

Lessons Learned: Reimagining Restitution for Youth Convening, November 2021

This document highlights broad themes identified by speakers and participants at the Reimagining Restitution for Youth convening and is intended as a reference for this work moving forward. We have chosen to use “we” pronouns throughout to reflect the community we are building in this area, even when participants disagree about certain values or positions.

History & Narratives of Restitution

The idea of using restitution to make amends and repair harm has a long history, though its use and intended purpose has changed over time. Beginning in the 1970s, restitution was offered as an alternative to detention, benefiting mostly white middle class youth who could afford to pay. In its current practice, restitution disproportionately impacts youth of color and their families, who are overrepresented in the juvenile justice system. Restitution now functions not as an alternative to system involvement but an added punishment or burden compounding the harms of system involvement.

Understanding the Current System of Restitution

- Youth cannot afford to pay restitution.
- Restitution harms the youth and families who are ordered to pay: it heightens economic stress and inequality and undermines family relationships.
- Restitution heightens racial disparities.
- Restitution keeps youth stuck in the system.
- Community service is a frequent alternative but has problems.
- Most restitution is not exchanged directly between young people and those they have harmed. Instead, it is often paid to the state and victims have to apply separately to receive it, creating a disconnect between youth and victim and slowing the process of restoration.
- Restitution does not always go to victims but can be paid to insurance companies or even government agencies.
- Victims usually do not receive complete or timely restitution.

Reimagining Restitution

What Are the Goals?

Seek restorative justice.



Make amends between the person harmed and the person who caused harm.



Restore trust in the community.



Prevent future harm.

Core Principles

- Stop ongoing harms.
- Compensate victims in a timely manner.
- Include the right stakeholders, specifically those impacted by restitution.
- Plan for follow-up in any pilot programs or new alternatives that are being implemented, gather data to show program results, keep youth involved throughout the process, and provide program continuity where possible.
- Avoid “us and them” thinking and the victim/offender dichotomy.
- Change the narrative and pay specific attention to words that humanize those involved.
- Be thoughtful about how much and whether to engage with the current system.
- Disentangle money from accountability and address what different types of accountability could look like.
- If a youth is required to pay money, put programs in place to help.
- Ground practices in culture and community.
- Focus on ensuring that kids are thriving and healthy.
- Provide a meaningful process that meets the needs of all of those involved.

Concerns

- Misplaced emphasis on individual accountability, rather than system accountability, along with an overly narrow definition of accountability from youth alone.
- Programs that create net-widening, bringing more youth into the system.
- System actors, like prosecutors, judges, or legislators, may oppose changing the system because of misconceptions that the system is working well, pushback about any changes that reduce their power over young people, or outdated ideas about what is effective for young people.