
Reviewed by Catherine A. Lemmer

¶37 In her newly published “ethnography” (p.7) of a southern California juvenile drug court, sociologist Leslie Paik contests the underlying “therapeutic’ orientation”
of what has become a widely accepted model of alternative justice. Paik spent more than a year personally observing operations and interviewing participants in a court designed to send juvenile substance abusers to treatment rather than prison. In *Discretionary Justice: Looking Inside a Juvenile Drug Court*, she presents the results of her study and challenges readers to consider whether such "courts [are] truly therapeutic or . . . simply a new form of punishment under the guise of help" (p.173).

§38 Juvenile drug courts seek to modify the behavior of youthful offenders through an emphasis on individual accountability and the use of "Big Brother"-style monitoring mechanisms to measure compliance with program requirements. Paik maintains that this emphasis on accountability ignores real-life "social structural barriers" (p.14) that can shape a juvenile's ability to control his or her own actions. Paik ultimately argues that determinations of participant compliance or success based on concepts of individual accountability actually veil "differential treatment based on race, class, and gender" (p.14).

§39 In the course of making this argument, and as promised by the book's subtitle, Paik takes her readers inside the day-to-day workings of a juvenile drug court. She describes in detail the operation of the court's entire system of activity, including external factors such as offenders' families and schools, local police and sheriff departments, probation offices, residential programs, drug treatment centers, and funding mechanisms. At the center of the behind-the-scenes action are the drug court staff and the weekly meetings at which they assess offenders' adherence to program requirements and negotiate proposed strategies for dealing with noncompliance. While these staff discussions focus on determining the individual compliance and personal accountability of the juvenile offenders, Paik's fieldwork exposes and underscores the impact of other, largely unacknowledged factors, leading her to characterize the staff assessments as merely "social constructions" (p.4). Examples of characteristics that influence staff decisions on compliance and accountability include the juvenile's race and gender, the specific court to which an offender is assigned, parental and family involvement, and staff interpretation of drug test results.

§40 Previous juvenile drug court researchers have largely ignored such staff decision-making practices (p.7). Yet it is precisely these practices, Paik suggests, that reveal a persistent tendency toward overreaching by the legal system and that indicate the "reintroduction of discretion into legal decision making" (p.173). The assessments and the negotiated strategies that underlie them also serve to establish an offender's "workability" (p.5)—the staff's "continuously revised" (p.6) sense of the youth's potential for achieving success through drug court intervention—a measure that can have a detrimental impact lasting even beyond the youth's participation in the drug court program itself.

§41 Despite her critique, Paik neither dismisses the work of juvenile drug courts nor advocates for their demise. Rather, she endorses a shift away from the existing focus on individual accountability and urges a new emphasis on the duty that society and the judicial system have to provide a framework for successfully rehabilitating youth offenders. In this vein, Paik makes five specific policy recommendations intended "to mitigate the unintended punitive consequences of . . . drug court intervention and to facilitate its stated therapeutic goals" (p.177).
Throughout *Discretionary Justice*, Paik does an excellent job of organizing and presenting the wealth of data from her fieldwork. The book is well footnoted and includes a comprehensive index, an extensive bibliography, and three helpful appendixes—"Methods," "Concepts and Terms," and "Additional Resources." Although difficult to read, due to the technical nature of the study's content and the human impact of the personal stories it tells, this is an important work. Federal and state support for juvenile drug courts is substantial, and they are likely to remain one of the key institutional weapons for combating drug abuse. It is imperative that practitioners, politicians, and other policy makers appreciate the consequences of programs based on personal accountability. Paik's work may also help inform the development of other alternative courts, such as mental health courts and veterans treatment courts.

Though Paik is presently an assistant professor of sociology at the City College of New York and the Graduate Center City University of New York, *Discretionary Justice* stems from questions she first encountered prior to graduate school while "work[ing] at a nonprofit legal organization that designed, implemented, and evaluated drug courts and other problem-solving courts" (p.vii). The result of Paik's pursuit of those initial questions is a text that should prove instructive for anyone interested in drug courts or similar alternative forms of justice. *Discretionary Justice* is recommended for academic and government law libraries, libraries serving private practitioners working in or with drug courts, and nonlegal academic libraries that support graduate or undergraduate programs in the areas of criminal or juvenile justice.