



Customer-Centered Juvenile Justice

Juvenile offenders and their victims can benefit from a restorative justice approach. This article highlights the latest evidence on restorative justice, evaluates innovative programs, and offers practical recommendations for effective implementation.

Logan Seacrest

R Street Institute, Resident Fellow

Society has debated how to respond when a young person breaks the law since before the juvenile court was introduced in 1899 (Shepherd, 1999). Restorative justice unites timeworn wisdom with a first-principles focus on the justice system’s “customers”—namely, victims and young people who have caused harm—recognizing that those most affected by crime are best equipped to determine a just outcome. This approach has proven effective in a variety of contexts from international peace tribunals to the school playground. While juvenile courts across the country have been experimenting with restorative practices for over 40 years, new research and innovative programs continue to push the field forward.

Customer-Centered Justice

Similar to successful companies that start with the customer and work backward, restorative justice seeks to understand and prioritize the needs of people who come into contact with the justice system. By listening to key stakeholders, including community members, victims, and young people who have caused harm, restorative justice puts the justice system’s core customers at the center of the process.

A customer-centered, restorative model of juvenile justice elevates the role of victims, holds young people accountable, and heals—to the extent possible—the emotional scars and material losses of both. This recontextualizes delinquency as a breach of human relationships rather than primarily a violation of the law. Crimes are not transgressions against an impersonal, monolithic state; they are acts against specific human beings. Instead of owing a debt to society, young people owe a debt to their victims. This approach contrasts with the adversarial nature of the state-centered system, which inhibits victims and young people from engaging in meaningful communication (see Table 1). Sometimes, victims and offenders are even explicitly forbidden from interacting by court order. While separation can be important in some cases, unnecessary barriers can postpone healing and hinder efforts to ascertain the deeper causes of crime. The winner-take-all nature of the traditional, state-centered system replaces the search for truth and reconciliation with the desire for victory over the opposing side. This zero-sum incentive structure deters taking personal responsibility, which psychologists suggest is an important step in rehabilitation (Bibas and Bierschbach, 2004).

Table 1 Restorative Justice vs. State-Centered Justice

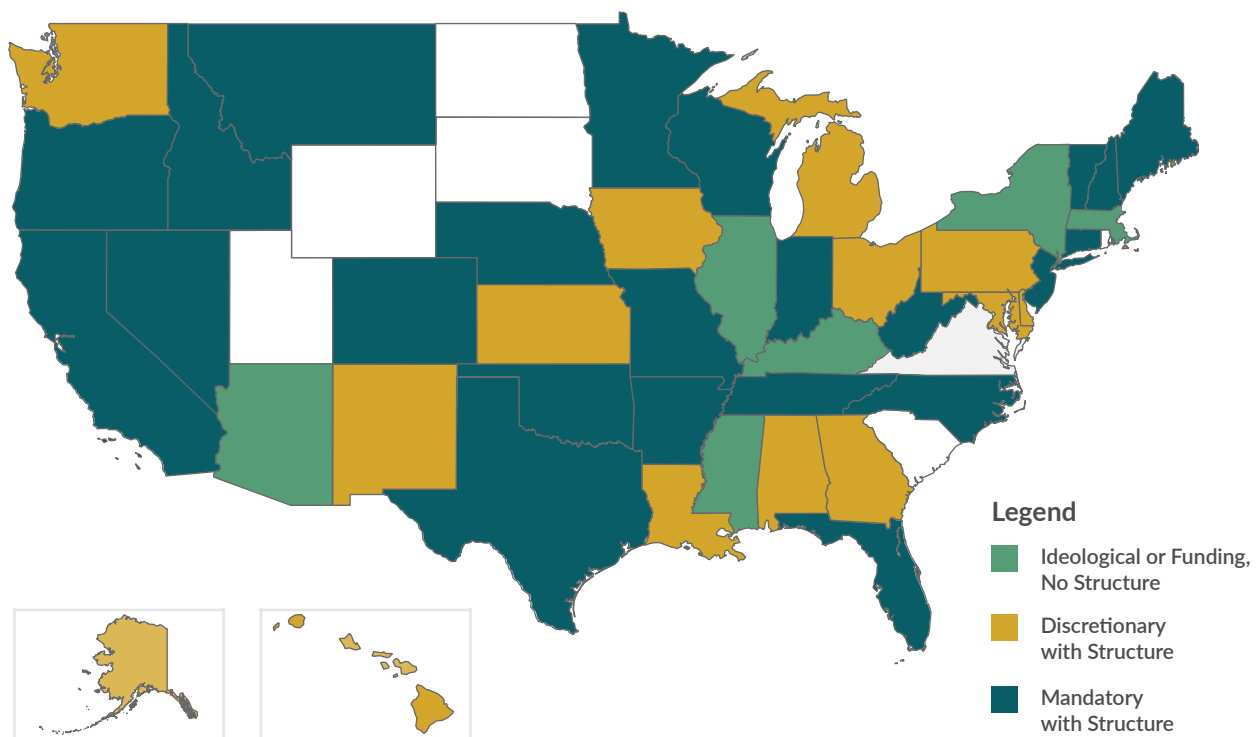
RESTORATIVE JUSTICE	STATE-CENTERED JUSTICE
Crime violates people and relationships	Crime violates the state and its laws
The central parties are the victim and the person who caused harm	The central parties are the state and the defendant
Justice focuses on individual needs and obligations so that things can be made right	Justice focuses on establishing guilt so that blame can be assigned
Justice is sought through dialogue and mutual agreement	Justice is sought through a conflict between adversaries
Accountability is achieved by making amends and repairing harm	Accountability is achieved by punishing offenders

Adapted from Zehr, 2015.

Even though the modern incarnation came to prominence in the 1970s, restorative justice is an old idea rooted in ancient cultures from around the globe (Zehr, 2015). For millennia, indigenous populations in New Zealand, the United States, Canada, and elsewhere have relied on restorative principles to deal with wrongdoing. Rather than focusing solely on the fault of a single individual, these traditions are based on the interconnectedness of all within the community. As one restorative justice practitioner explains, “indigenous people in the Pacific Northwest call it ‘breathing the smoke of the same fire.’ The idea is we are connected, not just through the fact we are all human, but intimately linked by breathing the same air at the same time” (Logan Seacrest interview with Kimiko Lighty, Zoom, March 14, 2023).

So far, 45 states have enacted laws supporting the use of restorative justice or similar models, and 35 have codified the use of restorative justice in juvenile justice processes (see *Figure 1*; González, 2020; OPPAGA, 2020). These interventions can occur at various contact points in the juvenile justice process. Some deflect or divert youth from formal system involvement, whereas others happen post-adjudication as part of a juvenile disposition (OJJDP, 2021). Regardless of where in the process it occurs, the goal of a restorative justice conference is always to bring together victims, young people, and their families to come up with a collective plan to repair the harm caused by wrongdoing.

Figure 1 Juvenile Restorative Justice Laws in the United States



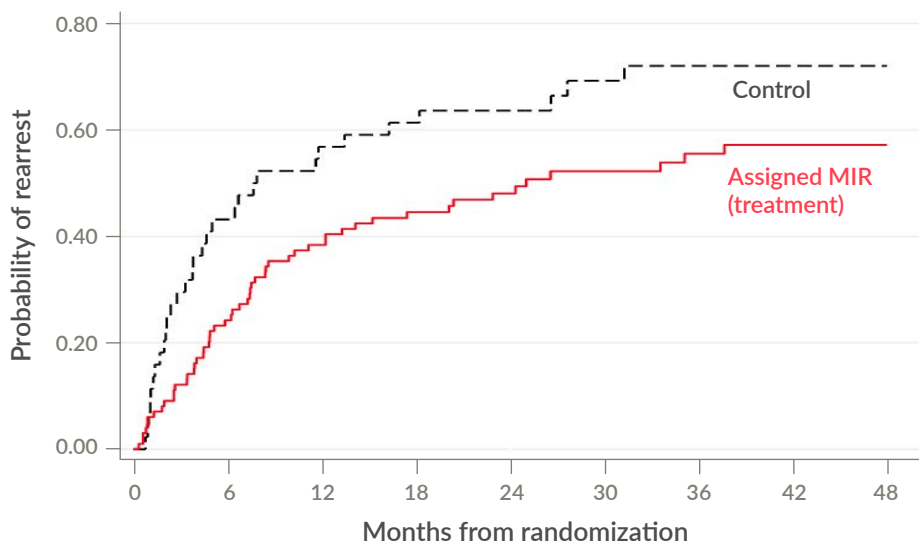
Source: NCSL, 2022.

Innovations in Juvenile Restorative Justice

Most innovations to make the criminal justice system more customer centric have occurred within juvenile justice (OJJDP, 2021). As less cognitively developed than adults, children are more malleable to restorative interventions, particularly those involving family and peers (Suzuki and Wood, 2017). Over the last 30 years, an enormous amount of research on these programs has been published. Until recently, much of this research has been limited by methodological issues, such as small sample sizes, lack of random assignments, nonequivalent control groups, and varied definitions of re-offense (Umbreit and Coates, 1993). Due to the voluntary nature of restorative justice programs and their restriction to mostly minor and nonviolent offenses, older studies have also suffered from threats to validity, such as self-selection bias (Pointer, 2021).

With these technical limitations in mind, in 2022 the California Policy Lab conducted a randomized controlled trial—the gold standard for social science research—to empirically determine the impact of restorative justice. They selected a program called Make-It-Right (MIR), which differs from other restorative justice programs because it prioritizes more serious cases, such as robberies, assaults, and weapons violations (Logan Seacrest interview with Kyle Magallanes, Email, April 10, 2023). To evaluate Make-It-Right, researchers randomly assigned eligible youth to either receive an offer to participate in restorative justice (intervention group) or be processed through traditional juvenile prosecution (control group). The researchers found that juveniles in the intervention group were, on average, 19 percent less likely to be rearrested than those in the control group, an astonishing reduction for a one-time intervention (Shem-Tov, Raphael, and Skog, 2022). In addition, the study suggested the program had a causal effect, as rearrest rates among youth who completed it were much lower (19.2 percent) than those who enrolled but did not finish (57.7 percent). The reduction in arrests continued four years after participation, providing strong evidence that Make-It-Right can reduce justice-system involvement among youth charged with relatively serious offenses (see *Figure 2*; Shem-Tov, Raphael, and Skog, 2022).

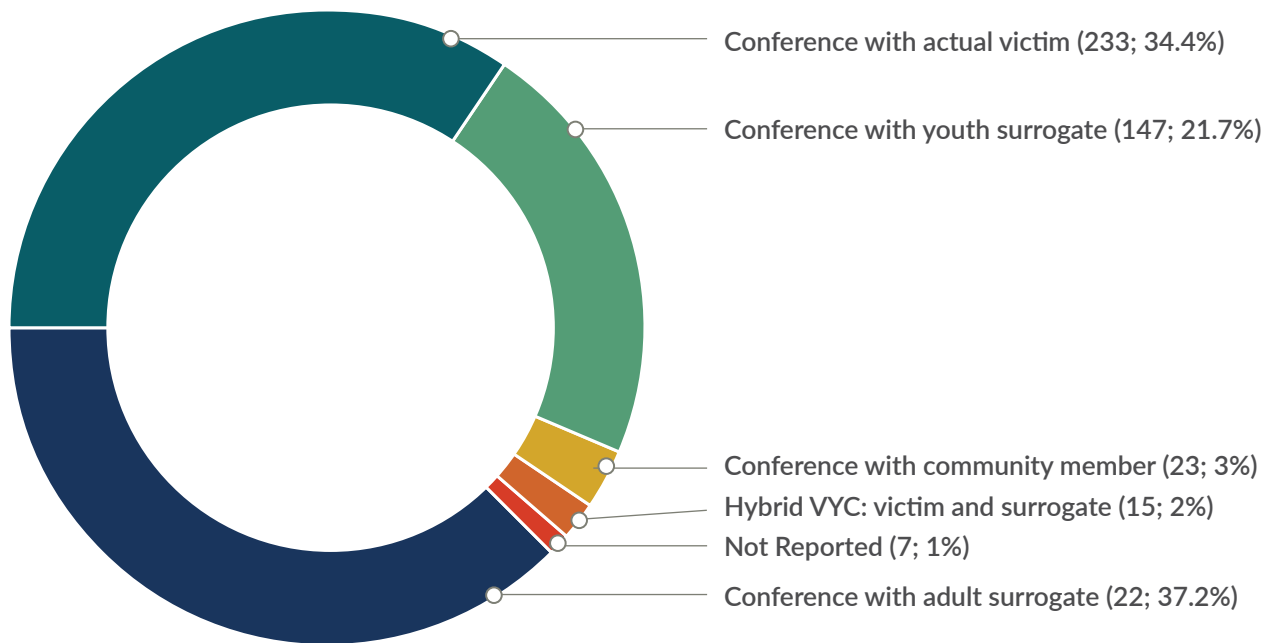
Figure 2 Rearrest Probability Curve in the Four Years Following Make-It-Right



Source: Reprinted with permission from Shem-Tov, Raphael, and Skog, 2022.

Nebraska is another state that has invested heavily in making its juvenile justice system more customer centric. In January 2018, the state set out to integrate restorative practices into every aspect of its juvenile justice system (NEB. REV. STAT. §43-260.03). One of Nebraska’s innovations is the use of youth surrogates in cases where victim participation is either not possible or not appropriate (Blankley and Jimenez, 2019). Surrogates do not necessarily represent the victim, but instead engage the youth in a dialogue about the harm they caused. Even if a crime has no individually identifiable victim, such as cases of drunk driving or drugs, surrogates who have been adversely affected by substance abuse can confront the destructive nature of the conduct in a personal way. Nebraska trains former justice-involved youth to be future surrogates, which benefits the program and provides continuing restorative benefits to participants who go on to become volunteers (see *Figure 3*). So far, Nebraska has one of the only programs nationwide that intentionally identifies and trains former youth offenders to be victim surrogates in future cases (Blankley and Jimenez, 2019: 44).

Figure 3 Participation in Nebraska Victim-Youth Conferences



Source: Data derived from Jimenez, 2021.

Nebraska's program has proven successful across a number of metrics:

- Of 871 case referrals, 78 percent held a restorative conference.
- Of the 677 conferences, 99.6 percent produced a reparation plan.
- Of the 668 cases with a reparation plan, 88.8 percent were successfully fulfilled.
- Overall, 90 percent of participants reported being satisfied with the outcome and would recommend the process to others.
- Overall, 90 percent of youth participants did not recidivate within one year of participating in the program (Jimenez, 2021).

Benefits for Victims

A customer-centered criminal justice system should help victims heal. However, the traditional system can leave little room for victims, who are too often either treated like pieces of evidence or excluded from the process entirely (Bazelon and Green, 2020). One of the greatest sources of frustration for victims is the difficulty in getting information about their cases (Strang et al., 2006). Restorative justice conferences are a useful venue for victims to get questions answered, such as “Why did you target me?,” “Am I safe now?,” and “How will you make this right?” directly from the source (GravitasOPG, 2021). Empowering victims to narrate their trauma and define their own needs, rather than have them defined by the state or even victim advocates, can be a critical step in transcending the experience of a crime (Sherman and Strang, 2007).

Research suggests that victims who participate in restorative justice report higher levels of satisfaction, increased perceptions of fairness, and enhanced psychological benefits compared to victims that suffered the same type of crime but went through the conventional legal process (Allan et al., 2022). A 2023 meta-analysis found that victims experience considerable reductions in negative emotions (fear, anger, guilt, anxiety, distress, etc.) after a restorative conference (Nascimento, Andrade, and Castro Rodrigues, 2022). This catharsis persisted over a period of years, indicating that a transformation from “victim” status to “survivor” status had occurred, which is imperative to emotional recovery following a traumatic event. Interestingly, the severity of the crime appears to have little effect on victim satisfaction or outcomes (Umbreit, Vos, and Amour, 2006).

Challenges

As juvenile courts move toward a more customer-centered approach to justice, it is worth noting some common challenges. Like any transaction between a business and a customer, consent is a prerequisite for participation in a restorative process. However, children may not always understand that participation is voluntary. Consider a young person who is given the choice between a restorative program or taking their chances in court. In such a situation, even a wrongly accused minor might feel pressured to falsely accept responsibility to avoid further legal ramifications (Suzuki and Wood, 2018). Research has confirmed this issue, suggesting that some youth agree to restorative justice purely out of self-interest, especially when the alternative is viewed as worse (Choi, Green, and Gilbert, 2011). Moreover, in a restorative process, young people are expected to display significant emotional maturity, even when they may lack the psychological tools necessary to do so (Scott and Steinberg, 2008). Many justice-involved youth have underdeveloped communication skills, limiting their ability to express remorse in a way that would be perceived as genuine, leading to suboptimal restorative outcomes (Snow, 2013).

Recommendations

To address concerns over coercion, one solution is for courts to make restorative justice the default response to certain delinquent behaviors. Courts should also consider expanding referral criteria beyond misdemeanors to include more serious offenses and implementing a screening process to ensure youth have the cognitive and emotional capacity to meaningfully participate. Victims should also be screened and substituted with surrogates as necessary, particularly in domestic violence cases or other situations in which victim participation could be inappropriate or harmful (Choi, Bazemore, and Gilbert, 2012). Finally, for restorative justice to work, everyone involved must be able to talk openly and honestly, without fear their words will later be weaponized against them. “Reverse *Miranda* Rights” ensure that what is said in a restorative setting remains confidential and will not be used as evidence or an admission of guilt in subsequent legal proceedings. In other words, instead of the right to remain silent, individuals should have the right to be heard.

Conclusion

Restorative justice is a philosophy that challenges the justice system to adopt a more customer-centric approach that can better address the needs of victims, youth, and communities. When those closest to injustice take ownership in helping resolve it, an ethic of co-responsibility can emerge—a recognition that crime arises in a social context and fault usually does not lie entirely with the accused. The evidence-based recommendations provided here can improve public safety outcomes and lower costs by reducing the need for court time, probation officers, and other judicial system resources (Baliga, Henry, and Valentina, 2017). By taking a page from the business world and adopting a more customer-centered philosophy, leaders can create a “five-star” court system that maximizes healing and provides lasting justice.

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