

***Trauma-Informed Juvenile Justice in the United States***

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Student Resource

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# Trauma-Informed Juvenile Justice in the United States

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## Chapter 1: A Framework for Trauma-Informed Juvenile Justice

### Learning Objectives

- Students will be able to identify the major argument of this book: that a trauma-informed approach to youth justice will make communities safer and more livable.
- Students will be able to explain how trauma affects juvenile offenders before and after coming into contact with the criminal justice system.
- Students will be able to describe the set of six core values for trauma-informed juvenile justice.
- Students will be able to evaluate justice frameworks and explain the significance of restorative justice.

### Key Terms

**Logical positivism** is an approach in the social sciences that emphasizes the importance of “objectivity.” It favours methods that retain a clear distance between researchers and “subjects,” “establishing mastery over subjects by demanding an absence of feelings, and enforcing the separateness of the knower from the known.”

**Participatory research** seeks to legitimize the voice, experiences, and knowledge of those who have traditionally been the “subjects” of research. It emphasizes working in tandem with those impacted by a particular social issue and together striving for social action and social change.

**Recidivism** is the act of reoffending, or for an offender to relapse into crime.

**Relational theory of justice** claims that the self only exists because of relationships and connections with others, and that justice processes must adopt a more community-minded stance. Crime is understood as a tear in the fabric of human relationships.

**Restorative justice** as defined by Howard Zehr is “a process to involve to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”

**Trauma** is an incident or event experienced in a way that causes so much stress that it overwhelms a person’s ability to cope. Trauma can also refer to an injury or wound, but in this text trauma is mostly talked about in the psychological sense.

**Trauma-informed** is a term that refers to bringing an awareness of the impacts of trauma to our work in youth justice. It also means that we shape interventions upon principles of trauma healing and restorative justice, instead of focusing on punishment. Fundamentally, this requires justice processes to foster resilience in young people.

### **Self-Assessment Questions**

1. How does the punitive nature of the juvenile justice system do a disservice to youth?
2. How does a trauma-informed approach to juvenile justice approach offenders differently than the criminal justice system? What impact does this trauma-informed approach have on offenders?
3. One of the core values of trauma-informed juvenile justice is participation. With this value in mind, why is it problematic that youth who experience homelessness and share information about their social realities with researchers may be viewed as less “knowledgeable” about their experiences than those who study them?
4. How does moving the work of juvenile justice in the direction of peacebuilding ultimately lead to a safer, more livable community?
5. According to Abe Oudshoorn, how does an unequal distribution of public resources lead to more equal health outcomes?
6. How do the questions that restorative justice asks differ from the questions asked by traditional criminal justice?

## Chapter 2: Theory of Trauma-Informed Juvenile Justice—Why Do Young People Commit Crimes?

### Learning Outcomes

- Students will be able to categorize various theoretical explanations for why youth commit crime.
- Students will be able to evaluate the limitations of biological, psychological, sociological, and criminological theories for explaining youth crime.
- Students will be able to relate how a trauma-informed theory best explains this behavior.
- Students will be able to appraise how trauma influences why young people commit crimes.

### Key Terms

**Cycle of violence** is an explanation for how violence tends to repeat from one generation to the next, as well as how once individuals use violence, they risk repeating it again in the future.

**Positivism** is a school of criminological thinking that relied on the ideas of Cesare Lombroso. It tried to use the scientific method of controlled experiments to differentiate between criminal and non-criminal people and behaviors. Positivists believed that criminals were inherently different from the rest of society.

**Psychology** is the study of mental life and its corresponding influence on how people choose to behave. With regards to explaining criminal behavior, psychological theories normally focus on the personality of the individual, alongside their behavior.

**Theory** is an explanation for why something is as it is. Beyond a hypothesis—or a guess—it is an explanation that has been tested, whether through empirical analysis, or by the lived experience of the theorist or those being observed.

**Utilitarianism** is the idea that policy and law should focus on increasing pleasure over pain. It is commonly associated with the thinking of Jeremy Bentham. He argued that punishments needed to be harsh enough to deter criminal acts, but remain sensible, in order to deter people from violating the law.

**Violence** is an action that violates, or harms, something or someone psychologically, physically, emotionally, spiritually, financially, or sexually. For our purposes, we are mostly talking about human violence, though the definition could extend to the environment and to other living creatures.

### **Self-Assessment Questions**

1. Of the psychological theories for criminality – psychoanalytic theory, behaviorism, social learning theory, and moral development theory – which sounds like the most plausible theory to you? What makes it more persuasive than the other theories?
2. Of the sociological/criminological theories for criminality – social disorganization theory, strain theory, differential association theory, social control/bond theory, life-course theory, subculture of violence theory, techniques of neutralization, and critical theories and multiple marginality – which sounds like the least plausible theory to you? What makes it less persuasive than the other theories?
3. Richard Rohr stated that “pain that is not transformed is transferred.” What is the implication of this statement within the context of the juvenile justice system?
4. How is a cycle of violence theory effective in explaining why young people come into contact with the juvenile justice system?
5. Why is it important that a trauma-informed approach to juvenile justice be feminist, anti-racist, and about peacemaking?
6. What is revealed about the justice system when we ask ourselves who is benefiting from the “war on crime” and “tough on criminals” approaches?

## Chapter 3: Understanding Individual Trauma

### Learning Outcomes

- Students will be able to define trauma and identify some of its different forms.
- Students will be able to illustrate the physical, emotional, behavioral, and worldview impacts of trauma.
- Students will be able to identify the physical impact of trauma on the brain and body.
- Students will be able to discuss the connection between trauma and certain mental health challenges.
- Students will be able to assess the relationship between trauma and addiction.
- Students will be able to explain the importance of attachment theory and its influence on victims of trauma.

### Key Terms

**An addiction** is a repeated behavior that a person feels compelled to persist in even when it brings harm to self, others, or both.

**Attachment** is the biological process of how human beings, particularly young children, bond with caregivers.

**Declarative** is the quality of being consciously aware of fact and events, as in memory.

**Dissociation** is mentally going to another place in one's mind while the body remains present.

**A flashback** is when the memory of a traumatic experience comes back as a "flash," putting the person (back) into a state of fear.

**Hyperarousal** is a physiological state of increased fear—fight or flight—or anxiety that a traumatic event will happen again.

**Procedural memory** allows people to develop habits so that less effort is necessary in recalling activities that are often repeated.

**Shame** is a feeling that one is not worthy of love or belonging. It makes a person feel that they are fundamentally flawed.

**A trigger** is a sensory reminder of an experience of trauma, typically outside of the survivor's ability to control.

### **Self-Assessment Questions**

1. What is the difference between trauma and stress?
2. What are the implications for a trauma survivor of being in a constant state of hyperarousal?
3. How does trauma impact a person's memory?
4. How do the symptoms of post-traumatic stress disorder and dissociative identity disorder help a trauma survivor to avoid revictimization?
5. How could an understanding that addiction is not about substances, but rather about pre-existing vulnerabilities due to some form of trauma, affect the way society views people who are addicted to drugs and other substances?
6. When trauma disrupts the attachments that connect individuals with others, what impacts does this have on those individuals?

## Chapter 4: Collective Trauma, White Supremacy, and Male Violence

### Learning Outcomes

- Students will be able to evaluate how colonialism, racism, and male violence cause young people to commit crimes.
- Students will be able to analyze how collective trauma affects entire communities, as well as individuals.
- Students will be able to explain how racism is a root cause of why African American, Latino, and Native American youth are overrepresented in juvenile justice.
- Students will be able to predict whether a person's gender will result in a higher propensity for crime.
- Students will be able to recognize the insidious political agenda within the history of collective trauma.
- Students will be able to illustrate the consequences of collective trauma on multiple generations.

### Key Terms

**Attachment insecurity** is “any set of psychological factors that have anxiety or fear as a component affect of intimacy.” It is often considered a key predictor for intimate partner violence. It is also normally the result of childhood trauma.

**Collective trauma** is the harm that traumatizes a group of people, whether a family, a community, or a nation.

**Etiology** is the study of the cause of something.

**Hegemonic masculinity** refers to one type of hegemony, which is a dominant system that controls others. When connecting this with masculinity, it means that there is a particular type of masculinity that is reinforced through various social institutions, like education, religion, work, family, and so on.

**Patriarchy** is “a system of male domination that includes both a structure and an ideology that privileges men over women.”

### **Self-Assessment Questions**

1. Oudshoorn states that he wrestled with what to call this chapter. He ended up changing the word “racism” in an earlier version to “white supremacy” in this version, and “patriarchy” was changed to “male violence”. Why do you think it was important to Oudshoorn to be more specific with those terms in the updated title?
2. How is it that traumas experienced in previous generations can still impact the current generation?
3. Why is collective trauma a social phenomenon?
4. How is yesterday’s enslavement of African Americans being repeated in today’s criminal justice system?
5. What are the ramifications of our society’s hegemonic form of masculinity? When can men do to alter the script of hegemonic masculinity?
6. What is the insidious political agenda that emerges as the history of trauma studies is explored?

## Chapter 5: Prison, Risk, and Punishment—A Trauma-Inducing Justice System

### Learning Outcomes

- Students will be able to describe the iatrogenic nature of current youth justice practices.
- Students will be able to explain how interaction with the youth justice system is more likely to lead a young offender to reoffend.
- Students will be able to identify the ways in which young people are negatively impacted by incarceration.
- Students will be able to evaluate the use of risk assessment for young offenders.
- Students will be able to demonstrate how retribution is inconsistent with justice.

### Key terms

**Equality** is the idea that everyone deserves the same amount or the same treatment.

**Equity** is a similar concept to that of equality but takes into account prior circumstances. It attempts to allow room for those on the margins.

**Fairness** is evoked in the idea of balance, tipping the scales of justice away from the offenders and toward the victims and the community.

**Multiple regression analysis** is a type of statistical research in which data collected about the variables is randomly sampled a number of times in order to create a statistical model. This allows a researcher to use sample data to make inferences about the properties of a population.

**Normative**, as used in the law, means establishing or relating to a standard of how things should or ought to be.

**Punishment** is the deliberate infliction of pain.

**Risk assessment** is the use of actuarial tools by criminal justice system professionals to predict whether a young person will reoffend in the future. One of the primary purposes of risk assessment is to create a correctional plan for a young person, based on criminogenic needs.

### **Self-Assessment Questions**

1. With punishment being a dominant motivator in the criminal justice system, it might sound absurd to say that it is better to do nothing to a juvenile offender than to intervene. However, how does a closer examination of the prison system reveal this to be true?
2. How does the juvenile justice system fail to keep communities safe? How does a trauma-informed approach to juvenile justice more effectively address the issues of healing and creating livable communities?
3. Fyodor Dostoyevsky stated that “The degree of civilization in a society can be judged by entering its prisons.” How might Dostoyevsky judge our society if he were to enter our prisons today?
4. How does solitary confinement cause brain damage?
5. What are the main problems with an overemphasis on risk?
6. Given the iatrogenic nature of current justice practices and the fact that victims feel revictimized by the justice system, why do you think we continue to carry out justice in the way we do?

## Chapter 6: Restorative Justice—The Worldview of Trauma-Informed Juvenile Justice

### Learning Outcomes

- Students will be able to recommend cases where a restorative justice framework is most appropriate.
- Students will be able to describe the practices that are central to trauma-informed juvenile justice.
- Students will be able to apply the theoretical frameworks of trauma-informed juvenile justice to case examples.
- Students will be able to identify how restorative justice offers better options for both victims and offenders.
- Students will be able to explain how Indigenous and Mennonite ideas inform restorative justice practices.

### Key terms

**Neurogenesis** is the development of new neural pathways: brain regeneration.

Neuroscientist Daniel Reisel researches how restorative justice processes allow for neurogenesis to occur.

**Relational theory** is a way of thinking premised on the idea that self-identity can only be defined in relation to others; that is, human beings are fundamentally relational creatures. Relational theory as applied to justice considers the individual in the context of relationships.

**Remorse** is to feel sorry for harm done to others. It is a central component of victim accountability as part of restorative justice, but must be accompanied by changed behavior.

**Restorative justice** is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible (as defined by Howard Zehr).

### **Self-Assessment Questions**

1. How does a restorative justice approach address the needs of the victim?
2. How is a community affected when a crime is committed?
3. What parts of restorative justice practices have been adopted from Indigenous traditions? What parts have been inspired by Mennonite values?
4. How is it that peacemaking Circles end up being transformative processes?
5. For a youth who has committed a crime, how can family group conferencing potentially lead to better outcomes for everyone involved than incarceration?
6. Of the critiques of restorative justice mentioned by Oudshoorn, which one is most concerning to you? How would you go about addressing it?

## Chapter 7: Juvenile Justice as Trauma-Informed Care

### Learning Outcomes

- Students will be able to identify and explain the methods and goals of trauma-informed care.
- Students will be able to recognize the importance of establishing safe and healthy relationships for trauma survivors.
- Students will be able to implement innovative solutions to help trauma survivors re-establish a sense of safety.
- Students will be able to demonstrate methods for the application of trauma-informed care in criminal justice.

### Key terms

**Accountability** is an obligation or willingness to accept responsibility or to account for one's actions. In restorative justice, accountability means to take responsibility for harmful behavior, including taking steps to repair damage.

**Appreciative Inquiry (AI)** is a participatory way of advancing the strengths of an organization. It argues that what we focus on becomes our reality. The more we focus on the positive, the more energy will be available for advancement.

**Comprehensive** means to affect the whole person. Howard Zehr sees crime victimization as comprehensive, creating a crisis of self-image, a crisis of meaning, and a crisis of relationship.

**Empathy** is feeling concern *with* another person. It's about trying to step into the shoes of another person and working toward feeling their hurt.

**Resilience** is a person's capacity to deal with stress and adversity. Resilience is a process, not a character trait.

**Strengths-based care** considers what is "right" with the person, not what is "wrong." It is about both internal and external resources. It has been shown to improve well-being through the development of positive self-regard, creativity, and affirmation.

**Trauma-informed care** is supporting people toward healing by understanding how they may be impacted by trauma, and by implementing practices that do no further harm.

### **Self-Assessment Questions**

1. Why is fostering resilience in the survivors of trauma a fundamental shift that is needed in youth justice?
2. When working with trauma survivors, what steps can be taken to re-establish a sense of safety?
3. How can trauma victims move from the comprehensive victimization of crime toward healing?
4. How do care, accountability, and incapacitation work together in a trauma-informed approach to offenders?
5. What did the Mother-Child Program at the Grand Valley Institution for Women teach the participants about dealing with people who are incarcerated and who have been traumatized?
6. Why do you think trauma expert Caroline Yoder calls forgiveness “an obscene word?”

## Chapter 8: Trauma-Informed Prevention—Ending Cycles of Violence

### Learning Outcomes

- Students will be able to discuss ways to address the root cause of White supremacy.
- Students will be able to explain what rule of law means.
- Students will be able to demonstrate methods of trauma-informed prevention, including reparations, decolonization, community ownership in juvenile criminal justice, and dismantling patriarchy.
- Students will be able to identify how the tireless work of many advocates can allow people to move from despair to hope.

### Key terms

**Decolonization** is the process of dismantling systems of colonialism. Examples include: honoring two row wampum treaties, returning Indigenous lands, recognizing Indigenous sovereignty, and so on.

**The *Gladue* principle** is a Canadian legal concept which permits judges to consider Indigenous heritage when sentencing. While a welcome change, it has done nothing to lower the incarceration rates for Indigenous youth in Canada.

**Legal pluralism** refers to multiple legal realities coexisting in one society. The argument in this book is that youth justice with Indigenous peoples must recognize a legal plurality.

***Mino-pimatisiwin*** is a Cree term for seeking the good life, being on a healing path, or the “red road.”

***P'madaziwin*** is an Ojibway word that refers to living life in the fullest sense in health, longevity, and well-being, personally and for your family.

### **Self-Assessment Questions**

1. What are the ways in which rule of law has been shown to have failed? What does this tell us about rule of law? What does this tell us about our democracy? How could keeping a critical eye on who is writing law, as well as on who is enforcing it, help to re-establish rule of law as it was meant to be?
2. Why do you think Martin Luther King Jr.'s focus on repair is a part of his philosophy that is "conveniently ignored?"
3. As complex a process as it might be, why is it still vitally important for the healing of collective trauma that North Americans work toward decolonization?
4. How is the violence of those "at the top" of a civilized hierarchy viewed differently than the violence of those "at the bottom?" What is problematic about this difference in viewpoints?
5. How would trauma-informed policing address the problems with our current policing model?
6. When dealing with people who have offended sexually, why is it vital to provide them with support and accountability, with education regarding male violence, and with ways to reintegrate with their communities?

## Chapter 9: Victim-Centered Justice

### Learning Outcomes

- Students will be able to explain how victims are traditionally sidelined in justice processes.
- Students will be able to assess how the victim movement has worked to put victims' needs at the center of justice processes.
- Students will be able to hear how survivors have experienced the criminal justice system.
- Students will be able to identify what survivors need from the criminal justice system.
- Students will be able to empower victims through restorative justice practices.

### Key terms

**Conflict as property** is an idea proposed by criminologist Nils Christie that conflict is something that's owned by individuals or communities. When we professionalize justice, as we do in the criminal justice system, we give this property away. Christie argues that communities should retain ownership of their conflicts.

**Self-Help Theory** is a way to explain why people surrender control of private conflicts to the state. It claims that without a state, or a sovereign, conflicts will only be solved using endless acts of private vengeance. The state provides law, and thus controls the means to vengeance.

**Social Contract Theory** is a way to explain why people surrender control of private conflicts to the state. It suggests they do so for the sake of security, and on the assumption that rational people will all agree to obey laws.

**A social movement** is a group of people banding together to advocate or work toward a particular cause.

**The victim movement** is a social movement concerned with the continued injustice experienced by victims of crime even after a crime has been committed. It became popular in the late 1960s and early 1970s.

**Victimology** is the study of victims and their experiences with the criminal justice system.

### **Self-Assessment Questions**

1. What is lost when the state occupies the place of victims and vengeance/punishment becomes the primary concern?
2. In the case story presented on pages 194-197, what were the ways in which the victim was disempowered?
3. What is the experience of victims in a restorative justice setting versus a “conflict as property” approach?
4. Within the victim movement, how do the “United States model” and the “European model” differ? How are they similar?
5. When examining the things that survivors need from justice, how do those needs differ from their experiences of the justice system?
6. The first task of trauma-informed juvenile justice is to help people who have been hurt work toward healing. How do restorative justice practices do this?

## **Conclusion: Principles of Trauma-Informed Juvenile Justice**

### **Learning Outcomes**

- Students will be able to explain our addiction to punishment and our need for harm reduction.
- Students will be able to identify and employ the set of five principles for trauma-informed juvenile justice.
- Students will be able to consider some of the limitations of the text.
- Students will be able to understand that empathy and kindness within the context of relationships is what will lead to change.

### **Key term**

A **paradigm** is a distinct pattern of thought.

### **Self-Assessment Questions**

1. Why is our society addicted to punishment?
2. Why is a “harm reduction” approach needed within the justice system?
3. What do you see as being your role within the justice system?
4. Of Oudshoorn’s five principles of trauma-informed juvenile justice, which do you think presents the biggest challenge? What do you think is a first step that could be taken toward enacting that principle?
5. Besides the starting point of a wrongdoing that has occurred, what other commonalities might be found between the otherwise opposing viewpoints of a punishment paradigm and a restorative justice paradigm?
6. How do empathy and kindness fit within the context of criminal justice?

## Self-Assessment Questions Page References

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1. See pages 1-2.
2. See pages 2-4.
3. See pages 8-11.
4. See pages 11-13.
5. See pages 14-15.
6. See pages 17-18.

### **Chapter 2: Theory of Trauma-Informed Juvenile Justice—Why Do Young People Commit Crimes?**

1. See pages 26-28.
2. See pages 28-32.
3. See pages 32-35.
4. See pages 35-40.
5. See pages 40-43.
6. See pages 42-43.

### **Chapter 3: Understanding Individual Trauma**

1. See page 47.
2. See pages 32, 55-56, 58, 60-61.
3. See pages 50-53, 55-57, 59.
4. See pages 54-59.
5. See pages 55-57, 60-61.
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### **Chapter 4: Collective Trauma, White Supremacy, and Male Violence**

1. See pages 67-68.
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### **Chapter 5: Prison, Risk, and Punishment—A Trauma-Inducing Justice System**

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2. See pages 95-97, 113-115.
3. See pages 97-105.
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### **Chapter 6: Restorative Justice—The Worldview of Trauma-Informed Juvenile Justice**

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### **Chapter 7: Juvenile Justice as Trauma-Informed Care**

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### **Chapter 8: Trauma-Informed Prevention—Ending Cycles of Violence**

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2. See pages 169-171.
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4. See pages 173-174.
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## **Chapter 9: Victim-Centered Justice**

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2. See pages 194-197.
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4. See page 200.
5. See pages 204-207.
6. See pages 202-203, 207-208.

## **Conclusion: Principles of Trauma-Informed Juvenile Justice**

See pages 1-210, and also...

1. See page 211.
2. See page 211.
3. See page 212.
4. See pages 213-216.
5. See pages 217-218.
6. See page 220.