



# Trauma-Informed Juvenile Justice

## Shifting Gears to Realize Better Outcomes For All

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# Adolescent Brain Architecture

The brain's basic architecture is constructed through an ongoing process that begins before birth and continues into adulthood. Trauma and adversity along the way disrupts and negatively impacts brain development (Shonkoff et al., 2012). Adolescence is a time of particularly intense brain-building, when children's brains are adjusting to meet the changing cognitive, emotional and social expectations and requirements that come with adulthood (Dahl, 2004). During this time, the skills and abilities young people need for strong brain functioning as adults are wired through a few key developments:

- ✓ A period of rapid neural growth occurs in the *prefrontal cortex*. This part of the brain sits just behind the forehead and governs executive function and self-regulation skills, including the ability to focus attention, organize, problem solve, plan ahead, and adjust to new circumstances (Giedd et al., 1999).
- ✓ The brain *strengthens* neural connections that are used most often and *prunes away* those that aren't used as frequently, much like the pruning of a tree – by cutting back weak branches, others flourish. Some pruning begins early, but it reaches its peak during adolescence (Giedd et al., 1999; Siegel, 2015).
- ✓ The *corpus callosum*, which relays information between the brain's hemispheres, grows through a process called *integration*, resulting in decreased impulsivity, better judgment and increased self-regulation skills (Siegel, 2015).

## The Dangers of Detention

Because the adolescent brain is a work in progress, young people are still developing their capacity to make decisions, set priorities and self-regulate. As a result, behavior problems and incidents of rule-breaking are normal and developmentally appropriate and may result in involvement with law enforcement (Espinosa, Sorensen, & Lopez, 2013). But research suggests intervention by the juvenile justice system during this critical period – particularly the use of detention – may negatively impact youth for several reasons.

*“There is much more to do if we are to develop systems that treat children who are in trouble with the law the way we would want our own children treated.”*

– Bart Lubow, Juvenile Detention Alternatives Initiative, Annie E. Casey Foundation



**Detention Exacerbates Trauma:** Because of the effect of trauma and adversity on brain development, adolescents with trauma histories are more likely to be involved in the juvenile justice system (Dierkhising et al., 2013). Detention can be particularly counterproductive for these youth, who are more likely to read their environment as threatening, respond with aggressive behavior and distance themselves from others, all in an effort to self-protect (Pickens, 2016).



**Detention Intensifies Mental Health Problems:** Youth with adverse childhood experiences are at higher risk for mental health problems, behavioral problems and substance abuse (Buffington, Dierkhising, & Marsh, 2010). In detention, young people with these challenges get worse, not better, because they have even less access to effective services and supportive adult relationships (Holman & Ziedenberg, 2006).



**Detention Limits Access to Education:** As adolescents' brains grow and adapt to new challenges, the support available to them has a lasting effect on their capacity to build resilience and develop into healthy adults and responsible citizens (Schore, 2011). Detention decreases access to education and community resources, and subsequently reduces the success of formerly detained youth in the labor market (Holman & Ziedenberg, 2006).



**Detention Increases Recidivism:** While detention centers are intended to temporarily hold youth who are considered high-risk, low-risk and nonviolent youth are often detained alongside those who have committed more serious and violent offenses (Holman & Ziedenberg, 2006). Congregating youth together in detention can actually worsen behavior and increase the likelihood they will re-offend (Holman & Ziedenberg, 2006; Austin, Johnson, & Weitzer, 2005).



**Detention Disproportionately Targets Youth of Color:** In many communities, youth of color are overrepresented in juvenile detention and the greatest inequities are found in the least serious offense categories (Hartney & Silva, 2007). The causes of this disparity are rooted in some of our nation's deepest social problems, which play out in key decision-making points in the juvenile justice system (Holman & Ziedenberg, 2006).

# Trauma-Informed Recommendations and Alternatives

Think about how a bicycle is more effective when it uses different gears for different terrains. The same is true for how we respond when young people are involved in the juvenile justice system. We have been over-using the detention gear for juveniles with an array of needs and varying circumstances, even though detention doesn't address external factors like trauma or unsafe environments.



Particularly for adolescents who have faced significant adversity or are in need of mental health services, detention is the wrong gear and can derail their progress at a critical time in their brain development, with long-term implications. We need to shift gears and prioritize research-based alternatives to juvenile detention that recognize the unique needs of youth so they can get the help they need to grow into healthy, engaged adults. Experts recommend several strategies that will result in better outcomes for young people and for society as a whole:

**Ensure the juvenile justice system becomes more trauma-informed.** Youth who have experienced trauma are often hypervigilant and easily triggered. System-level changes are needed to improve a sense of safety, reduce exposure to traumatic reminders, and equip youth with tools to cope with traumatic stress (Buffington, Dierkhising, & Marsh, 2010).

**Use evidence-based assessments and interventions for trauma.** Often youth with multiple adverse childhood experiences are misdiagnosed with behavioral disorders and their treatment does not address underlying trauma. To increase positive outcomes and maximize resources, we should use evidence-based assessments to make accurate diagnoses that inform appropriate treatment for trauma-exposed youth (Buffington, Dierkhising, & Marsh, 2010).

**Use rigorous data collection methods.** Data should be used both to ensure the effectiveness of trauma-informed programs and to guide objective decision-making (Buffington, Dierkhising, & Marsh, 2010; Annie E. Casey Foundation, 2018). For example, we can combat racial disparities by examining data to identify practices that may disadvantage youth of color and pursuing strategies to ensure a more level playing field (Annie E. Casey Foundation, 2018).

**Partner with caregivers to increase family involvement.** Young people without family support are at higher risk of violence and prolonged court involvement. Moreover, research on resiliency suggests youth are more likely to overcome adversities when they have caring adults in their lives. Across systems, we should work to meaningfully engage biological and foster parents, extended families, kinship caregivers and adoptive families, and educate them about brain development, trauma and community resources (Buffington, Dierkhising, & Marsh, 2010).

**Reduce the number of youth in detention.** Instead of detaining youth for technical violations of probation rules, violations of valid court orders, or minor offenses, programs and services should be provided to address concerning behaviors (Annie E. Casey Foundation, 2018; American Bar Association, 2017). One such initiative is the School House Adjustment Program Enterprise (SHAPE) in Memphis. Within the schools they serve, SHAPE has worked in collaboration with gang reduction programs, truancy interventions, and other programs to decrease the number of students detained for minor offenses at Juvenile Court by 95 percent since its inception in 2007 (James-Garner, 2018).

**Utilize intensive supervision as an alternative to secure detention.** For more serious offenses, we should invest in strategies that hold youth accountable but keep them out of secure detention. The Office of Juvenile Justice and Delinquency Prevention recommends several empirically supported strategies including home detention, electronic monitoring, day and evening reporting centers and skills training programs, all of which provide intensive supervision while allowing youth and their families to access needed services (Austin, Johnson, & Weitzer, 2005).

**Promote increased collaboration between systems.** This means trauma-informed juvenile court officials, prosecutors, defense attorneys, law enforcement, schools, community organizations and advocates sharing information and working together to ensure children and families get the services they need (Annie E. Casey Foundation, 2018).

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