



TRAUMA & TRANSFORMATIVE JUSTICE

Healing Trauma vs. Punishing Trauma

Presenter
Don Carney

TRAUMA-INFORMED CARE:
RESEARCH TO PRACTICE
2020 VIRTUAL REGIONAL TRAINING

WHY DO WE PUNISH BEHAVIOR RESULTING FROM TRAUMA?

Our culture default for problematic behavior is punishment resulting in the phenomena of “blaming the victim,” the concept of “boot strapping,” and the punishment of trauma behavior.

“There is broad recognition among justice stakeholders that traditional criminal courts, rooted in adversarial prosecution and punishment, are not working for certain classes of offenders, their victims, or society at large.”

DRIVERS OF JUVENILE CRIME

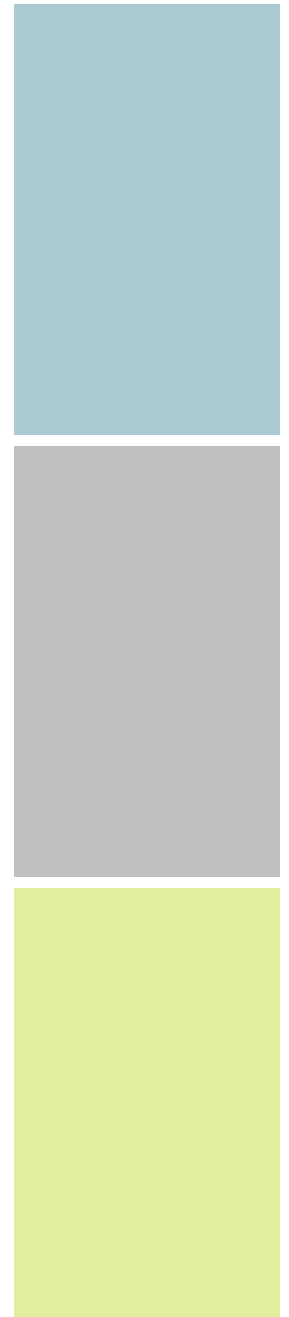
Youth who have experienced Adverse Childhood Experiences (ACEs) can suffer from toxic trauma.

“More than two-thirds of youth involved with law enforcement or juvenile justice have complex histories of interpersonal trauma, including exposure to neglect, emotional, physical, and sexual abuse, family and community violence, traumatic losses, and disrupted relationships with primary caregivers.”

INTEGRATING TRAUMA-INFORMED APPROACH IN YOUTH COURTS



PREVENTION FOCUSED
TRAUMA-INFORMED CARE
MARIN COUNTY YOUTH COURT



PUNITIVE VS. RESTORATIVE TERMINOLOGY



Punitive

- Punishment for crime
- Criminal offence
- Judge
- Prosecution Attorney
- Defense Attorney
- Dispositional sentence
- Judging
- Community isolation

Restorative

- Accountability, repair of harm
- Poor choice
- Facilitator
- Community Advocate
- Client Advocate
- Restorative Plan
- Supporting
- Community inclusion

MARIN COUNTY YOUTH COURT



- Addresses zero tolerance expulsions
- Keeps youth in school and out of the juvenile system
- Disrupts the school to prison pipeline
- Models collaborative, restorative, and trauma-informed jurisprudence

YOUTH COURT MODELS

Adversarial Format

- One-sided advocacy
- Prosecution focus on aggravating factors to increase sentence
- Defense focus on mitigating factors to decrease sentence
- Sentencing excludes client's input

Non-Adversarial Format

- Single advocate represents client and community
- Advocate focus on accountability for harm done and how to repair the harm and the relationships impacted
- Restorative trauma-informed response based on youth's strengths
- Develop restorative plan **with** the youth

YOUTH COURT OUTCOMES: 2004 - 2020



- 1,300 youth diverted from the Juvenile Justice system
- 95% successful program completion rate
- 7% Recidivism rate after program completion
- 27,000 community engagement hours completed
- 1,575 youth volunteers

YOUTH COURT OUTCOMES: 2004 - 2020



- Amending Marin's Social Host Ordinance to include a restorative response and sliding fine schedule based on family income
- Collaborating with community prevention groups to stop the licensing of retail recreational cannabis shops in every Marin County jurisdiction

BEFORE THE HEARING



- Highly descriptive intake process emphasizing restorative practices and youth agency. Focus is on connecting first.
- Parent and teen encouraged to observe a Youth Court proceeding before their hearing.
- Restorative trauma-informed training for Advocates and Jurors.
- Pre-hearing Restorative Conference with Advocate
- Parameters of the Restorative Plan are co-created by the Advocate and the Respondent

DURING THE HEARING



- Non-adversarial, collaborative, and restorative problem-solving hearing process.
- Parent is not permitted in court during the hearing.
- The jurors don't judge; they interview, connect with, identify strengths, and support the respondent.

DURING THE HEARING



Peer Jurors are instructed to ask questions about...

- The issue that got them referred to the Youth Court
- Their peer group
- Their relationship with the adults at school
- How they feel about their grades
- School extracurricular activities
- Out of school interests
- Family life – Whom do they live with? Siblings?
- Do they have adults they trust, talk to, and rely on?
- Self-perceived strengths

DURING THE HEARING



- The Restorative Plan addresses the harm done and the relationships impacted. Current needs of the whole child are matched with resources in the community.
- The jury may go outside of the parameters of the Restorative Plan if they get the agreement of the Respondent and the Advocate.
- Jury foreperson explains the reasoning behind the Restorative Plan to the Respondent before the Bailiff publishes the decision.

AFTER THE HEARING



- Volunteer Case Managers support successful Restorative Plan completion
- Strength-based community engagement is identified
- Alcohol and drug safety skills harm reduction training
 - One 6-hour group family session
 - Three 2-hour teen group sessions
- Youth Court graduates are incorporated into the Youth Court community and are encouraged to take leadership roles

HOW WE GOT HERE



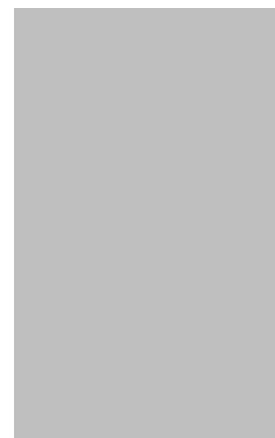
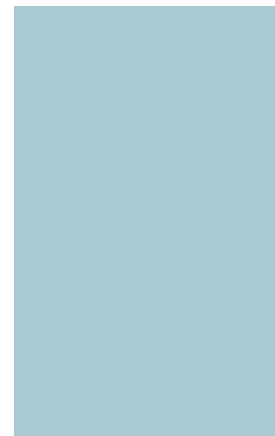
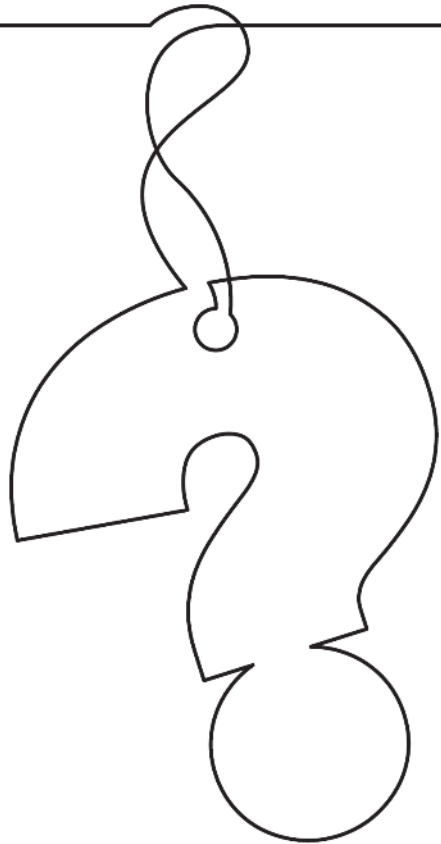
- Collecting and paying attention to our program data.
- Keeping up with pertinent literature and research.
- Consistent program re-evaluation and improvement.
- Approaching the work as a “Participatory Action Research Project” in partnership with our youth.
- Encouraging our youth to share ideas and suggest changes in the program.
- Respecting the authentic agency and capacity of young people.



**“Do not judge me by my success,
judge me by how many times I
fell down and got back up again.”**

— Nelson Mandela

QUESTIONS



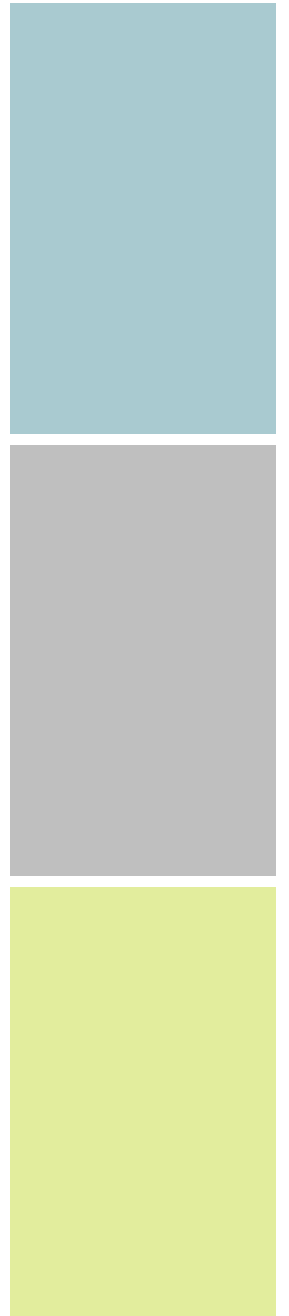
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