

First Place: Academic

"Restorative Justice for Abused Juvenile Offenders"

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As shown by recent societal events within the United States, the criminal justice system is not perfect and needs some internal change. One flaw in the criminal justice system that particularly stands out is how juvenile offenders are treated, specifically juveniles who are victims of abuse and neglect. Often, the court will impose harsh punishments on these juveniles, creating a cycle of crime and misunderstanding. The best way to address this issue is by changing how the court goes about punishing these youth. That is why restorative justice should be a more common practice with juvenile offenders who have a history of abuse.

Restorative justice, as defined by Larry Siegel in the book *Criminology: The Core*, is “using humanistic, nonpunitive strategies to right wrongs and restore social harmony” (Siegel, 2017, p. G5). Essentially, this is the practice that emphasizes more rehabilitation and reparation over punishment and incarceration. Restorative justice is primarily comprised of three main elements according to the *Restorativejustice.org* website, those being encounter, repair, and transform (Prison Fellowship International, 2022).

The thought process behind these steps is that the criminal justice system must first encounter an offender, then ‘repair’ the offender by providing programs to ‘transform’ them into becoming productive members of society. This is especially important to do with juveniles, due to the need to intervene while there is still time for their impressionable minds to change. Without the positive intervention, juveniles are likely to develop a habit of criminal behavior,

and this can be difficult to deal with when the juveniles eventually become adults who are more set in their ways. This is verified by expert Nancy Calley (2012), who explains how nearly a third of general juvenile offenders will commit another crime within two years of being released back into society.

Knowing the definition of restorative justice, this leads to the question, why should the criminal justice system care about restorative justice for juveniles? The reason that the courts should care is due to restorative justice programs helping address many issues that directly impact how the courts are run. For example, many people believe that the prisons and jails are currently overcrowded, and that issue will not be addressed by continuing punitive justice where the primary goal is to imprison offenders. By incorporating restorative justice programs, recidivism is lowered which results in fewer people in jail. By lowering recidivism, the problem of court resources being stretched thin is also addressed. Beyond basic court functionality, there are still a multitude of problems that exist with the court's current punitive justice approach.

One of the current problems seen in the criminal justice system is the relationship between the authority figures in the court, and the children who are victims of abuse and neglect. When a child is a victim of abuse and neglect, it can impact the way they respond to and cooperate with people in positions of power. The book, *The Truth is Longer Than a Lie: Experiences of Abuse and Professional Interventions*, highlights and details the mindsets of children dealing with professionals by providing their testimony (Mudaly, 2006). The three types of professions that get mentioned in the book are social workers such as those working with Child Protective Services (CPS), police officers, and therapists, including school counselors.

Police officers tend to be the most criticized professionals in terms of how they interact with children who are victims of abuse. Since the current narrative in the criminal justice system

is “innocent until proven guilty,” the juvenile victims are presumed to be liars from the beginning. According to testimony from multiple victims of child sexual abuse, the victims were uncomfortable during their talks with police officers due to the professional setting and the invasive questions (Mudaly, 2006. p. 109). Being in a vulnerable mental state, as well as being less fully aware of what is happening, makes these juvenile victims not want to open up about their abuse in what they feel like to be an unwelcoming setting. Pair this with the fact that police officers also tend to be the face of punishment, and it is easy to see why these juveniles do not feel comfortable disclosing sensitive information to them.

Another problem that we are seeing currently take place is how these youth end up in the criminal justice system to begin with. Often, these children are victims of circumstance and will commit crimes due to simply not knowing any better. According to Janet Currie (2007) of the National Bureau of Economic Research, maltreatment of a child, such as abuse and neglect, will lead to the child being two times more likely to engage in criminal activity. Sometimes, a child will commit a crime just because they were raised believing that criminal behavior is okay. Harry Grammar, a restorative justice advocate, explained a situation relating to this topic in a TED Talk. Grammar explained how one of the juvenile offenders that he used to teach essentially related stealing to an act of love (Grammar, 2018). What occurred in this instance was that the offender’s mother stole toys from the store to give to him, so he grew up not viewing theft as harshly as other members of society. Eventually, this juvenile got arrested and convicted for the same crime that he grew up around and grew so numb to: stealing. When a child grows up consistently watching their parent/s partake in a particular behavior, they will often try to mimic that behavior. This is due to the child not knowing any better and wishing to please their parents, or whatever role model is present in their life.

The thought behind this idea is known as the social learning theory. According to expert Harold Jarche (2021), the concept of social learning theory is that people are likely to model their own behavior after those they look up to as a role model. That being the case, instead of the court placing harsh punishments on juveniles who grew up not knowing any better, the court should put in place programs to teach the juvenile how to appropriately act while still holding them accountable.

With there being so many current problems in the criminal justice system in terms of how the system handles juvenile offenders, restorative justice serves as an answer to these issues. One criticism of restorative justice is that some people feel as if it is 'too soft' on the offenders, but that is not true at all. According to the St. Louis Area Council on Restorative Justice (2022), offenders are held accountable by realizing the harm they have done and by being actively involved in repairing what damage they took part in causing. There is currently a narrative surrounding the criminal justice system which states incarceration is the only effective way to punish offenders. This is a flawed narrative because it fails to address the future of what happens when these offenders are eventually let out of imprisonment.

Restorative justice also serves as a double benefit by providing the victims of the crime with a sense of power by getting their input on how the offender should 'right their wrongs.' By including this openness of communication, it ultimately strengthens community relations with each party involved. When restorative justice programs implement practices such as community service, it gives the community a chance to witness the juvenile offenders being productive while facing the consequences of their actions. It also increases the offenders' relationship with the community by not having them be isolated by being incarcerated. According to Jill Suttie (2015), a psychologist, restorative justice is more effective than punitive justice in the sense of it

reducing recidivism while also costing less. This goes to show that there are many practical benefits that come with the inclusion of restorative justice programs.

Restorative justice has even gained popularity outside of the criminal justice system and has recently been used in many classrooms. Thomas Ryan, an expert in restorative justice, details that restorative justice is a practice that many teachers prefer based on not only its outcome, but also by being able to keep children in school (2015). Parallels can be drawn from this to 'real life.' By keeping juveniles in school, or in the criminal justice system's case, society, they stay on track to be successful while fixing their wrongs.

With restorative justice being beneficial to the court and participants as a whole, it is important to emphasize how it especially benefits abused juvenile offenders. By providing a safer and more constructive environment to hold juvenile offenders accountable for their actions, it could help limit any potential conflict that could arise. Compare that to the system's more punitive approach, and there are more risks and less constructive opportunities that could negatively impact the lives of every party involved. In terms of legal narrative, the criminal justice system currently has the idea that the best way to punish juvenile offenders is through jailtime, regardless of their history. Since this 'solution' has proven to be ineffective, a more modern approach is necessary.

In conclusion, there are much needed changes that must be made to the criminal justice system to ensure that justice is properly being served. Whether you look at it from an economic perspective or a humanistic perspective, there is sufficient evidence to support the narrative that restorative justice is more effective than punitive justice when dealing with juvenile offenders. Juveniles who suffer abuse and neglect do not need to be locked away in a cell; they need proactive figures in the criminal justice system and in their community to help them get set on

‘the right path.’ That is exactly why restorative justice should be a more common practice with juvenile offenders who have a history of abuse and neglect.

References

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