement, others as the conditional statement—"if you commit a crime, then you *are* bad." Ronda, on the other hand, was offering a different type of conditional statement—"if you commit a crime, then you *will become* a bad person." It was as if Ronda was disputing the perspective that transgressions have some sort of transformative power—that they change a person—that once a person commits a crime, he/she has gone over the edge (or gone over to the dark side).

"Some people have problems, and they need help, and they make the wrong choices," said the next interviewee, a boy standing by the "strongly disagree" sign.

"Some people are pushed to do bad things," blurted out a girl who stood by the "disagree" sign.

"What?" asked Ericka, but it was more "What do you mean?" than a request to repeat the statement or an expression of incredulity.

"Like if a guy is beating up his girl, and she can't take it anymore, and she shoots him," the girl explained.

"Oh, shit!" said one of the taller boys, who then immediately put his hand to his mouth.

"Ooooo," the collective chorus crowed.

"Sorry," said the boy.

Ericka smiled and shook her head in mock disapproval. Then, turning back to the girl, said, "That's domestic violence."

"Anybody else?" Ericka asked.

"They might need money," said Mark, who had been standing near Walter. The two of them had been rolling their eyes at each other in response to various comments from the start.

"You might need to get something done," asserted Ashley. Before I could wonder what "get something done" meant, the lanky boy who had just swore pounded his fist into his hand. "Yeah, beat-down," said a voice that I could not identify.

A few kids giggled.

"Quiet, quiet," said Ericka. "Last person."

"You could be in the wrong place at the wrong time," said a girl.

"OK," said Ericka. She had appeared to forget about the few kids standing on the side of the room with the "strongly agree" and "agree" signs. "People who commit crimes deserve to be punished."

"Let's go around," said Ericka, once the kids had settled on their spots. It seemed more like a reminder to herself than an order or a plan.

Ericka asked for a volunteer from the "strongly agree" corner. Tavaris raised his hand and stated, "If they don't get punished, they'll keep doing it."

"Good," Ericka replied. She then nodded at Dandre, who had also raised his hand.

"When you do something wrong, you don't think about it," Dandre said. I could not tell whether he meant that people do not think about the consequences of their actions—that they do not engage in a cost–benefit analysis of committing a crime—or whether Dandre felt that people can commit crimes without feeling guilt or remorse. Either way, I was having a difficult time figuring out what Dandre's statement had to do with the question of whether people who commit crimes deserve punishment. But Dandre then added, "If you make your bed, you have to lie in it"—a point that resonated with Ronda, who asserted, "You should pay your consequences." She meant, "you should pay *for* the consequences of your actions," but everyone seemed to understand.

Ericka nodded and then turned to the "agree" corner. "Let's get someone from here," she said.

April stepped forward and declared, "A whole bunch of people will start doing it over and over."

Ericka acknowledged April's response and asked the kids standing in the "disagree" corner why they did not feel that people who commit crimes should be punished.

"It should be based on who you did," Precious explained. For a moment, I thought that Precious meant that whether one receives a punishment should depend on whether one has killed one kind of person (the president? a small child? an upstanding citizen?) rather than another (a homeless person?). But Precious clarified that the nature of the crime should determine whether one receives a punishment. I was tempted to inquire whether Precious believed that some crimes should not be punished—that perhaps one should simply receive a warning or that some crimes should go unenforced—or whether she felt that the *extent* of the punishment should be linked to the nature of the crime. Before I could say anything—Ericka had given me permission to interject if and when I wanted to—Precious offered an example of how a person arrested for smoking crack really needed treatment, not punishment. I was impressed and wondered whether Precious knew that the RHCJC promotes and practices therapeutic jurisprudence—that the judge frequently sentences criminal defendants to treatment in lieu of incarceration.

Precious was on a roll. And she knew it. She started to say something else, but Ericka interrupted her: "Excellent, excellent."

The compliment seemed to make Precious self-conscious, for she stumbled a little bit and then, in a softer voice than before, invoked the Eighth Amendment's prohibition against "cruel and unusual punishment." This was the first time any of the kids had made reference to a specific constitutional provision, and I wondered where and when Precious had learned about it. I also was curious whether she thought that imprisoning a crack addict instead of providing him or her with drug treatment constituted "cruel and unusual punishment" and what else she might consider to be "cruel and unusual punishment." But by the time I had formulated the question, Precious had finished speaking, and Ericka again complimented her before gesturing to another interviewee to go ahead.

Ashley spoke next, explaining that she thought that "murder" and "stealing" were different. "They *are* different," I wanted to interject. "Don't you mean that the *type* of punishment should be different, not *whether*

someone gets punished?" But everyone seemed to understand that Ashley, like Precious, was trying to make a point about proportionality, for there were nods and murmurs of assent when Ashley concluded.

"OK," said Ericka, clapping her hands. "Strongly disagree."

Kirk volunteered and stated that "Some people commit crimes to do it on purpose." Other people, Kirk continued, commit crimes "without knowing" that what they have done is a crime or "to help their family out."

Essentially, Kirk was distinguishing between the "sneaky thrill" of breaking the law (Katz 1988), crimes committed without knowledge that a particular act is proscribed (which is almost never an excuse), and those transgressions committed in response to mitigating circumstances. It was not clear why Kirk had decided to stand near the "strongly disagree" sign. His three examples seemed to suggest that he might support punishment in some circumstances, but not in others. (Recall that in response to the statement "graffiti is wrong," Kirk had asserted that "you can do graffiti in a positive way.") But despite the inconsistency between his statements and his choice of where to stand in the room, his point was far more nuanced than his earlier pronouncement about graffiti. Indeed, many of the kids distinguished different types of crimes and varying levels of intent in response to the statement "people who commit crimes deserve to be punished," whereas in response to "graffiti is wrong," they had offered more binary perspectives. In a short span of time, had they learned the answer to many legal questions: "It depends"?

"Next statement," Ericka announced. "Racial profiling exists in my community."

Initially, none of the kids moved. They seemed confused. So Ericka explained that racial profiling means that the police "target a particular race more than another." This was all they needed. The kids moved around the room—and they seemed to do so more quickly than before. Perhaps they were warming up to the game? Perhaps they felt more confident about their positions?

When the movement stopped, the room looked markedly different. The spaces by "strongly disagree" and "disagree" were empty. On the other side of the room, kids jockeyed for position close to the "strongly agree" or "agree" signs—as if they felt that physical distance from the

signs would represent conceptual distance from agreeing or strongly agreeing with the statement "racial profiling exists in my community." But it did not seem to really matter. The fact that the "strongly agree" and "agree" signs were on the same side of the room and that all of the kids had picked one or the other meant that the groups bled into each other, so that it became difficult to discern where the "strongly agree" group ended and the "agree" group began.

Ericka essentially collapsed the categories by simply asking whether anyone wanted to explain his/her position, instead of inquiring specifically why someone "strongly agreed" or "agreed" with the statement. Dandre stepped forward and stated, without any hesitation, that the "cops target young black men." The rest of the boys all nodded.

Kirk then offered an example of where he was riding a bicycle on a sidewalk and a white person was also doing it (on the opposite side of the street) and the cops pulled him over, not the white guy. More nods.

"Some police officers often offend Puerto Ricans and black people—treat us like we're not smart," said Nykesha.

"Teachers too," someone else added. "They talk to you like you're dumb."

"That's not racial profiling," a small girl, who had not yet spoken a word, piped up. "That's *racism*."

"No," replied another girl—another first-time speaker, "it's not just police officers who do it."

The kids were getting into it. I looked at Ericka, and she smiled, pleased that the kids were showing some enthusiasm. I was hoping that Ericka might opine on whether she thought that "racial profiling" was restricted to the discriminatory practice by *law enforcement officials* of targeting individuals based on the individual's race, ethnicity, or national origin, whether she held a more capacious definition (e.g., any government enforcement—airline, customs, police—that targets racial or ethnic minorities), or whether she equated "racial profiling" with "discrimination" and "prejudice." But instead, Ericka simply said, "Well, that brings us to our next statement: People in my community are racist."

Most of the kids stayed put, although a few standing near the "strongly agree" sign tried to push over into the "agree" area. One boy boldly walked across the room and stood by the "disagree" sign, and a girl, Carol, walked

halfway across the room and then stood in the middle—as if to suggest that she was "neutral" or that none of the signs represented her position.

"Who wants to go?" Ericka asked, looking more in the direction of the "agree" sign.

"Store owners think that black kids will steal something," said one of the kids.

"Latino and African-Americans attack each other for no reason," replied another. I was having trouble keeping track of who was saying what.

"People will call me a 'spic' when I'm walking down the street," a third (Matthew) confided.

"They treat us different," said a fourth.

"Yeah," said Kirk, "sometimes the majority looks at you funny because you're a minority."

"Yeah, like what was said before," a sixth kid stated, gesturing in the direction of Nykesha, who had made the comment that police officers treat Puerto Ricans and African-Americans as if they are not intelligent, "a white person will think that a black person isn't all that smart."

Ericka turned toward the kids standing closer to the "strongly agree" sign, although it was really just a line of kids standing across the width of the room. "White people think that black people do the most crimes," said one of the kids.

"Store owners look at me like I don't know what I'm doing," bemoaned another.

"Yeah," said Precious, "this one time I was in there [a store?] with my cousin, and the owner look at me like I'm about to start something."

Ericka nodded, as if to confirm that she understood and perhaps empathized. "Why are you standing in the middle?" she asked the girl who had chosen not to align herself with a corner.

"Some people don't like white people because they think they're taking over, but some of them are nice and friendly," said Carol. "Some parents in my community," she continued, "don't want their kids around me because of the color of my [dark] skin."

Carol's response did not really answer Ericka's question as to why she had picked the middle, but Ericka did not probe further, perhaps just excited that someone was demonstrating enough enthusiasm to bend the

rules of the game. "Why do you disagree?" Ericka asked the boy standing alone by the "disagree" sign.

"My neighborhood isn't racist, just a lot of judgmental people [live there]," he said. This was a nice distinction, and the kids seemed to recognize as much, nodding and murmuring assent.

"Next statement," Ericka announced after a pause. "If you see someone doing a crime, it is important to do something about it." The kids moved slowly to new places, but their gait now suggested fatigue from standing, shuffling, thinking, and speaking in public rather than lack of interest. "Who wants to go first?" Ericka asked, when the dust had settled.

Sean, who was standing by the "agree" sign, raised his hand. Almost immediately, he thrust it back in his jeans, causing them to sag even further, and mumbled, "I would want someone to do something…if it were to happen to me." Tavaris, standing next to Sean, then piped up, "If you don't say something, it's going to keep on happening"—a sort of reprisal of his statement earlier that "if they don't get punished, they'll keep doing it" (in response to "people who commit crimes deserve to be punished"). Precious, who was also standing in the "agree" corner, added, "You should protect the community you're in," and Devonte rounded out the "agree" group with "It's like protecting someone's life."

"Good, good," Ericka said, acknowledging all four responses. "What about you guys?" she asked, pointing to the "strongly agree" crowd.

One of the kids said that if he saw someone "really hurting someone, [he would] report it to the police immediately." The boy's response struck me as odd. Would he refrain from calling the police if someone was hurting another person, but it did not seem like a vicious assault? If so, was this because he thought that the police should not be summoned unless the incident is serious?

A second boy interrupted my ruminations. "They could hurt you as well," he said.

Ericka moved her head back and forth as if weighing the boy's statement. But I could not tell whether she was trying to figure out if she agreed with him or if she was mulling over the distinctions between the two statements of the boys in the second group. Ericka's statement had been, "If you see someone doing a crime, it is important to do something

about it." The first boy in the "strongly agree" group had interpreted "doing something" as calling the police. The second boy's response seemed to suggest that "doing something" entailed physically intervening in a robbery or assault rather than calling the cops.

Without giving an indication that she had reached a decision, Ericka turned to the two other people in the "strongly agree" group. "The whole point of the police being there is to make the place more safer," a third boy explained—a position that seemed to imply that one should summon the police not because of some sort of moral imperative or concern for another's well-being, but because public and personal safety is their raison d'être. Ronda then said, "You don't want it to happen around the community," which suggested that she thought that by "doing something," one could deter others from engaging in whatever crime she had witnessed.

A few kids had decided to stand in the middle of the room. "The neutral group," Ericka said. "What about you guys?" although the group was mostly composed of girls.

Dandre explained, "You may get a bad reputation with your peers." I was tempted to ask Dandre whether he thought that he *should* do something, but that he would not because he feared being labeled a "snitch." I was also curious as to whether Dandre's answer would change if he were to witness the crime by himself. Would he be less willing to act in a group? A case of the bystander effect? What if he were by himself and the crime he witnessed did not involve anyone he knew? What then?

"Girls?" Ericka inquired. "Any of you want to say anything?"

"It's different if it's your family member," one replied.

"Yeah," said a second girl, "if it's my family member getting hurt, I'm going to say something." It was not clear whether she meant that she would say something to the assailant/perpetrator or to the cops.

A third girl nodded and indicated that she felt a sense of responsibility if "you see someone getting raped"—the first time that anyone had actually mentioned a specific crime. Not wanting to be left out, the fourth girl said, "You should help because that's someone's life."

"OK, like what Devonte said," pointing to Devonte who had been one of the "agree" group volunteers and who had said he would do something because "it's like protecting someone's life."

Someone had moved from the "disagree" crowd into the middle of the room. "What about you?" Ericka asked.

"If you don't [do something], it's on your conscience, but you don't know who you're helping out," the boy said. His comment made me think back to Precious's earlier statement that punishment "should be based on who you did."

"So, if you see someone beating up an old man, you might want to intervene, but it could be Bernie Madoff, in which case you might not want to help him out?" I wanted to ask, but did not.

"I suppose," Ericka said in response to the boy's reservations about helping out someone he did not know. Then, turning to the "disagree" crowd, "Why wouldn't you do something?" she asked. It was less a question, more of an indictment.

"I don't want to risk my life, but I might report it," Mark ventured.

"Yeah," Kirk followed, "don't do it if it can put you in danger." He seemed to be offering advice to Mark rather than stating his personal belief.

A third boy added, "Sometimes it could be self-defense."

"But if it's clearly *not*…?" I mumbled to myself.

"Alright," said Ericka, looking at the kids congregated under the "strongly disagree" sign. "You guys." She almost sneered.

No one replied.

"Nothing?" Ericka asked.

"If someone's getting beaten up, that was nothing to do with you…" one boy ventured, his voice trailing off.

"I can't hear you," Ericka said.

"If you jump in, you're just gonna get beat up too," the boy said, his reasoning not all that dissimilar from an earlier statement from the "strongly agree" crowd.

"Uh huh," Ericka said, "and…" I wondered whether she was aware that she was challenging the kids more than she had done previously.

Walter leaned against the wall. "It's not my business what's going on."

"If it's not your business to pay attention to what's going on, then why are you here? Why are you interested in youth court?" I wanted to interject.

Walter's response seemed to empower his mates. "Yeah," said someone standing next to Walter, "it's none of your business."

"There are a lot of snitches in this world," someone else said.

"You could get hurt for snitchin'," a fifth person said.

"Uh uh," said the sixth boy in the group—I realized the whole group was composed of boys—"it's none of your business if you see someone killing someone."

Ericka looked dumbfounded. "Whoa, whoa," she said. She was clearly troubled by the boys' harsh positions regarding snitching. "What about this?" she offered. With a look of consternation, Ericka asked the kids what they would do if a "good girl" who has "no problems with anyone" were to come home and see that someone had written threats on her door.

"She has an idea of who it is," Ericka continued. "What should she do?"

It was a terrible example. Ericka's initial statement had been "If you see someone doing a crime, it is important to do something about it." In her hypothetical example, the girl had not witnessed a crime being committed.

"The girl goes upstairs and talks to her neighbor," Ericka said. "The neighbor knows who did it. Should the neighbor say something to the girl?"

The kids looked confused. No one said anything. I squirmed in my seat wondering whether Ericka would make any of the kids respond to her scenario.

Fortunately, Ericka spared them. She confessed that this was a true story and that it had happened to her—that she had come home and that someone had written something on her door about her cousin.

The kids started murmuring. I worried that Ericka was losing control of the group. But they settled down, and Ericka explained that the situation was ongoing—that she knew who it was who had written things on her door or that she had an *idea* of who it was and that she was trying to figure out what to do.

"Don't get them arrested," one boy said.

"It's not that serious," another boy added.

"But it's threats to my family," Ericka protested.

Ericka seemed genuinely perturbed by the kids', particularly the boys', responses. And I could not help but recall rapper Cam'ron's declaration in a 2007 interview on *60 Minutes* that he would not call the police even to protect neighbors from a serial killer.[2] Somehow, she regained her composure and indicated that the "corner game" was over and that the kids were to grab chairs and sit down. Rather dutifully, the kids complied, with some picking up chairs and others dragging them until they had formed an amoeba-like shape in the center of the room. Once the kids were seated, Ericka explained that she was going to pose some questions to them about their interest in youth court.

Over the course of my fieldwork, I attended a number of RHYC group interviews and at least one with each of the different youth court coordinators. Regardless of who was running the interview, the script was pretty much the same. The coordinator would begin with an introduction about the RHCJC (i.e., how it is a community center and multijurisdictional community court) and the RHYC (e.g., its purpose, how it differs from other courts, the various roles that members take in hearings, the type of sanctions youth offenders—"respondents"—can receive, time commitment required by members, stipends). Next, she would provide an overview of the interview session (its purpose and expectations for participation), as well as an overview of the process to earn membership in the RHYC. From here, the interview would consist of an icebreaker name game, the corner game described above, and discussion involving questions such as why the kids were interested in youth court, what they hoped to take away from their youth court experience, and how they would address various hypothetical situations.

Just as the group interview format remained the same, irrespective of the coordinator in charge or the number of kids at the interview, the kids tended to offer similar answers and comments from session to session, although no one kid ever appeared more than once for an interview. While there were often disparities in the number of kids who selected a

[2] See "Stop Snitchin'," *60 Minutes*, Anderson Cooper, correspondent, April 19, 2007, http://www.cbsnews.com/stories/2007/04/19/60minutes/main2704565.shtml; see also Katel (2007:120, 126, 134). Cam'ron went so far as to admit that he had refused to aid an investigation in which *he was shot*, on the grounds that talking to the police about a crime "would definitely hurt [his] business" (quoted in Katel 2007:134).

particular corner in the corner game, their responses nevertheless bore a strong resemblance to each other from session to session. Thus, for example, in one session, a large number of kids "disagreed" with the statement that "graffiti is wrong." In a second session, conducted later that week, a large number of kids "agreed" with the same statement. Their explanations and reasons, however, were almost identical.

I was often surprised that some kids seemed to distinguish "right" from "wrong" based on the law (or what they thought the law was) rather than some other standard—a personal or religiously inspired notion of appropriate/acceptable behavior. At least, this was the conclusion that one could draw from the responses to the "graffiti is wrong" statement. But the kids seemed not to subscribe to a law-based standard when evaluating the statement, "people who commit crimes are bad." Although most kids "disagreed" or "strongly disagreed" with this statement, their responses varied. Some chose to distinguish between "bad people" and "people who make bad choices" or "people who do something that is bad." Others elected to discriminate between different types of crimes, with crimes of passion (e.g., in response to domestic violence) or crimes associated with securing basic necessities (i.e., stealing to feed one's family) more acceptable in their calculus than property crimes committed for sheer financial or material gain (i.e., stealing because you want something). A few kids also seemed to acknowledge the discretionary element of law enforcement when they would disagree with the statement, "people who commit crimes are bad" and would offer answers about being in the "wrong place at the wrong time."[3]

In some interview sessions, the corner game statement, "if you see someone doing a crime, it is important to do something about it," would result in heavily populated, polarized positions, with most of the kids standing near either the "strongly agree" or "strongly disagree" signs and

[3] RHYC interviewees and members almost always expressed the belief that crime and delinquency were the product of willful behavior. Although, as we will see in Chapter 4, RHYC members would ask respondents about their relationship to their peers, their family members, and their teachers, they rarely—if ever—attributed an offense to (or even acknowledged the potential role of) external circumstances and constraints. Perhaps relatedly, RHYC interviewees and members were more likely to convey the belief that "even the most persistent offenders can redeem themselves and turn their lives around" than "'once a criminal, always a criminal,'" to use the language of Maruna and King (2009:9).

few near the "agree" and "disagree" signs. In other sessions, "strongly agree" and "strongly disagree" were largely empty, with far more kids congregating in the more moderate "agree" and "disagree" corners. But just about every time, the responses were similar. The kids always assumed that "committing a crime" meant a *violent* crime or a crime involving a victim. No one ever interpreted "crime" as something that would *not* entail a risk to his/her life—such as committing graffiti or hopping a turnstile.[4]

Their answers were also very gendered. The boys whom I observed interviewing for spots in the RHYC training program seemed to be far less willing to "do something"—far less willing to call the cops than the girls, far less inclined to intervene personally than the girls. While part of this reluctance appeared to stem from the fact that an expression of concern for another can result in one's being labeled "soft"—and that concern for another *boy* could raise questions about one's sexuality, thereby threatening one's reputation and running the risk of social ostracism, or worse[5]—the boys also seemed far more apprehensive about being seen as a snitch. For the boys, there was no distinction between "doing something" and being a snitch; the boys definitely seemed to think that "doing something" meant snitching (or could *only* mean snitching) which, for

[4] This interpretation of "crime" as "*violent* crime" (or this equation of "crime" with "*violent* crime") could be attributed, at least in part, to the superpredator moral panic of the late 1980s/early 1990s, which transformed the political and media discourse about crime committed by juveniles—a discourse that, one could argue, has not changed despite subsequent refutation of the supposed impending threat of the superpredator. As Barrett (2013:10) explains, "political and media discourse…tended to conflate the concept of *juvenile crime* with the concept of serious *youth violence*" (emphasis in original; footnote omitted), despite the fact that "the vast majority of offenses committed by youths involve property and public disorder crimes, not violent crime." It is possible that the kids picked up on this discourse, leading them to construe "committing a crime" as "committing a violent crime."

[5] Maldonado's *Secret Saturdays* is essentially an account of how one boy comes to grapple with his concerns for his best friend, who suddenly starts getting into trouble and begins spiraling out of control. As Maldonado explains, the protagonist, Justin, a Red Hook middle-schooler, must negotiate his feelings without expressing publicly his worry so as not to come across as "gay" (2010:47). In Maldonado's book, those who earn the moniker "homo," irrespective of their actual sexuality, frequently encounter—or run the risk of encountering—verbal and physical assaults. The youths that I encountered at the RHCJC did not express as strident homophobia as those in *Secret Saturdays*, and I even encountered a number of openly lesbian girls, who were treated with respect and whose sexuality seemed to be a non-issue for everyone in their group. But the unwritten imperative of acting "hard" and keeping one's emotions to oneself was definitely present among the youths I studied.

them, was taboo.[6] The girls were certainly aware of informal proscriptions against snitching and were certainly fearful of the ostracism they perceived they might encounter if they did snitch. But they demonstrated greater empathy for the victim and carved out an exception to the anti-snitching ethos if the victim was a close friend or family member or if a certain type of crime was being committed (e.g., rape).

In addition, the kids almost never seemed to think that a crime could have an impact on *one's own community*. (Ronda's statement, "you don't want it to happen around the community," quoted above, was a rare exception.) While some kids expressed a willingness to "do something" because they would want someone to "do something" if they were being attacked or assaulted, they rarely reflected a willingness to "do something" for the larger common good; it was only with their own personal safety (or those of close family and friends) in mind. This is not to suggest that the kids were always so self-centered. Indeed, some kids, when asked later why they wanted to join youth court, would offer answers such as, "I want to help the community be a better community." But with respect to "doing something" in response to witnessing the commission of a crime, the kids appeared unable to look beyond their own self-interests. It never seemed to dawn upon them that a crime to a stranger-victim (or a property crime not involving *their* property) could have an impact beyond the individual victim or that by not "doing something," they increased the potential that they or someone they knew could fall victim to the same criminal—an odd disconnect given their comments about specific and general deterrence and the need to punish people who commit crimes. As I will explain in Chapter 4, RHCJC staff (and RHYC staff, in particular) worked hard to convince RHYC trainees and members that even low-level, public disorder crimes could have significant, wide-ranging effects on a "community."[7]

[6] This type of equation is not uncommon, although it is becoming less accepted. Ice-T (Tracy Marrow), the rapper and founder/frontman of the group Body Count, which gained much notoriety in the early 1990s for its vigilante justice–supporting song "Cop Killer," makes the following distinction: "'When you and your partner are involved in crime, and both of y'all get caught and you tell on your partner, that's snitching…If I know somebody's in the neighborhood raping girls—you supposed to tell the police about that sucka. That's not snitching'" (quoted in Katel 2007:120).

[7] I would also note that the kids never equated youth court with "doing something." It was rather surprising to see the kids predict that they would not report or otherwise attempt to thwart a crime

Just as the kids in the group interview debated what constitutes a crime, how we might view the offender, and how we should respond with formal and informal social control, so too have criminologists. Indeed, criminologists frequently contemplate the very scope and contours of the subject that underlies their field—crime—and the questions of how to define crime, how to regard offenders, and how to sanction their harmful or illegal (or both) acts or omissions have led scholars from different corners or camps to square off against each other. A number of different approaches have been promulgated to help conceptualize and visualize the range and relationship of these issues.

One useful conception has been promulgated by Canadian criminologist John Hagan, who defines crime as "a kind of deviance, which in turn consists of variation from a social norm that is proscribed by criminal law" (1985:49). Hagan's definition includes three measures of seriousness, each of which ranges from low and weak to high and strong (and which he illustrates with a pyramid—see Fig. 2.1). The first dimension is the degree of consensus or agreement—the degree to which people accept an act as right or wrong. The second dimension of Hagan's approach, which draws on legal traditions, is the severity of society's formal response to the wrongdoing—which can range from an official warning to fines and imprisonment to the death penalty. The third dimension of Hagan's approach is the relative seriousness of crime based on the harm it has caused—from victimless crimes that (arguably) harm only the participants to those that harm numerous people. Hagan illustrates the integration of these three dimensions with his "Pyramid of Crime" (see Fig. 2.1), whereby acts at the top of the pyramid—those most likely to be called "criminal" (such as murder or forcible rape)—involve: (1) broad agreement about the wrongfulness of such acts or omissions; (2) a severe social response; and (3) an evaluation of the act or omission as being very harmful. Those acts or omissions at the botton of the pyramid involve non-criminal forms

in progress—or for the kids to profess a belief that one should not "do something" in such circumstances—while interviewing for a position with the RHYC when they would very much be "doing something." Admittedly, youth court hearings occur *ex post*—after the commission of a crime—whereas the hypothetical scenario in the corner game suggests intervention *at the time* of the crime. But youth court is still a type of involvement and I hardly think that even the most resistant interviewee would (have) contemplate(d) declaring, "I don't want to hear this case. It's none of my business."

of deviance, an example of which might be non-conformist dress (see Agnew 2011:28).

The Left Realist "Square of Crime" offers another geometric model of crime and crime control (Lea 1987, 1992, 2002, 2010; Mathews 2009; Matthews and Young 1992; Young and Matthews 1992; Young 1987, 1991a, b, 1992, 1994, 1997). Left Realists endeavor to deconstruct the concept of crime by exposing how crime is the product of *action* and *reaction*, whereas other criminological traditions have emphasized one to the exclusion of the other (see, e.g., Matthews and Young 1992:17; Young 1997:28–9). Thus, as Young (2001:164, 2013:252) explains, "positivism focuses on crime and tends to take the definition of crime for granted whereas constructionism (that is, labelling theory, abolitionism and much of critical criminology) problematizes the way in which crime is defined and constructed yet tends to ignore crime itself." In order to be "faithful to the reality of crime"—to its causes, its nature, and its impact—Left Realists argue that the basic triangle (or pyramid, as in Hagan's case) of relations that reflects the traditional subject matter of criminology and criminal justice—the offender, the state, and the victim—must be expanded into a square to consider the powerful forces of social control (the public) operating outside of law enforcement/policing agencies (see Fig. 2.2). In the square of crime framework, changes in any one of the four interacting factors or corners—the offender, the victim, the police and other agencies of social control, and the public—will affect crime rates. Thus, "crime rates can not be explained simply in terms of crime control agencies" (Young 1991b:152). Left Realists point out that police–public interactions can affect the impact and extent of victimization by way of "secondary victimization"—such as the secondary victimization of rape and sexual violence victims at the hands of the justice system—and they emphasize that willingness or wariness to report crimes has a substantial impact on crime rates (see, e.g., Young 1991b:153, 154; 1994:114). Central to all of this is the notion that each of the four corners of the square must interact to produce crime; in order to fight crime effectively—and Left Realists "eschew[] both the romanticism of left idealism, which grants exaggerated levels of organization and rationality to deviant behaviour, and the desiccated scientism of positivist criminology, which does just the reverse (see Young 1987; Matza 1969)" (Young

1994:107)—law enforcement must have public support, which can only be gained by the development of democratic relationships between each corner of the square.

Henry and Lanier (1998) reject the Left Realist square of crime based on what they characterize as its failure as an integrated theory: they see it as focusing on how the interaction between the corners of the square produces "real crimes," rather than concentrating on what elements make an event a crime or not a crime (1998:614). Henry and Lanier note that Hagan's "Pyramid of Crime"—a model that attempts to account for perceptions of the seriousness of crime and deviance as they relate to social control and justice outcomes—is a somewhat more complete and comprehensive effort to provide an integrated conception of crime than the Left Realists' square of crime in that the former considers moral, legal, and critical understandings and traditions. But Henry and Lanier (1998:618–9) criticize Hagan's pyramid on the grounds that it fails to adequately consider "radical/critical and postmodernist discussion[s] of power relations" and that it neglects the visibility of crime, the extensiveness of crime, and the selectivity of severe responses to crime. To address the shortcomings of the pyramid of crime and the square of crime, Henry and Lanier offer a "Prism of Crime" (or "double pyramid"; see Fig. 2.4), which includes the dimensions of social agreement, probable social response, individual and social harm, and extent of victimization, and whereby the top pyramid represents highly visible crimes committed by the powerless in public (e.g., arson, assault, auto theft, burglary, murder, robbery, and stranger rape) and the bottom, inverted, pyramid represents (relatively invisible) crimes of the powerful conducted in more private contexts (e.g., embezzlement, fraud).

Each of these frameworks or geometries—the pyramid, the square, and the prism—explores definitions and constructions of crime and, to varying degrees, public perceptions of crime, justice, victimhood, and societal response or punishment. While Henry and Lanier's prism endeavors to integrate the "increasingly complex visible representations of crime" (1998:622), all of these geometries reflect *adult* definitions, constructions, and perceptions. Missing from these geometries is an explicit consideration of the ways in which *young people* perceive the severity of crime and delinquency and assess the appropriate response thereto.

As noted above, in the late 1980s and early 1990s, the US public *speculated* about young people's legal lives—or, rather, their *illegal lives*—and expressed fear about out-of-control teenagers, ruthless young criminals, and "'wolf-packs' of 'super-predators'" (Chura 2010:xvi; see also Barrett 2013:9; see generally Schiraldi and Ziedenberg 2001).[8] Little attention, however, was devoted to how young people really conceptualized crime and criminal severity, as well as justice, law, and punishment. While the impending threat of the superpredator has proven false, crime is still a "young person's game"—that as an individual ages, he/she is less likely to commit crime (see generally Cullen et al. 2014:37). Indeed, while there appears to be an overemphasis on adolescent criminality and delinquency—Cullen (2011) devoted the American Society of Criminology 2010 Sutherland Address to the shortcomings of "adolescent-limited criminology"—oddly, there has continued to be minimal exploration or contemplation of young people's *attitudes toward* and *feelings about* crime, violence, and victimization, as well as their perceptions of justice, law, and punishment.[9] In other words, criminologists have been much more interested in trying to understand the etiology of crime committed by people ages 12–20 and to explain why individuals "age out" of crime than to explore how such young people *perceive* and *give meaning to* crime and violence and the criminal justice responses to crime and violence.[10]

This is unfortunate and problematic on a number of grounds because, regardless of the geometry, young people play an important role in—and occupy significant space at—a number of different "corners" or "points." First, as Skogan (2006:101) notes, "[y]oung people are more likely to get into trouble of all kinds with the police, including being stopped and arrested, and they are also more likely to be victims of violent crime."[11]

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[8] To some extent, a different version of this fear still exists (see, e.g., DeFalco 2012). For a discussion of similar anxieties in Australia, see Carrington and Hogg (2012).

[9] Exceptions include Carr et al. (2007); Chokprajakchat et al. (2015); Evenepoel and Christiaens (2013); Soller et al. (2014); see Swaner and Brisman (2014); for a brief overview.

[10] On the differences between a criminology concerned with crime *causation* and one seeking to understand the *meaning* and *interpretation* of crime, see, e.g., Arrigo (1995a); Brisman (2014); Henry and Lanier (1998).

[11] Skogan (2006) finds support in both the United States and abroad. Johnson (2015a) reports that in the United States, "[e]very year, more than 1 million young people get arrested and enter the juvenile justice system for offenses as varied as breaking curfew to murder." Barrett and colleagues

This is especially the case with young people of color (see Cullen et al. 2014:129 [citing Wolfgang and Ferracuti 1982]; Cullen et al. 2014:257 [citing Warren 2008]; Flexon et al. 2016; Sherman 1993:463–4). Johnson (2015b) reports that "homicide is the leading cause of death for black men age 10–24. Black men are also disproportionately targets of armed robbers and other violence" (see also Cullen et al. 2014:17, 102; see generally MacLean 1991:12). Thus, young people—as either offenders or victims or both—have the potential to—and frequently do form two of the corners of Hagan's pyramid or the Left Realist square.

Second, as Young (1994:95, 114) points out, and as suggested above in the discussion of Left Realism, "[t]he public have a dominant role in policing…the effectiveness of the police is dependent on public cooperation"[12]—or, as Kochel and colleagues (2013:896) have reminded us more recently, "[p]ublic cooperation with police and willing compliance with the law are essential for democratic governance." Because law enforcement relies on the voluntary compliance of the citizenry in the performance of its duties and depends on citizens to report crime and criminals and to serve as jurors and witnesses for the courts, citizens' lack of trust in the police can frustrate crime control efforts (Brunson and Miller 2006:636–7; Fagan 2008:126; Flexon et al. 2016; Jonathan-Zamir and Weisburd 2013:4; Jonathan-Zamir et al. in press:3; Kochel et al. 2013:896, 901; Murphy and Barkworth 2014:179; Tyler 2003:284, 290; see generally Scott 2002:861; Van Craen 2013:1046–7). For example, aggressive policing practices (such as the search for drugs) that disproportionately target African-American residents of a community (Brunson and Miller 2006:616; Scott 2002:866, 868; see also Flexon et al. 2016) can spur citizens to "withdraw from engagement with the legal system in

(2014:207), in their study of levels of satisfaction with policing in black minority ethnic communities in northern England, note that "Young people are more likely to come into contact with the police and the criminal justice system both as perpetrators of crime and as victims (Home Affairs Committee 2007)," while Chokprajakchat and colleagues (2015:312, 314), in their research on young people's perspectives on violence, victimization, and punishment in Thailand, observe that "[a]dolescents compared to other age groups are at the highest risk of victimization" and that "young people, and particularly males, are more likely to be victims of crime (Sampson and Laub 1993)."

[12] Elsewhere, Young (1992:42–3) states that "the police are largely dependent on public support in their efforts to control crime (see Kinsey et al. 1986) and the effect of the CJS is, in part, predicated upon the level at which public opinion backs up state stigmatization (Braithwaite 1989)."

the co-production of justice and security" (Fagan 2008:125) and can, over time, lead to opposition and defiance of legal and social norms (Fagan 2008:139; see also Bradford et al. 2014:528, 530, 532, 544; Murphy and Barkworth 2014:181). Thus, because attitudes toward and perceptions of the law in general, criminal law and the criminal justice system, more specifically, and the police, even more particularly, are linked to cooperation with legal authorities and compliance with the law (Tyler 2004; Piquero et al. 2005:267; see also Bradford et al. 2014:528, 530, 532, 544; Flexon et al. 2016; Sprott and Doob 2014:368; cf. Tankebe 2009)—and because some identify a causal (or at least correlative) relationship between perceived injustice and criminal behavior (see, e.g., Bernard 1990; Hagan and Shedd 2005; LaFree 1998; Mann 1993; Russell-Brown 1998; Tyler 1990)—it is important to continue to study the attitudes and perceptions of those who help form, bolster, or perhaps *connect* the geometric points of formal and informal social control.

This is especially true given that attitudes toward crime, violence, and victimization—as well as perceptions of justice, law, legal authorities, and legal institutions—which are often formed at youth (Piquero et al. 2005; see also Tyler 2004), may continue into adulthood. Indeed, while such attitudes and perceptions can grow, develop, and vacillate over time (see Levine and Mellema 2001:173 n.2; McCann 2006:xii), adolescence is a crucial formative period for the development of political and social beliefs (Flanagan and Sherrod 1998; Hagan and Shedd 2005:267; Niemi and Hepburn 1995; see also Rothe and Mullins 2008:156), and such perceptions of justice that form in adolescence often persist through adulthood (Carr et al. 2007; Hagan and Shedd 2005; Hagan et al. 2005).[13] Early to

[13] It bears mention that people's attitudes toward crime, violence, and victimization, as well as perceptions of the law, legal authorities, and legal institutions often reflect a degree of ambivalence (see, e.g., Ewick and Silbey 1998:228, 245, 246; Greenhouse 1988:691; Peletz 2002:290). More generally, Agnew (2011:171), while discussing the assumptions of positivistic criminologists, notes that not only do different respondents provide different information about the same phenomena, but that "it is sometimes the case that respondents do not even agree with themselves. In particular, respondents often give different reports about the same phenomena when interviewed on separate occasions" (citation omitted). In a related vein, Sandberg and colleagues (2015:1168–9) write: "a reading of research from various traditions can create the impression that when violent offenders discuss their crimes, they do so in uniform, consistent ways. By contrast, we argue that offenders' stories are complex, even contradictory, and changeable according to the situational circumstances

middle adolescence is the period when minority youth are likely to first encounter the police on a regular basis (Flexon et al. 2016; Hagan and Shedd 2005; Taylor et al. 2001)—so much so that for African-American and Latino youth in New York City and other urban areas of the United States, getting stopped and frisked is a "rite of passage" (see, e.g., Blow 2009). As such, it becomes especially vital to examine *young people*'s attitudes toward and interactions with the police, as well as the court system and law, more generally—particularly those living in socially and economically disadvantaged communities (such as Red Hook, discussed in Chapter 3) where cynicism and scepticism about the efficacy and fairness of law enforcement officers to address crime, violence, and victimization tend to run high (Nielsen 2000). Indeed, given that "criminal justice agents [and agencies] encourage—or inhibit—particular identities" (Bradford et al. 2014:532), actively seeking to understand and consider young people's perceptions of crime, justice, victimhood, and punishment and then involve such young people in community-based, youth crime-reduction programs could help to achieve greater fairness in criminal justice processes (see Swaner and Brisman 2014:511; see generally Evenepoel and Christiaens 2013:425–6).[14] Such involvement could, however, have a slightly different effect—promoting compliance and docility and a perpetuation of the status quo in the criminal justice system rather than bringing about any real change in equality, fairness, or justice.

Geometries of Crime: How Young People Perceive Crime and Justice challenges the omission of youth perspectives in Hagan's pyramid of crime, the Left Realists' square of crime, and Henry and Lanier's prism of crime. Drawing on ethnographic research conducted on the RHYC—the juvenile diversion program (described above) designed to prevent the formal processing of juvenile offenders (usually first-time offenders) within the juvenile justice system—this book explores how young people perceive the severity of crime and delinquency, whom or what they consider to be

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of their telling—a fact hidden by analyses guided by most sociological and criminological traditions" (see also Sandberg 2010:457, 2013:80).

[14] One should also bear in mind Olsson's (2012:416) point that "consulting with children and taking their opinions seriously provides vital information about children's unique outlook on reality and also helps them feel included in society."

the victims of crime and delinquency, and how they analyze and assess appropriate responses to crime and delinquency by the criminal justice system, as well as their place within it. In so doing, this book attempts to unpack how the RHCJC, as an apparatus of formal social control, fashions and molds young people's analyses, assessments, and considerations.

Inspired, in part, by Matthews (2014:x), *Geometries of Crime: How Young People Perceive Crime and Justice* operates on two levels. The first is a rather modest endeavor: to participate in the academic debate over the shape one chooses to describe crime and to propose tools for developing a more elaborate and robust understanding of what constitutes crime, who or what is affected by it, and what is deemed adequate or appropriate punishment. The second is a bit more ambitious: to offer thick description of young people's conceptions of and experiences with crime, delinquency, justice, and law—and to use this description in order to interrogate the role of the state in influencing—indeed, *shaping*—these perceptions.

Chapter 2 offers an in-depth description and analysis of Hagan's pyramid of crime, the Left Realists' square of crime, and Henry and Lanier's prism of crime. The goal of this chapter is to explain the different geometries that have been promulgated to understand crime, with particular attention to the intellectual history of these shapes—to the ways in which each one emerges in response to perceived shortcomings of its predecessor and of criminology more generally.

In Chapter 3, I turn to a description of the location of my study—the Red Hook Community Justice Center in the Red Hook neighborhood of Brooklyn, New York. I begin by employing a wide-angle lens to depict Red Hook before switching to a more macro lens to examine and portray the Red Hook Community Justice Center. Following these two sections, I switch back to a wider-angled lens in order to situate the Red Hook Youth Court within the broader youth court phenomenon.

Chapter 4, which is loosely modeled after Peletz's (2002) presentation and discussion of Islamic court cases in Malaysia, describes and analyzes RHYC proceedings. Following Peletz, I employ two different styles in presenting RHYC hearings. In the first, I offer a step-by-step account of one hearing in order to provide a sense of the rhythm,

pattern, space, and salient issues in a typical RHYC proceeding. This step-by-step account is followed by a brief commentary about the case. For the remainder of the hearings, I list the court roles and RHYC members serving in those capacities and then provide, where possible, verbatim accounts of community advocate and youth advocate opening and closing statements, a summary overview of jury questioning and deliberations, and, as with the first style, a brief commentary about the case. I conclude Chapter 4 with an analysis of RHYC members' perceptions of criminal severity and the significance of respondents' demeanor and remorse, as well as the role of the RHCJC as an arm of the state in affecting and influencing these perceptions.

In Chapter 5, I return to the geometries presented in Chapter 2. My goal in this chapter is twofold. First, I consider the appropriateness of existing shapes (pyramid, square, prism) for representing RHYC members' perspectives. Second, I argue that the existing shapes are imperfect depictions because they fail to consider youth perceptives and that there is much that we can learn from young people, as evidenced by their ideas about remorse and their frustrations with certain sanctioning options. The aim here is not so much to offer a replacement geometry for—or another shape to add to—the existing pyramid, square, and prism. Rather, the hope is to suggest a complementary approach—one that can broaden how we think about and comprehend what constitutes crime and justice.

The Appendix describes my inspiration for this study, how I settled on the RHCJC as a field site, how my study and the questions I initially sought to pursue changed over the course of my fieldwork, and the methods employed to gather my data. Deriving inspiration from Foley in *Learning Capitalist Culture: Deep in the Heart of Tejas* (1994:xiv) and Garot in *Who You Claim: Performing Gang Identity in School and on the Streets* (2010:19)—both of whom suggest early on that readers examine portions of their appendices before reading the rest of their books—readers of *Geometries of Crime* might enjoy taking a nonsequential approach to my book: begin with the "Starting the Study," "Abraham and Andre," and "Developing the Study," sections of the Appendix; next, read Chapters 2 and 3; return to the "Methods" portion of the Appendix; and then examine Chapters 4 and 5.

References

Agnew, Robert. 2011. *Toward a unified criminology: Integrating assumptions about crime, people, and society*. New York: New York University Press.

Arnett, Jeffrey Jensen. 2000. Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist* 55: 469–480.

Arnett, Jeffrey Jensen. 2004. *Emerging adulthood: The winding road from the late teens through the twenties*. New York: Oxford University Press.

Austin, Joe, and Michael Nevin Willard (eds.). 1998. *Generations of youth: Youth cultures and history in twentieth-century America*. New York/London: New York University Press.

Barrett, Carla J. 2013. *Courting kids: Inside an experimental youth court*. New York: New York University Press.

Barrett, Giles A., Samantha M.G. Fletcher, and Tina G. Patel. 2014. Black minority ethnic communities and levels of satisfaction with policing: Findings from a study in the north of England. *Criminology & Criminal Justice* 14(2): 196–215.

Bernard, Thomas J. 1990. Angry aggression among the 'truly disadvantaged'. *Criminology* 28(1): 73–96.

Blow, Charles M. 2009. Welcome to the 'club'. *The New York Times*, July 24: A23. Available at: http://www.nytimes.com/2009/07/25/opinion/25blow.html.

Bradford, Ben, Kristina Murphy, and Jonathan Jackson. 2014. Officers as mirrors: Policing, procedural justice and the (re)production of social identity. *British Journal of Criminology* 54(4), 527–550.

Brisman, Avi. 2014. Of theory and meaning in green criminology. *International Journal of Crime, Justice and Social Democracy* 3(2): 22–35.

Brunson, Rod, and Jody Miller. 2006. Young black men and urban policing in the United States. *British Journal of Criminology* 46: 613–640.

Burr, Vivien. 2003. *Social constructionism*. London: Routledge.

Bynner, John. 2005. Rethinking the youth phase of the life-course: The case for emerging adulthood. *Journal of Youth Studies* 8: 367–384.

Carr, Patrick J., Laura Napolitano, and Jessica Keating. 2007. We never call the cops and here is why: A qualitative examination of legal cynicism in three Philadelphia neighborhoods. *Criminology* 45(2): 445–480.

Carrington, Kerry, and Russell Hogg. 2012. History of critical criminology in Australia. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 46–60. London/New York: Routledge.

Chokprajakchat, Srisombat, Attapol Kuanliang, and Nittaya Sumretphol. 2015. What children say about violence, victimization, and punishment. *Journal of Ethnicity in Criminal Justice* 12: 309–329.

Chura, David. 2010. *I don't wish nobody to have a life like mine: Tales of kids in adult lockup*. Boston: Beacon.

Cooper, Anderson. 2007. Stop Snitchin'. *60 Minutes*. Apr. 19. Accessed at: http://www.cbsnews.com/stories/2007/04/19/60minutes/main2704565.shtml.

Cullen, Francis T. 2011. Beyond adolescence-limited criminology: Choosing our future—The American Society of Criminology 2010 Sutherland address. *Criminology* 49(2): 287–330.

Cullen, Francis T., Robert Agnew, and Pamela Wilcox. 2014. *Criminological theory: Past to present*, 5th ed. New York/Oxford: Oxford University Press.

DeFalco, Beth. 2012. The face of terror: 'No-fly' toddler yanked off jet in goof. *New York Post*, May 11: 1, 4.

Evenepoel, Ann, and Jenneke Christiaens. 2013. Giving voice to 'Youth of Today': Young people's views and perspectives on youth crime and its prevention in Belgium. *Varstvoslovje* 15(4): 424–438.

Ewick, Patricia, and Susan S. Silbey. 1998. *The common place of law: Stories from everyday life*. Chicago: University of Chicago Press.

Fagan, Jeffrey. 2008. Legitimacy and criminal justice. *Ohio State Journal of Criminal Law* 6(1): 123–140.

Flanagan, Constance A., and Lonnie R. Sherrod. 1998. Youth political development: An introduction. *Journal of Social Issues* 54(3): 447–456.

Flexon, Jamie L., Richard Greenleaf, Dustin Dariano and Dorian Gibson. 2016. An Examination of Police Stops and Youths' Attitude toward Police: Do Interracial Encounters Matter?*Journal of Ethnicity in Criminal Justice* 14(1): 21-39

Garot, Robert. 2010. *Who you claim: Performing gang identity in school and on the streets*. New York/London: New York University Press.

Greenhouse, Carole J. 1988. Courting difference: Issues of interpretation and comparison in the study of legal ideologies. *Law and Society Review* 22: 687–707.

Hagan, John, and Carla Shedd. 2005. A socio-legal conflict theory of perceptions of criminal injustice. *University of Chicago Legal Forum* 2005:261–287.

Hagan, John, Carla Shedd, and Monique R. Payne. 2005. Race, ethnicity and youth perceptions of criminal injustice. *American Sociological Review* 70(3), 381–407.

Hayward, Keith. 2012. Pantomime justice: A cultural criminological analysis of 'life stage dissolution'. *Crime Media Culture* 8(2): 213–229.

Hayward, Keith. 2013. 'Life stage dissolution' in Anglo-American advertising and popular culture: Kidults, Lil' Britneys and Middle Youths. *The Sociological Review* 61(3): 525–548.

Henry, Stuart, and Mark M. Lanier. 1998. The prism of crime: Arguments for an integrated definition of crime. *Justice Quarterly* 15(4): 609–627.

Home Affairs Committee. 2007. *Young black people and the criminal justice system*. London: House of Commons.

Johnson, Carrie. 2015a. Bipartisan measure would protect juveniles in the justice system. *National Public Radio* (*NPR*): *Morning Edition*, April 30. Available at: http://www.npr.org/2015/04/30/403231791/bipartisan-measure-would-protect-juveniles-in-the-justice-system and http://www.npr.org/templates/transcript/transcript.php?storyId=403231791.

Johnson, Carrie. 2015b. Black men who are crime victims have few places to turn. *National Public Radio (NPR): Morning Edition*, August 17. Available at: http://www.npr.org/2015/08/17/432542041/advocates-work-to-help-black-men-who-are-victims-of-violent-crime and http://www.npr.org/templates/transcript/transcript.php?storyId=432542041.

Jonathan-Zamir, Tal, and David Weisburd. 2013. The effects of security threats on antecedents of police legitimacy: Findings from a quasi-experiment in Israel.*Journal of Research in Crime and Delinquency* 50(1): 3–32

Katel, Peter. 2007. Debating hip-hop. *CQ Researcher* 17(23): 529–552.

Katz, Jack. 1988. *Seductions of crime: Moral and sensual attractions in doing evil*. New York: Basic Books.

Kochel, Tammy Reinhart, Roger Parks, and Stephen D. Mastrofski. 2013. Examining police effectiveness as a precursor to legitimacy and cooperation with police. *Justice Quarterly* 30(5): 895–925.

LaFree, Gary. 1998. *Losing legitimacy: Street crime and the decline of social institutions in America*. Boulder: Westview.

Lea, John. 1987. Left realism: A defence. *Contemporary Crises* 11: 357–370.

Lea, John. 1992. The analysis of crime. In *Realist criminology: The realist debate*, ed. Jock Young and Roger Matthews, 69–94. London: Sage.

Lea, John. 2002. *Crime & modernity: Continuities in left realist criminology*. London: Sage.

Lea, John. 2010. Left realism, community and state-building. *Crime, Law and Social Change* 54(2): 141–158.

Levine, Kay, and Virginia Mellema. 2001. Strategizing the street: How law matters in the lives of women in the street-level drug economy. *Law & Social Inquiry* 26(1): 169–197.

MacLean, Brian D. 1991. In partial defence of socialist realism: Some theoretical and methodological concerns of the local crime survey. *Crime Law and Social Change* 15(3): 213–254.

Mann, Coramae Richey. 1993. *Unequal justice: A question of color*. Bloomington: Indiana University Press.

Maruna, Shadd, and Anna King. 2009. Once a criminal, always a criminal? 'Redeemability' and the psychology of punitive public attitudes. *European Journal on Criminal Policy and Research* 15(1–2): 7–24.

Matthews, Roger, and Jock Young. 1992. Reflections on Realism. In *Rethinking Criminology: The Realist Debate*, Jock Young and Roger Matthews, eds. Pp. 1–23. London: SAGE.

Mathews, Roger. 2009. Beyond "so what?" Criminology. *Theoretical Criminology* 13(3): 341–362.

Matthews, Roger. 2014. *Realist criminology*. Basingstoke: Palgrave Macmillan.

Matza, David. 1969. *Becoming deviant*. Englewood Cliffs: Prentice-Hall.

McCann, Michael W. 2006. Preface: On legal rights consciousness: a challenging analytical tradition. In *The new civil rights research: A constitutive approach*, ed. Benjamin Fleury-Steiner and Laura Beth Nielsen, ix–xxx. Aldershot: Ashgate.

Murphy, Kristina, and Julie Barkworth. 2014. Victim willingness to report crime to police: Does procedural justice or outcome matter most? *Victims & Offenders* 9(2): 178–204.

Nielsen, Laura Beth. 2000. Situating legal consciousness: Experiences and attitudes of ordinary citizens about law and street harassment. *Law and Society Review* 34(4): 1055–1090.

Niemi, Richard G., and Mary A. Hepburn.1995. The rebirth of political socialization. *Perspectives on Political Science* 24(1): 7–16.

Olsson, Patrik. 2012. Children and human rights. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 413–424. London/New York: Routledge.

Peletz, Michael G. 2002. *Islamic modern: Religious courts and cultural politics in Malaysia*. Princeton: Princeton University Press.

Piquero, Alex R., Jeffrey Fagan, Edward P. Mulvey, Laurence Steinberg, and Candice Odgers. 2005. Developmental trajectories of legal socialization among serious adolescent offenders. *Journal of Criminal Law and Criminology* 96: 267–298.

Rothe, Dawn L., and C. Mullins. 2008. Genocide, war crimes and crimes against humanity in central Africa: A criminological exploration. In *Supranational criminology: Towards a criminology of international crimes*, ed. A. Smuelers and R. Haveman, 135–158. Oxford: Intersentia.

Russell-Brown, Katheryn. 1998. *The color of crime: Racial hoaxes, White fear, Black protectionism, police harassment, and other macro-aggressions*. New York: New York University Press.

Sampson, Robert J., and John H. Laub. 1993. *Crime in the making: Pathways and turning points through life*. Cambridge: Harvard University Press.

Sandberg, Sveinung. 2010. What Can 'Lies' Tell Us About Life? Notes Towards a Framework of Narrative Criminology. *Journal of Criminal Justice Education* 21(4): 447–465.

Sandberg, Sveinung. 2013. Are Self-Narratives Strategic or Determined, Unified or Fragmented? Reading Breivik's Manifesto in Light of Narrative Criminology. *Acta Sociologica* 56(1): 65–79.

Sandberg Sveinung, Sébastien Tutenges and Heith Copes. 2015. Stories of Violence: A Narrative Criminology Study of Ambiguity. *British Journal of Criminology* 55(6): 1168–86.

Schiraldi, Vincent, and Jason Ziedenberg. 2001. How distorted coverage of juvenile crime affects public policy. In *Zero tolerance: Resisting the drive for punishment in our schools*, ed. William Ayers, Bernardine Dorhn, and Rick Ayers, 114–125. New York: The New Press.

Scott, K. Michelle. 2002. Looking through a glass darkly: Applying the lens of social cubism to the police-minority group conflict in America. *ILSA Journal of International and Comparative Law* 8(3): 857–882.

Skogan, Wesley G. 2006. Asymmetry in the impact of encounters with police. *Policing and Society* 16(2): 99–126.

Soller, Brian, Aubrey Jackson, and Christopher R. Browning. 2014. Legal cynicism and parental appraisals of adolescent violence. *British Journal of Criminology* 54(4): 568–591.

Sprott, Jane B., and Anthony Doob. 2014. Confidence in the police: Variation across groups classified as visible minorities. *Canadian Journal of Criminology and Criminal Justice* 56(3): 367–379.

Stephens, Sharon. 1996. Reflections on environmental justice: Children as victims and actors. *Social Justice* 23(4): 62–86.

Swaner, Rachel, and Avi Brisman. 2014. Legal Cynicism Among Civically-Engaged Youth. Varstvoslovje, *Journal of Criminal Justice and Security* 16(4): 492–517. [Available at: http://www.fvv.um.si/rV/arhiv/2014-4/06_Swaner_Brisman.pdf.]

Tankebe, Justice. 2009. Public cooperation with the police in Ghana: Does procedural fairness matter? *Criminology* 47(4): 1265–1293.

Taylor, Terrance J., K.B. Turner, Finn-Aage Esbensen, and L. Thomas Winfree. 2001. Coppin' an attitude: Attitudinal differences among juveniles toward police. *Journal of Criminal Justice* 29(4), 295–305.

Tyler, Tom R. 1990. *Why people obey the law*. New Haven: Yale University Press.

Tyler, Tom R. 2003. Procedural justice, legitimacy, and the effective rule of law. *Crime & Justice* 30: 283–356.

Tyler, Tom R. 2004. Enhancing police legitimacy. Annals of the American Academy of Political and Social Science 593(1): 84–99.

Van Craen, Marteen. 2013. Explaining majority and minority trust in the police. *Justice Quarterly* 30(6): 1042–1067.

Wolfgang, Marvin E., and Franco Ferracuti. 1982. *The Subculture of Violence: Towards an Integrated Theory in Criminology*. Beverely Hills, CA: Sage.

Young, Jock. 1987. The tasks facing a realist criminology. *Contemporary Crises* 11: 337–356.

Young, Jock. 1991a. Asking questions of left realism. In *New directions in critical criminology*, ed. Brian D. MacLean and Dragan Milovanovic, 15–18. Vancouver: The Collective Press.

Young, Jock. 1991b. Left realism and the priorities of crime control. In *The politics of crime control*, ed. Kevin Stenson and David Cowell, 146–160. London: SAGE Publications.

Young, Jock. 1992. Ten points of realism. In *Rethinking criminology: The realist debate*, ed. Jock Young and Roger Matthews, 24–68. London: Sage.

Young, Jock. 1994. Incessant chatter: Recent paradigms in criminology. In *The Oxford handbook of criminology*, ed. Mike Maguire, Rod Morgan, and Robert Reiner, 69–124. Oxford: Oxford University Press.

Young, Jock. 1997. Left realism: The basics. In *Thinking critically about crime*, ed. Brian D. MacLean and Dragan Milovanovic, 28–36. Vancouver: Collective Press.

Young, Jock. 2001. Left realism. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 163–165. London/Thousand Oaks: SAGE Publications.

Young, Jock. 2013. Left realism. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 251–253. London/Thousand Oaks: SAGE Publications.

Young, Jock, and Roger Matthews. 1992. Questioning left realism. In *Issues in realist criminology*, ed. Roger Matthews and Jock Young, 1–18. London: SAGE Publications.

2

Pyramids, Squares, and Prisms: Severity of Harm, Public Awareness and Perceptions of Severity of Harm, Power Relations, and Society's Response

Roger Matthews (2009:344–5), a key figure in Left Realism, has observed:

> One of the most remarkable aspects of the criminological literature is how the notion of "crime" is dealt with. On one side there are a large number of criminologists that adopt a predominantly common sense taken-for-granted approach and present crime as an unproblematic given, or simply equate crime with a particular act. On the other hand there are those who overly problematize crime and argue that it is a concept that has no "ontological reality" and tend to gravitate either towards relativism or rampant idealism claiming that the concept of crime is simply a matter of subjective interpretation, or political manipulation. (Hulsman 1986; Muncie 1996)

As Matthews suggests—and as noted in Chapter 1 of this book—criminologists frequently disagree about what constitutes crime. A number of different approaches have been offered to help negotiate this stumbling block within criminology (Young and Matthews 1992a:17): John Hagan's pyramid of crime, Left Realists' square of crime, and Henry and Lanier's prism of crime.[1]

[1] This chapter's focus on Hagan's pyramid of crime, the Left Realists' square of crime, and Henry and Lanier's prism of crime should not be regarded as the entire spectrum of geometric allusions in criminology. Indeed, geometric analogies and references permeate the field. For example, Lea and

A. Brisman, *Geometries of Crime*, DOI 10.1057/978-1-137-54620-3_2

Hagan's Pyramid of Crime

One useful conception of crime has been promulgated by Canadian criminologist John Hagan, who defines crime as "a kind of deviance, which in turn consists of variation from a social norm that is proscribed by criminal law" (1985:49). Hagan's definition includes three measures of seriousness, each of which ranges from low and weak to high and strong (and which, as noted in Chapter 1, he illustrates with a pyramid [see Fig. 2.1; see Agnew 2011:28–9 for a helpful overview]). The first measure is the degree of consensus or agreement—the degree to which people accept an act as right or wrong. As Hagan (1985:49; see also 1977:13) explains, "[t]his assessment can vary from confusion and apathy, through levels of disagreement, to conditions of general agreement."

Hagan's second measure of seriousness entails "the severity of the social response elicited by the act" (1977:13, 1985:49). These social penalties can range from "polite avoidance" to an official warning to fines and imprisonment to the death penalty. According to Hagan (1977:13, 1985:49), "[t]he more severe the penalty prescribed, and the more extensive the support for this sanction, the more serious is the societal evaluation of the act."

Young, in *What is to Be Done About Law and Order?* (1984), write about the "moral symmetry" conception of victimization—that is, that offenders and victims are often very similar in social characteristics—in contrast to the perception of the predatory offender and innocent victim (see also Young 1994:94–5). Ruggiero (1992:136), in an early critique of Left Realism, asserted: "The realists attribute a high degree of subjectivity both to victims and offenders. The former are granted individualized vulnerability and perceptions of crime and its impact. The latter are given the free will to make moral choices. It is curious how the realists do not attribute the same subjectivity to themselves. Their square of crime should instead evolve into a *pentagon*, the fifth vertex being occupied by the *observers*." To the best of my knowledge, no one has taken up Ruggiero's pentagonal suggestion. But the "crime triangle" (Bostaph et al. 2014; Lemieux 2014:3–6; Hill 2015:198; Pires et al. 2014), "regulatory pyramid" (White and Heckenberg 2014:202–3; see also Ayres and Braithwaite 1992), and "iron quadrangle" (Best 1999:68–9; see also Curra 2014:159) make appearances, while others appreciate and employ language of "asymmetry" (Skogan 2006; Weber et al. 2014:138; see generally Skogan 2009). Finally, a small but devoted group of scholars have applied "chaos theory" (also known as "complexity theory") in and to criminology (see, e.g., Arrigo 1994, 1995b; Arrigo and Williams 1999; Arrigo and Young 1997; Milovanovic 1997, 2001, 2013; Schehr and Milovanovic 1999; Takemura 2010; Williams 2008; Williams and Arrigo 2001a, b; see also Henry and Milovanovic 1996, 1999; Lanier and Henry 2010:363–4; Milovanovic 2014). My choice of Hagan's pyramid of crime, the Left Realists' square of crime, and Henry and Lanier's prism of crime reflects my sense of the most recognizable geometries or shapes in criminology and the most useful ones for exploring youth perceptions of crime, justice, law, and punishment.

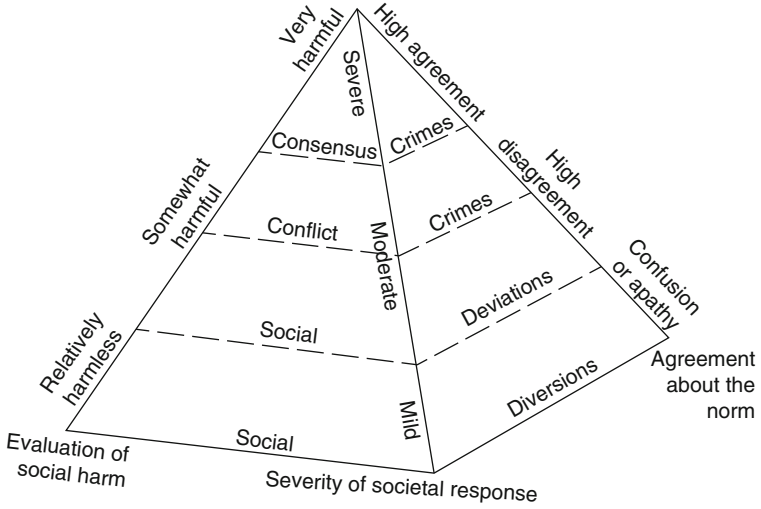

Fig. 2.1 Hagan's "pyramid of crime"
(Source: Hagan [1977:14], reproduced with permission of McGraw-Hill Ryerson Ltd.)

The third measure of seriousness "involves a societal evaluation of the harm inflicted by the act" (1977:13, 1985:49). These can range from so-called "victimless" crimes (e.g., drug abuse, gambling), which often seem to have an adverse effect primarily on the individual actor (who is frequently a willing and eager participant), to crimes of violence, which are "more clearly interpersonal, or social, in their consequences" and where there is "a more definite sense of victimization" (1977:13, 1985:50). (Some of the offenses dealt with by the RHYC, such as truancy or marijuana use, might constitute victimless crimes, although, as we will see in Chapter 4, the RHCJC encouraged RHYC members to view "the community" as a victim in such cases.)

Hagan contends that in most modern societies, the three measures of seriousness are associated or correlated closely. Thus, more serious acts or omissions—such as violence involving bodily harm or death to one or more persons—are likely to involve (1) broad agreement about the wrongfulness of such acts or omissions; (2) a severe social response; and (3) an evaluation of the act or omission as being very harmful. As noted

above, Hagan illustrates the approach with a pyramid (Fig. 2.1). Less serious deviance, which may not be regarded as "criminal," appears at the base, while more serious forms of deviance that are referred to as "criminal" cluster toward the peak; a range of behaviors is situated in between. Each of the vertical axes represents one of the measures of seriousness. Thus, for the far right axis (agreement about the norm), confusion and apathy appear at the bottom, levels of disagreement in the middle, and conditions of general agreement at the top. With the middle axis (severity of social response), mild societal responses are at the bottom, severe responses lie at the top, and moderate responses exist in between. For the far left axis (evaluation of social harm), relatively harmless forms of deviance sit at the base, somewhat harmful forms of deviance rest in the middle, and very harmful forms of deviance rise to the top. In addition, the form of this pyramid—with a wide base and a narrow, pointed peak—suggests that there are fewer acts or omissions of deviance for which there is high agreement about the wrongfulness, a severe societal response, and a very harmful evaluation of social harm, and many more acts or omissions where there may be confusion or apathy about the wrongfulness of an act or omission and mild societal responses to what is deemed relatively harmless. Moreover, the form of this pyramid—with the apex at the top and the base at the bottom—implies that more serious acts or omissions occur less frequently than less serious acts or omissions.

Hagan divides acts and omissions in the pyramid into two general categories (criminal and non-criminal forms of deviance) and four subdivisions (consensus crimes, conflict crimes, social deviations, social diversions), which are represented by broken lines in Fig. 2.1 in order "to indicate that across time and place, the particular location of behaviors on the pyramid will vary" (1985:51). *Consensus crimes* are *mala in se*—"wrong in themselves" (although, as Hagan acknowledges, "few, if any, human behaviors are universal or timeless in their criminal character" (1977:15, 1985:52)). These serious acts or omissions—defined by law as "criminal"—include visible, predatory crimes, such as premeditated murder, violent rape, incest, and kidnapping. While *consensus crimes* are "neither immutably nor permanently criminal" (1977:15, 1985:54), the fact that most Western (and many non-Western) societies have designated such behaviors as "criminal" for successive generations renders them "consensual."

Conflict crimes are *mala prohibita*—"wrong by prohibition," i.e., wrong because they are proscribed and punished by statute. In many cases, public opinion is divided about the seriousness of such offenses, including whether some of these offenses should even be prohibited by law. Some scholars argue, then, that the criminalization of some such behaviors represents the use of the criminal law by one class or interest group to perpetuate its own interests and to the disadvantage of another group.[2] As Hagan (1977:17, 1985:58) explains,

> Included in a non-exhaustive list of the conflict crimes are the public disorder offences (malicious mischief, vagrancy, and creating a public disturbance), chemical offences (alcohol and narcotics offences), political crimes (treason, sedition, sabotage, espionage, subversion, and conspiracy), minor property offences (petty theft, shoplifting, and vandalism), and the "right-to-life" offences (abortion and euthanasia). The feature that unites these offences is the public debate that surrounds them. This is a different way of saying that we lack societal consensus on the dimensions of public disorder, the use of comforting chemicals, permissible politics, the protection of private property, and the limits of life. Lacking this consensus, many of us, given the opportunity or need, may feel free to deviate.

Hagan adds that one of the defining features of *conflict crimes* is that there may be nothing distinctive about the persons involved—that, unlike those who commit *consensual crimes*, conflict criminals are less likely to differ in significant ways from the general population.

Family, peers, and community or religious groups guide our impression of what is appropriate and inappropriate, normal and abnormal, good or bad (see, e.g., Witt 2011). As Hagan (1985:58) explicates, non-criminal forms of deviance—violations of the norms established by family, peers,

[2] For a discussion, see, e.g., Agnew (2011:119, 126, 128, 139, 141); Berry (2012:236); DeKeseredy and Donnermeyer (2013:217 [citing Gilroy and Sim 1987; Jamieson and Yates 2009]); Hall (2013:136 [citing O'Malley 1987]); Henry and Lanier (1998:612, 619, 621); Larsen (2012:44 [citing Høigård 2002]); Leech (2012:27); Matthews (2012:95 [citing Quinney 1974]); Ross and Rothe (2008:197 n.1); Stretesky et al. (2014: 4, 6, 11); Troshynski (2012:346 [citing Brown 2006]); Young 1986:13; cf. Michalowski (2012:211, who acknowledges that "[i]nsofar as the systemic harms characteristic of any particular social formation are usually the collateral damage of the interests and/or worldview of those with the power to make the law, it is predictable that many, if not most, of these harms will…avoid being defined as crimes," but who stops short of "suggesting a mechanistic relationship between dominant interests and legal outcomes").

and community or religious groups—"constitute a pool of behaviors that in the past may have been, or in the future may become, criminal" (and thus are worthy of criminological consideration and placement within the pyramid). Hagan divides non-criminal deviance into two groups: *social deviations* and *social diversions*. For Hagan (1977:17; see also 1985:59), the most frequent forms of social deviation include "adolescent (juvenile delinquency), interpersonal (psycho-social disturbances), and vocational (non-criminal violations of public and financial trust)." What unites them, Hagan makes clear, "is that although they are not considered criminal, they are nonetheless disreputable. Of particular interest is the stigma that may follow contact with the non-criminal agencies of social control: the juvenile courts, psychiatric agencies, and the civil courts" (1977:17; see also 1985:59). "Each of these institutions," Hagan (1977:17) continues, "formally attempts to minimize its stigmatizing effects. Juvenile courts 'treat' rather than convict 'delinquents'; psychiatric agencies protect the identities of their patients; and the civil courts forego criminal procedures in processing 'technical violators'."[3]

In contrast to *social deviations*, *social diversions* are considered less serious forms of deviance and, as such, are less likely to be criminalized. As Hagan (1977:18) describes, *social diversions* "are frequent and faddish, ranging from harmless acts…to dangerous feats." According to Hagan (1977:18), "[t]wo types of diversions are of particular interests, the sexual (the homo-, hetero-, and autosexual pleasures) and the symbolic (clothing, speech, and mannerisms)." Such *social diversions* as preferences with respect to clothing, language, leisure, and sex may possess or display some parallels to those behaviors labeled "criminal"—adventure, excitement, and thrills.

[3] According to Johnson (2015a), when young people are arrested, the juvenile justice system "they encounter is a patchwork of dozens of state and local entities. Under a landmark 1974 law, the US Justice Department is supposed to ensure only the worst offenders get locked up and that even those young people are kept apart from adult criminals." Dohrn (2000:161), however, notes that "[m]inor offenses are no longer dealt with by retail stores, school disciplinarians, parents, or youth workers, but rather the police are called, arrests are made, petitions are filed." Similarly, Giroux (2004:83) contends that "[m]inor infractions that were once handled by teachers or guidance counselors are viewed as criminal violations and are now handled by the police." For an in-depth critique of the recent trend to consider adolescent offenders (and juvenile delinquency) as adult criminals (and adult crime), see Barrett (2013).

While some of the examples Hagan offers in describing his pyramid of crime may seem a bit dated, his visual representation of the varieties of deviance and the measures of seriousness help underscore the point that the lines demarcating "crime," "deviance," and "diversion" in a society are context- and temporally specific. In other words, they are flexible, uncertain, and subject to change.[4]

Left Realism and the Square of Crime

As Cullen and colleagues (2014:13) write in their Introduction to the Fifth Edition of *Criminological Theory: Past to Present*, "What goes on in the larger society often influences what goes on inside criminology. Similar to other citizens, criminologists live in and are affected by the prevailing social context. Events of the day show how they see the world. When the social context changes in significant ways, it is likely that old ways of thinking will be challenged and fresh ways of thinking will emerge." Similarly, Young (1994:71), a progenitor of Left Realism, contends, "Social theory does not emerge out of the blue: it develops in distinct social and economic situations and is influenced by specific material problems, in the context of a particular array of ideas and socially defined problems."[5] Thus, by many accounts, Left Realism, while having roots in

[4] Hagan is not alone in this view. White (2011:6) makes a similar point:

> What the history of crime and punishment shows is that the definitions, purposes and applications of law change over time. The nature of what is "a criminal act" and how the "criminal" is socially and legally portrayed shifts according to particular socio-economic circumstances (White and Perrone 2010). What is deemed to be a serious social problem, and who is deemed to be the proper target for state intervention, thus is contingent upon the material conditions that shape the formation of identifiable groups (e.g. corporations, environmental activists) and the resources available to particular groups. "Crime" is thus a product of society—at the level of definition, causal factors, types of offences, and the objects of state intervention. To appreciate and understand fully the nature of crime and criminal law, therefore, it is essential to examine the nature of one's society.

[5] Whereas Young (1994:71) argues that "theory emerges out of a certain social and political conjecture," Ruggiero (1992:123), who in a provocative critique of Left Realism, writes, "[f]requently the existence of an academic discipline evolves irrespective of the evolution of the social phenomena to which it is directed." It is probably safe to conclude that some academic theory is more closely

the debates of the mid-1970s (MacLean 1991:9 [citing Currie et al. 1990; Lea and Young 1984; MacLean 1991, 1989; Schwartz and DeKeseredy 1991; Taylor 1988; Young 1987]; Young 1991a:15), really emerged in the mid-1980s with the rise of Thatcherism in Britain (Matthews and Young 1992:1). As Taylor (1999:226–7) explains, "[t]he realist project within criminology in Britain in the 1980s was in part to be understood…as the attempt to persuade a Labour Party, thrown into opposition by the right-populist electoral victory of Margaret Thatcher in 1979, of a more imaginative and comprehensive, but realist and populist, *national* project of social reform in the sphere of crime-control, mobilized through the national State" (emphasis in original).

Essentially, while Left Realism was, in many ways, a response to conservative emphases on "law and order" (Lea 2010:141 [citing Kinsey et al. 1986; Lea and Young 1984; Taylor 1982, 1992; Young 1987]), it was also, as Lea (1992:68) describes elsewhere, "a call to socialists to 'take crime seriously' (Lea and Young 1984; Young 1986) under conditions in which criminality and other social problems facing the working class were worsening"—and at a time when "many radical criminologists remained obsessed with a social constructionist view of crime as simply a reflection of media-orchestrated moral panics or political diversion (Hall et al. 1976)." In other words, while Left Realism arose as a "a radical reappraisal of social democracy" (Young 1994:71 [citing Young and Matthews 1992b])—as a "socialist alternative" (Lea 2010:141) to Conservative Party politics in the United Kingdom—it also developed as a challenge to radical criminology's idealism, which some felt was ignoring "the reality of crime for the working class victim" (Lea 2010:141). Writing in Left Realism's heyday, Lea (1987:369) stated:

> realism originates as a reaction, in current social and political conditions to the absences in radical criminology. These are the absence of a discourse about crime and a refusal to talk about the constructive as opposed to the destructive role of institutions of criminal justice. Realism rejects a utopian strategy of waiting for the state to whither [sic] away, knowing that we would only have to reinvent it if it did.

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linked to (or attentive to or inspired by) social phenomena than other theory. For present purposes it is sufficient to recognize that the rise of Thatcherism, discussed below, combined with disillusionment with criminological theory within the academy, influenced the development of Left Realism.

Eschewing, then, what they felt amounted to an endless wait for social transformation and a "do nothing" approach in the absence of revolution—an orientation insensitive to the vicissitudes of working-class life and the reality that "people who have least power socially suffer most from crime" (Young 1992:52)—Left Realists sought to take crime seriously while maintaining a progressive approach to crime-control policies and strategies (Young 1987:355; see also Hayward and Young 2012:119–20; Young 1992:62). One might thus think of Left Realism as innovative for its attempt to carve out a middle-ground position and for its willingness to take on perspectives of those to its political left and right (see Young 1992:58). As Young (1986:21) stated early on, Left Realism "involves a rejection of tendence to romanticize crime or to pathologize it, to analyse solely from the point of view of the administration of crime or the criminal actor, to underestimate crime or exaggerate it."

One of the unifying themes of Left Realism was and continues to be that criminology should be "faithful to the nature of crime" (Young 1992:26, Young 1994:103)—to the fact that "all crimes must, of necessity, involve rules and rule breakers (i.e. criminal behaviour and reaction against it), and offenders and victims" (Young 1994:102, 1997:28). As noted in Chapter 1, this key tenet—fidelity to the reality of crime in its origins, nature, and impact—is expressed by or represented with the square of crime (see Fig. 2.2).[6] The square of crime consists of four interacting elements: the offender, the victim, the police and multi-agencies of the state, and the public (Lea 1987, 1992, 2002, 2010; Mathews 2009; Matthews and Young 1992; Young and Matthews 1992a; Young 1987, 1991a, b, 1992, 1994, 1997. As Left Realists contend, crime is the product of a series of relationships—between *action* (crime) and *reaction* (its control), between *offender* and *victim* (see, e.g., Lea 2002:vii, 14; Young 1987:340, 1991b:152, 1992:27, 1994:103, 1997:28, 2001:164, 2013:251; Young and Matthews 1992a:2). In contrast to the conventional

[6] Figure 2.2 represents the first version of the square of crime as it appeared in Young (1987). Subsequent permutations of the square appeared in Young (1991b:153, 1992:27, 1994:104)—where "The Criminal Act" appears instead of "Action," and "Social Control" instead of "Reaction," and "Public" instead of "Informal Control," and "Multi-Agencies" is added after "Police." The arrows in Lea's "social relations of crime control" (Fig. 2.3) emphasize the "ensemble of actors, roles and interactions which sustain[] the application of the criminalising abstraction and the management and control of criminality" (2002:17, 14).

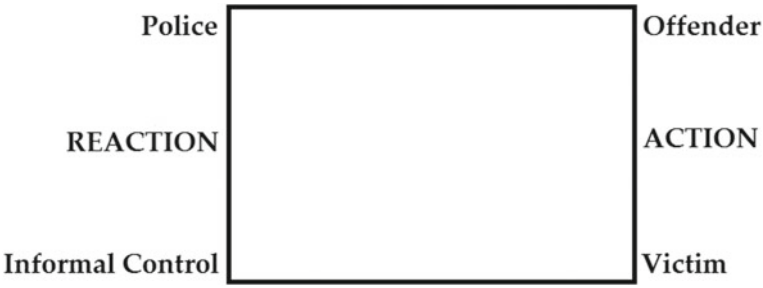

Fig. 2.2 Left realist "square of crime" (Source: Young [1987:340])

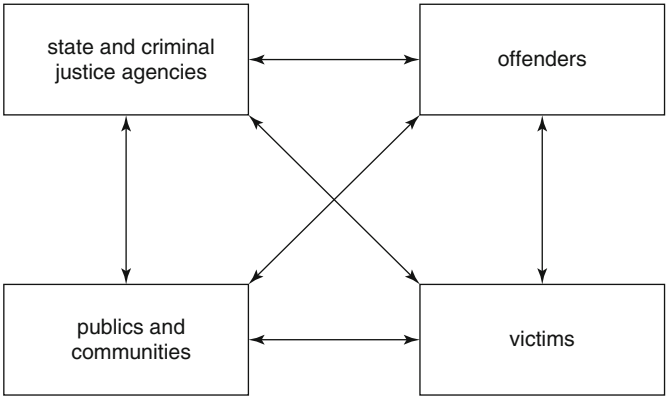

Fig. 2.3 Lea, "The Social Relations of Crime Control" (Source: Lea [2002:17])

dyad of the criminal justice system, then—the police and the offender—the square of crime, as Hayward and Young (2012:120) explain, "suggests that all explanations of crime necessitate each of the four vertices and the relationship between them."

When Left Realists first proposed the square of crime, they argued that other criminological approaches suffered from "a chronic tendency towards partiality" by focusing on only one component of the process of crime—on only one part of the square (Young 1994:70; see also Hayward and

Young 2012:120; Mathews 2009:346; Matthews and Young 1992:12, 19–20; Young 1987:338, 340, 346; 1991a:17; 1994:102; 1997:28; Young and Matthews 1992a:2, 10). As Young (1987:337) described, "realist criminology involves an act of deconstruction. It takes the phenomenon crime apart, breaking it down to its component pieces and sequences: it notes, though, how the various crimonologies tend to focus on fragments of this construction, taking one empirical verity like a single reflection from a multi-faceted mirror and claiming that it represents the whole." Thus, while labeling theory, for example, had focused on the *state*, control theory had centered on the *public*, and situational crime prevention on the *victim* (Young 1991a:18). Left Realism, in contrast, endeavored to avoid this "one-sidedness," using the square of crime as a shorthand for highlighting not only more components of/to crime—more points on the square (or parts of the puzzle, to mix metaphors)—but the need for a synthesis of theoretical orientations and interventions on all levels/at all points of the square (e.g., through better policing, enhanced community involvement, protecting and empowering the victim, and dealing with the structural problems that cause offending) (Matthews and Young 1992:12, 17; Young 1991a:17, 1994:107, 1997:28, 30). As Young and Matthews (1992a:3) maintained, while "[c]oercive legal interventions on the level of the state are necessary," so too are "interventions directed at the social causes of crime." Moreover, "to complete the square of crime, the role of informal control is stressed (Matthews 1988), as is support, protection and the mobilization of the victim."

Left Realists also pointed to the square of crime in order to critique what they saw as incomplete and thus misleading measurements of the nature and extent of crime as expressed by official crime rates—which were used by conservative governments in the mid-1980s to pursue an overtly (and overly) punishment-oriented approach to crime control (see, e.g., Young 1991a:15, b:153, 1992:27, 2001:163–5, 2013:251–3). As Young (1991b:152) argued,

> The simplest equation in crime control is that which envisages the police directly controlling crime rates. This equation, enshrined in conventional wisdom, is, in the face of the last 20 years of research, palpably untrue, because it is too abstract, because it only embraces part of the process

> omitting essential variables, because it is phrased in terms of quantities and not relationships, and because it puts too much onus on the police.

According to Young (1991b:152) and other Left Realists, crime rates are really the product of the four interacting parts of the square of crime—the police and other agencies of social control, the public, the offender, and the victim—and that "[a]ny change in any one of these factors will affect the crime rate: the police are only one factor in the equation." Attempting to explain crime rates simply in terms of the police not only ignores the degree of informal social control, the motivation of the offender (and the number of possible offenders), and the ease of access to victims (and the number of potential victims), but "that the agencies involved in crime control are much wider than the criminal justice system" (Young 1991b:152; see also Young 1987:341, 346). As Young (1997:28; see also 1994:103) explicated,

> Crime rates are generated not merely by the interplay of these four factors, but as *social relationships* between each point on the square. It is the relationship between the police and the public that determines the efficacy of policing, the relationship between the victim and the offender that determines the impact of the crime, the relationship between the State and the offender that is a major factor in recidivism. Moreover, it is the burgled public that creates the informal economy which sustains burglary, or the police who, through their own illegalities, create a moral climate that spurs delinquents into crime. Lastly, the relationships among the four points of the square (offender, victim, state agencies, and the public) varies with different types of crime. (Lea 1992)

While Left Realism may have lost some of its luster and may not captivate criminologists as it once did (cf. Lea 2010; Matthews 2009, 2010, 2014, in press), the square of crime remains salient for some—especially with respect to Young's statement above that the relationships among the four points of the square shift from one type of crime to the next. Indeed, Donnermeyer and DeKeseredy challenge the claim that square of crime is a dated contribution with an intrinsic urban bias (2008, 2014; see also DeKeseredy and Schwartz 2012; Donnermeyer 2012) and argue that crime rates in rural communities, like those in urban areas, are "outcomes for four interrelated causes: (1) the

causes of offending (e.g., unemployment and peer group membership); (2) factors that make victims vulnerable (e.g., lifestyles/routine activities); (3) the social conditions that influence public levels of control and tolerance; and (4) the social forces that propel agents of social control (e.g., police) (Young 1992)" (2014:41). Reprising the square of crime for each of the three rural crime issues—communities and rural crime; drug use, production, and trafficking; agricultural crime—Donnermeyer and DeKeseredy (2014:67, 82, 89) illustrate the complexity of factors that contribute to the production of different types of rural crime. While Donnermeyer and DeKeseredy (2014); see also DeKeseredy 2013) do not assert that the square of crime provides the most comprehensive or heuristic perspective for each topic, their application of the square of crime to rural crime demonstrates the square's enduring utility, as well as its potential to develop criminological understandings of fundamental dimensions of criminal activities and social control in a variety of (urban and rural) communities.

Henry and Lanier's Prism of Crime

Henry and Lanier (1998) reject both the Left Realists' square of crime and Hagan's pyramid of crime. According to Henry and Lanier (1998:613),

> The "offender" element implies that an offensive behavior must occur and be committed by an actor; the "victim" implies that someone is hurt or harmed by the offender's action; "police" implies that the offense elicits a formal response by agencies of government enforcing the law; and the "public" implies the existence of an informal community or collective sense of the act as an offense. The realists' contribution suggests that each of these elements must be present and must interact socially to produce crime. It also suggests that each element can change both in itself and in relation to the others, depending on time, space, and social situation (DeKeseredy, MacLean and Schwartz 1997; Young 1997).

While Henry and Lanier commend the Left Realist position for "reintroduc[ing] to criminology the centrality of the victim," for them, the problem with the square of crime is that it "show[s] how interaction between the elements [the offender, the victim, police multi-agencies,

and the public] produces real crimes," but that it does not "explain what elements make the event a crime or not a crime" (1998:616, 613). In addition, they point out, "their schema tends to be framed in terms of street crime; it does not incorporate or apply to crimes of the powerful" (1998:613–4 [citation omitted]).

Henry and Lanier are far more complimentary of Hagan's pyramid of crime than the Left Realist square of crime on the grounds that Hagan treats crime as a "continuous variable," attempts an explicit integrated definition of crime, and "considers the dimension of harm a major component of any definition of crime" (1998:617, 618). Their problem with Hagan, however, is his "limited conception of the role of power in framing crime" (1998:618). For them, the failure to consider power relations in the definition process of crime renders the pyramid of crime incomplete for several reasons.

First, Henry and Lanier (1998:619) stress the importance of the "visibility of crime," arguing that "Hagan takes for granted public awareness, and variability in the public perception of seriousness remains an unanalyzed given." As Henry and Lanier (1998:619; see also Lanier and Henry 2010:41) explain, crime can take many forms, and not all of those who are harmed by (a) crime realize the fact of their victimization. As an example, they point to environmental crime, where the effects may be slow or diffuse, and a long time may pass before individuals realize that they have been harmed. Accordingly, Henry and Lanier argue that "crime can range from being 'obvious' or 'readily apparent,' as a result of its prominence in popular culture, mass-mediated news, and tabloid journalism (Barak 1994, 1998), to being 'relatively hidden,' and finally, to being so 'obscure' that it is accepted by many as normal, even though it harms its victims" (1998:619–20). This issue of visibility becomes especially important when we consider RHYC members' perception of truancy—an offense, discussed in Chapter 4, which many of them feel is far more noticeable than may actually be the case.

Second, Henry and Lanier (1998:620; see also Lanier and Henry 2010:42) assert that the pyramid of crime fails to reflect the extensiveness of victimization (or the number of victims), which, they argue is an integral component of public perceptions of seriousness—and an issue that also arises in Chapter 4 in the context of harm to an offender's/respondent's

"community," broadly conceived. As Henry and Lanier (1998:620) observe, "[s]uperficially it seems that if only one person is affected by crime, this is tragic and serious. Yet such a crime is somehow qualitatively different from acts of violence that affect many people, as in terrorist attacks such as the Oklahoma bombing [in April 1995] or environmental pollution such as Union Carbide's chemical disaster in Bhopal [in December 1984]." According to Henry and Lanier (1998:620), "extensiveness is a more complex dimension. Although the number of persons injured influences public perceptions of seriousness, this dimension itself is shaped by the differential value placed on human lives." Indeed, perceptions of seriousness are linked to a consideration of *who* the victim is "based on people's social and political status in a hierarchically ordered society" (1998:620). Thus, for example, the death of Princess Diana from injuries sustained in a car crash is viewed as more serious or tragic than other vehicular fatalities involving intoxicated drivers; the death of a homosexual man from AIDS (who may have contracted HIV through unprotected sex) is considered less significant than the passing of a heterosexual woman from the same illness (who may have been infected in the course of a blood transfusion).

Third, Henry and Lanier (1998:621; see also Lanier and Henry 2010:42) maintain that Hagan's pyramid of crime "fails to capture the probability or likelihood that an offender will receive a serious official response, even though the law may set such a penalty." As Henry and Lanier (1998:621) point out, "the law is selectively responsive to harmful offenses, even when these are defined by the criminal law." Crimes of the powerful, then, may go unpunished or may be punished less severely than crimes of the powerless, even though the former may result in greater financial loss, loss of life, or both.

Finally, Henry and Lanier criticize the visual structure of Hagan's pyramid of crime because it does not allow for the above elements—the visibility of crime, the extensiveness of crime, and the law's selective responses to severe crime—to be included. To address the shortcomings of Hagan's pyramid of crime, Henry and Lanier propose a "double pyramid"—or what they refer to as the prism of crime (see Fig. 2.4).

Henry and Lanier take Hagan's pyramid and place an inverted pyramid beneath it. While the top or upper pyramid represents highly visible crimes—typically crimes of the powerless committed in public (e.g.,

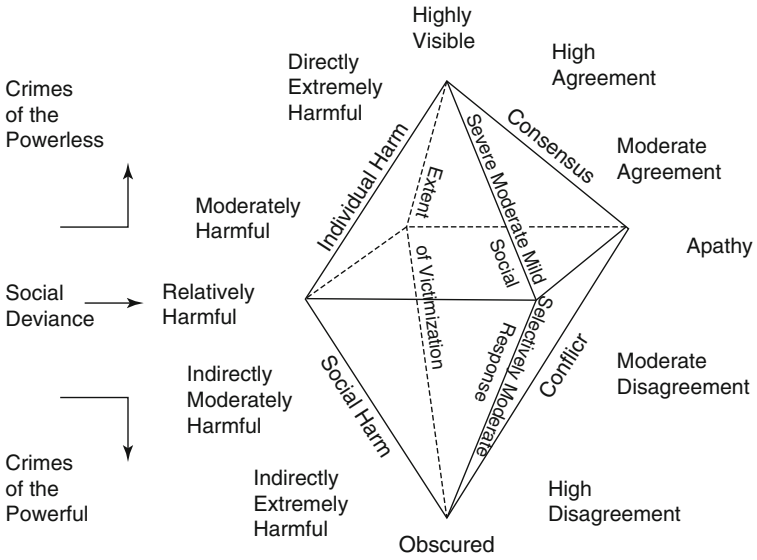

Fig. 2.4 Henry and Lanier's "prism of crime" (Source: Lanier and Henry [2010:43])

arson, assault, auto theft, burglary, murder, robbery, and stranger rape)—the bottom or lower, inverted pyramid represents relatively invisible crimes—typically crimes of the powerful conducted in private settings (e.g., homes, organizations, and workplaces). These invisible offenses involve violations of trusted relationships, such as crimes by corporations, government officials, and organizations, and crimes perpetrated by people through their occupations (e.g., embezzlement, fraud), as well as crimes such as date rape, domestic violence, and sexual harassment. Taken together, the crimes of the powerless and the crimes of the powerful constitute the visible and invisible halves of Henry and Lanier's prism of crime (1998:622; see also Lanier and Henry 2010:43).

Henry and Lanier's use of the term "prism" is deliberate. As they explain,

> We use the term *prism* not only because of the visual appearance of the figure. Just as a prism is used to analyze a continuous spectrum, in our case the crime prism can be used to analyze the spectrum of important dimensions that make up crime. We provide new variables: social agreement, probably

> social response, individual and social harm, and extent of victimization. Each of these varies by degrees, and depending on the particular crime in question. The prism, like a lens, also means that two people may view the same act quite differently. For example, a person's life experiences may cause him or her to have a different worldview. A crime victim may view an act more seriously than a nonvictim would. Our prior exposure to events enables us to filter and view them differently from one another. (Lanier and Henry 2010:44)

Essentially, Henry and Lanier (1998:622) assert, by including the dimensions of social agreement, probable social response, individual and social harm, and extent of victimization, they are able to offer a more comprehensive framework and integrated approach for situating the full range of crimes—including emergent forms of harm—than is possible with the more limited range of the pyramid. "Our crime prism," they argue, "allows us to view the integral components of crime while simultaneously viewing it as a whole" (Henry and Lanier 1998:623). At the same time, they underscore that "the position of crimes in the prism varies over time. As vocal dominant groups and mass-mediated culture focus on different issues, so the public awareness of what counts as crime is formed and reformed.…In short, the prism of crime is not static, but a dynamic model of changes, over time, in what counts as crime" (Henry and Lanier 1998:623). Thus, for example, the position of domestic violence and sexual harassment has moved from the lower to the upper half of the prism, while other "offenses," such as working on Sunday, have become so common and have come to be regarded as so trivial that they elicit neither public sentiment nor societal response.

The advantages of Henry and Lanier's prism of crime include its attempt to take into account the certainty or likelihood of punishment, its effort to offer a more capacious conception of victimization, and its bid to accentuate the differences between highly visible crimes of the powerless and largely invisible crimes of the powerful. Their more elaborate visual structure, however, is, as Agnew (2011:30) points out, "quite complex, a fact that may partly account for its limited use by criminologists." At the same time, it is not sufficiently intricate or encompassing. Hagan's pyramid of crime, the Left Realists' square of crime, and Henry and Lanier's prism of crime contemplate (to varying degrees) definitions

and constructions of crime, as well as public perceptions of crime, justice, victimhood, and punishment. While Henry and Lanier's prism may be the most accommodating in its integrative definition(s) and analysis—all of these geometries reflect *adult* definitions, constructions, and perceptions. Missing from these visual structures is a consideration of the ways in which *young people* perceive the severity of crime and delinquency and assess the appropriate response thereto. In Chapter 5, I return to the geometries presented in this chapter. Before doing so, I consider young people's perceptions of criminal severity, justice, law, punishment, and remorse (in Chapter 4) and describe the site of this exploration (in Chapter 3).

References

Agnew, Robert. 2011. *Toward a unified criminology: Integrating assumptions about crime, people, and society*. New York: New York University Press.

Arrigo, Bruce A. 1994. Legal discourse and the disordered criminal defendant: Contributions from psychoanalytic semiotics and chaos theory. *Legal Studies Forum* 18(1): 93–113.

Arrigo, Bruce. 1995b. The peripheral core of law and criminology: On postmodernsocial theory and conceptual integration. *Justice Quarterly* 12(3): 447–472.

Arrigo, Bruce A., and T.R. Young. 1997. Chaos, complexity, and crime: Working tools for a postmodern criminology. In *Thinking critically about crime*, ed. Brian D. MacLean and Dragan Milovanovic, 77–84. Vancouver: The Collective Press.

Arrigo, Bruce, and Laura Barrett. 2008. Philosophical Criminology and Complex Systems Science: Towards a Critical Theory of Justice. *Critical Criminology* 16(3): 165–84.

Arrigo, Bruce A., and Christopher R. Williams. 1999. Chaos theory and the social control thesis: A post-Foucauldian analysis of mental illness and involuntary civil confinement. *Social Justice* 26(1): 177–207.

Ayres, Ian, and John Braithwaite. 1992. *Responsive regulation: Transcending the deregulation debate*. New York: Oxford University Press.

Barak, Gregg (ed.). 1994. *Media, process and the social construction of crime: Studies in newsmaking criminology*. New York: Garland.

Barak, Gregg. 1998. *Integrating criminologies*. Boston: Allyn and Bacon.

Barrett, Carla J. 2013. *Courting kids: Inside an experimental youth court*. New York: New York University Press.

Berry, Bonnie. 2012. A critical interpretation of animal exploitation. In *Routledge Handbook of Critical Criminology*, Walter S. DeKeseredy and Molly Dragiewicz, eds. Pp. 230–40. London and New York: Routledge.

Best, Joel. 1999. *Random violence: How we talk about new crimes and new victims*. Berkeley: University of California Press.

Bostaph, Lisa Growette, Patrick Brady, and Andrew Giacomazzi. 2014. Criminal justice education: Are we missing one-third of the crime triangle? *Journal of Criminal Justice Education* 25(4): 468–485.

Cullen, Francis T., Robert Agnew, and Pamela Wilcox. 2014. *Criminological theory: Past to present*, 5th ed. New York/Oxford: Oxford University Press.

Currie, Dawn H., Walter S. DeKeseredy, and Brian D. MacLean. 1990. Reconstituting social order and social control: Police accountability in Canada. *Journal of Human Justice* 2(1): 29–54.

Curra, John. 2014. *The Relativity of Deviance* 3/e. Thousand Oaks, CA: Sage.

DeKeseredy, Walter S. 2013. Pushing the envelope: The current state of North American critical criminology. Paper presented at the annual meeting of the American Social of Criminology (Presidential panel: Key perspectives in critical criminology), Atlanta, GA (22 Nov 2013). Available at https://asc41.com/Annual_Meeting/2013/Presidential%20Papers/2013_Presidential_Papers.html.

DeKeseredy, Walter S., and Joseph F. Donnermeyer. 2013. Thinking critically about rural crime: Toward the development of a new left realist perspective. In *New Directions in Crime and Deviancy*, Simon Winlow and Rowland Atkinson, eds. Pp. 206–22. London and New York: Routledge.

DeKeseredy, Walter S., and Martin D. Schwartz. 2012. Left realism. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 105–116. London/New York: Routledge.

DeKeseredy, Walter S., Brian D. MacLean, and Martin D. Schwartz. 1997. Thinking critically about left realism. In *Thinking critically about crime*, ed. Brian MacLean and Dragan Milovanovic, 19–27. Vancouver: Collective Press.

Dohrn, Bernadine. 2000. "Look Out, Kid, It's Something You Did": The Criminalization of Children. In *The Public Assault on America's Children: Poverty, Violence, and Juvenile Injustice*, Valerie Polakow, ed. Pp. 157–87. New York and London: Teachers College Press.

Donnermeyer, Joseph F. 2012. Rural crime and critical criminology. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 289–301. London/New York: Routledge.

Donnermeyer, Joseph F., and Walter S. DeKeseredy. 2008. Toward a rural critical criminology. *Southern Rural Sociology* 23(2): 4–28.

Donnermeyer, Joseph F., and Walter S. DeKeseredy. 2014. *Rural criminology*. London/New York: Routledge.

Giroux, Henry A. 2004. *The Terror of Neoliberalism: Authoritarianism and the Eclipse of Democracy*. Boulder, CO: Paradigm Publishers

Hagan, John. 1985. *Modern Criminology: Crime, Criminal Behavior, and Its Control*. New York: McGraw-Hill.

Hagan, John. 1977. *The Disreputable Pleasures*. Toronto: McGraw-Hill Ryerson.

Hall, Stuart, Tony Jefferson, John Clarke, and Chas Critcher. 1976. *Policing the crisis: Mugging, the state and law and order*. London: Macmillan.

Hayward, Keith, and Jock Young. 2012. Cultural criminology. In *The Oxford handbook of criminology*, 5th ed, ed. Mike Maguire, Rod Morgan, and Robert Reiner, 113–137. Oxford: Oxford University Press.

Henry, Stuart, and Mark M. Lanier. 1998. The Prism of Crime: Arguments for an Integrated Definition of Crime. *Justice Quarterly* 15(4): 609–627.

Henry, Stuart, and Dragan Milovanovic. 1996. *Constitutive criminology: Beyond postmodernism*. London: Sage.

Henry, Stuart, and Dragan Milovanovic (eds.). 1999. *Constitutive criminology at work: Applications to crime and justice*. Albany: State University of New York Press.

Hill, Joanna F. 2015. A systems thinking perspective on the motivations and mechanisms that drive wildlife poaching. In *Green harms and crimes: Critical criminology in a changing world*, ed. Ragnhild Aslaug Sollund, 189–219. Basingstoke: Palgrave Macmillan.

Hulsman, Louk H. C. 1986. Critical Criminology and the Concept of Crime. Contemporary Crisis 10(1): 63–80.

Kinsey, Richard, John Lea, and Jock Young. 1986. *Losing the fight against crime*. Oxford: Blackwell.

Lanier, Mark M., and Stuart Henry. 2010. *Essential criminology*, 3rd ed. Boulder: Westview.

Larsen, Guri. 2012. The Most Serious Crime: Eco-genocide Concepts and Perspectives in Eco-global Criminology. In *Eco-global Crimes: Contemporary Problems and Future Challenges*, Rune Ellefsen, Ragnhild Sollund and Guri Larsen, eds. Pp. 33–56. Surrey, UK: Ashgate.

Lea, John. 1987. Left realism: A defence. *Contemporary Crises* 11: 357–370.

Lea, John. 1992. The analysis of crime. In *Realist criminology: The realist debate*, ed. J. Young and R. Matthews, 69–94. London: Sage.

Lea, John. 2002. *Crime & modernity: Continuities in left realist criminology*. London: Sage.

Lea, John. 2010. Left realism, community and state-building. *Crime, Law and Social Change* 54(2): 141–158.

Lea, John, and Jock Young. 1984. *What is to be Done about Law and Order?* Harrmondsworth: Penguin Books.

Leech, Garry. 2012. *Capitalism: A Structural Genocide*. London and New York: Zed Books.

Lemieux, A.M. 2014. Introduction. In *Situational prevention of poaching*, ed. A.M. Lemieux, 1–17. London/New York: Routledge.

MacLean, Brian D. 1989. The Islington crime survey 1985: A cross-sectional study of crime and policing in The London Borough of Islington. University of London doctoral dissertation, London.

MacLean, Brian D. 1991. In partial defence of socialist realism: Some theoretical and methodological concerns of the local crime survey. *Crime Law and Social Change* 15(3): 213–254.

Matthews, Rick. 2012. Marxist criminology. In *Routledge Handbook of Critical Criminology*, Walter S. DeKeseredy and Molly Dragiewicz, eds. Pp. 93–104. London and New York: Routledge.

Matthews, Roger. 1988. Reassessing informal justice. In *Informal justice?* ed. Roger Matthews. London: Sage.

Mathews, Roger. 2009. Beyond "so what?" Criminology. *Theoretical Criminology* 13(3): 341–362.

Matthews, Roger. 2010. The construction of "so what?" Criminology: A realist analysis. *Crime, Law and Social Change* 54(2): 125–140.

Matthews, Roger. 2014. *Realist criminology*. Basingstoke: Palgrave Macmillan.

Matthews, Roger. In press. Realism and Left Idealism. In *The Routledge Companion to Criminological Theory and Concepts,* Avi Brisman, Eamonn Carrabine and Nigel South, eds. London and New York: Routledge.

Matthews, Roger, and Jock Young. 1992. Reflections on Realism. In *Rethinking Criminology: The Realist Debate* Jock Young and Roger Matthews, eds. Pp. 1–23. London: SAGE.

Michalowski, Raymond. 2012. The master's tools: Can supranational law confront crimes of powerful states? In *State crime and resistance*, ed. Elizabeth Stanley and Jude McCulloch, 210–224. London/New York: Routledge.

Milovanovic, Dragan (ed.). 1997. *Chaos, criminology, and social justice: The new orderly (dis)order*. Westport: Praeger.

Milovanovic, Dragan. 2001. Chaos theory. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 28–30. London: SAGE Publications.

Milovanovic, Dragan. 2013. Chaos theory. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 37–40. London/Thousand Oaks: SAGE Publications.

Milovanovic, Dragan. 2014. *Quantum holographic criminology: Paradigm shift in criminology, law & transformative justice*. Durham: Carolina Academic Press.

Muncie, John. 1996. The Construction and Deconstruction of Crime. In *The Problem of Crime*, John Muncie and Eugene McLaughlin, eds. Pp. 5–65. London: SAGE.

Pires, Stephen F., Rob T. Guerette and Christopher H. Stubbert. 2014. The Crime Triangle of Kidnapping for Ransom Incidents in Colombia, South America: A 'Litmus' Test for Situational Crime Prevention. *British Journal of Criminology* 54(5): 784–808.

Quinney, Richard (ed.). 1974. *Criminal justice in America: A critical understanding*. Boston: Little, Brown.

Ross, Jeffrey Ian, and Dawn L. Rothe. 2008. Ironies of controlling state crime. *International Journal of Law, Crime and Justice.* 36(3): 196–210.

Ruggiero, Vincenzo. 1992. Realist criminology: A critique. In *Rethinking criminology: The realist debate*, ed. Jock Young and Roger Matthews, 123–140. London: Sage.

Schehr, Robert, and Dragan Milovanovic. 1999. Conflict mediation and the postmodern: Chaos, catastrophe, and psychoanalytic semiotics. *Social Justice* 26(1): 208–232.

Schwartz, Martin D., and Walter S. DeKeseredy. 1991. Left Realist Criminology: Strengths, Weaknesses and the Feminist Critique" *Crime, Law and Social Change* 15(2): 51–72.

Skogan, Wesley G. 2006. Asymmetry in the impact of encounters with police. *Policing and Society* 16(2): 99–126.

Skogan, Wesley G. 2009. Concern about crime and confidence in the police: Reassurance or accountability? *Police Quarterly* 12(3): 301–318.

Stretesky, Paul B., Michael A. Long and Michael J. Lynch. 2014. *The Treadmill of Crime: Political Economy and Green Criminology*. London and New York: Routledge.

Takemura, Noriyoshi. 2010. The criticality of global environmental crime and the response of chaos criminology. In *Global environmental harm: Criminological perspectives*, ed. Rob White, 210–227. Cullompton: Willan.

Taylor, Ian. 1982. *Law and order: Arguments for socialism*.London: Macmillan.

Taylor, Ian. 1988. "Left Realism, The Free Market Economy and The Problem of Social Order" paper delivered to The American Society of Criminology Annual Meeting, Chicago, November, 1988.

Taylor, Ian. 1992. Left realist criminology and the free market experiment in Britain. In *Rethinking Criminology: The Realist Debate*, Jock Young and Roger Matthews, eds. Pp. 95–122. London: SAGE.

Taylor, Ian. 1999. *Crime in context: A critical criminology of market societies*. Cambridge: Polity Press.

Troshynski, Emily. 2012. Human trafficking. In *Routledge Handbook of Critical Criminology*, Walter S. DeKeseredy and Molly Dragiewicz, eds. Pp. 341–59. London and New York: Routledge.

Tyler, Tom R. 1988. What is procedural justice?: Criteria used by citizens to assess the fairness of legal procedures. *Law and Society Review* 22(1): 103–135.

Walters, Glenn D. 1999. Crime and chaos: Applying nonlinear dynamic principles to problems in criminology. *International Journal of Offender Therapy and Comparative Criminology*. B43(2): 134–153.

Weber, Leanne, Elaine Fishwick, and Marinella Marmo. 2014. *Crime, justice and human rights*. Basingtstoke: Palgrave Macmillan.

White, Rob. 2011. *Transnational environmental crime: Toward an eco-global criminology*. London/New York: Routledge.

White, Rob, and Diane Heckenberg. 2014. *Green criminology: An introduction to the study of environmental harm*. London/New York: Routledge.

White, Rob, and Santina Perrone. 2010. *Crime, criminality and criminal justice*. Melbourne: Oxford University Press.

Williams, Christopher R. 2008. Predictive efficacy and the preventive detention of dangerous sexual offenders: Contributions from nonlinear dynamical systems theory.*Critical Criminology* 16(3): 185–196.

Williams, Christopher R., and Bruce A. Arrigo. 2001a. Anarchaos and order: On the emergence of social justice. *Theoretical Criminology: An International Journal* 5(2): 223–252.

Williams, Christopher R., and Bruce A. Arrigo. 2001b. *Law, psychology, and justice: Chaos theory and the new (dis)order*. Albany: SUNY Press.

Williams, Christopher R. 2008. Predictive efficacy and the preventive detention of dangerous sexual offenders: Contributions from nonlinear dynamical systems theory. *Critical Criminology* 16(3): 185–196.

Witt, Jon. 2011. *SOC*. New York: McGraw-Hill.

Young, Jock. 1986. The failure of criminology: The need for a radical realism. In *Confronting crime*, ed. Roger Matthews and Jock Young, 4–30. London: Sage.

Young, Jock. 1987. The tasks facing a realist criminology. *Contemporary Crises* 11: 337–356.

Young, Jock. 1991a. Asking questions of left realism. In *New directions in critical criminology*, ed. Brian D. MacLean and Dragan Milovanovic, 15–18. Vancouver: The Collective Press.

Young, Jock. 1991b. Left realism and the priorities of crime control. In *The politics of crime control*, ed. Kevin Stenson and David Cowell, 146–160. London: SAGE Publications.

Young, Jock. 1992. Ten points of realism. In *Rethinking criminology: The realist debate*, ed. J. Young and R. Matthews, 24–68. London: Sage.

Young, Jock. 1994. Incessant chatter: Recent paradigms in criminology. In *The Oxford handbook of criminology*, ed. Mike Maguire, Rod Morgan, and Robert Reiner, 69–124. Oxford: Oxford University Press.

Young, Jock. 1997. Left realism: The basics. In *Thinking critically about crime*, ed. B.D. MacLean and D. Milovanovic, 28–36. Vancouver: Collective Press.

Young, Jock. 2001. Left realism. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 163–165. London/Thousand Oaks: SAGE Publications.

Young, Jock. 2013. Left realism. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 251–253. London/Thousand Oaks: SAGE Publications.

Young, Jock, and Roger Matthews. 1992a. Questioning left realism. In *Issues in realist criminology*, ed. Roger Matthews and Jock Young, 1–18. London: SAGE Publications.

Young, Jock, and Roger Matthews (eds.). 1992b. *Rethinking criminology: The realist debate*. London: Sage.

3

Red Hook, the RHCJC, and Youth Courts

Red Hook, Brooklyn[1]

Red Hook is a mixed-use neighborhood in South Brooklyn located on a peninsula in the New York Harbor, facing Governors Island to the northwest and the mouth of the Gowanus Canal to the southeast (Kasinitz and Hillyard 1995; Kasinitz and Rosenberg 1996; Mooney 2012; NYRCR 2013).[2] Despite its view of the Statue of Liberty and proximity to the lower Manhattan financial district, Red Hook is isolated from the rest of Brooklyn and New York because it is surrounded by water on three sides (Buttermilk Channel/Upper Bay to the west, Gowanus Bay to the south, and Gowanus Canal to the east) and cut off from the rest of Brooklyn by the Gowanus Expressway to the northeast (see Maps 3.1 and 3.2; see, e.g., Carter 2004; Cohen 2013; Dickey and McGarry 2006; Donovan 2001; Jackson 1998; Kasinitz and Hillyard 1995; Kasinitz and Rosenberg 1996; Kimmelman 2014; Levinson 2000; Mooney 2013; Nazaryan 2013; NYRCR 2013; Reiss

[1] Portions of this section have appeared in Brisman (2009: 14–6).

[2] For the 2010 Census, Red Hook comprised three census tracks: 53, 59, 85 (see US Census Bureau, 2010 Census, SF1, Population Division—New York City Department of City Planning, maps.nyc.gov/census). For the 2000 Census, Red Hook comprised four census tracks: 0055, 0057, 0059, 0085 (see Fagan and Malkin 2003:914 n.71).

A. Brisman, *Geometries of Crime*, DOI 10.1057/978-1-137-54620-3_3

Map 3.1 Map of Red Hook
(Source: © OpenStreetMap contributors, cartography licensed as CC BY SA)

Map 3.2 Map of Red Hook
(Source: © OpenStreetMap contributors, cartography licensed as CC BY SA)

2000; White et al. 2003). Subway service exists only on the periphery of the neighborhood, making trips to Manhattan and other parts of Brooklyn a challenge (Kasinitz and Hillyard 1995; Zukin 2010:164).[3]

From the mid-nineteenth to mid-twentieth centuries, Red Hook exhibited a vibrant and multi-ethnic waterfront lifestyle (Bernardo and Weiss 2000; Donovan 2001; Kasinitz and Hillyard 1995; Kasinitz and Rosenberg 1996; Kavanagh 2013; Malkin 2009; Mooney 2012; Scanlon 2009).[4] Although always considered a tough neighborhood—Al Capone started his criminal career there, and mob violence and union corruption defined the waterfront piers—Red Hook was perceived as a destination for European sailors looking to jump ship and was regarded as "brimming with life" by residents who enjoyed its movie houses, shopping district, and public pool and bathhouse (Reiss 2000:11–2; see also Jackson 1998; Kasinitz and Hillyard 1995; Kleinfield 2009; Nazaryan 2013; Scanlon 2009; Schwartz 1949; Willensky 1986). But beginning in the 1950s, population exodus and economic disinvestment—caused in part by the changing nature of the shipping industry (see Kavanagh 2013)—started to transform Red Hook into a socially isolated (Wilson 1987, 1996; see also Wacquant and Wilson 1989; see generally Connolly 1977), blighted, and violent neighborhood (Jackson 1998; Reiss 2000).[5] In the 1980s

[3] To get to Red Hook, one can take the B61 bus, which runs between Windsor Terrace and downtown Brooklyn, stopping in downtown Brooklyn near the Jay Street–Borough Hall subway stop (A, C, F lines) and near the Borough Hall stop (2, 3, 4, 5, M, R). One can also take the water taxi to IKEA (discussed below) from Pier 11 near Wall Street in Manhattan. Note that on June 20, 2011, the Smith–Ninth Streets F and G station—the closest subway stop—closed for renovations (Graham 2011; Seaton and Parker 2011). What was supposed to be a nine-month project took almost two years—the station reopened on April 26, 2013 (Mooney 2012; Venugopal 2013)—which created further challenges for those wishing to use public transportation to and from Red Hook. As Kimmelman (2014:C1) explains, "transit is about more than getting around. It maps a city's priorities, creating a spine and a future for neighborhoods. It's about economic as well as social mobility."

[4] For a brief history of Red Hook—from 1636, when Dutch settlers established a village at the waterfront of what is now known as South Brooklyn and called it "Roode Hoeck" (also spelled "Roode Hoek") because of the red soil and hook-shaped peninsula, to 2008—see Scanlon (2009); see also Bernardo and Weiss (2006:57, 133–4, 139); Jackson (1998:187–90); Mooney (2012). For a more in-depth history, see Reiss (2000).

[5] I use the term "social isolation" with some reservations. According to Goode and Maskovsky (2001:12–3), under the Wilsonian conception of "social isolation":

> state policies such as affirmative action and market forces ha[v]e created segregation (apartheid) for the inner-city poor. [They] have produced isolation from middle-class role models, resulting in increasingly "pathological" behavior among those left behind, and [have] further increased the spatial concentration of unemployment and substandard housing,

Red Hook was considered one of the most crack-infested communities in the nation (Barnes and Holt 1988; Fagan and Malkin 2003; Kavanagh 2013; Scanlon 2009; Tcholakian 2013)—what Wacquant (2001; see also

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> crime, drug use, and other social ills as a consequence. Although supporters of this perspective argue for massive "structural" solutions to poverty, they do not dispute the assumptions about individual pathology that are the cornerstone of the right's attack on the poor. Indeed, Wilson in particular has not only insisted, over the course of his long and influential career, that unwed motherhood, participation in the informal economy, drug use, and crime are measures of bad, ghetto-specific behaviors; he has also admonished the left for neglecting to admit the failings of inner-city residents, arguing that the left's silence on these matters has fueled the rightward shift in social welfare policy. (internal citations omitted)

In a slightly different vein, Young (2003:396) argues that:

> [p]hysical, social and moral boundaries are constantly crossed in late modernity…. [T]hey are transgressed because of individual movement, social mobility, the coincidence of values and problems both sides of any line and the tremendous incursion of the mass media which presents city-wide and indeed global images to all and sundry while creating virtual communities and common identities across considerable barriers of space. Boundaries are crossed, boundaries shift, boundaries blur and are transfixed. The socially excluded do not, therefore, exist in some "elsewhere" cut off spatially, socially and morally from the wider society.

I would certainly share Goode and Maskovsky's concern that Wilson couples "social isolation" with "'pathological' behavior among those left behind"—that Wilson neglects to dispute "the assumptions about individual pathology that are the cornerstone of the right's attack on the poor." (Although it bears mention that Wacquant and Wilson (1989:25), when describing the term "underclass," assert that "it [the underclass] must denote a new socio-spatial patterning of class and racial domination, recognizable by the unprecedented concentration of the most socially excluded and economically marginal members of the dominated racial and economic group. It should not be used as a label to designate a new breed of individuals molded freely by a mythical and all-powerful culture of poverty.") I would also agree with Young's critique of the "binary of inclusion/exclusion where the excluded exist in an area which is spatially segregated and socially and morally distinctive" (2003:390 [citation omitted])—his assertion that while exclusion and the setting up of barriers are characteristics of late modern society, borders are increasingly permeable and transgressed. Rather, I use the term "socially isolated" to refer to groups of working poor people who are isolated or disconnected *physically* from the rest of the city and, as a result, are removed from (and come into contact far less with) middle-class role models. Instead of coupling "social isolation" with "increasingly 'pathological' behavior among those left behind," as Wilson does, I conceptualize "social isolation" as stemming from *geographic* isolation—for, as Young (2003:396) recognizes, "transport systems leave whole tracts of the city dislocated from the rest"; the consequence of this spatial isolation is not just lack of interaction with middle-class role models, but a lack of opportunity to access the cultural and social capital that comes with middle-class connections. In applying the term "social isolation" to Red Hook, I in no way mean to suggest that Red Hook residents possessed (or still possess) some sort of "individual pathology" that makes them responsible for their own failings. I make no assumptions about their abilities (past or present). Rather, I simply mean to suggest that the physical isolation of Red Hook cut off many Red Hook residents from the rest of Brooklyn and from Manhattan (which, though visible from the docks, often seemed light-years away—a perspective shared by Maldonado [2010:30]), thereby depriving Red Hook residents of a certain level of socio-economic diversity in their day-to-day activities (and the benefits thereof); when Red Hook became plagued with crime and drug problems, fewer people came to Red Hook, thereby further augmenting the sociospatial isolation of Red Hook residents.

Wacquant and Wilson [1989]) would refer to as a "hyperghetto." In a special report, *Life* magazine (1988:93) offered the following description:

> The Red Hook housing project in South Brooklyn has faced its share of problems common to inner cities—crime, unemployment, teenage pregnancy—but the community always pulled together to battle the difficulties. Then three years ago crack hit the Hook, and today every one of the project's 10,000 residents is either a dealer, a user or a hostage to the drug trade. Violent crimes have more than doubled in the past three years, and police attribute the entire increase to crack, a potent form of cocaine. At the local clinic, 75 percent of the cases are crack related. But the true extent of the epidemic cannot be measured in numbers. Crack has permeated every corner of the Hook's 33 acres and 31 apartment buildings. Each day maintenance men raise and lower an American flag over a swarm of dealers who hang out on playground seesaws, slides and jungle gyms. Vials and hypodermic needles litter the grounds. Shoot-outs erupt almost daily between rival operations, and one local bar owner has been forced to serve customers from the relative safety of his apartment. The only businesses left around the project are a few auto body shops and candy stores, and GiJo's pizzeria. But many of the candy shops sell drug paraphernalia under the counter, and GiJo's, according to city councilman Stephen DiBrienza, is a major drug supplier. Even a neighborhood ice cream truck sells vials of crack.

Red Hook continued to experience economic disinvestment and violence in the late 1980s and early 1990s, and the neighborhood received notoriety in 1992 when Patrick Daly, a popular elementary-school principal, was killed by a stray bullet from a shoot-out between rival drug dealers (Fried 1993; McFadden 1992; Sexton 1993; see also Berman and Feinblatt 2005; Bleyer 2008; Carter 2004; Donovan 2001; Fahim 2010i; Helmore 2003; Hynes 2008; Jackson 1998; Kavanagh 2013; Perrotta 2005; Reiss 2000; Temple-Raston 2004; Tcholakian 2013; Zukin 2010). Sensational news coverage of the tragedy spurred some residents to propose changing the name of the neighborhood from Red Hook to Liberty Heights (Berman and Fox 2005:77; Reiss 2000:25; see Figs. 3.1 and 3.2 below).[6]

James Brodick, former project director at the RHCJC, described his first experience coming to Red Hook in the late 1990s:

[6] Note, however, that Fagan and Malkin (2003:915) point to the Daly shooting as "one of the galvanizing events in the establishment of the Red Hook Community Justice Center"—a point to which I will return below.

Fig. 3.1 Liberty Heights, October 2008 (Photograph by Avi Brisman)

So, my first experience was getting off the train at Jay Street/Borough Hall and running a little bit late to work, and I said, "Oh, well let me catch a cab," and I got in the first cab, and I had an address to go to and it said 135 Richards Street, so I said, "135 Richards Street," and they go, "No, we don't go there." So, I'm thinking, "Okay, maybe he just doesn't know where 135 Richards Street is." I got out of the cab, wasn't thinking, and then I said, "This is stupid. I should just say what neighborhood I'm going to, right?" Once you're there, you figure it out. So, I stopped the next cab and I said, "I'm going to Red Hook." "Why are you going to Red Hook?" and I said, "I'm going to work," and they're like, "No, we don't go there." So, at that point, I started to realize, "What the hell am I getting into?" you know? I mean I don't know what it is. People have their perception of the Bronx [where James is from], so I never think the neighborhood is bad, right? I mean I might have lived in a pretty decent area, but I've known friends who lived in housing developments. How much worse could Red Hook be?[7]

[7] Interview with James Brodick—July 26, 2007; see generally Meadows (2009).

Fig. 3.2 Liberty Heights, October 2008 (Photograph by Avi Brisman)

By 2000 the drug addiction and drug-related violence in Red Hook had abated from its highs in the 1990s—as it had throughout New York City (Fagan and Malkin 2003; Malkin 2009)—although the mainstream media continued to depict Red Hook as "crime-ridden" (Katz 2000) and as "a grim warren of guns, drugs and gangsters" (Levinson 2000).

Nevertheless, while crime rates had been falling precipitously in the eight years prior to 2000 (see, e.g., Blumstein and Wallman 2006:2; Zimring 2007:v; see also CNN 2001; see generally Goodman 2013; Matthews 2014), Red Hook was, according to the 2010 Census, still a disadvantaged neighborhood with a majority of its approximately 11,000 residents living in public housing projects—called the Red Hook Houses—built in 1938 for the families of dockworkers and one of the largest public housing projects in New York (Bleyer 2008; Carter 2004; Dickey and McGarry 2006; Fagan and Malkin 2003; Graber 2010; Jackson 1998; Kavanagh 2013; Perrotta 2005; Temple-Raston 2004).[8] Of this predominantly minority neighborhood (more than 80 % of those living in the Red Hook community consider themselves non-white), more than 20 % of the men and women ages 20–64 were unemployed—significantly higher than the figures of 9.6 % for New York City and 8.6 % for the whole country—and almost 40 % of all people reported incomes below the federal poverty line for the previous twelve months—a percentage that is more than twice that of New York City (19.9 %) and more than two and a half times that of the United States (14.9 %).[9] In 1999, the median annual household income in

[8] It is somewhat difficult to provide precise figures for the population of Red Hook because of the differences between neighborhood delineations and census tracks (see note 2 in this chapter). Thus, for example, Mooney (2012:RE7) describes Red Hook as "[a] chunk of land covering less than half a square mile" and reports that "[t]he majority of residents—more than 6000 out of…10,300 or so… live in the Red Hook Houses." The New York Rising Community Reconstruction Program (NYRCR), which was established by Governor Andrew M. Cuomo to provide rebuilding and revitalization assistance to communities damaged by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee, states that the "Red Hook planning area"—an area based, in part on "local understanding of community boundaries, areas where assets are most at risk, where reconstruction should be encouraged, and where key investments to improve the local economy can be made"—covers a "1.3 square mile area with a population of approximately 12,400 people" (2013:6, 7). According to the NYRCR (2013:7), "Red Hook Houses, the second largest public housing projects in New York City and largest in Brooklyn, houses around 6000 residents and comprises nearly half of the Red Hook planning area population. Both of these figures are reported by local residents to be under-counted since they may not capture individuals in informal living situations." Regardless of the actual percentage of residents living in public housing projects, the fact that so many do takes on added significance when one considers research that has found that New York City children who live in public housing perform worse in schools than students who live in other types of housing (see Fernandez 2008). For a competing perspective—an article about "notable" individuals who grew up in New York City housing projects and "landed at the top of their fields"—see Alvarez and Wilson (2009).

[9] As noted above (see notes 2 and 8), for the 2010 Census, Red Hook comprised three census tracks: 53, 59, 85. Census tracks, however, do not overlay perfectly with neighborhood delineations. Nevertheless, it is possible to combine data from the individual census tracks in order to paint a

Red Hook was $27,777 (for the Red Hook Houses it was $10,372)—well below the New York City median of $38,293 (White et al. 2010; see also Fagan and Malkin 2003); in 2010, the median annual household income in Red Hook was $22,273 (for the Red Hook Houses it was $15,500)—well below the New York City median of $47,223 (see NYRCR 2013:17).

Although the majority of residents still live in public housing projects, when one considers the expanding gentrification of Brooklyn neighborhoods, including Red Hook (Zukin 2010:178; see also Bagli 2008; see generally Harvey 2008: 33, 34, 38), it becomes clear that the Red Hook of today is a far cry from the *Life* magazine description of 1988—or from when James Brodick first ventured into the neighborhood. For two straight years in the early 2000s, not a single homicide was reported, and the 76th Precinct was named the third *safest* precinct in New York City (see Lippman 2007). In contrast to the 1980s and early 1990s, when the name Red Hook conjured "images of guns and…drug-infested streets" (Howard 1998:28), Red Hook is now celebrated as one of the city's "newest hip neighborhoods" (Bleyer 2006).[10] It is more likely to get its name in the papers[11] for the IKEA store that opened on Beard Street in June 2008 (see, e.g., Albo 2008; Calder and Liddy 2008; Chen 2008; Editorial 2008; Fahim 2008a; Firger 2008; Higgins 2009; Klein 2008; McLaughlin 2008; Rothstein 2009; Witt 2008), for its vibrant art scene (see, e.g., Bleyer 2006; Graeber 2008; Kennedy 2007; Lipinski 2012; Scelfo 2009; Schweitzer 2008; Vigilante 2011),[12] and for efforts to maintain and

picture of the race, employment status, and income level of Red Hook's residents. See http://www.measureofamerica.org/wp-content/uploads/2014/10/RedHook-Fact-Sheet-2014-15.pdf. For data based on the 2000 Census, see White et al. (2003); see also Bleyer (2008); Fagan and Malkin (2003). Brooklyn, as a whole, has a higher employment and poverty rate than state and national levels (Kurtz 2014).

[10] Despite this moniker, readers should remember, as noted above, Red Hook's seventeenth-century Dutch origins. Historians frequently refer to Red Hook as part of "Old" Brooklyn—the parts of Brooklyn closest to Manhattan that had already been built by the time of World War I (see, e.g., Willensky 1986:47).

[11] In fact, in June 2010 George Fiala and Frank Galeano began *publishing* a new monthly community newspaper—*The Red Hook Star-Revue*—serving Red Hook, Carroll Gardens, and Cobble Hill.

[12] Note that some date the growth of the art scene in Red Hook to the 1970s. Jackson (1998:189) explains that in the 1970s, painters and sculptors began buying inexpensive row houses through a city program that subsidized housing for artists. Similarly, Reiss (2000:24–5) describes the restoration of warehouses in the mid-1970s—spaces that were then rented to glassblowers, marble cutters, stage-set designers, and coppersmiths. More recently, however, Red Hook has been referred to "as a kind of anti-Chelsea, its relatively cheap rents and remoteness from Manhattan making it a prime setting for a grass-roots cultural operation" (Lipinski 2012:MB1).

expand its maritime industry (Bagli 2008, 2009; see also Buiso 2009; Kleinfield 2009; Zukin 2010:164, 191; see generally Reiss 2000:28–34; cf. Leland 2012) than for its drugs, crime, and violence (Mansky 2004; cf. Yee 2013).[13] Red Hook has also become a destination for people visiting the RHCJC—some from around the world to see its operations, others a little less volitionally (Meadows 2009; see also Carter 2004).[14]

Red Hook Community Justice Center[15]

Launched in June 2000 and operating out of a refurbished parochial school that had been empty since the 1970s,[16] the RHCJC—a collaborative effort between the King's County District Attorney's Office, the Center for Court Innovation, and the Office of Court Administration (Hynes 2008; see generally Farrell 1998; Holt 1998)—is the United States' first multi-jurisdictional community court (Mansky 2004:257; Meadows 2009; Pritchard 2008; see Figs. 3.3 and 3.4).[17]

[13] In a "Local Stop" feature on Red Hook, Rueb (2010:MB3) writes: "The Brooklyn neighborhood of Red Hook may be most famous these days for affordable Swedish design, but a group of artists is giving the once rough-and-tumble peninsula a softer, more creative edge." Similarly, Nazaryan (2013:C4) describes Red Hook as "a strange amalgam of housing projects, big-box stores like Fairway and IKEA, and artists' lofts, as well as desultory row houses that recall the dwindling populations of Irish and Italians that once made their living on the docks." Note, however, that IKEA's entry into Red Hook was not without controversy and conflict (see generally Mooney 2012). For a discussion of community resistance to IKEA's efforts and plans to open a store in Red Hook, see Zukin (2010). Note also that Hurricane Sandy—the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season and one of the costliest hurricanes in United States history—ravaged Red Hook. The damage—and the recovery—garnered significant media attention (see, e.g., Buckley 2012, 2013a, b; Cohen 2013; Louie 2013).

[14] Although community courts, by definition, "are located in facilities within the community being served" (Kaye 2004:130 n.17), the criminal court of the RHCJC handles the misdemeanor cases arising in three police precincts in Brooklyn—the 72nd, 76th, and 78th—which encompass Park Slope, Prospect Heights, Red Hook, Sunset Park, and Windsor Terrace (Hynes 2008; Perrotta 2005; see also Dwyer 2014).

[15] Portions of this section have appeared in Brisman (2010/2011:1048–9).

[16] The building—a Tudor Gothic edifice—located at 88 Visitation Place (see Map 3.3)—was built in 1909 as Visitation Roman Catholic School (Reiss 2000:40). The "groundbreaking ceremony" for the RHCJC took place in June 1998 in an improvised sandbox because there was no earth to move (see, e.g., Farrell 1998; Holt 1998); the RHCJC opened its doors on April 3, 2000.

[17] According to some commentators (see, e.g., Fagan and Malkin 2003; Stern 2002; Tcholakian 2013), the inspiration to create the RHCJC grew, in part, out of the killing of Patrick Daly—a point alluded to above. Indeed, as Donovan (2001:7) reports, "[t]he movement to create the center began

Fig. 3.3 Red Hook Community Justice Center building, August 2007 (Photograph by Avi Brisman)

Community courts—a type of problem-solving court—attempt to address neighborhood-specific problems, such as low-level criminal cases (including so-called "quality-of-life" offenses, such as loitering, panhandling, prostitution, public urination, and vandalism), domestic violence, drugs, and landlord–tenant disputes by trying to change the behavior

after Patrick Daly, a beloved principal at P.S. 15 on Sullivan Street, was killed in a drug-related gunfight in December 1992 as he searched the Houses for a nine-year-old boy who had left school crying after a fight." This attribution is supported by both Judge Alex M. Calabrese and Sabrina Carter, a Red Hook resident and currently the coordinator of Youth and Community Programs at the RHCJC (see, e.g., Frazier et al. 2011; Kluger et al. 2002). In many ways and for many people, the RHCJC represents to Red Hook what the court represents to the residents of "Hopewell" in Greenhouse's (1988:689) research—a symbol that "marks the convergence of multiple lines of differentiation: between past and present, insiders and outsiders, harmony and trouble, and more." For an overview of the development of community courts and "community justice" in the United States, United Kingdom, Canada, Australia, and New Zealand, see Thom et al. (2013).

Fig. 3.4 Red Hook Community Justice Center building, August 2007 (Photograph by Avi Brisman)

of litigants with strategies based on therapeutic jurisprudence rather than just adjudicating facts and legal issues and determining guilt or innocence.[18] The community court model is based on the popular, but

[18] According to the Honorable Judith S. Kaye (2004:128), who served as Chief Judge of New York from 1993 to 2008 and who helped establish the RHCJC, problem-solving courts try to *resolve* cases, rather than just *adjudicate* cases: "The underlying premise is that courts should do more than just process cases—really people—who we know from experience will be back before us again and again with the very same problem." In order to assess which problems are of greatest concern to Red Hook residents, the RHCJC regularly conducts a survey, known as "Operation Data," which serves as "a tool for community members to voice their opinions and concerns about the neighborhood in which they live or work" and which measures "citizen perceptions of neighborhood quality of life, public safety, satisfaction with local criminal justice agencies, and familiarity and satisfaction with the [RHCJC]" (Swaner 2010:1). The June 2009 survey, for example, which was conducted during the course of my fieldwork, revealed the respondents were most concerned with guns, gangs, HIV/AIDS, and public drinking; respondents were least likely to identify panhandling, abandoned buildings, dilapidated parks, and shoplifting as significant problems in Red Hook (Swaner 2010:4). For a discussion of how problem-solving courts solicit information about community needs, see Porter et al. (2010).

Map 3.3 Map of Red Hook
(Source: © OpenStreetMap contributors, cartography licensed as CC BY SA)

controversial, "broken windows" perspective, promulgated by Wilson and Kelling (1982), which posits that disorder in a community can grow, if left unchecked, and that if social order crumbles, larger crimes will occur.[19] At

[19] In "Broken Windows: The Police and Neighborhood Safety," Wilson and Kelling (1982) argue that broken windows and graffiti convey the sentiment that "no one cares" in or about the surrounding community. According to them, these indicia of uncontrolled space can send the message that authorities have relinquished control of the area and that disorder is tolerated. If ignored—if broken windows are not repaired and if graffiti is not covered up—the neighborhood can rapidly descend into incivility and criminality. The "broken windows" thesis became the basis for the aggressive crackdown on "quality of life" violations in New York City and elsewhere

the RHCJC, a single judge (the Honorable Alex M. Calabrese) hears cases that under ordinary circumstances would appear in three different courts—civil court, family court, and criminal court (Mansky 2004:254; Meadows 2009; Ronalds-Hannon 2010; Wilson 2006; see also Breyer 2009; Dwyer 2014; Farrell 1998; Fisler 2005; Fried 1999; Tcholakian 2013).[20] Such a consolidation purportedly allows court players to search for and identify the root causes of an individual's or community's problems and to offer coordinated, rather than piecemeal, responses (see Berman and Feinblatt 2001, 2005; Mansky 2004:254; Pritchard 2008:6; see also Carter 2004; Das 2008; Eaton and Kaufman 2005; Helmore 2003; Kaye 2004; Thom et al. 2013; Worth 2002; but see Fagan and Malkin 2003; Malkin 2003, 2005, 2009). Thus, for example, in criminal court at the RHCJC, Judge Calabrese can choose from an array of sanctions and social services at his disposal. While he may employ standard sentences, such as jail time or fines, he can also select from a menu of alternative sanctions, including community restitution projects, on-site job placement, educational workshops and GED classes, and domestic violence, drug treatment, and mental health counseling—all of which, according to Adam Mansky, director of operations at the Center for Court Innovation and the first project director at the RHCJC, "are rigorously monitored to ensure accountability and drive home notions of individual responsibility" (2004:257).[21]

(see, e.g., Giuliani 2012; Weber 2012). The RHCJC was established in large part to address so-called quality of life offenses, and it subscribes to the broken windows model of addressing small disorder problems in the hopes that doing so will forestall bigger crime problems and contribute to public safety (see, e.g., Berman and Fox 2005; Daloz 2009; Fagan and Malkin 2003; Howard 1998; Katz 2000; Malkin 2003; Meekins 2006; Mirchandani 2008). For brief overviews of the broken windows perspective, see, e.g., Carter (2004); Cullen et al. (2014:461–5); McLaughlin (2013:27–9); for criticisms, see, e.g., Brisman (2011, 2012); Ferrell (2001); Gaines and Kappeler (2015:20); Matthews (2014); Rose (2015); Snyder (2009).

[20] According to Thom and colleagues (2013:9), "[t]he focus on building connections and partnerships with offenders, criminal justice and social welfare agencies and with the community necessitates a consistency of judicial involvement. Most of the community courts and community justice centres involve the same judge presiding over all cases and they are often viewed as 'the face of community justice' (Grant 2007)."

[21] Katz (2000) explains that while Judge Calabrese's sentences "may seem soft," his "second chances come with a price. Follow through, he warns, or 'you will be back before me, which is not a good idea. Got that?'" Doniger (2008:2) notes that while the RHCJC offers a GED program, a housing resource center, job training, substance abuse treatment, and other social services, and that community service is often a large part of the sentences meted out by Judge Calabrese, the sentences are no cakewalk: "Lest you think this is just a liberal panacea, be assured that sentences in such community courts often are tougher with respect to low-level crime, and the counseling/treatment

In addition to functioning as a problem-solving court with a therapeutic jurisprudential slant and as a model for community courts in Australia, Canada, and the United Kingdom (see, e.g., Bateman 2012; BBC News 2005; Canadian Press 2005; Carter 2004; Doward 2004, 2009; Editorial 2007; Fyfe 2009; Kaye 2007; Mansky 2004; Meadows 2009; Pritchard 2008; Ronalds-Hannon 2010; Shore 2007; Thom et al. 2013),[22] the RHCJC serves as a community center, offering a wide range of programs for neighborhood residents, some of whom have no cases pending (see Dickey and McGarry 2006:374; Mansky 2004:254)—what Thom and colleagues (2013:9) refer to as "non-justice" issues. "We do a lot of strange things for a courthouse," former Deputy Director Kate Doniger explained to me early in my fieldwork. Indeed. The RHCJC offers (or has offered) the following programs for neighborhood residents: (1) Red Hook Youth Court (RHYC), where teenagers resolve actual cases involving their peers (e.g., assault, fare evasion, truancy, vandalism); (2) Youth Expanding Community Horizons by Organizing (Youth ECHO), a teen leadership and community organizing program in which Red Hook youth develop a message campaign about an issue affecting their lives (such as policing and jails, school, drugs, and health; see Figs. 3.5 and 3.6); (3) Police–Teen Theater Project (PTTP), a program that brings Brooklyn teenagers and New York Police Department

alternatives usually last far, far longer than the time spent serving the applicable jail sentence." Similarly, Kaye (2004:136) makes clear that "some defendants reject the opportunity to participate [in drug treatment], preferring jail time to the rigors of court-monitored treatment" (see also Carter 2004). Various studies have found that between 8 % and 35 % of defendants who are offered the opportunity to enter a drug court program decline on the grounds that jail time is "easier time" than participation in a treatment program (see Kaye 2004:13 n.49).

[22] While community courts and community justice centers are neighborhood-focused endeavors that strive to create partnerships between a justice system and outside stakeholders (e.g., local organizations, churches, merchants, residents, schools) in order to address issues of crime, justice, and safety, Thom and colleagues (2013:7) note that "there is no definitive 'community justice' model. Amongst all the different problem-solving court initiatives in operation, community courts show the most variation in underlying structure and operation. Although many community courts are influenced by the original Red Hook [Community Justice Center] or Midtown [Community Court in Manhattan, New York] models, they tend to take on a local flavour reflecting the distinct needs of the communities." Thom and colleagues (2013:8) also point out that "[t]he term 'community justice centre'…appears even more ambiguous than community courts. Community justice centres at times resemble community law centres, providing advice and advocacy, but are nevertheless termed community justice centres for reasons such as that they offer mediation services in resolving disputes."

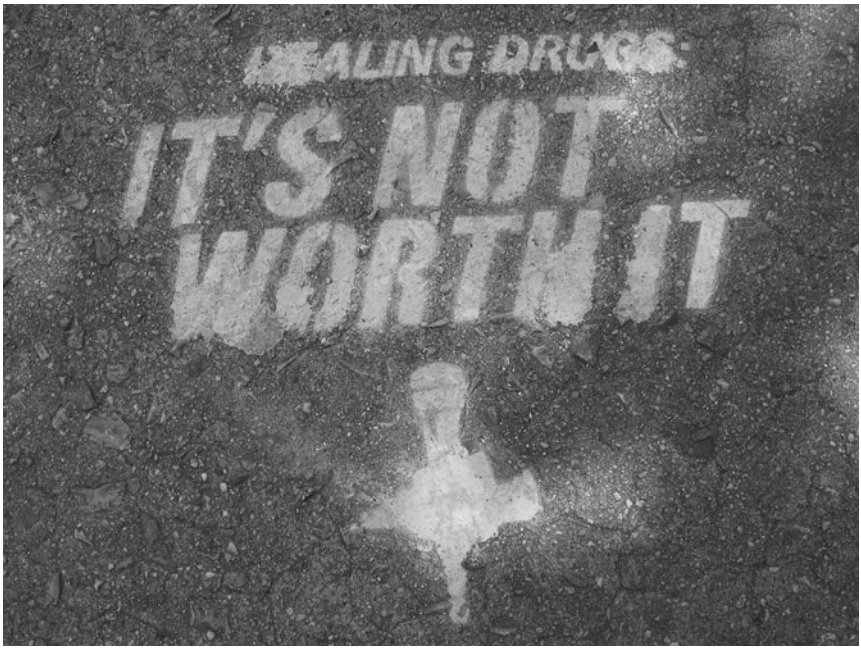

Fig. 3.5 Youth ECHO's "Drug dealing: it's not worth it" campaign, August 2008 (Photograph by Avi Brisman)

(NYPD) officers together to learn about acting, improvisation, and theater; (4) Rites of Passage, a program for young people (ages eleven through eighteen) that addresses issues young people face as they move through puberty and which helps them develop positive self-images and a more comprehensive and healthier understanding of gender and gender relations in contemporary society; (5) a summer internship program that places juvenile offenders in positions with non-profit organizations, elected officials, and governmental entities (such as city council, the district attorney's office, and Legal Aid; see Fig. 3.7); (6) a mentoring program for juvenile offenders; (7) a GED program; (8) the Red Hook Public Safety Corps, an AmeriCorps program (for ages eighteen through sixty-eight); and (9) the Red Hook Youth Baseball League (see Fig. 3.8), among others.

Fig. 3.6 Youth ECHO's "Drug dealing: it's not worth it" campaign, August 2008 (Photograph by Avi Brisman)

My fieldwork focused on the youth involved in the RHYC, Youth ECHO, and PTTP (although I did have some contact with the youth and staff involved with some of the other programs). The preponderance of my time was spent with the RHYC and its members.

Fig. 3.7 Youth opportunities fair for summer internship program, summer 2008 (Photograph by Avi Brisman)

Youth Courts[23]

Youth courts—also known as teen courts, peer juries, and student courts (Schneider 2007:5; see also Frey 2007)—are juvenile diversion programs designed to prevent the formal processing of juvenile offenders (usually first-time offenders) within the juvenile justice system (Schneider 2007:5; Stickle et al. 2008). Youth court offenders (called "respondents" at the RHYC as part of the effort to avoid the stigma of official processing for criminal and delinquent behavior[24]) are typically individuals between eleven and seventeen years

[23] Portions of this section have appeared in Brisman (2010/2011:1051–4).

[24] Although Stickle and colleagues acknowledge that teen courts provide juvenile offenders with the opportunity to avoid the stigma of official processing (2008:137, 140), they also point to research that has found that, "instead of taking away the negative label, diversion programs simply change the label…Youth going through [teen court] may see the program as providing official labels. If these youth are put in front of their peers they may feel embarrassed. [Teen court] may be stigma-

Fig. 3.8 Red Hook Youth Baseball League Championship Game and Trophy Day, June 2007 (Photograph by Avi Brisman)

of age who have been charged with misdemeanor or status offenses such as assault, disorderly conduct, fare evasion, harassment, possession of marijuana, possession of a weapon, theft (including shoplifting), truancy, and vandalism, including graffiti (Schneider 2008:7; see also Doward 2004; Robertson 2005;

tizing rather than reintegrative, a possibility that should be examined in future research" (2008:153, 154 [citing Frazier and Cochran 1986]). Essentially, Stickle and colleagues argue that what matters most is the experience of the young person in teen court. If the experience is embarrassing, then it does not matter, Stickle and colleagues suggest, if a neutral, mild, or "softer" label was applied to the young person; he or she will still feel stigmatized. On the other hand, Stickle and colleagues imply, if a young person's experience is reintegrative, then he or she may not feel stigmatized even if a negative term is given to him or her. Studies of the stigmatizing meaning and weight of different labels have taken place in other arenas. A survey of mental health care providers found that referring to people with addictions as "substance abusers" was more likely to "elicit and perpetuate stigmatizing attitudes that appear to relate to punitive judgments and perceptions that individuals with substance-related conditions are recklessly engaging in willful misconduct" than referring to such individuals as people with "substance-use disorders" (Kelly and Westerhoff 2010:207).

Sherman and Hack 2008:24; Stickle et al. 2008:137; Worth 2002).[25] The goal of youth court is to hold offenders accountable for their actions, encourage them to take responsibility for their transgressions, offer them opportunities to make restitution for violating the law, and provide them with "fair and beneficial" sanctions that try to address the underlying reasons for their behaviors (e.g., counseling, mediation, mentoring, substance-abuse evaluations and treatment, tutoring, and other educational support; see Schneider 2008:7, 9, 11; Sherman and Hack 2008:24; Stickle et al. 2008:138–40; see also Forgays and DeMilio 2005:116). The hope is that youth courts will help protect youth offenders from contact with seasoned or "hard-core" offenders (who are prosecuted and punished in regular juvenile court or adult criminal court) and help youth offenders avoid the negative repercussions of a juvenile court record (because offenders who successfully complete their youth court sanctions and who continue to stay out of trouble will frequently have their records expunged) (Stickle et al. 2008:139–40; see also Rosenberg 2011a, b; Stelloh 2010). In addition, youth courts offer some relief to the overburdened juvenile justice system without increasing recidivism (see Schneider 2008:7, 9, 29; Stickle et al. 2008:137, 139; see also Rosenberg 2011a, b).[26]

It is difficult to determine the exact number of youth courts operating in the United States and the number of cases they process. Most commentators, however, suggest that there are more than 1000 youth courts represented in almost all fifty states, processing more than 100,000 cases

[25] At the RHCJC youth between the ages of fourteen and eighteen hear cases of respondents between the ages of ten and eighteen. I found that the average age of the youth hearing the cases was fifteen; respondents tended to be the same age or younger, although I never encountered a respondent who was younger than twelve. Note that, while youth courts may hear a wide range of cases, certain types of offenses are more common in some youth courts than others—usually for demographic reasons. For example, the Red Hook Youth Court tends to receive a lot of fare evasion and truancy cases and very few dealing with trespassing. The Staten Island Youth Court hears a lot of shoplifting cases, as well as cases involving petty larceny, possession of marijuana, weapons possession, and graffiti.

[26] Stickle and colleagues describe how the popularity of youth courts is "rooted in their effort to curb the pattern of repeat offending that is so familiar to juvenile offenders" and explain that "[o]ffenders also have the opportunity to have their record expunged if they stay out of trouble and successfully complete their sanctions. Essentially, these youth are given the opportunity for a second chance, where they can learn from their mistakes and move forward without having an official record." According to Schneider (2008:5), "[y]outh courts divert about 9% of the juvenile arrests that would otherwise have to be handled by the traditional, overburdened juvenile system and they accomplish all of this on an average budget of less than $50,000."

per year.[27] While youth courts possess some degree of variability,[28] they tend to follow one of four models: the adult judge model, the youth judge model, the peer jury model, or the youth tribunal model. As Stickle and colleagues (2008:138 n.1) explain:

> The adult judge model is the most commonly used model nationally among [youth courts]. Youth are assigned to the roles of defense and prosecuting attorneys, clerk, bailiff, and jury. The adult judge presides over the hearing and has minimal involvement. Attorneys provide opening and closing statements and question the offender. The jury is responsible for deciding on appropriate sanctions for the offender. The youth judge model runs similarly to the adult judge model but uses a youth judge rather than an adult judge. The peer jury model does not involve attorneys. The jury members directly question the offender, under the supervision of an adult judge, and are responsible for providing sanctions. The final model, the youth tribunal model, uses three or four youth judges to question the offender and determine sanctions. No jurors or attorneys are present for this type of hearing. An adult supervisor is in the room to oversee the hearing.[29]

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[27] According to Schneider (2008:9), as of 2006 there were more than 1250 youth courts represented in almost all fifty states, processing more than 100,000 cases a year. Stickle and colleagues, citing 2002 data, claim that youth court programs "process nearly 100,000 cases per year" (2008:137). Schneider, citing 2004 data, claims that "110,000 to 125,000 youth offenders are served in youth court programs each year" (2008:9, 29). Given the rapid growth of youth court programs—to the point where it is now referred to as a "national movement"—it seems safe to surmise that the figures from both sources underestimate the current number of programs, cases, and offenders served (see Stickle et al. 2008:137, 138; cf. National Association of Youth Courts [n.d.] claiming that "as of March, 2010, there were over 1,050 youth court programs in operation in 49 states and the District of Columbia").

Between January 1, 2007 and July 1, 2010, the RHYC received 1829 referrals and accepted 1750 cases. (Reasons for not accepting a case include the age of the offender—too young or too old—or the nature of the offense—too severe.) Of the 1750 cases accepted, 583 proceeded—an average of 167 per year. (A case might not proceed because the youth has moved or because he or she or his or her parents are unwilling to participate.) In comparison, the Washington, DC, Youth Court—one of the largest in the country—heard 675 cases in fiscal year 2010 (Rosenberg 2011a).

[28] According to Schneider (2008:20), "[y]outh courts may have great variability in what they are called and, to some extent in their behaviors, but there are more similarities than differences when it comes to processing cases, bring them through the system, imposing sanctions, and following the sanctions through to their completion."

[29] According to Schneider (2008:12), "[t]here are four general models of youth courts: adult judge, youth judge, youth tribunal, and peer jury. Frequently, youth courts adopt one of the four models or a combination of them. In [one study], the adult judge was the most frequently adopted model."

Regardless of the model, in virtually all youth courts, the youth offender must admit to involvement in the offense and must agree to participate in the hearing (Schneider 2008:9 n.2; Stickle et al. 2008:139, 143; see also Rosenberg 2011a).[30] As Melissa Gelber, former coordinator of operations at the RHCJC, explained to me during my first week of fieldwork, "This is a completely voluntary process. They [the youth offenders] always have the possibility to opt out…They're not shackled to anything."[31] And in all youth courts, youth who are not part of the criminal justice system play a role in hearings or proceedings. As Schneider (2008:7, 29) explains, "youth courts offer youth, who are not part of the criminal justice system, a chance to participate in the decision-making process for stopping juvenile delinquency and improving the juvenile justice system…Youth courts provide volunteers with opportunities to have 'hands-on' experience in the legal system as well as to participate in a personal growth event."[32]

Note, however, that according to Rosenberg (2011b), evidence suggests that the youth courts that give the most autonomy to the teenagers themselves are the ones that work best.

[30] According to Frey (2007), in 93 % of youth courts nationwide, the youth offender must acknowledge guilt in order to participate.

[31] Whether the process is indeed "voluntary" is a matter of debate. After the RHYC receives a referral, an RHYC staff member phones the family of the youth offender to set up an interview and hearing date. If the guardian does not set up an interview and hearing date, the RHYC sends a letter to the parent or guardian of the youth offender informing him/her that the police have written up a report of the child's offense, which can adversely affect the child in the future if stopped by the police. If the parent or guardian does not respond to the first letter, a second letter is sent out warning that "[w]hile the youth court process is voluntary, failure to respond to this notice will be noted in the precinct and youth court records" (Butler 2004). If the youth does appear for an interview and hearing and receives a sanction, but fails to complete it, the referring agency or entity is notified, and the respondent is subject to the sanctions of the referring agency or entity. For a discussion of "voluntariness" in the context of community mediation—specifically, the position that "referrals from police, prosecutors, and judges [are not] inherently coercive as long as the parties consent to participate in mediation," see Harrington and Merry (1988:718–9).

[32] Similarly, Stickle and colleagues (2008:139) state that "volunteers may also benefit from their involvement with the [youth court]. Youth volunteers take an active role in providing consequences for the illegal actions of their peers." Note, however, that some youth who play a role in the hearings and proceedings were, at one point in time, offenders/respondents. Indeed, many youth courts actively encourage and recruit offenders/respondents to participate in youth court hearings and proceedings as judges, jury members, bailiffs, and lawyers after the completion of their sanctions (see, e.g., Forgays and DeMilio 2005:116; Schneider 2008:16; Sherman and Hack 2008:25; Shiff and Wexler 1996; Stelloh (2010); Stickle et al. 2008:140). As Rosenberg (2011b) explains, when youth play a role in youth court proceedings after they have been an offender/respondent, the experience "shifts teenagers from being a subject of the court process to an active participant." Rosenberg (2011b) then quotes Jeffrey Butts, director of the Research and Evaluation Center at

The RHYC, which began in 1998 prior to the opening of the RHCJC (see Howard 1998), combines elements of the youth judge model and the peer jury model and consists of a peer jury, a youth judge, a youth bailiff, and two youth attorneys—one representing the community, called the "community advocate," and one representing the offender/respondent, called the "youth advocate." "We didn't just want young adults in a traditional court setting," Melissa Gelber explained to me with respect to the decision not to adopt the "adult judge" model. Thus, unlike juvenile court or adult criminal court, RHYC members rotate roles, so that a youth advocate in one proceeding might be a juror in the next and a community advocate the following week.

In a typical RHYC proceeding, the community advocate begins with an opening statement describing to the jury (usually consisting of eight youths) the ways in which the offender/respondent's actions could have negatively affected the community. The youth advocate, who has previously spent time meeting with and interviewing the offender/respondent, then presents an opening statement stressing the offender/respondent's positive qualities. After the opening statements, the offender/respondent takes the stand and is given the opportunity to tell his or her side of the story or to make any statements he or she would like to make. The jury then questions the offender/respondent about the offense and his or her actions, behavior, and demeanor more generally, including his or her relations to parents, teachers, and peers. The jury seeks to understand the person as well as the offense (and the circumstances around and potential reasons for it). After jury questioning, the judge, bailiff, community advocate, and youth advocate are permitted to ask questions. The community advocate and youth advocate then issue their closing statements (with the former stressing the potential negative impact of the offender/respondent's actions on the community and the latter emphasizing the offender/respondent's positive qualities). The jury then deliberates privately to review the facts of the case and the characteristics and attributes of the offender/respondent and determine what sanction, if any, is appropriate for the offender/respondent (Stickle et al. 2008:139; see also Sherman and Hack 2008:25).

John Jay College of Criminal Justice, for the proposition that this shifting of roles is very important for minority youth, who frequently feel as if "the system" is unfair: "If it seems patently unfair, why should I play this game? It's rigged against me. That's part of the reason you want them to come back as [members]. You're more likely to believe in justice if you see it as fair and evenhanded. Being [a member] helps communicate that."

In order to serve on the RHYC, interested youths must fill out an application (which includes an essay), participate in a group interview (as depicted in Chapter 1), complete a nine- to ten-week training course (with classes and workshops held after school twice a week for two hours), and take a bar exam. Youth who pass the bar exam and who have had good attendance at the training sessions are invited to become "members." The training course includes a wide range of classes and workshops led by RHCJC staff and court officers, including Legal Aid Society lawyers who work at the RHCJC, assistant district attorneys who work at the RHCJC, and AmeriCorps volunteers stationed at the RHCJC. Some of the classes and workshops are specific to youth court and cover such topics as restorative justice; offenses, consequences, and sanctions; understanding the youth offender; courtroom demeanor; roles of (youth) court personnel (e.g., judge, bailiff, jury, foreperson, community advocate, and youth advocate); and opening and closing statements. Other classes and workshops are broader in scope and have applicability beyond youth court (e.g., critical thinking, objectivity, and precision questioning).

In the next chapter, I describe a number of different hearings in order to demonstrate how different types of cases and the issues therein reflected and contributed to the development of RHYC members' perceptions of criminal severity, as well as justice, law, punishment, and remorse.

References

Albo, Mike. 2008. A diverse Brooklyn, with meatballs. *The New York Times*, July 3: G4.

Alvarez, Lizette, and Michael Wilson. 2009. Their launching pad. *The New York Times*, May 31: MB6.

Bagli, Charles V. 2008. For reinvention, Red Hook follows its roots. *The New York Times*, November 23: 39, 40.

Bagli, Charles V. 2009. Beer distributor makes a deal to move to two piers in Red Hook. *The New York Times*, February 11: A27.

Barnes, Edward, and George Howe Holt. 1988. Crack: Downfall of a neighborhood. *Life*, July: 92.

Bateman, Tim. 2012. Youth justice news. *Youth Justice* 12(3): 258–268.

BBC News. 2005. Community court officially opened. Oct. 20. Accessed at: http://news.bbc.co.uk/2/hi/uk_news/england/merseyside/4347430.stm.

Berman, Greg, and John Feinblatt. 2001. Problem solving courts: A brief primer. *Law and Policy* 23(2): 125–140.

Berman, Greg, and John Feinblatt. 2005. *Good courts: The case for problem-solving justice*. New York: The New Press.

Berman, Greg, and Aubrey Fox. 2005. Justice in Red Hook. *The Justice System Journal* 26: 77–90.

Bernardo, Leonard, and Jennifer Weiss. 2006. *Brooklyn by name: How the neighborhoods, streets, parks, bridges, and more got their names*. New York: New York University Press.

Bleyer, Jennifer. 2006. Beyond the Buzz, Red Hook Remembers. *The New York Times*, Aug. 20.

Blumstein, Alfred, and Joel Wallman. 2006. The recent rise and fall of American violence. In *The crime drop in America: Revised edition*, ed. Alfred Blumstein and Joel Wallman, 1–12. New York: Cambridge University Press.

Breyer, Hon Stephen G. 2009. Chief judge Kaye: A creative reformer. *New York University Law Review* 84: 648–650.

Brisman, Avi. 2009. Food Justice as Crime Prevention. *Journal of Food Law & Policy* 5(1): 1–44.

Brisman, Avi. 2010/2011. Fictionalized Criminal Law and Youth Legal Consciousness. *New York Law School Law Review* 55(4): 1039-71.

Brisman, Avi. 2011. The "subculture career" as a challenge to broken windows: A review of Gregory J. Snyder's Graffiti Lives: beyond the tag in New York's urban underground. *Crime, Law and Social Change* 56(2): 213–217.

Brisman, Avi. 2012. Coda: An elevated challenge to 'broken windows': the high line (New York). *Crime Media Culture* 8(3): 381.

Buckley, Cara. 2012. Small shops shiver in gloom of a shuttered Red Hook market. *The New York Times,* November 9: A28. Available online at: http://www.nytimes.com/2012/11/09/nyregion/in-red-hook-closure-of-fairway-leaves-nearby-shops-anxious.html.

Buckley, Cara. 2013a. Community, returning to life, asks, 'where i everybody?' *The New York Times*, February 20: A19. Available online at: http://www.nytimes.com/2013/02/20/nyregion/amid-rebuilding-red-hook-asks-where-did-everybody-go.html.

Buckley, Cara. 2013b. Businesses return to the neighborhood, and the people follow. *The New York Times* March 20: A23. Available online at: http://www.nytimes.com/2013/03/20/nyregion/fairways-return-brings-new-life-to-storm-battered-red-hook.html.

Buiso, Gary. 2009. No Phoenix traffic on Piers 7, 11. *Carroll Gardens-Cobble Hill Courier*, February 13 (Vol.29, No.7): 1, 35.

Butler, Kiera. 2004. Courting youth: Kids land in the docket for playing hookey. *The Indypendent*, No. 61, December 1. Accessed at: http://www.indypendent.org/2004/12/01/courting-youth-kids-land-docket-playing-hookey.

Calder, Rich, and Tom Liddy. 2008. Red Hook's bright IKEA. *New York Post*, May 28.

Canadian Press. 2005. Community courts backed. *The Vancouver Sun*, October 13: B1, B4.

Carter, Terry. 2004. Red Hook experiment. *ABA Journal* 90 (June): 36–42. Available online at: http://www.abajournal.com/magazine/article/red_hook_experiment/

Chen, David W. 2008. In mayor's plan. The plastic bag will carry a fee. *The New York Times*, November 7: A1, A33.

CNN. 2001. Crime rate level in 2000, ends 8 year decline. May 30. Accessed at: http://articles.cnn.com/2001-05-30/us/2000.crime.stats_1_violent-crime-crime-rate-property-crimes?_s=PM:US.

Cohen, Joyce. 2013. In Red Hook, a home a bit away from it all. *The New York Times*, December 29: RE6. Available online at: http://www.nytimes.com/2013/12/29/realestate/in-red-hook-a-home-a-bit-away-from-it-all.html?_r=0.

Connolly, Harold X. 1977. *A ghetto grows in Brooklyn*. New York: New York University Press.

Cullen, Francis T., Robert Agnew, and Pamela Wilcox. 2014. *Criminological theory: Past to present*, 5th ed. New York/Oxford: Oxford University Press.

Daloz, Todd. 2009. The challenges of tough love: Examining San Francisco's Community Justice Center and evaluating its prospects for success. *Hastings Race and Poverty Law Journal* 6: 55–90.

Das, Alina. 2008. Immigrants and problem-solving courts. *Criminal Justice Review* 33(3): 308–328.

Dickey, Walter J., and Peggy A. McGarry. 2006. The search for justice and safety through community engagement: Community justice and community prosecution. *Idaho Law Review* 42: 313–381.

Doniger, Anthony. 2008. Alternative justice. *Boston Bar Journal* 52-FEB: 2.

Donovan, Aaron. 2001. If you're thinking of living in/Red Hook; isolated Brooklyn area starts to awaken. *The New York Times*, June 10: §11: 7.

Doward, Jamie. 2004. Inner city youngsters face trial by teens. *The Observer* (UK), August, 22: 2.

Doward, Jamie. 2009. Young offenders to face justice from neighbours. *The Observer* (UK), June 21: 16. Accessed at: http://www.guardian.co.uk/society/2009/jun/21/communities-youth-crime-restorative-justice.

Dwyer, Jim. 2014. Facing jail time, until a lawyer with survival skills helped her find her way. *The New York Times*, February 12: A19. Available online at: http://www.nytimes.com/2014/02/12/nyregion/facing-jail-time-until-a-lawyer-with-survival-skills-helped-her-find-her-way.html.

Eaton, Leslie, and Leslie Kaufman. 2005. In problem-solving court, judges turn therapist. *The New York Times*, April 26: A1, A20.

Editorial. 2007. New community courts will focus on solving problems, not on offences. *The Vancouver Sun*, April 11: A14.

Fahim, Kareem. 2008a. Brooklyn Neighbors Admit a Big Box Isn't All Bad. *The New York Times*. Aug. 11: A1, B2.

Fahim, Kareem. 2010i. For Gardener, Love of a Park Comes With the Job. *The New York Times*. Apr. 26: A20.

Fagan, Jeffrey, and Victoria Malkin. 2003. Theorizing community justice through community courts. *Fordham Urban Law Journal* 30: 897–952.

Fernandez, Manny. 2008. Children who live in public housing suffer in school, study says. *The New York Times*, November 24: A21.

Farrell, Bill. 1998. A new justice center is on Red Hook docket. *Daily New* (New York), June 24.

Ferrell, Jeff. 2001. *Tearing down the streets: Adventures in urban anarchy*. New York: Palgrave.

Firger, Jessica. 2008. Big blue box doesn't scare nearby mom-and-pop. *The Brooklyn Paper*, June 21 (Vol. 31, No. 25): 2.

Fisler, Carol. 2005. Building trust and managing risk. *Psychology, Public Policy, and Law* 11: 587–603.

Forgays, Deborah Kirby, and Lisa DeMilio. 2005. Is teen court effective for repeat offenders? A test of the restorative justice approach. *International Journal of Offender Therapy and Comparative Criminology* 49: 107–118.

Frazier, Charles E., and John K. Cochran. 1986. Official intervention, diversion from the juvenile justice system, and dynamics of human service work: Effects of a reform goal based on labeling theory. *Crime and Delinquency* 32: 157–176.

Frazier, Aaron T., Melissa Rifkin, Sabrina Carter, and Javy Martinez. 2011. Youth court alumni reflect upon their experiences. *New York State Bar Journal,* January 23: 22–24.

Frey, Jennifer. 2007. Hey judge, aren't you in my math class? *The New York Times*, August 19.

Fried, Joseph P. 1993. Youths guilty in the slaying of a principal. *The New York Times*, June 16.

Fried, Joseph P. 1999. Court is moving back into the neighborhood. *The New York Times*, October 10.

Fyfe, Melissa. 2009. The quiet crusade. *The Age* (Melbourne, Australia), October 19. Accessed at: http://www.theage.com.au/national/the-quiet-crusade-20091017-h26y.html.

Gaines, Larry K., and Victor E. Kappeler. 2015. *Policing in America*, 5th ed. Waltham: Anderson Publishing.

Giuliani, Rudolf W. 2012. Saving a broken city: Prof's brainstorm righted NYC. *New York Post*, May 16: 29.

Goode, Judith, and Jeff Maskovsky. 2001. Introduction. In *The new poverty studies: The ethnography of power, politics, and impoverished people in the United States*, ed. Judith Goode and Jeff Maskovsky, 1–34. New York/London: New York University Press.

Goodman, J. David. 2013. Bratton to lead New York police for second time. *The New York Times*, December 6:A1. Available online at: http://www.nytimes.com/2013/12/06/nyregion/william-bratton-new-york-city-police-commissioner.html.

Graber, Matt. 2010. Will private funding undermine Red Hook housing? *The Red Hook Star-Revue*, November: 1, 6.

Graeber, Laurel. 2008. Openhousenew york Kids! *The New York Times*, October 3: E28.

Grant, Kath. 2007. Grass roots rule. Inside Housing 9 Feb.: 22-23. Accessed at: http://www.insidehousing.co.uk/journals/insidehousing/legacydata/uploads/pdfs /IH.070209.022-023.pdf.

Graham, Elizabeth. 2011. Smith and 9th goes fancy!!! *The Red Hook-Star Revue*, August: 1, 4.

Greenhouse, Carole J. 1988. Courting difference: Issues of interpretation and comparison in the study of legal ideologies. *Law and Society Review* 22: 687–707.

Harrington, Christine B., and Sally Engle Merry. 1988. Ideological production: The making of community mediation. *Law and Society Review* 22(4): 709–736.

Harvey, David. 2008. The right to the city. *New Left Review*, 53 (September/October): 23–40.

Helmore, Edward. 2003. Justice at Red Hook. *The Guardian* (London), April 15: 8.

Higgins, Michelle. 2009. A cheap date, with child care by IKEA. *The New York Times*, June 11: D3, D6.

Holt, Dennis. 1998. Unique community court breaks ground in Red Hook. *Brooklyn Daily Eagle*, June 24: 1, 2.

Howard, Theresa. 1998. Straight Outta Brooklyn: Community justice, a new approach to law and order, comes to Red Hook. *The Source*, April: 28–29.

Available at: http://www.dcbar.org/for_lawyers/resources/publications/washington_lawyer/october_2004/comcourt.cfm#footnote1.

Hynes, Charles. 2008. Red Hook's justice center serves as a model to world. *Daily News* (New York), October 27. Accessed at: http://articles.nydailynews.com/2008-10-27/local/17908132_1_community-prosecution-alternative-sentencing-prosecutors.

Jackson, Kenneth T. (ed.). 1998. *The neighborhoods of Brooklyn*. New Haven: Yale University Press.

Kasinitz, Philip, and David Hillyard. 1995. The old-timers' tale: The politics of nostalgia on the waterfront. *Journal of Contemporary Ethnography* 24(2): 139–164.

Kasinitz, Philip, and Jan Rosenberg. 1996. Missing the connection: Social isolation and employment on the Brooklyn waterfront. *Social Problems* 43(2): 180–196.

Katz, Nancie L. 2000. This court brings law home. *Daily News* (New York), July 16. Available at: http://www.nydailynews.com/archives/boroughs/court-brings-law-home-red-hook-center-focuses-solutions-article-1.884804.

Kavanagh, Michael. 2013. Public housing in the New York City: The case of the Red Hook houses. *African & African American Studies Senior Theses.* Paper 19. Accessed at: http://fordham.bepress.com/aaas_senior/19 and http://fordham.bepress.com/cgi/viewcontent.cgi?article=1021&context=aaas_senior.

Kaye, Hon Judith S. 2004. Delivering justice today: A problem-solving approach. *Yale Law & Policy Review* 22(1): 125–151.

Kaye, Hon Judith S. 2007. Inaugural Hon. Joseph W. Bellacosa distinguished jurist-in-residence: Lecture. *St. John's Law Review* 81: 743–754.

Kelly, John F., and Cassandra M. Westerhoff. 2010. Does it matter how we refer to individuals with substance-related conditions? A randomized study of two commonly used terms. *International Journal of Drug Policy* 21(3): 202–207.

Kennedy, Randy. 2007. The artist, his sub and the Brooklyn Standoff. *The New York Times*, August 4: A1, A8.

Kimmelman, Michael. 2014. Brooklyn to Queens, but not by subway. *The New York Times*, April 21: C1. Available online at: http://www.nytimes.com/2014/04/21/arts/design/imagining-a-streetcar-line-along-the-waterfront.html.

Klein, Helen. 2008. The spirit of compromise: Meeting over Ikea bus kinks. *Carroll Gardens-Cobble Hill Courier*, August 15 (Vol. 28, No. 4): 1, 37.

Kleinfield, N.R. 2009. Amid a sea of blue, bidding a slain police officer his final farewell. *The New York Times*, June 5: A17, A20.

Kluger, Judy H., Pat Murrell, Jeffrey Tauber, Steven M. Zeidman, Alex Calabrese, and Susan Hendricks. 2002. The impact of problem solving on the lawyer's role and ethics. *Fordham Urban Law Journal* 29: 1892–1924.

Kurtz, Annalyn. 2014. Hipster haven's divided economy. *CNN Money: The Buzz*, March 12. Accessed at: http://buzz.money.cnn.com/2014/03/12/hipster-havens-divided-economy/.

Leland, John. 2012. No city for old tankers. *The New York Times*, April 22: D1, D8.

Levinson, Hugh. 2000. Twelve angry children. *The Independent* (UK), August 8. Accessed at: http://www.independent.co.uk/news/uk/crime/twelve-angry-children-710515.html.

Lipinski, Jed. 2012. An artist's big, big plans for Red Hook. *The New York Times*, January 15: MB1. Available online at: http://www.nytimes.com/2012/01/15/nyregion/the-artist-dustin-yellins-big-big-plans-for-red-hook.html?_r=0.

Lippman, Jonathan. 2007. Achieving better outcomes for litigants in the New York State courts. *Fordham Urban Law Journal* 34: 813–831.

Louie, Elaine. 2013. Three feet high and rising. *The New York Times*, October 31: D5. Available online at: http://www.nytimes.com/2013/10/31/greathome-sanddestinations/three-feet-high-and-rising.html.

Maldonado, Torrey. 2010. *Secret Saturdays*. New York: G.P. Putnam's Sons.

Malkin, Victoria. 2003. Community courts and the process of accountability: Consensus and conflict at the Red Hook Community Justice Center. *American Criminal Law Review* 40: 1573–1593.

Malkin, Victoria. 2005. The end of welfare as we know it: What happens when the judge is in charge. *Critique of Anthropology* 25(4): 361–388.

Malkin, Victoria. 2009. Problem-solving in community courts: Who decides the problem? In *Problem-solving courts: Justice for the twenty-first century?* ed. Paul C. Higgins and Mitchell B. Mackinem, 139–159. Santa Barbara: Praeger.

Mansky, Adam. 2004. Straight out of Red Hook: A community justice centre grows in Liverpool. *Judicature* 87(5) [March-April]: 254–255, 257, 258. Accessed at: http://www.courtinnovation.org/sites/default/files/straightouto-fredhook.pdf.

Matthews, Roger. 2014. *Realist criminology*. Basingstoke: Palgrave Macmillan.

McFadden, Robert D. Brooklyn principal shot to death while looking for missing pupil. *The New York Times*, December 8: A1, B12. Available online at: http://www.nytimes.com/1992/12/18/nyregion/brooklyn-principal-shot-to-death-while-looking-for-missing-pupil.html.

McLaughlin, Mike. 2008. Meat & greet! IKEA docks in Red Hook. *The Brooklyn Paper*, June 21 (Vol.31, No.25): 1, 2.

McLaughlin, Eugene. 2013. Broken windows. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 27–29. London/Thousand Oaks: SAGE Publications.

Meadows, Kieran K. 2009. Justice center a success, but budget cuts loom. *The Brooklyn Rail*, March 6. Accessed at: http://www.brooklynrail.org/2009/03/local/justice-center-a-success-but-budget-cuts-loom.

Meekins, Tamar M. 2006. "Specialized justice": The over-emergence of specialty courts and the threat of a new criminal defense paradigm. *Suffolk University Law Review* 40: 1–55.

Mirchandani, Rekha. 2008. Beyond therapy: Problem-solving courts and the deliberative democratic state. *Law and Social Inquiry* 33: 853–893.

Mooney, Jake. 2012. Outlier Near the 'Center of the Universe'. *The New York Times*, Mar. 18:RE7. Available online at:http://www.nytimes.com/2012/03/18/realestate/red-hook-brooklyn-living-in-an-outlier-near-the-center-of-the-universe.html?_r=0.

Nazaryan, Alexander. 2013. A summer in Red Hook, a land of loose ends. *The New York Times*, July 22: C4. Available online at: http://www.nytimes.com/2013/07/22/books/ivy-pochodas-visitation-street-set-on-brooklyns-edge.html.

New York Rising Community Reconstruction Program (NYRCR). 2013. Red Hook Community Reconstruction: Conceptual Plan: Needs and Opportunities Assessment. Accessed at: http://stormrecovery.ny.gov/sites/default/files/crp/community/documents/red_hook_concept_plan_final_11-7.pdf.

Perrotta, Tom. 2005. Innovative Brooklyn court seen as successful model. *New York Law Journal*, March 17:1, 8.

Porter, Rachel, Michael Rempel, and Adam Mansky. 2010. *What makes a court problem-solving? Universal performance indicators for problem-solving justice*. New York: Center for Court Innovation. Accessed at: http://www.courtinnovation.org/sites/default/files/What_Makes_A_Court_P_S.pdf.

Pritchard, Thomasin. 2008. Lesson from New York: It is possible to reduce the prison population, create a safer community and reduce crime. *The Howard* [Winter]: 6.

Reiss, Marcia. 2000. *Red Hook and Gowanus neighborhood history guide*. Brooklyn: Brooklyn Historical Society.

Robertson, Tatsha. 2005. Making crime hit home for offenders. *The Boston Globe*, February 28: A1, A8.

Ronalds-Hannon, Eliza. 2010. Red Hook court a model for the rest of the world. *The Red Hook Star-Revue,* October:1, 3.

Rose, Joel. 2015. With Baltimore unrest, more debate over 'broken windows' policing. *National Public Radio (NPR): All Things Considered*, May 4. Available at: http://www.npr.org/2015/05/04/403520815/with-baltimore-unrest-more-debate-over-broken-windows-policing and http://www.npr.org/templates/transcript/transcript.php?storyId=403520815.

Rosenberg, Tina. 2011a. For teen offenders, hope in a jury of their peers. *The New York Times*, October 13. Accessed at: http://opinionator.blogs.nytimes.com/2011/10/13/for-teen-offenders-hope-in-a-jury-of-their-peers/.

Rosenberg, Tina. 2011b. Where teenagers find the jury isn't rigged. *The New York Times*, October 18. Accessed at: http://opinionator.blogs.nytimes.com/2011/10/18/where-teens-find-the-jury-isnt-rigged/?emc=eta1.

Rothstein, Edward. 2009. Typography fans say Ikea should stick to furniture. *The New York Times*, September 5: C1, C7.

Scanlon, Breanne. 2009. Roode Hoeck: (Before IKEA). *Overflow* 2: 36–37.

Scelfo, Julie. 2009. Made in Brooklyn. *The New York Times*, May 7: D1, D7.

Schneider, Jeffrey M. 2007 (December). Youth Courts: An Empirical Update and Analysis of Future Organizational and Research Needs. *Hamilton Fish Institute Reports and Essays Serial*. Washington, DC: Hamilton Fish Institute on School and Community Violence, The George Washington University. Accessed at: http://hamfish.org/Publications/Serial/HFI_Youth_Courts_Report.pdf.

Schwartz, Doris R. 1949. Nursing in Red Hook. *American Journal of Nursing* 49(7): 435–438.

Schweitzer, Vivien. 2008. Operatic cargo of tragic love, unloaded on a Brooklyn pier. *The New York Times*, September 1: E1, E5.

Seaton, Charles F., and Deirdre K. Parker. 2011. Press release: Smith-9th Sts F, G Station closes on June 20 for 9 months of Rehab. June 17. Metropolitan Transit Authority (MTA) New York City Transit. Accessed at: http://www.mta.info/press-release/nyc-transit/smith-9th-sts-f-g-station-closes-june-20-9-months-rehab.

Sexton, Joe. 1993. Slain principal still a driving spirit; A year later, Patrick Daly's school survives and thrives. *The New York Times*, December 19. Accessed at: http://www.nytimes.com/1993/12/19/nyregion/slain-principal-still-driving-spirit-year-later-patrick-daly-s-school-survives.html?pagewanted=1.

Sherman, Jacqueline, and Hack Dory. 2008. Preparing young citizens for democracy. *New York State Bar Journal* 80: 24–26.

Shiff, Allison R., and David B. Wexler. 1996. Teen court: A therapeutic jurisprudence perspective. *Criminal Law Bulletin* 32: 342–357.

Shore, Randy. 2007. B.C. judges get lessons from abroad in setting up community courts. *The Vancouver Sun*, September 29: B8.

Snyder, Gregory. J. 2009. *Graffiti lives: Beyond the tag in New York's urban underground*. New York: New York University Press.

Stelloh, Tim. 2010. Ensuring petty crimes don't lead to big ones. *The New York Times*, September 22: A22.

Stern, Seth. 2002. A court of second chances. *Christian Science Monitor*, August 22: 11.

Stickle, Wendy Povitsky, Nadine M. Connell, Denise M. Wilson, and Denise Gottfredson. 2008. An experimental evaluation of teen courts. *Journal of Experimental Criminology* 4: 137–163.

Swaner, Rachel. 2010. Community perceptions of Red Hook, Brooklyn: Views of quality of life, safety, and services. The Center for Court Innovation. March. Accessed at: http://www.courtinnovation.org/sites/default/files/Community_Perceptions.pdf.

Tcholakian, Danielle. 2013. Red Hook community justice center delivers solutions in lieu of judgment. *metro* (New York), November 13. Accessed at: http://www.metro.us/local/red-hook-community-justice-center-delivers-solutions-not-judgment/tmWmkm---dcLhPQXdaWK8k/.

Temple-Raston, Dina. 2004. Red Hook targets misdemeanors. *The New York Sun*, September 21: 3.

Thom, Katey, Alice Mills, Claire Meehan, and Marilyn Chetty. 2013. *Evaluating community justice: A review of research literature*. Centre for Mental Health Research, Faculty of Medical and Health Sciences, University of Auckland, Auckland, New Zealand. Accessed at: http://www.lawfoundation.org.nz/wp-content/uploads/2013/12/2.-Evaluating-community-justice.-A-review-of-research-literature.docx.pdf.

Venugopal, Nikhita. 2013. Commuters celebrate reopening of Smith-9th street F/G train stop. *DNAinfo*, April 26. Accessed at: http://www.dnainfo.com/new-york/20130426/carroll-gardens/commuters-celebrate-reopening-of-smith-9th-street-fg-train-stop.

Vigilante, Danette. 2011. Red Hook Graffiti artist turned successful fine artist to host AIDS awareness art exhibition. *The Red Hook Star-Revue*, March:1.

Wacquant, Loïc J.D. 2001. Deadly symbiosis: When ghetto and prison meet and mesh. *Punishment & Society* 3(1): 95–134.

Wacquant, Loïc, and William J. Wilson. 1989. The cost of racial and class exclusion in the inner city. *The Annals of the American Academy of Political and Social Science* 501(1): 8–25.

Weber, Bruce. 2012. Scholar turned crime fighter (With a theory). *The New York Times*, March 3: A1.

White, Andrew, Nora McCarthy, Elizabeth Diaz, and Rajeev Yemeni. 2003. *Consider the future: Strengthening Children and Family Services in Red Hook, Brooklyn*. Center for New York City Affairs/Milano Graduate School. Accessed at: http://www.newschool.edu/Milano/nycaffairs/pubs/considerthefuture.pdf.

Willensky, Elliot. 1986. *When Brooklyn was the world, 1920–1957*. New York: Harmony Books.

Wilson, William J. 1987. *The truly disadvantaged*. Chicago: University of Chicago Press.

Wilson, William J. 1996. *When work disappears: The world of the new urban poor*. New York: Knopf.

Wilson, Michael. 2006. Under one roof in Brooklyn, trial, penalty and civics lesson. *The New York Times*, August 22: A1, B4.

Wilson, James Q., and George L. Kelling. 1982. Broken windows: The police and neighborhood safety. *The Atlantic Monthly* 249(3): 29–38.

Witt, Stephen. 2008. Red Hook historian blasts MTA. *Carroll Gardens-Cobble Hill Courier*, August 15(Vol. 28, No. 4): 1, 37.

Worth, Robert F. 2002. New York expands experiment to bring courts and communities closer. *The New York Times*, May 20.

Yee, Vivian. 2013. Violence in Carroll Gardens leads to anxiety and apathy. *The New York Times*, September 19: A29.

Young, Jock. 2003. Merton with energy, Katz with structure: The sociology of vindictiveness and the criminology of transgression. *Theoretical Criminology* 7: 388–414.

Zimring, Franklin E. 2007. *The Great American Crime Decline*. Oxford: Oxford University Press.

Zukin, Sharon. 2010. *Naked City: The Death and Life of Authentic Urban Places*. Oxford and New York: Oxford University Press.

4

Red Hook Youth Court Hearings and Youth Perceptions of Criminal Severity, Justice, Law, Punishment, and Remorse

The RHYC held hearings in the afternoons and evenings during the weeks when it was not holding training for future RHYC members. (Often training was held on Mondays and Thursdays, with hearings on Tuesdays and Wednesdays.) On the afternoon of a hearing, RHYC members, upon arriving at the RHCJC, would head downstairs, change into special RHYC t-shirts, and consult the list of cases and role assignments for the evening. The RHYC could hear up to four cases in an afternoon and evening, and an RHYC member might serve in different roles for each of the hearings. An RHYC member without a role for a case was expected to sit in the audience and contribute as another set of eyes and ears for the court.

Over the course of my fieldwork, I sat in on numerous cases involving a number of different youth court cycles. The RHYC had a number of different coordinators while I was conducting my fieldwork. If the schedule and curriculum for the training sessions remained mostly the same, the protocol for hearings was even more consistent from cycle to cycle and coordinator to coordinator. And because the RHYC is entirely youth led—I described it in Chapter 3 as combining elements of the youth judge model and the peer jury model—one cannot really

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claim that the RHYC possessed a different "flavor" or "spirit" as a result of different coordinators the way one might refer to the Warren Court or the Rehnquist Court or the Roberts Court. Granted, some RHYC coordinators were stricter than others—and this was often reflected in the attitudes of the kids to their work—but the RHYC members took their position on youth court seriously, regardless of the coordinator, and differences in the courts were more a reflection of the kids and the composition of RHYC membership for that cycle than anything else.[1] Even these differences could be subtle, as youth court members frequently served for more than one cycle, meaning that in any given cycle, there would be a combination of "senior members," returning members, and "rookies" or "newbies."

When I first began my fieldwork, I observed hearings but did not join the jury in deliberations or stay for "debriefing"—the period after the cases were finished for the evening in which the kids and RHYC staff would discuss what had gone well and what could be improved and could express any concerns or air any grievances that they might have. As I became more entrenched in my fieldwork, I started to accompany the jury to their deliberation room and remain for debriefing. While I rarely spoke during deliberations unless a question was posed directly to me, I was frequently asked for my feedback during debriefing after the respondents and their families had left.

As I got to know RHYC members better, I began conducting interviews with them outside the hours designated for youth court. (This usually entailed asking a member to arrive early for youth court and then speaking with him or her for an hour or so before the hearings began.) At no point did I attempt to witness "intake" (when a potential respondent

[1] This, of course, could be slightly variable from day to day and week to week. If there were tensions between RHYC members (for any number of reasons—work-related or otherwise), the RHYC's atmosphere as a whole could seem edgy. If the kids were getting along well with each other and enjoying spending afternoons and evenings with each other in this capacity, then the RHYC's atmosphere as a whole could seem more carefree and relaxed (although still professional). In sum, differences between RHYC courts—differences between the RHYC court in one cycle and that in another—had more to do with the *kids* and the nature of their camaraderie than the RHYC coordinator and her staff.

and his/her family would meet with RHYC staff)[2] or sit in on the private one-to-one interview conducted by the youth advocate with his/her respondent. While I might have been able to gain access to the meetings between the prospective respondent, his/her family, and the RHYC staff member (because these intake interviews were conducted by adults), I chose not to because I did not want my presence to contribute to any additional stress that the youth and his/her family might have been experiencing. In addition, because I was trying to understand the RHYC process from the eyes of the RHYC members, it seemed inconsistent with this goal and disingenuous for me to sit in on those intake interviews when I might have learned something about the future respondent and case that the RHYC would never learn.

I chose not to even try to sit in on the private one-on-one exchanges between the youth advocate and his/her respondent because *no* adult participated in those meetings—the RHYC member serving as a respondent's youth advocate would meet alone with him/her—without a parent or RHYC staff person. Such meetings were intended to provide the respondent with an opportunity to share matters with a peer that he/she might have been unwilling to disclose to a family member or other adult and were designed to make the respondent feel more at ease with the whole RHYC process.[3]

I also chose not to interview respondents, whose cases are presented in this chapter, or the respondents' families. I share many of the same

[2] After receiving a referral from court, police precinct, probation, or other source, an RHYC staff member would contact the youth offender and his/her family to explain the RHYC and its goals and schedule an interview and hearing. On the interview and hearing date, the youth and his/her family would meet with an RHYC staff member for an intake interview. There were three possible outcomes of an intake interview: (1) if the youth did not accept responsibility for the incident, the case would be closed and returned to the referral source from which it came; (2) if the case was deemed inappropriate for the RHYC (e.g., the youth offender was too young/old, the offense too serious), the case would be closed and returned to the referral source from which it came; or (3) if the youth was of the appropriate age, the incident fell within the range of cases that the RHYC could hear, and the youth admitted responsibility, the youth would become a "respondent" and meet with his/her youth advocate for an interview in preparation for a hearing.

[3] While it is unlikely that I would have been allowed to sit in on the youth advocate interviews, the fact that I never did means that I cannot claim to completely understand the perspective of an RHYC member on the role of the youth advocate.

reasons that Peletz (2002), in his chapter on the roles, jurisdictions, and operations of Malaysia's Islamic courts, offers for not interviewing the litigants in the Islamic court of Rembau. As Peletz (2002:65) explains:

> since many of the litigants were palpably distressed by having to narrate and in some instances relive extremely negative experiences in court…it would be inhumane and otherwise inappropriate to add to that distress by traipsing after them as they left the court or tracking them down later to try to arrange "follow-up" interviews. This decision had both disadvantages and advantages. One obvious disadvantage is that it precluded gathering firsthand data on these particular litigants' understandings of the hearings and their emotional reactions to them; one advantage is that it allowed for immediate discussion with staff of the *kadi*'s [judge's] office concerning how they viewed and attempted to negotiate the most salient dynamics of each case.

Because my focus was on RHYC *members*, rather than *respondents*, trying to gauge how respondents and their families understood their experiences at the RHYC was less tempting. Like Peletz, by refraining from traipsing after respondents, I was able to discuss with RHYC members and staff immediately after cases "how they viewed and attempted to negotiate the most salient dynamics of each case" (although on days with a full schedule of cases, there was little time between cases or after the evening's hearings were over).

Following Peletz, I employ two different styles in presenting RHYC hearings. In the first, I offer a step-by-step account of one hearing in order to provide a sense of the rhythm, pattern, space, and salient issues in a typical RHYC proceeding. This step-by-step account is followed by a brief commentary about the case. For the remainder of the hearings, I list the court roles and RHYC members serving in those capacities and then provide, where possible, verbatim accounts of community advocate and youth advocate opening and closing statements, a summary overview of jury questioning and deliberations, and, as with the first style, a brief commentary about the case. While there are advantages and disadvantages to both of these styles, my hope is that they provide the reader with a sense of how different types of cases and the issues therein further reflect and contribute to the development of RHYC members' perceptions of criminal severity.

A Typical RHYC Hearing

Roy, the judge, was seated behind the bench of the mock courtroom, facing a long row of chairs, where I was seated along with RHYC members not involved in the case, a couple of RHCJC staff members, and some people I did not recognize (visitors? family members of the respondent?). Courtney, the bailiff in the case, was seated directly to Roy's right. The chair directly to Roy's left, which was for the respondent, was unoccupied. I looked across the room at Roy, who was glancing at the papers in front of him. To my left eight jurors were sitting in two rows of four chairs, which were perpendicular to the long rows of chairs for the audience. To my right Matthew, the community advocate for the case, was seated at a table facing the jurors and was finishing his opening statement. No one was seated at the table to his right, which was reserved for Josiah, the youth advocate, who was finishing up his meeting with the respondent in the room across from the mock courtroom (Fig. 4.1).

Courtney rose from her chair and passed around slips of paper and pencils. I looked down at the piece of paper. At the top of the slip were the words, "Oath of Confidentiality." Underneath them, the following appeared:

> I promise to uphold the confidentiality of all the matters relating to Youth Court proceedings. This means that I will not reveal or discuss anything that occurs during this Youth Court hearing with anyone. I also understand that my failure to uphold this oath of confidentiality will result in immediate termination of membership in the Red Hook Youth Court and/or loss of eligibility to observe future Youth Court hearings. I hereby agree to uphold this oath of confidentiality.

There was a line for my signature and the date. Although I had been granted permission by James Brodick and RHYC staff to sit in on the hearing and subsequently write about it, I still signed and dated the oath.

After distributing the oath, Courtney left the mock courtroom but stood right outside so that one could see her through the door. I waited. So did everyone else. Matthew finished his statement and the jurors stopped chatting with each other. Roy looked around the room and, seeing that

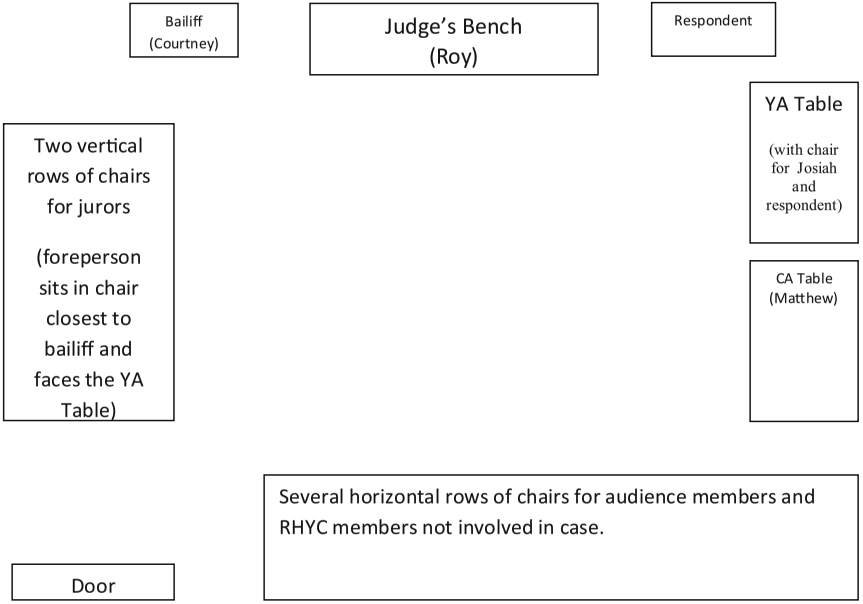

Fig. 4.1 Mock courtroom (Source: Avi Brisman)

everyone was ready, gestured to Courtney. Courtney opened the door and entered the mock courtroom, followed by Josiah, the respondent, and what appeared to be the respondent's mother and brother.

Josiah sat down at the table for the youth advocate, and the respondent sat down next to him. The respondent's family sat in the audience in the row in front of me. Courtney walked over to her chair and faced the rest of the room. "All rise," she announced, "the Honorable Roy presiding."

Roy, who was now the only one in the room seated, addressed everyone: "Please raise your right hand and repeat after me." Everyone did as Roy instructed.

> "I solemnly swear or affirm," Roy said and then paused for us to repeat those words.
> "I solemnly swear or affirm," we repeated.
> "To keep everything I hear," Roy continued and then paused again.
> "To keep everything I hear," we repeated.
> "During this Youth Court session," Roy stated.
> "During this Youth Court session," we repeated.
> "Completely confidential," Roy finished.
> "Completely confidential," we repeated.
> "You may be seated," Roy instructed.

We sat down and Roy continued: "I would like to ask anyone with a beeper or a cell phone to please turn it off. If you have gum or candy, please dispose of it at this time. As the bailiff collects the Oath of Confidentiality, I will repeat it."[4] Courtney walked around the room and collected our Oaths of Confidentiality, and Roy read:

> I promise to uphold the confidentiality of all the matters relating to Youth Court proceedings. This means that I will not reveal or discuss anything that occurs during this Youth Court hearing with anyone. I also understand

[4] The reference to a "beeper" was eventually changed because, as RHYC members pointed out one day while waiting for a respondent to arrive, few people (other than physicians) carry beepers anymore. The current instruction is as follows: "I would like to ask anyone with an iPod or a cell phone to please turn it off."

> that my failure to uphold this oath of confidentiality will result in immediate termination of membership in the Red Hook Youth Court and/or loss of eligibility to observe future Youth Court hearings. I hereby agree to uphold this oath of confidentiality.

Courtney, who had now collected all of the Oaths of Confidentiality and had returned to her spot next to Roy, announced the case: "Case #9751, respondent's name: Keisha; offense: petty larceny; date: December 23, 2009; time: unknown; referral source: probation."

Courtney sat down, and Roy turned toward Matthew. "Will the community advocate please stand up and introduce himself," Roy said. (It was more of a statement than a question.)

Matthew stood and said, "My name is Matthew and I will be representing the community in tonight's hearing." He then sat back down.

Roy then turned toward Josiah and said, "Will the youth advocate please introduce himself."

Josiah rose from his seat next to Keisha and said, "My name is Josiah and I will be representing Keisha in tonight's hearing." He then sat back down next to Keisha.

"Does the community advocate have an opening statement?" Roy asked Matthew.

Matthew rose and replied that he did have an opening statement. He then walked around his table and stood in the center of the room facing the jury. "Good evening, judge, jury, guests, and members of the court," Matthew began. Occasionally glancing down at the piece of paper he was holding, Matthew explained that petty larceny was a "very serious offense" and that Keisha's actions could have "influenced others to do the same thing." According to Matthew, theft causes a store to lose money, which results in the store having to raise the prices of its goods—something that affects everyone. Matthew concluded by stating that the theft could "give her [Keisha's] community a bad name." He then thanked the court and returned to his seat.

"Does the youth advocate have an opening statement?" Roy asked.

Josiah indicated that he did and then shuffled to the middle of the room where Matthew had stood. "Good evening, judge, jury, guests, and

members of the court," Josiah began. Josiah admitted that Keisha had committed petty larceny but directed the jury to hear her side of the story and encouraged the jurors not to "judge her based on this one action." According to Josiah, Keisha had a grade point average in the 70s, aspired to become a lawyer, and, most interesting, "didn't contribute to the stealing of items and thus felt she was unjustly charged."

"So she's admitted guilt for the purposes of being here," I thought to myself, "but she didn't actually commit the offense. OK. Let's see where this leads."

Josiah finished his opening statement, thanked the court, and returned to his seat. Turning to Keisha, Roy stated: "Keisha, please come forward and stand."

Keisha rose from her chair and walked a couple of paces over to the respondent's chair, directly to Roy's left. Courtney then rose from her chair, walked in front of the bench, and stood in front of Keisha. "Please raise your right hand," Courtney instructed as she raised her own hand. Keisha did as she was told.

"Do you swear to tell the truth?" Courtney asked Keisha.
"Yeah," replied Keisha.
"Please say 'yes'," Courtney requested.
"Yes," Keisha complied.

Roy indicated to Keisha that she could be seated as Courtney returned to her chair on Roy's right. "Do you have anything you would like to say on your own behalf at this point?" Roy asked Keisha. Keisha replied in the negative, so Roy turned to the jury. "Does the jury have any questions for Keisha?" he asked.

Shauna, the foreperson, led off the questioning: "Can you tell us what happened on the day of the offense?"

In a quiet voice, Keisha offered a brief explanation of the events that led to her coming to youth court. When she had finished, she was asked follow-up questions regarding the incident, school, her extracurricular activities and interests, and her family. Through this give and take, we learned the following: Keisha had been caught at Juicy Couture holding

stolen property. Two girls "who had actually stolen the items," Keisha proclaimed, had gotten away. Keisha explained that her parents were "devastated" when they found out what had transpired, and Keisha admitted her error: "It was a mistake. I was there at the wrong time." Keisha revealed that she had been punished by her parents and had apologized to her parents for her transgression. Keisha also stated that she was no longer friends with the two girls who had stolen the items, but that she was still friends with two other girls who had been apprehended with her.

With respect to school, Keisha disclosed an average in the range of 65–70. Not satisfied with her performance, Keisha stated that she was "taking extra classes to try to get her average up." She was not participating in any after-school activities.

When asked whether she had ever skipped school before, Keisha stated that she had cut school about five times. When asked to clarify, Keisha explained that she had cut whole days of school about five times, but that she has cut individual classes more frequently and that the classes that she normally cut were math and science.

Rather unconvincingly, Keisha claimed that she was not easily peer-pressured. When asked what she would have done differently (or could have done differently), Keisha said that she "would've hung out with different people." Keisha explained that while she had no role model, she thought she was "a little bit" of a role model to her younger sibling.

After the jury had completed its questioning, Roy asked Matthew if he had any questions for Keisha. Matthew asked Keisha to clarify that the two girls who got away were, indeed, her friends. Roy then inquired if Josiah had any questions for Keisha. Josiah replied that he did and asked Keisha whether she had actually stolen anything. Keisha restated that she had not—that she was not the actual thief but simply someone who had gotten caught with stolen property.

Turning to Keisha, Roy inquired: "Is there anything else you would like to say on your own behalf?" Keisha responded in the negative, and so Roy stated: "Thank you. You may step down."

"Does the community advocate have a closing statement?" Roy asked.

Matthew requested a two-minute recess and Roy granted it. Courtney then escorted Keisha and Josiah from the room. Matthew completed his closing statement as others in the room talked quietly to each other. Roy then indicated to Courtney, who had been standing outside the mock courtroom, that they were ready to resume. Courtney reentered the mock courtroom, followed by Josiah and Keisha, and took her seat by Roy. Josiah and Keisha returned to their chairs at the youth advocate table.

Matthew then rose from his chair, walked to the center of the room, and again addressed the jury. He reminded the jury that Keisha had committed the offense of petty larceny and asserted that "Keisha could have influenced others by her actions." Matthew noted that Keisha's actions "could have made others think of her as a bad person" and concluded by asking the jury to take into account everything that it had heard when contemplating a "fair and beneficial sanction."

When Matthew had finished, Roy turned to Josiah: "Does the youth advocate have a closing statement?"

Josiah took Matthew's place in the center of the room and argued that Keisha had been "framed" by her friends. He then asserted that because Keisha had not stolen anything, she had not committed petty larceny.

Roy then instructed Courtney to escort the jury to the deliberation room—essentially an empty office across the hall from the mock courtroom. A short while later, they returned.

"Has the jury determined a sanction?" Roy asked.

Shauna, the foreperson, rose and announced: "We, the jury, give you, Keisha, ten hours of community service."[5]

"Do you understand the sanction you have just been given?" Roy inquired.

[5] While some sanctions were pretty standard and existed throughout my fieldwork (e.g., community service, writing a letter of apology or an essay), others were eliminated or morphed (e.g., separate workshops on decision-making and goal-setting were combined into one two-session workshop called Teens Overcoming Obstacles, Learning Strengths, or TOOLS) over the time I was there based on perceived need and available resources (e.g., staff availability). The kids, while deliberating, could not come up with a new sanction, but they could recommend to staff members that a new type of sanction be created for future respondents.

Keisha did not respond, so Roy continued: "You will need to meet with a youth court staff member immediately after this youth court session to discuss the details of your sanction."

He then added: "I would like to thank Keisha and the members of the Red Hook Youth Court for their participation in this evening's hearing. Court is adjourned."

Comment:

During the two-minute recess, I turned to Ericka, the RHYC coordinator at the time, and commented that I was having a difficult time understanding how many people were involved—that at times, it seemed as if Keisha had been with two other girls (who got away), and that at other times, it seemed as if Keisha had gone to Juicy Couture with four girls and that the two girls who committed the theft had gotten away, leaving Keisha and the remaining two friends with the stolen property. Ericka, who had conducted the intake interview with Keisha, replied that she did not know—that it was hard to discern what, exactly, had transpired.

Relieved that I had not simply misunderstood Keisha's story, I commented that it was never really clear how exactly Keisha knew the other girls (or how well she knew them), nor did I really comprehend how she had gotten caught with stolen property if she was apprehended *inside* the store, unless she had been caught in the act, which, according to Keisha, had not been the case. To my surprise, Ericka said that Keisha was "dumb" and was "lying" and that she was surprised that the jury had not probed more deeply with their questions.

"[During intake], I asked her about her qualities," Ericka whispered to me, "and she said she was 'pretty.' Pretty *stupid*, if you ask me."

Whether Keisha was "pretty" or "stupid" or "pretty stupid" is a matter of some conjecture. But two things were apparent from the hearing. First, that the jurors viewed petty larceny as a rather serious offense in the range of cases within the RHYC's jurisdiction—as will become more apparent when compared to cases involving other

offenses, described below. Second, while it was impossible to discern what had transpired on December 23, 2009—the date of her offense—at Juicy Couture, Keisha's inconsistent story, the lack of believability about the extent of her involvement in the theft, her lack of personal accountability, and her lack of remorse for her involvement (whatever it may have been), did not sit well with the jury.

Over time—through both observation and interviews—I found that RHYC members tended to agree on which offenses were most severe (assault, petty larceny, possession of marijuana, and possession of a weapon typically received harsher, more elaborate sanctions and were the ones most consistently mentioned in response to my queries in interviews) and almost uniformly concurred on which offenses were the least serious (truancy and fare evasion).[6] But RHYC members did not approach hearings and mete out sanctions according to some subconscious sentencing guideline grid, with some offenses consistently meriting more hours of community service, for example, than others. Instead, RHYC members seemed to engage in a calculus whereby subjective perceptions of the relative severity of an offense were weighed against the attitude, behavior, and comportment of the respondent. Indeed, RHYC members seemed, in the words of Copes and colleagues (2015:36), much more interested in "the meaning [respondents] attached to…facts, rather than the facts themselves." Thus, the sanction that Keisha received—ten hours of community service—was as much a reflection of the offense (petty larceny) as it was of her demeanor in the courtroom.

Although RHYC members never explicitly delineated different groups of cases, it became possible over the course of my fieldwork to categorize a case in one of the following four ways:

1. Severe offense; apologetic and forthcoming respondent
2. Severe offense; impenitent and aloof respondent

[6] While it might have been instructive for me to do so, I did not ask the RHYC members whom I had interviewed to "rank" RHYC offenses.

3. Not severe offense; apologetic and forthcoming respondent
4. Not severe offense; impenitent and aloof respondent

In the pages that follow, I present one example of each.

Four Categories of RHYC Hearings

Severe Offense; Apologetic and Forthcoming Respondent

Case #8342: Respondent: Sasha; Offense: assault; Date: November 13, 2009; Time: unknown; Referral source: police.

Bailiff:	Cory
Judge:	Roy
Youth Advocate:	Jedd
Community Advocate:	Sera

Without knowing anything about the case other than the name of the respondent (Sasha) and the nature of her offense (assault), Sera, the community advocate, opened by stating that "assault can affect the community."[7] As Sera had been trained, she then stated three negative effects of the offense of assault on the respondent, "the community," or both. According to Sera, "assault can make people think that this is a bad neighborhood" and can give Sasha's community a "bad name." Assault can also give Sasha a "bad name," Sera concluded.

Jedd, the youth advocate, followed, describing Sasha as a fourteen-year-old ninth-grader at Sunset Park High School. According to Jedd, Sasha had a grade point average of 85.76 and wanted "her grades to be better." She believed that the incident (the assault) had occurred in response to an act of harassment by the victim to a third party—another student.

[7] Unlike the youth advocate, the community advocate would not meet with the respondent prior to the hearing.

Roy inquired as to whether Sasha had anything to say on her own behalf before the jury questioning began. Sasha did. Sasha confessed: "I was defending my friend…I know what I did was wrong." Sasha proceeded to explain that the victim (Andrew) was bothering Sasha's friend(s) and her (Sasha). "At first," Sasha recounted, "we was playing around, but then he took it seriously." Without describing what she had actually done to Andrew, Sasha said that after the incident, Andrew left school and told his mother, who was waiting outside for him. His mother then went into school and told the principal, who immediately set up a "mediation" between the principal, Andrew, Sasha, and Andrew's mother.

Jury questioning elicited more information about the incident. According to Sasha, Andrew had a crush on Sasha's friend; he had been texting Sasha's friend a lot—to the point that she had to block his phone number. On behalf of her friend, and prior to the incident, Sasha had told Andrew that he had to "let it drop." It was not clear whether Andrew had, indeed, stopped texting Sasha's friend. But on the afternoon of the incident, Andrew, Sasha, Sasha's friend, and one other person were hanging out and laughing. Sasha claimed that "then it turned serious" and that she pushed Andrew. After that, Andrew left the building and told his mother.

Sasha explained that she had never been in trouble before ("I have no record at the police department") and that she had "no school record—no record with the principal" prior to this incident. (Later, however, Sasha admitted that she had been suspended once before.) When asked about her relationship with her teachers, Sasha replied, "I respect my teachers as I should." When asked about extracurricular activities, Sasha stated that she participated in student government and played basketball.

Sasha said that her father (who was sitting in the row in front of me at the hearing) was her role model because he "works hard to do stuff for me [Sasha] and [my] brother." Sasha thought she could be a role model and indicated that she wanted to be a lawyer or a basketball player when she got older. When asked how the incident might affect her ability to

achieve these goals and have bearing on her future, Sasha replied, "They look at it as an offender." (It was not clear to whom "they" referred.) She expressed a short-term goal of wanting to "move up in student government," which I interpreted to mean that she wanted to run for or otherwise obtain a more prominent position in her school's student government organization.

Sasha repeated that she "regrets the offense" and that she had "learned a lesson." When asked what the lesson was, she replied, "Never put your hands on someone." Sasha indicated that she understood how her offense affected her community—a somewhat surprising admission given that most respondents reply "no" when asked this question. When the jury inquired why she believed that her offense affected her community, Sasha reiterated her answer to the previous question—that she "shouldn't have touched anyone."

Despite the incident, Sasha claimed that she "doesn't get angry easily." She also stated that she had had no subsequent interactions with Andrew, but it was not clear whether she had simply not seen him again since the incident or had actively avoided him.

Sera, the community advocate, did not pose any questions to Sasha. Jedd, Sasha's youth advocate, inquired whether on any previous occasions Sasha had retaliated when Andrew had harassed her or her friend. Sasha replied in the negative.

Sera's closing argument restated that Sasha's offense could "give the school a bad name" and could "give her [Sasha] a bad name." Jedd's closing argument emphasized that the incident was previously mediated (at school), that Sasha regretted the offense, and that she had not interacted with Andrew since the offense.

During jury deliberations Jazmyn, the foreperson, summed up Sasha's actions and qualities, noting in particular her good grades, her afterschool activities, and her lack of subsequent interactions with Andrew. The jury then discussed different possible sanctions, deciding on five hours of community service and the conflict resolution workshop.

Comment:

It was never clear from Sasha's testimony how hard she had pushed Andrew. And was it really a push or was it a punch? One would have to assume that it was sufficiently significant for Andrew to tell his mother, for his mother to subsequently tell the principal, for the principal to convene an "immediate mediation," and for the incident to become an RHYC case. It was also not clear from Sasha's testimony just what had precipitated the assault other than the fact that Andrew had been "harassing" Sasha and her friend, and that whatever playful exchanges had occurred prior to the "push" had subsequently "turned serious." These issues, however, were not important to the jury. Rather, they seemed to think that, despite the assault, Sasha was a good student and a good person who had spoken openly and candidly about the incident and who had expressed regret for her serious transgression. I did not speak to Sasha about the hearing, but apparently she deemed it a positive experience for she subsequently trained to become an RHYC member (receiving the highest grade in her group on the bar exam) and began her membership just as I was completing my fieldwork.[8]

[8] As such, I did not have the opportunity to interview her. The few times that I did see Sasha at RHYC hearings, she almost never spoke about being a respondent, and no one ever asked her about it. On one occasion visitors to the RHCJC asked the RHYC members before the evening's hearings about the various sanctions that they could give a respondent and whether they had attended any of the workshops. Sasha indicated that she had attended the conflict resolution workshop, but did not reveal that this was as a *respondent* who had been *sent* to the workshop. When asked what she thought of the workshop, Sasha said that she believed that *the fact that she had been sent there was useful*, rather than *the workshop itself*. In other words, she conveyed the sentiment that *a* workshop—*a* sanction at the RHCJC—was useful because it forced one to think about one's actions, but that the workshop itself did not provide her with tools to better resolve conflicts in the future.

Severe Offense; Impenitent and Aloof Respondent

Case #05891: Respondent: McCoy; Offense: possession of marijuana; Date: 9/24/10; Time: 2:15 pm; Referral source: police

Judge:	Shatoya
Bailiff:	Sean
Youth Advocate:	Courtney
Community Advocate:	Justin

Jury:	Jeromy	Nikki Brendan	Kimberlee Roy	Clayton Lynette (foreperson)	(second row) (first row)

Justin, the community advocate, described the adverse impacts of marijuana possession: it could make McCoy's community "look bad," "a younger person could witness the offense and think it was OK," and McCoy could "cause harm to himself."

Courtney, the youth advocate, explained that McCoy, a fifteen-year-old tenth-grader, had a grade point average of 75 but "thought he could do better." Courtney claimed that McCoy had learned a lesson, that he had apologized to his parents for what transpired, and that he felt that they had deserved the apology. Courtney also stated that McCoy would describe himself as "funny, smart, and handsome," and she concluded by indicating that McCoy's goal was to become a professional basketball player.

McCoy declined the offer to address the court prior to jury questioning. During jury questioning, McCoy indicated that right after dismissal from school, he and three friends "lit up" in the school parking lot. McCoy said that they were caught almost immediately. When asked where he had procured the marijuana McCoy responded that he "got it from someone else." When asked whether he and his friends had planned to get high, McCoy tersely replied that "it just happened." For some reason, the jury asked McCoy to clarify what he meant by "it just happened." McCoy responded that he and his friends had been planning on smoking marijuana that day after school.

McCoy indicated that this was the first time he had been stopped by the police and that he had cooperated with them when they searched him and found (additional) marijuana (i.e., marijuana other than what he had just put to his lips). According to McCoy, this was the first time he had smoked marijuana *outside*, but that he had smoked marijuana *inside* on previous occasions.

One of the jurors asked McCoy whether he had intended to smoke the marijuana. (It was not clear from the question whether the juror meant, "Were you peer-pressured into smoking marijuana?" or "Did you think you were smoking tobacco and it turned out to be marijuana?" Either way, it seemed as if McCoy had intended to smoke marijuana because he admitted to possessing additional amounts of marijuana on his person.)

McCoy was asked whether his parents knew that he smoked. McCoy responded that his father caught him one time and that he told him to stop, but that he did not listen. As such, McCoy said he felt that "he let him [his father] down" because he told him he would stop smoking but that he continued to do so nonetheless. Surprisingly, McCoy stated that he did not feel his father deserved an apology because he (McCoy) was "trying to be his own self"—a statement that undercut his expression of guilt for letting down his father, as well as one that contradicted what Courtney, his youth advocate, had said in her opening statement. McCoy added that he did not feel as if he deserved a punishment.

On a couple of occasions, McCoy made reference to how he had learned his lesson about "smoking in public"—how he had learned not to "smoke in public" or how he would not "smoke in public" again. On more than one occasion, Roy asked McCoy to clarify whether he did, indeed, mean "smoking in public" or whether he meant "smoking *at all*." Both times, McCoy replied "smoking, period," although his body language and tone of voice suggested otherwise. McCoy also professed to not having smoked marijuana since the offense, although his dilated pupils and red eyes suggested otherwise.

McCoy revealed that he had started smoking because he "just wanted to try it" and had been smoking about twice a week for the last couple of months. When asked whether he regretted the offense, McCoy claimed

that he did, but could not offer an explanation as to why. Pressed on this issue, McCoy admitted that he regretted the offense because "I've had to go through all this trouble"—meaning coming to the RHYC. McCoy stated that he did not associate with the same friends with whom he had been smoking. When asked why this was the case, McCoy explained that of the kids in the group, he (McCoy) had been the only person locked up, and thus he had "dropped" them.

"Would you still be hanging out with those friends had you all gotten caught?" Shatoya asked McCoy. McCoy shrugged, but his smile indicated that he probably would.

McCoy was asked about previous troubles he might have had. McCoy responded that he never cut classes, but indicated that he did get in trouble last year for fighting and received a two-day suspension—a fight that either stemmed from a basketball game or started during a basketball game.

McCoy stated that his goal was to finish high school, go to college, and become a professional basketball player. When asked whether he played interscholastically, McCoy replied that he "just play[s], not for school." "The fight," he said in response to whether he was easily angered, "was just a heat-of-the-moment type of thing." McCoy did not know how the offense could affect his career, so the jury explained that smoking marijuana could affect McCoy's stamina and result in decreased athletic ability. Jeromy added that smoking marijuana is a violation of the National Basketball Association's (NBA) substance abuse policy.[9] McCoy did, however, seem to understand that his offense could have an adverse effect on his community—or, at least, he had paid attention when Justin gave his opening statement—for when asked about the impact of smoking marijuana on people besides himself, McCoy stated that "other kids might see it and want to do it."

McCoy said he had an average of 75 in school and was "trying" to improve by doing his homework and paying attention in class. Although McCoy did not believe that smoking marijuana or attending class while

[9] In February 2012, the NBA indicated that it would no longer test players for marijuana use during the off-season. See http://www.marijuana.net/news-and-articles/nba-makes-major-change-to-marijuana-policy-for-players/.

high had any effect on his academic performance, he thought he made good decisions on a daily basis. When asked why he believed he made good decisions, McCoy slouched even farther in his chair, shrugged his shoulders, and replied, "I don't know."

In his closing statement, Justin, the community advocate, described how someone saw McCoy smoking marijuana and called the cops, who arrived shortly thereafter and apprehended McCoy. Justin then restated the points that he had made in his opening statement—that smoking marijuana "could have made the community look bad," that it "could have influenced others," and that it "could have caused himself bodily harm."

In her closing statement, Courtney stressed that McCoy had apologized for what he had done (although his testimony indicated otherwise). She also emphasized that McCoy had not peer-pressured others into smoking marijuana, nor did he peer-pressure others as a matter of course. Courtney concluded that McCoy wished he could "take the day back" and that he had not smoked marijuana since the offense.

Jury deliberations centered on two issues: where McCoy had previously smoked and his lack of contrition. Roy thought it was important that the rest of the jury realize that just because McCoy had stated that he had never smoked "outside" before did not mean that he had not smoked "in public"—that he could have smoked in the hallways or stairwells or foyers of his apartment building. Thus, for Roy, there was a chance that McCoy had previously smoked marijuana in full view of others, which could have sent a message to others that this behavior was admirable, acceptable, or tolerable. Other jurors acknowledged Roy's point, but were less troubled by the issue of where McCoy had smoked than the fact that he contradicted Courtney's claims of having made an apology and seemed taciturn at the hearing—his reticence more a sign of smugness than nervousness. Based on what they perceived to be a serious offense with the potential of influencing others—and combined with McCoy's detached demeanor—the jury voted for fifteen hours of community service and a 250-word essay on the effects of marijuana on "you as a person."

Comment:

I would like to make two observations based on McCoy's case. The first pertains to sanctions and what was not given to McCoy. The second pertains to Justin's opening statement.

1. Although the jury ultimately decided on a sanction of fifteen hours of community service and a 250-word essay, they debated seriously whether to sentence McCoy to a workshop entitled "Teen Choices," which, at the time, was a three-part workshop consisting of the "What to Do When Stopped by the Police" workshop (hereinafter "wtdwsbtp" workshop),[10] a workshop on marijuana, and a workshop designed for adolescents who had demonstrated poor decision-making skills with respect to peer pressure, anger management, maintaining positive relationships, and attending school on a regular basis.[11] Roy argued against giving McCoy Teen Choices because he did not think he would benefit from sitting through the wtdwsbtp workshop and the non-marijuana-related workshop. Roy's fellow jurors agreed.

During the course of my fieldwork, the menu of sanctions shrunk as the RHCJC, because of lack of funding and staff shortages, consolidated some workshops and eliminated others. While such changes were motivated by pragmatic reasons (finances and staff availability), RHCJC staff justified the changes on the grounds that respondents would benefit from exposure to a wider range of skill-building sessions. In the RHCJC staff's mind, a respondent caught smoking marijuana, for example, would benefit not only from a workshop on marijuana, but also the wtdwsbtp workshop and one regarding decision-making and peer pressure.

RHYC members, however, saw things differently. Although the importance of "proportionality" and a "fair and beneficial sanction" were stressed repeatedly during RHYC training sessions, neither

[10] The wtdwsbtp workshop, which was conducted by officers in the NYPD, was more of a lesson on "how not to get arrested" than a "know your rights" session intended to empower kids.

[11] Teen Choices was later replaced by a two-session workshop called TOOLS, which was separate from the wtdwsbtp workshop. See note 5 in this chapter.

concept was really defined or fleshed out fully for the kids. As a result, "proportional," which many of the kids defined as "equal," became synonymous with "fair." And because the kids were not instructed in how they might balance "fairness" with "beneficialness" (for what is fair may not be beneficial, and what is beneficial may not be fair), they tended to equate the two: a "fair" sanction was one that would "benefit" a respondent; a "beneficial" sanction was a "fair" one.[12]

To understand how this would play out, Roy argued in the case of McCoy that Teen Choices would not be a "fair and beneficial" sanction because McCoy had cooperated with the police when he was arrested and had indicated that he was neither susceptible to peer pressure nor one inclined to peer-pressure others. Thus, according to Roy, because only one out of the three workshops within Teen Choices would directly address McCoy's needs, the others would not be beneficial to him. Giving a respondent sanctions that were not beneficial was not fair, Roy argued, and therefore not proportional. The only solution, then, would be an essay specifically geared toward marijuana use and community service—for everyone, both the respondent and the community, benefited from a respondent performing community service.

Essentially, in the eyes of RHYC members, community service, which might entail work unrelated to the nature of the offense at a location other than the site of the offense (e.g., the neighborhood or community where it occurred), was more fair and more beneficial to a respondent than a workshop whose subject matter was not related precisely to the respondent's offense. A workshop not related exactly to a respondent's offense was not (and could not be) either fair or beneficial; community service, although much more general, was (or, at least, could be) fair and beneficial.

[12] For a related point, see Aubert (1989:67), who argues that "[t]o achieve formal rationality in written law is one thing, to achieve rationality in real social life is another. It is even difficult to find criteria of rationality in social action, one reason being the possible discrepancy between what is good for the actor and what is good for the community."

In sum, while there was something inspiring about the kids' attempt to deliver sanctions that matched exactly and unerringly the needs of the respondents—especially given current penal philosophy and practices in the United States—RHYC members' lack of sanctioning options frequently meant they could not exercise "the creativity that lives within discretion" (Barrett 2013:18) and thus would pick the default choice: community service. One could argue, then, that rather than reflecting the goals of the RHCJC (and its emphasis on problem-solving and therapeutic jurisprudence), the RHYC (because of its limited menu from which to select sanctions) wound up reproducing the very system the RHCJC was claiming to try to reform: a criminal justice system with few alternatives and few resources to tailor sentences to meet individual defendant needs.

2. As noted above, Justin's opening statement listed three potential negative effects of McCoy's offense on the community: it could make the community "look bad," "a younger person could witness the offense and think it was OK," and McCoy could "cause harm to himself." The case that directly preceded McCoy's case on the docket that day—one that I have not described in depth—involved a respondent, Dominick, who had been picked up by the police for truancy. Kimberlee, the community advocate in Dominick's case, had stated that the respondent's actions might have sent the message to others who might have witnessed it that skipping school is permissible and that the community is a "bad place." Thus, the only expressed difference between the two opening statements—and the only expressed difference between possession of marijuana and truancy—was that the former could cause harm to the respondent, while the latter could have caused the respondent's school to lose funding.

The point here is not to criticize Justin or Kimberlee for a lack of creativity. (In fact, at one juncture, Kimberlee observed, "[If] you're the community advocate, how much originality can you have?") As noted above, community advocates are told very little about the case prior to the hearing. This lack of information, combined with the sample statements given to RHYC members during training,

more or less ensures little variety from opening statement to opening statement, irrespective of the actual offense. But the lack of substantive distinctions between Justin's opening statement for a possession of marijuana and Kimberlee's truancy case did not result in RHYC members conflating the two offenses or collapsing the distinctions between them. Although Dominick was charming, referring to all male jury members as "sir" and all female members as "ma'am," and McCoy was virtually the opposite, Dominick's politeness and contrition were not the only reasons why he received "no sanction"; his offense was deemed far less serious than that of McCoy, or Sasha, for that matter, who, like Dominick, had been cordial and regretful. The short-term impact of neglecting to more fully appreciate and flesh out the different effects of different offenses on "the community" might have been minimal—during deliberations, and despite boilerplate opening statements by community advocates, jurors tended to balance perceived seriousness of an offense with respondent's attitude and behavior (as reflected in a harsher sanction for McCoy than for Sasha and a more onerous sanction for Sasha than Dominick, who received none at all). While the long-term impact remains to be seen, there are reasons to suggest that it might be different from the seemingly inconsequential short-term impact. During interviews, I asked RHYC members what "the community" meant and whether there were any offenses that did not affect the community. Their answers revealed a notion of a most capacious conception of community—of a community without bounds, if one will—but a fragile one—one vulnerable to any and all offenses.

For example, in response to my question, "are there any offenses that do not affect the community, however you conceive of 'community'?" Aimee replied: "I think they all affect them. I mean, the community is the people, right? I don't define the buildings and the floor or the grass to be the community. I think the community is the people that live together in an area. So if it has—if there's a case that has to do with people, I think it automatically affects the community. That's how I think of it. I mean, yeah, I mean, it's like your

actions are based on others, or your actions affect others. Whoever sees it, hears it, thinks about it."

Jeromy expressed a similar position in an interview. I had asked him about a graffiti case where he had served as the community advocate. The respondent, Omar, had been stopped by the police for doing graffiti in the train station in Canal Street in Manhattan. In his opening statement, Jeromy had stated the following: "By committing this offense, Omar could have destroyed the trust between him and his elders & or peers. Also, if a younger youth witnessed Omar partaking in such events, they too might also want to participate in similar actions. Lastly, by committing this offense, he could have caused the community & himself to be looked upon negatively, which I'm sure isn't the case at all."

"Which community, Jeromy?" I asked. "Is it the community where it happened, Canal Street? Is it the community where [Omar's] from, which is in Brooklyn? Which community?"Jeromy replied:

> I'd say both. I mean, if you wanna think outside the box and say, "Well, this kid might have done it on Canal Street, but a woman from Manhattan who had a little boy—who had a little son or whatever, and they both saw him do it, can end up in Manhattan." Or the same kid who did the graffiti goes back home tells his little cousin about it. And his cousin lives in Brooklyn, but in a different part. It's gonna end up over there.
>
> I think it grows. I mean, in a sense, anyone that sees it can be encouraged by it, or misled, and that moves around. I mean, if he was in Canal, which is a very packed placed where anyone could have seen him, it can affect wherever those people are from. 'Cause it might go to where they're from. Like they might do the same thing 'cause it's like, "Well, this guy did it on Canal, let me go do it in Park Slope."
>
> So I don't think it ever really affects one place specifically. It's depends on the people around and whoever sees—or the person himself because that person might just do it in Canal Street, but then he encourages his friends to do it everywhere else.

For Jeromy, then, just as for Aimee, "community" meant everybody and anybody, and the persuasive power of delinquency was so great that whoever witnessed a transgression might be tempted to follow suit. As such, a seemingly minor deviant act could spur a movement of like-minded offenders.

While, as Young (1992:29) notes, "[a]ll crime has a spatial dimension," and as Lea (1992:84) reminds us that "[v]ictims, like offenders, may be individuals or groups," the RHCJC's emphasis on the impact of low-level offenses on "the community" bloats the RHYC members' sociospatial conception of "community" and transforms their notion of the potential influence of one kid's criminality on others into a near certainty—indeed, almost to the point of suggesting an ineluctable causality.[13] I believe that this phenomenon is exacerbated by what I refer to as "case creation"—a process in which the RHCJC through the RHYC serves to create cases to perpetu-

[13] While I maintain that the RHCJC does little to disabuse RHYC trainees and members of such an exaggerated conception of "community" (see Thom et al. 2013:12 on the need for research on how "community" is defined in the literature on community courts and community justice centers), it bears mention that other forces may contribute to such inflated perspectives on the size, population, and dynamics of "community"—and the relationship between communities and crime. According to Pease (2008:598), "[t]he effects of a crime event are not limited to those directly suffering it. They extend to those distressed by…it" (quoted in Hayward [2012:225]). Similarly, Agnew (2011:15) notes that street crimes "cause harm to the larger community; often disrupting ties between community members and consuming resources that might otherwise be invested in such things as education and health care (Garcia et al. 2007; Liska and Warner 1991)." Thus, to some extent, the radius of impact of a "criminal event" has always extended beyond the proverbial "blast zone." But, as Schiraldi and Ziedenberg (2001:120) contend, this potential area has grown within the last twenty years:

> most media have grown by leaps and bounds throughout the 1990s, especially cable television and the new Internet media. As a result of new technologies, the time with which breaking news can be reported to the nation has cut to minutes, *and the space between communities seems smaller*. So, where a crime story was once something reported on locally, with the daily newspaper giving one side of the local scale to measure how often tragic news events happened in one's community, *the new media have created a crime context in which Americans are now part of a national community*. Suddenly, viewers are concerned about crimes that happen both down the street and 5,000 miles away. As a result, viewers who watch more minutes of the evening news report being more fearful than those who watch less frequently. People consistently report more fear of crime than generally exists in their own communities, where they are personally able to test the chance of crime. (emphasis added, internal footnote omitted)

ate the existence of these two institutions. I demonstrate how this occurs after the second of the next two categories of cases.

Technology is even more advanced today (2016) than at the time of Schiraldi and Ziedenberg's writing more than fifteen years ago—meaning that breaking news can be reported to the world *as it is occurring*, rather than just in a matter of minutes. Thus, for all intents and purposes, the space between communities should seem *even smaller* today than in 2001. I would suggest that immediate news updates available from new media technologies have, indeed, served to collapse the sense of space between communities for RHYC kids, thereby contributing to the creation of a "national community"—or, at least, an "NYC community"—that the RHCJC did little to discourage. Jeromy and Aimee and other RHYC trainees and members did not seem exceptionally fearful of crime, which suggests that the immediacy provided by new media technologies did not have the same effect on them that Schiraldi and Ziedenberg claim affected Americans in the early twenty-first century. While the RHCJC's complicity in the spatial *shrinkage between* communities or spatial *elongation of* communities did not inspire a greater fear of crime in RHYC kids, it did seem to instill a magnified sense of differential association/social learning processes on others—of the potential impact of an offense on those who might witness it and might then develop definitions favorable to crime (see, e.g., Akers 1985, 1998; Akers and Jensen 2003; Sutherland 1939, 1947; Sutherland and Cressey 1966, 1974; see also Cullen et al. 2014:127–65; Hollin 2001a, b).

Not Severe Offense; Apologetic and Forthcoming Respondent

Case #15152: Respondent: Charles; Date: 6/14/10; Time: 12:50 pm; Offense: truancy; Referral source: police

Judge:	Teleaha
Bailiff:	Brendan
Youth Advocate:	Kimberlee
Community Advocate:	Allyson

Jury:	Shatoya Nikki	Cory Jeromy	Justin Roy	Josiah Sera (foreperson)	(second row) (first row)

Allyson, the community advocate, delivered the following opening statement:

> Good evening, judge, jury, guest [sic] and members of the red hook youth court. As the bailiff stated, Charles is here for the offense of truancy. As the representative of the community, I feel it is important to inform you the negative effects truancy has. By cutting school Charles could influence other students to cut school as well and think it's okay to do it. Also it decreases school funding. But most importantly it prevents Charles from learning and it gives him a bad reputation. I ask that you keep these consequences in mind as you hear what Charles has to say on his own behalf. Thank you.[14]

Kimberlee, the youth advocate, then delivered her opening statement:

> Good evening, Judge, Jury, Guests, and members of the Red Hook Youth Court. Charles is here today for the offense of truancy. But I ask that you not judge him based on this offense but on the positive qualities that I have recently learned about him. Charles is 14 years old and attends Brooklyn Latin School in which he maintains a 89 average. He has a good relationship with his teachers and his peers. He regrets this offense and feels that he learned a lesson which was not to listen to his friends to be more open and honest with his mom. He has a future goal of taking up either law or forensic science. He describes himself as sarcastic, funny, and smart. Lastly, he understsands [sic] how this offense effects him as well as his community. I ask that you keep in mind what I have said as you listen to what Charles has to say on his own behalf. Thank you.

Teleaha, the judge, asked Charles whether he had anything to say for himself. Charles, quite eloquently, spoke about how he had learned his lesson and how he "didn't get anything out of cutting." After he made his statement, Teleaha turned matters over to the jury. Here is what we learned about Charles's truancy from jury questioning.

[14] After attending a number of RHYC hearings, I began to notice that most community advocates and youth advocates would discard their statements at the end of each hearing. As such, I began asking members serving in the capacities of community advocate and youth advocate if they would mind giving me their statements, rather than placing them in the trash. They agreed, which made taking notes on the proceedings much easier.

On the day of the offense, Charles was upset that he was not going to be given an award at an award ceremony that evening at his high school. (At the end of his hearing, Charles clarified that he was not even invited to the award ceremony; only those kids receiving awards had been invited.) Charles stated that on the morning of the day of the offense, he had had a disagreement with a friend and that his day got worse as the day progressed. (In addition to learning that he had not received an award and thus would not be invited to the evening's ceremony, Charles explained that in a couple of classes, teachers called on other kids—their favorites—instead of Charles when Charles had raised his hand.)

Charles told another one of his friends that he was having a bad day, and his friend and a third person encouraged Charles to leave school during lunch. At first, Charles said no. But then he decided it would be a good idea, for it might make him feel better if he left the environment of the school. (Students at Brooklyn Latin School are permitted to leave the school grounds during lunch, provided that they stay within a designated perimeter.) Charles was stopped by the police shortly after he crossed the perimeter.[15] According to Charles, the police asked him about his parents, then called them, and then took Charles back to school. Charles said that he cooperated with the police and that at the school, he and his mother, who had arrived, met with the principal.

Charles stated that, in general, he made good decisions and that this was the first time that something bad had happened to him. Charles indicated that he was punished by the school—that his school trip was taken away and that the principal was going to give him detention but that when he asked her about it at a later juncture, she told him not to worry about it because the school year was almost finished. (The offense, as noted above, took place in mid-June; Charles's hearing at the RHYC took place on September 1, two and a half months after the fact.)

Charles also stated that he was punished by his parents—that he had his "privileges" taken away, which included video games and "pretty

[15] Charles indicated that his lunch period ran from 12:00 p.m. to 12:35 p.m. The time of the offense was 12:50 p.m., but it was not clear whether Charles was stopped during the lunch period and that the officer who stopped him simply wrote 12:50 p.m. on his report because that was the time at which he had finally written up the report or whether Charles and his friend(s) were actually caught *after* lunch was over. Regardless, Charles indicated that, had he not been caught, he would have missed three periods and two homerooms, which amounted to three and a half classes.

much all the other things that [he] enjoy[ed]." Charles revealed, "I had to earn my parents' trust back," and that it took most of the summer—at least until the middle to end of July—for this to happen.

Charles was asked about peer pressure and explained that, while his friends had suggested that they cut, "I chose on my behalf to go out…He didn't really influence me." Charles was then asked about whether he had apologized to his mother. Charles, very contritely, responded that he had. When asked why, he replied, "She doesn't deserve this."

At this point in time, Charles's mother began to cry. I did not actually notice her tears, for I was sitting behind her, but Charles said, "Mom, don't cry." Everyone then looked at his mother. It was either the fact that his mother was crying or some expression she made or the combination of the two, but then Charles himself started to get choked up. He sort of waved his hands, as if trying to clear the air, and said something about needing to compose himself. Teleaha then asked whether he needed a minute. Charles responded yes, and Teleaha announced that there would be a two-minute recess. Charles hustled out of the mock courtroom along with his mother and before Brendan, the bailiff, could accompany him.

A couple of minutes later, Charles and his mother returned, and the hearing resumed. Charles described how the incident "made me look bad" and "made my school look bad." Charles was asked again about whether he received a punishment and stated, "I did. I probably deserved more."

The questions then shifted back to the event itself, and Charles explained that two of his friends had decided to leave school early and invited Charles to come along. Charles explained that he initially said no, but then decided it was a good idea for it might make him feel better.

Charles was asked more about the disagreement he had had with his friend the morning of the offense. Charles responded that it was "kind of personal," but then confessed, "I had a love interest, you could say." After more probing by the jury, Charles revealed that he and his friend liked the same girl and that his friend had said something bad about Charles to the girl. An argument ensued. The jury inquired whether Charles was still friends with this person, and Charles stated that they had talked matters over, but that they were no longer as close as before.

Charles was asked about his grades and replied that he usually scored in the 90s or high 80s. His worst grade of late had been an 84.

Charles was asked about his relationship with his parents, and he explained that they "have traits that I want to emulate… [They are] loving, smart, wonderful people." When asked to list three words to describe himself, Charles replied, "smart, funny, kindhearted."

Both Allyson, the community advocate, and Kimberlee, the youth advocate, asked questions after the jury had completed its questioning. Allyson inquired whether this was, indeed, Charles's first offense; it was. Kimberlee then asked Charles whether he had learned a lesson; he had: "Don't pay attention to what your friends say, and be open and honest with your mom."

Allyson then delivered a closing statement on behalf of the community:

> Good evening once against Judge, Jury, guests and members of the court. Although this is Charles first offense, I would like to remind you the negative effects being truant leads to. Charles could have influence [sic] his peers to cut school. Also missing school can affect his education and his future goal. In addition people may look at Charles as a bad person which i m sure he's not. Please keep these effects in mind as you determine a proper sanction that will help Charles never to come across this situation again. Thank you.

Kimberlee followed with her statement on Charles's behalf:

> Good evening once again Judge, Jury, guests and members of the Red Hook Youth Court. First I would like to thank Charles for participating in tonight's hearing because it is nott [sic] easy speaking out amongst your peers. As you heard during the hearing Charles was having a bad day because he wasn't going to receive an award. As the day went on, he got more aggrivated [sic] and his friend suggested that they go to 7th Avenue. At first he hesitated but then he chose to go with them. They were stopped on 6th Avenue and taken back to school. When there, they all got their senior trip taken away. He was not awre [sic] of the consequences but he did know that he was not allowed to leave school perimeters. Charles regres [sic] this offense and has learned his lesson. He also had all of his privileges taken away and he feels that he deserved this punishment. I ask that you keep in mind what was said as you deliberate a fair and beneficial sanction for Charles. Thank you.

Jury deliberations: Sera summed up the facts of the case and noted some of Charles's qualities and characteristics. Shatoya added some more, and a few other jurors jumped in with details they remembered. Sera

then raised the issue of community service as a possible sanction. No one seemed to be in favor of this except for Josiah, who argued that five hours was appropriate given that Charles had been caught outside school grounds (and the perimeter) in the middle of the day. Roy, however, argued that he did not think that Charles's actions affected the community, and both Sera and Shatoya emphasized that Charles got caught only a block away from the perimeter more or less during the time when

Comment:

During the hearing the jurors were surprisingly aggressive with their questioning—an odd but occasional byproduct of a forthcoming respondent. Charles, however, did not appear bothered by the questioning and answered everything that was posed to him with aplomb. Indeed, and as noted above, Charles was clear, articulate, contrite, remorseful. He spoke very, very, very well for a fourteen-year-old who was appearing before a court (albeit a youth court). And given what he had done—skipped out on school for academic-related disappointments (ones to which I, and other readers, I am sure, can relate)—it was impressive that he was willing to endure the insult (the police encounter and subsequent RHYC hearing) that had been added to his injury (not receiving an award he felt he deserved). He not only told his story but repeated his answers when asked.

As noted above, Josiah raised the issue of whether a sanction was appropriate given that Charles had been caught on the street in the middle of the day and thus might have been seen. Sera and Shatoya, however, argued successfully that students at the Brooklyn Latin School are permitted to be outside the school building during their lunch period and that Charles and his friend(s) were only slightly outside the designated perimeter. As such, they argued that Charles's actions were unlikely to have influenced a peer to commit truancy.

The argument that Charles's actions might have influenced his peers is an interesting one. While I could understand the concern if Charles had been the ringleader—the one who had suggested and instigated the truant act—Charles was the one who had to be convinced. Whether Charles's actions, by themselves and without peer pressure, could have influenced another individual to cut school is a separate matter. Allyson's

comments in her community advocate opening and closing statements suggested that simply observing someone commit truancy could lead others to follow suit—a point that Josiah found persuasive. But unless Charles's schoolmates had observed Charles actually cross the perimeter, it is unlikely that his actions (without any verbal accompaniment) would have influenced fellow students at the Brooklyn Latin School. If students from another school had witnessed Charles cut school, it is likely that they, too, were cutting, for how else would they have seen Charles outside the perimeter in the middle of the day?

To her credit, Allyson did not assert that Charles's truancy could have led "people to conclude that the community is a bad place." But community advocates (such as Kimberlee in the case of Dominick, noted above) frequently do make arguments of this nature in truancy cases. It is possible that if a group of kids decided to leave school early en masse, the community surrounding the school might be concerned—especially if the kids were disruptive while on the streets or in the shops. In other words, the community might think ill of a kid if he/she did *something else* while truant. But I would hazard that most people who live and work around a school in Brooklyn do not spend too much time thinking about kids on the street in the middle of the day, assuming they even notice them. Having lived and worked in both Brooklyn and Manhattan, I can attest to how, when I would see a kid on the street in the middle of the week, I *might* have checked my watch or wondered if there was a special teacher in-service day or holiday that I did not know about. But rarely did I suspect that the kid was truant. And if the kid were truant, I doubt that I would have assumed that he was, by nature or by this action alone, a "bad" kid or that the community I was in was a "bad" community. I would guess that, with the exception of some restaurant owners or store owners in the vicinity of Brooklyn Latin School, few members of that community had any idea as to when and where students were permitted to go during school hours. Thus, just as the RHCJC trains RHYC kids to conceive of "the community" as a seemingly infinite socio-spatial entity, it encourages the kids to assume that adults are watching their every move and that even the most minor of infractions can and will negatively affect adult perceptions of kids.

kids were allowed to leave school grounds for lunch. Ultimately, the kids decided not to give Charles a sanction and to encourage him to apply for training for and eventual membership in the RHYC.

Not Severe Offense; Impenitent and Aloof Respondent

Case #082510: Respondent: Kayla; Offense: truancy; Referral source: police; Date/Time: unknown

Judge:	Jeromy
Bailiff:	Nikki
Youth Advocate:	Kimberlee
Community Advocate	Sera

Jury:	Shatoya	Sean Justin	Clayton Brendan	Bradley Lynette	Allyson Corey	(second row) (first row) (foreperson)

Sera, the community advocate, delivered the following opening statement:

> Good evening judge, jury, and guests. As the bailiff previously stated Kayla is here 2day for the offense of truancy. In many eyes truancy may be seen as a petit offense. But truancy is a major issue wid [sic] many negative affects. One affect is if kids in the neighborhood had seen Kayla they would be influenced to also cut school. Also Kayla can give her community a bad name. Lastly Kayla's school would lose funding for supplies that they need. At this point in time I would like to ask you the jury to listen to what Kayla has to say on her own behalf as you keep what I said in mind. Thank you.

Kimberlee, the youth advocate for Kayla, then presented her opening statement:

> Good evening Judge, Jury, Guests and members of the Red Hook Youth Court. Kayla is here today for the offense of truancy. But I ask that you not judge her based on this offense because I have learned of some positive qualities she posesses [sic]. Kayla is 14 years old and attends Sunset Park High School. She maintains a 65 average but is not satisfied. She has learned a

lesson which was not to be late to school. Kayla describes herself as calm and nice and feels that she can be a role model with these qualities. She also has a future goal of opening a bakery. I ask that you keep in mind what I have said as you listen to what Kayla has to say on her own behalf. Thank you.

Jury questioning revealed the following information about Kayla and the incident resulting in her RHYC appearance: On the day of the offense, Kayla had stopped to get breakfast on her way to school. She was late, and the police stopped her right in front of school.

Kayla said that she did not apologize to her mother for her actions, but that she felt that her mother deserved an apology. When asked what she could have done differently, Kayla shrugged her shoulders and suggested that she could have gotten out of bed earlier on the morning when she was truant. Kayla stated that she had learned her lesson, but then admitted that she had been late to school after the offense. She had not, however, been stopped by the police on those subsequent occasions. Kayla indicated that, on average, she skipped school entirely about three times per month and that she cut math class "a lot because it's kind of boring" and often she did not complete her assignments. In response to the jury's question about her overall academic performance, Kayla stated that her grades were "kind of bad." When asked for her average, she responded that it was 65–70, but that she knew she could perform at a higher level.

Kayla did not express much confidence in her ability to make good decisions and admitted that she was easily peer-pressured in a negative way. When asked what she meant, Kayla responded that if a friend urged her to cut school, she, Kayla, would probably follow her friend's advice and encouragement even though she knew "it was wrong."

The jury asked Kayla about her future goals, and Kayla responded that she hoped to open a bakery one day. She stated that she understood how her offense could affect her community, herself, and her career, although she did not explain how, and no one asked her to state her rationale (such as the need for bakers to rise early in the morning). Before concluding its questions, the jury inquired whether Kayla could name three qualities to describe herself. "Nice" and "calm," Kayla stated, but could not generate a third adjective.

Sera, the community advocate, asked Kayla to clarify whether she thought she made good decisions on a regular basis and whether she thought she was prone to being peer-pressured. Sera also asked Kayla to clarify the number of times per month she cut full days of school. Kimberlee, the youth advocate, asked Kayla if she felt she had learned a lesson and, if so, what the lesson was. Kayla replied, "Not to be late to school."

Sera, the community advocate, presented the following closing statement:

> Good evening once again judge, jury guest and my fellow YC members. I would like to thank you for your cooperation in tonite [sic] hearing. Also Kayla because has [sic] we all know its not easy speaking your faults in front of your peeres [sic]. As Kayla stated in her case she was already late to school when she stopped for breakfast. Kayla is late to school 4 days out of 5. This is not Kayla first encounter with the police in being late. She was late after this offense. In school she is not satisfied with her grades. She does not know how this offense can affect her future goal. Kayla has cut class 2 times in a week for the subject math. She has also cut school in the past. Kayla is easily peer pressured. Kayla feels that she doesnt [sic] make good decision.
>
> At this time I would like to ask you the jury to take all I have said tonite [sic]during the hearing to determine a fair and beneficial sanction for Kayla. Thank you.

Kimberlee then followed with her closing statement on behalf of the respondent, Kayla:

> Good evening once again Judge, Jury, Guests, and members of the Red Hook Youth Court. First, I would like to thank Kayla b/c it is not easy speaking out amongst your peers. As you heard during the hearing, Kayla was on her way to school and she was late because she went to get breakfast. When she arrived at school she was stopped and asked why she was late. Then she was sent to her classes. Kayla did not apologize to her mom but she feels that she deserves one. She regrets this offense and has learned a lesson. She understands how this offense can affect her future goal of opening a bakery as well as herself and her community. Kayla has tried to limit her lateness. I ask that you keep in mind all that was said as you deliberate a fair and beneficial sanction for Kayla. Thank you.

Jury deliberations began with Cory, the foreperson, who quickly summed up the case and then inquired whether her fellow jurors were interested in sanctioning Kayla to a sentence of community service. The jurors raised their hands, and Cory inquired first about five hours and then about ten. Most of the jurors voted in favor of ten. Cory asked why they thought ten was an appropriate number, and Brendan replied that he did not think that Kayla had learned her lesson, despite her claims to the contrary. Brendan reasoned that Kayla had said she had learned her lesson, but that she had been late after the offense that brought about her RHYC appearance. (Brendan did not consider, and his fellow RHYC members did not suggest, that it was possible Kayla could have learned her lesson *now*—after receiving the news that she needed to come to the RHYC for a hearing and after having been tardy on subsequent occasions.)

Brendan regarded Kayla's subsequent tardiness as an indication of her recalcitrance, thereby meriting a sentence of ten hours of community service. Shatoya, however, argued that ten hours was excessive and that what Kayla really needed was a workshop on peer pressure. Shatoya's fellow jurors agreed, but then Brendan inquired as to whether they, the jury, really wanted to compel Kayla to come to the RHCJC on three separate occasions to attend the other workshops packaged with the peer-pressure workshop. As noted above in the case with the respondent McCoy, Roy expressed his reluctance to sanction McCoy to Teen Choices—the then three-part workshop consisting of the wtdwsbtp workshop, a workshop on marijuana, and a workshop on decision-making (which included coping skills, anger management techniques, skills for dealing with peer pressure, communication skills, and methods for conflict resolution), when all Roy thought he needed was the marijuana workshop. In response to Brendan's query, the other jurors who had initially backed Shatoya's suggestion withdrew their support. None of the jurors argued that someone who is easily peer-pressured might benefit from the workshop on marijuana, thereby making the totality of Teen Choices more useful for Kayla. As with McCoy's case, the fact that the available workshops did not exactly meet Kayla's particular circumstances—nothing more, nothing less—meant that they were, in the jury's eyes, inappropriate: unfair, not beneficial, disproportional.

The jurors also discussed the matter of whether it would be a good idea to require Kayla to write a research paper. The jurors seemed to think this was a good suggestion, but had a difficult time deciding on a topic. Finally, they agreed to a 250-word research paper on the effects of peer pressure—a "research paper" only a few words shorter than this paragraph and the previous one. Cory was a strong supporter of the research paper sanction, arguing that it would force Kayla to think about peer pressure and would thus be a good substitute for the peer pressure workshop. No one seemed to think that this might be too difficult a sanction for a fourteen-year-old girl with a 65 average who did not like school.

Finally, the jurors discussed whether a letter of apology or a "reminder" statement, such as "choose your friends wisely," might be appropriate. They opted against both, returned to the mock courtroom, and announced their sanction: ten hours of community service and a 250-word research paper on peer pressure.

Comment:

Two women—visitors to the RHCJC—sat in on the hearing involving Kayla. Prior to the start of the hearing, Jessica Colon, who succeeded Kate Doniger as deputy director at the RHCJC, fielded questions about the RHYC from the two guests. The women wanted to know more about the RHYC, and Jessica responded by describing it as a "quick and early intervention." (Presumably, she meant "quick and early" in the life of the respondent, not "quick" as in "immediately following the arrest"—for, as we saw with Charles and as was often the case, RHYC hearings might be held months after an incident of truancy or fare evasion, for example. As a result, some respondents were viewed by RHYC members as unforthcoming, when actually they simply could not remember the events of a day months in the past.)After articulating that the RHYC was "less focused on individual victims" than on the respondent and "the community"—a nod to the notion that "[i]t is the *state* that is injured by crime" (Lea 2002:16 [emphasis added])—an endorsement of the idea of "the community as collective victim with rights to protection…at the centre of contemporary penal dis-

course" (Hughes 2007:3)—Jessica explained how cases came to the RHYC. According to Jessica, many cases arrived as police referrals. "In the past, police officers would simply write up 'YD cards' [youth delinquency cards] that would get put in a pile in the precinct and nothing would happen," Jessica explained. "There were no real repercussions. Maybe their parents would get a letter months later [with the onus on the parents to mete out justice]. Now, kids can get sent here," she stated proudly.[16] Jessica explained that truancy cases—such as the ones involving Charles and Kayla—were the most common cases to appear before the RHYC. "[T]ruancy lies at the bottom of many problems…kids not going to school," Jessica stated. "[Youth court] is a moment when you're at a fork in the road…You have an option." For Jessica, a young person who had committed a low-level offense essentially had two choices: (1) travel down a path which would likely result in increased deviance, delinquency, and criminality; or (2) take the road offering the therapeutic benevolence of the RHYC. Jessica's perspective—one that had been impressed upon RHYC trainees and members—did not suggest that a hearing before the RHYC and subsequent sanction might be stigmatizing and detrimental, rather than "fair and beneficial," nor did it reflect the possibility that some of these low-level offenses might not (or *should not*) be "cases" at all (see Rosenberg 2011a, b)[17]—that parents might be able to mete out justice more quickly or effectively than youth court could or would. The message that was conveyed to the visitors here and to the RHYC trainees and members throughout their involvement with the RHYC was that while some problems are bigger than

[16] For a description of YD cards as a means of "ticketing 'bad' children," see Strickland (2004); see also Butler (2004).

[17] As Merry (1998:15) points out, "[a]t particular historical moments, previously accepted or at least tolerated behavior is subject to penalties, often in response to reformist policies. The criminalization of everyday life includes redefining as crimes actions already illegal but widely tolerated as well as actions routinely accepted" (citing Black 1983). This seems to be especially so in the case of school infractions and school discipline, where research has found that African-American students receive harsher punishments than other races and ethnicities (Forsyth et al. 2015:276 citing Bradshaw et al. 2010; Gregory and Weinstein 2008; Petras et al. 2011; Skiba et al. 2002, 2011]; Vega 2014).

they might seem, fortunately, there is now the "child-saving" (Barrett 2013:3) RHCJC and RHYC to address such problems before they lead to greater delinquency and criminality—what Jock Young (1971) refers to as the "nemesis effect"—whereby "deviance is seen to lead to various types of misery unless humanitarian interventions are pursued (marijuana use escalates to heroin addiction, premarital sexual intercourse to VD, teenage pregnancy to poverty, etc.)" (Young 2009:11).[18] Jessica's message that the RHCJC and RHYC nip crime and deviance in the bud was troubling, but not at all surprising, for two reasons. First, if Young and Matthews (1992:7) are correct that "human actors have continually redefined what is permissible," then the opposite is also true: human actors have continually redefined what is *im*permissible. The RHCJC promotes itself as a substitute for harsh criminal justice practices (see, e.g., Berman 2004; Berman and Fox 2005; Brisman 2010/2011; Doniger 2008; Eligon 2011a; Fisler 2005; Kaye 2004, 2007; Malkin 2003; Meekins 2006; Sammon 2008)—many of which were enacted in response to public fear of teen "super-predators," noted in Chapter 1. In an era of "growing criminalisation of thousands of American children as young as six for in-school offences such as misbehaving on the school bus" (Hayward 2012:214 [citing McGreal 2012])—at a time when New York City four-year-olds are being sued for bumping into an elderly couple with their bikes equipped with training wheels (Schapiro 2010),[19] first-graders in Delaware are suspended for bringing Cub Scout utensils containing forks, knives, and spoons to school (Urbina 2009b, c; see also Editorial [2009c]), middle-school students in Chicago are

[18] Nash (1989:100) notes that "[y]outh are less likely to make claims for themselves, but many groups rise in their defense, either out of concern for delinquent behavior of the untrained and unemployed or out of a commitment to salvaging a human resource."

[19] Hayward (2012:221) acknowledges that this case was a civil, rather than criminal matter, but asserts that it illustrates "the profound socio-cultural confusion about the nature of 'traditional' (generational) life stages within Anglo-American society." Hayward (2012:221) continues: "Indeed, with thousands of US teens awaiting trial held for months and even years in adult jails…it is not difficult to recognise that legal confusion about what constitutes acceptable childhood and adult behaviour is…much in evidence within the criminal realm" (internal citation and footnote omitted).

being arrested for participating in lunchroom food fights (Saulny 2009), police in Georgia handcuff kindergarteners for throwing tantrums (Associated Press 2012),[20] and toddlers and young children are pulled off of airplanes for appearing on federal "no-fly" lists intended for terrorist suspects (Alvarez 2010; DeFalco 2012)—the RHYC does, indeed, appear to be an alternative to the "school-to-prison pipeline" and "zero-tolerance disciplinary policies," which frequently entail charging students with *crimes* for school-based infractions that in years past would have been dealt with internally by teachers and school administrators.[21] As Welch and Payne (2010:25) explain, "there is a range of possible responses to student misbehavior used by teachers and school administrators,"[22] and when severe punishments

[20] The child, who was charged with assault and damage to property, was taken from her elementary school to the police station, where her parents picked her up (Associated Press 2012).

[21] In Texas, for example, truancy is treated as a criminal offense—a Class C misdemeanor (Sanchez 2015).

The "school-to-prison pipeline" refers to a widespread pattern in the United States whereby students—a disproportionate number of whom are low-income, minority students—are pushed out of school and into the criminal justice system (see, e.g., Hirschfield 2010:40; Monahan and Torres 2010:3–4; Simmons 2010:59; Welch and Payne 2010:26; see also Forsyth et al. 2015; Hirschfield 2008; Maimon et al. 2012; Schept et al. 2015; Skiba 2001). According to Monahan and Torres (2010:3), the presence of "school resource officers" (SROs) on school grounds "ensures that violators will be charged with crimes for infractions, such as school fights or thefts, that previously might have resulted in softer forms of punishment, such as detention, expulsion, or conferences between parents (or guardians), students, and school officials" (citations omitted). The combination of these SROs, who are trained police officers, and "zero-tolerance disciplinary policies," which impose severe discipline on students without regard to individual circumstances, puts children on a (often one-way) path to incarceration. As Herbert (2007d:A29) explains,

> [b]ehavior that was once considered a normal part of growing up is now resulting in arrest and incarceration. Kids who find themselves caught in this unnecessary tour of the criminal justice system very quickly develop malignant attitudes toward law enforcement. Many drop out—or are forced out—of school. In the worst cases, the experience serves as an introductory course in behavior that is, in fact, criminal…Sending young people into the criminal justice system unnecessarily is a brutal form of abuse with consequences, for the child and for society as a whole, that can last a lifetime.

For a discussion of "the criminalisation of schools" in the United Kingdom, see Matthews (2014:141–6).

[22] For a recent example of the "three strikes" system for dealing with minor offenses in schools, whereby a student receives a warning after the first offense, is required to attend a

are frequently imposed on students without regard to individual circumstances, the RHYC's attempt to craft an individualized, personalized, "fair and beneficial" sanction based only on the testimony of the respondent does come across as a kinder, gentler approach.[23] But the perspective that Jessica conveyed—the one that she and other RHCJC employees hoped to communicate to visitors and RHYC trainees and members—was that the RHYC was the *only* alternative to draconian, zero-tolerance policies. I suppose for Christina, a respondent who appeared before the RHYC for vandalism—absentmindedly doodling on a desk in her seventh-grade classroom—the hearing and ten hours of community service to which she was sentenced were a welcome alternative to what might have transpired for her.[24] But when I recalled how I had not been punished, or even *reprimanded*, for defacing the poster of the (hated) Boston Celtic basketball player Kevin McHale that Mr. Smith-Rappaport had put outside my eighth-grade classroom (as a fan of the New York Knicks, I thought McHale might benefit from a mustache and goatee), or writing "I ♥ Jen Ford" hundreds of times on my desk in Mr. Cull's ninth-grade history class, or using the table of my tenth-grade

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mediation session or school conflict with his/her parents after the second offense, and receives a court complaint only upon the third offense, see Editorial (2009).

[23] According to Barrett (2013:89), "[o]ne of the main tenets of the early juvenile justice system was the emphasis on the need for *individualized justice*—the idea that the punishments meted out or treatment and social welfare interventions prescribed for young offenders were to be based on the circumstances, history, and life conditions of each individual child" (emphasis in original). To be clear, individualized justice does not necessarily mean *less* punishment or *no* punishment. As Goode (2014:A1) states, "[j]uvenile court judges in the United States are given wide discretion to decide what is in a young offender's best interest"—and this can include incarceration based on the perception that it will teach disobedient youths a lesson and deter them from further/future transgressions, despite substantial evidence that has found that most juvenile offenders have outgrown delinquent behavior and that incarceration often has the opposite effect of preventing recidivism.

[24] By way of comparison, Silbey (2005:343) recounts how in eighteenth-century Britain, "the regular and consistent pardoning of convicted felons sustained the image of an independent and just legal system. 'Discretion allowed a prosecutor to terrorize the petty thief and then command his gratitude, or at least the approval of his neighbors as a man of compassion. It allowed the class that passed one of the bloodiest penal codes in Europe to congratulate itself on its humanity'" (quoting Hay 1975:120).

chemistry class for mole-to-gram conversions, I could not help but wonder that the message that was being sent to Christina and many other RHYC respondents and to RHYC trainees and members was one that magnified the severity of the respondent's offense, overstated the offense's impact on the social learning of others, and hyperbolically enlarged the role of the RHYC and RHCJC in maintaining order and curbing future criminality, delinquency, and deviancy. At no juncture here or anywhere else did Jessica or any other RHCJC staff member suggest the "purest" or most extreme alternative (Levine 2005:1169)—not creating or filing a case *at all*.[25]

Second, while I never imagined that the RHCJC would work to eliminate all reasons for its existence—it would, after all, need *some* cases in order for it to run its youth court—I was disappointed that Jessica, as deputy director of the RHCJC, would convert a range of alternatives (where "no case at all" was an option) to a binary (either harsh punishment or the RHYC) and then promote the lesser option as "child-saving"—a message that reifies the state by suggesting that courts are the best (indeed, the only) loci for solving problems (see generally Brisman 2009 [citing Nugent n.d.]). In fact, as state theorists suggest, it is a *necessary* feature or component of state formation and perpetuation. As Nugent explains, "the state is not a thing but, rather, a claim to authority, to legitimacy… [T]he state seeks to establish itself as the sole, legitimate authority and ultimate arbiter regarding what may be considered true, proper, acceptable, and desirable" (Nugent 2010:682, 683). Similarly, Kauzlarich and colleagues (2003:243) observe that "[political institutions] can, and do, act in their own self interest. States act to expand or preserve their influence or legitimacy."[26] In this light the RHCJC's process of "case creation"—of establishing an arena (the

[25] If Matthews and Young (1992a:19) are correct that "in different locations acts may more readily be defined as crimes," my direct experience with "punishment avoidance" (to borrow from Stafford and Warr [1993]) demonstrates that in different locations, acts may be *less likely to be viewed as crimes* or treated as such.

[26] See also Merry (1985:59), who states that "[l]egal ideology maintains the social order by creating a belief in the legitimacy of state power and the justice of the system by which that power is maintained" (citations omitted).

RHYC) with which to adjudicate previously neglected or underenforced laws and then justifying its existence on the grounds that it (the RHCJC/RHYC) is essential for addressing the "problematic" behavior (violations of those laws)—reveals a lack of faith in parents' ability to mete out justice more quickly or effectively than youth court.[27] This distrust of parental responsibility and attempt to "safeguard" children reflect the state's wish for "the trained professional to stand in the stead of the parent" (Hayward 2012:223 [citing Reece 2009; Parton 2006]). More generally, we can view this case creation and safeguarding as part of the many "iterative practices" of the state (Nugent 2010:683)—yet another means by which the state reminds us of its presence, another instance of how the state "'never stops talking'" (Nugent 2010:683 [quoting Corrigan and Sayer 1985:3]).[28]

[27] Cf. Nugent (2010:682), who asserts that "[o]nly by systematically undermining and delegitimating alternative constructions of morality and society can states aspire to make their own assertions collectively shared (or at least tolerated)."

[28] Lea (1992:73) observes that "modern societies put as much effort, albeit unconsciously, into the creation of crime as they do its containment." What I am suggesting here is that the process may not be that "unconscious."

RHYC Members' Perceptions of Criminal Severity and the Significance of Demeanor and Remorse

As I have suggested in this chapter, RHYC members shared similar perspectives on the severity of the offenses for which respondents might appear in youth court. Sanctions, however, were not meted out solely on the basis of the severity of the offense. RHYC members engaged in a calculus that balanced the gravity of the offense with attitude, behavior, and degree of remorse exhibited by the respondent. As such, it was possible to categorize the cases that I observed into the following categories:

1. Severe offense; apologetic and forthcoming respondent
2. Severe offense; impenitent and aloof respondent
3. Not severe offense; apologetic and forthcoming respondent
4. Not severe offense; impenitent and aloof respondent

It was not surprising that the RHYC members issued the harshest sanctions for Category #2 respondents—impenitent and aloof respondents who had committed severe offenses (e.g., McCoy: fifteen hours of community service and an essay)—and moderate, if any, sanctions to Category #3 respondents—apologetic and forthcoming respondents who had committed slight offenses (e.g., Charles and Dominick, both of whom received no sanctions). More telling, however, is that RHYC members responded more favorably and meted out more lenient sanctions to Category #1 respondents—apologetic and forthcoming respondents who had committed severe offenses (e.g., Sasha: five hours of community service and one workshop)—than Category #4 respondents—impenitent and aloof respondents who had committed slight offenses (e.g., Kayla: ten hours of community service and an essay). This suggests that RHYC members did not sanction respondents purely on the basis of their shared perceptions of the severity of the offense: perceptions of severity did not outweigh the demeanor of the respondent. Rather, RHYC members individualized the cases, rewarding those respondents who respected the hearing process by baring their souls and demonstrating contrition.[29]

While RHYC members considered the individual circumstances of each respondent and endeavored to sanction respondents according to their specific needs rather than based on abstract notions of offense severity, their efforts were undermined by their conflation of the concepts, "proportional" and "fair and beneficial sanction," and the limited menu of sanctions/workshops. Although it was encouraging that the kids demonstrated a preference for and commitment to individualized sanctioning/punishment, their inability to carry it out at an institution (the

[29] This finding is consistent with Sherman's (1993:464) assertion that "[t]hose who approach authority with defiant attitudes are often punished for their speech rather than for any substantive offense," as well as with Weber and colleagues' (2014:152) observation that "[t]he way defendants, witnesses and experts interact in court influences how they are perceived by other parties, which is particularly significant if a jury is present."

RHCJC) purporting to practice criminal justice differently was not. The RHCJC's incapability—or unwillingness—to provide RHYC members with a wide array of sanctioning tools (despite its promise of "problem-solving") combined with its process of case creation (and the concomitant notion that low-level offenses can lead to more/greater deviance) and its belief that all offenses have community-level impacts (and that communities are large, far-ranging entities) meant that the kids wound up participating in and contributing to an increasingly coercive, surveillant, self-perpetuating system—one that serves to further the state's claims "as the sole, legitimate authority and ultimate arbiter regarding what may be considered true, proper, acceptable, and desirable."[30]

In the next chapter, I consider the RHYC members' balancing of the gravity of the offense with the attitude and behavior of the respondent *in relationship to* the RHCJC's process of case creation (and the concomitant notion that low-level offenses can lead to more/greater deviance) and its belief that all offenses have community-level impacts (and that communities are large, far-ranging entities). To do so, I return to the geometries of crime (pyramid, square, prism) discussed in Chapter 2.

References

Agnew, Robert. 2011. *Toward a unified criminology: Integrating assumptions about crime, people, and society*. New York: New York University Press.

Akers, Ronald L. 1985. *Deviant behavior: A social learning approach*. Belmont: Wadsworth.

Akers, Ronald L. 1998. *Social learning and social structure: A general theory of crime and deviance*. Boston: Northeastern University Press.

Akers, Ronald L., and Gary F. Jensen (eds.). 2003. *Social learning and the explanation of crime*. New Brunswick: Transaction.

Alvarez, Lizette. 2010. Meet Mikey, 8: U.S. has him on watch list. *The New York Times*, January 14: A1, A3.

[30] Lea (1992:79) asserts that "[a]n important social and political component of crime detection concerns the nature of the terrain on which they are committed. The political power and surveillance capacities of a state are not necessarily evenly spread throughout its terrain."

Associated Press. 2012. Police handcuff Ga. Kindergartner for tantrum. Associated Press/Yahoo! News, April 17. Accessed at: http://news.yahoo.com/police-handcuff-ga-kindergartner-tantrum-112459850.html.

Aubert, Vilhelm. 1989. Law and social change in nineteenth-century Norway. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 55–81. Ithaca: Cornell University Press.

Barrett, Carla J. 2013. *Courting kids: Inside an experimental youth court*. New York: New York University Press.

Berman, Greg. 2004. Redefining criminal courts: Problem-solving & the meaning of justice. *American Criminal Law Review* 41(3): 1313–1319.

Berman, Greg, and Aubrey Fox. 2005. Justice in Red Hook. *The Justice System Journal* 26: 77–90.

Black, Donald. 1983. Crimes as social control. *American Sociological Review* 48(1): 34–45.

Bradshaw, Catherine P., Mary M. Mitchell, Lindsey M. O'Brennan, and Philip J. Leaf. 2010. Multilevel exploration of factors contributing to the overrepresentation of black students in office disciplinary referrals. *Journal of Educational Psychology* 102(2): 508–520.

Brisman, Avi. 2009. "Docile bodies" or rebellious spirits: Issues of time and power in the waiver and withdrawal of death penalty appeals. *Valparaiso University Law Review* 43(2): 459–512.

Brisman, Avi. 2010/2011. Fictionalized criminal law and youth legal consciousness. *New York Law School Law Review* 55(4): 1039–1071.

Butler, Kiera. 2004. Courting youth: Kids land in the docket for playing hookey. *The Indypendent*, No. 61, December 1. Accessed at: http://www.indypendent.org/2004/12/01/courting-youth-kids-land-docket-playing-hookey.

Cullen, Francis T., Robert Agnew, and Pamela Wilcox. 2014. *Criminological theory: Past to present*, 5th ed. New York/Oxford: Oxford University Press.

DeFalco, Beth. 2012. The face of terror: 'No-fly' toddler yanked off jet in goof. *New York Post*, May 11: 1, 4.

Doniger, Anthony. 2008. Alternative justice. *Boston Bar Journal* 52-FEB: 2.

Editorial. 2009. The trouble with 'zero tolerance.' *The New York Times*, November 11: A30.

Eligon, John. 2011. Excuse me, but can there be more civility in the court? *The New York Times*, February 25.

Fisler, Carol. 2005. Building trust and managing risk. *Psychology, Public Policy, and Law* 11: 587–603.

Forsyth, Craig J., Raymond W. Biggar, York A. Forsyth, and Holly Howat. 2015. The punishment gap: Racial/ethnic comparisons in school infractions by objective and subjective definitions. *Deviant Behavior* 36(4): 276–287.

Garcia, R. Marie, Ralph B. Taylor, and Brian A. Lawton. 2007. Impact of violent crime and neighborhood structure on trusting your neighbors. *Justice Quarterly* 24: 657–678.

Goode, Erica. 2014. Judge locks up youths and rules their lives. *The New York Times*, December 20 A1, A14, A15.

Gregory, Anne, and Rhona S. Weinstein. 2008. The discipline gap and African Americans: Defiance or cooperation in the high school classroom. *Journal of School Psychology* 46(4): 455–475.

Hay, Douglas. 1975. Property, authority and the criminal law. In *Albion's fatal tree: Crime and society in eighteenth-century England*, ed. Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winclow, 17–63. New York: Pantheon Books.

Hayward, Keith. 2012. Pantomime justice: A cultural criminological analysis of 'life stage dissolution'. *Crime Media Culture* 8(2): 213–229.

Hirschfield, Paul. 2008. Preparing for prison? Criminalization of school discipline in the USA. *Theoretical Criminology* 12(1): 79–101.

Hirschfield, Paul. 2010. School surveillance in America: Disparate and unequal. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 38–54. New Brunswick: Rutgers University Press.

Hollin, Clive. 2001a. Differential association. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 91–93. London: SAGE Publications.

Hollin, Clive. 2001b. Social learning theory. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 279–281. London: SAGE Publications.

Hughes, Gordon. 2007. *The politics of crime and community*. Basingstoke: Palgrave Macmillan.

Kauzlarich, David, Christopher W. Mullins, and Rick A. Matthews. 2003. A complicity continuum of state crime. *Contemporary Justice Review* 6(3): 241–254.

Kaye, Hon Judith S. 2004. Delivering justice today: A problem-solving approach. *Yale Law & Policy Review* 22(1): 125–151.

Kaye, Hon Judith S. 2007. Inaugural Hon. Joseph W. Bellacosa distinguished jurist-in-residence: Lecture. *St. John's Law Review* 81: 743–754.

Lea, John. 1992. The analysis of crime. In *Realist criminology: The realist debate*, ed. Jock Young and Roger Matthews, 69–94. London: Sage.

Lea, John. 2002. *Crime & modernity: Continuities in left realist criminology*. London: Sage.

Levine, Kay. 2005. The new prosecution. *Wake Forest Law Review* 40: 1125–1214.

Liska, Allen E., and Barbara D. Warner. 1991. Functions of crime: A paradoxical process. *American Journal of Sociology* 96: 1441–1463.

Maimon, David, Olena Antonaccio, and Michael T. French. 2012. Severe sanctions, easy choice? Investigating the role of school sanctions in preventing adolescent violent offending. *Criminology* 50(2): 495–524.

Malkin, Victoria. 2003. Community courts and the process of accountability: Consensus and conflict at the Red Hook Community Justice Center. *American Criminal Law Review* 40: 1573–1593.

Matthews, Roger. 2014. *Realist criminology*. Basingstoke: Palgrave Macmillan.

Meekins, Tamar M. 2006. "Specialized justice": The over-emergence of specialty courts and the threat of a new criminal defense paradigm. *Suffolk University Law Review* 40: 1–55.

Merry, Sally Engle. 1985. Concepts of law and justice among working-class Americans: Ideology as culture. *Legal Studies Forum* 9(1): 59–69.

Merry, Sally Engle. 1998. The criminalization of everyday life. In *Everyday practices and trouble cases*, ed. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence, 14–40. Evanston: Northwestern University Press.

Monahan, Torin, and Rodolfo D. Torres. 2010. Introduction. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 1–18. New Brunswick: Rutgers University Press.

Nash, June. 1989. A redistributive model for analyzing government mediation and law in family, community, and industry in a New England industrial city. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 113–127. Ithaca: Cornell University Press.

Nugent, David. 2010. States, secrecy, subversives: APRA and political fantasy in mid-20th-century Peru. *American Ethnologist* 37(4): 681–702.

Parton, Nigel. 2006. *Safeguarding childhood: Early intervention and surveillance in a late modern society*. Basingstroke: Palgrave.

Pease, Ken. 2008. Victims and victimization. In *International handbook of penology and criminal justice*, ed. Shlomo Giora Shoham, Ori Beck, and Martin Kett, 587–611. New York: Taylor & Francis.

Peletz, Michael G. 2002. *Islamic modern: Religious courts and cultural politics in Malaysia*. Princeton: Princeton University Press.

Petras, Hanno, Katherine E. Masyn, Jacquelyn A. Buckley, Nicholas S. Ialongo, and Sheppard Kellam. 2011. Who is most at risk for school removal?: A multilevel discrete-time survival analysis of individual- and context-level influences. *Journal of Educational Psychology* 103(1): 223–237.

Reece, Helen. 2009. The degradation of parental responsibility. In *Responsible parents and parental responsibility*, ed. Rebecca Probert, Stephen Gilmore, and Jonathan Herring, 85–102. London: Hart Publishing.

Rosenberg, Tina. 2011a. For teen offenders, hope in a jury of their peers. *The New York Times*, October 13. Accessed at: http://opinionator.blogs.nytimes.com/2011/10/13/for-teen-offenders-hope-in-a-jury-of-their-peers/.

Rosenberg, Tina. 2011b. Where teenagers find the jury isn't rigged. *The New York Times*, October 18. Accessed at: http://opinionator.blogs.nytimes.com/2011/10/18/where-teens-find-the-jury-isnt-rigged/?emc=eta1.

Sammon, Kathryn C. 2008. Therapeutic jurisprudence: An examination of problem-solving justice in New York. *Saint John's Journal of Legal Commentary* 23: 923–969.

Sanchez, Claudio. 2015. In Texas, questions about prosecuting truancy. *National Public Radio (NPR): Morning Edition*, April 27. Available at: http://www.npr.org/sections/ed/2015/04/27/400099544/in-texas-questions-about-prosecuting-truancy and http://www.npr.org/templates/transcript/transcript.php?storyId=400099544.

Saulny, Susan. 2009. 25 Chicago students arrested for a middle-school food fight. *The New York Times*, November 11: A18.

Schapiro, Rich. 2010. NYC attorney suing four-year-olds, parents in bicycle accident that injured elderly mother. *The Daily News*, October 30. Accessed at: http://articles.nydailynews.com/2010-10-30/local/27079612_1_city-lawyer-suit-negligence.

Schept, Judah, Tyler Wall, and Avi Brisman. 2015. Building, staffing, and insulating: An architecture of criminological complicity in the school-to-prison pipeline. *Social Justice* 41(4): 96–115.

Schiraldi, Vincent, and Jason Ziedenberg. 2001. How distorted coverage of juvenile crime affects public policy. In *Zero tolerance: Resisting the drive for punishment in our schools*, ed. William Ayers, Bernardine Dorhn, and Rick Ayers, 114–125. New York,: The New Press.

Silbey, Susan S. 2005. After legal consciousness. *Annual Review of Law and Social Science* 1: 323–368.

Simmons, Lizbet. 2010. The docile body in school space. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 55–70. New Brunswick: Rutgers University Press.

Skiba, Russell. 2001. When is disproportionality discrimination? The overrepresentation of black students in school suspension. In *Zero tolerance: Resisting the drive for punishment in our schools*, ed. William Ayers, Bernardine Dorhn, and Rick Ayers, 176–187. New York: The New Press.

Skiba, Russell, Robert Michael, Abra Nardo, and Reece Peterson. 2002. The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review* 34: 317–342.

Strickland, Eliza. 2004. Teens take the gavel to judge peers. *The Christian Science Monitor*, December 21. Accessed at: http://www.csmonitor.com/2004/1221/p14s01-legn.html.

Sutherland, Edwin H. 1939. *Principles of criminology*. Philadelphia: J.B. Lippincott.

Sutherland, Edwin H. 1947. *Principles of criminology*, 5th ed. Philadelphia: J.B. Lippincott.

Sutherland, Edwin H., and Donald R. Cressey. 1966. *Principles of criminology*, 7th ed. Philadelphia: J.B. Lippincott.

Sutherland, Ediwn H., and Donald R. Cressey. 1974. *Principles of criminology*, 9th ed. Philadelphia: J.B. Lippincott.

Thom, Katey, Alice Mills, Claire Meehan, and Marilyn Chetty. 2013. *Evaluating community justice: A review of research literature*. Centre for Mental Health Research, Faculty of Medical and Health Sciences, University of Auckland, Auckland, New Zealand. Accessed at: http://www.lawfoundation.org.nz/wp-content/uploads/2013/12/2.-Evaluating-community-justice.-A-review-of-research-literature.docx.pdf.

Urbina, Ian. 2009b. It's a fork, It's a spoon, It's a. .. weapon? School suspends boy, 6. *The New York Times*, October 12: A1, A16.

Urbina, Ian. 2009c. After uproar on suspension, district will rewrite rules. *The New York Times*, October 14: A18.

Vega, Tanzina. 2014. Disciplining of girls differs among and within races. *The New York Times*, December 11: A21. Available online as "Schools' Discipline for Girls Differs by Race and Huce" at http://www.nytimes.com/2014/12/11/us/school-discipline-to-girls-differs-between-and-within-races.html.

Weber, Leanne, Elaine Fishwick, and Marinella Marmo. 2014. *Crime, justice and human rights*. Basingtstoke: Palgrave Macmillan.

Welch, Kelly, and Allison Ann Payne. 2010. Racial threat and punitive school discipline. *Social Problems* 57(1): 25–48.

Young, Jock. 1971. Drugs and the mass media. *Drugs and Society* 2: 14–18.

Young, Jock. 1992. Ten points of realism. In *Rethinking criminology: The realist debate*, ed. J. Young and R. Matthews, 24–68. London: Sage.

Young, Jock. 2009. Moral panic: Its origins in resistance, ressentiment and the translation of fantasy into reality. *British Journal of Criminology* 49(1): 4–16.

Young, Jock, and Roger Matthews. 1992. Questioning left realism. In *Issues in realist criminology*, ed. Roger Matthews and Jock Young, 1–18. London: SAGE Publications.

5

Beyond Shape: An Open Conclusion

Tax Day. I was on my way to the RHCJC for interviews for the next cycle of youth court. Feeling a bit tired, I stopped at a bodega near the Smith and Ninth Street subway station in Brooklyn for a cup of coffee. As I stepped up to the register to pay, Clayton and Isaac, current RHYC members, entered the bodega. "Hey, there's Avi," Isaac said.

"What's up, guys?" I inquired.

"We're bringing in two recruits," Clayton said, pointing to two oversized teenagers standing behind him and Isaac. I had not even noticed the boys with them. Seemingly twice the height of Clayton and Isaac—and each weighing more than Clayton and Isaac combined—the "recruits" appeared more like men than boys. Bouncers at a club, perhaps, but friends or classmates of Clayton and Isaac? No way.

"What's good?" I said to the recruits. They nodded, but neither smiled nor spoke.

"We're spreading the good word," Clayton said with a toothy grin.

"Cool," I replied. "See you in a bit."

"'Spreading the good word'?" I thought to myself as I exited the bodega and continued down West Ninth Street. Clayton had made it seem as if he and Isaac had been proselytizing and that the two behemoths with

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them were potential *converts*, not *recruits*. While some have likened law to a religion (see, e.g., Fletcher 1997; Minda 1993; Winter 1988)—Schlag (1997:912), for example, asserts that "the belief in law has, in the absence of a widely-held public religion, served to comfort people in the thought that the social world is organized in a rational and normatively appealing manner"—I had hardly thought of the RHCJC as a religious institution or edifice (despite the fact that it operates out of a refurbished parochial school down the street from a Roman Catholic church). True, the RHCJC staff members hoped to impart certain lessons to RHYC trainees. And, to some extent, believing in the RHYC's means and goals—its methods and purpose—did seem to require a leap of faith on the part of RHYC trainees and members. But a *religion*? I suppose that there might be some salience to a "youth court as religion" argument if one were to take a functionalist approach to religion à la Durkheim (1972 [1887]). Regardless of the appropriateness or applicability of the analogy to religion, Clayton's comment in this context (bringing two recruits to the RHCJC) revealed a deep level of commitment to the RHYC's mission, purpose, and process—a degree of devotion that had developed over the months since he had been a somewhat indifferent recruit himself. And it raised the question of how to conceptualize Clayton's and Isaac's and the other kids' perceptions of crime and delinquency (and the severity thereof) and how their attitudes and feelings toward youth court as a component of the judicial system (and toward the law, more generally) might have shifted over the course of their involvement with the RHYC.

In Chapter 4, I described step by step a typical RHYC hearing and presented four categories of RHYC cases: (1) severe offense; apologetic and forthcoming respondent; (2) severe offense; impenitent and aloof respondent; (3) not severe offense; apologetic and forthcoming respondent; and (4) not severe offense; impenitent and aloof respondent. In so doing, I argued that RHYC members very much wanted to deliver individualized justice (rather than justice based on subconscious notions of what society deems most offensive), but that the conflation of "fair," "beneficial," and "proportional," along with a lack of sanctioning options, meant that the RHYC members frequently sentenced respondents to the default option, thereby reproducing a system with few alternatives and resources to craft individualized justice. I maintained that

this combination (the conflation of "fair," "beneficial," and "proportional," along with a lack of sanctioning options) when mixed with the case creation phenomena (or "criminal court net-widening," to use Barrett's (2013:12) term) resulted in a process whereby RHYC members became participants in a coercive, surveillant, self-perpetuating system—one that serves to further the state's claims to authority and legitimacy—agents of the RHCJC serving *the RHCJC's* interests and charged with the task of "spreading the good word."[1]

Nowhere was this more evident than in the context of interviews with the kids. For example, Aimee, one of the few respondents-turned-RHYC-members, described how her experience at the RHYC had enhanced her appreciation of the law and law enforcement: "I mean, I know how I obviously have more respect for it. I know not to do certain things." Similarly, Sera explained:

> It's [the RHYC] changed my perspective on law, like, period. Not only cops and judges but on law like to me I didn't know how cops were suppose to react and all that and how the justice like how court was, until I came here and then it just changed my whole idea and the whole thinking. So, that's how it had like impact…Me, before I came to Youth Court, I thought cops just picked on like what they saw in the street. But, now as I see it, it's like they have to react in a way that they're trying to protect somebody, not that they're only assuming what's going on, but they're only protecting. To me before, it was just like they were picking on, but now they're—now my eyes see as protecting. So, that's how it changed.

Likewise, Jeremiah declared:

> I–before I used to put like a thing on their [cops]'] job, like, "Oh, you know, they don't do what they're supposed to." Or like they're mean and stuff like that. But then like really coming here and understanding like, it's their job. You know, like when they pick you up for truancy and stuff like

[1] Lea (1992:79) asserts that "[a]n important social and political component of crime detection concerns the nature of the terrain on which they are committed. The political power and surveillance capacities of a state are not necessarily evenly spread throughout its terrain." I would suggest that in their capacity as RHYC members, the kids served to extend further the surveillance capacities of the state.

> that, you know, you can't get mad at them. Maybe some of them, you know, are a little overaggressive and so, but you can't say, "Oh they're not doing their job," 'cause it is their job to come here to like catch people that's doing truancy or catch persons that has marijuana and stuff like that. You know, we—in a way—we try to make cops jobs sound like they're doing more than they're supposed to when it is their job to do what they're doing.

For Clayton, his experience affected his attitude toward and beliefs about the law and its players, as well as his willingness to engage in low-level crime: "[Before I came here] I used to jump the turnstile. I didn't even know that was a crime until one day a police guy stopped me… [Youth court] fill[s] up my days just so like I stay out of the street." Jeromy also recognized the prosocial impact the RHYC had had on him:

> It's like, you know, like I mean I'm not saying like I'm a kid who ran around just doing stuff, but you know, sometimes, you know with your friends, you like, you're loud and stuff like that. You could get like disorderly conduct, you know, you're being loud in the street and stuff like that. Also, you know, if you don't have your Metro Card and you hop the turnstile, you're not supposed to do that. That's fare evasion—that's a serious case. You get picked up for that. Also going to school late. I mean although you may wake up late and stuff like that, the cops don't care [and they'll arrest you]…So like it [Youth Court] sorta changed my conduct outside, basically. And it, like further my knowledge on certain crimes and stuff like that and like the punishments they have…But sometimes my friends be like, "Oh, take the train," I be like, "I don't have a Metro Card," they like, "Oh hop the thing," and like, "No, I have a job, like how I look hopping the turnstile and I'm here trying to give a sanction to somebody that—hop a turnstile?" Yeah.

While serving as an RHYC member might have affected the way in which Aimee, Sera, and Jeremiah viewed the law and their degree of respect for agents of formal social control (especially the police)—and while Clayton and Jeromy's RHYC membership experience might have diminished their readiness or propensity for low-level criminal offenses—the RHYC seemed to have had the greatest impact on Brendan and Roy. According to Brendan

> It changed me a lot because around here I used to have friends that would do bad stuff and peer pressure me into doing it. So coming in here I listened on cases just like that. Now whenever my friends try to tell me let's go into this house that says private property, I'm like, "Nah, I'm not gonna do that. That's not me." You get in trouble for that…I also kinda changed their minds now. Peer pressured them in a good way 'cause I'm telling them come on, some childish stuff. Being here at Red Hook Youth Court has shaped me up a little; taught me what's good; taught me what's bad and what's wrong and what's right.

For Brendan, then, not only had serving on the RHYC influenced how he responded to the temptations of transgression, but it had instilled in him a desire to change the attitudes and behaviors of his friends who might be prone to committing public order offenses—a sentiment shared by Roy:

> Yeah; I think it has changed me because since [coming to Youth Court] it's like I'm able to see the wrong that the youths do. Any little thing that they do like shouting on a train or getting wild, that's actually illegal. You can't be doing this and I'm able to understand why now. I'm able to see okay, it's wrong because what about the other people. Think about them. Think about how it looks on you. What about what they think about your parents and all that stuff. I'm able to see why you shouldn't be doing this and all that stuff. So I think it has changed me 'cause for one, I don't even like littering anymore. So yeah; it's changed me…I feel like this is why I really wanna stay in Youth Court to prevent stuff like that from happening.

Very early in my fieldwork, I asked Melissa Gelber, then coordinator of operations at the RHCJC, about the goals of RHYC for its members and her sense of the impact that the RHYC (and the RHCJC, more generally) might have on the community of Red Hook. These were separate questions, but Melissa's answer applied to both. Melissa explained that kids who participate in youth court "go and tell others. [The] hardest thing to change is people's preconceived notions and I think the Red Hook Community Justice Center does this. Lots of people in the community have had negative experiences with the police or with courts. Kids [who participate in Youth Court] change this by reporting to others

about the [RHCJC]." According to Melissa, staff at the RHCJC viewed RHYC kids as "agents of change." Melissa meant that the kids were "agents" of the RHCJC capable of changing the attitudes of those with negative perceptions of the police and courts—and affecting the behavior of those inclined toward deviance. But it would have been just as accurate for her to refer to them as "agents of stasis"—representatives of law's "awesome grandeur" (Ewick and Silbey 1998:47)—justifying and legitimizing the existing social order, playing a crucial role in the RHCJC's exercise of "soft power" (its ability to shape the preferences of others—in this case, encouraging young people to encourage other young people to reject criminal and deviant behavior (see Nye 2004:5)), perhaps even "inducing [their peers] to perceive the power of ruling groups as fair and acceptable" (Merry 1986:254; see generally Rosen 2006:166).

What is particularly noteworthy about the impact of the RHYC on its members' perceptions of the severity of crime and delinquency and the appropriate responses thereto is how it operates in contrast to the way the RHCJC is presented to the general public. The RHCJC is considered a "demonstration project"—essentially, an experiment "to test new approaches to public safety problems" Sammon (2008:929). Indeed, as Greg Berman, current director of the Center of Court Innovation and one of the leading planners of the RHCJC, said to me early in my fieldwork, the RHCJC is "an experiment to be studied." As such, the RHCJC opens its doors to researchers, such as myself, and to visitors, such as the women who attended Kayla's RHYC hearing, described in Chapter 4. At the same time—or, perhaps, in the course of welcoming researchers, planners, policymakers, politicians, and various legal players from around the world—the RHCJC has served as a model for community courts in Australia, Canada, and the United Kingdom, among other countries (see Chapter 3). If, following Silbey (2005:333), we can understand ideology and hegemony as "ends" or "poles" of a continuum of the "seen and the unseen," then the RHCJC overtly, unabashedly, and enthusiastically promotes its ideology of problem-solving justice. With its kids, however, and especially RHYC trainees and members, the RHCJC operates much more hegemonically, whereby the processes of securing belief in formal justice and the rule of law (see Carr 1981), ensuring consent to be governed, and reproducing existing social

structures occur with far, far less discussion, questioning, and recognition (see Agnew 2011:153 [citing Reiman and Leighton 2010]).

In Chapter 4, I suggested that the RHYC members' perceptions of criminal severity involved balancing the gravity of the offense with the demeanor of the respondent—and that this calculus needed to be understood in relationship to the RHCJC's process of case creation (and the concomitant notion that low-level offenses can lead to more/greater deviance) and its belief that all offenses have community-level impacts (and that communities are large, far-ranging entities). How then might we conceptualize RHYC members' perceptions of criminal severity and delinquency and the appropriate responses thereto with respect to the processes, power, and influence of the RHCJC in light of the geometries of crime (pyramid, square, prism) discussed in Chapter 2? Do any of the existing shapes—pyramid, square, or prism—"fit" with—or serve as an analytical device for understanding—the perceptions and experiences of the kids discussed in this book? Conversely, in what ways do the perceptions and experiences of the kids force us to reconsider the strength and utility of the existing geometries?

Paul Rand once remarked, "You can't criticize geometry. It's never wrong." Except that it can be *off* or *incomplete* when we think of the pyramid, square, or prism of crime—especially in light of the kids described in this book. While all three approaches—Hagan's pyramid of crime, the Left Realists' square of crime, and Henry and Lanier's prism of crime—contemplate (to varying degrees) definitions and constructions of crime, as well as public perceptions of crime, justice, victimhood, and punishment, none of these shapes can really reflect or otherwise encapsulate the RHYC members' perspectives and orientations.

Consider, for example, Hagan's pyramid of crime. Of the categories of RHYC cases—(1) severe offense; apologetic and forthcoming respondent; (2) severe offense; impenitent and aloof respondent; (3) not severe offense; apologetic and forthcoming respondent; and (4) not severe offense; impenitent and aloof respondent—the second category might be located closest to the apex to reflect the RHYC members' agreement about wrongfulness and harm inflicted, as well as the severity of their response. But recall that RHYC members adjudicated only low-level offenses. Thus, while the RHCJC may have caused RHYC members to

view certain acts or omissions as more wrongful or harmful than their peers at school or in their neighborhoods,[2] the RHYC members would likely have viewed "consensus crimes" (such as premeditated murder and violent rape) to be far more egregious than anything they encountered in youth court. Essentially, then, while the four categories of cases might begin to suggest a structure, they would need to be organized as a trapezoid rather than a pyramid in order to account for their absence of jurisdiction over *mala in se* cases. In other words, whatever shape one generated for the RHYC members, it would be a shape based on *the categories of RHYC cases*, not on kids' holistic perspectives on the total universe of crime and delinquency.[3]

Let us turn now to the approach of the Left Realists. For the Left Realists, in order to be "faithful to the reality of crime"—to its causes, its nature, and its impact—the basic triangle (or pyramid, as in Hagan's case) of relations which reflects the traditional subject matter of criminology and criminal justice—the offender, the state, and the victim—must be expanded into a square to consider the powerful forces of social control (the public) operating outside of law enforcement/policing agencies. In the square of crime, the four corners of the square—the offender, the victim, state and criminal justice agencies, and the public—are active participants in the construction and regulation of criminality. Thus, for the Left Realists, the state is but one component. While some acknowledge that it is a very powerful component (see, e.g., Hughes 2007; Lea 2002), its role in influencing the attitudes, perceptions, and opinions of impressionable young people involved with the RHYC was paramount. While DeKeseredy and colleagues (1997:25) claim that the square of crime is an "'open system *par excellence*' (Young 1992) [and that] nothing precludes it from being modified to take into account how changes in the broader race/ethnic, class, and gender relations affect all of the factors in the square," even with this invitation, the square of crime, as applied to

[2] As Young (2001:164; 2013:252) reminds us, "crime is a concept that constantly changes over time and varies according to the perspective held by different groups."

[3] See Donnermeyer and DeKeseredy (2014:38) and Lab (2003:39) on the importance of acknowledging the context in which criminological projects operate.

the RHYC members, would appear as an irregular square—with the upper left corner (for "Police, Multi-agencies") distended and extended.

Left Realists also suggest that the control of crime must involve interventions at all points of the square. But, as Young (1994:107) explains, they "prioritize[] intervention on the level of causes of crime over actions which take place *after* the crime has been committed" (emphasis in original). The RHYC, on the other hand, is an intervention that occurs after the offense, and RHYC members were trained to rehearse the neoliberal mantra of personal responsibility (see, e.g., Brisman 2013; Garland 2001; Giroux 2012; Haiven 2007) and ignore the structural causes of offending.

Henry and Lanier's prism of crime may be the most accommodating in its integrative definition(s) and analysis, but it, too, proves problematic on a number of grounds as a schema for the young people of the RHYC. First, one of the key features of their prism is the "visibility of crime," which they relate to public perception of seriousness. As they explain, "[a]bsolute numbers of victims influence a society's perception as to the seriousness of crime" (Lanier and Henry 2010:42). While this might make sense in the context of a school shooting, how does it translate to the universe of RHYC cases? For example, who are the real victims in a truancy case? Most people would agree that the "victim," if there is one, is the kid who skips class (see generally Nadworny 2015)—assuming, that is, that the class offers more intellectual stimulation than the alternative. *Maybe* a classroom environment suffers from the lack of participation from an absent student. *Maybe*. The RHCJC encouraged RHYC members to believe that truancy was highly visible—evident to an entire community, discernable to an entire city—and that the community would suffer. In so doing, the RHCJC transformed an act of "constructed deviance" into a "core crime," to use Agnew's (2011:38–40) language, with multiple victims. Despite Henry and Lanier's (1998:623) claim that "the prism of crime is not static, but a dynamic model of changes, over time, in what counts as crime," it is not clear how it might accommodate the magnified perceptions of RHYC members.

Second, Henry and Lanier (1998; Lanier and Henry 2010) contend that one of the strengths of their prism lies in its consideration of power relations. "Crimes of the powerful," they note, may not be punished or may be under-punished, while "crimes of the powerless" may be punished more frequently and more severely, even though they often result in less financial loss or loss of life. At the RHYC, kids who are already relatively powerless

(see, e.g., Barrett 2013; Brisman 2013; Brisman and South 2015)—and, more specifically, poor kids of color, who are even more so—adjudicate cases involving their peers. Despite Henry and Lanier's claims to the prism's flexibility, it is not clear how it might reflect crimes of the *very* powerless (kids) that are adjudicated by other similarly situated kids—crimes that are, by many measures, invisible and harmless, but which the state (in the form of the RHCJC) promotes as highly visible and broadly harmful.

The above discussion highlights some of the problems with attempting to use some of the existing geometries to describe the kids' perceptions of crime and justice or to "fit" their notions of the severity of crime and delinquency into the existing pyramid, square, and prism shapes. In so doing, the above discussion also demonstrates some of the limitations in the existing shapes—ways in which the pyramid, square, and prism, by omitting a consideration of youth perspectives, are incomplete in their explanations of crime and crime control. At the same time, the above discussion also reveals the problems with proposing a new geometry—one that might incorporate youth perspectives. Quite apart from the fact that the prism—the most integrationist of the shapes—is arguably already quite complex (see Agnew 2011:30, discussed in Chapter 2), proposing a new geometry that reflects the contributions of the pyramid, square, and prism but which incorporates youth perspectives or offering a new geometry *specific to* youth perspectives would be futile and incomplete for several reasons.

First, and as noted earlier, the range of cases within the RHYC's jurisdiction was relatively limited, although undoubtedly the kids had ideas about and experiences with other types of crimes (as evidenced, in part, by their comments and perspectives in the corner game in Chapter 1). While Young (1992:27) provides that "the relationship between the four points of the square (offender, victim, state agencies and the public) varies with differing types of crime," it would be difficult to order or plot the different points—or construct a new shape—based on the rich data regarding low-level offenses but partial data pertaining to, say, violent crimes.

Second, RHYC hearings revolved around the respondent. While RHYC members would probe deeply, asking the respondent a variety of questions (described in Chapter 4), they were encouraged to believe that the range of reasons for offending was rather narrow (e.g., poor decision-making, peer pressure, failed character, indifference). In other words, the kids were presented with the image of an "agentic actor" (Agnew 2011:69) and trained

to view crime and delinquency as a product of free will and personal choice—with little opportunity to conceptualize respondents' acts or omissions as related to or representative of much more public issues and collective problems (see Giroux 2004:63). At the same time, the dynamic of RHYC hearings meant that the kids never engaged with a "victim," except for the aggrandized "community." The result was a collapsing of the victim, the community, the public, and the spatial dimensions of crime. Untangling this web into a workable geometry would prove Sisyphusian.

Third, while the state *always* plays a role in influencing public attitudes, opinions, and perceptions about social issues, it demonstrated such awesome power with the pliable kids who joined the RHYC. Of course, I knew that when I started my study. I was not oblivious to the plasticity of youth, and I was well aware that the kids were coming to an institution of formal social control. But if one compares the views and orientations of the kids in their group interviews (see Chapter 1) with their feelings, mindsets, and positions in the hearings (see Chapter 4), one recognizes just how successful the RHCJC had been, could be, and is in creating compliant, "docile bodies," to borrow from Foucault (see Brisman 2008a, 2009a, 2010b). What line, point, form, or shape could represent this authority and force?

Rather than propose a new geometric shape, it might be more constructive to think of the image of the criminal justice system presented to the kids by the RHCJC as that of a funhouse mirror—not inaccurate, but grossly distorted, with some parts enlarged and others shrunken.[4] The kids were taught that there is no such thing as a victimless

[4] My use of the funhouse mirror analogy differs from that of Ewick and Silbey's (1998). Ewick and Silbey (1998:49), in their mapping of varieties of legal consciousness as both individual and collective participation in the process of constructing legality, assert that "[t]he particular interpretive schemas and resources that constitute legality and are expressed in these stories [from everyday life about the place of law in American culture] are not, for the most part, exclusively legal." They continue: "To the degree that a particular interpretive schema finds expression and legitimation, in multiple overlapping structures it derives a power and depth from these multiple expressions. Much like a *fun-house* hall of mirrors, each reflecting one another, it becomes increasingly difficult to perceive or imagine a way out. The intersection between legality and other social structures thus provides legality with supplemental meanings and resources that do not derive from legal practices alone" (1998:50 [emphasis added]). Thus, whereas Ewick and Silbey speak of a "fun-house hall of mirrors" in order to depict a space that is confusing, potentially vertiginous, and difficult to negotiate, I employ the notion of a (singular) funhouse mirror (rather than a *hall* of mirrors) to describe an image (of the criminal justice system and the law) that is reflected, but distorted.

crime—that all crimes have a negative impact on "the community"—a seemingly infinite entity in terms of space and population. The kids were advised that there are no macro-level root causes for behavior defined as "criminal"—that the etiology of deviance and delinquency lies in the individual person (or his immediate environment, e.g., family, friends, school). The kids learned what the law is, what some of the consequences of its violation might be, and how to serve as an effective RHYC member, but were *discouraged* from asking why certain laws exist, whether such laws should exist, whether the application and enforcement of some laws is consistent and fair, whether the benefits of transgression might outweigh its harm, and what else the law might be or do (or not be or not do).

Matthews and Young (1992:13) assert: "Challenging existing values and categories has a long and distinguished history, but if these values are simply rejected and not replaced with alternative visions then we become stranded and helpless." My goal in this book has not been to appraise the existing geometries and then simply walk away. While I have been critical of the pyramid, square, and prism, I have done so in the spirited belief that such schema were never intended to be definitive, comprehensive, visual representations (see Henry and Lanier 1998:624), but provisional understandings of social reality (Cullen et al. 2014:101). Rather than suggesting how one of the existing shapes could be refined to incorporate youth perspectives or proposing a new shape to replace the pyramid, square, or prism, I would like to think that this book has encouraged a sensitivity to the parallels, intersections, and divergences in criminological construction of and discourse surrounding crime and justice. At the same time, it has been my hope that this book has inspired interest in young people's perspectives, while recognizing the sheer power of the state to influence, affect, morph, and otherwise shape those perspectives. Finally, it is my hope that we might learn something from the kids. Their belief in the power of remorse and their frustrations with the options for sanctioning (revealing a very utilitarian approach to punishment) should push us to think through the purposes of penality (more broadly) and what else—or what more—we might do.

References

Agnew, Robert. 2011. *Toward a unified criminology: Integrating assumptions about crime, people, and society*. New York: New York University Press.

Barrett, Carla J. 2013. *Courting kids: Inside an experimental youth court*. New York: New York University Press.

Brisman, Avi. 2008a. Fair fare?: Food as contested terrain in U.S. prisons and jails. *Georgetown Journal on Poverty Law & Policy* 15(1): 49–93.

Brisman, Avi. 2009. "Docile bodies" or rebellious spirits: Issues of time and power in the waiver and withdrawal of death penalty appeals. *Valparaiso University Law Review* 43(2): 459–512.

Brisman, Avi. 2010a. The Pedagogical imperative of Justice Ruth V. McGregor. *Arizona State Law Journal*. 42(2): 361–367.

Brisman, Avi. 2013. Not a bedtime story: Climate change, neoliberalism, and the future of the arctic. *Michigan State International Law Review* 22(1): 241–289.

Brisman, Avi, and Nigel South. 2015. 'Life stage dissolution', infantilization and anti-social consumption: Implications for de-responsibilization, denial and environmental harm. *Young – Nordic Journal of Youth Research* 23(3): 209–221.

Carr, Craig L. 1981. The concept of formal justice. *Philosophical Studies* 39(3): 211–226.

Cullen, Francis T., Robert Agnew, and Pamela Wilcox. 2014. *Criminological theory: Past to present*, 5th ed. New York/Oxford: Oxford University Press.

DeKeseredy, Walter S., Brian D. MacLean, and Martin D. Schwartz. 1997. Thinking critically about left realism. In *Thinking critically about crime*, ed. Brian D. MacLean and Dragan Milovanovic, 19–27. Vancouver: Collective Press.

Donnermeyer, Joseph F., and Walter S. DeKeseredy. 2014. *Rural criminology*. London/New York: Routledge.

Durkheim, Émile. 1972 [1887]. Religion and ritual. In *Émile Durkheim: Selected writings*, ed. Anthony Giddens, 219–238. Cambridge: Cambridge University Press.

Ewick, Patricia, and Susan S. Silbey. 1998. *The common place of law: Stories from everyday life*. Chicago: University of Chicago Press.

Fletcher, George. 1997. What law is like. *Southern Methodist University Law Review* 50: 1599–1612.

Garland, David. 2001. *The culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.

Giroux, Henry A. 2012. *Disposable youth, racialized memories, and the culture of cruelty*. New York/London: Routledge.

Haiven, Max. 2007. Privatized resistance: Adbusters and the culture of neoliberalism. *The Review of Education, Pedagogy, and Cultural Studies* 29: 85–110.

Henry, Stuart, and Mark M. Lanier. 1998. The prism of crime: Arguments for an integrated definition of crime. *Justice Quarterly* 15(4): 609–627.

Hughes, Gordon. 2007. *The politics of crime and community*. Basingstoke: Palgrave Macmillan.

Lab, Steven P. 2003. Let's put it in context. *Criminology and Public Policy* 3(1): 39–44.

Lanier, Mark M., and Stuart Henry. 2010. *Essential criminology*, 3rd ed. Boulder: Westview.

Lea, John. 1992. The analysis of crime. In *Realist criminology: The realist debate*, ed. Jock Young and Roger Matthews, 69–94. London: Sage.

Lea, John. 2002. *Crime & modernity: Continuities in left realist criminology*. London: Sage.

Merry, Sally Engle. 1986. Everyday understandings of law in working-class America. *American Ethnologist* 13: 253–270.

Minda, Gary. 1993. Jurisprudence at century's end. *Journal of Legal Education* 43: 27–59.

Nye, Joseph S. 2004. *Soft power: The means to success in world politics*. New York: PublicAffairs.

Reiman, Jeffrey, and Paul Leighton. 2010. *The rich get richer and the poor get prison: Ideology, class, and criminal justice*, 9th ed. Boston: Allyn and Bacon.

Rosen, Lawrence. 2006. *Law as culture: An invitation*. Princeton: Princeton University Press.

Sammon, Kathryn C. 2008. Therapeutic jurisprudence: An examination of problem-solving justice in New York. *Saint John's Journal of Legal Commentary* 23: 923–969.

Schlag, Pierre. 1997. Law and phrenology. *Harvard Law Review* 110: 877–921.

Silbey, Susan S. 2005. After legal consciousness. *Annual Review of Law and Social Science* 1: 323–368.

Winter, Steven L. 1988. The metaphor of standing and the problem of self-governance. *Stanford Law Review* 40: 1371–1516.

Young, Jock. 1992. Ten points of realism. In *Rethinking criminology: The realist debate*, ed. Jock Young and Roger Matthews, 24–68. London: Sage.

Young, Jock. 1994. Incessant chatter: Recent paradigms in criminology. In *The Oxford handbook of criminology*, ed. Mike Maguire, Rod Morgan, and Robert Reiner, 69–124. Oxford: Oxford University Press.

Young, Jock. 2001. Left realism. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 163–165. London/Thousand Oaks: SAGE Publications.

Appendix

Starting the Study

In Appendix A of *Street Corner Society: The Social Structure of an Italian Slum*—one of the most thorough descriptions of qualitative research methods in an ethnography (and an abundantly useful account for explaining fieldwork to undergraduates and the process by which research becomes a dissertation and a book)—William Foote Whyte comments that "the study of a community or an organization has no logical end point" (1993:324–25). Whyte explains that he probably could have continued studying Cornerville, but that his funding situation dictated the length of his research.

In all likelihood, I would still be hanging out with kids at the Red Hook Community Justice Center (RHCJC) in Brooklyn, NY, instead of writing about them, were it not for a similar, external force: in Spring 2011, I was required to return to Atlanta, GA, to teach a post-fieldwork course in the Department of Anthropology at Emory University as part of the requirements for earning my Ph.D. (I taught Urban Anthropology and assigned, among other ethnographies, Whyte's *Street Corner Society*) as part of the requirements for earning my Ph.D. While I very much enjoyed the opportunity to teach this

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course, the move back to Atlanta (I actually commuted between New York and Atlanta that term) effectively ended my study of the RHCJC, where I had been conducting fieldwork since June 2007.

Just as the study of a community or an organization has no logical end point, it also has no logical *starting* point. Whyte claims that his study began on the evening of February 4, 1937, when he met Doc, who would become his key informant. The starting point for my study is a little harder to identify, but three dates are viable options: Tuesday, August 22, 2006; Thursday, January 11, 2007; and Tuesday, June 26, 2007.

I could point to Tuesday, August 22, 2006, when I came across an article in *The New York Times*—"Under One Roof in Brooklyn, Trial, Penalty and Civics Lesson" (Wilson 2006)—where I first learned about the RHCJC and thought, "That might be an interesting place to conduct my fieldwork." Although I was familiar with the concept of "problem-solving courts" and "community courts," I had never come across an institution that combined an element of formal social control (the court) with quite as large an assortment of non-punitive programming under the same roof. As RHCJC staff would later explain to me, the reason the RHCJC is called the Red Hook Community *Justice Center*, rather than the Red Hook Community *Court*, is to emphasize its non-carceral, non-legal services and opportunities for residents of Red Hook. Yet because the RHCJC is a locus for the resolution of criminal cases and civil disputes, as well as a site for "an array of unconventional programs that engage local residents in 'doing justice'" (Center for Court Innovation n.d.), those who enter the building for reasons unrelated or peripherally related to legal matters still encounter signs and symbols of law, such as walking through metal detectors and passing by the courtroom. Law, then, permeates the experience of the youth involved in programs at the RHCJC but does not drag them through the doors of the RHCJC. I thought this might render it a convenient, intriguing, and timely place to study how young people perceive crime, criminal severity, and the responses thereto, especially as institutions modeled on the RHCJC continue to take hold—a point to which I alluded in Chapter 3.

Perhaps I could claim late afternoon on Thursday, January 11, 2007—a cold, gray, dreary day in New York—when my then fiancée and now wife,

Laura Fanucchi, and I drove from the Bronx (where we were staying), down the Henry Hudson Parkway (continuing south on the West Side Highway), through the Brooklyn–Battery Tunnel and into the Red Hook section of Brooklyn. My "plan"—if one could even call it that—was to drive around the neighborhood and find the RHCJC. I was not even certain if we would get out of the car. This had nothing to do with fear. Although I had lived in the Fort Greene neighborhood of Brooklyn in the late 1990s (and although my father had grown up in the Brighton Beach/Manhattan Beach/Sheepshead Bay area of Brooklyn), I knew little about Red Hook—and certainly nothing of its nadir. Rather, Laura and I had early dinner plans that evening with friends in Brooklyn Heights, and, not knowing how long it would take to get to Red Hook from the Bronx, I thought we might have time only for a quick drive-around before heading up to meet our friends. But the drive took less time than I expected, MapQuest's directions proved pretty accurate (this was before Google Maps became the preferred web mapping service), a parking space beckoned to me and, before I knew it, we were standing in front of the RHCJC. I had not contacted anyone from the RHCJC and had not even dressed "appropriately" for coming to what I then considered a "courthouse." I had not shaved in a few days, and I was wearing blue jeans, hiking sneakers and a ratty old sweater—a far cry from the suits and ties that I wore during my first couple of years following law school. (I served as a law clerk for the Honorable Ruth V. McGregor, then Vice Chief Justice, Arizona Supreme Court,[1] during my first year after law school [2003–2004], and then as a law clerk to the Honorable Alan S. Gold, United States District Court for the Southern District of Florida, the following year [2004–2005].) I did not even know what we would do once we got inside. But Laura and I ventured in—albeit somewhat cautiously.

[1] Arizona Superior Courts are state trial courts and courts of general jurisdiction. The Arizona Court of Appeals is the intermediate appellate court in the state of Arizona. The Arizona Supreme Court, where I clerked, is the "court of last resort" in Arizona—the highest court in its state court system. In New York the hierarchy is a little different. The Supreme Court of the State of New York is the trial-level court of general jurisdiction in the New York state court system. The New York Supreme Court, Appellate Division, which is New York's intermediate appellate court, hears appeals of Supreme Court decisions. New York's highest appellate court is the Court of Appeals.

The first thing one encounters when walking through the doors of the RHCJC is a second set of doors, followed by a security desk and a metal detector. Before I could open my mouth—which was a good thing, because I had not yet figured out what I would say—one of the security guards announced, "There's no one here." A second security guard then asked what we wanted. Rather sheepishly, I explained that we were from Georgia (although I had grown up in upstate New York and lacked any semblance of a southern drawl), had read about the RHCJC in *The New York Times* and wanted to "check it out" and "see what y'all were up to"—I threw in the "y'all" to make the claim of being from Georgia sound more believable. I did not think that the guards would believe me. In fact, I somewhat suspected that my scruffy attire and vague interest in "checking out the place" might raise suspicions. (Once, when I was an MFA student at Pratt Institute in the late 1990s, I went to visit my father in New Haven, Connecticut, and nearly got myself arrested for telling a cop that I was "looking at the colors" of an abandoned industrial warehouse. He had been certain that I was casing the joint, and only when I turned over a small sketchbook did he believe that I was an art student. Thus, despite my years working in and for courts, I was wary of telling abstract truths to uniformed officers carrying firearms and clubs.)

Much to my surprise, a second security guard, who had been sitting, stood up, introduced himself as Leroy, shook our hands and motioned us through the metal detector. "Tom's right," Leroy said, "there's no one here. But you can have a look around." Leroy then bounded up the stairs. It was not clear to us whether we were to follow him, but given that going up a set of stairs is the only option after passing through the metal detector, Laura and I looked at each other, shrugged, mumbled a "thank you" to Tom and a third security guard who had said nothing during the entire encounter and proceeded up the stairs. When we got to the top, Leroy was gone. The hall in front of us was empty, as was the hallway to the right and the one to the left. But before we could decide which hallway to explore first, Leroy emerged from a door and indicated that "the judge" would be able to meet with us. "So much for my paranoia," I thought to myself. "Clearly, the security guards do *not* think I am a threat to the judge or to the building."

As promised by Leroy, Judge Alex M. Calabrese—whom I recognized from his picture in the August 22, 2006 article in *The New York Times*—appeared within minutes and introduced himself. Again, I explained that we were from Georgia, that I had read about the RHCJC in *The New York Times* and that I wanted to learn a little more about the place—although I said as much with a bit more confidence than I had when speaking with the security guards. Judge Calabrese proceeded to give us a tour of the RHCJC and then brought us to the mock courtroom, where we sat and chatted for awhile. By this time, I had told Judge Calabrese that I was a doctoral student in anthropology at Emory University, but because everything was going so well, I did not want to push my luck by asking whether I might be able to conduct fieldwork at the RHCJC. Laura, however, was encouraging me to inquire, and so toward the end of our conversation, I asked Judge Calabrese whether he would be amenable to my spending some time that summer conducting research on or at the RHCJC. Without pausing, Judge Calabrese said that I could, produced a business card and indicated that I should contact him, which I did the next day. Judge Calabrese put me in touch with James Brodick, then the project director at the RHCJC, and over the next five and a half months, James and I spoke on the phone and communicated via e-mail to set up some of the parameters of my study.

The third possible starting point for my study is Tuesday, June 26, 2007—a sweltering hot New York City summer day in which the gods of traffic seemed to be conspiring against me in my efforts to reach Red Hook for my first meeting with James Brodick. I eventually made it to the RHCJC for the meeting, which, in many ways, turned out to be my "Doc moment." James had bought pizza and gathered some staff members in the conference room. Over lunch, the staff members asked me a little bit about what I hoped to accomplish during my summer study (at this point in time, I was referring to it as a pilot project). Some of them had read the scientific protocol that I had submitted to Emory University's Institutional Review Board and had subsequently sent to James and asked me questions about my hypotheses and proposed methods, as well as the literature I would be leaning on to support my study. After lunch, James took me on a tour of the building, introducing me to various staff members, explaining to them who I was, and telling them that I might want to speak with them. At the end of the tour, James showed me to a

space I could use for the summer (containing a desk, a computer, and a phone), and told me that if I needed help arranging any interviews, I should let him know—an offer not unlike Doc's offer to Whyte: "You just tell me what you want to see, and we'll arrange it" (1993:291).

All three dates—Tuesday, August 22, 2006, Thursday, January 11, 2007, and Tuesday, June 26, 2007—represent key junctures in the process of identifying and establishing the RHCJC as the locus of my fieldwork. But the desire to study what young people know about the law and how they understand the law, as well as how they perceive the seriousnes of crime and delinquency, can be traced back to my year clerking for the Arizona Supreme Court and to two young people: Abraham and Andre.

Abraham and Andre

As a law clerk to the Honorable Ruth V. McGregor (from August 2003–August 2004), I had two main duties: (1) to review cases scheduled for oral argument before the Arizona Supreme Court, summarize their facts and legal issues, analyze the parties' different positions, and recommend a course of action for the court; and (2) to assist Justice McGregor in authoring opinions of the court. In the fall of 2003, a case came before the Arizona Supreme Court involving a 14-year-old defendant, who had been convicted of two counts of aggravated assault for shooting a 14-year-old girl in the stomach during the course of an argument and fight. The trial court held that the crimes for which the defendant was convicted were "dangerous crimes against a child" and consequently sentenced the defendant under special sentencing provisions of the Arizona Revised States (A.R.S.) §13-604.01.[2] The Arizona Court of Appeals vacated those sentences, holding that the defendant had not committed a "dangerous crime against a child" because there was no evidence that he was "peculiarly dangerous to children" or that he "pose[s] a direct and continuing threat to the children of Arizona" (alteration in the original). The Arizona Supreme Court granted review to determine

[2] A.R.S. §13-604.01 was renumbered as §13-705 and amended by Laws 2008, Chap. 301, §§17, 29, eff. Jan. 1, 2009.

the quantum of proof needed to establish that a crime is a "dangerous crime against children" under A.R.S. §13-604.01.

The 14-year-old defendant in the case was Abraham David Sepahi. Abraham was tried as an adult and convicted of aggravated assault causing serious physical injury and aggravated assault involving the use of a deadly weapon or dangerous instrument. The trial judge held that because the offenses were among fifteen enumerated offenses and that because the victim was a minor under the age of 15, the "dangerous crimes against children" statute applied to Abraham's case. Pursuant to the statute, the trial judge sentenced Abraham to two consecutive ten-year terms of imprisonment. The Arizona Court of Appeals, as noted above, vacated the sentences on the grounds that the "dangerous crimes against children" statute did not pertain to this case. Although the Arizona Court of Appeals agreed that Abraham's conduct was directed at a victim under the age of 15, the court read the statute to require a showing that the defendant was "peculiarly dangerous to children" or otherwise "pose[s] a direct and continuing threat to the children of Arizona." Because the trial court had noted at sentencing that the record in the case would not support such findings, the Arizona Court of Appeals vacated the consecutive sentences imposed under the dangerous crimes against children statute.

Previously, in a case involving a drunk driver who had injured a 14-year-old boy in a car accident, the Arizona Supreme Court had held that, although the crime (aggravated assault involving physical injury and use of a dangerous instrument) was among the list of enumerated offenses and although the victim was under the age of 15, "something more" was needed to trigger the special sentencing provisions of the "dangerous crimes against children" statute. The legislative history of the statute revealed that the statute was intended "to reach criminals who specifically prey on children" and "predators who pose a direct and continuing threat to the children of Arizona." Because the purpose of the statute was to punish and deter such individuals—and because the Arizona State Legislature did not intend to apply the statute to individuals who "fortuitously injure children by their unfocused conduct"—the Arizona Supreme Court rejected the argument that the statute could be activated simply by proof of the age of the victim. Instead, the Arizona Supreme Court held that in order for the statute to apply, "the defendant's conduct must be focused

on, directed against, aimed at, or target a victim under the age of fifteen." Because the drunk driver's criminal behavior was not "directed at or focused upon" a victim under the age of 15, the enhanced sentencing provisions of the "dangerous crimes against a child" statute did not apply.

In my memorandum to Justice McGregor, I argued that the "dangerous crimes against children" statute did not apply in Abraham's case and recommended that the Arizona Supreme Court affirm the decision of the Arizona Court of Appeals. I stressed that the Arizona State Legislature had enacted the "dangerous crimes against children" statute "to respond effectively to those predators who pose a direct and continuing threat to the children of Arizona." Although the legislative history did not reveal that the Arizona Legislature intended to limit the statute only to predators—I spent a day combing through the dusty files of the state Law and Research Library—I asserted that Abraham's case was not that dissimilar from the drunk driver's case. Just like the drunk driver, Abraham was not someone who preyed on helpless children—for he himself was a child at the time! I acknowledged that the drunk driver had fortuitously injured a child with his unfocused conduct, whereas Abraham's actions were directed at, aimed at, targeted at a victim under the age of 15. But neither the drunk driver nor Abraham had targeted a victim under the age of 15 *because* the victim was under the age of 15. In other words, I argued that the Arizona State Legislature intended the "dangerous crimes against a child" statute to apply to crimes against a child *qua* child.

Even if the statute could not be read to apply only in those circumstances where the victim has been selected because of his or her status as a minor under the age of 15, I maintained that the statute did not apply to Abraham because he was neither "peculiarly dangerous to children," nor did he "pose a direct and continuing threat to children." Although I admitted that Abraham might be more willing to use lethal violence than most other 14-year-olds and that *anyone* carrying a gun is more dangerous (to anyone else) than someone not carrying a gun, Abraham was not abnormally or unusually dangerous to children. Nor did Abraham pose a direct and continuing threat to children. While he might continue to pose a threat to children and adults alike if he continued to carry a gun on his person, the shooting was an isolated incident—quite different from predators who pose an ongoing threat to children.

Unfortunately, I could not persuade Justice McGregor or any of the other judges of the Arizona Supreme Court. In a unanimous opinion—a classic example of how "the significance of legislation is always greater than the meaning intended for it" Collier (1989:220–21)—the court vacated the opinion of the court of appeals. Much to my disappointment—and I am sure to Abraham's!—the court held that Abraham was subject to the special sentencing provisions of the "dangerous crimes against children" statute because (1) he committed one of the statutorily enumerated crimes; (2) his victim was under the age of 15; and (3) his conduct was focused on or aimed at the victim. The "dangerous crimes against children" statute did not, the court held, require a finding that the defendant was "peculiarly dangerous" to children or "pose[s] a direct and continuing threat to children."

I was heartbroken. And my inability to persuade Justice McGregor—or anyone else on the court (although I had far less access to the other justices)—plagued me the rest of my clerkship and for years afterward (see Brisman 2010a). While a 10-year prison sentence for a 14-year-old boy, in and of itself, seemed unjust to me, *two consecutive ten-year prison sentences* was unconscionable. There is a big difference between serving 10 years in prison and emerging in one's mid-twenties and serving 20 years and being released in one's mid-thirties. While the life opportunities for someone in his twenties who has spent ten years in prison are slim, those available to someone in his thirties who has spent 20 years in prison are close to nil. I had just written on recidivism rates and the collateral consequences of conviction and imprisonment (Brisman 2004), and thus the effects of prison on an individual—especially a young person—were fresh in my mind. I strongly felt that the Arizona Supreme Court had effectively (although not literally) ended Abraham's life.

Although my anguish would continue, I also started wondering what Abraham knew or might have known at the time of his crimes. While he probably knew that shooting someone in the stomach was illegal, I wondered whether he knew what the punishment for such an assault was or might be. Many people have little idea of the true certainty and severity of punishment (see, e.g., Kleck et al. 2005), and I highly doubted that Abraham knew that by pulling the trigger of his gun he would also trigger the special provisions of the "dangerous crimes against children" statute. I also was not

naïve enough to think that, had Abraham known that he might face 20 years in prison, he might not have shot his victim. But the circumstances and result of Abraham's case did make me wonder what young people knew about the law and whether knowledge about the law would or could affect one's choices and decisions with respect to illegal behavior. The seed for my dissertation—which became this book—had been planted.

I received a modicum of relief from the pains of Abraham's case in the spring of 2004 when the Arizona Supreme Court considered the standard for determining the voluntariness of a juvenile's confession when a parent is denied access to his or her child's interrogation by the police. The appeal and subsequent decision attracted a fair bit of local media attention (see, e.g., *The Arizona Republic* 2004a, b; Burnette 2004; Davenport 2004; Kossan 2004a, b). The underlying facts of the case were as follows.

On February 2, 2002, a 16-year-old boy, Andre M., was sent to his principal's office after a reported fistfight, which he had allegedly been involved in that morning. Shortly thereafter, police officers arrived at Andre's school and briefly interviewed Andre about the fight. The school contacted Andre's mother, who arrived at the school after this interview and sat with the assistant principal and Andre while Andre awaited further questioning from the police. During this time the police discovered a sawed-off shotgun in the trunk of another student's car. The shotgun was apparently connected to Andre, but Andre's mother was unaware of this discovery and did not know that the police intended to question Andre about any subject other than the fight.[3]

By the afternoon Andre had still not been re-interviewed by the police. At approximately 2:10 p.m., Andre's mother told the assistant principal that she needed to leave in order to pick up her young daugh-

[3] Note that under the Gun-Free Schools Act, signed by President Bill Clinton in 1994, which provided schools with additional funding if they enacted zero-tolerance policies for weapons on their campuses, local educational agencies that receive federal funding are required to expel (for a period of not less than one year) any student who brings a firearm to school or who possesses a firearm at school. See 18 U.S.C. §922 and Safe and Drug-Free Schools and Communities–Gun-Free Schools Act, 20 U.S.C.A. §7151 (2006); see Forsyth et al. (2015:277) for a discussion. The Gun-Free Schools Act was not at issue in the case involving Andre. I mention it here simply to suggest how and why Andre's actions may have seemed so severe in the eyes of school officials.

ter from another school, but that she would return posthaste. The assistant principal assured Andre's mother that if she did not return in time to be present for further interviewing and questioning by the police, either the assistant principal or another administrator would sit in on the interview and questioning. Upon receiving this assurance, Andre's mother left to pick up her daughter. The assistant principal, however, neglected to tell the police officers of Andre's mother's wish that either she or an administrator sit in on any interview and questioning involving Andre and the police.

When Andre's mother returned to Andre's high school 20 minutes later, she found Andre in a closed room. She attempted to enter the room in which Andre was being questioned by three officers, but a fourth officer seated outside the room prevented her from doing so. The police officers continued interrogating Andre for another 5–10 minutes.

During this second interview, Andre admitted to possessing a deadly weapon on school grounds and to possessing a firearm as a minor. He was charged with a felony and three misdemeanors. At juvenile court proceedings, Andre moved to suppress the statements he made during the second interview. Andre argued that his statements had been made in violation of the US Supreme Court case of *Miranda v. Arizona* (which held that the Fifth Amendment prohibition against compulsory self-incrimination applies in all custodial interrogations and binds the states) because (1) he had not knowingly, intelligently, and voluntarily waived his rights; (2) he had been questioned in an atmosphere of fear and intimidation; and (3) he had been questioned without his mother being present. The juvenile court denied the motion, adjudicated Andre delinquent, and placed him on probation for one year. The Arizona Court of Appeals affirmed, and the Arizona Supreme Court granted review to consider the impact of a parent's exclusion upon the voluntariness of a juvenile's confession.

This time the Arizona Supreme Court got it right, vacating the decision of the Arizona Court of Appeals and reversing the judgment of the juvenile. In an opinion by Justice McGregor that I helped her author, the court ruled that having a parent present during police questioning can both help ensure that a juvenile is not "intimidated,

coerced or deceived" and make it more likely that the juvenile understands what it means to waive his/her rights.

To reach this decision, we began by explaining that a defendant may waive his or her *Miranda* rights, provided that the waiver is made voluntarily (i.e., free from coercion), knowingly, and intelligently. In order to determine whether a defendant has voluntarily, knowingly, and intelligently waived his or her rights, a court must find that the state has successfully established two factors: (1) that the relinquishment of the right was voluntary, in the sense that it was the product of a free and deliberate choice, rather than the result of coercion, deception, or intimidation; and (2) that the waiver was made with a full awareness of both the nature of the right being abandoned (i.e., what the right "means" or enables someone to do or not do) and the consequences of the decision to abandon it. When a defendant alleges that he or she did not voluntarily, knowingly, and intelligently waive his or her *Miranda* rights, the state must prove that the confession had, indeed, been freely and voluntarily made. Because of the increased susceptibility and vulnerability of juveniles, the state's task of establishing the voluntariness of a statement becomes more difficult when a juvenile is involved.

To determine whether a juvenile's confession was voluntary, we explained that Arizona courts must consider the "totality of the circumstances surrounding the confession," including the juvenile's age, education, and intelligence; any advice that may or may not have been given to him or her regarding his or her constitutional rights; the length of the detention and questioning; and whether physical force was involved. We also noted that, under prior Arizona case law, while the presence of a child's parents or their consent to a waiver of rights is only one of the elements to be considered by a trial court in determining that the child intelligently comprehended his or her rights and that the statement was voluntary, the state can more easily establish the voluntariness of a waiver if a parent attends a child's interrogation. A parent, we explained, can help ensure that a juvenile will not be coerced, deceived, or intimidated during an interrogation, and that any confession is the product of a free and deliberate choice. The presence of a parent also makes it more likely, we continued, that the child will be aware of the nature of the right being abandoned and will understand the consequences

of a decision to abandon that right. In the absence of a parent, the state faces a more daunting task of demonstrating that the confession was neither coerced nor the result of "ignorance of rights or of adolescent fantasy, fright or despair."

Applying the law to the facts of Andre's case, we pointed out that not only was a parent absent during the juvenile's (Andre's) interrogation, but that the parent (Andre's mother) had attempted to attend the interrogation and had been prevented from doing so by the police officers. We concluded that in evaluating the voluntariness of a juvenile's confession under the "totality of the circumstances" standard, a court should consider conduct by law enforcement personnel that frustrates a parent's attempts to confer with his or her child, prior to or during questioning, to be a *particularly significant factor* in determining whether the confession was given voluntarily, knowingly, and intelligently.

In setting forth this factor under the "totality of the circumstances" standard, we made clear that circumstances might justify, or even require, the exclusion of a parent. For example, a juvenile may request or insist that his parent not be present. In other situations, we offered, a parent who is disruptive or who threatens the officers or the child at the time of the interrogation will probably not improve the child's comprehension of his or her rights or the consequences of waiving them. Similarly, we recognized that a parent's absence will be justified if the incident to which the police respond involves allegations against the parent. And finally, if time is of the essence, and a speedy interrogation of a juvenile is necessary to help ensure the safety or security of others, law enforcement personnel may be justified in conducting an interrogation in the absence of a parent. But, we declared, if the state cannot establish a good cause for barring a parent from a juvenile's interrogation, a strong inference arises that the state excluded the parent in order to maintain a coercive atmosphere or to discourage the juvenile from fully understanding and exercising his or her constitutional rights.

In Andre's case the record revealed no justification for excluding Andre's mother. Andre did not ask the police to prevent his mother from accompanying him during questioning, and Andre's mother was neither abusive nor disruptive. In fact, the only reason that the state proffered for excluding Andre's mother was that it would have been inconvenient for

the police to interrupt the interrogation and advise Andre of his *Miranda* rights in the presence of his mother. Such limited inconvenience, we asserted, cannot justify the exclusion of Andre's mother when her presence was so important to assuring that he comprehended the rights guaranteed to him.

The fact that Andre's mother was excluded did not, in and of itself, require a finding that Andre's confession was involuntary. But based on the "totality of the circumstances," we determined that the state had not met its burden. Although Andre was sixteen years old at the time of questioning, appeared to be of normal intelligence, was interviewed at his school (rather than at a police station, which could have created a more coercive or frightening environment), was interrogated for a relatively short period of time, and was not subjected to physical force by the police, there was no evidence that Andre had received age-appropriate warnings or any signed acknowledgment to indicate that Andre received and understood his *Miranda* rights. This limited evidence, coupled with the negative inference that arises from the police officers' unjustified exclusion of Andre's mother from the questioning, meant that the juvenile judge had clearly erred in admitting Andre's statements. Because the error contributed to the verdict—because Andre's statements composed almost the entirety of the evidence presented by the state in support of the charges against Andre, making it virtually impossible for the juvenile court to have found Andre delinquent in the absence of his statements—the Arizona Supreme Court vacated the decision of the Arizona Court of Appeals and reversed the judgment of the juvenile court.

I was pleased. More than pleased, in fact. Some might suggest that the court could have gone further—for example, Andre had urged the court to adopt a *per se* rule of exclusion that if the police deliberately exclude a parent from his or her child's interrogation, without good cause to do so, any resulting statement must be suppressed. Others pointed out that the case did not settle the question as to whether school administrators must notify parents when police want to question their children at school (see, e.g., Davenport 2004; Kossan 2004b). But I was thrilled with the decision on a number of grounds. First, I was happy for Andre. Although Andre was above the age of eighteen by the time the Arizona Supreme Court issued its opinion, meaning that Andre was no longer a juvenile

and no longer on probation, I was fairly certain that the decision would clear his record and improve his life chances. Second, while Andre's case was different from Abraham's, given how Abraham's case had unfolded, there was no guarantee that the Arizona Supreme Court would not once again reach a decision harmful to juveniles. In fact, because police question young people about crimes far more often than young people commit acts that could trigger the "dangerous crimes against children" statute, I reasoned that there was a lot more at stake with Andre's case. Along these lines, Justice McGregor and I had inserted some key language into the opinion. In particular, we had helped establish the principle that in evaluating the voluntariness of a juvenile's confession under the "totality of the circumstances" standard, "a court should consider conduct by law enforcement personnel that frustrates a parent's attempt to confer with his or her child, prior to or during questioning, to be a *particularly significant factor* in determining whether the confession was given voluntarily, knowingly, and intelligently" (emphasis added). We had also made it clear that "[w]hen…the state fails to establish good cause for barring a parent from a juvenile's interrogation, a strong inference arises that the state excluded the parent in order to maintain a coercive atmosphere or to discourage the juvenile from fully understanding and exercising his constitutional rights." Finally, we had asserted the importance of providing young people with "age-appropriate [*Miranda*] warnings"—a measure that I hoped would lead to greater comprehension, appreciation, and exercise of rights by juveniles.[4] I was proud of my contribution in helping to establish greater

[4] In the United States, issues regarding the rights of juveniles in custody continue to be resolved at both the state and federal level. For example, in *J.D.B. v. North Carolina*, 564 U.S. ___, 131 S.Ct. 2394 (2011), the US Supreme Court considered whether the age of a suspect subjected to police questioning is relevant to the custody analysis of *Miranda v. Arizona*. In an opinion by Justice Sonia Sotomayor, the Court held that a child's age properly informs the *Miranda* custody analysis. Justice Sotomayor explained that "[i]t is beyond dispute that children will often feel bound to submit to questioning when an adult in the same circumstances would feel free to leave," 131 S.Ct. at 2398–99. "[O]fficers and judges need no imaginative powers, knowledge of developmental psychology, training in cognitive science, or expertise in social and cultural anthropology to account for a child's age," the Court reasoned. "They simply need the common sense to know that a 7-year-old is not a 13-year-old and neither is an adult." *Id.* at 2407. Stressing that particular care should be taken to ensure that incriminating statements by children are not obtained involuntarily, the Court concluded that "[t]o hold…that a child's age is never relevant to whether the suspect has been taken into custody—and thus to ignore the very real differences between children and adults—would be to deny children the full scope of the procedural safeguards that *Miranda* guarantees to adults." *Id.* at 2408. For brief overviews of *J.D.B. v. North Carolina*, see, e.g., Editorial (2011b); Liptak

protections for juveniles in custody and felt somewhat absolved for my failure to convince the court in Abraham's case.

With this sense of relief came an even greater curiosity about the nature and extent of young people's understandings and perceptions of the law and crime. I wondered what Andre had known—if anything—about *Miranda* rights prior to that fateful day when he was interrogated at school. I wondered what he had learned in the aftermath of the case and what effect the case might have on Arizona juveniles' understandings of the law and perceptions of crime and delinquency. Although it would be several years before I would move from mere wondering to actually investigating such questions, the seeds of my dissertation and this book had begun to germinate.

Developing the Study

As suggested above, my interest in how young people understand the law and how they perceive crime and delinquency started to grow with Abraham and Andre, and I committed myself to the study of these issues at the RHCJC over the course of my first summer in Red Hook (2007). In August 2007, I returned to Atlanta, where I spent the 2007–2008 academic year completing my second year of graduate studies in the Department of Anthropology at Emory University. In June 2008, my wife, Laura, our then 8-month-old daughter, Zeia, and our aging dog, Phoebe, moved to Manhattan, where Laura began her residency in internal medicine at New York Presbyterian Hospital. In that same month, I resumed my fieldwork at the RHCJC, which, as described at the outset of this Appendix, I conducted until January 2011.

I jumped back into fieldwork at the RHCJC in the summer of 2008—now dedicated to exploring dimensions of what I called *youth legal consciousness*—a concept that I adapted from the notion of *legal consciousness* in the anthropology of law and law and society literature to mean the ways *young people* understand, imagine and use the law, as well as their attitudes

(2011a). For a discussion of the statutory requirements in England and Wales pertaining to the presence of adults (parents, carers, or other family members) when children aged ten to sixteen years are detained by the police, see Bateman (2012:259–61).

and feelings toward the law and the judicial system (specifically, law enforcement and courts) and the nature and scope of their legal knowledge.[5] My study of the legal consciousness of young people involved in voluntary programs at the RHCJC was guided by four main themes, each containing a number of questions: (1) scope and content of legal knowledge; (2) sources of legal knowledge and influences on legal consciousness; (3) nature of understandings of and experiences with the law; and (4) positionality and agency with respect to the law. I provide some context for these themes and their related questions herein. I then explain how these themes and questions morphed into what became the substance and content of my dissertation and later this book's focus on how young people perceive crime and justice.

1. *Scope and Content of Legal Knowledge*

Ignorantia legis neminem excusat or *ignorantia juris non excusat—ignorance of the law excuses no one* or *ignorance of the law does not excuse*—is one of the better known doctrines in criminal law. Proponents of the rule argue that people should know the law and that they should refrain from acting until they do so. Such supporters contend that the rule encourages people to learn the law and that it may, at times, be necessary to sacrifice the morally blameless person to achiever the greater good of creating an incentive for learning the law. Furthermore, they contend, anyone could claim that he/she relied on the advice of others, which could be hard to prove and which could result in collusion between defendants and others claiming to have provided such advice.

Opponents of the doctrine assert that the failure to know and interpret properly every statute and administrative regulation is not a reflection of moral blameworthiness. Furthermore, detractors maintain that the law is no longer as definite and knowable as it may have once been and that even lawyers and judges do not know every single

[5] See Brisman (2010/2011 [citing Ewick and Silbey 1991; Hirsch 2002; Merry 1990; Morrill et al. 2005; Mraz 1997; Nielsen 2000; Trubek 1984; White 1990]). My exploration of young people's legal knowledge reflected a desire to understand what young people know or think they know about the law, legal processes, and legal players—which I see as a component of *youth legal consciousness*. As such, my investigation of "what kids know about the law" differed from Valverde's (2003) examination of what "legal knowledges" and "legal powers" do and how they work, as well as from Riles's (2004) research on the means and ends of legal knowledge or her (2006) considerations of the hegemony and instrumental character legal knowledge in the human rights arena.

regulation and statute that pertains to an increasing number and range of activities and behaviors.

Given that we place a premium on knowing *something* about the law—indeed, one's future could well depend on whether we know the law—I wanted to know: What do young people know about the law and justice generally? What do they know about their legal rights? What do they *think* they know, albeit incorrectly, about the law? What is the nature and scope of their legal knowledge or "legal literacy" (Hirsch 2002:16)? How "integrated" is this knowledge and information about the law?[6]

2. *Sources of Legal Knowledge and Influences on Legal Consciousness*

Nielsen (2002:226) claims that "[f]or the most part, ordinary citizens have a generally accurate understanding of the law." Although elsewhere she clarifies that "individuals are unlikely to understand when they have been legally harmed" (2006:228)—and while she certainly does not claim that ordinary citizens possess an understanding of the intricacies of various types of jurisprudence—her overall position is that ordinary citizens are more, rather than less, knowledgeable about the law. While she suggests that this knowledge may come about, in part, from the "lived consequences" of various formal laws, she is less than explicit about the sources of legal knowledge that provide ordinary citizens with "a generally accurate understanding of the law" (2006:226).

As such, I envisioned my study as being motivated, in part, by the question how do young people know what they know? What are the sources of their legal knowledge? What has affected or otherwise influenced their conceptions, perceptions, and understandings of the law and its players? Do their knowledge and consciousness of the law stem from direct interaction with the legal system (see Carr et al. 2007; Chriss 2007; Hagan and Shedd 2005; Hagan et al. 2005; Nielsen 2000; Taylor et al. 2001)? Do they know what they know, and do their perceptions of

[6] Experts in the field of consciousness studies assert that while consciousness is not reducible to "quantity of information," it is "nothing more than integrated information" (Zimmer 2010). Accordingly, my research asks whether young people's legal consciousness exists in "bits" (for lack of a better word)—do they know a small amount about independent, discrete areas of the law? Or is their knowledge more integrated and interconnected?— Do they possess a "network" of knowledge about certain types of law?

the law stem from the interaction of family, friends, and neighbors with the legal system (see Chriss 2007; see also Boissevain and Grotenberg 1989:236)? From formal institutions, such as schools or churches?

What forms of mass media, if any, have informed what young people know about the law and how they perceive it (see, e.g., Brigham 1998:212–13; Ewick and Silbey 1998:16, 245)?[7] Do their knowledge about, familiarity with and broader conceptions about the law stem from "street lit" or "gangster books" (Cox 2001:599; see also Chura 2010:142, 146)? [8] From "Stop Snitching" campaigns? [9]

Do "outlaw" images portrayed by rap artists have bearing on young people's conceptions, perceptions and understandings of the law and its players (see Ferrell 1998:76; see also Chura 2010; Eckholm 2006; Honan 2008; Sanneh 2007a; see generally Leeds 2007; Parker-Pope 2007; Sanneh 2010; Sisario 2008)? Chuck D (Carlton Douglas Ridenhour), founder of the hip-hop group Public Enemy, has referred to rap as "the black CNN" (Katel 2007:127). But much rap (or, at least, much "gangsta" rap) promotes crime, promiscuity, misogyny, and rape, and glorifies the drug trade, street gangs, drive-by shootings, and violence, more generally—especially that directed at the police (Katel 2007:127–32; cf. Miet 2012).[10] Moreover, as Wilson (2005:345) observes, "rap artists have a long and storied history

[7] Wacquant (2001:116) discusses the melding of street and carceral symbolism, "with the resulting mix being *re-exported* to the ghetto and diffused throughout society via the commercial circuits catering to the teenage consumer market, professional sports, and even the mainstream media" (emphasis in original).

[8] In an interview, one of my informants revealed that his mother had written a book. I eagerly purchased the book online and read it as soon as it arrived. Unbeknownst to me, the book, *Sweetest Revenge*, was a self-published piece of urban fiction, containing explicit profanity, sex, and violence. Given its graphic details, I am fairly certain that my informant had not read his mother's work. Though I enjoyed reading it and wondered whether it contained autobiographical elements, I refrained from asking my informant about it.

[9] On the issue of "snitching," see, e.g., Brown (2007); Carr et al. (2007 [citing Gregory 2005; Lee 2006; White 2005]); Herbert (2006a); Honigman (2009); Natapoff (2009); Police Executive Research Forum (2009); see also Bykowicz (2007); Jacobs (2007); Kocieniewski (2009); Kocieniewski (2007a-g); Myers (2007); Reavy (2007); Sanneh (2007a); M. Warren (2008); see generally Chura (2010); Frazier (2008); Johnson (2012); Kocieniewski (2007b, c, d, g); Maldonado (2010).

[10] Wacquant (2001:116) discusses the "*fusion of ghetto and prison culture*, as vividly expressed in the lyrics of 'gangsta rap' singers and hip hop artists, in graffiti and tattooing, and in the dissemination, to the urban core and beyond, of language, dress, and interaction patterns innovated inside of jails and penitentiaries" (citing Cross 1993; Phillips 1999) (emphasis in original).

with the American judicial system." Indeed, many well-known rap artists have faced multiple criminal charges (and, in some cases, served jail or prison sentences)—from Tupac Shakur, Snoop Dogg, Dr. Dre, and Flava Flav (see Ferrell 1998; see also Piepenburg 2010; Richards 2010) to Jay-Z (see Gimenes 2001; Richards 2010) and Sean (then known as "Puff Daddy" or "Puffy" and now known as "P. Diddy" or "Diddy") Combs (see Frazier 2008; Gimenes 2001; Katel 2007; Richards 2010) to Project Pat (see Sanneh 2007b) to T.I. (see Caramanica 2008; Itzkoff 2010; Jonson 2010; Richards 2010) to DMX (see McElroy 2009; Richards 2010), Kanye West (see Itzkoff 2009a), Chris Brown (see Caramanica 2011; Itzkoff 2009b, c, 2011a; Ryzik 2009b), Tru-Life (Baker 2009d), C-Murder (see Harris 2009; see also Caramanica et al. 2005) to Ja Rule (Molly 2012), Lil Wayne (see Kilgannon and Moynihan 2010; Richards 2010), and many others.[11] Record company executives have joked that "the longer a rapper's arrest record, the longer his record…stay[s] on the charts" (Saunders 1993:24D; see also Ferrell 1998:76). While some question whether lengthy rap sheets still enhance rappers' popularity,[12] the dominant perception is that having a brush (or brushes) with the law is *de rigueur* in the rap industry. When Lil

[11] In 2005, the hip-hop magazine *XXL* produced what it referred to as its "first-annual jail issue," containing stories about the following "MCs" behind bars: Chad "Pimp C" Butler, Terrence Lewis Cook (a.k.a. "Drama"), Chi Ali Griffith, Mysonne Linen, Gregory "Cold 187um" Hutchinson, Antron "Big Lurch" Singleton, McKinley "Mac" Phipps Jr., Corey Miller (a.k.a. C-Murder, a.k.a. C-Miller), John Forté, Tracey "Tray Deee" Davis, Shawn "C-Bo" Thomas, Ezekiel Jiles (a.k.a. "Freekey Zeekey"), Tab Virgil (a.k.a. "Turk") (compiled by Caramanica et al. 2005). The issue also contained an article on the criminal case against rapper Lil' Kim (Kimberly Denise Jones)—she was convicted of conspiracy and perjury—as well as correspondence from prison from her manager, Damion "D-Roc" Butler, short reflections on prison "bids" by T.I., Ras Kass, Styles, Hell Rell, Slick Rick, and Cormega, and a piece on the post-prison life of Marvin Bernard ("Tony Yayo") of the hip-hop group G-Unit (see Matthews 2005; Rubin 2005). For additional examples, see Gimenes (2001, stating that "[t]he artists who make the newspapers [seem to be] do[ing] so for their actions and lifestyles far more often than for their music," and discussing the arrests of Jay-Z, Sean "Puffy" Combs, DMX, and Lil' Kim); Richards (2010, discussing T.I., Lil Wayne, Gucci Mane, and Lil Boosie's run-ins with the law in 2010 and noting the jail time served by rap stars such as Snoop Dogg, Slick Rick, Lil' Kim, Mystikal, Foxy Brown, and DMX).

[12] Richards (2010) acknowledges that at one point in time, going to jail may have helped rappers' careers but suggests that "the amount of hip-hop star power in prison this year [2010] is staggering, causing some fans to wonder if the culture has reached a crisis point—and if the careers of some of its brightest talents will survive." For a discussion of One Mic—a project that teaches young offenders life at the same time helping them hone their skills in rhyming, writing lyrics, and producing—see Miet (2012).

Wayne was to be sentenced in 2010 in Manhattan Criminal Court on gun possession charges, some fans played down the seriousness of the charge: "'Every rapper is getting a year in jail right now.'"[13] Do—and if so—how do some of hip-hop's lyrics and messages and rappers' run-ins with the law affect or otherwise influence young people's knowledge, perceptions, and understandings of the law?

Do young people's knowledge about the law and attitudes toward it derive or gain traction from news stories, such as the ones that reported the 1991 beating of Rodney King by the Los Angeles Police Department, or the 1997 assault and sodomizing of Abner Louima, a Haitian immigrant, and the 1999 killing of Amadou Diallo, an unarmed Guinean immigrant who was shot 41 times in the foyer of his own apartment building—both of which took place at the hands of the NYPD (Bourgois 2003:xxi; Lab et al. 2016:75)? As Librett, a retired police officer, admits, "police officers are often accused of excessive use of force, racism, and acts of official corruption" (2008:259; see also Henderson and Simon 1994)—and which often attract the attention of the news media.[14] Of course, some cases receive more publicity than others. For example, the Sean Bell shooting incident of 2006, which drew comparisons to the 1999 killing of Diallo, resulted in large protests and sparked fierce criticisms of the NYPD (see Baker 2009a, 2010b; Baldwin 2009; Barnard 2009; Buettner and Rivera 2006; Cardwell 2006; Chan and Khan 2006; Chen and Baker 2010; Eligon 2008; Healy 2006; Herbert 2006b; Parascandola 2011; Powell 2009; Robbins 2011; Sulzberger 2010a). Henry Louis Gates, Jr.'s arrest outside his Cambridge, Massachusetts, home in 2009 by Cambridge Police Sgt. James Crowley attracted the international news media spotlight and generated a national debate about racial profiling by the police (Baker and Cooper 2009; Goodnough 2009a, b; Herbert 2009a, b; Lavoie 2009; Saulny and Brown 2009; Solomon 2009; Staples 2009b; Wilson and Moore 2009; Zezima 2009, 2010; Zezima and Goodnough 2009). More recently, images of NYPD officers pepper-spraying Occupy Wall

[13] See, e.g., Kilgannon and Moynihan (2010:A29, quoting Karl Mukaz, age twenty-two, a French exchange student attending Berkeley College in White Plains, NY).

[14] See Tyler (2003:328, stating that "police-citizen interactions have been publicized in the media as ones tinged with bias").

Street protestors in fall 2011 grabbed headlines and graced the front pages of newspapers (see Boyle et al. 2011; Dwyer 2011b; Long 2011). Others, such as the 2009 killing of Omar J. Edwards, an African-American police officer, by Andrew P. Dunton, a Caucasian police officer, in a case of mistaken identity (see Baker 2010e; Baker and Rashbaum 2009; Bernstein 2009; Hauser 2009b; Hauser and Zraick 2009; Kleinfeld 2009; Kovaleski 2009; Zraick 2009) or the 2008 NYPD subway sodomy incident involving Michael Mineo, whose accusations of police brutality evoked Louima's case (see, e.g., Baker 2008b, c; Baker and Fahim 2009; Baker and Moynihan 2008; Barnard and Baker 2008; Buckley 2008; Fahim 2008b, c, 2010a, b, c, d, e, f, g, j; Haberman 2010; Powell 2009; Sulzberger 2010b), resulted in comparatively less press. Nevertheless, it seems that just about every day, newspapers and television stations report on police misconduct and racialized police violence—and recall that my fieldwork and the subsequent write-up of my dissertation *predated* the police killings of Michael Brown, Gilbert Collar, John Crawford III, Ezell Ford, Eric Garner, Freddie Gray, Akai Gurley, Tamir Rice and Walter L. Scott (see Lab et al. 2016:75; McClanahan and Brisman in press).[15] Given that such

[15] During the course of my fieldwork, I casually collected newspaper articles either reporting instances of police corruption, incompetence, discrimination and disparities in arrests and "stop and frisks," and excessive use of force or acknowledging the lack of public confidence in the NYPD as a result of these phenomena. See, e.g., Antenucci et al. (2012); Associated Press (2010a); Baker (2007; 2008a, 2009b, c, 2010a, c, d, f, g, h, 2011, 2012); Baker and Goldstein (2011); Baker and Rivera (2010); Baker and Warren (2009); Baldwin (2012); Bowen (2011); Brown (2009); Chan (2009); Dolnick (2010); Dwyer (2009a, b, 2011a); Editorial (2010e, 2012b); Eligon (2010a, b, c, d, e, f, h, 2011b, c, d, e); Garrison (2012); Glater (2007); Goldstein (2011a, b, 2012); Goldstein and Baker (2011); Goldstein and Harris (2011); Hauser (2009a, c); Hays (2012); Herbert (2007a, 2010a, b); Kleinfeld (2011); Lee (2007); Levin (2012); Maddux et al. (2012); McShane (2011); NYCLU News (2012b); O'Connor (2010a, b); O'Connor and Baker (2011); Ortiz (2011); Paddock et al. (2012); Parascandola et al. (2011); Powell (2009); Rayman (2012); Rivera (2009); Rivera et al. (2010); Schram and Macintosh (2011); Secret (2011); Seifman (2012b); Staples (2009a); Stelloh (2010a); Sulzberger and Eligon (2010); Tyler (2003); Weischelbaum (2011); Wilson (2008).

Note that police in other jurisdictions have also been accused of brutality, corruption, racism and excessive use of force. See, e.g., Associated Press (2008, 2010b, 2012a, d); Bernstein (2010); Caulfied (2012); Contreras (2010); Davey and Fitzsimmons (2010); Editorial (2010g); Fahim (2010f); Gaines and Kappeler (2015); Kovaleski and Lee (2010); McKinley (2009, 2010a, b, c); Mungin (2005); Péréz-Pena (2010); Robertson (2010a, b); Rosencrans (2012); Malkin (2011); Van Natta (2011); Welch (2012); Wilson and Kovaleski (2011); Wollan (2009); see generally Associated Press (2012b); Jones (2007).

Note also that accusations of misconduct have not been limited to law enforcement; judicial and other governmental corruption and discrimination frequently makes the news. See, e.g.,

police misconduct and use of lethal force may contribute to the loss of public confidence in the legal system, noted in Chapter 1, what do young people know about these incidents, and how do they shape their understanding?

3. *Nature of Understandings of and Experiences with the Law*

Americans' knowledge and understanding of government, history, and law are notoriously poor. According to Lepore (2011:72), "[a]t some forty-four hundred words, not counting amendments, our Constitution is one of the shortest in the world, but few Americans have read it. A national survey taken this summer [2010] reported that *seventy-two percent* of about a thousand people polled had never once read all forty-four hundred words" (emphasis added). Commentators across the political spectrum in the United States frequently deride the civic ignorance of everyone from American children to adults—many of whom would have trouble passing the US Citizenship Test (see, e.g., Clabough 2011; Hansen 2011; Healy 2008; Romano 2011). Our elected officials are hardly better paradigms. Dan Quayle, vice president to George H.W. Bush, was renowned for his misstatements regarding the operation and oversight of government, although he did express hope that "We're going to have the best-educated American people in the world."[16] Sarah Palin, a former governor of the state of Alaska and John McCain's running mate in 2008, famously referred to a non-existent cabinet—the "Department of Law"—in an *ABC News* interview.[17] In 2010, Delaware GOP Senate nominee Christine O'Donnell asked during a debate at the Widener University School of Law with her opponent, Democrat Chris Coons, "where in the Constitution is the separation of church and state?" and then repeatedly expressed disbelief that the prohibition against the establishment of religion is contained in the First

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Associated Press (2009a, b, c); Blumenthal (2005); Brick (2007); Brisman (2010a); Dewan (2010); Eligon (2010g); Metro/AB (2011); Pinto (2012); Urbina (2009a); Urbina and Hamill (2009); see generally Dowd (2012). For a rare example of a prosecutor helping to *clear* two men he believed were wrongly convicted, see Weiser (2009).

[16] September 21, 1988. See, e.g., http://www.rinkworks.com/said/danquayle.shtml.

[17] While attempting to explain why, as president of the United States, she would not be subjected to the same ethics investigation that prompted her to resign her post as governor of Alaska, Palin remarked in an *ABC News* interview of July 7, 2009: "I think on a national level your Department of Law there in the White House would look at some of the things that we've been charged with and automatically throw them out." Palin's knowledge of US constitutional law is not much better.

Amendment (see Barr 2010; Shear 2010).[18] More recently (August 2011), Michelle Bachmann, a lawyer, and then-member of the US House of Representatives from Minnesota's Sixth Congressional District, and former candidate for the Republican nomination in the 2012 US presidential election, promised: "if nominated by the Republican Party, I will not rest until I elect 13 more titanium-spined senators"—perhaps forgetting that presidents do not elect US senators.

Notwithstanding these sensational examples and the general public's (dismal) knowledge and understanding of civics—and putting aside the questions of *what* young people know about the law and the sources of that knowledge (Themes #1 and 2 above)—I conceived of my research as asking: *How* do young people understand and experience the law and the criminal justice system (specifically, law enforcement and courts)? In other words, in addition to the first and second themes (described above) regarding the scope, content, and sources of legal knowledge and influences on the development of their perceptions of crime, delinquency, justice, and law, my study of youth at the RHCJC has been guided by the question of how and in what ways do young people come in contact or interact with the law and the criminal justice system and how they comprehend those encounters.

According to Ewick and Silbey, "[m]ost of the time…people don't think of the law at all… [F]or most of us the law generally sits on a distant horizon of our lives, remote and often irrelevant to the matters before us."[19] Ewick and Silbey (1998:250) continue:

In an interview with Katie Couric of *CBS News* on October 1, 2008, Palin had trouble naming a decision of the United States Supreme Court other than *Roe v. Wade*: "Well, let's see. There's——of course in the great history of America there have been rulings that there's never going to be absolute consensus by every American, and there are those issues, again, like Roe v. Wade, where I believe are best held on a state level and addressed there. So, you know, going through the history of America, there would be others but——"

[18] Upon questioning whether the First Amendment imposes a separation between church and state, the audience at the law school broke out in laughter. Refusing to be dissuaded, O'Donnell repeated, "Let me just clarify. You are telling me that the separation of church and state is in the First Amendment?"

[19] Ewick and Silbey (1998:15). In a similar vein, Silbey (2005:332) states:

> More often than not, as we go about our daily lives, we rarely sense the presence of the law. Although law operates as an assembly for making things public and mediating matters of

> legal regulation is only rarely a matter of active contemplation and calculation. Typically we become aware of the law and our relationship to it only when the formal law—and the violence embedded in it—makes an appearance. Our pulse quickens at the sight of a police cruiser or the sound of a siren. At that moment, we scrutinize our own behavior and status in regard to the law's intentions and powers. Most of the time, this legal regulation is taken for granted, without consideration or challenge.

Following this line of thinking, I considered my research to be asking: Under what conditions do young people actively contemplate the law and legal regulation? Do young people distinguish between various types of legal regulation that control different aspects of their daily lives? Do they distinguish the branches of government (see Sarat 1977)—do they hold different perspectives on courts than police, for example? Or do they lump all parts of the criminal justice system together and hold one overall perspective on all its respective but interconnected parts? Do they perceive law as enabling or disabling—do they conceive of law as restrictive or do they believe that law provides them with freedom and rights? Do they believe that law enforcement plays a role in keeping a community safe? Do they view law enforcement as annoying, intrusive, and threatening? Or do they experience law enforcement as both threatening and disruptive and as playing a role in community safety? Do they regard courts as just and fair, capable of reaching "the right" decisions and imposing appropriate sanctions, or do they feel courts are institutions of inequality where "justice" is meted out on the basis of race, class, and age?

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concern, most of the time it does so without fanfare, without argument, without notice. We pay our bills because they are due; we respect our neighbors' property because it is theirs. We drive on the right side of the road (in most nations) because it is prudent. We register our motor vehicles and stop at red lights. We rarely consider through which collective judgments and procedures we have defined "coming due," "their property," "prudent driving," or why automobiles must be registered and why traffic stops at red lights. If we trace the source of these expectations and meanings to some legal institution or practice, the origin is so far away in time and place that the matters of concern and circumstances of invention have been long forgotten. As a result of this distance, sales contracts, property, and traffic rules seem to be merely efficient, natural, and inevitable facts of life.

4. *Positionality and Agency with Respect to the Law*

According to the psychotherapist Erik Kolbell (2010:D5),

> [m]ost children exercise very little power over the decisions that affect their lives. They don't decide who their parents are, where their family will live, where they will attend school, when they will reach puberty, who will or will not befriend them. They have limited control over their athletic skills, their looks, their wit, or whether, in the great Serengeti that is their schoolyard, they will be predator or prey. They are as much the subject of their story as its author.

Kolbell's list of areas in which young people exercise little control is representative, rather than exhaustive. To offer just one example, young people in the United States have very little power to use, enact, or engage with the law. According to Greenhouse (1989:258), "most Americans have no experience with litigation. While most adult Americans have consulted a lawyer once, the vast majority of those consultations are over the administration of a mortgage or a will." In contrast to American adults, young people in the United States have even fewer occasions to interact with the law and its players. Young people do not sue each other. For the most part, American youths under the age of 18 do not marry or divorce each other. They cannot enter into binding contracts (and thus, for example, buy a house or purchase stocks), vote, run for public office, or execute a will. As such, they may have limited involvement with the law or its legal players—or little *awareness* of their rights and restrictions under the law. What role or place—if any—do they see for themselves in the legal system? Do they see themselves as pawns or subjects in an authoritarian system? In other words, is law something that is *done to them*?[20] Or do they feel as if they can be active players who can influence and affect law? In other words, is law something *that they do?*

The scope and content of RHYC kids' legal knowledge; the sources of their legal knowledge and the influences on their perceptions of

[20] See, e.g., Ewick and Silbey (1998:9), who describe "Millie Simpson's" perception that "[t]his is a world in which things happen to people, rather than one in which people do things."

crime, delinquency, justice, and law; the nature of their understandings of and experiences with the law; and their positionality and agency with respect to the law—all were—indeed, *are*—good avenues of exploration. And while the questions posed under the themes above were, for me, good starting points for my research and helpful guides throughout my fieldwork, I quickly found that attempting to grasp some aspects of what the kids knew about the law and how they conceived of their place in it or with respect to it presented a practical problem and methodological quandary.

Legal consciousness is "inherently *indeterminate*," McCann (2006:xiii) writes. "In other words, the discourses and logics at work in legal consciousness are fluid, flexible, dynamic, and subject to multiple constructions and repeated reconstruction." On an intellectual level, I understood that my "object" or "subject" of study—*youth legal consciousness*—was a shape-shifting, moving target. But I did not really comprehend what this meant until I started to follow kids from their recruitment and group interviews for the RHYC training (described, in part, in Chapter 1) through their nine- to ten-week training course and then through their service as RHYC members (discussed in Chapter 4). Over these periods, I became aware of my sense of what I thought the RHCJC as an institution *might* or *could* (and, at times, I thought *should*) explain to the kids about the law, the speed with which the kids' legal consciousness was evolving in response to what they were being taught, and the role of the RHCJC as an institution in this process of the kids' transformation. I also realized that while the training sessions would offer only glimpses of the scope and content of RHYC kids' legal knowledge, the sources of their legal knowledge and the influences on their legal consciousness, the nature of their understandings of and experiences with the law, and their positionality and agency with respect to the law, the training sessions would expose what *the RHCJC* wanted the kids to learn about the law. Moreover, I recognized that by focusing on what messages the RHCJC was (or was not) transmitting and how the kids responded to those lessons and what they revealed in response, I might be able to describe how the kids' attitudes and ideas about and positions with respect to the law were changing over time. In other words, I realized that if attempting to paint a portrait of the kids' legal consciousness would leave too many gaps and

holes, I might be able to track the movement, transformation, or metamorphosis of their legal consciousness.

Once I made this "discovery," it was too late in this particular training cycle to try to ascertain what the kids' legal consciousness might have been prior to the start of their involvement with the RHCJC. Even if I had been equipped with this awareness and knowledge prior to the start of the training cycle in which I made this discovery, I knew that I would be limited in what I could learn about the kids' legal consciousness at time zero. Grilling kids about what they knew about the law, how they perceived cops, and how they envisioned the law's power and potential prior to their training might run the risk of discouraging them from participating. Given the RHCJC's generosity in granting me permission to study its youth programs, I did not want to jeopardize this access in order to try to better understand the kids' legal consciousness before their RHYC training. Even if I could be assured that the kids would not be scared off, I feared that querying them about their relationship to the law at the start of the RHYC training might give them the impression that I was working *for* the RHCJC, rather than *studying* the RHCJC, and that I had some sort of decision-making authority with respect to their involvement with the RHYC as a trainee and member. Because I wanted it to be clear to the kids that I was not an RHCJC staff member—and because I hoped that by making my independent status transparent from the get-go I might receive more forthcoming answers in interviews at a later juncture—I decided that I would not employ any methods other than observation at the start of an RHYC training cycle. While this meant that I had less of a sense of the kids' baseline legal consciousness with which to track the impact of the training over time, it did enable me to sit in on the group interviews and training sessions, unobtrusively record my observations (including the kids' surprisingly honest answers during the "corner game"), and eventually win their trust as an outside researcher who would protect their confidentiality and who held little influence with respect to their involvement with the RHYC. I describe the methods that I did employ during the course of my fieldwork in greater detail in the next section of this Appendix.

Methods

According to van Maanen (1983, 1988), cultural anthropologists wishing to write ethnographies—written representations of a culture (or an aspect or dynamic of a culture)—should rely on direct, sustained participant observation and repeated interviews of key informants. Similarly, Sarat (1990:350) contends that interviews and participant observation are standard tools for all of social science and that "these techniques are, in one respect, intended to insure the accuracy and reliability of observations; at the same time they, as well as other social science methods, work to establish the authority of social scientists and their descriptions." Sanjek concurs with this two-pronged methodological approach. He explains that "interviews…are an indispensible [sic] part of fieldwork, and we learn things through them we cannot learn in any other way. Interviews…allow us to extend our ethnographic reach in time and space, to learn about events we cannot observe, and with careful, directed use, to achieve illumination of larger issues that originate in fieldwork observations" (2000:281). That said, Sanjek (2000:282) warns that interviews may be problematic "because human beings are apt to reinterpret or reformulate the past to make it conform with their ongoing sense of the present"—a position consistent with Harris (1979, 1990), who contends that individuals can develop "false consciousness" and misrepresent the meaning of their own behavior to themselves and to researchers. Thus, as Sanjek (2000), Harris (1979, 1990) and others (see, e.g., Bernard et al. 1984) suggest, while much can be ascertained about individuals' understandings and experiences of law through direct questioning, interviewing is not without risk. Participant observation, which Bernard (2006:242) refers to as "the foundation of cultural anthropology," helps mitigate this risk and ensure that what the researcher gleans is not merely "the product of dialogue between ethnographer and chosen informant" (Sanjek 2000:282).

Participant observation is especially important in the realm of the anthropology of law, which, as noted above, provided the initial theoretical orientation for the fieldwork that provided the data for some of this book. For Conley and O'Barr (1998), participant observation is *the* means for ethnographers to see and hear disputes evolve and to watch, transcribe, and record legal proceedings. In her study of legal consciousness

among working-class Americans in Massachusetts, Merry (1990:5) critiques survey research on understandings of and attitudes toward law on the grounds that "this approach flattens the way people understand and use law. It assumes that each individual has, rather than a series of interpretations of different facets of law, an overall stance toward law as a thing." Because "legal consciousness, as part of culture, partakes of both the particularity of a situation and the overall context in which the situation is considered," Merry (1990:5) argues that legal anthropologists studying legal consciousness must undertake participant observation to gauge how individuals' understandings of law develop through experience. Merry (1990) asserts that individuals' positions with respect to the law are not constant and are often not easily recognized and made explicit by the individuals themselves. As such, scholars of legal consciousness cannot rely on questioning alone but must study attitudes toward and perceptions of the law as revealed in their actions—something that requires the patience and attention of participant observation (see, e.g., Comaroff and Roberts 1981; Geertz 1983; Gluckman 1955; Merry 1990, 2000; Rosen 1989, 2006).

For the aforementioned reasons, I relied on both participant observation and informal, unstructured, and semistructured interviews in order to explore the legal consciousness of youth at the RHCJC. And for me, the two methods went very much hand in hand. Indeed, the interviews and participant observation served as complementary components, each serving as a "check" on the other: the interviews helped flesh out and clarify what I saw and observed; the participant observation guarded against the potential intentional and unintentional misreprsentations of interview subjects.

In my study, participant observation entailed accompanying program coordinators on recruiting trips to various local high schools; observing the interview process for positions in the various programs; attending meetings, events, and proceedings associated with different youth programs; and helping to chaperone field trips to museums and colleges. Interviews with youth offered a way to follow up the work done through participant observation and ask about program particulars, the RHCJC as a whole and the ways my subjects conceived of and envisioned the law. Where possible, I interviewed youth program participants at various stages

of their involvement in their programs (usually at the beginning of participation in the program, some time during program participation, and again at the end), which was crucial to understanding how youths' conceptions, perceptions, understandings, and visions of law, courts, and law enforcement change(d) over time. I also conducted interviews with RHCJC staff. These interviews were vital for understanding the various programs' mission statements, curricula, funding sources, and recruitment strategies, as well as the "ethical climate" of the court (Wilkins 1998:97), which affect the values and practices of RHCJC staff and, as a result, those of the youth in RHCJC programs.

Given that legal consciousness can be produced through myriad subtle and indirect ways (Merry 1988), scholars of legal consciousness recommend investigating individuals' "everyday practices" that contribute to and give rise to their experience and understandings of law (see Ewick and Silbey 1991–1992; Greenhouse, et al. 1994; Merry 1986, 1988; Sarat and Kearns 1993). This involves spending time with one's research subjects away from the "site of ideological production" (Harrington and Merry 1988:731). Initially, this meant trying to observe and interact with youth involved with RHCJC programs outside and away from the RHCJC. And to some extent, I was able to accomplish this by accompanying program coordinators on recruiting trips to various local high schools (where I often saw current RHCJC youth and met future ones) and on the field trips to museums and colleges, as noted above.

But I was troubled by the fact that schools are themselves "site[s] of ideological production." I was also aware that even though youth on an RHCJC-sponsored field trip were out of state and away from the *site* of ideological production, they were still operating under the gaze—or within *sight*—of RHCJC staff members. Thus, I attempted to spend time with RHCJC-affiliated youth independently from RHCJC staff (such as when I took a group of RHYC kids out for pizza and to see the movie *Takers* (2010), starring the musical artists Chris Brown and T.I.). But these off-site interactions were occasional and interspersed, in large part because consistent and sustained contact with RHCJC-affiliated youth outside and away from the RHCJC would not have been possible: they spent most of their days at various Brooklyn high schools, would come to the RHCJC after school, and afterward would often go their separate

ways. In other words, while some of the youths were classmates with each other or lived in the same housing projects—and while some became friends during the course of their participation in RHCJC youth programs—the youth were not a group outside of the context of the RHCJC. Attempting to spend time with the kids when they were not at school or at the RHCJC would have effectively been not that much different than an informal one-on-one or small-group interview. There was no way to observe and participate in the lives of the RHCJC-affiliated youth *as a group* away from or outside the gaze of the "site of ideological production."

This left me worried that some might view my lack of interactions with RHYC kids outside of and away from the "site of ideological production" as a limitation of my study. But as my research shifted from the nature, scope, and content of the kids' legal consciousness to the specific ways in which the RHCJC—the "site of ideological production"—was working to transform the kids' legal consciousness, what was once a concern became my study's raison d'être.

More generally, I came to realize that, unlike adults, young people's "everyday practices" are far less likely to contribute to and give rise to their experience and understandings of law. While most youth involved with the RHCJC have had some interactions with police officers, and while many youths' experiences with police officers have been less than positive (especially for those youth living in public housing projects), they have little occasion to encounter and interact with other individuals in the justice system outside the context of the RHCJC. As noted above, young people do not get married (usually). They do not sign contracts, purchase real property, or sue each other. In fact, outside the RHCJC, the youth have little opportunity to "do" law—to be active players who can influence and affect law and legal processes. And while young people may encounter the law through mass media and may think about it and talk about it as a result, they are unlikely to sit on the steps of a brownstone or hang out at a street corner discussing payment of child support or taxes owed to the Internal Revenue Service. Thus, while spending more time with the youth outside and away from the "site of ideological production" might have helped me paint a more complete picture of some of my informants *as individuals*, I strongly suspected that the "everyday practices"

that I might have observed would have had limited bearing on their experience and understandings *of law*—and certainly much less so than the investigation of adults' "everyday practices" revealed for Ewick and Silbey (1991–1992, 1998), Greenhouse, Yngvesson, and Engel (1994), Merry (1986, 1988), and Sarat and Kearns (1993). Studying youth *in Red Hook*, rather than youth *at the RHCJC*, might have produced a broader picture of the influences on youth legal consciousness than what my fieldwork was able to uncover and reveal. But it would have likely come at the expense of the depth of understanding that I was able to achieve by focusing on the context of the law-related youth programs at the RHCJC—and the role that the RHCJC played in transforming the kids' legal consciousness—to say nothing of the additional time that the former would have required.

The allusions above to different "angles of view" (or "fields of view"), focal lengths, and depths of field give rise to one last component of my methodology. While scholars of legal consciousness stress the importance of participant observation and interviews, some have pushed for a shift to broader data collection methods (see, e.g., McCann and March 1996; McCann 1999).[21] I interpreted this to mean documentary photography and "document collection," for lack of a better phrase.

Employing skills learned as a student at Spéos: Paris Photographic Institute in Paris, France, during academic year 1995–1996, and refined as an MFA student at Pratt Institute in Brooklyn, New York from 1998 to 2000, I photographed street life in Red Hook and various events at the RHCJC (such as staff cookouts, meetings, parties, and graduations that are held for youth who complete their programs), as well as events held in the community with RHCJC involvement or participation (such as the Cops and Kids Stickball Tournament that took place in 2007 and 2008 and the yearly National Night Out Against Crime). While documentary photography provided me with visual images for this book, it also helped me to contextualize my participant observation and occasionally assisted in the recollection of details when transcribing

[21] See also Nielsen (2000:1062), who observes that "scholars of legal consciousness have begun to advocate broader data collection to understand variation in legal consciousness and to map the relationship between consciousness and social structure."

scratch notes from participant observation into full-fledged field notes. Finally, documentary photography enabled me to meet more Red Hook residents, including those whom I might otherwise have had more difficulty getting to know. For example, on several occasions I was contacted after an event by someone whom I did not know (and sometimes someone whom I had wanted to meet) who had heard that I had photographed the event, inquiring if I might share my images with him/her. On many occasions, I provided individuals with a CD of images taken during an event that they ran or sponsored as a token of my appreciation for access to the event and their time.

In addition to documentary photography, I collected and reviewed curricula, lesson plans, handouts, grant proposals, and other related documents for each of the programs that I studied at the RHCJC, as well as for many of the projects that I did not study. (James also provided me with a physical mailbox at the RHCJC and an e-mail account, which allowed me to receive e-mails and attachments as well as announcements about events, activities, and programs that I might not otherwise have heard about.) On some occasions, document collection preceded interviews with relevant RHCJC staff, enabling me to rely on the documents to better frame my questions. In other instances, I received documents from an RHCJC staff member or youth program participant after I had formally or informally interviewed him/her or after I had observed an event or proceeding related to the staff member's or youth's particular program. In these instances the documents served to flesh out aspects of the interview or observation. While I was careful not to let the documents replace questioning or observation, at times documents allowed me to make better use of my time with staff members and youths—affording me the opportunity to move more quickly through technical or factual questions to probe and elicit their thoughts and reflections.

Finally, I also gathered flyers, announcements, and other materials about the RHCJC, the neighborhood of Red Hook, youth programs in Red Hook unaffiliated with the RHCJC, and events and activities in the community. Again, while such document collection did not replace interviewing or participant observation, it did provide me with additional sources of information, as well as create ways for me to learn about events and meet Red Hook residents. Indeed, and as noted above, I first learned

about the RHCJC from an article in *The New York Times*, and I subsequently used articles in smaller circulars as the subject of interviews or springboard for conversations. This document collection in, out, and about Red Hook allowed me to adhere to Sanjek's recommendation that qualitative researchers working in urban areas complement their "bottom-up ethnographic understandings 'in the city' [with]…top-down study 'of the city'" (Sanjek 2000:282)—a process that, I hope, enabled me to understand how the specific history of Red Hook and the RHCJC affected (and continues to affect) the behavior, culture, and legal consciousness of those young people within my chosen fieldwork locale.

Cases

Supreme Court of the United States

J.D.B. v. North Carolina, 564 U.S. ___, 131 S.Ct. 2394 (2011).
Miranda v. Arizona, 384 U.S. 436 (1966).

State Courts

In re Andre M., 88 P.3d 552, 207 Ariz. 482 (Ariz. 2004).
State v. Sepahi, 78 P.3d 732, 206 Ariz. 321 (Ariz. 2003).

A. Brisman, *Geometries of Crime*, DOI 10.1057/978-1-137-54620-3

Bibliography

Agnew, Robert. 2011. *Toward a unified criminology: Integrating assumptions about crime, people, and society*. New York: New York University Press.

Akers, Ronald L. 1985. *Deviant behavior: A social learning approach*. Belmont: Wadsworth.

Akers, Ronald L. 1998. *Social learning and social structure: A general theory of crime and deviance*. Boston: Northeastern University Press.

Akers, Ronald L., and Gary F. Jensen (eds.). 2003. *Social learning and the explanation of crime*. New Brunswick: Transaction.

Albo, Mike. 2008. A diverse Brooklyn, with meatballs. *The New York Times*, July 3: G4.

Alvarez, Lizette. 2010. Meet Mikey, 8: U.S. has him on watch list. *The New York Times*, January 14: A1, A3.

Alvarez, Lizette, and Michael Wilson. 2009. Their launching pad. *The New York Times*, May 31: MB6.

Anderson, Elijah. 1999. *Code of the street: Decency, violence and the moral life of the inner city*. New York: Norton.

Antenucci, Antonio, Sally Goldenberg, and Beth DeFalco. 2012. Harlem's street rally to major: Stop the frisk! *New York Post*, June 18: 6.

Aretxaga, Begoña. 2003. Maddening states. *Annual Review of Anthropology* 32: 393–410.

A. Brisman, *Geometries of Crime*, DOI 10.1057/978-1-137-54620-3

Arnett, Jeffrey Jensen. 2000. Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist* 55: 469–480.

Arnett, Jeffrey Jensen. 2004. *Emerging adulthood: The winding road from the late teens through the twenties*. New York: Oxford University Press.

Arrigo, Bruce A. 1994. Legal discourse and the disordered criminal defendant: Contributions from psychoanalytic semiotics and chaos theory. *Legal Studies Forum* 18(1): 93–113.

Arrigo, Bruce A. 1995a. New directions in crime, law and social change: On psychoanalytic semiotics, chaos theory, and postmodern ethics. *Studies in the Social Sciences* 33: 101–129.

Arrigo, Bruce A. 1995b. The peripheral core of law and criminology: On postmodern social theory and conceptual integration. *Justice Quarterly* 12(3): 447–472.

Arrigo, Bruce A., and Christopher R. Williams. 1999. Chaos theory and the social control thesis: A post-Foucauldian analysis of mental illness and involuntary civil confinement. *Social Justice* 26(1): 177–207.

Arrigo, Bruce A., and T.R. Young. 1997. Chaos, complexity, and crime: Working tools for a postmodern criminology. In *Thinking critically about crime*, ed. Brian D. MacLean and Dragan Milovanovic, 77–84. Vancouver: The Collective Press.

Arrigo, Bruce, and Laura Barrett. 2008. Philosophical criminology and complex systems science: Towards a critical theory of justice. *Critical Criminology* 16(3): 165–184.

Associated Press. 2008. National briefing: California: Restrictions on police. *The New York Times*, December 19: A31.

Associated Press. 2009a. National briefing: Southwest: Texas: convicted judge submits resignation. *The New York Times*, June 3: A18.

Associated Press. 2009b. National briefing: Mississippi: judge pleads guilty to obstruction. *The New York Times*, November 14: A15.

Associated Press. 2009c. House considers impeachment of U.S. judge. *The New York Times*, November 18: A25.

Associated Press. 2010a. Linked to police misconduct, 185 drug cases are dropped. *The New York Times*, March 20: A14.

Associated Press. 2010b. After police shooting, frustrations grow. *The New York Times*, September 12: 29.

Associated Press. 2012a. Parents question use of deadly force against son. *USA Today*, January 6: 5A.

Associated Press. 2012b. World briefing: Europe: Russia: new police brutality charges. *The New York Times*, March 30: A6.

Associated Press. 2012c. Police handcuff Ga. Kindergartner for tantrum. *Associated Press/Yahoo! News*, April 17. http://news.yahoo.com/police-handcuff-ga-kindergartner-tantrum-112459850.html.

Associated Press. 2012d. New Jersey troopers suspended in high-speed caravan inquiry. *The New York Times*, April 24: A20.

Aubert, Vilhelm. 1989. Law and social change in nineteenth-century Norway. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 55–81. Ithaca: Cornell University Press.

Austin, Joe, and Michael Nevin Willard (eds.). 1998. *Generations of youth: Youth cultures and history in twentieth-century America*. New York/London: New York University Press.

Aviram, Hadar. 2006. When the saints go marching in: Legal consciousness and prison experiences of conscientious objectors to military service in Israel. In *The new civil rights research: A constitutive approach*, ed. Benjamin Fleury-Steiner and Laura Beth Nielsen, 184–200. Aldershot: Ashgate.

Ayres, Ian, and John Braithwaite. 1992. *Responsive regulation: Transcending the deregulation debate*. New York: Oxford University Press.

Bagli, Charles V. 2008. For reinvention, Red Hook follows its roots. *The New York Times*, November 23: 39, 40.

Bagli, Charles V. 2009. Beer distributor makes a deal to move to two piers in Red Hook. *The New York Times*, February 11: A27.

Baker, Al. 2007. Whites are stopped equally by police but frisked less, study says. *The New York Times*, November 21: A24.

Baker, Al. 2008a. Report on city police shootings urges more use of Tasers before guns. *The New York Times*, June 10: B1, B2.

Baker, Al. 2008b. Grand Jury weighs accounts of police and Brooklyn man. *The New York Times*, October 30: A31.

Baker, Al. 2008c. Officer seems to back part of police attack claim. *The New York Times*, October 31: A28.

Baker, Al. 2009a. One year after acquittal in Sean Bell shooting, lives remain in limbo. *The New York Times*, April 25: A15.

Baker, Al. 2009b. Two officers are indicted in sex case. *The New York Times*, April 28: A18, A20.

Baker, Al. 2009c. Police get added order: Stop, frisk and 'explain.' *The New York Times*, May 1: A20.

Baker, Al. 2009d. Rap star charged with murder in stabbing. *The New York Times*, June 26: A19.

Baker, Al. 2010a. 2 officers suspended for hitting suspect. *The New York Times*, January 22: A22.

Baker, Al. 2010b. Officers won't face federal charges in Sean Bell killing. *The New York Times*, February 17: A16.

Baker, Al. 2010c. City minorities more likely to be frisked. *The New York Times*, May 12: A1, A27.

Baker, Al. 2010d. Police accused of ignoring law on sealing frisk records. *The New York Times*, May 20: A22.

Baker, Al. 2010e. Bias seen in 'police-on-police' shootings. *The New York Times*, May 27: A30.

Baker, Al. 2010f. Paterson is urged to Veto Bill that pares stop-and-frisk database. *The New York Times*, July 3: A14.

Baker, Al. 2010g. Officer's actions questioned after asthmatic girl dies. *The New York Times*, September 1: A21.

Baker, Al. 2010h. As police tactics in public housing come under more scrutiny, new rules evolve. *The New York Times*, October 8: A23.

Baker, Al. 2011. Fatal shot on a stoop may be tied to the police. *The New York Times*, September 8: A24.

Baker, Al. 2012. Troopers hit 2 pedestrians near home of governor. *The New York Times*, January 21: A19.

Baker, Peter, and Helene Cooper. 2009. President tries to defuse debate over Gates arrest. *The New York Times*, July 25: A1, A15.

Baker, Al, and Kareem Fahim. 2009. Brooklyn man claiming police assault in subway station Sues. *The New York Times*, May 29: A22.

Baker, Al, and Joseph Goldstein. 2011. Police tactic: Keeping crime reports off books. *The New York Times*, December 31: A1, A20.

Baker, Al, and Colin Moynihan. 2008. Grand Jury to investigate allegations of police attack. *The New York Times*, October 28: A22.

Baker, Al, and William K. Rashbaum. 2009. Investigators review timeline of seconds that led to a police shooting. *The New York Times*, May 30: A16.

Baker, Al, and Ray Rivera. 2010. On secret tape, city police press a tickets quota. *The New York Times*, September 10: A1, A26.

Baker, Al, and Matthew R. Warren. 2009. Detective faces D.W.I. charge in fatal accident. *The New York Times*, October 31: A15.

Baldwin, Carly. 2009. Street name to record '50 shots.' *metro* (New York), December 22: 02.

Baldwin, Carly. 2012. Cop charged with drunken driving. *metro* (New York), February. 29: 04.

Barak, Gregg (ed.). 1994. *Media, process and the social construction of crime: Studies in newsmaking criminology*. New York: Garland.

Barak, Gregg. 1998. *Integrating criminologies*. Boston: Allyn and Bacon.

Barnard, Anne. 2009. Renaming a street, and reliving the Bell case. *The New York Times*, April 20: A20.

Barnard, Anne, and Al Baker. 2008. In case of man alleging brutality, many conflicting claims. *The New York Times*, October 25: A17.

Barnes, Edward, and George Howe Holt. 1988. Crack: Downfall of a neighborhood. *Life*, July: 92.

Barr, Andy. 2010. O'Donnell questions separation of church, state. *Politico*, October 19. http://www.politico.com/news/stories/1010/43826.html.

Barrett, Carla J. 2013. *Courting kids: Inside an experimental youth court*. New York: New York University Press.

Barrett, Giles A., Samantha M.G. Fletcher, and Tina G. Patel. 2014. Black minority ethnic communities and levels of satisfaction with policing: Findings from a study in the north of England. *Criminology & Criminal Justice* 14(2): 196–215.

Bateman, Tim. 2012. Youth justice news. *Youth Justice* 12(3): 258–268.

BBC News. 2005. Community court officially opened, October 20. http://news.bbc.co.uk/2/hi/uk_news/england/merseyside/4347430.stm.

Becker, H. 1963. *Outsiders*. New York: Free Press.

Beirne, Piers, and Richard Quinney. 1982. Marxist theories of law: An introduction. In *Marxism and law*, ed. Piers Beirne and Richard Quinney, 6–22. New York: Wiley.

Benardo, Leonard, and Jennifer Weiss. 2000. *Brooklyn by name: How the neighborhoods, streets, parks, bridges, and more got their names*. New York: New York University Press.

Bentley, G. Carter. 1984. Hermeneutics and world construction in Maranao disputing. *American Ethnologist* 11: 642–655.

Berman, Greg. 2004. Redefining criminal courts: Problem-solving & the meaning of justice. *American Criminal Law Review* 41(3): 1313–1319.

Berman, Greg, and John Feinblatt. 2001. Problem solving courts: A brief primer. *Law and Policy* 23(2): 125–140.

Berman, Greg, and John Feinblatt. 2005. *Good courts: The case for problem-solving justice*. New York: The New Press.

Berman, Greg, and Aubrey Fox. 2005. Justice in Red Hook. *The Justice System Journal* 26: 77–90.

Bernard, H. Russell. 2006. *Research methods in anthropology: Qualitative and quantitative approaches*, 4th ed. Lanham: AltaMira Press.

Bernard, H. Russell, Peter Killworth, David Kronenfeld, and Lee Sailer. 1984. The problem of informant accuracy: The validity of retrospective data. *Annual Review of Anthropology* 13: 495–517.

Bernardo, Leonard, and Jennifer Weiss. 2006. *Brooklyn by name: How the neighborhoods, streets, parks, bridges, and more got their names*. New York: New York University Press.

Bernstein, Nina. 2009. Coping with police shooting, and working to avoid a repeat. *The New York Times*, June 1: A16, A18.

Bernstein, Nina. 2010. Connecticut town grapples with claims of police bias. *The New York Times*, April 23: A20.

Best, Joel. 1999. *Random violence: How we talk about new crimes and new victims*. Berkeley: University of California Press.

Black, Donald. 1983. Crimes as social control. *American Sociological Review* 48(1): 34–45.

Bleyer, Jennifer. 2006. Beyond the buzz, Red Hook remembers. *The New York Times*, August 20.

Blow, Charles M. 2009. Welcome to the 'club'. *The New York Times*, July 24: A23. Available at: http://www.nytimes.com/2009/07/25/opinion/25blow.html.

Blumenthal, Ralph. 2005. A Zealous prosecutor of drug criminals becomes one himself. *The New York Times*, February 15: A14.

Blumstein, Alfred, and Joel Wallman. 2006. The recent rise and fall of American violence. In *The crime drop in America: Revised edition*, ed. Alfred Blumstein and Joel Wallman, 1–12. New York: Cambridge University Press.

Bohannan, Paul. 1957. *Justice and judgment among the Tiv*. London: Oxford University Press.

Bohannan, Paul. 1965. The differing realms of the law. *American Anthropologist* 67(6): 33–42.

Bohannan, Paul (ed.). 1967. *Law and warfare: Studies in the anthropology of conflict*. Austin: University of Texas Press.

Bohannan, Paul. 1969. Ethnography and comparison in legal anthropology. In *Law in culture and society*, ed. Laura Nader, 401–418. Chicago: Aldine.

Boissevain, Jeremy, and Hanneke Grotenbreg. 1989. Entrepreneurs and the law: Self-employed Surinamese in Amsterdam. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 223–251. Ithaca: Cornell University Press.

Bostaph, Lisa Growette, Patrick Brady, and Andrew Giacomazzi. 2014. Criminal justice education: Are we missing one-third of the crime triangle? *Journal of Criminal Justice Education* 25(4): 468–485.

Bourgois, Philippe. 2003 [1996]. *In search of respect: Selling crack in El Barrio*. 2d ed. Cambridge: Cambridge University Press.

Bowen, Alison. 2011. Top cop defends security tactics. *metro* (New York), October 7–9: 04.

Bowen, Alison. 2012a. Whole foods fight on the banks of Gowanus. *metro* (New York), February 21: 02.

Bowen, Alison. 2012b. What prints can mean for illegal immigrants. *metro* (New York), May 5: 02.

Boyle, Christina, Emily Sher, Anjali Mullany, and Helen Kennedy. 2011. A wall street fight. *Daily News* (New York), October 6: 9.

Bradshaw, Catherine P., Mary M. Mitchell, Lindsey M. O'Brennan, and Philip J. Leaf. 2010. Multilevel exploration of factors contributing to the overrepresentation of black students in office disciplinary referrals. *Journal of Educational Psychology* 102(2): 508–520.

Braithwaite, John. 1979. *Inequality, crime and public policy*. London: Routledge & Kegan Paul.

Braithwaite, John. 1989. *Crime, shame and reintegration*. Oxford: Oxford University Press.

Braithwaite, John. 2002. *Restorative justice and responsive regulation*. New York: Oxford University Press.

Breyer, Hon Stephen G. 2009. Chief judge Kaye: A creative reformer. *New York University Law Review* 84: 648–650.

Brick, Michael. 2007. Former judge is convicted of bribery in divorce court. *The New York Times*, April 20: A22.

Brigham, John. 1998. From temple to technology: The construction of court in everyday practice. In *Everyday practices and trouble cases*, ed. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence, 199–217. Evanston: Northwestern University Press.

Brisman, Avi. 2004. Double whammy: Collateral consequences of conviction and imprisonment for sustainable communities and the environment. *William & Mary Environmental Law & Policy Review* 28(2): 423–475.

Brisman, Avi. 2008a. Fair fare?: Food as contested terrain in U.S. prisons and jails. *Georgetown Journal on Poverty Law & Policy* 15(1): 49–93.

Brisman, Avi 2008b. *The thick fine print of Clifford Geertz: A "microscopic" examination of some of the citations and footnotes in the interpretation of cultures*. Paper presented at the 2008 Southern Anthropological Society annual meeting, Mary Baldwin College, Staunton (14 Mar 2008).

Brisman, Avi. 2009a. "Docile bodies" or rebellious spirits: Issues of time and power in the waiver and withdrawal of death penalty appeals. *Valparaiso University Law Review* 43(2): 459–512.

Brisman, Avi. 2009b. Food justice as crime prevention. *Journal of Food Law & Policy* 5(1): 1–44.
Brisman, Avi. 2010a. The Pedagogical imperative of Justice Ruth V. McGregor. *Arizona State Law Journal*. 42(2): 361–367.
Brisman, Avi. 2010b. The waiver and withdrawal of death penalty appeals as "extreme communicative acts." *Western Criminology Review* 11(2): 27–41. Available at http://wcr.sonoma.edu/v11n2/Brisman.pdf.
Brisman, Avi. 2010/2011. Fictionalized criminal law and youth legal consciousness. *New York Law School Law Review* 55(4): 1039–1071.
Brisman, Avi. 2011. The "subculture career" as a challenge to broken windows: A review of Gregory J. Snyder's Graffiti Lives: beyond the tag in New York's urban underground. *Crime, Law and Social Change* 56(2): 213–217.
Brisman, Avi. 2012. Coda: An elevated challenge to 'broken windows': the high line (New York). *Crime Media Culture* 8(3): 381.
Brisman, Avi. 2013. Not a bedtime story: Climate change, neoliberalism, and the future of the arctic. *Michigan State International Law Review* 22(1): 241–289.
Brisman, Avi. 2014. Of theory and meaning in green criminology. *International Journal of Crime, Justice and Social Democracy* 3(2): 22–35.
Brisman, Avi, and Nigel South. 2015. 'Life stage dissolution', infantilization and anti-social consumption: Implications for de-responsibilization, denial and environmental harm. *Young – Nordic Journal of Youth Research* 23(3): 209–221.
Brown, Ethan. 2007. *Snitch: Informants, cooperators, and the corruption of justice*. New York: PublicAffairs.
Brown, Robbie. 2009. Tape of beating leads to firing of 5 officers. *The New York Times*, May 20: A20.
Brunson, Rod, and Jody Miller. 2006. Young black men and urban policing in the United States. *British Journal of Criminology* 46: 613–640.
Bucholtz, Mary. 2002. Youth and cultural practice. *Annual Review of Anthropology* 31: 525–552.
Buckley, Cara. 2008. Shades of Louima case in new abuse claim, but with differences. *The New York Times*, October 27: A23.
Buckley, Cara. 2012. Small shops shiver in gloom of a shuttered Red Hook market. *The New York Times*, November 9: A28. Available online at: http://www.nytimes.com/2012/11/09/nyregion/in-red-hook-closure-of-fairway-leaves-nearby-shops-anxious.html.
Buckley, Cara. 2013a. Community, returning to life, asks, 'where is everybody?' *The New York Times*, February 20: A19. Available online at: http://www.nytimes.com/2013/02/20/nyregion/amid-rebuilding-red-hook-asks-where-did-everybody-go.html.

Buckley, Cara. 2013b. Businesses return to the neighborhood, and the people follow. *The New York Times*, March 20: A23. Available online at: http://www.nytimes.com/2013/03/20/nyregion/fairways-return-brings-new-life-to-storm-battered-red-hook.html.

Buettner, Russ, and Ray Rivera. 2006. For owners of strip club in police shooting, a decade of raids and suits. *The New York Times*, December 3: 33.

Buiso, Gary. 2009. No Phoenix traffic on Piers 7, 11. *Carroll Gardens-Cobble Hill Courier*, February 13 (Vol.29, No.7): 1, 35.

Burnette, Daniel. 2004. Lawmaker: Schools need policy when police question kids. *Arizona Capitol Times*, 105(18): April 30: 1, 14.

Burr, Vivien. 2003. *Social constructionism*. London: Routledge.

Buss, Emily. 2011. Failing juvenile courts, and what lawyers and judges can do about it. *Northwestern Journal of Law & Social Policy* 6: 318–333.

Butler, Kiera. 2004. Courting youth: Kids land in the docket for playing hookey. *The Indypendent*, No. 61, December 1. http://www.indypendent.org/2004/12/01/courting-youth-kids-land-docket-playing-hookey.

Bykowicz, Julie. 2007. Md. police brace for "Stop snitching 2." *The Baltimore Sun/PoliceOne.com,* December 20. http://www.policeone.com/gangs/articles/1642502-Md-police-brace-for-Stop-Snitching-2/.

Bynner, John. 2005. Rethinking the youth phase of the life-course: The case for emerging adulthood. *Journal of Youth Studies* 8: 367–384.

Calder, Rich. 2011. Feds slam city 'Glowanus' dig. *New York Post*, June 2: 2.

Calder, Rich, and Tom Liddy. 2008. Red Hook's bright IKEA. *New York Post*, May 28.

Campbell, Andy. 2010. Gowanus site is cleaned up and ready. *Carroll Gardens-Cobble Hill Courier*, December 3–9 (Vol. 30, No. 49): 1, 10.

Canadian Press. 2005. Community courts backed. *The Vancouver Sun*, October 13: B1, B4.

Caramanica, Jon. 2008. Facing time with plenty of swagger. *The New York Times*, October 2: E1, E7.

Caramanica, Jon. 2011. Critics' choice: new CDs: Chris Brown: *"F.A.M.E."* (Jive). *The New York Times*, March 22: C3.

Caramanica, Jon, Ben Detrick, Jack Irwin, Saptosa Foster, Toshitaka Kondo, Justin Monroe, Vanessa Satten, Bonsu Thompson, and Angie XL. 2005. Straight Path. *XXL* 71 (July): 78–82, 84, 86–88, 90, 92–94.

Cardwell, Diane. 2006. Black reaction to police killing shows changing racial politics. *The New York Times*, December 3: 33.

Carr, Craig L. 1981. The concept of formal justice. *Philosophical Studies* 39(3): 211–226.

Carr, Patrick J., Laura Napolitano, and Jessica Keating. 2007. We never call the cops and here is why: A qualitative examination of legal cynicism in three Philadelphia neighborhoods. *Criminology* 45(2): 445–480.

Carrington, Kerry, and Russell Hogg. 2012. History of critical criminology in Australia. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 46–60. London/New York: Routledge.

Carter, Terry. 2004. Red Hook experiment. *ABA Journal* 90 (June): 36–42. Available online at: http://www.abajournal.com/magazine/article/red_hook_experiment/.

Caulfied, Philip. 2012. 'Horse' burrito plot snared cop. *Daily News* (New York), June 26: 7.

Center for Court Innovation. n.d. *Red Hook Community Justice Center*. http://www.courtinnovation.org/project/red-hook-community-justice-center.

Chan, Sewell. 2008. Have camera, will trespass on the Brooklyn waterfront. *The New York Times*, August 1: B2.

Chan, Sewell. 2009. Police used GPS illegally, court rules. *The New York Times*, May 13: A26.

Chan, Sewell, and Daryl Khan. 2006. Sharpton and Jesse Jackson lead visit to police shooting site. *The New York Times*, November 30: A18.

Chanock, Martin. 1983. Signposts or Tombstones? Reflections on recent works on the anthropology of law. *Law in Context* 1: 107–125.

Chen, David W. 2008. In mayor's plan. The plastic bag will carry a fee. *The New York Times*, November 7: A1, A33.

Chen, David W., and Al Baker. 2010. Sean Bell case settled by city for $7 million. *The New York Times*, July 28: A1, A18.

Chokprajakchat, Srisombat, Attapol Kuanliang, and Nittaya Sumretphol. 2015. What children say about violence, victimization, and punishment. *Journal of Ethnicity in Criminal Justice* 12: 309–329.

Chriss, James J. 2007. *Social control: An introduction*. Cambridge: Polity Press.

Chura, David. 2010. *I don't wish nobody to have a life like mine: Tales of kids in adult lockup*. Boston: Beacon.

Clabough, Raven. 2011. American students struggle with understanding civics. *The New American*, May 5. http://www.thenewamerican.com/culture/education/7373-american-students-struggle-with-understanding-of-civics.

CNN. 2001, May 30. Crime rate level in 2000, ends 8 year decline. http://articles.cnn.com/2001-05-30/us/2000.crime.stats_1_violent-crimecrime-rate-property-crimes?_s=PM:US.

Cohen, Albert K. 1955. *Delinquent boys: The culture of the gang*. New York: Free Press.

Cohen, Joyce. 2013. In Red Hook, a home a bit away from it all. *The New York Times*, December 29: RE6. Available online at: http://www.nytimes.com/2013/12/29/realestate/in-red-hook-a-home-a-bit-away-from-it-all.html?_r=0.

Collier, Jane. 1975. Legal processes. *Annual Review of Anthropology* 4: 121–144.

Collier, George. 1989. The impact of second republic labor reforms in Spain. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 201–222. Ithaca: Cornell University Press.

Collins, Gail. 2010. My boyfriend's back. *The New York Times*, July 8: A25.

Comaroff, John L., and Simon Roberts. 1981. *Rules and processes: The cultural logic of dispute in an African context*. Chicago: The University of Chicago Press.

Conley, John M., and William M. O'Barr. 1990. *Rules versus relationships: The ethnography of legal discourse*. Chicago: University of Chicago Press.

Conley, John M., and William M. O'Barr. 1998. *Just words: Law, language, and power*. Chicago: University of Chicago Press.

Connolly, Harold X. 1977. *A ghetto grows in Brooklyn*. New York: New York University Press.

Contreras, Ana Facio. 2010. Anger flares after fatal police shooting. *The New York Times*, September 9: A19.

Cooper, Anderson. 2007, Apr 19. "Stop Snitchin'," *"60 Minutes"*. http://www.cbsnews.com/stories/2007/04/19/60minutes/main2704565.shtml.

Cox, Alexandra. 2011. Doing the programme or doing me? The pains of youth imprisonment. *Punishment & Society* 13(5): 592–610.

Cross, Brian. 1993. *It's not about a salary: Rap, race, and resistance in Los Angeles*. New York: Verso.

Cullen, Francis T. 2011. Beyond adolescence-limited criminology: Choosing our future—The American Society of Criminology 2010 Sutherland address. *Criminology* 49(2): 287–330.

Cullen, Francis T., Robert Agnew, and Pamela Wilcox. 2014. *Criminological theory: Past to present*, 5th ed. New York/Oxford: Oxford University Press.

Currie, Dawn H., Walter S. DeKeseredy, and Brian D. MacLean. 1990. Reconstituting social order and social control: Police accountability in Canada. *Journal of Human Justice* 2(1): 29–54.

Daloz, Todd. 2009. The challenges of tough love: Examining San Francisco's Community Justice Center and evaluating its prospects for success. *Hastings Race and Poverty Law Journal* 6: 55–90.

Das, Alina. 2008. Immigrants and problem-solving courts. *Criminal Justice Review* 33(3): 308–328.

Davenport, Paul. 2004. Conviction overturned because parent was kept out of interrogation. *Arizona Capitol Times*, 105(18): April 30: 14, 24.

Davey, Monica, and Emma Graves Fitzsimmons. 2010. Officer accused of torture is found guilty of perjury. *The New York Times*, June 29: A20.

Davis, Angela J. 2007. *Arbitrary justice: The power of the American prosecutor*. New York: Oxford University Press.

de Saillan, Charles. 2008. The use of imminent hazard provisions of environmental laws to compel cleanup at federal facilities. *Stanford Environmental Law Journal* 27: 43–204.

Decker, Scott H. 1981. Citizen attitudes toward the police: A review of past findings and suggestions for future policy. *Journal of Police Science and Administration* 9: 81–87.

DeFalco, Beth. 2012. The face of terror: 'No-fly' toddler yanked off jet in goof. *New York Post*, May 11: 1, 4.

DeKeseredy, Walter S. 2013, Nov 22. Pushing the envelope: The current state of North American critical criminology. Paper presented at the annual meeting of the American Social of Criminology (Presidential panel: Key perspectives in critical criminology), Atlanta. Available at https://asc41.com/Annual_Meeting/2013/Presidential%20Papers/2013_Presidential_Papers.html.

DeKeseredy, Walter S., and Martin D. Schwartz. 2012. Left realism. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 105–116. London/New York: Routledge.

DeKeseredy, Walter S., Brian D. MacLean, and Martin D. Schwartz. 1997. Thinking critically about left realism. In *Thinking critically about crime*, ed. Brian D. MacLean and Dragan Milovanovic, 19–27. Vancouver: Collective Press.

Derrida, Jacques. 1990. Force of law: The "mystical foundation of authority". *Cardozo Law Review* 11: 919–1046.

Dewan, Shaila. 2010. Blacks still being blocked from juries in the south, study finds. *The New York Times*, June 2: A14, A17.

Dickey, Walter J., and Peggy A. McGarry. 2006. The search for justice and safety through community engagement: Community justice and community prosecution. *Idaho Law Review* 42: 313–381.

Dolnick, Sam. 2010. Meeting at the net, trying to build trust: Suffolk County police use volleyball as a way to improve relations with Latin immigrants. *The New York Times*, October 23: A16, A18.

Doniger, Anthony. 2008. Alternative justice. *Boston Bar Journal* 52-FEB: 2.
Donnermeyer, Joseph F. 2012. Rural crime and critical criminology. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 289–301. London/New York: Routledge.
Donnermeyer, Joseph F., and Walter S. DeKeseredy. 2008. Toward a rural critical criminology. *Southern Rural Sociology* 23(2): 4–28.
Donnermeyer, Joseph F., and Walter S. DeKeseredy. 2014. *Rural criminology*. London/New York: Routledge.
Donohue, Pete. 2012. Yer Bus-ted: Cops cracking down on farebeaters, arrests skyrocket. *Daily News* (New York), June 26: 14.
Donovan, Aaron. 2001. If you're thinking of living in/Red Hook; isolated Brooklyn area starts to awaken. *The New York Times*, June 10: §11: 7.
Doward, Jamie. 2004. Inner city youngsters face trial by teens. *The Observer* (UK), August, 22: 2.
Doward, Jamie. 2009. Young offenders to face justice from neighbours. *The Observer* (UK), June 21: 16. Accessed at: http://www.guardian.co.uk/society/2009/jun/21/communities-youth-crime-restorative-justice.
Dowd, Maureen. 2011. Why are prosecutors striking out?. *The New York Times*, June 17: SR5.
Driberg, J.H. 1928. Primitive law in East Africa. *Africa* 1: 63–72.
Durkheim, Émile. 1972 [1887]. Religion and ritual. In *Émile Durkheim: Selected writings*, ed. Anthony Giddens, 219–238. Cambridge: Cambridge University Press.
Dwyer, Jim. 2009a. A fuller measure of a man killed by a police bullet. *The New York Times,* July 19: MB1, MB2.
Dwyer, Jim. 2009b. Whites smoke pot, but blacks are arrested. *The New York Times*, December 23: A24.
Dwyer, Jim. 2011a. Contending the police went beyond what a cab's sticker allows. *The New York Times*, June 22: A15.
Dwyer, Jim. 2011b. A spray like a punch in the face. *The New York Times*, September 28: A17.
Dwyer, Jim. 2014. Facing jail time, until a lawyer with survival skills helped her find her way. *The New York Times*, February 12: A19. Available online at: http://www.nytimes.com/2014/02/12/nyregion/facing-jail-time-until-a-lawyer-with-survival-skills-helped-her-find-her-way.html.
Eaton, Leslie, and Leslie Kaufman. 2005. In problem-solving court, judges turn therapist. *The New York Times*, April 26: A1, A20.
Eckholm, Erik. 2006. Rap fan asks hard questions about the music he loves. *The New York Times*, December 24: 16.

Editorial. 2007a. New community courts will focus on solving problems, not on offences. *The Vancouver Sun*, April 11: A14.
Editorial. 2007b. It will take more than charm. *The New York Times*, August 1: A22.
Editorial. 2008. Don't kill Red Hook. *The Brooklyn Paper*, June 21 (Vol.31, No.25): 14.
Editorial. 2009a. From Gowanus to Venice. *The New York Times*, May 31: WK7.
Editorial. 2009b. Illegal, and pointless. *The New York Times*, July 17: A22.
Editorial. 2009c. Isn't good sense part of the curriculum? *The New York Times*, October 13: A30.
Editorial. 2009d. The trouble with 'zero tolerance.' *The New York Times*, November 11: A30.
Editorial. 2010e. Lingering questions about 'stop-and-frisk.' *The New York Times*, February 19: A26.
Editorial. 2010f. Cleaning the Gowanus. *The New York Times*, March 4: A34.
Editorial. 2010g. Couldn't they just tag him? *The New York Times*, May 7: A26.
Editorial. 2011a. The Thomas issue. *The New York Times*, February 18: A30.
Editorial. 2011b. Miranda rights for middle schoolers. *The New York Times*, June 17: A34.
Editorial. 2012a. Trust and the Supreme court. *The New York Times*, February 20: A18.
Editorial. 2012b. Injustices of stop and frisk: The mounting toll of a program that takes aim at minority youth. *The New York Times*, May 14: A22.
Eisenstein, James. 1973. *Politics and the legal process*. New York: Harper & Row.
Eligon, John. 2008. Sharpton and 7 others guilty in Sean Bell protest. *The New York Times*, October 9: A34.
Eligon, John. 2010a. Officer is convicted of abusing power in seeking sex. *The New York Times*, January 6: A17.
Eligon, John. 2010b. 2 downed cyclists, 2 videos, 2 officers, 2 outcomes. *The New York Times*, May 13: A24.
Eligon, John. 2010c. Ex-officer calls sex charges part of a plot. *The New York Times*, May 27: A30.
Eligon, John. 2010d. Video of police officer beating a man is played in court. *The New York Times,* June 19: A18.
Eligon, John. 2010e. Police officer says beating of a fallen suspect was proper. *The New York Times*, June 25: A27.
Eligon, John. 2010f. No jail for ex-officer over toppled bicyclist. *The New York Times,* July 15: A26.
Eligon, John. 2010g. State justice in Westchester is removed. *The New York Times*, October 21: A28.

Eligon, John. 2010h. Special grand jury may get fatal police-shooting case. *The New York Times*, September 8: A23.
Eligon, John. 2011a. Excuse me, but can there be more civility in the court? *The New York Times*, February 25.
Eligon, John. 2011b. Prosecutors file new charges against 2 city police officers accused in a 2008 rape. *The New York Times*, March 22: A24.
Eligon, John. 2011c. Despite its 'great case,' jurors say, prosecution couldn't prove claim of sexual assault. *The New York Times*, May 27: A22.
Eligon, John. 2011d. Jurors acquit police officers on rape count. *The New York Times*, May 27: A1, A22.
Eligon, John. 2011e. For ex-officer's wife, anger at his accuser and tears at an upended life. *The New York Times*, May 30: A15, A20.
Epstein, Arnold L. 1954. *Judicial techniques and the judicial process*. Rhodes-Livingstone Papers 23, Manchester.
Evenepoel, Ann, and Jenneke Christiaens. 2013. Giving voice to 'Youth of Today': Young people's views and perspectives on youth crime and its prevention in Belgium. *Varstvoslovje* 15(4): 424–438.
Ewick, Patricia, and Susan S. Silbey. 1991–92. Conformity, contestation, and resistance: An account of legal consciousness. *New England Law Review* 26: 731–749.
Ewick, Patricia, and Susan S. Silbey. 1998. *The common place of law: Stories from everyday life*. Chicago: University of Chicago Press.
Fagan, Jeffrey, and Victoria Malkin. 2003. Theorizing community justice through community courts. *Fordham Urban Law Journal* 30: 897–952.
Fagan, Jeffrey, and Tom R. Tyler. 2005. Legal socialization of children and adolescents. *Social Justice Research* 18(3): 217–242.
Fahim, Kareem. 2008a. Brooklyn neighbors admit a big box isn't all bad. *The New York Times*, August 11: A1, B2.
Fahim, Kareem. 2008b. Amid contested claims of police abuse, details of a man's injuries. *The New York Times*, October 26: 35.
Fahim, Kareem. 2008c. For an accuser of the police, a family of sorts. *The New York Times*, October 31: A24.
Fahim, Kareem. 2009. Death in police encounter stirs calls for change in Egypt. *The New York Times*, July 19: A4, A6.
Fahim, Kareem. 2010a. Vivid testimony in trial of three officers accused in subway station assault. *The New York Times*, January 22: A23.
Fahim, Kareem. 2010b. Man testifies that police brutalized him in a subway station. *The New York Times*, January 26: A19.
Fahim, Kareem. 2010c. Officer testifies he used baton to subdue, not abuse. *The New York Times*, February 12: A24, 28.

Fahim, Kareem. 2010d. At officers' trial, no show of blue, but plenty of dark suits. *The New York Times*, February 13: A19.

Fahim, Kareem. 2010d. At officers' trial, no show of blue, but plenty of dark suits. *The New York Times*, February 13: A19.

Fahim, Kareem. 2010e. Defense tries to undercut prosecution witness as officers' brutality trial wraps up. *The New York Times*, February 17: A17.

Fahim, Kareem. 2010f. Judge halts deliberations in police case. *The New York Times*, February 19: A19.

Fahim, Kareem. 2010g. All officers are acquitted in police abuse trial. *The New York Times*, February 23: A20, A22.

Fahim, Kareem. 2010h. It's polluted, but the canal is home, and inspiration. *The New York Times*, March 4: A25.

Fahim, Kareem. 2010i. For gardener, love of a park comes with the job. *The New York Times*, April 26: A20.

Fahim, Kareem. 2010j. Lawyers for man in abuse trial say the police tampered with evidence. *The New York Times*, May 25: A22.

Fernandez, Manny. 2008. Children who live in public housing suffer in school, study says. *The New York Times*, November 24: A21.

Farrell, Bill. 1998a. A new justice center is on Red Hook docket. *Daily New* (New York), June 24.

Ferrell, Jeff. 1998b. Criminalizing popular culture. In *Popular culture, crime, and justice*, eds. Frankie Y. Bailey and Donna C. Hale, 71–83. Belmont: West/Wadsworth

Ferrell, J. 2001. *Tearing down the streets: Adventures in urban anarchy*. New York: Palgrave.

Firger, Jessica. 2008. Big blue box doesn't scare nearby mom-and-pop. *The Brooklyn Paper*, June 21 (Vol. 31, No. 25): 2.

Fisler, Carol. 2005. Building trust and managing risk. *Psychology, Public Policy, and Law* 11: 587–603.

Fletcher, George. 1997. What law is like. *Southern Methodist University Law Review* 50: 1599–1612.

Fleury-Steiner, Benjamin, and Laura Beth Nielsen (eds.). 2006. *The new civil rights research: A constitutive approach*. Aldershot: Ashgate.

Forgays, Deborah Kirby, and Lisa DeMilio. 2005. Is teen court effective for repeat offenders? A test of the restorative justice approach. *International Journal of Offender Therapy and Comparative Criminology* 49: 107–118.

Forsyth, Craig J., Raymond W. Biggar, York A. Forsyth, and Holly Howat. 2015. The punishment gap: Racial/ethnic comparisons in school infractions by objective and subjective definitions. *Deviant Behavior* 36(4): 276–287.

Francis, Paul. 1984. New directions in the study of African law. *Africa* 54(4): 81–88.

Frazer, Somjen M. 2007. Examining defendant perceptions of fairness in the courtroom. *Judicature* 91(1): 36–37.

Frazier, Ian. 2008. The rap. *The New Yorker*, December 8: 72–81.

Frazier, Charles E., and John K. Cochran. 1986. Official intervention, diversion from the juvenile justice system, and dynamics of human service work: Effects of a reform goal based on labeling theory. *Crime and Delinquency* 32: 157–176.

Frazier, Aaron T., Melissa Rifkin, Sabrina Carter, and Javy Martinez. 2011. Youth court alumni reflect upon their experiences. *New York State Bar Journal,* January 23: 22–24.

Frey, Jennifer. 2007. Hey judge, aren't you in my math class? *The New York Times*, August 19.

Fried, Joseph P. 1993. Youths guilty in the slaying of a principal. *The New York Times*, June 16.

Fried, Joseph P. 1999. Court is moving back into the neighborhood. *The New York Times*, October 10.

Fyfe, Melissa. 2009. The quiet crusade. *The Age* (Melbourne, Australia), October 19. http://www.theage.com.au/national/the-quiet-crusade-20091017-h26y.html.

Gaarder, Emily. 2009. Addressing violence against women: Alternatives to state-based law and punishment. In *Contemporary anarchist studies: An introductory anthology of anarchy in the academy*, ed. Randall Amster, Abraham DeLeon, Luis A. Fernandez, Anthony J. Nocella II, and Deric Shannon, 46–57. Milton Park/Abingdon/Oxon: Routledge.

Gaines, Larry K., and Victor E. Kappeler. 2015. *Policing in America*, 5th ed. Waltham: Anderson Publishing.

Garcia, R. Marie, Ralph B. Taylor, and Brian A. Lawton. 2007. Impact of violent crime and neighborhood structure on trusting your neighbors. *Justice Quarterly* 24: 657–678.

Garland, David. 2001. *The culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.

Garot, Robert. 2010. *Who you claim: Performing gang identity in school and on the streets*. New York/London: New York University Press.

Garrison, Cassandra. 2012. Judge grants class-action status in lawsuit against city's stop-and-frisk policy. *metro* (New York), May 17: 04.

Geertz, Clifford. 1983. *Local knowledge: Further essays in interpretive anthropology*. New York: Basic Books.

Genovese, Eugene D. 1982. The hegemonic function of law. In *Marxism and law*, ed. Piers Beirne and Richard Quinney, 279–294. New York: Wiley.

Gimenes, Erika. 2001. Hip-hop's rap sheet. *Hollywood.com,* April 13. http://www.hollywood.com/news/Hiphops_rap_sheet/386438.

Giroux, Henry A. 2012. *Disposable youth, racialized memories, and the culture of cruelty*. New York/London: Routledge.

Giuliani, Rudolf W. 2012. Saving a broken city: Prof's brainstorm righted NYC. *New York Post*, May 16: 29.

Glater, Jonathan D. 2007. Race gap: crime vs. punishment. *The New York Times*, October 7: WK3.

Gluckman, Max. 1955. *The judicial process among the Barotse of Northern Rhodesia*. Manchester: Manchester University Press.

Goldstein, Joseph. 2011a. Setback for top prosecutor as another big test looms. *The New York Times*, May 27: A22.

Goldstein, Joseph. 2011b. Police officer is facing federal charges that he abused his authority. *The New York Times*, October 6: A26.

Goldstein, Joseph. 2012. Officers testify before grand jury in shooting of Bronx teenager. *The New York Times*, May 14: A19.

Goldstein, Joseph, and Rob Harris. Confusion over who shot Brooklyn bystander, sown soon after her death, persists. *The New York Times*, September 9: A24.

Goldstein, Joseph, and Al Baker. 2011. A turn to internal punishments in ticket-fixing cases. *The New York Times*, July 22: A14, A19.

Gonzalez, David. 2009. By the Gowanus, a painterly lens on the ruins amid a rebirth. *The New York Times*, July 7: A16.

Goode, Erica. 2014. Judge locks up youths and rules their lives. *The New York Times*, December 20 A1, A14, A15.

Goode, Judith, and Jeff Maskovsky. 2001. Introduction. In *The new poverty studies: The ethnography of power, politics, and impoverished people in the United States*, ed. Judith Goode and Jeff Maskovsky, 1–34. New York/London: New York University Press.

Goodman, J. David. 2011. Tenaciously foul, and getting a good flush. *The New York Times*, February 24: A22, A24.

Goodman, J. David. 2013. Bratton to lead New York police for second time. *The New York Times*, December 6: A1. Available online at: http://www.nytimes.com/2013/12/06/nyregion/william-bratton-new-york-city-police-commissioner.html.

Goodnough, Abby. 2009a. Harvard professor jailed; Officer is accused of bias. *The New York Times*, July 21: A13.

Goodnough, Abby. 2009b. Sergeant who arrested professor defends actions. *The New York Times*, July 24: A3.

Gootman, Elissa. 2010. Cleaning a canal, but not writing about it. *The New York Times*, March 16: A20.

Graber, Matt. 2010. Will private funding undermine Red Hook housing? *The Red Hook Star-Revue*, November: 1, 6.

Graeber, Laurel. 2008. Openhousenew york Kids! *The New York Times*, October 3: E28.

Graham, Elizabeth. 2011. Smith and 9th goes fancy!!! *The Red Hook-Star Revue*, August: 1, 4.

Greenhouse, Carole J. 1988. Courting difference: Issues of interpretation and comparison in the study of legal ideologies. *Law and Society Review* 22: 687–707.

Greenhouse, Carole J. 1989. Interpreting American litigiousness. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 252–273. Ithaca: Cornell University Press.

Greenhouse, Linda. 2005. Court in transition: The context; an opening performance worthy of an experienced lawyer. *The New York Times*, September 13.

Greenhouse, Carol J. 2008. Life stories, law's stories: Subjectivity and responsibility in the politicization of the discourse of "identity". *PoLAR: Political and Legal Anthropology Review* 31(1): 79–95.

Greenhouse, Carol J., Barbara Yngvesson, and David M. Engel. 1994. *Law and community in three American towns*. Ithaca: Cornell University Press.

Gregory, Kia. 2005. A snitch in time: Community leaders think pro-crime t-shirts send the wrong message. *Philadelphia Weekly*, July 20: 8–9.

Gregory, Anne, and Rhona S. Weinstein. 2008. The discipline gap and African Americans: Defiance or cooperation in the high school classroom. *Journal of School Psychology* 46(4): 455–475.

Griffiths, John. 1986. Recent anthropology of law in the Netherlands and its historical background. In *Anthropology of law in the Netherlands: Essays in legal pluralism*, ed. Keebet von Benda-Beckman and Fons Strijbosch. Dordrecht/Cinnaminson: Foris.

Gross, Matt. 2010. Celebration at the edge of decay. *The New York Times*, June 3: E1, E6.

Haberman, Clyde. 2010. Familiar turn after acquittal of officers. *The New York Times*, February 26: A18.

Hagan, John, and Celesta Albonetti. 1982. Race, class, and the perception of criminal injustice in America. *The American Journal of Sociology* 88(2): 329–355.

Hagan, John, and Carla Shedd. 2005. A socio-legal conflict theory of perceptions of criminal injustice. *University of Chicago Legal Forum* 261–287.

Haiven, Max. 2007. Privatized resistance: Adbusters and the culture of neoliberalism. *The Review of Education, Pedagogy, and Cultural Studies* 29: 85–110.

Hall, Stuart, Tony Jefferson, John Clarke, and Chas Critcher. 1976. *Policing the crisis: Mugging, the state and law and order*. London: Macmillan.

Hann, Chris. 2001. Comment on "the anthropology of the state in the age of globalization" by Michel-Rolph Trouillot. *Current Anthropology* 42(1): 133–134.

Hansen, Mark. 2011. Flunking civics: Why America's kids know so little. *ABA Journal*, May 1. http://www.abajournal.com/magazine/article/civics.

Harrington, Christine B., and Sally Engle Merry. 1988. Ideological production: The making of community mediation. *Law and Society Review* 22(4): 709–736.

Harris, Marvin. 1979. *Cultural materialism: The struggle for a science of culture*. New York: Random House.

Harris, Marvin. 1990 [1974]. *Cows, pigs, wars and witches: The riddles of culture*. New York: Random House.

Harris, Rachel Lee. 2009. Arts, briefly: New Orleans rapper gets life sentence. *The New York Times*, August 17: C2.

Harvey, David. 2008. The right to the city. *New Left Review*, 53 (September/October): 23–40.

Hauser, Christine. 2009a. 2 undercover narcotics officers are accused of faking charges against 4 men. *The New York Times*, January 16: A23.

Hauser, Christine. 2009b. Police drills in Bronx seek to prevent mistaken-identity shootings. *The New York Times*, June 3: A23.

Hauser, Christine. 2009c. Second officer suspended in fatal D.W.I. accident. *The New York Times*, September 29: A35.

Hauser, Christine, and Karen Zraick. 2009. Paying respects, with mementos and calls for change. *The New York Times*, June 2: A19.

Hay, D. 1975. Property, authority and the criminal law. In *Albion's fatal tree: Crime and society in eighteenth-century England*, ed. Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winclow, 17–63. New York: Pantheon Books.

Haycock, Joel. 1994. Speaking truth to power: Rights, therapeutic jurisprudence, and Massachusetts mental health law. *New England Journal on Criminal and Civil Confinement* 20: 301–320.

Hays, Tom. 2012. Official: NYPD officer charged in shooting. *Associated Press/Yahoo!* News, June 12. http://news.yahoo.com/official-nypdofficer-charged-shooting-121628278.html.

Hayward, Keith. 2001. Chicago school of sociology. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 30–32. London: SAGE Publications.

Hayward, Keith. 2012. Pantomime justice: A cultural criminological analysis of 'life stage dissolution'. *Crime Media Culture* 8(2): 213–229.

Hayward, Keith. 2013. 'Life stage dissolution' in Anglo-American advertising and popular culture: Kidults, Lil' Britneys and Middle Youths. *The Sociological Review* 61(3): 525–548.

Hayward, Keith, and Jock Young. 2012. Cultural criminology. In *The Oxford handbook of criminology*, 5th ed, ed. Mike Maguire, Rod Morgan, and Robert Reiner, 113–137. Oxford: Oxford University Press.

Healy, Patrick. 2006. After fatal shooting by police, leader looks ahead, and back. *The New York Times*, November 30: A1, A29.

Healy, Michelle. 2008. Americans don't know civics. *USA Today*, November 21. http://www.usatoday.com/news/education/2008-11-19-civics_N.htm.

Helmore, Edward. 2003. Justice at Red Hook. *The Guardian* (London), April 15: 8.

Henderson, Joel H., and David R. Simon. 1994. *Crimes of the criminal justice system*. Cincinnati: Anderson.

Henry, Stuart, and Mark M. Lanier. 1998. The prism of crime: Arguments for an integrated definition of crime. *Justice Quarterly* 15(4): 609–627.

Henry, Stuart, and Dragan Milovanovic. 1996. *Constitutive criminology: Beyond postmodernism*. London: Sage.

Henry, Stuart, and Dragan Milovanovic (eds.). 1999. *Constitutive criminology at work: Applications to crime and justice*. Albany: State University of New York Press.

Herbert, Bob. 2006a. A triumph of felons and failure. *The New York Times*, August 24: A27.

Herbert, Bob. 2006b. Badges, guns and another unarmed victim. *The New York Times,* November 30: A31.

Hebert, Bob. 2007a. Words as weapons. *The New York Times*, April 23: A21.

Herbert, Bob. 2007b. Arrested while grieving. *The New York Times*, May 21: A25.

Herbert, Bob. 2007c. Poisonous police behavior. *The New York Times*, June 2: A25.

Herbert, Bob. 2007d. School to prison pipeline. *The New York Times*, June 9:A29.

Herbert, Bob. 2009a. Anger has its place. *The New York Times*, August 1: A17.

Herbert, Bob. 2009b. Innocence is no defense. *The New York Times*, August 4: A23.
Herbert, Bob. 2010a. Watching certain people. *The New York Times*, March 2: A23.
Herbert, Bob. 2010b. An easy call. *The New York Times*, July 6: A23.
Higgins, Michelle. 2009. A cheap date, with child care by IKEA. *The New York Times*, June 11: D3, D6.
Hill, Joanna F. 2015. A systems thinking perspective on the motivations and mechanisms that drive wildlife poaching. In *Green harms and crimes: Critical criminology in a changing world*, ed. Ragnhild Aslaug Sollund, 189–219. Basingstoke: Palgrave Macmillan.
Hirsch, Susan F. 2002. Feminist participatory research on legal consciousness. In *Practicing ethnography in law: New dialogues, enduring methods*, ed. June Starr and Mark Goodale, 13–33. New York: Palgrave MacMillan.
Hirschfield, Paul. 2008. Preparing for prison? Criminalization of school discipline in the USA. *Theoretical Criminology* 12(1): 79–101.
Hirschfield, Paul. 2010. School surveillance in America: Disparate and unequal. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 38–54. New Brunswick: Rutgers University Press.
Hoebel, E. Adamson. 1954 [1983]. *The law of primitive man: A study in comparative legal dynamics*. Cambridge: Harvard University Press.
Hoffmann, Elizabeth A. 2003. Legal consciousness and dispute resolution: Different disputing behavior at two similar taxicab companies. *Law and Social Inquiry* 28: 691–718.
Hollin, Clive. 2001a. Differential association. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 91–93. London: SAGE Publications.
Hollin, Clive. 2001b. Social learning theory. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 279–281. London: SAGE Publications.
Holt, Dennis. 1998. Unique community court breaks ground in Red Hook. *Brooklyn Daily Eagle*, June 24: 1, 2.
Home Affairs Committee. 2007. *Young black people and the criminal justice system*. London: House of Commons.
Honan, Edith. 2008. 50 Cent and Universal sued for pushing "gangsta" life. *Reuters*, April 9. http://www.reuters.com/article/2008/04/09/us-newyork-50cent-lawsuit-idUSN09190645200804 09.
Honigman, Jacob. 2009. Can't stop snitchin': Criminalizing threats made in "stop snitching" media under the true threats exception to the first amendment. *Columbia Journal of Law & the Arts* 32: 207–231.

Howard, Theresa. 1998. Straight Outta Brooklyn: Community justice, a new approach to law and order, comes to Red Hook. *The Source*, April: 28–29. Available at: http://www.dcbar.org/for_lawyers/resources/publications/washington_lawyer/october_2004/comcourt.cfm#footnote1.

Huebner, Beth M., Joseph A. Schafer, and Timothy S. Bynum. 2004. African American and white perceptions of police service: Within- and between-group variation. *Journal of Criminal Justice* 32(2): 123–135.

Hughes, Gordon. 2005. Restorative justice. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 247–249. London: Sage.

Hughes, Gordon. 2007. *The politics of crime and community*. Basingstoke: Palgrave Macmillan.

Hull, Kathleen E. 2003. The cultural power of law and the cultural enactment of legality: The case of same-sex marriage. *Law and Social Inquiry* 28(3): 629–658.

Hurdle, Jon. 2007. Blacks mull call for 10,000 to curb violence. *The New York Times*, September 30: 17.

Hynes, Charles. 2008. Red Hook's justice center serves as a model to world. *Daily News* (New York), October 27. http://articles.nydailynews.com/2008-10-27/local/17908132_1_community-prosecution-alternative-sentencingprosecutors.

Ietswaart, Heleen. 1986. Review of Keebet von Benda-Beckmann and Fons Strijbosch (eds.) *Anthropology of law in the Netherlands: Essays in legal pluralism*. Dordrecht and Cinnaminson: Foris Publications. *Journal of Legal Pluralism and Unofficial Law* 24: 161–170.

Itzkoff, Dave. 2009a. Arts, briefly: Arraignment is delayed for Kanye West. *The New York Times*, April 15: C2.

Itzkoff, Dave. 2009b. Arts, briefly: Chris Brown pleads guilty to assault. *The New York Times*, June 24: C2.

Itzkoff, Dave. 2009c. Arts, briefly: Chris Brown sentenced. *The New York Times*, August 27: C2.

Itzkoff, Dave. 2010. Arts, briefly: T.I. is arrested. *The New York Times*, September 3: C3.

Itzkoff, Dave. 2011a. Arts, briefly: An uneasy return for Chris Brown. *The New York Times*, March 23: C2.

Itzkoff, Dave. 2011b. Arts, briefly: Chris Brown 'thrown off' by ABC. *The New York Times*, March 25: C2.

Jackson, Kenneth T. (ed.). 1998. *The neighborhoods of Brooklyn*. New Haven: Yale University Press.

Jacobs, Andrew. 2007. Newark battles murder and its accomplice, silence. *The New York Times*, May 27: 1, 18–19.

Johnson, Billy, Jr. 2010. T.I. could face multiple-year jail sentence for drug charges. *Yahoo! Music*, September 2. http://music.yahoo.com/blogs/hip-hop-media-training/ti-could-face-multiple-year-jail-sentence-for-drug-charges.html.

Johnson, Ken. 2012. Tied by gender, but not much else. *The New York Times*, June 8: C30.

Johnson, Carrie. 2015a. Bipartisan measure would protect juveniles in the justice system. *National Public Radio (NPR): Morning Edition*, April 30. Available at: http://www.npr.org/2015/04/30/403231791/bipartisan-measure-would-protect-juveniles-in-the-justice-system and http://www.npr.org/templates/transcript/transcript.php?storyId=403231791.

Johnson, Carrie. 2015b. Black men who are crime victims have few places to turn. *National Public Radio (NPR): Morning Edition*, August 17. Available at: http://www.npr.org/2015/08/17/432542041/advocates-work-to-help-black-men-who-are-victims-of-violent-crime and http://www.npr.org/templates/transcript/transcript.php?storyId=432542041.

Jones, Richard G. 2007. In Louisiana, a tree, a fight and a question of justice. *The New York Times*, September 19: A14.

Karstedt, Susanne, and Stephen Farrall. 2006. The moral economy of everyday crime: Markets, consumers and citizens. *British Journal of Criminology* 46(6): 1011–1036.

Kasinitz, Philip, and David Hillyard. 1995. The old-timers' tale: The politics of nostalgia on the waterfront. *Journal of Contemporary Ethnography* 24(2): 139–164.

Kasinitz, Philip, and Jan Rosenberg. 1996. Missing the connection: Social isolation and employment on the Brooklyn waterfront. *Social Problems* 43(2): 180–196.

Katel, Peter. 2007. Debating hip-hop. *CQ Researcher* 17(23): 529–552.

Kathryn, Russell. 1998. *The color of crime: Racial hoaxes, white fear, black protectionism, police harassment, and other macro-aggressions*. New York: New York University Press.

Katz, Jack. 1988. *Seductions of crime: Moral and sensual attractions in doing evil*. New York: Basic Books.

Katz, Nancie L. 2000. This court brings law home. *Daily News* (New York), July 16. Available at: http://www.nydailynews.com/archives/boroughs/courtbrings-law-home-red-hook-center-focuses-solutions-article-1.884804.

Kauzlarich, David, Christopher W. Mullins, and Rick A. Matthews. 2003. A complicity continuum of state crime. *Contemporary Justice Review* 6(3): 241–254.

Kavanagh, Michael. 2013. Public housing in the New York City: The case of the Red Hook houses. *African & African American Studies Senior Theses*. Paper 19. http://fordham.bepress.com/aaas_senior/19 and http://fordham.bepress.com/cgi/viewcontent.cgi?article=1021&context=aaas_senior.

Kaye, Hon Judith S. 2004. Delivering justice today: A problem-solving approach. *Yale Law & Policy Review* 22(1): 125–151.

Kaye, Hon Judith S. 2007. Inaugural Hon. Joseph W. Bellacosa distinguished jurist-in-residence: Lecture. *St. John's Law Review* 81: 743–754.

Kelly, John F., and Cassandra M. Westerhoff. 2010. Does it matter how we refer to individuals with substance-related conditions? A randomized study of two commonly used terms. *International Journal of Drug Policy* 21(3): 202–207.

Kennedy, Duncan. 1982. Legal education and the reproduction of hierarchy. *Journal of Legal Education* 32: 591–615.

Kennedy, Randy. 2007. The artist, his sub and the Brooklyn Standoff. *The New York Times*, August 4: A1, A8.

Kilgannon, Corey, and Colin Moynihan. 2010. Surreal day in court as fire delays a Rapper's sentencing. *The New York Times,* March 3: A29.

Kimmelman, Michael. 2014. Brooklyn to Queens, but not by subway. *The New York Times*, April 21: C1. Available online at: http://www.nytimes.com/2014/04/21/arts/design/imagining-a-streetcar-line-along-the-waterfront.html.

Kinsey, Richard, John Lea, and Jock Young. 1986. *Losing the fight against crime*. Oxford: Blackwell.

Klare, Karl E. 1982. Judicial deradicalization of the Wagner Act and the origins of modern legal consciousness, 1937–41. In *Marxism and law*, ed. Piers Beirne and Richard Quinney, 138–168. New York: Wiley.

Kleck, Gary, Brion Sever, Spencer Li, and Marc Gertz. 2005. The missing link in general deterrence research. *Criminology* 43(3): 623–660.

Klein, Helen. 2008. The spirit of compromise: Meeting over Ikea bus kinks. *Carroll Gardens-Cobble Hill Courier*, August 15 (Vol. 28, No. 4): 1, 37.

Kleinfield, N.R. 2009. Amid a sea of blue, bidding a slain police officer his final farewell. *The New York Times*, June 5: A17, A20.

Kleinfield, N.R. 2011. Jury in Bronx drunken driving case hears about 'routine' ticket-fixing practice. *The New York Times*, May 27: A23.

Kluger, Judy H., Pat Murrell, Jeffrey Tauber, Steven M. Zeidman, Alex Calabrese, and Susan Hendricks. 2002. The impact of problem solving on the lawyer's role and ethics. *Fordham Urban Law Journal* 29(5): 1892–1924.

Kocieniewski, David. 2007a. Some many crimes, and reasons not to cooperate with the police. *The New York Times*, December 30: 19.

Kocieniewski, David. 2007b. In witness killing, prosecutors point to a gang and a lawyer. *The New York Times*, December 21: A1, B8.
Kocieniewski, David. 2007c. Keeping witnesses off stand to keep them safe. *The New York Times*, November 19: A1, A18.
Kocieniewski, David. 2007d. Vital and vulnerable, many witnesses receive scant protection. *The New York Times*, October 28: 24.
Kocieniewski, David. 2007e. The code of the streets casts shadows on a trial with a gang at its center. *The New York Times*, September 19: A23.
Kocieniewski, David. 2007f. Fearful witness now faces trial for a murder seen, then unseen. *The New York Times*, July 29: 1, 22.
Kocieniewski, David. 2007g. A little girl shot, and a crowd that didn't see. *The New York Times*, July 9: A1, A14.
Kocieniewski, David. 2009. Lawyer's ways spelled murder, U.S. is charging. *The New York Times*, May 21: A1, A33.
Kolbell, Erik. 2010. Fake nostalgia for a pre-therapy past. *The New York Times*, March 9: D5.
Kossan, Pat. 2004a. Romley warns schools about police interviews. *The Arizona Republic*, January 8: A1, A2.
Kossan, Pat. 2004b. Kids' interrogation rights unsettled. *The Arizona Republic*, April 24: B1.
Kovaleski, Serge F. 2009. Two officers' paths to a fatal encounter on a street in Harlem. *The New York Times*, May 30: A1, A16.
Kovaleski, Serge F., and Trymaine Lee. 2010. After police shots, grief and conflicting stories. *The New York Times*, December 6: A1, A23.
Kupchik, Aaron, and Nicole L. Bracy. 2010. To protect, serve, and mentor? Police officers in public schools. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 21–37. New Brunswick: Rutgers University Press.
Kurtz, Annalyn. 2014. Hipster haven's divided economy. *CNN Money: The Buzz*, March 12. http://buzz.money.cnn.com/2014/03/12/hipster-havens-divided-economy/
Lab, Steven P. 2003. Let's put it in context. *Criminology and Public Policy* 3(1): 39–44.
LaFree, Gary. 1998. *Losing legitimacy: Street crime and the decline of social institutions in America*. Boulder: Westview.
Lanier, Mark M., and Stuart Henry. 2010. *Essential criminology*, 3rd ed. Boulder: Westview.

Lavoie, Denise. 2009. Cop who arrested black scholar is profiling expert. *Associated Press*, July 23. http://www.timesfreepress.com/news/2009/jul/23/cop-who-arrested-black-scholar-profiling-expert/?breakingnews.

Lea, John. 1987. Left realism: A defence. *Contemporary Crises* 11: 357–370.

Lea, John. 1992. The analysis of crime. In *Realist criminology: The realist debate*, ed. Jock Young and Roger Matthews, 69–94. London: Sage.

Lea, John. 2002. *Crime & modernity: Continuities in left realist criminology*. London: Sage.

Lea, Suzanne R. Goodney. 2007. *Delinquency and animal cruelty: Myths and realities about social pathology*. New York: LFB Scholarly Publishing.

Lea, John. 2010. Left realism, community and state-building. *Crime, Law and Social Change* 54(2): 141–158.

Lea, John, and Jock Young. 1984. *What is to be done about law and order?* Harrmondsworth: Penguin.

Lee, Rotan. 2006. Editorial: A violent crackup. *Philadelphia Daily News*, March 22: 17.

Lee, Trymaine. 2007a. As officers stop and frisk, residents raise their guard. *The New York Times*, February 4.

Leeds, Jeff. 2007b. Hearing focuses on language and violence in rap music. *The New York Times*, September 26: A24.

Leiber, Michael J., Mahesh K. Nalla, and Margaret Farnworth. 1998. Explaining juveniles' attitudes towards the police. *Justice Quarterly* 15(1): 151–174.

Leland, John. 2012. No city for old tankers. *The New York Times*, April 22: D1, D8.

Lemieux, A.M. 2014. Introduction. In *Situational prevention of poaching*, ed. A.M. Lemieux, 1–17. London/New York: Routledge.

Lepore, Jill. 2011. The commandments. *The New Yorker*, January 17: 70–76.

Levin, Sam. 2012. House arrest, redefined. *The Village Voice*, February 8–14: 10.

Levine, Kay. 2005. The new prosecution. *Wake Forest Law Review* 40(4): 1125–1214.

Levinson, Hugh. 2000. Twelve angry children. *The Independent* (UK), August 8.

Librett, Mitch. 2008. Wild pigs and outlaws: The kindred worlds of policing and outlaw bikers. *Crime Media Culture* 4(2): 257–269.

Lieberman, Donna. 2010. Unchecked policing at our schools. *metro* (New York), September 10: 14.

Life. 1988 (July). Downfall of a neighborhood: Crack. Photography: Eugene Richards; Reporting: Edward Barnes; Text: George Howe Colt, 92–100.

Lind, E. Allan. 1998. Procedural justice, disputing, and reactions to legal authorities. In *Everyday practices and trouble cases*, ed. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence, 177–198. Evanston: Northwestern University Press.

Lipinski, Jed. 2012. An artist's big, big plans for Red Hook. *The New York Times*, January 15: MB1. Available online at: http://www.nytimes.com/2012/01/15/nyregion/the-artist-dustin-yellins-big-big-plans-for-red-hook.html?_r=0.

Lippman, Jonathan. 2007. Achieving better outcomes for litigants in the New York State courts. *Fordham Urban Law Journal* 34: 813–831.

Liptak, Adam. 2011a. Does suspect need Miranda warning? It may depend on age, justices rule. *The New York Times*, June 17: A22.

Liptak, Adam. 2011b. Supreme court TV? Nice idea, but still not likely. *The New York Times*, November 29: A18.

Liptak, Adam, and Allison Kopicki. 2012. Approval rating for justices hits just 44% in poll. *The New York Times*, June 8: A1, A16.

Liska, Allen E., and Barbara D. Warner. 1991. Functions of crime: A paradoxical process. *American Journal of Sociology* 96: 1441–1463.

Long, Colleen. 2011. NYC inspector broke pepper spray rule. *Associated Press/Yahoo! News*, October 18. http://news.yahoo.com/apnewsbreak-nyc-inspector-broke-pepper-spray-rule-215843514.html.

Louie, Elaine. 2013. Three feet high and rising. *The New York Times*, October 31: D5. Available online at: http://www.nytimes.com/2013/10/31/greathomesanddestinations/three-feet-high-and-rising.html.

MacClean, Brian D. 1991. The origins of left realism. In *New directions in critical criminology*, ed. Brian D. MacLean and Dragan Milovanovic, 9–14. Vancouver: The Collective Press.

MacDonald, John, and Robert J. Stokes. 2006. Race, social capital, and trust in the police. *Urban Affairs Review* 41(3): 358–375.

Mackinem, Mitchell B., and Paul Higgins. 2009. Introduction. In *Problem-solving courts: Justice for the twenty-first century?* ed. Paul C. Higgins and Mitchell B. Mackinem, vi–xiii. Santa Barbara: Praeger.

MacLean, Brian D. 1989. The Islington crime survey 1985: A cross-sectional study of crime and policing in The London Borough of Islington. University of London doctoral dissertation, London.

MacLean, Brian D. 1991. In partial defence of socialist realism: Some theoretical and methodological concerns of the local crime survey. *Crime Law and Social Change* 15(3): 213–254.

Maddux, Mitchel, Larry Celona, and Leonard Greene. 2012. Cops wears a badge of shame: Slipped info to drug dealers: feds. *The New York Post*, May 16: 5.

Maimon, David, Olena Antonaccio, and Michael T. French. 2012. Severe sanctions, easy choice? Investigating the role of school sanctions in preventing adolescent violent offending. *Criminology* 50(2): 495–524.

Maldonado, Torrey. 2010. *Secret Saturdays*. New York: G.P. Putnam's Sons.

Malinowski, Bronislaw. 1926 [1976]. *Crime and custom in savage society*. Totowa: Littlefield, Adams & Co.

Malkin, Victoria. 2003. Community courts and the process of accountability: Consensus and conflict at the Red Hook Community Justice Center. *American Criminal Law Review* 40: 1573–1593.

Malkin, Victoria. 2005. The end of welfare as we know it: What happens when the judge is in charge. *Critique of Anthropology* 25(4): 361–388.

Malkin, Victoria. 2009. Problem-solving in community courts: Who decides the problem? In *Problem-solving courts: Justice for the twenty-first century?* ed. Paul C. Higgins and Mitchell B. Mackinem, 139–159. Santa Barbara: Praeger.

Malkin, Elizabeth. 2011. A free man still looks over his shoulder in Mexico. *The New York Times*, March 5: A5.

Mann, Coramae Richey. 1993. *Unequal justice: A question of color*. Bloomington: Indiana University Press.

Mansky, Adam. 2004. Straight out of Red Hook: A community justice centre grows in Liverpool. *Judicature* 87(5) [March-April]: 254–255, 257, 258.

Marshall, Anna-Maria. 2003. Injustice frames, legality, and the everyday construction of sexual harassment. *Law and Social Inquiry* 28(3): 659–689.

Marshall, Anna-Maria. 2005. Idle rights: Employees' rights consciousness and the construction of sexual harassment policies. *Law and Society Review* 39(1): 83–124.

Maruna, Shadd, and Anna King. 2009. Once a criminal, always a criminal? 'Redeemability' and the psychology of punitive public attitudes. *European Journal on Criminal Policy and Research* 15(1–2): 7–24.

Matthews, Adam. 2005. And then what. *XXL* 71 (July): 110–114, 116.

Matthews, Rick. 2012. Marxist criminology. In *Routledge Handbook of Critical Criminology*, Walter S. DeKeseredy and Molly Dragiewicz, eds. Pp. 93–104. London and New York: Routledge.

Matthews, Roger. 1988. Reassessing informal justice. In *Informal justice?* ed. Roger Matthews. London: Sage.

Mathews, Roger. 2009. Beyond "so what?" Criminology. *Theoretical Criminology* 13(3): 341–362.

Matthews, Roger. 2010. The construction of "so what?" Criminology: A realist analysis. *Crime, Law and Social Change* 54(2): 125–140.

Matthews, Roger. 2014. *Realist criminology*. Basingstoke: Palgrave Macmillan.

Matthews, Roger. In press. Realism and left idealism. In *The Routledge companion to criminological theory and concepts*. eds. Avi Brisman, Eamonn Carrabine and Nigel South, London/New York: Routledge.

Matza, David. 1969. *Becoming deviant*. Englewood Cliffs: Prentice-Hall.

McCann, Michael W. 1999. Review of the common place of law: Stories from everyday life, by Patricia Ewick & Susan S. Silbey. *American Journal of Sociology* 105(1): 238–240.

McCann, Michael W. 2006. Preface: On legal rights consciousness: a challenging analytical tradition. In *The new civil rights research: A constitutive approach*, ed. Benjamin Fleury-Steiner and Laura Beth Nielsen, ix–xxx. Aldershot: Ashgate.

McCann, Michael W., and Tracey March. 1996. Legal tactics and everyday resistance: A political science assessment. *Studies in Law, Politics, and Society* 15: 207–236.

McClanahan, Bill, and Avi Brisman. In Press. Police violence and the failed promise of human rights. *The Routledge handbook of criminology and human rights,* eds. Leanne Weber, Elaine Fishwick and Marinella Marmo,. London/New York: Routledge

McCoy, Nahisha. N.d. *Sweetest revenge*. www.lulu.com

McElroy, Steven. 2009. Arts, briefly: Jail time for DMX. *The New York Times*, February 2: C2.

McFadden, Robert D. Brooklyn principal shot to death while looking for missing pupil. *The New York Times*, December 8: A1, B12. Available online at: http://www.nytimes.com/1992/12/18/nyregion/brooklyn-principal-shot-todeath-while-looking-for-missing-pupil.html.

McGreal, Chris. 2012. The US schools with their own police. *The Guardian*, January 9. www.guardian.co.uk/world/2012/jan/09/texaspolice-schools.

McKinley, Jesse. 2009. In California, protests after man dies at hands of transit police. *The New York Times*, January 9: A10.

McKinley, Jesse. 2010a. Oakland prepares for response to trial verdict. *The New York Times*, July 1: A16.

McKinley, Jesse. 2010b. Officer guilty of manslaughter in killing that inflamed Oakland. *The New York Times*, July 9: A11.

McKinley, Jesse. 2010c. Oakland mayor supports federal inquiry on shooting. *The New York Times*, July 10: A10.

McLaughlin, Mike. 2008. Meat & greet! IKEA docks in Red Hook. *The Brooklyn Paper*, June 21 (Vol.31, No.25): 1, 2.

McLaughlin, Eugene. 2013. Broken windows. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 27–29. London/Thousand Oaks: SAGE Publications.

McShane, Larry. 2011. Pretty small compared to other bad-cop capers. *Daily News* (New York), September 24: 4–5

Meadows, Kieran K. 2009. Justice center a success, but budget cuts loom. *The Brooklyn Rail*, March 6. http://www.brooklynrail.org/2009/03/local/justice-center-a-success-but-budget-cuts-loom.

Meekins, Tamar M. 2006. "Specialized justice": The over-emergence of specialty courts and the threat of a new criminal defense paradigm. *Suffolk University Law Review* 40: 1–55.

Merry, Sally Engle. 1985. Concepts of law and justice among working-class Americans: Ideology as culture. *Legal Studies Forum* 9(1): 59–69.

Merry, Sally Engle. 1986. Everyday understandings of law in working-class America. *American Ethnologist* 13: 253–270.

Merry, Sally Engle. 1988. Legal pluralism. *Law & Society Review* 22(5): 869–896.

Merry, Sally Engle. 1990. *Getting justice and getting even: Legal consciousness among working-class Americans*. Chicago: University of Chicago Press.

Merry, Sally Engle. 1998. The criminalization of everyday life. In *Everyday practices and trouble cases*, ed. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence, 14–40. Evanston: Northwestern University Press.

Merry, Sally Engle. 2000. *Colonizing Hawai'i: The cultural power of law*. Princeton: Princeton University Press.

Merry, Sally Engle, and Susan S. Silbey. 1984. What do plaintiffs want?: Reexamining the concept of dispute. *Justice System Journal* 9(2): 151–178.

Metro/AB. 2011. FBI charges housing official with bribery. *metro* (New York), October 7–9: 04.

Michalowski, Raymond. 2012. The master's tools: Can supranational law confront crimes of powerful states? In *State crime and resistance*, ed. Elizabeth Stanley and Jude McCulloch, 210–224. London/New York: Routledge.

Miet, Hannah. 2012. Hip-hop as an alternative to a life of crime. *The New York Times*, May 26: A19.

Milovanovic, Dragan (ed.). 1997. *Chaos, criminology, and social justice: The new orderly (dis)order*. Westport: Praeger.

Milovanovic, Dragan. 2001. Chaos theory. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 28–30. London: SAGE Publications.

Milovanovic, Dragan. 2013. Chaos theory. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 37–40. London/Thousand Oaks: SAGE Publications.

Milovanovic, Dragan. 2014. *Quantum holographic criminology: Paradigm shift in criminology, law & transformative justice*. Durham: Carolina Academic Press.

Minda, Gary. 1993. Jurisprudence at century's end. *Journal of Legal Education* 43: 27–59.

Mirchandani, Rekha. 2008. Beyond therapy: Problem-solving courts and the deliberative democratic state. *Law and Social Inquiry* 33: 853–893.

Molloy, Joanna. 2012. Rapper Ja Rule, serving two years for gun possession, finds new posse behind bars. *Daily News* (New York), February 2. http://www.nydailynews.com/new-york/rapper-ja-rule-prison-amazingposse-article-1.1015716.

Monahan, Torin, and Rodolfo D. Torres. 2010. Introduction. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 1–18. New Brunswick: Rutgers University Press.

Mooney, Jake. 2012. Outlier near the 'center of the universe'. *The New York Times*, March 18: RE7. Available online at: http://www.nytimes.com/2012/03/18/realestate/red-hook-brooklyn-living-in-an-outlier-near-the-center-of-the-universe.html?_r=0.

Moore, Sally F. 1969. Law and anthropology. *Biennial Review of Anthropology* 6: 252–300.

Moore, Sally Falk. 1986. *Social facts and fabrications: "Customary" law on Kilimanjaro, 1880–1980*. Cambridge: Cambridge University Press.

Morrill, Calvin, John Hagan, Bernard Harcourt, and Tracey Meares. 2005. Seeing crime and punishment through a sociological lens: Contributions, practices, and the future. *University of Chicago Legal Forum* 2005: 289–323.

Mraz, Jacqueline. 1997. Of law and the tears of things: Notes on the varieties of legal consciousness. *PoLAR: Political and Legal Anthropology Review* 20(2): 101–114.

Mungin, Lateef. 2005. No review of Taser fatality. *Atlanta Journal Constitution*, June 21: A1, A14.

Musolf, Gil Richard. 2003. The Chicago school. In *Handbook of symbolic interactionism*, ed. Larry T. Reynolds and Nancy J. Herman-Kinney, 91–117. Lanham: Altamira.

Myers, Amanda Lee. 2007. Ariz. woman's face branded with 'snitch'. *Associated Press/PoliceOne.com,* June 23. http://www.policeone.com/gangs/articles/1283319-Ariz-womans-face-branded-with-snitch-for-helping-police/.

Nader, Laura. 1969. Introduction. In *Law in culture and society*, ed. Laura Nader, 1–10. Chicago: Aldine.

Nader, Laura. 1980. *No access to law: Alternatives to the American judicial system*. New York: Academic.

Nader, Laura, and Harry F. Todd Jr. (eds.). 1978. *The disputing process: Law in ten societies*. New York: Columbia University Press.

Nash, June. 1989. A redistributive model for analyzing government mediation and law in family, community, and industry in a New England industrial city. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 113–127. Ithaca: Cornell University Press.

Natapoff, Alexandra. 2009. *Snitching: Criminal informants and the erosion of American justice*. New York: New York University Press.

National Association of Youth Courts. n.d. Facts and stats: History of youth courts. http://www.youthcourt.net/?page_id=24.

Navarro, Mireya. 2009a. Gowanus canal, polluted for many decades, may become superfund site. *The New York Times*, April 10: A18.

Navarro, Mireya. 2009b. On the Gowanus canal, fear of superfund stigma. *The New York Times*, April 24: A21.

Navarro, Mireya. 2010. E.P.A. readies cleanup plan for Gowanus. *The New York Times*, March 3: A1, A27.

Nazaryan, Alexander. 2013. A summer in Red Hook, a land of loose ends. *The New York Times*, July 22: C4. Available online at: http://www.nytimes.com/2013/07/22/books/ivy-pochodas-visitation-street-set-on-brooklyns-edge.html.

Neilson, Lisa A., and Pamela Paxton. 2010. Social capital and political consumerism: A multilevel analysis. *Social Problems* 57(1): 5–24.

Nielsen, Laura Beth. 2000. Situating legal consciousness: Experiences and attitudes of ordinary citizens about law and street harassment. *Law and Society Review* 34(4): 1055–1090.

Nielsen, Laura Beth. 2006. The power of "place": Public space and rights consciousness. In *The new civil rights research: A constitutive approach*, ed. Benjamin Fleury-Steiner and Laura Beth Nielsen, 227–231. Aldershot: Ashgate.

Nugent, David. 2010. States, secrecy, subversives: APRA and political fantasy in mid-20th-century Peru. *American Ethnologist* 37(4): 681–702.

Nugent, David. N.d. Dark fantasies of state: Discipline, democracy and dissent in the northern Peruvian Andes. Unpublished MS, Department of Anthropology, Emory University.

NYCLU News. 2012a. Challenging police abuse in NYC schools. *NYCLU News* 48(2): 6.

NYCLU News. 2012b. Communities united for police reform fights for NYPD accountability. *NYCLU News* 48(2): 3.

Nye, Joseph S. 2004. *Soft power: The means to success in world politics*. New York: PublicAffairs.

O'Connor, Anahad. 2010a. Officer is charged in hit and run. *The New York Times*, July 21: A23.

O'Connor, Anahad. 2010b. Ex-police officer gets 11 years in drug case. *The New York Times*, July 23: A20

O'Connor, Anahad, and Al Baker. 2011. Officer kills Bronx teenager during drug-buy operation. *The New York Times*, July 15: A18.

Olsson, Patrik. 2012. Children and human rights. In *Routledge handbook of critical criminology*, ed. Walter S. DeKeseredy and Molly Dragiewicz, 413–424. London/New York: Routledge.

Ortiz, Erik. 2011. 'Racist' cop in false arrest rap. *amNew York*, October 18: 03.

Otterman, Sharon. 2011. City makes progress in stepped-up war against chronic student absenteeism. *The New York Times,* June 17: A32.

Paddock, Barry, Dan McCarthy, and Tracy Connor. 2012. Crook with a shield. *Daily News* (New York), June 26: 5.

Papke, David Ray. 1999. The American courtroom trial: Pop culture, courthouse realities, and the dream of world justice. *South Texas Law Review* 40: 919–932.

Parascandola, Rocco. 2011. 3 Sean Bell cops face NYPD disciplinary hearing today. *Daily News* (New York), June 2: 12.

Parascandola, Rocco, Kevin Deutsch, and Larry McShane. 2011. NYPD bruise: Indict 17 in tix fix. *Daily News* (New York), September 24: 4–5.

Parker-Pope, Tara. 2007. For clues on teenage sex, experts look to hip-hop. *The New York Times*, November 6: D5, D8.

Parton, Nigel. 2006. *Safeguarding childhood: Early intervention and surveillance in a late modern society*. Basingstroke: Palgrave.

Peart, Nicholas K. 2011. Why is the N.Y.P.D. after me? *The New York Times*, December 17.

Pease, Ken. 2008. Victims and victimization. In *International handbook of penology and criminal justice*, ed. Shlomo Giora Shoham, Ori Beck, and Martin Kett, 587–611. New York: Taylor & Francis.

Peletz, Michael G. 2002. *Islamic modern: Religious courts and cultural politics in Malaysia*. Princeton: Princeton University Press.

Péréz-Pena, Richard. 2010. Federal intervention sought to curb Newark police abuse. *The New York Times,* September 9: A22.

Perrotta, Tom. 2005. Innovative Brooklyn court seen as successful model. *New York Law Journal*, March 17:1, 8.

Petras, Hanno, Katherine E. Masyn, Jacquelyn A. Buckley, Nicholas S. Ialongo, and Sheppard Kellam. 2011. Who is most at risk for school removal?: A multilevel discrete-time survival analysis of individual- and context-level influences. *Journal of Educational Psychology* 103(1): 223–237.

Pfeiffer, Eric. 2012. 6-year-old allegedly locked in jail cell as part of school field trip. *The Sideshow*, April 20. http://news.yahoo.com/blogs/sideshow/6-old-locked-jail-cell-part-school-field-205808798.html.

Philipps, Susan A. 1999. *Wallbangin': Graffiti and gangs in L.A*. Chicago: The University of Chicago Press.

Piepenburg, Erik. 2010. Tupac Shakur, immortalized again. *The New York Times*, April 11: AR4.

Pinto, Nick. 2012. Bail is busted: Thousands of New Yorkers are stuck behind bars because they're too broke to get out. *The Village Voice* 57(1) [Apr. 25–May 1]: 9–14, 16–17.

Piquero, Alex R., Jeffrey Fagan, Edward P. Mulvey, Laurence Steinberg, and Candice Odgers. 2005. Developmental trajectories of legal socialization among serious adolescent offenders. *Journal of Criminal Law and Criminology* 96(1): 267–298.

Police Executive Research Forum. 2009, February. The stop snitching phenomenon: Breaking the code of silence. US Department of Justice, Office of Community Oriented Policing Services (COPS). NCJ 226881. http://www.cops.usdoj.gov/files/RIC/Publications/e030919195-Stop-Snitiching.pdf.

Porter, Rachel, Michael Rempel, and Adam Mansky. 2010. *What makes a court problem-solving? Universal performance indicators for problem-solving justice*. New York: Center for Court Innovation. http://www.courtinnovation.org/sites/default/files/What_Makes_A_Court_P_S.pdf.

Pospisil, Leopold. 1958. The Kapauku Pupuans and their law. In *Yale University publications in anthropology*, vol. 54. New Haven: Yale University Press.

Pound, Roscoe. 1906. The causes of popular dissatisfaction with the administration of justice. Address delivered at the annual convention of the American Bar Association, Chicago, 1906. [Republished as: Pound, Roscoe. 1964. The causes of popular dissatisfaction with the administration of justice. *Crime & Delinquency* 10(4): 355–371.]

Powell, Michael. 2009. Police polish image, but concerns persist. *The New York Times*, January 4: 21, 26.

Pritchard, Thomasin. 2008. Lesson from New York: It is possible to reduce the prison population, create a safer community and reduce crime. *The Howard* [Winter]: 6.

Purdum, Todd S., and Robin Toner. 2005. Court in transition: The overview; Roberts Pledges He'll hear cases with "open mind." *The New York Times*, September 13.

Quinn, Beth A. 2000. The paradox of complaining: Law, humor and harassment in the everyday work world. *Law and Social Inquiry* 25(4): 1151–1185.

Quinney, Richard (ed.). 1969. *Crime and justice in society*. Boston: Little, Brown.
Quinney, Richard. 1970. *The social reality of crime*. Boston: Little, Brown.
Quinney, Richard (ed.). 1974. *Criminal justice in America: A critical understanding*. Boston: Little, Brown.
Rampell, Catherine. 2009. Teenage unemployment rate reaches record high. *The New York Times*, September 5: B1, B4.
Raver, Anne. 2009. Growing cottage flowers in Gowanus. *The New York Times*, August 6: D1, D4.
Rayman, Graham. 2012. Frisky business. *The Village Voice*, February 8–14: 13–18.
Reavy, Pat. 2007. 'Code of silence' is growing problem. *Desert Morning News/PoliceOne.com,* May 15. http://www.policeone.com/news/1245306.
Reece, Helen. 2009. The degradation of parental responsibility. In *Responsible parents and parental responsibility*, ed. Rebecca Probert, Stephen Gilmore, and Jonathan Herring, 85–102. London: Hart Publishing.
Reiman, Jeffrey, and Paul Leighton. 2010. *The rich get richer and the poor get prison: Ideology, class, and criminal justice*, 9th ed. Boston: Allyn and Bacon.
Reiss, Marcia. 2000. *Red Hook and Gowanus neighborhood history guide*. Brooklyn: Brooklyn Historical Society.
Rice, Andrew. 2009. On the waterfront. *The New York Times Magazine*, October 25: 64–67.
Richards, Chris. 2010. The rap sheet's sad toll—Today's hip-hop artists can no longer go to jail without missing a beat. *The Washington Post Pop Music Blog*, November 3. http://blog.washingtonpost.com/clicktrack/2010/11/the_rap_sheets_sad_toll_--_tod.html.
Riles, Annelise. 2004. Property as legal knowledge: Means and ends. *Journal of the Royal Anthropological Institute* 10(4): 775–795.
Riles, Annelise. 2006. Anthropology, human rights, and legal knowledge: Culture in the iron cage. *American Anthropologist* 108(1): 52–65.
Rivera, Ray. 2009. The officer in uniform is real; The badge may be an imposter. *The New York Times,* December 1: A1, A32.
Rivera, Ray, Al Baker, and Janet Roberts. 2010. A few blocks, 4 years, 52,000 police stops. *The New York Times*, July 12: A1, A16-17.
Robbins, Liz. 2011. No charges for 4 officers in shooting at 2010 party. *The New York Times*, March 5: A18.
Robertson, Campbell. 2010a. An officer shoots, a 73-year-old dies, and schisms return. *The New York Times*, February 15: A9, A11.
Robertson, Campbell. 2010b. First charge in U.S. inquiry into New Orleans police shootings after Katrina. *The New York Times*, February 25: A14.

Robertson, Tatsha. 2005. Making crime hit home for offenders. *The Boston Globe*, February 28: A1, A8.

Romano, Andrew. 2011. How dumb are we?. *Newsweek & The Daily Beast*, March 20. http://www.thedailybeast.com/newsweek/2011/03/20/how-dumb-are-we.html.

Ronalds-Hannon, Eliza. 2010. Red Hook court a model for the rest of the world. *The Red Hook Star-Revue,* October:1, 3.

Rose, Joel. 2015. With Baltimore unrest, more debate over 'broken windows' policing. *National Public Radio (NPR): All Things Considered*, May 4. Available at: http://www.npr.org/2015/05/04/403520815/with-baltimore-unrest-more-debate-over-broken-windows-policing and http://www.npr.org/templates/transcript/transcript.php?storyId=403520815.

Rosen, Lawrence. 1989a. *The anthropology of justice: Law as culture in Islamic society*. Cambridge: Cambridge University Press.

Rosen, Lawrence. 1989b. Islamic "case law" and the logic of consequence. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 302–319. Ithaca: Cornell University Press.

Rosen, Lawrence. 2006. *Law as culture: An invitation*. Princeton: Princeton University Press.

Rosenberg, Tina. 2011a. For teen offenders, hope in a jury of their peers. *The New York Times*, October 13. http://opinionator.blogs.nytimes.com/2011/10/13/for-teen-offenders-hope-in-a-jury-of-their-peers.

Rosenberg, Tina. 2011b. Where teenagers find the jury isn't rigged. *The New York Times*, October 18. http://opinionator.blogs.nytimes.com/2011/10/18/where-teens-find-the-jury-isnt-rigged/?emc=eta1.

Rosencrans, C. Trent. 2012. Police officer suspected of using racial slur toward Carl Crawford. *CBSSports.com,* July 13. www.cbssports.com/mlb/blog/eye-on-baseball/19577475/police-officer-suspected-of-using-racial-slurtoward-carl-crawford.

Ross, Jeffrey Ian, and Dawn L. Rothe. 2008. Ironies of controlling state crime. *International Journal of Law, Crime and Justice.* 36(3): 196–210.

Rothe, Dawn L., and Christopher Mullins. 2008. Genocide, war crimes and crimes against humanity in Central Africa: A criminological exploration. In *Supranational criminology: Towards a criminology of international crimes*, ed. Alette Smuelers and Roelof Haveman, 135–158. Oxford: Intersentia.

Rothstein, Edward. 2009. Typography fans say Ikea should stick to furniture. *The New York Times*, September 5: C1, C7.

Rubin, Peter. 2005. What I gotta do. *XXL* 71 (July): 96–100, 102–103.

Rueb, Emily S. 2009. Outside of the blue and yellow box. *The New York Times*, April 18: MB3.

Ruggiero, Vincenzo. 1992. Realist criminology: A critique. In *Rethinking criminology: The realist debate*, ed. Jock Young and Roger Matthews, 123–140. London: Sage.

Ryzik, Melena. 2009a. Dance floors for people with day jobs. *The New York Times*, July 10: C1, C5.

Ryzik, Melena. 2009b. Arts, briefly: Sentencing delayed for Chris Brown. *The New York Times*, August 7: C2.

Sammon, Kathryn C. 2008. Therapeutic jurisprudence: An examination of problem-solving justice in New York. *Saint John's Journal of Legal Commentary* 23: 923–969.

Sampson, Robert J., and Dawn Jeglum Bartush. 1998. Legal cynicism and (subcultural?) tolerance of deviance: The neighborhood context of racial differences. *Law and Society Review* 32: 777–804.

Sampson, Robert J., and John H. Laub. 1993. *Crime in the making: Pathways and turning points through life*. Cambridge: Harvard University Press.

Sanchez, Claudio. 2015. In Texas, questions about prosecuting truancy. *National Public Radio (NPR): Morning Edition*, April 27. Available at: http://www.npr.org/sections/ed/2015/04/27/400099544/in-texas-questions-about prosecuting-truancy and http://www.npr.org/templates/transcript/transcript.php?storyId=400099544.

Sanjek, Roger. 2000. Keeping ethnography alive in an urbanizing world. *Human Organization* 59(3): 280–288.

Sanneh, Kelefa. 2007a. Don't blame hip-hop. *The New York Times*, March 25: B1, B6.

Sanneh, Kelefa. 2007b. The shrinking market is changing the face of hip-hop. *The New York Times*, December 30: AR1, 28.

Sanneh, Kelefa. 2010. Word: Jay-Z's "decoded" and the language of hip-hop. *The New Yorker*, December 6: 82–88.

Sarat, Austin. 1977. Studying American legal culture: An assessment of survey evidence. *Law and Society Review* 11: 427–498.

Sarat, Austin. 1990. "The law is all over": Power, resistance and the legal consciousness of the welfare poor. *Yale Journal of Law and Humanities* 2: 343–379.

Sarat, Austin, and Thomas R. Kearns. 1993. Introduction. In *Law in everyday life*, ed. Austin Sarat and Thomas R. Kearns, 1–20. Ann Arbor: University of Michigan Press.

Sarat, Austin, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence. 1998. Ideas of the "everyday" and the "trouble" case in law and society scholarship: An introduction. In *Everyday practices and trouble cases*, ed. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence, 1–13. Evanston: Northwestern University Press.

Saulny, Susan. 2009. 25 Chicago students arrested for a middle-school food fight. *The New York Times*, November 11: A18.

Saulny, Susan, and Robbie Brown. 2009. Case recalls tightrope blacks walk with police. *The New York Times*, July 24: A1, A3.

Saunders, Michael. 1993. 'Gangsta' rap: Risking with a bullet as sales boom, along with the death rates of young black men, record companies are reassessing their use of guns to market music. *Rocky Mountain News,* October 27: 24D.

Scanlon, Breanne. 2009. Roode Hoeck: (Before IKEA). *Overflow* 2: 36–37.

Scelfo, Julie. 2009. Made in Brooklyn. *The New York Times*, May 7: D1, D7.

Schapiro, Rich. 2010. NYC attorney suing four-year-olds, parents in bicycle accident that injured elderly mother. *The Daily News*, October 30. http://articles.nydailynews.com/2010-10-30/local/27079612_1_city-lawyersuit-negligence.

Schehr, Robert, and Dragan Milovanovic. 1999. Conflict mediation and the postmodern: Chaos, catastrophe, and psychoanalytic semiotics. *Social Justice* 26(1): 208–232.

Schept, Judah, Tyler Wall, and Avi Brisman. 2015. Building, staffing, and insulating: An architecture of criminological complicity in the school-to-prison pipeline. *Social Justice* 41(4): 96–115.

Schiraldi, Vincent, and Jason Ziedenberg. 2001. How distorted coverage of juvenile crime affects public policy. In *Zero tolerance: Resisting the drive for punishment in our schools*, ed. William Ayers, Bernardine Dorhn, and Rick Ayers, 114–125. New York: The New Press.

Schlag, Pierre. 1997. Law and phrenology. *Harvard Law Review* 110: 877–921.

Schneider, Jeffrey M. 2007, December. Youth courts: An empirical update and analysis of future organizational and research needs. *Hamilton Fish Institute Reports and Essays Serial*. Washington, DC: Hamilton Fish Institute on School and Community Violence, The George Washington University. Accessed at: http://hamfish.org/Publications/Serial/HFI_Youth_Courts_Report.pdf.

Schram, Jamie, and Jeane Macintosh. 2011. 'Flat' fee in cop assist. *New York Post*, October 19: 14.

Schwartz, Doris R. 1949. Nursing in Red Hook. *American Journal of Nursing* 49(7): 435–438.

Schweitzer, Vivien. 2008. Operatic cargo of tragic love, unloaded on a Brooklyn pier. *The New York Times*, September 1: E1, E5.

Seagle, William. 1937. Primitive law and professor Malinowski. *American Anthropologist* 39: 275–290.

Seaton, Charles F., and Deirdre K. Parker. 2011. Press release: Smith-9th Sts F, G Station closes on June 20 for 9 months of Rehab. June 17. Metropolitan Transit Authority (MTA) New York City Transit. http://www.mta.info/press-release/nyc-transit/smith-9th-sts-f-g-station-closes-june-20-9-months-rehab.

Secret, Mosi. 2011. Officer held in rights case after frisking. *The New York Times*, October 18: A21.

Seifman, David. 2012a. Mike targets young truants. *The New York Post*, May 11: 12.

Seifman, David. 2012b. Stop & frisk or risk more crime: Mike. *The New York Post*, May 11: 4.

Sexton, Joe. 1993. Slain principal still a driving spirit; A year later, Patrick Daly's school survives and thrives. *The New York Times*, December 19. http://www.nytimes.com/1993/12/19/nyregion/slain-principal-still-driving-spirit-year-later-patrick-daly-s-school-survives.html?pagewanted=1.

Shapiro, Walter. 2012. John Roberts saves Obamacare: How does George W. Bush feel right now? *Yahoo! News*, June 28. http://news.yahoo.com/john-roberts-saves-obamacare--how-does-george-w-bush-feel-right-now-html.

Shaw, Clifford R., and Henry D. McKay. 1942. *Juvenile delinquency and urban areas*. Chicago: University of Chicago Press.

Shear, Michael D. 2010. O'Donnell's take on the first amendment. *The New York Times*, October 20: A18.

Sherman, Jacqueline, and Hack Dory. 2008. Preparing young citizens for democracy. *New York State Bar Journal* 80: 24–26.

Shiff, Allison R., and David B. Wexler. 1996. Teen court: A therapeutic jurisprudence perspective. *Criminal Law Bulletin* 32: 342–357.

Shore, Randy. 2007. B.C. judges get lessons from abroad in setting up community courts. *The Vancouver Sun*, September 29: B8.

Silbey, Susan S. 2005. After legal consciousness. *Annual Review of Law and Social Science* 1: 323–368.

Simmons, Lizbet. 2010. The docile body in school space. In *Schools under surveillance: Cultures of control in public education*, ed. Torin Monahan and Rodolfo D. Torres, 55–70. New Brunswick: Rutgers University Press.

Sisario, Ben. 2008. Jeepers, rappers, where'd you get those arms and torsos? *The New York Times*, January 15: B1, B7.

Skiba, Russell. 2001. When is disproportionality discrimination? The overrepresentation of black students in school suspension. In *Zero tolerance: Resisting the drive for punishment in our schools*, ed. William Ayers, Bernardine Dorhn, and Rick Ayers, 176–187. New York: The New Press.

Skiba, Russell, Robert Michael, Abra Nardo, and Reece Peterson. 2002. The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review* 34: 317–342.

Skiba, Russell, R.H. Horner, Choong-Geun Chung, Mark Karega Rausch, S.L. May, and T. Tobin. 2011. Race is not neutral: A national investigation of African American and Latino disproportionality in school discipline. *School Psychology Review* 40(1): 85–107.

Skogan, Wesley G. 2006. Asymmetry in the impact of encounters with police. *Policing and Society* 16(2): 99–126.

Skogan, Wesley G. 2009. Concern about crime and confidence in the police: Reassurance or accountability? *Police Quarterly* 12(3): 301–318.

Slackman, Michael. 2009. Tycoon gets death in singer's murder, stunning an Egypt leery of its courts. *The New York Times*, May 22: A4, A6.

Snyder, Francis. 1981a. *Capitalism and legal change: An African transformation*. New York: Academic.

Snyder, Francis. 1981b. Anthropology, dispute processes, and law: A critical introduction. *British Journal of Law and Society* 8(2): 141–180.

Snyder, G.J. 2009. *Graffiti lives: Beyond the tag in New York's urban underground*. New York: New York University Press.

Soller, Brian, Aubrey. Jackson, and Christopher R. Browning. 2014. Legal cynicism and parental appraisals of adolescent violence. *British Journal of Criminology* 54(4): 568–591.

Solomon, Deborah. 2009. Race matters: Questions for Benjamin Todd Jealous. *The New York Times Magazine*, July 30: 11.

Stafford, Mark C., and Mark Warr. 1993. A reconceptualization of general and specific deterrence. *Journal of Research in Crime and Delinquency* 30(2): 123–135.

Staples, Brent. 2009a. Even now, there's risk in 'driving while black.' *The New York Times*, June 15: A20.

Staples, Brent. 2009b. President Obama, Professor Gates and the Cambridge police. *The New York Times*, July 24: A24.

Staples, Brent. 2012. The human cost of 'zero tolerance.' *The New York Times*, April 29: SR10.

Starr, June, and Jane F. Collier. 1989. Introduction: Dialogues in legal anthropology. In *History and power in the study of law: New directions in legal anthropology*, ed. June Starr and Jane F. Collier, 1–28. Ithaca: Cornell University Press.

Stelloh, Tim. 2010a. Officer in fatal crash admits he was drunk. *The New York Times*, September 9: A24.

Stelloh, Tim. 2010b. Ensuring petty crimes don't lead to big ones. *The New York Times*, September 22: A22.

Stephens, Sharon. 1996. Reflections on environmental justice: Children as victims and actors. *Social Justice* 23(4): 62–86.

Stern, Seth. 2002. A court of second chances. *Christian Science Monitor*, August 22: 11.

Stickle, Wendy Povitsky, Nadine M. Connell, Denise M. Wilson, and Denise Gottfredson. 2008. An experimental evaluation of teen courts. *Journal of Experimental Criminology* 4(2): 137–163.

Stone, Geoffrey R. 2010. Our fill-in-the-blank constitution. *The New York Times*, April 14: A27.

Strickland, Eliza. 2004. Teens take the gavel to judge peers. *The Christian Science Monitor*, December 21. http://www.csmonitor.com/2004/1221/p14s01-legn.html.

Sullivan, Dennis, and Larry Tift. 2001. *Restorative justice: Healing the foundations of our everyday lives*. Monsey: Willow Tree Press.

Sulzberger, A.G. 2010a. Sean Bell's family gets good news on his birthday. *The New York Times*, May 19: A22.

Sulzberger, A.G. 2010b. In civil suit, mixed verdict for accuser and officer. *The New York Times*, July 1: A24.

Sulzberger, A.G., and John Eligon. 2010. 2 officers, 2 courts and charges of eliciting sexual favors. *The New York Times*, May 19: A20, A23.

Sunshine, Jason, and Tom R. Tyler. 2003. The role of procedural justice and legitimacy in shaping public support for policing. *Law and Society Review* 37(3): 513–548.

Sutherland, Edwin H. 1939. *Principles of criminology*. Philadelphia: J.B. Lippincott.

Sutherland, Edwin H. 1947. *Principles of criminology*, 5th ed. Philadelphia: J.B. Lippincott.

Sutherland, Edwin H., and Donald R. Cressey. 1966. *Principles of criminology*, 7th ed. Philadelphia: J.B. Lippincott.

Sutherland, Edwin H., and Donald R. Cressey. 1974. *Principles of criminology*, 9th ed. Philadelphia: J.B. Lippincott.

Swaner, Rachel. 2010. Community perceptions of Red Hook, Brooklyn: Views of quality of life, safety, and services. The Center for Court Innovation. March. Accessed at: http://www.courtinnovation.org/sites/default/files/Community_Perceptions.pdf.

Swaner, Rachel, and Elise White. 2010. Drifting between worlds: Delinquency and positive engagement among Red Hook youth. The Center for Court Innovation. http://www.courtinnovation.org/sites/default/files/Youth_ECHO.pdf.

Takemura, Noriyoshi. 2010. The criticality of global environmental crime and the response of chaos criminology. In *Global environmental harm: Criminological perspectives*, ed. Rob White, 210–227. Cullompton: Willan.

Taussig, Michael. 2005. *Law in a lawless land: Diary of a limpieza in Colombia*. Chicago: University of Chicago Press.

Taylor, Ian. 1981. *Law and order: Arguments for socialism*. London: Macmillan.

Taylor, Ian. 1992. Left realist criminology and the free market experiment in Britain. In *Rethinking criminology: The realist debate*, ed. Jock Young and Roger Matthews. London: Sage.

Taylor, Ian. 1999. *Crime in context: A critical criminology of market societies*. Cambridge: Polity Press.

Tcholakian, Danielle. 2013. Red Hook community justice center delivers solutions in lieu of judgment. *metro* (New York), November 13. http://www.metro.us/local/red-hook-community-justice-center-deliverssolutions-not-judgment/tmWmkm---dcLhPQXdaWK8k/.

Temple-Raston, Dina. 2004. Red Hook targets misdemeanors. *The New York Sun*, September 21: 3.

The Arizona Republic. 2004a. Andre M.'s story sparked court case. *The Arizona Republic*, January 8: A2.

The Arizona Republic. 2004b. Parental preference. *The Arizona Republic*, January 27: B10.

Thom, Katey, Alice Mills, Claire Meehan, and Marilyn Chetty. 2013. *Evaluating community justice: A review of research literature*. Centre for Mental Health Research, Faculty of Medical and Health Sciences, University of Auckland. http://www.lawfoundation.org.nz/wpcontent/uploads/2013/12/2.-Evaluating-community-justice.-A-reviewof-research-literature.docx.pdf.

Thompson, Anthony C. 2002. Courting disorder: Some thoughts on community courts. *Washington University Journal of Law and Policy* 10: 63–90.

Trouillot, Michel-Rolph. 2001. The anthropology of the state in the age of globalization: Close encounters of the deceptive kind. *Current Anthropology* 41(1): 125–138.

Trubek, David M. 1984. Where the action is: Critical legal studies and empiricism. *Stanford Law Review* 36: 575–622.

Tyler, Tom R. 1988. What is procedural justice?: Criteria used by citizens to assess the fairness of legal procedures. *Law and Society Review* 22(1): 103–135.

Tyler, Tom R. 1990. *Why people obey the law*. New Haven: Yale University Press.

Tyler, Tom R. 1998. Public mistrust of the law: A political perspective. *University of Cincinnati Law Review* 66: 847–876.

Tyler, Tom R. 2001. Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions? *Behavioral Sciences and the Law* 19(2): 215–235.

Tyler, Tom R. 2002. A national survey for monitoring police legitimacy. *Justice research and policy* 4(1): 71–86.

Tyler, Tom R. 2003. Procedural justice, legitimacy, and the effective rule of law. *Crime & Justice* 30: 283–356.

Tyler, Tom R., and Yuen J. Huo. 2002. *Trust in the law: Encouraging public cooperation with the police and courts*. New York: Russell Sage.

Urbina, Ian. 2009a. Suit names 2 judges accused in a kickbacks case. *The New York Times*, February 14: A13.

Urbina, Ian. 2009b. It's a fork, It's a spoon, It's a. .. weapon? School suspends boy, 6. *The New York Times*, October 12: A1, A16.

Urbina, Ian. 2009c. After uproar on suspension, district will rewrite rules. *The New York Times*, October 14: A18.

Urbina, Ian, and Sean D. Hamill. 2009. Judges plead guilty in scheme to jail youths for profit. *The New York Times*, February 13: A22.

Valverde, Mariana. 2003. *Law's dream of a common knowledge*. Princeton: Princeton University Press.

van Maanen, John. 1983. The Boss. In *Control in the police organization*, ed. Maurice Punch. Cambridge: MIT Press.

van Maanen, John. 1988. *Tales from the field: On writing ethnography*. Chicago: University of Chicago Press.

Van Natta, Don, Jr. 2011. Race issues confront the Miami police in the killing of seven black men. *The New York Times*, March 23: A16, A23.

Vega, Tanzina. 2014. Disciplining of girls differs among and within races. *The New York Times*, December 11: A21. Available online as "Schools' Discipline for Girls Differs by Race and Hue" at http://www.nytimes.com/2014/12/11/us/school-discipline-to-girls-differs-between-and-within-races.html.

Venugopal, Nikhita. 2013. Commuters celebrate reopening of Smith-9th street F/G train stop. *DNAinfo*, April 26. http://www.dnainfo.com/new-york/

20130426/carroll-gardens/commuters-celebrate-reopening-of-smith-9th-street-fg-train-stop.
Vigilante, Danette. 2011. Red Hook Graffiti artist turned successful fine artist to host AIDS awareness art exhibition. *The Red Hook Star-Revue*, March:1.
Wacquant, Loïc J.D. 2001. Deadly symbiosis: When ghetto and prison meet and mesh. *Punishment & Society* 3(1): 95–134.
Wacquant, Loïc, and William J. Wilson. 1989. The cost of racial and class exclusion in the inner city. *The Annals of the American Academy of Political and Social Science* 501(1): 8–25.
Walker, Samuel. 1984. "Broken windows" and fractured history: The use and misuse of history in recent police patrol analysis. *Justice Quarterly* 1(1): 75–90.
Warner, Barbara D. 2003. The role of attenuated culture in social disorganization theory. *Criminology* 41: 73–98.
Warren, Mathew R. 2008. Whitewashing a cartoon rat's message on snitching. *The New York Times*, July 18: B2.
Waters, Jennifer. 2010. What not to say when pulled over by a cop. *MarketWatch/Yahoo! Finance*, September 19. http://finance.yahoo.com/news/pf_article_110666.html.
Weber, Bruce. 2012. Scholar turned crime fighter (With a theory). *The New York Times*, March 3: A1.
Weber, Leanne, Elaine Fishwick, and Marinella Marmo. 2014. *Crime, justice and human rights*. Basingtstoke: Palgrave Macmillan.
Weischelbaum, Simone. 2011. NYPD dragged its feet for year on cop's sex harass suit vs. boss. *Daily News*, June 2: 18.
Weiser, Benjamin. 2009. Lawyer who threw a city case is vindicated, not punished. *The New York Times*, March 5: A23.
Welch, William M. 2012. Texas police kill boy brandishing pellet gun. *USA Today*, January 5: 3A.
Welch, Kelly, and Allison Ann Payne. 2010. Racial threat and punitive school discipline. *Social Problems* 57(1): 25–48.
Welsh, Wayne, Robert Stokes, and Jack R. Greene. 2000. A macro-level model of school disorder. *Journal of Research in Crime and Delinquency* 37(3): 243–283.
White, James Boyd. 1984. *When words lose their meaning: Constitutions and reconstitutions of language, character, and community*. Chicago: University of Chicago Press.
White, Lucie E. 1990. Subordination, rhetorical survival skills, and sunday shoes: Notes on the hearing of Mrs. G. *Buffalo Law Review* 38(1): 1–58.

White, Tanika. 2005. "Stop snitchin" shirts have people talking for different reasons in city. *Baltimore Sun*, April 30: E1

White, Rob. 2011. *Transnational environmental crime: Toward an eco-global criminology*. London/New York: Routledge.

White, Rob, and Diane Heckenberg. 2014. *Green criminology: An introduction to the study of environmental harm*. London/New York: Routledge.

White, Rob, and Santina Perrone. 2010. *Crime, criminality and criminal justice*. Melbourne: Oxford University Press.

White, Andrew, Nora McCarthy, Elizabeth Diaz, and Rajeev Yemeni. 2003. *Consider the future: Strengthening children and family services in Red Hook, Brooklyn*. Center for New York City Affairs/Milano Graduate School. http://www.newschool.edu/Milano/nycaffairs/pubs/considerthefuture.pdf.

Whyte, William Foote. 1993 [1943]. *Street corner society: The social structure of an Italian Slum* 4/e. Chicago: University of Chicago Press.

Wilkins, David B. 1998. Everyday practice is the troubling case: Confronting context in legal ethics. In *Everyday practices and trouble cases*, ed. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, and Susan Lawrence, 68–108. Evanston: Northwestern University Press.

Willensky, Elliot. 1986. *When Brooklyn was the world, 1920–1957*. New York: Harmony Books.

Williams, Christopher R., and Bruce A. Arrigo. 2001a. Anarchaos and order: On the emergence of social justice. *Theoretical Criminology* 5(2): 223–252.

Williams, Christopher R., and Bruce A. Arrigo. 2001b. *Law, psychology, and justice: Chaos theory and the new (dis)order*. Albany: SUNY Press.

Wilson, William J. 1987. *The truly disadvantaged*. Chicago: University of Chicago Press.

Wilson, William J. 1996. *When work disappears: The world of the new urban poor*. New York: Knopf.

Wilson, Sean-Patrick. 2005. Rap sheets: The constitutional and societal complications arising from the use of rap lyrics as evidence at criminal trials. *UCLA Entertainment Law Review* 12: 345–376.

Wilson, Michael. 2006. Under one roof in Brooklyn, trial, penalty and civics lesson. *The New York Times*, August 22: A1, B4.

Wilson, Michael. 2008. Officers kill two men outside a Brooklyn nightclub. *The New York Times*, October 27: A23.

Wilson, James Q., and George L. Kelling. 1982. Broken windows: The police and neighborhood safety. *The Atlantic Monthly* 249(3): 29–38.

Wilson, Michael, and Serge F. Kovaleski. 2011. No charges for officer in park death in Newark. *The New York Times*, June 29: A20.

Wilson, Michael, and Solomon Moore. 2009. President tries to defuse debate over Gates arrest: As officers face heated words, tactics vary. *The New York Times*, July 25: A1, A15.

Winter, Steven L. 1988. The metaphor of standing and the problem of self-governance. *Stanford Law Review* 40: 1371–1516.

Witt, Stephen. 2008. Red Hook historian blasts MTA. *Carroll Gardens-Cobble Hill Courier*, August 15(Vol. 28, No. 4): 1, 37.

Witt, Jon. 2011. *SOC*. New York: McGraw-Hill.

Wollan, Malia. 2009. National briefing: West: California: former transit officer pleads not guilty. *The New York Times*, January 16: A20.

Worth, Robert F. 2002. New York expands experiment to bring courts and communities closer. *The New York Times*, May 20.

Yee, Vivian. 2013. Violence in Carroll Gardens leads to anxiety and apathy. *The New York Times*, September 19: A29.

Young, Jock. 1971. Drugs and the mass media. *Drugs and Society* 2: 14–18.

Young, Jock. 1986. The failure of criminology: The need for a radical realism. In *Confronting crime*, ed. Roger Matthews and Jock Young, 4–30. London: Sage.

Young, Jock. 1987. The tasks facing a realist criminology. *Contemporary Crises* 11: 337–356.

Young, Jock. 1991a. Asking questions of left realism. In *New directions in critical criminology*, ed. Brian D. MacLean and Dragan Milovanovic, 15–18. Vancouver: The Collective Press.

Young, Jock. 1991b. Left realism and the priorities of crime control. In *The politics of crime control*, ed. Kevin Stenson and David Cowell, 146–160. London: SAGE Publications.

Young, Jock. 1992. Ten points of realism. In *Rethinking criminology: The realist debate*, ed. Jock Young and Roger Matthews, 24–68. London: Sage.

Young, Jock. 1994. Incessant chatter: Recent paradigms in criminology. In *The Oxford handbook of criminology*, ed. Mike Maguire, Rod Morgan, and Robert Reiner, 69–124. Oxford: Oxford University Press.

Young, Jock. 1997. Left realism: The basics. In *Thinking critically about crime*, ed. Brian D. MacLean and Dragan Milovanovic, 28–36. Vancouver: Collective Press.

Young, Jock. 2001. Left realism. In *The Sage dictionary of criminology*, ed. Eugene McLaughlin and John Muncie, 163–165. London/Thousand Oaks: SAGE Publications.

Young, Jock. 2003. Merton with energy, Katz with structure: The sociology of vindictiveness and the criminology of transgression. *Theoretical Criminology* 7: 388–414.

Young, Jock. 2009. Moral panic: Its origins in resistance, ressentiment and the translation of fantasy into reality. *British Journal of Criminology* 49(1): 4–16.

Young, Jock. 2013. Left realism. In *The Sage dictionary of criminology*, 3rd ed, ed. Eugene McLaughlin and John Muncie, 251–253. London/Thousand Oaks: SAGE Publications.

Young, Jock, and Roger Matthews. 1992a. Questioning left realism. In *Issues in realist criminology*, ed. Roger Matthews and Jock Young, 1–18. London: SAGE Publications.

Young, Jock, and Roger Matthews (eds.). 1992b. *Rethinking criminology: The realist debate*. London: Sage.

Zezima, Katie. 2009. Caller says race wasn't mentioned to officer in Gates case. *The New York Times*, July 30: A20.

Zezima, Katie. 2010. Officer and professor faulted for confrontation at home. *The New York Times*, July 1: A21.

Zezima, Katie, and Abby Goodenough. 2009. Charges against black Harvard professor are dropped, but he seeks officer's apology. *The New York Times*, July 22: A12.

Zimmer, Carl. 2010. Sizing up consciousness by its bits. *The New York Times*, September 21: D1, D4.

Zimring, Franklin E. 2007. *The great American crime decline*. Oxford: Oxford University Press.

Zraick, Karen. 2009. Hundreds mourn slain officer in Brooklyn. *The New York Times*, June 3: A23.

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