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**EXECUTIVE SESSION  
ON THE FUTURE OF  
JUSTICE POLICY**

**DECEMBER 2020**

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# **LEARNED HELPLESSNESS, CRIMINALIZATION, AND VICTIMIZATION IN VULNERABLE YOUTH**

**The Square One Project aims to incubate new thinking on our response to crime, promote more effective strategies, and contribute to a new narrative of justice in America.**

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The Executive Session was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.



Supported by the John D. and Catherine T. MacArthur Foundation

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**MEMBERS OF THE  
EXECUTIVE SESSION  
ON THE FUTURE  
OF JUSTICE POLICY**

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**“I have been in the foster system for 8 months and I have been locked up for 8 months...”<sup>1</sup>**

**Tina, a 17-year-old, lost her mother unexpectedly to a late diagnosed terminal disease in 2017. She and her younger siblings, including two adopted younger cousins, were in separate placements and were denied contact with each other. A few days after losing her mother and her siblings, while in custody of Child Protective Services, Tina harmed herself. She was immediately sent to a youth detention facility and held in solitary confinement for months for her “own protection.”**

Tina is one of many youth navigating complex and oftentimes irrational youth confinement systems in the United States, including adult prisons, long-term secure facilities, group homes, shelters, residential treatment, foster care, and many other institutional settings. The reach of these systems into the lives of young people is massive. The number of young people in youth and adult incarceration systems alone is unwieldy: in 2018, 37,529 youth were incarcerated in youth facilities in the United States; 3,400 were held in adult jails (72 percent of said youth facing charges as adults); and 699 were held in adult state prisons—totaling 41,628 system-involved youth (Office of Juvenile Justice and Delinquency Prevention 2020). A year earlier—the most recent year with data available for demographic breakdowns of youth confinement populations—more than two-thirds of youth in carceral custody were over 16 years old, but approximately 500 were 12 years old or younger, demonstrating that while the youth justice system largely cages older adolescents, it does not hesitate to lock up physically and developmentally young children as well (Sawyer 2019). Undocumented youth are especially vulnerable to confinement,

as US Immigration and Customs Enforcement (ICE) has detained some 40,000 immigrants and asylum seekers in 200 detention centers in the United States (Amnesty International 2020b:5).<sup>2</sup> Many parents detained by ICE are being forced to make the heart wrenching decision to either stay together with their children in detention indefinitely—a choice made further dangerous by the infectious nature of the COVID-19 pandemic—or send their children to live with a sponsor and risk their own deportation (Amnesty International 2020a). While the parameters of detainment in youth prison facilities and family detention centers differ, the consequential trauma and liberty restrictions being inflicted upon these young people are the same.

The United States is a carceral outlier, incarcerating at a rate of 60 out of 100,000 youth (the highest rate of 92 reporting countries in the United Nations (UN)). Yet, youth throughout the world are consistently deprived of the various freedoms delineated as fundamental rights by the UN Convention on the Rights of the Child (Saxon 2019; Nowak 2019; United Nations Human Rights Office of the Commissioner N.d.). This Convention has

been ratified by all UN member countries except the United States.<sup>3</sup> Despite the public commitment to protecting children, however, a recent UN Human Rights Committee study (2019) found that there are 5.4 million children living in institutions worldwide. Adding in the estimated 1 million children who are detained in police custody each year, approximately 7 million children experience some kind of detainment and severe liberty constraint by institutional forces each year (Nowak 2019:60). Clearly, member countries of the United Nations are not remaining steadfast in protecting childhood as a basic right for all young people.

There is certainly nuance to this story, as the scope of youth incarceration in the United States has declined since the turn of the century. From 2000 to 2018, youth incarceration in the United States declined by 66 percent, and several jurisdictions are working to “zero out” the number of youth held in traditional youth facilities in the United States (Schiraldi 2020). Yet, how did the US youth carceral state grow so

large in the first place, and why has it been so challenging to undo and reduce the reach of youth detainment? Why is the United States an outlier within a global context that already over-confines youth?

In the United States and worldwide, youth detainment has become an immediate, catch-all response to challenges perceived as affecting public order and safety, including but not limited to mental health, increased poverty rates, immigration, and others (e.g., Mauer 2017; World Prison Brief 2019). It is often the go-to mechanism for any behaviors that make society uncomfortable: youth wandering on the streets, youth acting out as a sequela of abuse and neglect, youth resorting to illegal means for survival, youth practicing truancy, or youth raising their voices to fight for change. As the socio-political roots of criminalization of youth remain unchallenged, so too does our social tolerance for abuse, neglect, and human rights violations. We are numb to approaches that are punitive and dehumanizing, such as youth solitary

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confinement, limited treatments and services, placement in adult facilities, and life sentences.

Informed by a human development perspective, this paper will discuss the individual and contextual factors that lead to the criminalization and victimization of vulnerable youth, defined as youth exposed to risks and challenges that may be traumatic and detrimental to their overall development and may have lifetime consequences. It will then offer

community-based solutions to help vulnerable youth overcome these challenges and lead healthy, productive, and safe lives. By doing so, we aim to create public consciousness about societal contexts and the psycho-social processes affecting vulnerable youth that can dismantle tolerance for their criminalization and victimization. We propose that justice for youth must take on a new meaning: a humane approach to providing youth who face traumatizing experiences with social, emotional, and behavioral support.



**IN THE UNITED STATES AND WORLDWIDE,  
YOUTH DETAINMENT HAS BECOME AN IMMEDIATE,  
CATCH-ALL RESPONSE TO CHALLENGES PERCEIVED  
AS AFFECTING PUBLIC ORDER AND SAFETY...**

# **VICTIMIZATION AND CRIMINALIZATION OF VULNERABLE YOUTH PERPETUATES LEARNED HELPLESSNESS**

## Two core elements are central to understanding human development: *process and context.*

Process reflects the internalization of factors that influence a person's wellbeing, motivation, engagement, self-esteem, and belongingness. Essentially, process defines how we respond internally to external factors. Context, from a human developmental perspective, means exactly what it would to a layperson: contexts are the external proximal factors, beyond a person's control, that directly or indirectly drive a person's decision-making and affect their overall mental and behavioral wellbeing. Process and context work in tandem to create a person's response mechanisms.

Positive or negative social support and behavioral reinforcement can influence processes, and, depending on the circumstances, might exert two opposite effects on the person. For example, development of "competence" means a person acquires the needed abilities and skills to adapt and thrive, as well as the knowledge to guide their own behaviors and decision-making to resolve life events. The opposite process,

"dysfunction," makes a person ill-equipped to cope and exercise control over circumstances, causing them to experience greater difficulty in adapting and managing appropriate behaviors to deal with their context. Both competence and dysfunction are—not surprisingly—greatly affected by the contexts to which a person is exposed.

Sometimes youth are exposed to uniquely harmful and traumatic contexts that could lead to their confinement, such as abuse (e.g., emotional, physical, sexual), neglect, forced labor, sexual exploitation, human trafficking, forced displacement due to armed conflict or political instability, extreme poverty, parental death, natural disasters, or parental migration to other countries. It is these contexts, rather than some innate sense of malice, that may cause youth to develop maladaptive processes such as acting destructively or hurting others; said actions may be an attempt to cope with distressing experiences. In fact, studies clarify that vulnerable youth do not have a greater propensity to engage in riskier behaviors (i.e., "misbehave") than youth in general, as all adolescents tend

to underestimate the risks and consequences of their actions (e.g., optimistic bias) in part due to multiple socio-emotional, cognitive, neurological, and physiological changes affecting their decision making and impulse control (Reyna and Farley 2006; McCormick, Qu, and Telzer 2016; Spear 2013; Steinberg 2007). However, vulnerable youth might engage in such behaviors at an earlier age, at a greater frequency, and with more intensity due to the necessity to preserve their lives or senses of self in a context that denies them opportunities for developing positive coping and survival skills (Centers for Disease Control and Prevention 2015; Moore, Philippe, West, Campbell, and Grubb 2016; Trejos-Castillo and Trevino-Schafer 2018).

Thus, we must understand the contexts in which youth live before rushing to criminalize them. Vulnerable youth coming from complex circumstances who experience criminalization and victimization may develop a sense of inner “nowhereness” due to lack of stability, direction, safety, relatedness, and continuity, all of which leaves them helpless. This phenomenon, called “learned helplessness,” refers to the internalized perception of powerlessness that results from

Youth recognize and voice the effect of outside forces on their choices when interviewed in systems of care like youth facilities:

*I've been on my own on the streets since I was 12. Every time they put me somewhere I ran away... there [in the street] I'm free and can take care of myself... I've had foster parents who fed me dog food, who've beat me.*

**Joseph, 13-years-old  
(3-month detention)<sup>4</sup>**

*I'm not ashamed of what I did. I am a “man of values” you see, I'm the man of the house and I need to feed my younger siblings every day. My only regret is that I got caught today and there is no[t] gonna be food on their plates tonight, tomorrow, and... (begins to cry)*

**Raul, 11-years-old  
(child-welfare/  
undetermined detention)<sup>5</sup>**

*I ran away from home. My parents can barely feed and clothe my brothers and I'm old enough to survive on the streets and work... I was hiding from my family but the police caught me, I'm so far away I cannot go back now...*

**Shana, 15-years-old  
(6-month detention)<sup>6</sup>**

exposure to uncontrollable, continuous negative events (Abramson, Seligman, and Teasdale 1978). Learned helplessness can have short- and long-term detrimental effects on brain development; cognitive, learning, and emotional processes; physical and mental health; as well as social adaptation and the development of healthy relationships. The vicious cycle might precipitate youth into a self-fulfilling prophecy leading to negative outcomes based on the belief they are worthless, will not live long, and lack control over their futures. Over time, learned helplessness becomes an internalized oppression that affects not only the individual, but also the group, creating a socially accepted mechanism for the intergenerational transmission of disparities, inequalities, and inequities to ensure the protection and legitimization of the status quo.

Youth verbalize their experiences of internalized learned helplessness as they describe their lives:

*... cuz I didn't have no uh teachings from dad about the basic essentials about what a person's supposed to do in life, like human quality traits, stuff like that. I had to figure that out on my own. And me being without my mother I uh saw that, like it was hard for me to love somebody, cuz a father teaches his son how to be a man, and a mother teaches her son how to love and I didn't have none of that ...*

**Anonymous<sup>7</sup>**

*Me personally, I grew up around a lot of violence and my mom she had always been abused and I went to foster care and I always got abused and I always ran away. I always had to fight. Me fighting always landed me in being incarcerated which always ended up in me fighting again, so being abused and in foster care and all that I landed here.*

**Anonymous<sup>8</sup>**

# **CURRENT JUSTICE POLICY AND PRACTICE LARGELY IGNORE YOUTH DEVELOPMENTAL OUTCOMES**

## **Despite the breadth and depth of scholarship on developmental outcomes, youth developmental psychology has failed to translate to policy and practice.**

Social policies and justice systems typically follow a “universalist” approach with limited regard to the unique contexts transecting individual life trajectories, and, as such, are not well equipped to address historically complex interactions between race, ethnicity, class, and gender or sexual identity. By failing to integrate a developmental perspective into justice system practices, generations of harm and trauma that are distributed unequally in our society fail to be acknowledged. Inequitable treatment persists when governmental actors do not take intergenerational violence and its psycho-social effects into account when interacting with vulnerable youth.

A noteworthy example of “universalist” policymaking that disparately affects youth by race is the growing number of disciplinary actions and school offenses that have increased youth of color referrals to the youth justice system even though rates of violent crime in schools have been declining since 1999 (Justice Policy Institute 2013; Nance 2017; Smith and

Harper 2015; Petteruti 2011). Even more alarming is the evidence showing that students of color are disciplined at higher rates than their white counterparts starting as young as preschool years. As revealed by the Civil Rights Data Collection (CRDC), in the 2011–12 school year, Black and Hispanic youth were four to six times more likely to be suspended or expelled from middle to high schools. Black preschoolers were about 3.5 times more likely to receive one or more school suspensions or be denied access to head start programs. Furthermore, thirteen US southern states account for 55 percent of the school suspensions and 50 percent of school expulsions of Black students (Office for Civil Rights 2014). Racial profiling in schools takes on more subtle ways to discriminate and incriminate youth of color on the basis of “defiant behaviors,” “disrespect,” and “ungovernability.” Policies such as these also disregard that Black people are twice as likely to be poor than white people, and that poverty has been found to be a strong predictor for

behavioral problems in early adolescence (Pew Research Center 2016; Mazza, Lambert, Zunzunegui, Tremblay, Boivin, and Côté 2017). The toll of poverty literally puts poor Black and other youth of color at an immediate disadvantage in school settings, and thus over-incarcerates and over-institutionalizes them.

Overall, system- and care-impacted youth are disproportionately youth of color. Though rates of youth arrests decreased from 49 percent in 2003 to 31 percent in 2013, the racial disparities among white youth and Black, Hispanic, and Native American youth increased during those 10 years (Rovner 2016). Black boys and girls account for approximately 42 percent and 35 percent of the total number of incarcerated youth, respective to gender. Hispanic youth account for 22 percent of all incarcerations, and Native American boys and girls—though accounting for less than 1 percent of the total youth of color population—represent 1.5 percent and 3 percent of the incarcerated youth

of color. Thus, youth of color accounted for approximately 67 percent of all incarcerated young people in 2017 (Office of Juvenile Justice and Delinquency Prevention 2020) even though they only represented 49 percent of the entire youth population (The Annie E. Casey Foundation 2019).

“Zero tolerance” policies and the increasing number of school resource officers (SROs), plus the high rate of school suspensions, expulsions, arrests, and referrals to the justice systems from schools and the child welfare system, do not make US school campuses nor streets safer. For children and youth—particularly youth of color—dealing with abuse and neglect; exposure to violence; separation and loss of family members; poverty; learning, physical, or mental disabilities; segregation; or racial and sexual discrimination, schools and protective care services are no longer safe spaces to restore some sense of normalcy into their lives.



**INEQUITABLE TREATMENT PERSISTS WHEN GOVERNMENTAL ACTORS DO NOT TAKE INTERGENERATIONAL VIOLENCE AND ITS PSYCHO-SOCIAL EFFECTS INTO ACCOUNT WHEN INTERACTING WITH VULNERABLE YOUTH.**

**INSTITUTIONALIZATION IN  
ALL ITS FORMS HAS THE  
POTENTIAL TO INFLICT  
PSYCHOLOGICAL HARM**

## Youth of color's disproportionate risk of being incarcerated and institutionalized stems from policies and laws that funnel them from one system to another.

While moving across multiple systems, youth might be placed back with their biological families or next-of-kin, be placed on supervision, get adopted, be transitioned out of child welfare into life without further support, or be channeled into the adult justice system due to accumulated factors (e.g., drug use, drug trafficking, prostitution, or criminal behaviors). In settings like foster care and psychiatric care, restraining and disciplining practices often further criminalize and victimize vulnerable youth in the process of “protecting” them. These “protective measures” rarely result in better outcomes for vulnerable youth and instead continue to inflict trauma on those who need healing.

Across systems serving vulnerable youth, the disconnect between humanity and treatment is appalling. For example, Safe Harbor laws (protecting human trafficked youth from prostitution, and providing them with shelter, treatment, and housing) are only enforced in twenty-one states and in some cases are only applicable to youth under 14-years-old (Williams 2017). Despite commercial sexual exploitation of children being prohibited by law, prostituted children do not automatically receive a “victim” status and more likely will face charges in the United States. In addition, girls entering the youth justice system for illicit sexual activities report having experienced sexual and emotional victimization while in these youth facilities (US Department of Justice 2013).



**ACROSS SYSTEMS SERVING VULNERABLE YOUTH, THE DISCONNECT BETWEEN HUMANITY AND TREATMENT IS APPALLING.**

In regards to mental health services, national statistics show that 50 to 75 percent of incarcerated youth are diagnosed with a mental or behavioral health condition (Underwood and Washington 2016). Exposure to trauma is also overwhelmingly extensive; for example, in a Cook County, Illinois youth detention center, almost 93 percent of detainees had experienced at least one form of trauma (Abram, Teplin, Charles, Longworth, McClelland, and Dulcan 2004). Knowing that justice-involved youth, compared to youth in general, are at a disproportionately higher risk for developing a mental or behavioral health condition or trauma disorder should be enough evidence that the justice system functions as a germination chamber for mental illness.

Unfortunately, the following case is a common example of the ways in which vulnerable youth can be exposed to multiple social systems ill-equipped to effectively improve their circumstances and life outcomes:

*Sonya (15-years-old) had a long history of sexual abuse back home. Child Protective Services (CPS) placed her in a great facility where she was getting trauma-informed treatment for Domestic Minors Sex Trafficking (DMST) youth. She was getting all those services there, well, then she did really great for a month and then her "risk" level dropped. So, CPS got her out of there because her risk level did not qualify her anymore and even though we had emails from the therapist saying she was not ready to go anywhere else. So, she got out and ended up with the same gang members who were trafficking her before and having her sell drugs for protection and survival... she picked up prostitution and drug charges along the way and then she did not qualify for the DMST program anymore because she exceeded the "risk" level. She is now at this facility because she cannot [sic] longer go back to CPS... it's a vicious cycle and we have to break it ..."*

**Parole Officer<sup>9</sup>**

**TO COMBAT LEARNED  
HELPLESSNESS,  
WE MUST PRACTICE  
“HUMANIZING JUSTICE”**

## **The criminalization of vulnerable youth behaviors—behaviors which, out of context and without understanding their developmental trajectories, may seem deviant—has reinforced ...**

...the misconception that crime has a face, a name, an age, a skin color, a gender, and lives in a certain neighborhood. As a consequence, we do not yet acknowledge that the so-called “deviance” does not necessarily lie within the person, but may be a condition forced upon a person by contexts and circumstances, lack of opportunities and resources, and societal and historical oppression and prejudice. These circumstances could make any person feel hungry, angry, cold, unsafe, frustrated, sad, abandoned, confused, afraid, shameful, anxious, distrustful, resentful, despaired, and helpless—and lead them to act accordingly. Accepting that under extreme circumstances, people will resort to survival skills—and that, similarly, given the right

opportunities and resources to meet needs and support growth and well-being, people can change, grow, and thrive—would allow us to humanize justice. From school personnel to community leaders, police officers, lawyers, judges, and the public, our social responsibility for the challenging life trajectories of vulnerable youth should be a priority. Below, we propose three recommendations to better serve vulnerable youth: respond to youth offending with restorative justice practices and policies; make community-based reintegration programs and welfare services an immediate and universal priority for all justice-involved youth; and fortify social service systems to prevent learned helplessness and diminish youth criminalization.

## 1. RESPOND TO YOUTH OFFENDING WITH RESTORATIVE JUSTICE PRACTICES AND POLICIES.

The capacity to understand youth crime as a consequence, not as a cause, of social problems has been understood by many civilizations and societies long before us. Indigenous justice practices approach crime as a social conflict. For instance, in African communitarian societies, indigenous justice systems are centered on the well-being of the victim, the person who has committed wrongdoing, and the community at large, as the social equilibrium can only be achieved if all parts work together in restoring justice. *“Umuntu Ngumuntu Ngabuntu,”* translated from Zulu as “a person is a person through other persons,” is the center of Ubuntu justice practice. These practices treat the harmed and the person who harms with dignity and compassion and, more importantly, they reintegrate them as accountable members of the community where the responsibility for change is shared by all.

These indigenous justice practices have been adopted in contemporary justice systems through restorative justice. Restorative justice can be understood as both a structure and a set of values: the process “brings together

all the parties affected by an incident of wrongdoing, to decide collectively on a consensual basis how to deal with the aftermath of the incident” and adheres to values that “guide an intervention following an incident of wrongdoing” (Roche 2002). Restorative justice acknowledges that crime is fundamentally a violation of people and interpersonal relationships, and that these relationships must be healed and wrongdoings must be made right (Zehr and Mika 1998). While the implementation of restorative justice takes on many forms, the concept has been globally adopted and implemented since 1980 with increased popularity in 40 countries across Africa, Asia, Europe, Latin America, the Caribbean, Middle-East, and the Pacific region.

In the United States, restorative justice policies face some institutional resistance. As a consequence, they are often implemented in the youth system in conjunction with some elements of traditionally retributive justice policies. The forms in which state legislative codes cite restorative justice vary: only 11 states emphasize solely restorative justice



**ACCEPTING THAT UNDER EXTREME CIRCUMSTANCES, PEOPLE WILL RESORT TO SURVIVAL SKILLS—AND THAT, SIMILARLY, GIVEN THE RIGHT OPPORTUNITIES AND RESOURCES TO MEET NEEDS AND SUPPORT GROWTH AND WELL-BEING, PEOPLE CAN CHANGE, GROW, AND THRIVE—WOULD ALLOW US TO HUMANIZE JUSTICE.**

principles in their youth justice statutes and codes; seven states use a so-called “balanced approach” that includes a combination of regular youth justice policies with the inclusion of traditional accountability practices, community work, treatment and care, and rehabilitation services; and 20 states use a mix of both “balance and restorative justice” language (Pavelka 2016). Despite the continued resistance to adopting restorative justice widely in the US, this reparative approach might be key to ameliorating the effects of the school-to-prison and care-to-prison pipelines by allowing practitioners, professionals, and caregivers to examine the factors leading to youth offending, and more importantly, stopping the unnecessary escalation of disciplinary actions for behaviors that are preventable and modifiable. In fact, studies have found that schools might represent the ideal setting for implementing restorative justice practices. School settings

could be conducive to development of youth’s life skills, accountability, and civic responsibility, while simultaneously promoting the dignity of young people (Fronius, Darling-Hammond, Persson, Guckenburg, Hurley, and Petrosino 2019).

Yet restorative justice will not be fully embraced until the US legal system fundamentally shifts from punitiveness to accountability and rehabilitation. Restorative justice should be understood not as a “program,” but as a reconceptualization of our moral imperatives—specifically in adjudication and sentencing and, more generally, in our communal obligations to each other. Furthermore, a shift to accountability and rehabilitation is compatible with a deviation from learned helplessness that the system of punitiveness condones. When restorative justice is promoted, learned helplessness is negated, and vice versa.

## 2. MAKE COMMUNITY-BASED REINTEGRATION PROGRAMS AND WELFARE SERVICES AN IMMEDIATE AND UNIVERSAL PRIORITY FOR ALL JUSTICE-INVOLVED YOUTH.

Beyond restorative justice practices, rates of youth recidivism and the accompanying stigma of criminal activity can be reduced by reintegrating justice-involved young people into society through welfare services (e.g., housing, food, health), educational or vocational and training programs, family therapy programs throughout detention and reentry, open custody and half-way centers, and partnerships with industries and businesses aiming to develop social and human capital and enhance labor market opportunities. Leading countries with such model programs are Australia, Belgium, Brazil, Canada, Finland, France, Germany, New Zealand, Turkey, and the United Kingdom. These countries have much stronger social service systems than the United States and can therefore respond to youth offending in more beneficial ways, such as providing healthcare, pedagogical and psychiatric referrals, and life and soft vocational skills development. These systems support the socio-emotional

wellbeing of youth and their positive growth rather than punish them (Souverein, Dekkers, Bulanovaitė, Doreleijers, Hales, Kaltiala-Heino, Oddo, Popma, Raschle, Schmeck, Zanolli and van der Pol 2019; Young, Greer, and Church 2017).

Two important challenges to developing and implementing unconventional youth justice reentry models are sustainability and scalability. Reallocating funds from traditional justice programs to community-led initiatives is key for ensuring that new efforts will be developed, tested, implemented, evaluated, and maintained if successful. Alternative partnerships with community advocates, industry, organizations, nonprofits, and private foundations support scalability of evidence-based interventions (EBIs) to expand benefits to a larger population as well as support replicability and adaptation of EBIs to diverse populations of youth.

### **3. FORTIFY SOCIAL SERVICE SYSTEMS TO PREVENT LEARNED HELPLESSNESS AND DIMINISH YOUTH CRIMINALIZATION.**

To tackle learned helplessness, we cannot rely solely on utilization of restorative justice and reintegration programs in response to youth offending. We must also employ preventive strategies for youth offending by creating a social service model that supports and strengthens the holistic development of long-lasting life skills, healthy habits, prosocial behaviors, positive character traits, and work skills in a timely manner across various welfare structures and life systems. The same urgency to implement restorative justice and reintegration practices in the youth system should apply to developing these preventive practice frameworks, from school to communities to care services, that are contextually and culturally appropriate, are informed by human development and individual trajectories, and revendicate youth's rights as active agents of their own resilience and growth. Strong partnerships across different structural systems, such as health and education, and community-led advocacy can provide a solid base to manage resources more cost-effectively, avoid duplications, and prioritize interventions that would repurpose funds most efficiently. For example, the Center for Court Innovation (2019), a non-profit organization based in

New York City, has implemented a restorative justice project in five Brooklyn high schools that allows conflict resolution to occur in a safe, monitored space, significantly reducing the schools' use of suspensions and the interference of SROs, thus minimizing youths' potential for interaction with the system entirely (Center for Court Innovation 2019).

Access to robust social services and supports also depends on the availability of sufficient resources. In the last decade, social service-centered programs have been developed, piloted, and implemented throughout the United States, though they vary widely by state and region. The US approach includes community evidence-based outreach and engagement programs, funded by federal, state, and private grants supporting their implementation across different settings (e.g., schools, community centers) and locations (e.g., urban, rural, suburban, online). In fact, the National Institute of Justice Crime Solutions database lists 12 effective and 35 promising evidence-based youth programs and 3 effective and 5 promising evidence-based practices, or general

procedures or strategies for youth (National Institute of Justice 2020). For 2020, the US Congress allocated \$320 million for youth justice programs representing the largest requisition of funding since the previous high of \$424 million in 2010 (Congressional Research Service 2020). Funds have been allocated for new grants to prevent trafficking of girls and continuing grants studying opioid-affected youth and children exposed to violence. The continuation of this work is promising and supports the unique needs of youth populations.

Vital to developing a stronger social service net, we must create policies and training for social and health service providers that align with youth's individual trajectories and contexts throughout different modes of institutionalization. For example, trauma-informed services that include universal screenings and assessment for trauma and psychological and psychiatric conditions, as well as developmentally appropriate interventions, treatment, and timely follow-ups, must be a priority practice in youth justice centers (Branson, Baetz, Horwitz, and Hoagwood 2017). Localities such as Massachusetts, Connecticut, Alaska, and California have developed working definitions and a best-practice protocol for trauma-informed care of young people in multiple settings and implemented this protocol in trials (Fishel, Sanders, Coulehan, Frank, Sidmore, Azzarella,

Rausch, Arvidson, and Grassgreen 2019; Huang, Flatow, Biggs, Afayee, Smith, Clark, and Blake 2014; Kataoka, Vona, Acuna, Jaycox, Escudero, Rojas, Ramirez, Langley, and Stein 2018). Continued training and education for all practitioners and staff are also needed to implement de-escalation techniques; support the development of adaptive behaviors and life skills, of positive coping strategies, and of self-efficacy and self-restraint; and help with the efficient management of secondary traumatization and stress (Skinner-Osei, Mangan, Liggett, Kerrigan, and Levenson 2019).

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These three recommendations must all be prioritized in both policy and practice, as they are imperative for reduction of learned helplessness and of youth criminalization and victimization. Without implementing restorative justice, reintegration, and preemptive tactics, youth voices will continue to remain silent and young people will remain stripped of their humanity, their strengths, and their capacities. We must listen to their dreams and learn from the strengths and assets that carry them through their journeys in order to support their healing and resilience. In their individual stories there is a clear cry for social justice, demanding that we evolve from gatekeepers to door-openers.

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## CONCLUSION

It has now been ninety-six years since the Geneva Declaration of the Rights of the Child (1924), sixty-one years since its wide adoption by the United Nations (1959), and thirty years since it was ratified as the Convention on the Rights of the Child during the so-called “Year of the Youth” (1989–90). Yet the world—and, to an even greater extent, the United States—has fallen short in defending children and youth’s human rights. The Convention on the Rights of the Child charges us to preserve and protect young people’s mental and physical development from harmful influences, abuse, and exploitation; safeguard their rights to life, survival, and development; and ensure their full participation in family, cultural, and social life (UNICEF 1990). We have yet to honor this charge.

While the United States has tried in recent years to undo some of the damage caused by punitive excess, such excesses unfortunately remain the norm. Overusing arrest, detention, imprisonment, and

sentencing young offenders to life in prison without parole; confining youth in adult detention and corrections facilities; disrupting families and separating children from their caregivers, exposing them to damaging stress; persecuting minors for petty crimes; and other human and children’s rights violations are all common practices. Moving forward, we must recognize that previous policymaking has failed to consider the specialized needs of youth who are vulnerable to maladaptive coping mechanisms, and thus to learned helplessness.

Lastly, as demonstrated by the quotes included throughout this paper, we must listen first to directly impacted youth. Listening is the first step in acknowledging the inherent power youth have to overcome their circumstances and, in doing so, overcome learned helplessness. Only through centering these strong youth can we begin to ensure their rights to safe, healthy, and thriving lives.



**LISTENING IS THE FIRST STEP IN ACKNOWLEDGING THE INHERENT POWER YOUTH HAVE TO OVERCOME THEIR CIRCUMSTANCES AND, IN DOING SO, OVERCOME LEARNED HELPLESSNESS.**

## ENDNOTES

**1** Interviews conducted by Trejos-Castillo at a Texas youth facility; study partially funded by a US Department of Health and Human Sciences, Administration on Children, Youth and Families grant.

**2** We do not have accurate data on exactly how many of these people are youth.

**3** South Sudan and Somalia ratified this Convention in 2015, making the United States the sole country to fail to ratify. Both the Clinton and H.W. Bush administrations participated in negotiations and contributed provisions. See Mehta 2015.

**4** Interviews conducted by Trejos-Castillo at a Texas youth facility; study partially funded by a US Department of Health and Human Sciences, Administration on Children, Youth and Families grant.

**5** Interviews conducted by Trejos-Castillo at a Brazilian youth detention facility; study funded by a Fulbright Scholar Grant, United States Department of State, Bureau of Educational and Cultural Affairs.

**6** Interviews conducted by Trejos-Castillo in western India at a child welfare center; study partially funded by C.R. Endowed Professorship in Human Development & Family Studies, Texas Tech University.

**7** Interviews conducted by Trejos-Castillo at a Texas youth facility; study partially funded by a US Department of Health and Human Sciences, Administration on Children, Youth and Families grant.

**8** Interviews conducted by Trejos-Castillo at a Texas youth facility; study partially funded by a US Department of Health and Human Sciences, Administration on Children, Youth and Families grant.

**9** Interviews conducted by Trejos-Castillo at a Texas youth facility; study partially funded by a US Department of Health and Human Sciences, Administration on Children, Youth and Families grant.

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## ACKNOWLEDGEMENTS

The authors would like to thank Executive Session colleagues Vincent Schiraldi, Nneka Jones Tapia, Lynda Zeller, and Katharine Huffman, as well as Vidhya Ananthkrishnan, Director of Youth Justice Initiatives at the Justice Lab, for their feedback on earlier drafts of this paper.

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