

RESTORATIVE JUSTICE, DESISTANCE, AND TRAUMA-INFORMED PRACTICE IN THE YOUTH JUSTICE SYSTEM

ADNAN MOUHIDDIN
Coventry University

JACK ADAMS
David Game Higher Education

Abstract

Trauma-informed practice involves understanding the impact of trauma on an individual's life and how trauma has a direct impact on behaviour. It is an approach that has been implemented in various sectors such as education, health and the justice system. There appears to be a direct link between trauma and crime whereby the majority of those who offend in the UK have experienced trauma such as abuse and neglect during their childhood or adult life. It follows, therefore, that it is vital for trauma-informed practice to be implemented in the justice system as this may enable the future desistance of offenders and consequently reduce crime. Using restorative justice as an approach, this article will demonstrate the impact of trauma-informed practice on offending. This article, therefore, explores key principles around restorative justice and examines how trauma-informed practice that adopts a restorative approach may tackle issues around the wellbeing of young offenders and their desistance as well as the victims of their offending behaviour.

Keywords: restorative justice; trauma-informed practice; justice system; desistance; deviance; young people.

[A] INTRODUCTION

In 2000, Lader and colleagues (2000) reported that 95% of young offenders in England and Wales suffer from mental disorders. Since 2011, first-time entrants to the youth justice system in England and Wales have fallen by over 80%; the number of children in custody at any one time of the year has fallen to its lowest level and the number of young people reoffending has decreased for the sixth consecutive year (Youth Justice Board 2022). At a glance, these numbers appear to present recent

successful penal reform as they suggest that those who can be are being diverted from offending or custody. However, these numbers also reveal a group of persistent young offenders with extremely complex backgrounds and needs which have not been and will not be met by employing traditional offender and offence-oriented youth justice measures. Johns and colleagues (2016) argue that such measures result in risk-based models that are constructed as a result of our general understanding of risk factors—which tend to be psychosocial and thus individualistic. By employing models on the basis of individual risk factors, a very narrow view of the young person concerned is constructed which ignores the wider historical and structural context of their lives and which also risks missing a valuable opportunity to enable their desistance from crime. In this article, we discuss the role of restorative justice in a trauma-informed practice within the youth justice system and the way in which restorative justice enables the desistance of young offenders.

[B] TRAUMA-INFORMED PRACTICE

The traditional approach to juvenile offending in England and Wales is reactionary and punitive in nature, which assumes that a *slight* modification to the adult justice system will deter young people from committing crime. However, this traditional approach has to be questioned when considering the historical and structural context of offenders, particularly those with adverse childhood experiences (ACEs). In 2016, Public Health Wales published its first study of ACE which defined it as traumatic events in early childhood that impact the wellbeing of people in later life. Such traumatic events range from suffering abuse, parental separation or growing up in a household where substance misuse or domestic violence is present. The study found that almost half (47%) of adults in Wales had suffered at least one of these ACEs and 14% had suffered at least four. The long-term physical and mental health implications of people who have experienced adverse events during their childhood have been well documented, particularly since the CDC-Kaiser study by Felitti and colleagues (1998), but children who suffer ACEs are also more likely to develop poor behavioural outcomes as well, such as performing badly at school and later becoming involved in crime. Such behavioural implications are not limited to the exposed individual either, as ACEs have been found to be intergenerational (Lê-Scherban & Ors 2018) whereby anti-social behaviour is passed down through generations as a result of trauma.

Young people with ACEs need positive interactions with adults, which must be at the heart of achieving desistance.¹ When a youth enters the juvenile justice system they enter what Baglivio and colleagues (2014) describe as secondary intervention which requires a trauma-informed care tool of asking ‘What happened to you?’ rather than ‘What’s wrong with you?’ which is what the traditional justice system tends to imply whereby the state assumes itself as the primary victim of the offence, whether committed by an adult or a young person. In this ‘secondary intervention’, the young person endures the ceremonial justice which enforces and demonstrates the state’s sovereignty rather than concerns regarding the wellbeing of the young offender and their crime victim (Foucault 1977).

While the background of young offenders plays a role in determining and measuring the appropriate punishment, little attention is paid to considering such a background regarding their desistance. In this process of justice, many young offenders suffer trauma that makes them susceptible to environmental triggers—and it is as if many of the traditional criminal justice agents are the perfect stimuli to trigger trauma and its associated behaviours, such as interrogation, intimidation, bright lights, periods of isolation and threats of violence (Kemshall 2003). When these triggers are activated, producing adverse behavioural outcomes, it undermines the notion of positive adult–youth interactions as it signifies to young people that they are dangerous and to be feared. This further erodes the young person’s sense of self and positive self-image (Goffman 1990). Primary intervention or prevention (Baglivio & Ors 2014) emphasizes improved youth life circumstances to prevent criminal behaviour and involves the young person, their parents and/or caregivers, the school, health professionals and law enforcement. This would be beneficial because a desistance paradigm would be better informed if we provided young offenders with the opportunity to guide us, and if we ‘listened to what they think might best fit their individual struggles out of crime, rather than continue to insist that our solutions are their salvation’ (Porporino 2010, cited in Maruna & Lebel 2010: 68). So instead of relying on an individual tale which stems from personal experience as a narrative for ‘what works’, the question should be about the evidence and what it says (Sherman 2002: 221–222). Reoffending rates and programme assessment tools remain the primary parameter in the justice system to measure whether a preventive approach is working or not. Here, mechanism and implementation issues could be missed by merely focusing on the design

¹ Desistance from crime was defined by Rocque & Ors as ‘the process of decreasing the frequency of and/or seriousness of criminal and antisocial behaviour over time, ultimately concluding with cessation from such conduct’ (2017: 184).

and the outcome of any given programme (Fielding & Ors 2019). For this reason, and instead of what works, which often is the wrong question to ask (Ward & Maruna 2007), other questions such as how it works, where it works and when it works should be considered.

The increased awareness of the often re-traumatizing experiences of incarceration has seen a shift towards a more trauma-informed approach to the way in which the criminal justice system operates. However, less attention is attributed to a trauma-informed and trauma-specific approach that juvenile justice stakeholders can take to mitigate trauma throughout the criminal justice process by using community-based restorative justice programmes to achieve desistance and avoid the revolving door of ACEs, crime and incarceration. Branson and colleagues (2017) argue that the adverse experiences that some young people may have in the juvenile justice system can be reduced by restorative justice programmes and this increases the community and social connections young offenders need so as to recognize the consequences of their offending and be accountable for it. Compared to the traditional, retributive juvenile justice responses, restorative justice programmes teach young people conflict resolution by building social skills to make amends through dialogue with an adversary, thereby reducing recidivism among participants. This is particularly important when considering the association between multiple ACEs and violence. Public Health Wales (2016) found that, compared to prisoners with no ACEs, those with four or more are three times more likely to have been convicted of violence against the person. This demonstrates an acute need for juvenile justice stakeholders to ensure that those with ACEs are supported to cope with their experiences and are not retraumatized by punitive justice measures.

More recent research in this field also indicates an interlink between traumatic experiences and criminal behaviour (Moore 2022), revealing that offenders present a higher prevalence of post-traumatic stress disorder (Ardino 2012; Winningham & Ors 2019; Lefebvre & Ors 2021). It also suggests that criminal conduct could be both more widespread and more extensive among mentally ill individuals (Raman & Ors 2021). This chimes with a considerable body of literature which has documented the relationship between trauma and child abuse and subsequent aggressive and criminal acts (Cocozza & Skowrya 2007). Having said that, the relationship between mental disorders and crime should be approached with caution. While not every young person with mental illness is a prospective criminal (Pearce 1952: 151), the importance of the traumatic event here is not whether it is a determining factor towards offending, but rather identifying it as a risk factor. After all, we should avoid treating

social questions in terms of abstracts (Fromm 1956). To tackle youth offending effectively we need a personalized approach which takes into consideration young people's experience, background, passions, needs and other personal factors to them. In other words, the aim should be enabling the young person to desist from crime.

[C] DESISTANCE

As noted in footnote 1 above, desistance from crime was defined by Rocque & colleagues as 'the process of decreasing the frequency of and/or seriousness of criminal and antisocial behaviour over time, ultimately concluding with cessation from such conduct' (2017: 184). Desistance paradigms should seek first what is empirically known about the persisting criminal behaviour of a given group and the desistance of others. Then, they should seek to determine how interventions can support or accelerate approximations of these 'organically' occurring processes (Farrall 2004). Or as Maruna & LeBel put it, desistance paradigms should start by asking 'what is empirically known about why some individuals persist in criminal behaviour over time and others desist from criminal behaviour'. Then, they should seek to determine how interventions can support or accelerate approximations of these 'organically' occurring processes. (2010: 68).

Lemert (1951) distinguished between two kinds of deviance, the primary and secondary. The primary is the act of deviance itself, whereas the secondary is the process in which deviance defines and organizes the life and the identity of the deviant. Drawing on this distinction, Maruna & colleagues (2004) also conceptualize desistance on two levels, primary and secondary. The primary desistance refers to desistance as 'any lull or crime-free gap in the course of a criminal career' (at 274). And since the offender experiences pauses in their criminal career, the focus should be on the secondary desistance in which the identity of the deviant is visited and altered, so desistance is the 'continuity of nondeviant behaviours' (Maruna 2001: 27). So, rather than an event that happens, desistance is 'the sustained absence of a certain type of event' (in this case, crime) (Maruna 2001: 17).

Farrall and Maruna (2004) stipulate that desistance paradigms without reference to the needs of the recipients are unlikely to do much to help them desist. In other words, these conditions may well have a negative impact on the secondary desistance of the young offender (Maruna & Ors 2004) and deprive them of the opportunity to reflect on their identity (Maruna 2001) under the impact of criminogenic effects of unresolved

trauma (Halsey 2018). In this sense, understanding and researching desistance ‘does not start with programmes and aggregated outcomes, but individual lives and personal trajectories’ (Maruna & Mann 2019: 6).

To demonstrate what we mean by desistance, let’s consider a practical example. In the Good Lives Model,² Ward & colleagues (2012: 95) draw from psychological, social, biological and anthropological research to assert that, like all human beings, ‘individuals with a history of offending are goal directed and are predisposed to seek a number of primary human goods’. Primary goals include what Ward and colleagues have identified as the state of mind of the offender, their personal characteristics and the experience that they (the offender) are seeking. In this sense, the Good Lives Model is distinctly different from risk management methods that focus on reducing the risk rather than tackling its roots. Now if we examine trauma through the lenses of desistance, trauma alters the reality of its victim as well their self-understanding, and what might look senseless in the eyes of the public and the justice system might be perfectly rational to the traumatized young person who offends (Burke 2018). During his research in HM Whitemoor Prison, Maruna shared the inputs of an inmate there, who provided his account of the theft of his gold chain and the power of his perception of the outside world in determining his action and reaction:

I said, ‘Give me the fucking chain back,’ and he pulled a knife out at me and his friend had got this baseball bat. ... I went home, and I couldn’t sleep. I kept waking up at 2 a.m. saying, ‘I can’t deal with this.’ My girl was telling me to calm down, let it go. But I kept thinking to myself, ‘This is going to have to be something big.’ This isn’t going to be just a fist fight. This is going to be big. ... Everybody in the scene knew I was looking for him. ... Then eventually I met him at the pub. I brought this knife and I stabbed him. ... Unless you actually grew up in that situation, you wouldn’t understand what I was going through. Common sense is just different in that situation. You just don’t have the same common sense. Lying in bed, really, I think about it a lot. ‘If this ...’ ‘If that ...’, but then the ‘ifs’ go away and you just have to say, ‘This is the real you.’ I had little choice really. Either you do it, or you do nothing and you get written off the scene altogether. Street-wise, that’s suicide – you’re back to the bottom of the ladder, you’re nobody. Sensible-wise, of course, that’s the best thing that could happen to you. That means taking the alternative route with the suit and job and all. But I’ve got a rough streak in me somewhere. ... I had to do it (personal interview, 27.2.97) (Maruna 1999: 10)

Only by understanding the way this man understood himself, his actions, the outside world and his common sense, can one begin to

² Which is used and implemented by various youth offending services in England and Wales (Ball & Moore 2021).

understand why he attempted murder. To truly desist from crime, this person needs to restructure his understanding of self. But deciding or choosing to give up crime can be very different from actual desistance from crime, which we are discussing here. In fact, maintaining abstinence from crime involves more than choice. Offenders typically decide to ‘go straight’ (for quite rational reasons) many times over the course of a criminal career, but continue to offend—for reasons that are more to do with their perceptions of their situation (Burke 2018: 337). Understanding the person’s narrative can help practitioners in the justice system (and all institutions and agencies involved) to understand these narratives as less than rational decisions. Whilst the juvenile justice system continues down the path of incarceration, these critical developmental milestones to achieve desistance will remain largely inaccessible for young offenders.

In 2002, the Home Office reported that ‘the public are sick and tired of a sentencing system that does not make sense’ (Home Office 2002: 86). This mirrors the public mood which aims for change and alternatives. The ‘alternative’ should tackle all the issues that are absent in the traditional sentencing system, thereby involving all the parties to the incident rather than excluding them (Zehr 2002); that does not view crime as a mere challenge to the order and the sovereignty of the state, but sees it as a community issue where the latter is involved; an alternative which restores rather than punishes and whose core focus is on the wellbeing of the parties involved.

[D] RESTORATIVE JUSTICE

Although this paper has focused thus far on the role of trauma-informed practice in enabling young people to desist, this practice should also include victims. However, restorative justice is not a straightforward approach, especially with complicated cases. Nevertheless, restorative practices in the youth-offending services across the country show some promising outcomes. Restorative justice has been defined as communication between victims and offenders within a controlled environment to talk about the harm that has been caused and finding a way to repair that harm (Braithwaite 1998).

While retribution concerns itself with the moral dimension of the wrongdoing and seeks to make right rather than restore (Crawford & Newburn 2003), restorative justice aims at solutions (Shearing, 2001) in preferring an ‘inclusive and collaborative process’ (Zehr 2002). The involvement and participation of the victims, the offender and the community are considered by McCold (2000) as essential criteria for ‘full

restorativeness'. The satisfaction of the parties has been identified by Van Ness and Strong (1997) as a key element as to why restorative justice excels beyond the traditional methods of justice. In 2016, the Prison Reform Trust reported that 85% of victims and 80% of offenders surveyed were either 'very' or 'quite' satisfied with their restorative conference. Such satisfaction is reflected in the re-offending rates: 27% fewer crimes were committed by offenders who had experienced restorative conferencing, compared with those offenders who had not participated. In fact, out of those convicted adults who do not experience restorative conferencing, 46% are reconvicted within one year of release. Reconviction rates increase to 60% among those serving less than a 12-month sentence, which demonstrates less effectiveness than community sentences at reducing reoffending. This arguably indicates why the use of community sentences has nearly halved (44%) in the past decade (Prison Reform Trust 2016).

Therefore, restorative justice as a community sentence is progressive in its nature and aims to understand why the crime happened and how to move forward while involving the victim, the community and the state (presented in the agencies of the youth justice system), whereas imprisonment is focused on the past, with fewer strategies concerning the future. When both the victim and the offender share a minimum interest in settling the aftermath of the crime, a significant level of engagement of the parties to the crime occurs (Walgrave 2003). Such engagement, as the evidence demonstrates, impacts the emotional wellbeing of the parties involved. As Kelly and Thorsburne put it:

The emotions and the wellbeing of the parties are central in the restorative approach ... Explicitly addressing issues of human emotion, connection and relationships, restorative practice is an amalgam of specifically targeted activities, theoretical and practical constructs to support individual wellbeing and repair harm, through the development of nurturing, robust families and communities. (2014: 155)

In this sense, the restorative process is a trauma-informed practice not only for the young offender, but for their victim as well. Foucault (1977) argues that those who execute the penalty imposed on the offender relieve the justice system of responsibility by the bureaucratic concealment of the penalty. The offenders are faced with the consequences of their actions rather than discussing the reasons behind their behaviour, which not only might potentially alter their course of behaviour but also offer them an opportunity to take responsibility for the past. Restorative justice associates the past with responsibility and the future with alteration. Subsequently, this will have direct impact on offenders' desistance,

behaviour and the process of their thinking which will reflect on their mental and emotional wellbeing.

However, we should be cautious while approaching restorative justice as an alternative, as Kelly and Thorsborne remind us that restorative practices can often become ‘little more than an alternative means of providing a consequence or penalty’ (2014: 154), including the inherited ritual of shaming. But in his book *Crime, Shame and Reintegration* John Braithwaite considered the conditions under which certain forms of social reaction can produce responses that enable offenders to become law-abiding and respectable citizens (Braithwaite 1989). Shaming is a principal element in such a process. However, he identified two types of shaming; disintegrative shaming and reintegrative shaming. The former labels and excludes the person being shamed, while the latter involves a process which aims to reintegrate the offender back into society (Braithwaite 1989). It is noteworthy though that shame is also experienced by the victim. Tomkins argues that such shame occurs in a person any time that their experience of positive affects is interrupted (Tomkins 1987). So an individual does not have to do something wrong to feel shame. Rather, the individual just has to experience something that interrupts interest-excitement or enjoyment-joy (Nathanson 1997).

The debate about the differences and similarities between restorative justice and other traditional forms of justice has been a long one (Crawford & Newburn 2003). Zehr took a radical view, considering restorative justice to be the opposite of retributive justice (1990). Considering how referral orders work, which are available for young offenders who plead guilty to an offence and in which restorative approaches should be utilized, Zehr’s position might be somewhat problematic. In addition to that, there is an element of coercion as we are not fully certain whether the offenders participate voluntarily (Haines 2000). Being embedded in the aspect of ‘community sentences’, the coercion element is evident in the offenders’ realization that the alternative to the community sentence is going to prison (Sparks 2002). These factors could be counterproductive while restorative justice is at work on reconstructing the self-sense of the offender, which we discussed earlier in this article.

Duff (1992), however, adopted the radical opposite of Zehr’s view by claiming that restorative justice is an alternative punishment. Others, such as Morris, have adopted a modest position arguing that ‘any outcome, including a prison sentence, can be restorative if it is an outcome agreed to and considered appropriate by the key parties’ (2002: 599). Ultimately, for the community sentence or referral orders to gain the trust of the public,

whose lack is identified as one of the main criticisms of the former (Newburn 2009; Fionda 2005), there is a need for a robust and efficient community sentencing system that delivers effective results (Prison Reform Trust 2012) and does not live in the shadow of the retributive justice system, which is the case at the moment (Worall 2013). A key element to elevate that possibility is probably to deliver community sentences that embody the ritual expression of both shaming and integration in a principle called ‘reintegrative shaming’—a principle at the heart of restorative justice practice, which involves a social disapproval that is followed by process, subsequently aiming to reintegrate the young offender back into society, decertifying them as deviant and enabling their long-term desistance (Braithwaite 1989). Furthermore, reintegrative shaming suggests that it enables the offender to construct a new narrative about their life which frames a new self now going straight (Maruna 2001).

In the first qualitative research study on the provision of restorative justice in Scotland, Maglione and colleagues (2020) interviewed 14 restorative justice practitioners to gain an insight into practitioner understandings and views of restorative justice. The interviews highlighted a great need for restorative justice methods to be used in cases of young people to ensure they are not simply dragged through the criminal justice system and forced into the university of crime. Instead, by getting young people engaged in constructive dialogue, they are more likely to amicably resolve issues they might encounter in the future. This study demonstrates a utilitarian alternative to traditional juvenile justice. The non-labelling tools that restorative justice practitioners use (discussed in this study) show a concerted effort towards achieving desistance among young people by instilling problem-solving skills for their future.

However, the interviews conducted by Maglione and colleagues (2020) also highlight some shortcomings when it comes to referring young people to restorative justice. Early and effective intervention in Scotland deals with relatively minor youth offending and is designed to filter such offending out of the formal juvenile justice system. The way in which young people are referred depends on the local authority responding to the offence. For example, in some local authorities in Scotland, a screening group—made up of police, social work, education, health and third-sector organizations—meets regularly in response to police referrals of young people who are on the periphery of offending. On the back of the discussions, a decision is made on the most appropriate outcome, which may include a referral to a restorative justice provider. In other local authorities, many of the same agencies are involved but not in the same collaborative way. In these local authorities, a coordinator is appointed whose responsibility it is to

liaise with agents such as schools, health and social workers in order to obtain information. Once the coordinator believes they have sufficient information, the coordinator then makes a decision on the outcomes for the young person concerned. The practitioners interviewed by Maglione and colleagues (2020) expressed dissatisfaction with the second referral model as it undermines the multi-agency approach that restorative justice should involve. This study—ensuring practitioners’ views on best practice are central to the response to youth offending—provides a clear policy design for early and effective intervention to guarantee that the voices of all appropriate agencies are heard loud and clear before a decision is made on the best outcome for the individual. This approach to youth offending must be employed collaboratively if desistance is to be achieved through restorative justice.

Another important issue concerning the use of restorative justice was raised by Evans & colleagues (2020) who noted that interaction during the restorative session is a cognitive task, which ‘requires the individual to be able to sit calmly in a room with another individual, take turns in a conversation, understand things from someone else’s viewpoint, weigh up the arguments, reason appropriately, consider future options, and consistently apply learning to behaviour’ (at 62). In this sense, practitioners could rightly question the ability of the traumatized young person to perform such a cognitive task. Moreover, trauma can be a barrier to the young person’s ability to accept support (Youth Justice Board 2017).

The answer to these concerns is embedded in the restorative process itself. In his attempt to demonstrate the ways in which humans react when feeling shame, ‘the Compass of Shame’ was developed by Nathanson for that very purpose (Kelly & Thorsborne 2014). He argued that humans develop a set of defensive strategies to convert their shame into something less toxic. Those strategies revolve around four scripts, described by Nathanson as the Compass of Shame, namely; attacking self, attacking others, avoidance and withdrawal (Nathanson 1997). Each of those points clearly conflicts with the principals of an effective restorative justice conference, therefore jeopardizing the task of the practitioner. Nathanson, as have other scholars, illustrated that attacking others involves shifting attention away from the self to another person or thing: in other words, an attempt to disassociate from the experience of shame (Sanderson 2015). This notably could eliminate the element of respect, which is a necessary in the restorative conference. It also reduces the capacity of empathy or compassion, which causes the

offender to dehumanize others. In addition, it reduces opportunities for connection and mutuality. Similarly, attacking one's self increases shame rather than reducing it. In a milder form, it leads to shyness whereby the offender accepts part of the shame experience, preventing the emergence of the whole (Nathanson 1992). Apparently, this would preclude the offender from realizing the consequences of their action, subsequently affecting the efforts of the practitioner to have them addressed. In the case of 'withdrawal', the individual removes people from the situation which caused the shame, keeping their feelings to themselves (Pattison 2000). In such an environment, the offender would be unable to relate to the emotional and practical consequences imposed on the victim of their acts. They use denial (avoidance) in various forms in an attempt to remove feelings of shame from conscious awareness.

If there is one theme that could be derived as a result of the four abovementioned elements it is the severe lack of communication and clarity in the potential conference attended by the offender and the victim. In the case of the latter, it is important to note that the victim, too, could operate under the shame. They might blame themselves for the offence, withdraw and hide their feelings, and sometimes distract themselves. They might also lash out at others. Providing an environment in which both parties can express their feelings and move forward towards resolution and reintegration is crucial. Hence the restorative conference is important to both the offenders and the victims. Using the Compass of Shame to facilitate the recognition of behaviours motivated by its four scripts minimizes the negative effect of shame that will be seen throughout the restorative efforts on behalf of offenders as well as their victims. In order to care for others effectively, one must have an approach based upon a solid understanding of how others care and how that motivates their behaviour. Recognizing one's motivation for a particular behaviour or reaction will enable the practitioner to conduct an effective conference based on clear understanding with visible aims. Providing the opportunity to both parties to express their shame, along with other emotions, could reduce the parties' intensity and move beyond the shame (Kelly & Thorsborne 2014). Moreover, Kelly & Thorsborne argue that conference participants begin to experience the positive effects of interest and enjoyment once they gain a shared understanding of each other's perspective (Kelly & Thorsborne 2014). An understanding of the Compass of Shame by the practitioner will inevitably lead to the unblocking of what hinders positive feelings from being revealed. It will enhance the quality of the communication between the practitioner and the parties. Unblocking positive feelings will also lead to a process which

is voluntary and based on informed choice made by the parties, hence resulting in effective cooperation between the concerned individuals. Tomkins argues that shame precludes sober analysis of failure and it hinders techniques of conversation and dialogue (Tomkins 1962). Serving a technical purpose, a proper understanding by the practitioner of the Compass of Shame would consequently enable them to understand the conditions under which the parties are operating and therefore make informed choices and decisions beforehand in relation to the safety of the venue from any potential aggressive or disrespectful behaviour.

Finally, restorative justice is a multi-agency task which should involve all community institutions and agencies that concern themselves with the wellbeing and the welfare of young people. For instance, Beside the skills and the sense of community which the education sector may provide, subjects such as ethics, peaceful dispute resolution and restorative justice practices may be incorporated and implemented in schools' curricula as well as the necessary emotional support (Spratt 2004).³ To this end, greater public awareness of child development skills for parents during both antenatal and postnatal periods is needed. When teachers and health professionals observe particular behaviours such as bullying, disruptive behaviour, substance misuse or over/under-eating, ACE screening should take place to ascertain the appropriate interventions. Moreover, law enforcers taking a trauma-informed approach to young offending should see an increased likelihood of poor behaviour being dealt with by health or community services.

[E] CONCLUSION

A new approach to youth offending is needed if we think of justice as a lived experience (Moore 2022: 401) which involves all parties concerned rather than a ceremonial role played by the state to confirm its sovereignty (Foucault 1977). This approach should consider the wider view and reasons behind youth offending which transcend socio-economic explanations to mechanisms that consider the well-being of the young offender, their welfare and their future desistance. While this article does not propose that restorative justice is the answer, a restorative approach to crime nevertheless offers a mechanism that involves all parties to an offence and allows the chance for the young offender to reflect and, with the aid of involved support practitioners, to reconstruct their perception of reality and their self. This, by all means, is a trauma-informed practice

³ Education in general has a proven track record of success in teaching young people to be tolerant, which could eventually discourage delinquency (Becker & Mulligan 1997).

that considers the need of the majority of young offenders who are caught in the revolving doors of the justice system.

About the authors

Adnan Mouhiddin is a law and policing tutor at Coventry University and a Fellow of the Higher Education Academy in the UK. His PhD research explored community crime prevention and its legitimacy among young Syrians while serving as a Panel Member with Camden Youth Offending Service for several years. In his research career, Adnan provided advisory opinion and research on matters related to religious liberty and the human rights of ethnic and religious minorities in the Middle East and North Africa. He is an Ethics Committee Member with What Works Centre for Children's Social Care.

Email: adnan.mouhiddin1@gmail.com.

Jack Adams is the course leader for criminology and criminal justice at David Game Higher Education and is a visiting lecturer in criminology at Buckinghamshire New University, School of Human and Social Sciences. His interests include comparative criminal justice with a particular focus on remand.

Email: jackadams100@hotmail.co.uk.

References

- Ardino, V (2012) 'Offending Behaviour: The Role of Trauma and PTSD' 3(3) *European Journal of Psychotraumatology* PMID:22893844.
- Baglivio, M T & Ors (2014) 'The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders' 3(2) *Journal of Juvenile Justice* 1-17.
- Ball, K & R Moore (2021) *Multi-Agency Work in Youth Offending Services* Manchester: HM Inspectorate of Probation.
- Becker, G S & C B Mulligan (1997) 'The Endogenous Determination of Time Preference' 112(3) *Quarterly Journal of Economics* 729-758.
- Braithwaite, J (1989) *Crime, Shame and Reintegration* Cambridge: Cambridge University Press
- Braithwaite, J (1998) 'Restorative Justice' in M Tonry (ed) *Handbook of Crime and Punishment* New York NY: Oxford University Press.

- Branson, C E & Ors (2017) 'Trauma-Informed Juvenile Justice Systems: A Systematic Review of Definitions and Core Components' 9(6) *Psychological Trauma: Theory, Research, Practice, and Policy* 635-646.
- Burke, R H (2018) *An Introduction to Criminological Theory* London: Routledge.
- Crawford, A & T Newburn (2003) *Youth Offending and Restorative Justice: Implementing Reform in Youth Justice* Oxford: Routledge.
- Cocozza, J & K Skowyrá (2007) *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System* Delmar NY: The National Center for Mental Health and Juvenile Justice.
- Duff, A (1992) 'Alternatives to Punishment—Or Alternative Punishments?' in W Cragg (ed) *Retributivism and Its Critics* Stuttgart: Franz Steiner 44-68.
- Evans, J & Ors (2020) 'Trauma-Informed Practice and Desistance Theories: Competing or Complementary Approaches to Working with Children in Conflict with the Law?' 8(2) *Salus Journal* 55-76.
- Farrall, S (2004) 'Social Capital and Offender Reintegration: Making Probation Desistance Focused' in S Maruna & R Immarigeon (eds) *After Crime and Punishment: Pathways to Offender Reintegration* Cullompton: Willan.
- Farrall, S & S Maruna (2004) 'Desistance-Focussed Criminal Justice Policy Research: Introduction to a Special Issue on Desistance from Crime and Public Policy' 43(4) *Howard Journal of Criminal Justice* 358-367.
- Felitti, V J & Ors (1998) 'Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults' 14(4) *American Journal of Preventive Medicine* 245-258.
- Fielding, N & Ors (eds) (2019) *Critical Reflections on Evidence-Based Policing* London: Routledge.
- Fionda, J (2005) *Devils and Angels: Youth Policy and Crime* Portland OR: Hart.
- Foucault, M (1977) *Discipline and Punish: The Birth of the Prison* London: Penguin Group.
- Fromm, E (1956) *The Sane Society* Oxford: Routledge.

- Goffman, E (1990) *The Presentation of Self in Everyday Life* London: Penguin Books.
- Johns, D F & Ors (2016) 'Ecological Youth Justice: Understanding the Social Ecology of Young People's Prolific Offending' 17(1) *Youth Justice* 1-19.
- Haines, K (2000) 'Referral Orders and Youth Offender Panels: Restorative Approaches and the New Youth Justice' in B Goldson (ed) *The New Youth Justice* Lyme Regis: Russell House.
- Halsey, M (2018) 'Child Victims as Adult Offenders: Foregrounding the Criminogenic Effects of (Unresolved) Trauma and Loss' 58(1) *British Journal of Criminology* 17-36.
- Home Office (2002) *Justice for All* London: Home Office.
- Kelly, Vernon C & Margaret Thorsborne (2014) *The Psychology of Emotion in Restorative Practice* London: Jessica Kingsley.
- Kemshall, H (2003) *Understanding Risk in Criminal Justice* Maidenhead: Open University Press.
- Lader, D & Ors (2000) *Psychiatric Morbidity among Young Offenders in England and Wales* London: ONS.
- Lefebvre, C & Ors (2021) 'Quality of Life after Violent Crime: The Impact of Acute Stress Disorder, Posttraumatic Stress Disorder, and Other Consequences' 34(3) *Journal of Traumatic Stress* 526-537.
- Lemert, E M (1951) *Social Pathology: A Systematic Approach to the Theory of Sociopathic Behavior* New York NY: McGraw-Hill.
- Lê-Scherban, F & Ors (2018) 'Intergenerational Associations of Parent Adverse Childhood Experiences and Child Health Outcomes' 141(6) *Pediatrics* e20174274.
- Maglione, G & Ors (2020) 'The Local Provision of Restorative Justice in Scotland: An Exploratory Empirical Study' 28 *European Journal on Criminal Policy and Research* 617-640.
- Maruna, S (1999) 'Desistance and Development: The Psychosocial Process of Going Straight' 2(2) *The British Criminology Conferences: Selected Proceedings* 1-25.
- Maruna, S (2001) *Making Good: How Ex-Convicts Reform and Rebuild their Lives* Worcester MA: American Psychological Association.

- Maruna, S & Ors (2004) 'Pygmalion in the Reintegration Process: Desistance from Crime through the Looking Glass' 10(3) *Psychology, Crime and Law* 271-281.
- Maruna, S & T LeBel (2010) 'The Desistance Paradigm in Correctional Practice: From Programmes to Lives' in F McNeill & Ors (eds) *Offender Supervision: New Directions in Theory, Research and Practice* Cullompton: Willan 65-89.
- Maruna, S & R Mann (2019) *Reconciling 'Desistance' and 'What Works'* Manchester: HM Inspectorate of Probation.
- McCold, P (2000) 'Toward a Mid-Range Theory of Restorative Criminal Justice: A Reply to the Maximalist Model' 3(4) *Contemporary Justice Review* 357-414.
- Moore, E (2022) *Trauma and Restorative Justice* London: Routledge.
- Morris, A (2002) 'Critiquing the Critics: A Brief Response to Critics of Restorative Justice' 42(3) *British Journal of Criminology* 596-615.
- Nathanson, D L (1992) *Shame and Pride: Affect, Sex, and the Birth of the Self* New York NY: Norton.
- Nathanson, D L (1997) 'Shame and the Affect Theory of Silvan Tomkins' in M R Lansky & A P Morrison (eds) *The Widening Scope of Shame* London: Routledge 107-138.
- Newburn, T (2009) *Criminology* Cullompton: Willan.
- Pattison, S (2000) *Shame: Theory, Therapy, Theology* Cambridge: Cambridge University Press.
- Pearce, J D W (1952) *Juvenile Delinquency* London: Cassell & Co.
- Prison Reform Trust (2012) [Prison Reform Trust Response to the Ministry of Justice Consultation, Punishment and Reform: Effective Community Sentences](#) London: Prison Reform Trust.
- Prison Reform Trust (2016) *Prison: The Facts: Summer 2016* London: Prison Reform Trust.
- Public Health Wales (2016) [Adverse Childhood Experiences](#) Cardiff: Public Health Wales.
- Raman, U & Ors (2021) 'Community Violence, PTSD, Hopelessness, Substance Use, and Perpetuation of Violence in an Urban Environment' 57(4) *Community Mental Health Journal* 622-630.

- Rocque, M & Ors (2017) "Forcing the Plant": Desistance from Crime and Crime Prevention' in *Handbook of Crime Prevention and Community Safety* London: Routledge 183-204.
- Sanderson, C (2015) *Counselling Skills for Working with Shame* London: Jessica Kingsley Publishers.
- Sherman, L W (2002) 'Evidence-Based Policing: Social Organization of Information for Social Control' in E J Waring & D Weisburd (eds) *Crime and Social Organization: Advances in Criminological Theory* vol 10 New Brunswick: Transaction Press 217-248.
- Sparks, R (2002) 'Prisons, Punishment and Penalty' in Eugene McLaughlin & John Muncie (eds) *Controlling Crime* London: Sage Publications.
- Sprott, J B (2004) 'The Development of Early Delinquency: Can Classroom and School Climates Make a Difference?' 46(5) *Canadian Journal of Criminology and Criminal Justice* 553-572.
- Tomkins, S S (1962) *Affect Imagery Consciousness: Volume I: The Positive Affects* New York/London: Springer.
- Tomkins, S S (1987) 'Shame' in D L Nathanson (ed) *The Many Faces of Shame* Guilford: The Guilford Press 133-161.
- Ward, T & S Maruna (2007) *Rehabilitation* London: Routledge.
- Ward, T & Ors (2012) 'The Good Lives Model and the Risk Need Responsivity Model: A Critical Response to Andrews, Bonta, and Wormith' 39(1) *Criminal Justice and Behavior* 94-110.
- Winningham, R D & Ors (2019) 'Substance Use Disorder and Posttraumatic Stress Disorder Symptomology on Behavioral Outcomes among Juvenile Justice Youth' 28(1) *American Journal on Addictions* 29-35.
- Worrall, A (2013) 'What Works and the Globalisation of Punishment Talk' in *What Matters in Probation* Portland OR: Willan 342-360.
- Van Ness, D & K H Strong (1997) *Restoring Justice* Cincinnati OH: Anderson Publishing.
- Walgrave, L (2003) 'Restorative Justice for Juveniles: Just a Technique or a Fully Fledged Alternative?' in Gerry Johnstone (ed) *A Restorative Justice Reader: Texts, Sources, Context* Portland OR: Willan Publishing 255-269.
- Youth Justice Board (2017) '[Trauma-Informed Youth Justice](#)' *Effective Practice in Youth Justice* September 2017.

Youth Justice Board (2022) [Youth Justice Statistics 2020/2021](#).

Zehr, H (1990) *Changing Lenses: A New Focus for Crime and Justice*
Scottsdale PA: Herald Press.

Zehr, H (2002) *The Little Book of Restorative Justice* Intercourse PA: Good
Books.