

# Using Trauma-Informed Restorative Justice with Youth

Traditional juvenile justice system responses—such as arrest and incarceration—typically use punishment to hold youth accountable for their actions and to prevent them from committing further crimes. However, these punitive approaches are at odds with the developmental needs of young people and have shown limited—and often negative—effects on recidivism. Further, these traditional responses often exacerbate the complex behavioral health needs of youth who enter the system,<sup>1</sup> with many having a history of trauma and up to 80 percent of incarcerated youth meeting criteria for a mental health diagnosis.<sup>2</sup> Black, Indigenous, and People of Color (BIPOC) and LGBTQ+ youth are especially likely to experience negative outcomes given their overrepresentation in the juvenile justice system.<sup>3</sup>

As an alternative, many jurisdictions have adopted restorative justice programs to divert youth from traditional juvenile justice system involvement. Restorative justice programs are more responsive to youth needs and more effective in preventing future crimes because they help young people take responsibility for their behavior and repair the harm that was caused to victim(s) and the broader community.<sup>4</sup> This brief describes how juvenile justice stakeholders<sup>5</sup> can support these approaches to minimize youth involvement in the juvenile justice system and potentially address their behavioral health needs while also preserving public safety.

## Benefits of restorative justice programming

Restorative justice—which stems from Indigenous peacemaking traditions<sup>6</sup>—can be implemented across the entire juvenile justice system continuum. But it is increasingly being used at initial court contact to divert youth from traditional system involvement and into community-based programming. Youth eligible for this type of diversion are typically referred to a community-based organization that can facilitate the appropriate restorative justice process, which may include “victim-offender mediation/dialogue,” restorative circles, or other similar approaches.<sup>7</sup> In contrast, practices such as victim restitution,<sup>8</sup> which victim advocates see as an important tool for accountability, can potentially lead to unintended consequences for youth in restorative justice programs. For instance, when youth and their families cannot afford the restitution, it may result in prolonged probation until restitution is paid.<sup>9</sup>

1. Patrick McCarthy, Vincent Schiraldi, and Miriam Shark, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections Bulletin* (Washington, DC: National Institute of Justice, 2016). [↗](#); Christopher Edward Branson et al., “Trauma-Informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components,” *Psychological Trauma: Theory, Research, Practice and Policy* 9, no. 6 (2017): 635–646. [↗](#); The National Child Traumatic Stress Network (NCTSN), *Complex Trauma: In Juvenile Justice System-Involved Youth* (Los Angeles: NCTSN, 2017). [↗](#)

2. One study showed that more than 66 percent of youth entering the juvenile justice system have histories of complex trauma. See NCTSN, *Complex Trauma: In Juvenile Justice System-Involved Youth*; Lee A. Underwood and Aryssa Washington, “Mental Illness and Juvenile Offenders,” *International Journal of Environmental Research and Public Health* 13, no. 2 (2016): 228. [↗](#)

3. At each juvenile justice decision point, disparate outcomes for BIPOC and LGBTQ+ youth are compounded. See McCarthy, Schiraldi, and Shark, *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections Bulletin*; Movement Advancement Project, Center for American Progress, and Youth First, *Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System* (Denver, CO: Movement Advancement Project, 2017). [↗](#)

4. Illinois Coalition for Immigrant and Refugee Rights, *White Paper on Restorative Justice: A Primer and Exploration of Practice Across Two North American Cities* (Chicago: Adler School Institute on Public Safety and Social Justice, 2011). [↗](#)

5. Juvenile justice stakeholders can include law enforcement, public defenders, prosecutors, judges, and parole and probation officers.

6. “What is Restorative Justice,” Impact Justice and Restorative Justice Project, *A Diversion Toolkit for Communities*, accessed April 13, 2021. [↗](#)

7. Victim-offender mediation/dialogue, also known as VOM/VOD, is an evidence-based practice where mediators structure a safe meeting between victims and the person responsible for wrongdoing to encourage accountability and meet the needs of the people harmed. Other approaches can include mediated conferencing or dialogue between the victim and the youth who committed the crime. See Dr. David Wilson, Dr. Ajima Olaghere, and Catherine Kimbrell, *Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis* (Fairfax, VA: George Mason University Department of Criminology, Law, and Society, 2017). [↗](#)

8. “In many juvenile courts, youth may be ordered to pay restitution, i.e., money to compensate victims for the expenses they incurred due to the child’s delinquent act, as part of the child’s disposition.” See “Juvenile Restitution Statutes,” *National Juvenile Defender Center*, accessed May 24, 2021. [↗](#)

9. Eli Hager, “Punishing Kids with Years of Debt,” *The Marshall Project*, June 11, 2019. [↗](#)

When implemented in a trauma-informed manner, restorative justice approaches hold young people accountable for their actions while also acknowledging the impact of trauma on a young person's behavior to determine how to best respond to their needs.<sup>10</sup> Restorative justice programming also supports:

### **Reduced trauma associated with juvenile justice system involvement and strengthened interpersonal relationships.**

Restorative justice programming can reduce exposure to trauma resulting from solitary confinement, use of force, or other experiences youth may have in the justice system.<sup>11</sup> Restorative justice diversion also mitigates the detachment from social and community connections that youth in the juvenile justice system can experience. Instead, restorative justice programming conducted in the community helps youth build healthy relational and communal support systems, which, in turn, allow them to take accountability for their actions and repair the harm they have caused. Further, both victims and young people responsible for causing harm report satisfaction with participation in restorative justice programming when compared to traditional approaches to juvenile justice.<sup>12</sup>

### **Potential reduction in juvenile justice system involvement.**

Because restorative justice programming is rehabilitative rather than punitive, it can lead to improved outcomes compared to traditional juvenile justice approaches. Youth responsible for wrongdoing learn appropriate ways to resolve conflicts, understand the consequences of their actions, make amends through mediated dialogue with the person harmed, and receive support to reduce their risk of future involvement in the juvenile justice system. Given the social skill building provided to address the root cause of behaviors, many communities have found that the use of restorative justice programming can lead to reduced recidivism among participating youth.<sup>13</sup>

### **Cost savings across the juvenile justice system.**

State and local budgets are often negatively impacted when youth are involved in the juvenile justice system. In fact, states spend an average of about \$200,000 a year for each youth who is incarcerated.<sup>14</sup> Particularly in this time of significant budget challenges, community-based restorative justice programs are a cost-effective alternative to traditional justice system approaches. These programs allow states and localities to focus resources on youth who are most likely to recidivate and put cost savings toward more prevention efforts.<sup>15</sup>

## **Ways to support restorative justice programming**

Juvenile justice stakeholders play a critical role in supporting restorative justice diversion programs. Not only do they have the authority to recommend or refer youth to such programs, but they also have a responsibility to protect the needs of victims<sup>16</sup> and improve public safety. To ensure the success of restorative justice programming in their communities, juvenile justice stakeholders can:

### **Incorporate a trauma-informed approach.**

Childhood trauma—also known as adverse childhood experiences<sup>17</sup>—is a growing public health concern, and youth in the juvenile justice system report disproportionately high rates of trauma exposure and mental illnesses. Many of them have been victimized through abuse or neglect, while others have witnessed violence at home or have lived with family

10. Trauma-informed justice system interventions stem from the evidence-based practice of trauma-informed care, which focuses on minimizing the retraumatization of individuals who have experienced trauma. Effective trauma-informed restorative justice programming recognizes and seeks to address the trauma that both victims and youth who committed the crime have experienced. See Precious Skinner-Osei et al., "Justice-Involved Youth and Trauma-Informed Interventions," *Justice Policy Journal* 16, no. 2 (2019): 1–25, [↗](#).

11. Branson et al., "Trauma-Informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components," 635.

12. *Ibid.*

13. "How Do We Know RJD Works?" Impact Justice and Restorative Justice Project, A Diversion Toolkit for Communities, accessed April 13, 2021, [↗](#).

14. Justice Policy Institute, *Sticker Shock 2020: The Cost of Youth Incarceration* (Washington, DC: Justice Policy Institute, 2020), [↗](#).

15. A cost analysis of Colorado's restorative justice pilot programs identified potential cost savings to their juvenile justice system via reduced staffing needs and reallocation of resources. See Caitlin O'Neil, *A Cost Analysis of Colorado's Restorative Juvenile Justice Pilot Programs* (Denver, CO: Restorative Justice Colorado, 2015).

16. Victims' needs should be centered within restorative justice programming not only to ensure that their individual voices are heard and needs are met but also to avoid potential retraumatization. For more information, see Lara Bazelon and Bruce A. Green, "Victims' Rights from a Restorative Perspective," *FLASH: The Fordham Law Archive of Scholarship and History* (2020), [↗](#).

17. "Adverse Childhood Experiences," Centers for Disease Control and Prevention, accessed June 1, 2021, [↗](#).

members who have mental illnesses or substance use disorders.<sup>18</sup> When unresolved, these trauma histories can have lifelong health impacts and increase the likelihood of future justice involvement.<sup>19</sup> Juvenile justice stakeholders can help to mitigate these concerns by assessing community-based restorative justice programs to ensure they are trauma informed. They can also adopt a trauma-informed approach to screening and assessments when determining whether youth are eligible for referral to these programs. This includes implementing universal trauma and mental illness screenings, referring youth for further assessment and treatment as required, and delivering training on the impact of trauma on youth behavior and role-specific trauma informed skills.<sup>20</sup>

### **Assess referrals for disparities.**

Although BIPOC and LGBTQ+ youth are overrepresented in the juvenile justice system, they are less likely to be referred to diversion programming when compared to their White and non-LGBTQ+ counterparts,<sup>21</sup> further exacerbating inequalities in the system. To address these disparities, juvenile justice stakeholders need to establish clear eligibility criteria for when youth can be diverted from the juvenile justice system to restorative justice programming. They should also work with relevant providers to deliver staff training on implicit bias<sup>22</sup> related to diversion referrals for youth and frequently evaluate any risk and needs assessment tools for bias and overrides. Data should regularly be analyzed and disaggregated by demographics on youth referrals to restorative justice programming compared to further processing in the juvenile justice system.

### **Collaborate with community-based organizations.**

To ensure a robust continuum of trauma-informed restorative justice diversion options are available to youth, juvenile justice stakeholders should partner with an array of community-based organizations that have demonstrated experience in these areas. This includes prioritizing partnerships with community-based organizations that work with BIPOC and LGBTQ+ youth and other historically marginalized communities. Importantly, successful restorative justice programs are also victim-centered and incorporate the contributions of victim advocates throughout. Juvenile justice stakeholders should formalize the partnerships and make clear their respective roles and responsibilities through a memorandum of understanding (MOU) with the selected partner(s).<sup>23</sup> The MOU should also detail the process for referring youth to the restorative justice program and what outcomes will be shared about participating youth, such as engagement, positive social connections, and education progress.

18. "Help Crime Victims by Committing to Restorative Justice." Juvenile Justice Information Exchange, accessed April 13, 2021. [↗](#); Skinner-Osei et al., "Justice-Involved Youth and Trauma-Informed Interventions."

19. "About the CDC-Kaiser ACE Study," Centers for Disease Control and Prevention, accessed May 7, 2021. [↗](#).

20. NCTSN, *Essential Elements of a Trauma Informed Juvenile Justice System* (Los Angeles: NCTSN, 2015). [↗](#).

21. The Annie E. Casey Foundation, *Expand the Use Of Diversion from the Juvenile Justice System* (Baltimore: The Annie E. Casey Foundation, 2018); Shannan Wilber, *Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System* (Baltimore: The Annie E. Casey Foundation, 2015).

22. "Implicit Bias Snapshot," National Juvenile Justice Network, accessed May 17, 2021. [↗](#).

23. "What Kinds of Cases Should We Receive?" Impact Justice and Restorative Justice Project, A Diversion Toolkit for Communities, accessed April 13, 2021. [↗](#).

## **Dig Deeper**

The Council of State Governments Justice Center offers free in-depth subject matter expertise and can connect you to communities that are currently implementing some of these approaches. Visit the **Center for Justice and Mental Health Partnerships** to learn more.

## **Additional Resources**

**Restorative Community Conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County** by Impact Justice

**Training for Criminal Justice Professionals** by SAMHSA's GAINS Center for Behavioral Health and Justice Transformation