

# A Diversion Toolkit for Communities

How to build a pre-charge restorative justice diversion program that reduces youth criminalization while meeting the needs of people harmed.



# Table of Contents

---

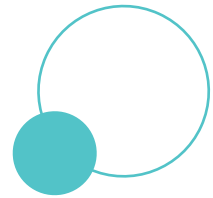
Introduction	2
About	3
Who We Are	8
My Checklist	9
<b>Step 1: Establish a Foundation</b>	<b>19</b>
<b>Step 1A: Youth Criminalization</b>	<b>21</b>
<b>Step 1B: People Harmed</b>	<b>27</b>
<b>Step 1C: Restorative Justice</b>	<b>31</b>
<b>Step 1D: Restorative Justice Diversion</b>	<b>37</b>
<b>Step 1E: The Evidence</b>	<b>52</b>
<b>Step 1F: Interactive Learning</b>	<b>58</b>
<b>Step 2: Build the Program</b>	<b>63</b>
<b>Step 2A: Program Fit</b>	<b>65</b>
<b>Step 2B: Community Held</b>	<b>71</b>
<b>Step 2C: Community Vision</b>	<b>78</b>
<b>Step 2D: Funding</b>	<b>85</b>
<b>Step 2E: Common Ground</b>	<b>92</b>
<b>Step 2F: Referring Cases</b>	<b>102</b>
<b>Step 2G: Receiving Cases</b>	<b>115</b>
<b>Step 3: Receive Training</b>	<b>119</b>
Stories	120
Tools & Resources	127
Gratitude	129
Glossary	131
Legal	143

# Introduction

---

## *Sharing Experiences, Shifting the Paradigm*

The Restorative Justice Project at Impact Justice partners with communities across the nation to address harm through dialogue among those most impacted. We work to shift the paradigm from seeing crime as a violation of the law to understanding crime as harm that requires individual, interpersonal, community, and system-wide accountability and healing. **Through our approach to restorative justice diversion (RJD), survivors have a voice in their healing process and young people are accountable for harm they've caused without being pushed into the juvenile legal system.**



Our approach to restorative justice diversion has developed and evolved over decades with the **primary aims of ending racial and ethnic disparities in our juvenile legal systems and orienting around people harmed**, all while relying on the wisdom of families and communities to resolve conflict and harm. To that end, our model of RJD occurs at the pre-charge diversion point of the juvenile legal system. The other elements of our approach include relationship-building, preventing net-widening, being strengths-based, and protecting confidentiality.

**We began scaling our successful RJD program approach to seven counties nationwide** by providing extensive training, technical assistance, and thought partnership to local community-based organizations (CBOs) and county-level system partners. In response to the stream of new requests for support from prosecutors and CBOs, **we launched this one-of-its kind interactive online toolkit so CBOs can begin starting RJD programs on their own.** The toolkit provides our first phase of technical assistance and prepares sites to begin receiving a suite of specialized trainings and support from us. Once trained, sites are ready to launch their own diversion programs. This toolkit was primarily created for community-based organizations interested in starting a restorative justice diversion program for youth in their county. Potential juvenile legal system partners can contribute by green-lighting, advocating, and opening doors for the program to succeed as **CBOs must be the ones to lead the implementation of a restorative justice diversion program.**

# Introduction

---

1

## Establish a Foundation

Starting this model of a restorative justice diversion program requires an understanding of youth criminalization in the US, an understanding of how the legal system impacts survivors, and of course, an understanding of the approach we are offering here. Step 1 introduces you to these concepts and recommends opportunities for deeper understanding through experiential learning such as trainings and workshops.



2

## Build the Program

Step 1 helps you understand our approach to restorative justice diversion, its context, elements, and structure. Step 2 will help you determine if an RJD program is the right fit for your organization, engage the community to shape the program's development, and build relationships with your local juvenile legal system towards receiving case referrals.

3

## Receive Training

Once you've completed the necessary steps of the toolkit, you and your RJD program staff are ready to receive training! This step describes how to sign up for a training from Impact Justice's Restorative Justice Project.



# About

---

This section explains how and why this toolkit was created, provides instructions about how to use it, and explains why chosen language is used throughout.



## What is this site?

A Diversion Toolkit for Communities emerged out of the need for publicly accessible information and resources on how to start restorative justice diversion (RJD) programs. The RJD program that sujatha baliga started in 2008 as a Soros Justice Fellow in Alameda County, California, has been successful at reducing recidivism, facilitating satisfaction among people harmed, and reducing social and fiscal costs, including reducing the criminalization of youth of color. Building on that experience, the Restorative Justice Project now partners with counties across the country to provide hands-on support to communities and systems partners implementing RJD programs. We are flooded with requests from community members, organizations, and systems agencies asking for guidance around starting RJD programs. The idea of an online toolkit emerged to meet many of these requests. We offer it in the spirit of evolving our training and technical assistance and collectivizing our resources to share widely and freely.

A common phrase used in our work is “restorative justice moves like water,” which describes how restorative justice flows through the world. This is the framework to guide your use of this toolkit. Restorative justice will flow into spaces that yield to it and are willing to receive it -- it will also flow around obstacles and can be powerful enough to forge its own path. Water represents flexibility and fluidity, characteristics you need to embody to succeed in starting a restorative justice diversion program. Water flows underground at all times,

# About

---

even when we cannot see it or don't know it's there, and when it bursts through desert ground, it creates an oasis. Restorative justice has this exact effect; it is nourishing, life-giving, and powerful all at once. As you guide yourselves through the steps of this toolkit, know that like water, there are drops, creeks, streams, rivers, even oceans of restorative justice already in your community.

## What do we mean by restorative justice diversion?

Diversion from the juvenile legal system to a program that uses restorative justice can exist in many forms. Depending on how broadly one defines diversion, it can take place at many different points in the juvenile legal process, i.e. pre-arrest, post-arrest, or pre-trial. Some even believe it's possible to divert post-incarceration, for example, from parole. Restorative justice is also described and practiced in many different ways (we explore this more in [1C: Restorative Justice](#)). In this toolkit, however, the term restorative justice diversion is meant to describe a specific model. Our approach to restorative justice diversion has developed and evolved over decades with the primary aims of **eliminating racial and ethnic disparities in our criminal and juvenile legal systems**, and **orienting around people harmed**, all while **relying on the wisdom of families and communities to resolve conflict and harm**. To that end, our model of RJD occurs at the pre-charge point of the juvenile legal system. The other elements of our model include **relationship-building, prevent net-widening**, being **strengths-based**, and **protecting confidentiality**. Our model will be outlined in-depth in [Step 1D: Restorative Justice Diversion](#).

## Who is this toolkit for?

This toolkit was primarily created for community-based organizations interested in starting a restorative justice diversion program for youth in their county. While the toolkit is most applicable to the US, the core ideas and resources could be useful for people looking for alternatives to incarceration in other countries.

While it's wonderful if you come to this toolkit with knowledge and experience of restorative justice, you don't need to be familiar with restorative justice—that's one of the things this toolkit and necessary trainings will help with. [Step 2A: Program Fit](#) provides a thorough assessment for you to complete in order to gauge whether your organization is ready and aligned with the values of the model. Some things to consider in

# About

---

determining whether your organization is a good fit for implementing a restorative justice diversion program are if your leadership and staff include people of color, LGBTQ/TGNC people, and folks with lived experience with the criminal legal system, whether as survivors or as those who've been accused of causing harm. Your organization should also be trusted within the local community and be skilled at working with youth.

Whoever you are, we're so glad you found this resource. Whether...

- you're curious about setting up community-based programs
- you want to learn more about restorative justice
- you're a community organizer
- or an advocate for people harmed,

we hope this toolkit will serve as a beneficial and informative resource.

It is always exciting when restorative justice diversion is something that sparks interest in folks working in the juvenile legal system. If this is you, we suggest reading through the steps of the toolkit and even passing it along to community-based organizations (CBOs) in your area. CBOs must be the ones to lead the implementation of this restorative justice diversion program, and potential juvenile legal system partners can contribute by greenlighting, advocating, and opening doors for the program to succeed.

## How to use this toolkit

The Restorative Justice Project receives many requests from community-based organizations and system partners for support to launch restorative justice diversion programs; sadly, we currently lack capacity to partner with each community we hear from. Moreover, we've learned that much of the initial work to begin a restorative justice diversion program is best accomplished by local CBOs; we don't want to be "outside experts" because the true wisdom, knowledge, and strategies for implementing a program in a community must come from the people who live there. This toolkit, then, provides the initial pieces of the technical assistance we offer to support community-based organizations to prepare to launch their own diversion programs.

# About

---

Included in the toolkit is a step-by-step guide through the initial stages of implementing this model of an RJD program, including building and strengthening relationships with community members and organizations, getting buy-in from system partners, and setting up a case referral process. Also included are templates and materials for you to download and customize for your use. The toolkit directs you to external resources, such as Impact Justice-vetted organizations that offer recommended trainings such as Community Circle Process, Harm Circles, and Implicit Bias. After completing the toolkit and receiving the recommended trainings, the final step is to sign up for updates about attending a Restorative Community Conferencing (RCC) training from the Restorative Justice Project.

You've already started the toolkit process by reading this section! Finish reading this About section, then get started with **Step 1: Establish a Foundation**. There are tasks and a corresponding checklist in each step for you to complete along the way. Track your overall progress on **Your Checklist** page and the progress bar on the left side of your screen. The dots on the progress bar will be automatically filled in once you complete all the checklist items in a step. **Step 3: Sign-up for Training** is the final step of the toolkit; provide your contact information in order to receive information about upcoming trainings from the Restorative Justice Project.

Included in the toolkit is a step-by-step guide through the initial stages of implementing this model of an RJD program, including building and strengthening relationships with community members and organizations, getting buy-in from system partners, and setting up a case referral process. Also included are templates and materials for you to download and customize for your use. The toolkit directs you to external resources, such as Impact Justice-vetted organizations that offer recommended trainings such as Community Circle Process, Harm Circles, and Implicit Bias. After completing the toolkit and receiving recommended trainings, the next step is to attend Restorative Community Conferencing (RCC) trainings by the Restorative Justice Project.

## A note on language

We believe, in the words of Bryan Stevenson, that “each of us is more than the worst thing we’ve ever done.” We would add to this that each of us is also more than the worst things ever done to us. To reflect this, we use the terms “person harmed” or “survivor” and “responsible youth” or “young person” instead of “victim”



# About

---

or “offender,” because we are all human and capable of transformation. We all deserve for our humanity to be the first thing recognized about us. We should not be defined by our actions or experiences when, at different times in our lives, we have all caused or endured harm. We want to allow for change and growth, not define each other by static events.

Former Chief Justice of the Navajo Nation, Robert Yazzie says that in Diné there is no word for “offender”; rather, they say a person is, “acting as if they have no family.” At a listening session around restorative justice held in British Columbia, Faith Tait from the Nisga’a Nation said, “We don’t have a word for offender in our language, the word we used means ‘un-healed.’”

Labels like “victim” also leave people fixed in time, and fail to make space for a person’s healing journey, and for the possibility that a person may ultimately find the victimization they experienced becomes an occasional memory, no matter how serious the crime. The label “victim” ignores the agency that restorative justice aims to return to those who have been harmed. However, “survivor” and “the person harmed” show that people can transcend something painful or unjust, or can be in the process of transcending harm.

We use the phrase “our model of restorative justice diversion” to describe the values, elements, and structure of our process. We would prefer to describe restorative justice as a way of life or a paradigm shift, and not with reductive terms like “model.” We acknowledge that in using the term “model,” we run the danger of limiting the expansiveness of restorative justice. At the same time, given the structural reality of current oppressive systems, we acknowledge that a structured response is necessary. If we were a fully restorative society, there would be no criminal legal system to divert from. Until that day, we offer a model steeped in our learnings and values while employing modern day tactics to begin a transformative shift in our society towards liberation.

# Who We Are

---

The Restorative Justice Project at Impact Justice partners with communities across the nation to address harm through dialogue among those most impacted. We work to shift the paradigm from seeing crime as a violation of the law to understanding crime as harm that requires individual, interpersonal, community, and system-wide support for accountability and healing. Our approach is unique in its explicit goal of engaging communities to achieve healthy outcomes for youth accused of crime, while meeting the self-identified needs of people harmed and reducing recidivism, racial and ethnic disparities, and related social and fiscal costs.

Creating and writing this toolkit was truly a Restorative Justice Project team effort. Each of us has been shaped by our personal identities and professional backgrounds. Because of this, you will notice that the tone and style of writing changes from section to section, and even within sections. We decided to leave these stylistic variations as they are, because we are proud of our team effort on this toolkit and of the gifts that each of us brings to our work.

Our organization, Impact Justice, confronts mass incarceration, cruel and inhumane conditions, barriers to re-entry, and the failure to meet survivors' needs. We understand that our struggle for justice takes place in a context of historic, systemic, and pervasive racism. We are committed to changing hearts and minds, behaviors, and structures. This mission requires a strong foundation in principle, and the following core values undergird the work of Impact Justice:

- **Imagination.** We cannot build a just world until we dream it and tap into our creative power.
- **Common Humanity.** Our work recognizes the value in every person and the reality that any system that dehumanizes some of us dehumanizes us all.
- **Diversity and Equity.** We are rooted in our cultural differences and seek diverse perspectives. We recognize that both historically and presently, certain communities are targeted and harmed by systemic oppression, discrimination, and prejudice. We work to ensure our strategies and actions promote diversity, equity, and justice, based on race, ethnicity, gender, age, ability, sexual orientation, gender identity and expression, religion, language, national origin, immigration status, system involvement, socioeconomic status, and the multitude of intersections thereof.
- **Liberation.** We are part of greater movements to end individual, collective, and systemic oppression, so that all people are free to thrive.
- **Compassion.** We are committed to reducing and ultimately ending the trauma and pain that we see in the work we do.
- **Passion for Change.** To have impact, we are a relentless, determined, and unstoppable force.
- **Integrity.** We commit to bringing our core values to life in our work.

# Your Checklist

---

Here is where you can keep track of your overall progress on the steps of the toolkit.

## 1A: YOUTH CRIMINALIZATION

**LEARN** about youth criminalization through reading this section and accessing other resources



**WATCH** the documentary *13th*



**WATCH** the short video *Jim Crow Juvenile Justice*



**WATCH** the short video *Youth Lead the Way: A Call for Community Over Incarceration*



## 1B : PEOPLE HARMED

**LEARN** about how the criminal legal system impacts people harmed through reading this section and accessing other resources



**READ** the report *Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice*



# Your Checklist

---

**WATCH** short video *Survivors Speak 2016: Honoring, Healing, and Hope*



## 1C: RESTORATIVE JUSTICE

**LEARN** about restorative justice through reading this section and accessing other resources



**READ** the *The Little Book of Restorative Justice*



**WATCH** *Restorative Justice in Oakland Schools: Tier 1. Community Building Circle* and the other films mentioned above about restorative justice



## 1D: RESTORATIVE JUSTICE DIVERSION

**LEARN** about restorative justice diversion through reading this section and browsing other resources



**WATCH** Wyatt Cenac's *Problem Areas Episode 09: Research Problems, Reef Problems, Punitive Problems*



# Your Checklist

---

**WATCH** the restorative justice webinar presented by sujatha baliga, Director of the Restorative Justice Project at Impact Justice



**REVIEW** Case & Program Eligibility Recommendations resource



**REVIEW** RCC Infographic resource



**REVIEW** RCC Stages resource



**REVIEW** RJD Program Overview & Elements




## 1E: THE EVIDENCE

**READ** the report: *Restorative Community Conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County*




# Your Checklist

---

**READ** the report: *New Zealand's Youth Justice Transformation: Lessons for the United States* 

**SEEK** other sources about restorative justice, diversion using restorative justice, and diversion in general 

## 1F: INTERACTIVE LEARNING

**RESEARCH** local, online, and out-of-the-area trainings 

**REGISTER** for and **RECEIVE** trainings in restorative justice and circle processes 

**REGISTER** for and **RECEIVE** training in implicit bias 

**HOLD CIRCLES** in your organization and community 

# Your Checklist

---

## 2A: PROGRAM FIT

**FILL OUT** Program Fit Questionnaire to determine your next steps in the toolkit



**REVIEW** RJD Program Organization Chart and RJD Program Staff Roles & Responsibilities



**REFLECT** on how your community aligns with the criteria in the Big Picture Site Assessment



## 2B: COMMUNITY HELD

**FILL OUT** Community Partner & Ally Landscape Worksheet for creating directory of community organizations and organizers to include in RJD program creation



**FILL OUT** System Partner & County Leadership Landscape Worksheet on roles and needs from system partners by adding in the names of your local juvenile legal system staff members



# Your Checklist

---

**FILL OUT** System Partner Profiles for system partners who will play crucial roles in starting and supporting an RJD program



**CREATE** a Power Map for your jurisdiction



## 2C: COMMUNITY VISION

**HOLD** Listening Sessions or House Meetings in your community



**FILL OUT** the charts on Local Youth Justice Data



**FILL OUT** the worksheet on Local Youth Justice Landscape - Programs, Policies, and Boards



## 2D: FUNDING

**SET** a fundraising goal





# Your Checklist

---

## 2E: COMMON GROUND

**READ** FJP's *21 Principles For The 21st Century Prosecutor* report



**ESTABLISH CONTACT** with someone in the criminal and/or legal system



**PRESENT** RJD 101 powerpoint to potential system partners



**ESTABLISH CLARITY** and **UNDERSTANDING** of roles and expectations between all potential system partners and CBO



**RECEIVE** informal buy in from DAO



# Your Checklist

---

## 2F: REFERRING CASES

**RECEIVE** and **ANALYZE** county data



**DEVELOP ELIGIBILITY** criteria with DAO using RJD Case Eligibility Setting worksheet



**CREATE** referral process with DAO



**REVIEW** the MOU and the standing order with a youth justice lawyer



**INTRODUCE** the MOU and the standing order to relevant system partners



**SIGN** the MOU and the standing order



# Your Checklist

---

## 2G: RECEIVING CASES

**FINALIZE** any edits to both MOU and standing order so they are both ready to be signed at any point



**IDENTIFY OR CONFIRM** funding streams for your RJD program



**HIRE** necessary personnel for your RJD program



# Step 1

---

## **1** **STEP 1** **Establish a Foundation**

Understand youth criminalization, people harmed, and our approach to restorative justice diversion.



Starting a restorative justice diversion program requires an understanding of youth criminalization in the US, an understanding of how the legal system impacts people harmed, and of course, an understanding of restorative justice diversion. Step 1 introduces you to these concepts and recommends opportunities for deeper understanding through experiential learning such as trainings and workshops.

# Step 1

---

## STEP 1 SECTIONS:

**1A**      **Youth Criminalization**      **PG 20**  
What Does Youth Criminalization Look Like in the US?

**1B**      **People Harmed**      **PG 26**  
What do Survivors Need?

**1C**      **Restorative Justice**      **PG 30**  
What is Restorative Justice?

**1D**      **Restorative Justice Diversion**      **PG 36**  
What is Our Approach to RJD?

**1E**      **The Evidence**      **PG 51**  
How do We Know RJD Works?

**1F**      **Interactive Learning**      **PG 57**  
How do We Gain Deeper Understanding?

# Step 1A

## STEP 1A: YOUTH CRIMINALIZATION

### What Does Youth Criminalization Look Like in the US?

Learn about the context of restorative justice diversion by considering the origins of youth criminalization in the United States, the harms caused by youth criminalization, and by the racial and ethnic disparities in the system.



#### IN THIS STEP:

Landscape

Historical Roots

Racial & Ethnic Disparities

Harms of Criminalization

Checklist

This step asks you to learn about the landscape of youth criminalization in the US today and how the nation's history has shaped it. Racial and ethnic disparities, as well as the systemic harm caused to youth, families, and communities, will be outlined.

#### *Landscape of Youth Criminalization*

This step asks you to learn about the landscape of youth criminalization in the US today and how the nation's history has shaped it. Racial and ethnic disparities, as well as the systemic harm caused to youth, families, and communities, will be outlined.

The system of mass incarceration and criminalization in the United States harms youth long before they reach adulthood. In the US, 2.3 million people are incarcerated within federal prisons and jails, state prisons, and local jails, while an additional 4.7 million are enmeshed in the systems of probation and parole. A

# Step 1A

---

staggering 7 million people are under the control of the US justice system. Children are separated from their incarcerated parents and are swept into these systems as well, making up approximately 50,000 of those incarcerated. An additional estimated 50,000 youth are on probation on any given day. According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in 2016, over 280,000 youth cases resulted in system involvement via probation. Probation is not an alternative to incarceration, as probation violations are among the primary drivers of youth incarceration.

Over 800,000 youth under the age of 18 were arrested in the year 2017 alone. The Campaign for Youth Justice reports that every year in the US, nearly 100,000 youth are put into the adult criminal legal system, most of them for nonviolent offenses. Common drivers of youth arrest and incarceration are status offenses, meaning conduct that would not be considered a crime if it were committed by an adult. Examples of status offenses include truancy, running away from home, violating curfew, underage use of alcohol, and behavior that adults deem as unruly (legally referred to as general “ungovernability”). These systems of control and punishment stifle childhood development through practices that traumatize and dehumanize.

Youth of color make up the overwhelming majority of youth swept into the system. Data from The Sentencing Project’s *Policy Brief: Racial Disparities in Youth Commitments and Arrests* shows that between the years of 1999 and 2013, even as youth incarceration rates decreased, racial and ethnic disparities (RED) in incarceration continued to rise. Before we delve too deeply into how youth of color are disproportionately targeted and negatively impacted by the criminal legal system today, it is important to first understand our nation’s history, particularly in regards to the locking up of youth of color.

## **Historical Roots of the Current Punitive System**

The historical roots of holding youth of color in confinement run deep in the United States, according to the Burns Institute report, *Repairing the Breach: A Brief History of Youth of Color in the Justice System*. Puritans coming from Europe had strict notions of how children should behave and what punishments were necessary should they ‘act out.’ During this same period, both African children brought over in bondage and sold into slavery and Native American children were viewed as less than human and unworthy of governmental or societal protection. Beginning in 1825, the first forms of youth detention centers were called “houses of refuge,” and were initially not even open to children of color, as people of color were considered “irredeemable.” However, that changed within a few decades and quickly resulted in significant disparities along racial lines. From the beginning of youth detention in the U.S., Black children were admitted to

## Step 1A

---

detention centers at younger ages and, in comparison to white children of the same sex, served longer sentences and received harsher treatment.

In the South, bondage and forced labor of Black children continued on long after the Emancipation Proclamation ended the practice of legalized slavery in the US. The Freedmen's Code of 1866 provided former slaveholders a way of forcing newly-freed Black children into 'apprenticeships' under their supervision until adulthood. Further, the 13th Amendment provided a way for slavery to continue through the mechanism of incarceration. Convict leasing involved mass arrests and incarceration of Black people and then 'leasing' them out for financial benefit to companies who used them for hard labor in strenuous, and often fatal, conditions. According to an 1890 census analysis, when convict leasing was rampant, youth made up more than 18% of all Black people who were incarcerated.

In the late 1800's, racist pseudoscience used to predict criminality targeted youth of color, particularly from Black, Filipino, Native American, and Mexican communities. As described in the *Repairing the Breach: A Brief History of Youth of Color in the Justice System* report, they experienced disproportionate institutional confinement and even underwent forced sterilizations. During this same period, Native American children were forcibly removed from their families and placed into Indian boarding schools to be assimilated into Western culture. This historical trauma continues to impact youth justice on reservations today.

All of these systems of confinement and cultures of racist stereotyping were replicated when the nation's first juvenile court opened in 1899 in Chicago, Illinois. Immediately, Black youth were overrepresented in court caseloads and a stark disparity emerged between the resource-rich facilities for white youth and those for Black youth. The practice of sending Black children to adult prisons thrived as well. This inequality negatively impacted communities of color by tearing families apart, and it propped up racist national narratives around youth of color being predisposed to criminal behavior.

All this gave rise to the 'superpredator' myth of the 1980's, which drastically ramped up youth incarceration and the presence of law enforcement at schools with majority students of color. For more information on how the legacy of slavery has shaped mass incarceration and disparities today, watch the documentary *13th* or the short video below, *Jim Crow Juvenile Justice* created by Youth First Initiative.

▶ Video: <https://www.youtube.com/watch?v=7hgXWK7-1ZM>



# Step 1A

---

## *Current Racial and Ethnic Disparities*

Our nation's history of deciding which children are valued has led to the significant racial and ethnic disparities that continue to undergird the juvenile legal system to this day. Between 2003 and 2013 (the most recent year with available data), even though the rate of youth incarceration decreased, racial disparities in incarceration increased. In 2013, for example, Black youth were more than four times as likely as white youth to be incarcerated, Native American youth were more than three times as likely, and Latinx youth were almost twice as likely. These kinds of disparities exist at every step of the juvenile legal system; youth of color are more likely to be arrested, more likely to have their cases referred to juvenile court, more likely to be prosecuted, and, finally, more likely to be sentenced for exhibiting the exact same behaviors as white youth.

Racial and ethnic disparities (RED) further persist in sentencing. In 2013, Black and Latinx youth were more likely to have lengthier sentences in local facilities than white youth. RED also shows up in the types of offenses youth are charged with. Technical violations, which can include a failure to appear for a drug test, or an inability to pay restitution, can result in incarceration in a racially biased manner. In 2013, youth of color were significantly more likely to be committed to an out-of-home placement for a technical violation than for any other offense. In the same year, 67% of youth incarcerated for a technical violation were youth of color. Particularly alarming is the increased disparity in treatment of Native American youth; in every type of facility and in every offense category, the disparity gap for Native American youth increased between 1997 and 2013. In 2013, Native American youth were more likely to be removed from their homes by the juvenile legal system than white youth were in 1997, during the height of incarceration.

LGBTQ youth are also disproportionately impacted by the juvenile legal system as outlined in the Youth First Initiative article, *Geography of America's Dysfunctional & Racially Disparate Youth Incarceration Complex*. They are twice as likely to end up in juvenile detention; 20% of youth in juvenile detention facilities identify as LGBTQ while only making up 7-9% of the nation's overall youth population. They are also more at risk of harassment, emotional abuse, physical and sexual assault, and prolonged periods spent in isolation while incarcerated. Furthermore, the 2017 report, *Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System*, reported that 85-90% of incarcerated LGBTQ youth are youth of color.

## *How Criminalization Harms Youth and Communities*

Research has shown that the juvenile legal system frequently has the opposite impact of its stated intention of rehabilitation. The removal of a young person from their family, community, and support networks is

## Step 1A

---

traumatic and inhibits positive development. Further studies have shown that the vast majority of children who are arrested will naturally grow out of behavior that is criminalized and transition well into adulthood *without* any contact with the juvenile legal system.

Lengthy out-of-home placements interrupt a young person's education, and once incarcerated, many young people have difficulty returning to school. The longer a youth is in an out-of-home placement, the longer they are disconnected from their family, their community supports, and their educational pursuits. In addition, practices such as strip searches, physical restraints, and physical abuse can result in severe trauma that makes reintegration in family, school, and community a massive, often insurmountable struggle post-detention.

The 2011 Annie E. Casey Foundation report, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, firmly states that our current system is dangerous, ineffective, unnecessary, obsolete, wasteful, and inadequate. If you're interested in learning more about how our current punitive system harms youth and communities, please refer to Juvenile Law Center's report, *Broken Bridges: How Juvenile Placements Cut Off Youth from Communities and Successful Futures*, Burns Institute's, *Stemming the Rising Tide: Racial & Ethnic Disparities in Youth Incarceration & Strategies for Change*, and *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*.

Absorbing these statistics and grappling with the consequences of youth criminalization can be a heavy experience. We should not look away from this painful reality; indeed, we need to first listen to the voices of young people who are directly impacted by these systems. Watch the video below, *Youth Lead the Way: A Call for Community Over Incarceration*, to hear young people call for community-based solutions.

▶ Video: <https://www.youtube.com/watch?v=ho7hM5D5X1k&feature=youtu.be>

A growing body of research reveals that community-based alternatives to incarceration, such as the restorative justice diversion (RJD) model outlined in this toolkit, are more successful in supporting children to thrive and in reducing recidivism. You will read more about the proven results of RJD in the evidence section of the toolkit. Read on to the next section to learn more about the impact of the current criminal legal system on people harmed.

# Step 1A

---

## 1A CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**LEARN** about youth criminalization through reading this section and accessing other resources



**WATCH** the documentary *13th*



**WATCH** the short video *Jim Crow Juvenile Justice*



**WATCH** the short video *Youth Lead the Way: A Call for Community Over Incarceration*



# Step 1B

---

## STEP 1B: PEOPLE HARMED

### What Do Survivors Need?

Learn how the criminal legal system impacts survivors and the ways in which that system does not always meet the needs—or answer the questions—of people harmed.



#### IN THIS STEP:

Landscape

Unmet Needs

Alternatives

Checklist

---

In **Step 1A: Youth Criminalization**, you learned about the historic roots of the criminal legal system and its devastating impact on youth and communities of color. This step covers the negative impact this system can also have on survivors.

### *Landscape of Survivors*

Crime impacts large numbers of people in the United States every single year. In 2014, the US Department of Justice’s National Crime Victimization Survey (NCVS) reported more than 13 million people were directly harmed by crime. About 8% of all households have experienced property crime, and more than three million people were impacted by at least one violent crime. Alliance for Safety and Justice’s 2016 *Crime Survivors Speak* report outlines the findings of their first-of-its-kind national survey of survivors’ views on safety and justice. This survey found that 1 in 4 people in the US have been harmed by a crime in the past 10 years, and

## Step 1B

---

about half of those experienced a violent crime.

People who have been harmed are, unsurprisingly, a very diverse group. The Alliance for Safety and Justice survey found that 35% of survivors of a violent crime have also experienced multiple crimes. And, despite the tendency of news media to highlight stories about crime when the survivors are young white women, people of color are disproportionately impacted by crime. Black people in particular are nearly one-third more likely to be survivors of crime than white people. Statistics also clearly indicate that young people, people living in cities, and people in low-income communities are all disproportionately impacted by crime. Understanding the landscape and demographics of survivors in the US can help guide how we respond to harms in our communities. The voices of people harmed should be considered first and foremost when we evaluate our current system and imagine different possibilities.

### *Needs Unmet by the Current System*

Our criminal legal system is intended to play a critical role in facilitating medical, economic, and emotional recovery for those who have been harmed. However, few people harmed report that the criminal legal system provided any assistance to them. In fact, 2 out of 3 survivors surveyed for the Crime Survivors Speak report received no help following their harm. Only 1 in 4 survivors received assistance from a law enforcement agency, while only 1 in 10 received help from a district attorney or prosecutor's office. Further, many crimes are never reported to authorities because of a common belief that the criminal legal system simply won't help. Survivors are seeking a system of justice that values their voice and their individual healing process.

In fact, the wishes and needs of survivors are often impossible to address in the setting of legal proceedings. Judith Lewis Herman wrote in, "Justice from a Victim's Perspective":

*Victims need social acknowledgment and support; the court requires them to endure a public challenge to their credibility. Victims need to establish a sense of power and control over their lives; the court requires them to submit to a complex set of rules and bureaucratic procedures that they may not understand and over which they have no control. Victims need an opportunity to tell their stories in their own way, in a setting of their choice; the court requires them to respond to a set of yes-or-no questions that break down any personal attempt to construct a coherent and meaningful narrative. Victims often need to control or limit their exposure to specific reminders of the trauma; the court requires them to relive their experience... Indeed, if one set out intentionally to design a system for*

## Step 1B

---

*provoking symptoms of traumatic stress, it might look very much like a court of law.*

Survivors are often characterized as being weak and in need of protection by the criminal legal system. This line of thinking justifies the legal system in taking the case fully and completely out of the hands of people harmed. People who have been harmed lose their right to participate fully in determining the consequences for the harm they've experienced when judges and lawyers take over this determination. People harmed lose the opportunity to heal through being fully heard. This “protection” of survivors not only discounts their strength and agency, it also ignores the reality that they know their story and their needs best. The Justice Policy Institute's report, *Smart, Safe, and Fair: Strategies to Prevent Youth Violence, Heal Victims of Crime, and Reduce Racial Inequality*, found that survivors of harms caused by young people want a voice in the process that resolves the young person's behavior.

### **Alternatives to Punishment**

It would be wrong to assume that people harmed align with “tough on crime” advocates who favor harsh sentences and long periods of incarceration for those who have caused harm. The National Survey on Victims' Views found that the overwhelming majority of survivors strongly prefer investments in prevention and treatment over more spending on prisons and jails. These views are consistent across all demographics of survivors, regardless of race, sex, gender, age, income, political party affiliation, or whether the crime experienced was violent or nonviolent.

- By a margin of nearly 3 to 1, survivors of crime believe that prison is more likely to make people commit crimes than to rehabilitate them.
- 38% of people who have been harmed believe that the US sends too many people to prison.
- People harmed do not believe that incarceration results in accountability, and they would prefer youth be given opportunities to get the support they need so they no longer harm others or themselves.
- By a 2 to 1 margin, survivors of crime prefer that the criminal legal system focus on rehabilitation and not punishment. They would rather see money invested in prevention and rehabilitation than longer prison sentences.
- People harmed also state a preference for investment in schools, job creation, and mental health treatment instead of prisons and jails.

## Step 1B

---

These views remain true for survivors of nonviolent crimes—such as theft and vandalism—and survivors of violent crimes—including rape or murder of a family member.

**It is time that we listen and respond to the experiences, opinions, feelings, and needs of people who have been harmed.** Watch the video below, *Survivors Speak 2016: Honoring, Healing, and Hope*, to see and hear the power of the annual gathering of survivors is like in the voices of survivors.

▶ Video: <https://youtu.be/bcvRuF-1Rfo>

Restorative justice, and the approach to restorative justice diversion described in this toolkit in particular, provides people harmed with the opportunity to have their voices heard and their needs met. This model offers people harmed with an alternative path to justice that doesn't rely on the harmful practice of incarcerating young people. Continue on to the next step to learn more about restorative justice.

### 1B CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**LEARN** about how the criminal legal system impacts people harmed through reading this section and accessing other resources



**READ** the report *Crime Survivors Speak: The First-Ever National Survey of Victims' Views on Safety and Justice*



**WATCH** the short video *Survivors Speak 2016: Honoring, Healing, and Hope*



# Step 1C

---

## STEP 1C: RESTORATIVE JUSTICE

### What is Restorative Justice?

Start learning about restorative justice, its origins, and the different forms it can take. You will also get referrals to other resources that offer deeper and more thorough information about restorative justice.



#### IN THIS STEP:

Origins

Paradigm Shift

Forms of RJ

Checklist

---

**Steps 1A: Youth Criminalization** and **1B: People Harmed** described how punitive responses to harm enacted by the criminal legal system perpetuate racial and ethnic disparities and fail to meet the needs of people harmed. Young people who have caused harm and had their cases processed through the criminal legal system are calling for an alternative. Their families and communities have called for another path. People harmed also seek an alternative path to justice, healing, and accountability. Restorative justice has the potential to respond to all of these calls.

### *Honoring Ways & Practices of Indigenous Peoples and the Origins of Restorative Justice*

There are both indigenous and western roots to restorative justice, and as the movement grounds itself in truth and liberation for all, both of these roots should be recognized and explored. Restorative justice in the

---



## Step 1C

---

United States can be traced back to indigenous origins. Although examples of what many have termed “restorative justice” among First Nations communities in Canada have been well documented, less has been written about equivalents in the US. Part of the difficulty in tracing restorative justice back to specific practices within indigenous communities is that they do not typically hold “restorative justice” as a program or a model, but rather as part of their lives and embedded in their culture. “Restorative justice” is a Western term. Moreover, the indigenous roots are not monolithic—indigenous communities practice circles and justice in different ways. Part of honoring this work means we must stay humble, knowing that these practices came before us and will outlast us.

At its core, restorative justice is about relationships, how you create them, maintain them, and mend them. It is based on the philosophy that we are all interconnected, that we live in relationship with one another, and that our actions impact each other. Grounded in this idea of interconnectedness, restorative justice is able to provide an alternative way of addressing wrongdoing. Wrongdoing is seen as a damaged relationship, a wound in the community, a tear in the web of relationships. Because we are all interconnected, a wrongdoing ripples out to disrupt the whole web—a harm to one is a harm to all.

### *Paradigm Shift*

Restorative justice offers guidance on how to respond when wrongdoing occurs. The focus on punishment within the US criminal legal system typically does not serve to heal the person harmed or provide space for genuine accountability and growth for the person who caused the harm. Restorative justice shifts the paradigm of our current systems by making a radical commitment to meeting the needs of those harmed, those who caused harm, and community members. The restorative justice process allows for all their voices and needs to be heard. Howard Zehr, renowned internationally for his seminal thinking and writing about the Western concept of restorative justice, defines restorative justice as:

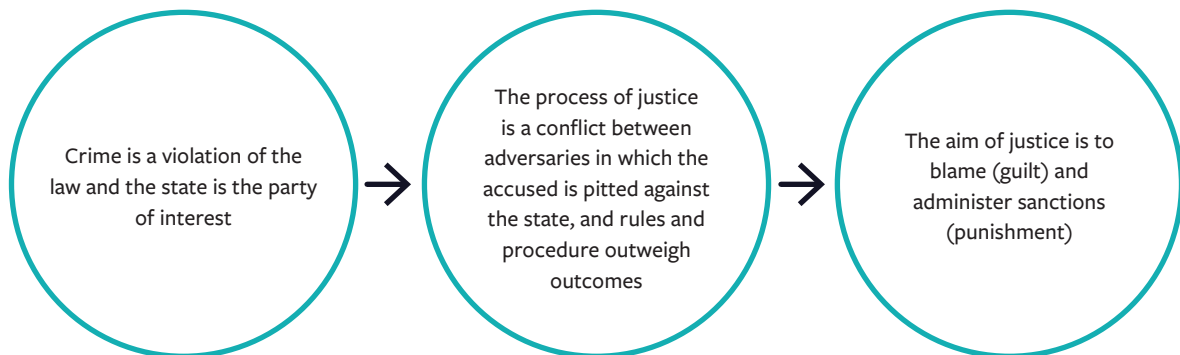
*an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offense or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible.*

Zehr speaks and writes about changing lenses when comparing the criminal legal system with restorative justice:

# Step 1C

---

## Viewing Harm Through a Punitive Lens



## Viewing Harm Through A Restorative Lens



When harm occurs, the current criminal legal system asks...

1. What law was broken?
2. Who broke it?
3. What punishment is deserved?

In contrast, restorative justice asks...

1. Who was harmed?
2. What are their needs?
3. Whose obligation is it to meet those needs?
4. Who has a stake in this situation?
5. What are the causes?
6. What is the appropriate process to involve stakeholders in an effort to put things right and address underlying causes?

# Step 1C

---

Restorative justice as a paradigm shift provides value far beyond simply being an alternative to criminalization and incarceration. In the final report of the Zehr Institute’s Restorative Justice Listening Project, restorative justice is referred to as a movement that “embodies a relational justice lifestyle that invites people to live-right, do-right, and make-right through human connection and community for the sake of the ‘common good.’” It asks us to shift from holding power ‘over’ others to holding power ‘with’ them, as well as believing in each person’s capacity to best know their needs and honor their agency. This shift allows for the redistribution of concentrated power from an individual towards the collective. In this way, restorative justice can seek healing and accountability not only at the personal level, but also at the structural levels of society. Addressing structural harms can include both present injustices and the legacy of historical harms.

*The Little Book of Restorative Justice* is a fantastic resource for learning about restorative justice. A short video below by Brave New Films called *Restorative Justice: Why Do We Need it?* also provides an overview of restorative justice in relation to the criminal legal system.

▶ Video: <https://www.youtube.com/watch?v=8N3LihLvfa0&feature=youtu.be>

## Forms of Restorative Justice

There are many different types of restorative justice processes that allow families, schools, and communities to practice restorative justice in a variety of contexts. Some of the most common restorative models are: Circle, Victim-Offender Dialogue, Prison-Based Restorative Programming, Circle of Support and Accountability, Defense-Initiated Victim Outreach, Truth and Reconciliation Commissions, and Family Group Conferencing. Restorative Community Conferencing is also a model that will be discussed in the following section, **1D: Restorative Justice Diversion**. Each model is described below:

### Circle

Circles are a ceremonial and intentional way of gathering where everyone is respected, folks get a chance to speak and listen from the heart, and stories are shared and valued. Circles can be used to make collaborative decisions, address conflict, celebrate achievements, and for many other purposes. Key elements of a circle process are ceremony, community guidelines, a talking piece, the presence of a circle keeper or facilitator, and consensus decision-making. For more graphics and handouts explaining the circle process, please visit the Living Justice Press site. Additionally there are many excellent films about restorative justice and circles, such as *Circles*, about restorative justice in Oakland; *Hollow Water*, about how restorative justice helped the Ojibwe indigenous community in Canada heal from a legacy of sexual abuse, and a short video below,

# Step 1C

---

*Restorative Justice in Oakland Schools: Tier 1. Community Building Circle*, that demonstrates a circle process led by Oakland youth.

▶ Video: <https://vimeo.com/208337380>

## **Victim-Offender Dialogue**

Victim-Offender Dialogues (VODs) bring people harmed and the people who harmed them together for a facilitated, face-to-face meeting. The process is initiated by the person harmed after the person responsible for the harm has been charged and processed through the criminal legal system and subsequently incarcerated. Most often, VODs in crimes of severe violence take place inside a prison several years after the case has been legally resolved. The film *Beyond Conviction* tells the story of three people harmed who seek answers and healing through a victim-offender conferencing process in Pennsylvania. Note: see the [About](#) section where we explain why we don't use the terms 'victim' or 'offender.'

## **Prison-Based Restorative Programming**

Prison-Based Restorative Programming can include victim impact or dialogue groups where an incarcerated person can find creative and symbolic ways to heal and make amends. Some examples of innovative prison-based restorative programming include The Ahimsa Collective's Realize Program, which applies restorative approaches to intimate violence, and the Insight Prison Project's Victim-Offender Education Group.

## **Circle of Support and Accountability**

Circles of Support and Accountability (COSA) provide folks recently released from incarceration with a network of community volunteers who provide guidance, care, and support to help them face the many challenges of returning home.

## **Defense-Initiated Victim Outreach**

Defense-Initiated Victim Outreach (DIVO) is a restorative justice process used during litigation. To meet some survivors' needs that may best be addressed through communicating with the defense in criminal proceedings, a DIVO liaison acts as a communication bridge between survivors and defense teams, assisting them by getting answers to their questions and giving voice to their concerns.

## **Truth and Reconciliation Commissions**

Truth and Reconciliation Commissions (TRCS) are traditionally official, temporary, non-judicial, fact-finding bodies sanctioned, authorized, and empowered by the State to investigate harms that have been inflicted upon entire communities. To read more about a vision for truth and reconciliation in the US through a

# Step 1C

---

restorative justice lens, check out this interview with Fania Davis, the founder of Restorative Justice for Oakland Youth.

## **Family Group Conferencing**

Family Group Conferencing (FGC) is originally from Aotearoa (Aotearoa is the Māori word for the land now known as New Zealand) and is the basis of the Restorative Community Conferencing (RCC) model you will learn about in this toolkit. The conference brings together a young person who caused a harm, their caregivers/family, the person(s) they harmed, and others (e.g., the police, a social worker, youth advocate, etc.) to discuss how to help the young person take accountability and learn from their mistakes. During the FGC, participants agree on a plan through which the youth can make up for harm they caused. The plan becomes legally binding, and the Department of Child, Youth and Family Services monitors the young person to ensure they complete the plan. **Step 1E: The Evidence** outlines the history and effects of Family Group Conferencing in Aotearoa. *The Little Book of Family Group Conferences: New Zealand Style* provides an in-depth exploration of how FGCs work in New Zealand. The documentary *Restoring Hope* offers a close look at FGCs as it follows a Māori restorative justice facilitator in Aotearoa who facilitates conferences with people harmed, those responsible, their caregivers/family, and community members.

The restorative justice team at Impact Justice honors and values restorative justice in all of its many flavors and models. We're intentional about the parameters and processes of the RJD model because of our core elements (which you will learn more about in the following **Step 1D: Restorative Justice Diversion**) and the results we have found from RCCs (which you will learn more about in **Step 1E: The Evidence**).

## **1C CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)**

**LEARN** about restorative justice through reading this section and accessing other resources



**READ** the *The Little Book of Restorative Justice*



**WATCH** *Restorative Justice in Oakland Schools: Tier 1. Community Building Circle* and the other films mentioned above about restorative justice



# Step 1D

## STEP 1D: RESTORATIVE JUSTICE DIVERSION

### What is Our Approach to RJD?

Learn what restorative justice diversion looks like in practice including the underlying elements of this model and why each one is so essential.



#### IN THIS STEP:

RJD Process

RCC Process

RJD Elements

Stories

Checklist

Tools & Resources

As has already been mentioned, we love restorative justice in all its flavors. The spread of restorative justice to more spaces, offering more opportunities for people to heal from harm, is beautiful and necessary. Other models of diversion programs using restorative justice exist, and they should exist! This toolkit, however, focuses on diversion using Restorative Community Conferencing (RCC) guided by a very specific set of practice and implementation elements. We refer to this as restorative justice diversion (RJD). And while there are many approaches to RJD, this toolkit offers an approach with distinct elements and structures that have evolved, been evaluated, and adapted over time. In this section, you will learn more about the structure and elements of our approach to RJD.

Our model of restorative justice diversion is unique. Our approach to diversion in the US uses Restorative Community Conferencing (RCC) rooted in the core elements that are explained below. This model of RJD has been active in Alameda County, California since 2008. The program was first held by Restorative Justice for Oakland Youth, then shifted to Community Works West in 2010, where cases continue to be actively referred by the district attorney's office today.

# Step 1D

---

The RCC process was adapted from the New Zealand model of Family Group Conferencing (FGC), which you'll learn about more in **2E: The Evidence**. The FGC model was also adapted by other communities, e.g. in Louisville, KY and in Australia from where it was again adapted in Baltimore, MD. Founded in 2000 by Lauren Abramson, Restorative Response Baltimore (previously known as the Baltimore Community Conferencing Center) receives cases from community members, schools, school police, city police, the department of juvenile services, prosecutor's offices, and the courts. In Kentucky, Restorative Justice Louisville was founded by Libby Mills in 2011, and receives cases from the county attorney's office.

## What does RJD Look Like?

Restorative justice diversion involves diverting cases that would otherwise result in criminal charges to a community-based organization (CBO) facilitating restorative justice processes. Restorative Community Conferencing is the process used in this model of RJD that allows the person harmed, the responsible youth, caregivers/family members, and community members to come together to discuss what happened, including the causes and impact of the harm. Led by a trained facilitator, this process seeks to identify, repair, and prevent harm based on restorative justice values, which include acceptance of responsibility and meaningful accountability. Together, at the direction of the person harmed, a consensus-based plan is produced for the young person to make things as right as possible by the person harmed, their caregivers/family, their community, and themselves. The young person is supported by their caregivers/family, community members and the facilitating community-based organizations to complete the plan; when the plan is completed, no charges are filed. Below is the **RCC Infographic**, a visual representation that will give you a broad overview of the entire RCC process (based on Alameda County's program).

### Download Resource: RCC Infographic

For more information, watch Wyatt Cenac's Problem Areas *Episode 09: Research Problems, Reef Problems, Punitive Problems* and this *webinar* presented by sujatha baliga, Director of the Restorative Justice Project at Impact Justice to learn more about how addressing harm and taking accountability can be meaningful for the person harmed, responsible youth, caregivers/family, and community in this consensus-based process.


The RCC process seeks to honor each participant's dignity and humanity. When a young person goes through an RCC process, the intended outcomes are: needs met, a disrupted cycle of incarceration, and reduced social and fiscal costs. We describe the evidence-based results of an RCC process further in the next section.

# Step 1D

---

## *What happens in a Restorative Community Conferencing process?*

The RCC process consists of three stages: preparation, conference, and plan. The entire process usually takes 3-6 months to complete. Take a look at the resource below, **RCC Stages**, to understand what happens once a case is diverted by the juvenile legal system and received by the community-based organization. The following is a brief summary of what happens during the process, which is more extensively explained and practiced during our RCC trainings.

 **Download: RCC Stages**

### **RCC Stage 1: Preparation**

The trained facilitator of a community-based organization separately prepares all of the people directly impacted (person harmed, responsible youth, caregivers/family, and community members) to explore the causes and impacts of the harm before the conference. Prep often takes place over a series of initial contacts and in-depth meetings about the process.

- **Meetings with the responsible youth**

Facilitators first meet with the responsible youth to build a relationship with them and find out if they are willing to be part of a process in which they'll be supported to take responsibility and be accountable for the harm. It's important to do this before meeting with the person harmed to avoid falsely raising their hopes for a conference. These meetings help the responsible youth reflect on their experience and the impact of their actions on the person harmed and the community, and begin to prepare for making things as right as possible.

- **Meetings with the person harmed**

After the responsible youth consents to the RCC process, the facilitator reaches out to the person harmed to build a relationship and help them identify their needs—including their interest in participating in an RCC. The person harmed is not obligated to participate, and they may prefer to participate in only part of the process or opt to have a surrogate take their place for the actual face-to-face conference. They might also not want the RCC or diversion to take place at all in which case the case would likely be sent back to the referring juvenile legal system agency. In-depth meetings are intended to help the person harmed identify what they want to say and ask for during the conference.

- **Meetings with caregivers/family**

Sometimes caregivers/family members will be present for the initial meeting with the responsible youth. Meeting with caregivers/family allows the facilitator to understand any concerns caregivers might have



# Step 1D

---

and learn more about the responsible youth and their support system.

- **Meetings with support people of responsible youth, the person harmed, and community members**

Community members who were impacted by the harm are encouraged to attend the conference in order to share their experience. People who support the responsible youth and people who support the person harmed are also encouraged to attend in order to help bring out the best in both participants, and to possibly take a role in the completion of the plan to repair the harm. These meetings prepare them to share during the conference and support creating a plan.

Most of the facilitator's time is spent in the preparation phase. This phase is crucial because it sets the tone and lays the foundation for all of the other stages to follow. We want people to come into the conference as informed as possible so that they can have as much clarity about their needs as possible before the RCC.

### ***RCC Stage 2: Conference***

After every participant is sufficiently prepared during the months leading up to the conference, everyone gathers in person. The goal of this meeting, called a conference, is for everyone to see each other first as full human beings, to discuss the causes and impacts of the harm, ask questions of one another, and collectively create a plan that meets the needs of all in attendance (including the responsible youth). The conference starts with establishing shared values and guidelines. The person harmed identifies who will share their experience first, and others will follow. When the conversation turns to next steps, a plan is created by consensus, and the conference comes to a close.

### ***RCC Stage 3: Plan Completion***

The young person takes action to complete the requested items that emerged from the conference. These actions are specific to the harm and demonstrate the youth's efforts in making things as right as possible by the person harmed, their caregivers/family, community, and themselves. Facilitators or an Agreements Manager at the CBO supports the young person with each element of the plan, or, ideally, connects the youth with supports in their own life for each stage of plan completion. When the young person completes the plan, all conference participants and the referring juvenile legal agency are notified, no charges are filed, and the young person's case is closed. A celebration takes place and everyone who was at the conference is invited to attend.

# Step 1D

---

## *Core Elements of the Model*

These core elements not only form the standards and values we bring to Restorative Community Conferencing, they serve as the foundation for our entire RJD model, including everything described in this toolkit about setting up a program. We refer to deviating from these elements as “model drift” or as jeopardizing “model fidelity.”

Attempting to standardize any form of restorative justice is problematic, because, as you read in the **About** section, restorative justice in its essence is a fluid way of life. However, developing an RJD program with good intentions but without acknowledging current systems of oppression runs the risk of RJD programs being co-opted by the juvenile legal system or replicating the oppressive structures we aim to dismantle. We offer these elements of the model as a protective structure against RJD programs becoming another arm of the many systems which currently harm or fail to meet the needs of people who come in contact with them. From our years of experience, we have also seen that these elements help hold an RJD program to the basic core values and principles of restorative justice, such as dignity, respect, relationship, healing, and repair.

These are the core elements of our model. The RJD program is...

**Element 1:** Oriented around the needs of people harmed

**Element 2:** Designed to end racial & ethnic disparities (RED) in juvenile and criminal legal systems

**Element 3:** Focused exclusively on pre-charge diversion

**Element 4:** Structured to prevent net-widening in the juvenile legal system

**Element 5:** Dedicated to a strengths-based approach to healing harm

**Element 6:** Rooted in relationships - how to nourish, deepen, and heal them

**Element 7:** Committed to protecting participant confidentiality

# Step 1D

---

## **Element 1: Oriented around the needs of people harmed**

When harm happens, we know that the person who was harmed is the only one who can say what is needed to repair the harm. As you read in **Step 1B: People Harmed**, the traditional criminal legal system fails to meet the needs of people harmed and can often be re-traumatizing. This program and this model aims to offer people harmed a process where their voices are heard and their needs are met.

In *The Little Book Of Restorative Justice*, Howard Zehr explains:

*Of special concern to restorative justice in a criminal justice context are the needs of crime victims that are not being adequately met by the criminal justice system. People who have been victimized often feel ignored, neglected, or even abused by the justice process. Sometimes, in fact, the state's interests are in direct conflict with those of victims. This results in part from the legal definition of crime, which does not directly include victims themselves. Crime is defined as against the state, so the state takes the place of the victims. Yet those who have been harmed often have a number of specific needs from the justice process.*

What this element means is that those who've been harmed are indispensable to restorative justice processes, because the person harmed is needed to accurately identify what they need to repair the harm. Survivors also get to decide things that would make them feel safe and supported in the process—including details like the seating arrangement, the order of folks entering the room, and the support people and community members invited. Because a person's needs are dynamic and can change, the RCC process is flexible to meet their needs. The input of the person harmed is fundamental in the creation of the plan to repair the harm.

## **Element 2: Designed to end racial & ethnic disparities (RED) in juvenile and criminal legal systems**

One of the primary goals of our RJD model is ending racial and ethnic disparities (RED) in the juvenile legal system. In the United States and elsewhere, efforts to improve disparate impact of policies on youth of color have often backfired when applied in a uniform way across race. As examples, in Oakland Unified School District and in New Zealand, youth of color have been disproportionately disciplined (OUSD), and incarcerated (NZ). Efforts to reduce school expulsions in Oakland and to reduce youth incarceration in NZ did result in an overall reduction in those harmful practices. However, because they didn't ground their approach in an explicit effort to end racial and ethnic disparities, both OUSD and New Zealand saw a rise in

## Step 1D

---

RED, even as the overall rates of expulsions and incarceration decreased. Indeed, the relative rate of Black youth in Oakland being expelled and Maori youth being incarcerated rose in relationship to their white counterparts as these policies were implemented. In brief, once alternatives to punishment were available, white youth were given more access to them. When we try to reduce numbers without directly and consciously addressing RED, RED will always increase. RED can only be reduced through explicit, concerted, and sustained effort.

To avoid similar problems as you work to implement RJD in your community, you will be asked in later steps to research and identify which zip codes in your county show a high incarceration rate for youth of color, as well as the crimes for which youth of color are disproportionately arrested. This research will help you determine where your RJD program should concentrate its energy in terms of receiving cases and which kinds of arrests to focus on. This is particularly necessary where the referral mechanism involves any level of discretion; research has shown that regardless of the race of decision-makers, where there is discretion, discrimination is likely to occur.

San Francisco offers a model for ensuring equity in the RJD process. In that community, the CBO and district attorney's office determine which arrest types will qualify for RJD programming. From there, the district attorney (DA) uses a randomized computer selection process to choose which cases will be sent to the RJD program, adjusted to the number of cases the CBO has the capacity to work with. Of course, we'd like all eligible cases to be sent to RJD, but until your organization has the capacity to take all those cases (which could be in the hundreds), randomization eliminates discretion and, therefore, the potential for discrimination in the referral process.

If each step of your work does not reduce racial and ethnic disparities on the pathway to completely ending racial and ethnic disparities, your program is fundamentally disserving both communities of color and the basic tenets of restorative justice. Some might express concern that a focus on ending RED conflicts with being oriented around people harmed. This isn't true. Many survivors are people of color, and many are from communities that are overpoliced and directly impacted by racial discrimination at every step of the criminal legal process. By standing true to core restorative justice values of dignity and respect for all people, restorative justice diversion programs can and should address RED in arrests, incarceration, and in RJD participation while still orienting around survivor needs.

## Step 1D

---

### **Element 3: Focused exclusively on pre-charge diversion** Cases diverted to a restorative justice diversion

program should only be cases that, if charged, would have resulted in the young person being incarcerated or placed on probation. Net-widening occurs when the number of youth being arrested, charged, or otherwise impacted by the system *increases* as a result of a new program or policy. This is an important unintended consequence to be mindful of, as it defeats the purpose of the program, especially when it comes to ending racial and ethnic disparities.

Legal system actors may advocate for diverting low-level cases that would have been dismissed in the absence of the RJD program. In that scenario, young people arrested for low-level offenses are now having more contact with the system simply because a program exists to send them to. As tempting as it may be for RJD program staff to take these cases—especially when it feels like that young person and their family needs *something* to help them—it is essential to avoid widening the net that funnels youth into unnecessary accountability processes or, ultimately, into the juvenile legal system.

It's easier to stay clear on this point when we remember that restorative justice is most effective with serious crimes that have a clear, identifiable person harmed. RJD processes cannot support meaningful connections or accountability, won't satisfy survivors' needs, or reduce reoffense rates for crimes, when there is no clear, identifiable person harmed (as with, for example, graffiti on a highway overpass).

Moreover, RCC is an intensive process designed to address serious harms, and the process isn't appropriate for crimes that are low-level. When the intensity of an intervention is disproportionate to the harm, it can actually lead to an increase in recidivism. Asking a young person or a person harmed to invest months of their time and emotional energy into this process is not something to be taken lightly.

A tool that is helpful in preventing net-widening is our **RJD Case & Program Eligibility Recommendation** memo (downloadable below). This memo outlines the types of cases that are appropriate for restorative justice diversion and provides general information about the scope of RJD in regards to the juvenile legal system.

 **Download: RJD Case & Program Eligibility Recommendation**

You will need to be firm in maintaining model fidelity around this element by advocating for the diversion of high-level misdemeanors and felonies with a clear, identifiable person harmed. Otherwise, your program is at risk of taking cases that are not suitable for an RJD program because:

# Step 1D

---

- These cases would otherwise have been dropped
- These cases should not have resulted in an arrest to begin with
- It would result in over-programming a young person and be an unnecessary burden on the time of a person harmed or
- The program has become another arm of the criminal legal system

We've included stories below about what we've experienced when this element isn't upheld.

## **Element 4: Structured to prevent net-widening in the juvenile legal system**

An RJD program should only divert cases pre-charge to minimize the interaction with the system for both the responsible youth and the person harmed. A pre-charge referral means that a case is referred by the DA or referring agency to the CBO after a young person has been arrested and before any charges are filed. Accepting ONLY pre-charge referrals is important for many reasons.

A *post-charge* referral typically means that a young person has already been placed on probation and has had some contact with the system beyond the initial arrest (court, assigned a public defender, etc.). Young people who have had any interaction with the criminal legal system have a greater chance of being system-involved again. Probation violations, not the original harm, are one of the leading causes of youth incarceration in most states in the US. Technical violations of probation often result in pulling youth out of programs. When youth are “given” restorative justice as a part of their court or probation plan, they are likely to make the small “technical errors” that can result in their losing the right to participate or being incarcerated. This sets back their progress and can be harmful and disappointing for the person harmed, who may be invested in the process by this point.

Once youth enter the criminal legal system, the system has authority over their lives, and it is very difficult to disengage from that dynamic. There is an added power that the system now has over that young person, and it can put pressure on them to participate in the program. We do not want a young person to feel coerced or have charges looming over their heads during their experience within the RJD process. While an arrest alone has this impact to some degree, a probation officer, a defense attorney, and court hearings surely exacerbate it.

Additionally, once a young person has been charged with a crime, there is less incentive for them to be vulnerable or accountable in a restorative justice process. They already have an arrest on their record, and having a charge further labels them “a juvenile delinquent” and “a criminal.” Carrying these labels can

## Step 1D

---

negatively impact their sense of self, which doesn't allow them to show up to the process as their full, best self. When a young person feels coerced to participate by system actors, rather than approached by a restorative justice facilitator as an ally, their apologies may be less robust, and their acceptance of responsibility may come more grudgingly.

Lastly, accepting a post-charge referral places the implementing community-based organization in a position where any advice its staff give to participants may be misconstrued as legal advice, which staff are not qualified to give, unless they are criminal defense, immigration, or child welfare attorneys. Even if they are lawyers, this leads to role confusion; restorative justice facilitators are not legal representatives of the participants involved. Facilitating RCCs post-charge can lead to a number of potential liability concerns for the implementing organization, as well as model drift.

We've included a story below about what we've experienced when this element isn't upheld.

### **Element 5: Dedicated to a strengths-based approach to healing harm**

Although the RCC process primarily involves meeting with people to discuss a harm, the harm isn't the first and only thing that should be talked about. Leading a conversation with any participant in the program by focusing on the harm serves to open a conversation from a deficit point. Whatever harm occurred was likely a negative experience for anyone impacted, namely the person harmed and likely the responsible youth as well. We advocate for approaching interactions with any participant (or any person, for that matter) from a strengths-based perspective by finding out what skills they have or qualities they're proud of. The response to the harm should uplift those strengths.

The current criminal legal system and US society as a whole treats people as bad people if they've done something harmful. As restorative justice advocates and practitioners, we don't believe that anyone is bad nor can they become bad by any actions. We believe it is possible and necessary to hold someone fully accountable without losing sight of their strengths and assets. All of this is part of shifting the narrative from what is wrong with people to what is right with people. Part of working with any participant or partner in this program is getting to know them and their gifts. Remember the words of Bryan Stevenson, who says, "each of us is more than the worst thing we've ever done."

# Step 1D

---

## **Element 6: Rooted in relationships - how to nourish, deepen, and heal them**

We can't say enough that building, reestablishing, mending, healing, and maintaining relationships is at the heart of restorative justice. Facilitators model this by how they interact with participants in the program. When you meet with the young person, get to know them—their hopes and dreams, what they value, and what they feel good about. Through trainings, you will learn how to do the same with the person harmed. Find out what is important to them. Make getting to know them and their gifts a constant part of connecting with them.

Creating strong relationships with the participants is the bedrock of the facilitator's work. Take time to build trust before discussing potentially uncomfortable or painful experiences with the participants. Eventually you will discuss the harm, but find a way to do so after getting to know them as people. If you don't take time to create a trusting foundation beforehand, you risk reducing people's identities to their relationship to the harm—to that of just a "victim" or "perpetrator."

By establishing strong relationships with the participants, facilitators earn a deeper insight into them as human beings, and into the harm and its impacts. All of this—the relationships built, trust established, and insight gained—allows the facilitator to guide the RCC more effectively. This foundation equips you to reestablish, mend, heal, and/or help to maintain the relationships between participants.

Relationship building (and how you go about it) creates trust and security. Kay Pranis developed her restorative justice circle processes trainings from what she learned from various First Nations' people and the concept of the Medicine Wheel. While the lessons from Medicine Wheels can apply to many different contexts, according to Kay, "Before trying to work out issues or move to action, the Circle Process must first spend time helping participants connect as human beings." Therefore, the first two quadrants of the wheel (the entire first half of the process!) are devoted entirely to building relationship:

- Meeting, Getting Acquainted
- Building Understanding & Trust
- Addressing Vision/Issues/Content
- Developing Plans/Sense of Unity

We can approach RCCs the same way. These four stages will exist at the conference itself, but will also begin in prep. Especially in prep, getting to know each other and building understanding and trust should be



## Step 1D

---

prioritized. We want to know what folks value, what they like about themselves, what they're interested in, what they want out of this process, what would make them feel whole, what will help them feel their dignity is intact or increased during this process. This is the foundation from which we can talk about the harm, the root causes of it, and its impact on everyone. The first three stages—getting acquainted, building understanding and trust, and addressing the issues—are repeated when the whole group comes together. Only after everyone has shared and gained a deeper understanding of each other and each other's experiences can the group work together to develop a plan to make things right.

### **Element 7: Committed to protecting participant confidentiality**

In order for RJD to be effective, confidentiality must exist on multiple levels within the process. The most concrete and critical measure of confidentiality is through a signed memorandum of understanding (MOU) between the CBO and the DA or local charging authority that clearly states that nothing said during the RCC process, once the case has been referred, can be used in criminal or juvenile court. With an MOU in place, folks can tell the truth at any stage of the process, and none of their statements will be used as evidence in court. Also, the fact that a young person did or didn't opt to participate in the RCC process cannot be used in court. No CBO should accept cases from the juvenile legal system without a signed MOU.

An apology for a crime that a person has been charged with by the criminal legal system is considered an admission of guilt and a reason to enact punitive measures. It is unfair and potentially harmful to ask youth to tell the truth in a restorative process without confidentiality protections in place; without confidentiality legally secured, restorative processes leave people vulnerable to potential legal consequences.

Another reason CBOs must not accept cases without an MOU is that facilitators could be subpoenaed to testify about what they've learned in any stage of the RCC process. In fact, should any participant talk about what happened in the RCC process to someone from the juvenile legal system, without an MOU, that information could be used as evidence against the responsible youth in court. An MOU allows everyone impacted by the harm to speak freely and openly about what happened, without fear that what they say could be used against them or others in court.

# Step 1D

---

Below is a downloadable version of the RJD Program Overview & Elements that summarizes the elements shared above.

 [Download: RJD Program Overview & Elements](#)

Now that you have an understanding of what our approach to RJD is, in the next step you will learn how we know that RJD works. Step **2E: Common Ground** will guide you in more detail about what and how to share what you have learned about RJD with your legal systems partner. You will notice that several of the documents downloaded in this step will also be needed for **Step 2E** as well.

## Stories

### **NET-WIDENING FOR BUNNIES**

A family in a major US city kept an assortment of bunnies, goats, and other pets in their backyard. A 9-year-old child who lived in the neighborhood was, naturally, drawn to them. One day, no longer able to resist the temptation, he went into their backyard, opened a bunny's cage, pet it, and set it free. Upon seeing this, the homeowners called the police on the child, who was then arrested for breaking into the backyard and damaging the bunny cage. This child's case eventually found its way to the desk of the local DA, who diverted it to RJD.

Were the facts of this case severe enough to warrant an accountability process with a four-part plan to repair the harm? Do you think that, had the DA gone forward with charging this case, a court would have put the child on probation? Even if in some jurisdictions the child would have been placed on probation, is RJD the right approach for this case? This last question will be your most challenging to answer.

From **1D: Restorative Justice Diversion**

### **POST-CHARGE NET-WIDENING FOR POLICE INTERACTIONS**

Some legal system agencies have opted to use restorative justice in a post-charge posture (something we think is unwise for reasons stated elsewhere in this toolkit). In one post-charge jurisdiction with

# Step 1D

---

whom Impact Justice is not currently partnering, a police officer interrogated a child without good reason and the child rightfully decided not to talk to the officer. When the child tried to leave, the officer grabbed her, and she responded instinctively by pushing the officer’s hand away. The officer then charged the child with resisting arrest, and she was offered RJD to “repair the harm done” to the police officer.

Would the RJD process be helpful or harmful for a youth in this situation? What power dynamics are at play when law enforcement use an RJD process for this type of alleged harm? How are those dynamics exacerbated when having charges dropped requires apologizing to a police officer?

## 1D CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**LEARN** about restorative justice diversion through reading this section and browsing other resources



**WATCH** Wyatt Cenac’s Problem Areas *Episode 09: Research Problems, Reef Problems, Punitive Problems*



**WATCH** the restorative justice webinar presented by sujatha baliga, Director of the Restorative Justice Project at Impact Justice



**REVIEW** *Case & Program Eligibility Recommendations resource*



# Step 1D

---

**REVIEW** RCC Infographic resource



**REVIEW** RCC Stages resource



**REVIEW** RJD Program Overview & Elements



## *Tools & Resources in this Step*

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Resource: Case & Program Eligibility Recommendations
- Resource: RCC Infographic
- Resource: RCC Stages
- Resource: RJD Program Overview & Elements

# Step 1E

---

## STEP 1E: THE EVIDENCE

### How do We Know RJD Works?

Learn about the effectiveness of this restorative justice diversion model as well as other forms of restorative justice.



#### IN THIS STEP:

Measurements

RCC

RJ Works!

Checklist

Tools & Resources

---

Earlier steps described the landscape of youth criminalization, the impact of the criminal legal system on people harmed, and introduced restorative justice diversion (RJD). We hope that you're now familiar with the issues and frameworks covered so far. Restorative justice, rooted in age-old practices of indigenous communities as a relationship-oriented, non-punitive response to harm, can be an intuitive process for many who first learn of it. When being first introduced to restorative justice, people often feel a sense of familiarity—that this way of addressing harm is one that folks have already been practicing in many ways, perhaps without using the term “restorative justice.” Whether this is your experience or not, it's still important to look at the quantifiable evidence which supports RJD so we can connect what we know in our bones with what can be measured.

Measuring the success of any diversion program comes down to how participants are impacted by the program and how the program impacts the criminal legal system. Traditional assessments of diversion programs rely heavily on recidivism rates and cost-benefit analyses to measure effectiveness. We maintain

## Step 1E

---

that restorative justice processes and programs must be measured beyond these considerations (for example, the satisfaction with the process of the participants, or whether family members feel more connected to responsible youth through the process). This step highlights the effectiveness of this RJD model and of restorative justice processes across the globe, and offers resources for continued reading about restorative justice evaluation.

### *Measuring Restorative Justice*

A primary measure of a restorative justice program is whether people harmed are able to express the impact of the harm and make their needs known. Additionally, restorative justice must foster accountability and generate steps for the person who caused the harm to take to repair it. There should be supportive or impacted community members and caregivers present for the process. Above all, throughout the process, the dignity and humanity of all participants must remain intact. Without these components, the program will likely not achieve the level of healing and accountability it is capable of and it cannot truly be called restorative justice.

Said in another way, Howard Zehr writes of restorative justice,

*Are the wrongs being acknowledged? Are the needs of those who were harmed being addressed? Is the one who committed the harm being encouraged to understand the damage and accept [their] obligation to make right the wrong? Are those involved in or affected by this being invited to be part of the 'solution'? Is concern being shown for everyone involved? If the answers to these questions are 'no,' then even though it may have restorative elements, it isn't restorative justice.*

### *Restorative Community Conferencing*

A report titled, *Restorative Community Conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County*, evaluated the RCC program which is the primary restorative practice used in RJD. We strongly encourage you to read and share this report with those in your community who are interested in RJD. The report evaluated the Alameda County RJD program based on analysis of available data from January 2012 through December 2014 and interviews with participants. It revealed many notable findings, including the following:

# Step 1E

---

- **Satisfaction Among People Harmed**

91% of people harmed who participated reported they would participate in another conference, and an equal number (91%) stated they would recommend the process to a friend.

- **Family Connectedness**

75% of participating youth indicated the process had either a “good” or “big positive” impact on their relationship with their family; 80% of participating parents/guardians reported that their child talked with them more after having completed the RJD process.

- **Lower Recidivism Rates**

Participating youth were 44% less likely to recidivate, compared to similarly situated probation youth: an 18.4% versus 32.1% recidivism rate after 12 months, respectively.

- **Cost Savings**

In 2010 Alameda County’s restorative justice program carried a one-time cost of approximately \$4,500 per case. Today, we estimate that new RCC program costs may rise to approximately \$10,000 per case in the implementation phase, reducing to approximately \$7,000 at scale. It cost over \$490,000 per year to incarcerate a young person in Alameda County in 2018. Given that youth are rarely involved in the juvenile justice system for just one year, the cost savings are tremendous.

A diversion program does not support racial justice and ending youth criminalization if it reinforces racial and ethnic disparities or extends the reach of the criminal legal system. Cases that would otherwise be dismissed or dropped should not be picked up by a diversion program in order to avoid the net-widening effect. Additionally, given the overwhelmingly disproportionate impact and harm the criminal legal system has on youth of color, successful implementation of a restorative justice diversion program will reduce the number of youth of color entering the system. On these fronts, Alameda County’s RJD program produced these results:

- **Reduced Criminalization**

During its first two years, the program diverted 102 youth for crimes that would otherwise have been addressed through the juvenile legal system.

- **Reducing Racial & Ethnic Disparities**

Of the 102 participants in this study, the majority were youth of color; 45% were Black and 33% were Latinx. In 2013, the San Francisco district attorney’s office launched a replication of the Alameda County RJD program in San Francisco called Make it Right, which is also operated by Community Works West along with

## Step 1E

---

Huckleberry Youth Programs' Community Assessment and Resource Center (CARC). An evaluation of the San Francisco RCC program is still ongoing; however initial data show that 32 youth successfully completed the program as of March 2018. The youth who successfully completed the program have a recidivism rate of 16%, compared to a control group that has a recidivism rate of 37%. (In this measurement, recidivism is defined as the filing of a petition in San Francisco.)

As you learned in **Step 1C: Restorative Justice** and **1D: Restorative Justice Diversion**, the Restorative Community Conferencing model is adapted from the model of Family Group Conferencing (FGC) in Aotearoa. A report commissioned by the New Zealand government released in 1988 revealed that institutional racism was leading to Māori youth being disproportionately incarcerated at a drastically higher rate than non-Māori youth, among other disproportionate negative impacts. The government responded with a concerted effort to undo this harm and reduce youth incarceration overall by passing the Children, Young Persons, and Their Families Act of 1989. The Act mandated that restorative justice be used throughout the juvenile legal system, replacing punitive practices with restorative ones. The form of restorative justice that was written into the act is Family Group Conferencing, in which a young person who caused harm is brought into a structured dialogue along with their family, the person harmed, and others (e.g., the police, a social worker, youth advocate, etc.) to discuss the harm and create a plan to repair it. As mentioned in **1C: Restorative Justice** *The Little Book of Family Group Conferences: New Zealand Style* and the documentary *Restoring Hope* are great sources for learning more about FGCs in New Zealand.

Since the passage of the Children, Young Persons, and Their Families Act, youth incarceration has declined. However, overrepresentation of Māori youth in the system has persisted and even increased. A report titled *New Zealand's Youth Justice Transformation: Lessons for the United States*, released in 2018, examines why and how these racial disparities endured and offers policy recommendations and lessons learned in response, including:

- The need to legislate limits around arrest and charging
- Diverting as many youth as possible
- Using restorative justice processes for handling youth with more serious cases, and
- Placing those most harmed by the system at the forefront of changing it.

These recommendations align with the restorative justice diversion model described in this toolkit, particularly the call to center those who are disproportionately impacted by the current punitive legal system, which, in the United States, are youth of color.

### **Restorative Justice Works**



## Step 1E

---

There have been numerous studies demonstrating the effectiveness of restorative justice in many different contexts. Generally, restorative justice has been shown to reduce Post Traumatic Stress Symptoms (PTSS) in survivors, and survivors have reported feeling more included and satisfied by restorative justice processes than the criminal legal system. In addition, while it may seem counterintuitive, restorative processes addressing more serious crimes have been shown to have better outcomes for all parties, including lower recidivism rates for those who've caused harm.

For further exploration into the effectiveness of restorative justice processes, in addition to the Community Works report above, we recommend starting with the following sources and encourage you to seek other sources:

- The Zehr Institute advocates for restorative justice as a social movement. They share knowledge of restorative justice with practitioners and learners through conferences, webinars, and both in-person and online courses.
- Restorative Justice: The Evidence is a comprehensive meta-analysis of 36 restorative justice programs conducted in 2007 by Lawrence W. Sherman and Heather Strang, which found that restorative justice:
  - Reduced PTSS among people harmed and related fiscal costs
  - Provided both people harmed and those responsible for causing the harm with more satisfaction with justice than the criminal legal system;
  - Substantially reduced recidivism for those responsible for harm, and
  - Reduced the costs of the criminal legal system when used as diversion
- Restorative Justice on the Rise is a global virtual network and community of practitioners, academics, students, teachers, and citizens who amplify the movement within, and beyond, restorative justice.

As you dig deeper into studies and resources about restorative justice, keep in mind that restorative justice is not a monolith that can be easily generalized. The design of any restorative justice process will affect the outcomes. The ways to measure restorative justice processes and diversion programs that use restorative justice vary. As you learn more about this restorative justice diversion model and the lessons from New Zealand, share your thoughts and reflections with others in your community who may support the RJD program. Building your RJD program requires a strong foundational understanding of RJD, and in particular, the core elements of the model laid out in **Step 1D: Restorative Justice Diversion**.

Further, as important as it is to develop an understanding of youth criminalization, people harmed, and restorative justice through reading reports and other resources, nothing can replace the deeper understand-

# Step 1E

---

ing achieved through an interactive learning experience in your community. The next step of this toolkit will explain why this is the case and offer referrals to experiential learning and training opportunities.

## 1E CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**READ** the report: *Restorative Community Conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County*

**READ** the report: *New Zealand's Youth Justice Transformation: Lessons for the United States*

**SEEK** other sources about restorative justice, diversion using restorative justice, and diversion in general

## Tools & Resources in this Step

A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).

- Restorative Community Conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County

# Step 1F

---

## STEP 1E: INTERACTIVE LEARNING

### How do We Gain Deeper Understanding?

Learning about restorative justice and restorative justice diversion online has its limitations, which is why we ask you gain deeper understanding through interactive learning at trainings. This step directs you to organizations that provide such trainings.



#### IN THIS STEP:

Pre-training

Hold Circles

What If?

Checklist

---

### *The Importance of Receiving Pre-Training*

Preparing your organization to implement a restorative justice diversion program requires more than just reading and utilizing this toolkit. In order to be eligible for a Restorative Community Conferencing training from the Restorative Justice Project at Impact Justice (**Step 3: Receive Training**), your organization must have already received trainings in restorative justice, circle processes (specifically community building circles and harm circles), and implicit bias. Your organization must also have some experience holding circles in your community. Responsibly introducing RJD to your community requires learning about the history and fundamental principles of circle process and restorative justice, as well as gaining intimate knowledge of how our criminal legal system functions and its history. You learned about this at length in **Step 1A: Youth Criminalization**, and we encourage you to review the additional resources provided in that step to deepen your knowledge of the criminal legal system.

## Step 1F

---

Additionally, it is essential to understand implicit bias and privilege—how they inform our interactions with others, as well as how they create and uphold certain practices, policies, and procedures. Developing a program that maintains and sustains a liberation framework can only happen when staff actively and self-reflectively engage with the realities of implicit bias, power, and privilege.

While our list of recommended organizations, associations, and websites is in no way exhaustive, it does provide a great starting point for conducting your own research on where to receive trainings and additional support. Although many of these organizations are California-based, their trainers may be available to travel. Of course, if there is a local restorative justice organization in your community that offers trainings, they could be your best option—both because local trainers cut down on travel costs and because they will have a better understanding of your local community. For more recommendations, visit our Restorative Justice Resources page on the Impact Justice website.

### ***Training in Implicit Bias, Equity, and Privilege***

- *Circle Up Education*  
Designs and facilitates custom trainings in conflict resolution, diversity and equity, restorative practices, and professional development

### ***Restorative Justice & Circle Process***

- *The Ahimsa Collective*  
Facilitates trainings in restorative justice, trauma healing, facilitation, and restorative approaches upon request
- *California Conference for Equality and Justice*  
Provides training and technical assistance for building practitioners' capacity to implement restorative justice practices internally in their policies, practices, and culture, and externally with the communities they serve
- *Community Connections for Youth Institute*  
Empowers grassroots faith and neighborhood organizations to develop effective community-driven alternatives to incarceration for youth
- *Community Justice for Youth Institute*  
Provides training and technical assistance in restorative justice, peacemaking circles and circle facilitation

## Step 1F

---

- *Community Works West*  
Provides circle training, restorative community conferences/family group conferences, circles of support and accountability (COSAs), restorative arts circles, family transition circles, and train the trainer trainings
- *Eastern Mennonite University's Summer Peacebuilding Institute*  
Graduate school that publishes the Little Books of Justice & Peacebuilding series; offers recommended Summer Peacebuilding Institute course, including Circle Process Trainings by Kay Pranis
- *Restorative Justice for Oakland Youth*  
Offers education, training and technical assistance, and launches programs with school, community, juvenile justice, and research partners
- *Restorative Justice Training Institute*  
Offers training, coaching, curriculum development, research, and evaluation based in restorative practices for schools and youth organizations
- *S.O.U.L. Sisters Leadership Collective*  
Offers trainings in peacekeeping circles & restorative justice practices, "S.O.U.L. Model: Best-Practices for Gender-Specific Programming," trauma-informed care, and positive youth development

### **Juvenile Legal System**

Contact your local legal aid center and request a meeting, presentation, or training on your local juvenile legal system and processes.

- *The Annie E. Casey Foundation*  
Provides information on state and city juvenile legal system data with the option to create customized reports for your region

### **Hold Circles**

Once trained in restorative justice and circle process, you'll be able to hold circles. Spending time in this facilitation role is essential experience necessary before starting an RJD program. Spend as much time as you need in this step of the toolkit, learning alongside others in trainings and practicing restorative justice in your

# Step 1F

---

life. The next step of the toolkit helps you determine if an RJD program is truly aligned with your organization's values and mission.

## What If...?

### **WHAT IF THERE ARE NO LOCAL RESTORATIVE JUSTICE GROUPS IN OUR AREA AND WE CAN'T AFFORD TO PAY FOR A NATIONAL ORGANIZATION TO COME TRAIN US?**

Let organizations know that you're working through this toolkit with the aim of starting a diversion program, and find out if they have sliding scale prices for trainings. Another option to conserve funds is to send just a few staff members to a training, instead of asking the trainers to come to you, then have those staff members teach it out. A final suggestion is to set up a "training exchange." Perhaps you are a restorative justice organization interested in receiving implicit bias training. Reach out to groups that offer implicit bias training and find out if they would be interested in receiving a training in restorative justice from your team in exchange for one in implicit bias by their team.

### **WHAT IF WE ARE AN ORGANIZATION THAT OFFERS THESE TYPES OF TRAININGS?**

Fantastic, you can check some of these trainings off your list! Now, you can begin to brainstorm how content from your own trainings applies to restorative justice diversion and what supplementary topics you may want to seek training in to further strengthen the foundations of your RJD program.

## 1F CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**RESEARCH** local, online, and out-of-the-area trainings



**REGISTER** for and **RECEIVE** trainings in restorative justice and circle processes



# Step 1F

---

**REGISTER** for and **RECEIVE** training in implicit bias



**HOLD CIRCLES** in your organization and community



# Step 2

---

## **2** STEP 2 **Build the Program**

Look for alignment with the model, cultivate relationships with community and legal system partners, and construct the program.



Step 1 helped you understand restorative justice diversion programs, and the context, principles, and structure of these programs. Step 2 will help you determine if the program is a right fit for your organization and will provide guidance on how to have your community shape the program’s development and how to build relationships with your local juvenile legal system towards receiving case referrals.



# Step 2

---

## STEP 2 SECTIONS:

**2A** **Program Fit** **PG 64**  
Is This RJD Program the Right Fit for Our Organization?

**2B** **Community Held** **PG 70**  
Who in Our Community Might Support this Program?

**2C** **Community Vision** **PG 77**  
How Does Our Community Envision Supporting RJD?

**2D** **Funding** **PG 84**  
Who Will Fund This Work?

**2E** **Common Ground** **PG 91**  
How Do We Work with Legal System Partners?

**2F** **Referring Cases** **PG 101**  
What Kind of Cases Should We Receive?

**2E** **Receiving Cases** **PG 114**  
Are We Ready to Be Trained to Receive Cases?

# Step 2A

---

## STEP 2A: PROGRAM FIT

### Is this program the right fit for our organization?

Assess whether your organization and this RJD program are aligned, and get to know the roles and responsibilities of staff members necessary to start a program.



#### IN THIS STEP:

Identity a CBO

Roles & Responsibilities

Site Assessment

What If...?

Stories

Checklist

Tools & Resources

---

Welcome to Step 2! At this point in the toolkit, you have started to grow your restorative foundation with deeper understanding and hands-on experience being trained in restorative justice and holding circles. In this section, you will determine whether your organization is best suited to start this model of a restorative justice diversion program.

#### *Identifying the Community Based Organization to Lead*

The question we're asking you to answer in this section is: "Is This RJD Program the Right Fit for Our Organization?" This is a crucial one to answer. In order to help you determine how well suited your organization is to start this approach to restorative justice diversion, we've created a simple questionnaire based on the program's core elements. You can fill in your answers online below or by using this printer friendly version of the tool.

## Step 2A


---

Complete the questionnaire by reflecting on your organization’s values, mission, staff, history, community, and connections.

### **Tip!**


Including many voices will help you get the most accurate assessment. It’s highly recommended that multiple people at your organization contribute to filling out this questionnaire. You could complete it collaboratively or fill it out separately and share your responses together. Also, adding an RJD program to your existing programming could impact your current staff, so it’s a good idea to include everyone early on.

Once you’ve answered all the questions, follow the instructions to add up your answers, which will tell you whether you have a green, yellow, or red light to move forward.

 [Download Resource: Program Fit Questionnaire](#)

### ***Restorative Justice Diversion Program Staff Roles & Responsibilities***

Every staff member plays an important role in restorative justice diversion. Take a look at the example of an RJD program organizational chart. This organizational chart is also available as a downloadable resource. We offer this so that, as you’re starting to plan for this program, you can get a sense of the staffing needs for the program.

 [Download Resource: RJD Program Org Chart](#)

As you can see, this organizational chart covers the necessary staff roles for a program during the first “pilot” year, as well as staff roles for the program as it continues to expand each year. In the first pilot year, the only necessary positions to establish are two Facilitators/Co-facilitators, a Program Manager, and an Administrative Assistant. Each position has different responsibilities, which are described below. Descriptions of the responsibilities of all the positions beyond the first pilot year are also available in this downloadable Resource.

# Step 2A

---

## *Big Picture Site Assessment*

Later sections of the toolkit will dive deeper into the community landscape, youth criminalization, and system partner support in your geographic location. In the meantime, we've provided a high-level list of criteria for what makes an ideal site for our approach to an RJD program. This list was created to help you anticipate your community's readiness for restorative justice diversion based on the following criteria:

- Presence of an ideal community-based organization to facilitate the RJD program (*this could be you!*)
- Presence of allied systems partners
- Degree of racial and ethnic disparities in youth justice in your county
- Urgent need for restorative justice diversion in your county
- Presence of strong local ally network

Each of these criteria is described in detail, which you can view as a downloadable resource. If you find that your community meets most of the criteria on this list, then your organization should absolutely continue starting restorative justice diversion. If you notice that your community doesn't have certain criteria on this list, especially in relation to the allied systems partners, it means you should prepare for an uphill effort and first focus on supporting community organizing efforts to shift the political power in your community.

Once you've determined whether or not you're best suited to start an RJD program, the next step is identifying who in your community you will be collaborating with, in what capacity, and to what degree they support/understand what you are trying to do. Head on over to the next step of this toolkit which will guide you through the process of building relationship with partners and allies in both the criminal legal system and in your community.

## *What If...?*

### **WHAT DO WE DO WHEN WE'RE NOT THE RIGHT COMMUNITY-BASED ORGANIZATION TO START THIS APPROACH TO A RESTORATIVE JUSTICE DIVERSION PROGRAM BUT WE WANT THIS PROGRAM IN OUR COMMUNITY?**

Don't worry! It's okay that this approach to restorative justice diversion isn't a good fit for your organization. Perhaps your organization could still be involved with restorative justice diversion by providing important services and support for responsible youth and/or survivors. If your organization is already

## Step 2A

---

engaged in advocacy around youth justice or survivors, start the conversation about RJD with your team. This could lead you to finding the right organization to implement the program.

If you'd like to continue moving forward with starting an RJD program in your community in a more formal way, you can go on to the next step: **2B Community Held**. This will guide you through holding focus groups with other organizations and community members on starting an RJD program. If you do this, be sure to make it clear during the focus groups that your organization is **not** the one that will facilitate the program. Use the focus groups to share this resource and plant seeds of inspiration for other organizations that may be better suited to carry the torch of an RJD program in your community.

### **WHAT IF WE KNOW OUR ELECTED OFFICIALS ARE VERY UNLIKELY TO SUPPORT THIS PROGRAM?**

Don't give up! Your district attorney (DA) may have committed to other priorities and implementing an RJD program may not feel aligned with those priorities at this time. That doesn't mean it won't ever happen! Some DAs who were initially completely opposed to restorative justice shifted over time to becoming the biggest advocates for their county's RJD program. It's also possible that someone in the police department, probation department, or another criminal legal department would support the program. You can continue on to the next steps of this toolkit, which will help connect you with other community-based organizations in the field of youth justice and survivor services. These community partners may have information about who else in the system may be open to the program. Building relationships and connections with anyone in the system who supports this program could help encourage your district attorney, or other systems actors, later on.

## Stories

### **MATCHING YOUR VALUES, GOALS AND ASPIRATIONS**

In one county, several system partners supported the need for a diversion program, and they approached a community-based organization (CBO) to be RJD facilitators. The CBO did a deep exploration of the proposed program and the necessary relationship with county agencies. They'd never partnered so closely with county agencies before, and needed to determine whether the program format would be in alignment with their organizational mission and values. In that assessment, they realized that to remain true to their values and mission, they needed complete autonomy in their

## Step 2A

---

diversion work; they were concerned with the implications of county agency oversight of the program. This was particularly important to the CBO because they needed to maintain the community's trust, and to know that the information gathered from RJD program participants would remain confidential. Negotiating the CBO's desired level of autonomy took quite some time, and many conversations between the CBO and system partners were required to build the level of trust needed to keep moving forward. But once it was decided by both the system partners and the CBO that the program would have no oversight from any referring agency, the CBO was on board.

As they began implementing the pilot program, the CBO kept a close eye on ensuring that their program participants were treated with care and cultural humility. Early on, the CBO realized that to best address the issues facing their community, they needed to expand their staff size and its diversity. By hiring more staff from the community they were serving, the organization was able to deepen their efforts and commitments to their own core values.

### 2A CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**FILL OUT** CBO Identification Questionnaire to determine your next steps in the Toolkit



**REVIEW** RJD Program Organization Chart and RJD Program Staff Roles & Responsibilities



**REFLECT** on how your community aligns with the criteria in the Big Picture Site Assessment



# Step 2A

---

## *Tools & Resources in this Step*

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Questionnaire: Program Fit
- Resource: RJD Program Organization Chart
- Resource: RJD Program Staff Roles & Responsibilities
- Resource: Big Picture Site Assessment

# Step 2B

## STEP 2B: COMMUNITY HELD

### Who in Our Community Might Support this Program?

Identify other direct service community organizations and organizers that may have a stake in the creation of a restorative justice diversion (RJD) program. Also, identify people in your local juvenile legal system who need to be included in the design and approval of an RJD program.



#### IN THIS STEP:

Community Landscape	Systems Landscape	System Partner Profiles	PowerMapping
What If...?	Stories	Checklist	Tools & Resources

In order to successfully develop an RJD program in your county, you will need to build relationships and collaborate with a number of partners and allies both in the criminal legal system and in your community. For this reason, it’s important to identify who you may need to work with, in what capacity, and to what degree they understand and support what you’re trying to do.

In this section you will learn how to create a **community partner and ally landscape** and a **system partner and county leadership landscape**, as well as how to produce a **power map** that is specific to your community. “System partners” are powerful players and potential allies in your county’s criminal legal or political systems. Some of them may be elected or appointed officials, so it will also be helpful to create a **system partner profile** for each individual, which contains publicly available information on their constituencies, issue platforms, and involvement on boards or commissions. “Community partners” may be other direct service organizations working with youth, folks that have been harmed or caused harm, as well as



## Step 2B

---


advocacy or grassroots organizing groups, educational institutions, etc. Maintaining a directory list of your community partners will help in developing a robust network of supporters and resources to turn to as you develop RJD in your county.

### **Tip!**

It should be noted that throughout this process, you may experience resistance or concern from some, as well as generous support and assistance from others. Patience and grace should be at the foundation of all relationship building. As you go through this step, always remember some of the foundational beliefs of restorative justice, such as, **inquiry before assumption** and **ubuntu** (“I am because we are”). Just because someone opposes your efforts today does not mean that their heart and mind will not become more open as you build community together.

The following are brief introductions to the **community and system partner landscapes**, **system partner profiles**, and **power mapping worksheets** mentioned above. Complete descriptions can be found on each individual tool’s resource or worksheet page.

### **Creating a Community Partner and Ally Landscape**

 **Download: Community Partner and Ally Landscape Worksheet**

Restorative justice relies first and foremost on relationships, so it’s important to know what organizations and groups in your jurisdiction may be potential partners, allies, supporters, or resources for both your community-based organization (CBO) and the community members with whom you work.

Jurisdiction-wide support for RJD means a lot more than just the implementation of a program. In order for an RJD program to thrive, it needs to be deeply rooted in, and supported by, community. So, just as we encourage community building among individuals, we must also practice it as organizations. This means doing research and getting to know the organizations that are already doing fantastic work with youth as well as getting to know other community members that may align with and support RJD.

Organizations or groups working toward social justice or system change tend to operate under the general categories of *direct service*, *self help*, *education*, *advocacy*, and *direct action*. For more detailed descriptions of these categories, look to the **Community Partner and Ally Worksheet** (downloadable above). An organization may fall under a single category or multiple ones. In any case, the work of social justice and

## Step 2B

---

system change exists along a spectrum—from addressing immediate needs as they exist in current power structures to addressing the root causes that created those needs and organizing to shift those power structures. No single category is better or more important than the other. Bringing about the changes needed to end systems of oppression happens best when allies in each of these categories work simultaneously toward common goals. Identifying which organizations in your community fall into which categories will allow you to create a rich and informative community partner and ally landscape. Though it may seem clear by reading about an organization’s mission statement or vision which of these categories the organization fits into, it’s always a good idea to reach out to folks that work there and speak directly with them about what they do. Not only does this promote relationship and community building, it also allows you to learn more about the beautiful work being done by your neighbors and colleagues and invites you all to dream together of what the future might look like.

This document should help you maintain a directory list of community-based supporters and resources to turn to as you develop RJD in county. You’ll refer back to this list in later steps of the toolkit.

### *Creating a System Partner and County Leadership Landscape*

 **Download: System Partner and County Leadership Landscape Worksheet**

In addition to building relationships with community partners and allies, you should get familiar with your county governance structure. This includes the various system partner offices, departments, and agencies that you’ll be engaging with as you develop your RJD program.

Many counties provide organizational charts on their websites that list governance bodies and the public agencies they oversee, as well as the specific officials (elected and appointed) within those agencies that you may be building relationships, partnering, or collaborating with. To get an even more specific look into your county government, you can visit the websites for individual departments, as they too may provide their own organizational charts that list the names and titles of specific system partners. If you can’t get this information online, consider calling county offices individually, or partnering with folks in your community who may be able to provide this information.

Similar to the community partner landscape worksheet, this document should help you maintain a directory list of system-based influencers as you go about engaging with them to develop RJD in your county. You’ll refer back to this list in later steps of the toolkit.

## Step 2B

---

### *Create System Partner Profiles*

#### Download: System Partner Profiles Worksheet

Once you develop your system partner and county leadership landscapes, you can create profiles for each of the system partners and county leaders who will have a role and decision-making power in the rollout of your RJD program. System partner profiles can be used in preparation for a meeting with a partner and to keep track of what level of support or opposition you have from each partner. The profiles, much like your power map, are living documents and should be regularly updated. Additionally, profiles and power maps are typically considered internal documents that can function as tools or guides for planning and strategizing for how to engage with elected and appointed officials. For this reason, discretion should be used in the storage and distribution of these materials.

### *Power Mapping*

#### Download: Guide to Power Mapping Resource

Now that you've identified all your community and system partners, it's time to assess the socio-political environment you're operating in. Oftentimes, a discussion of power can be overlooked in restorative justice processes. This is likely because circle process, which many restorative justice organizations use for community building and decision making, is meant to distribute power evenly throughout a group of circle participants. While we are working towards a day in which power is a force for good which moves freely in all directions, power imbalances are very much a part of our current lived realities. It's important to learn where socio-political power is currently concentrated in order to move toward a world where decision-makers can be in "power with" communities, rather than have "power over" them.

With this paradigm shift in mind, we ask folks to approach "Power Mapping" (sometimes called "Power Analysis") from a restorative place, with a focus on relationship and community building. Power mapping is a visual representation of where power is distributed around the issues your group cares about. It is a first step in planning how you can restoratively redistribute power to achieve the change you're working toward.

Now that you've learned how to identify and categorize your community and system partners and allies, it's time to gather information on your local juvenile legal system as well as engage with members of your community and find out what they think of RJD. In **Step 2C: Community Vision**, you'll find tips and tools for

## Step 2B

---

how to best hear from folks in your community and guidelines for what type of data you should gather in order to paint a clear picture of youth criminalization in your county.

### *What If...?*

#### **WHAT IF WE HAVE A HARD TIME FINDING OUT WHO OUR COMMUNITY PARTNERS AND ALLIES ARE?**

Reach out to folks at the organizations who you know and ask if they know of other organizations or groups you should learn more about. Ask them which local organizations or community leaders they trust. Additionally, talk to your neighbors! The best sources of information on community are community members.

#### **WHAT IF OUR COUNTY WEBSITE DOES NOT HAVE A COUNTY ORGANIZATIONAL CHART?**

Call the offices of your elected or appointed officials and ask them for the names of your key system partners. You can also contact your local high school, community college, or university and ask if any teachers or professors may have students interested in volunteering with your organization and creating a system partner landscape with you.

#### **WHAT IF ANOTHER ORGANIZATION IN OUR COUNTY IS ALSO TRYING TO ESTABLISH A RESTORATIVE JUSTICE DIVERSION PROGRAM?**

Consider partnering in your efforts. Counties can often be quite large and it's possible that having a collaborative of multiple organizations providing RJD services will allow for a larger number of youth to be served, especially during the early pilot years (as long as net-widening is avoided). If RJD is provided by multiple organizations in a single county, we recommend that partnering CBOs ensure that each organization focus on serving a different youth demographic (such as designating one program specifically for girls and non-binary youth and another specifically for boys).

### *Stories*

#### **THE PROPER ROLE OF SYSTEM PARTNERS**

A university once invited the renowned professor Howard Zehr to give a public talk on restorative

## Step 2B

---

justice. Many system partners attended, who became eager to implement a restorative justice program in their own county. Professor Zehr connected them to Impact Justice’s sujatha baliga to provide thought partnership and guidance. sujatha advised them to identify community-based organizations to partner with and lead the development of the program. She also advised that the facilitating CBO must be deeply embedded in the community to be served, and for that CBO to have complete autonomy over the diverted cases.

Many challenges arose, stemming from long-standing, complex relationships between local CBOs and system partners. Over time, Impact Justice’s team facilitated a series of dialogues between the county agencies and local CBOs. In these rich, and often challenging conversations, the system partners were strongly encouraged to partner with a CBO which met the criteria found in this Program Fit Questionnaire. Ultimately, these conversations led to building strong, healthy, and clear relationships between system partners and several CBOs. The system partners began to understand the power imbalance that arises when they lead the RJD implementation process and why it’s essential for communities to lead the process from the onset. In the end, the system partners worked to find a strong community-based organization to lead the program and the program became a successful, community-led endeavor.

### **A CHALLENGING POLITICAL CLIMATE**

In one county a community-trusted, youth-serving organization had long desired to start an RJD program. Their district attorney, however, was vocally resistant to diversion programs in general—let alone a pre-charge RJD program. During the CBO’s five years of advocacy, the DA eventually agreed to divert a single case to RJD. Despite the incredible success of that case (including positive local and national media attention on the story and its restorative justice resolution), the DA remained unwilling to partner with the CBO to divert more cases to RJD.

Knowing that this would be an uphill battle, the organization focused their energy on community coalition building. Coalition building led to the creation of a county-wide racial justice task force that was approved by the county board of supervisors, and support for ending racial and ethnic disparities through diversion prevailed. The conviction, resilience, and advocacy of the community ultimately contributed to the election of a new, progressive district attorney. The new district attorney was deeply committed to ending racial and ethnic disparities in their county’s juvenile legal system and looked to the community to support solutions that met the needs of their constituents. This DA was eager to support the implementation of a restorative justice diversion program, and partnered with the CBO to ensure the development of a strong program.

# Step 2B

---

## 2B CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**FILL OUT** Community Partner & Ally Landscape Worksheet for creating directory of community organizations and organizers to include in RJD program creation



**FILL OUT** System Partner & County Leadership Landscape Worksheet on roles and needs from system partners by adding in the names of your local juvenile legal system staff members



**FILL OUT** System Partner Profiles for system partners who will play crucial roles in starting and supporting an RJD program



**CREATE** a Power Map for your jurisdiction



### Tools & Resources in this Step

A full list of resources can be found on page 127. All resources can be found [rjdtoolkit.org](http://rjdtoolkit.org).

- Worksheet: Community Partner & Ally Landscape
- Worksheet: System Partner & County Leadership Landscape
- Template: Restorative Justice Diversion System Partner Profile
- Resource: Guide to Power Mapping

# Step 2C

## STEP 2C: COMMUNITY VISION

### How Does Our Community Envision Supporting RJD?

It's important to have community leaders and organizations participate in the creation of your restorative justice diversion program. This step offers guidance on gathering those voices and visions, and helps you start to identify local data on youth criminalization and diversion, so that you can begin to imagine how to customize your RJD program to meet the unique needs of your community.



#### IN THIS STEP:

Youth Justice

What If...?

Stories

Checklist

Tools & Resources

**Restorative justice needs community in order to thrive.** At its foundation, restorative justice asks that we honor the humanity, dignity, and agency of all people and that we acknowledge and embrace our interconnectedness in each of our interactions with others. By coming to a collective understanding that harm is often the result of not being in right relationship with others and that justice should be inseparable and indistinguishable from healing, we can achieve not only the ideal environment for restorative justice diversion (RJD) to succeed, but also for the necessary paradigm shift from a punitive system to a restorative one. This is all to say that community—its voice, participation, and support—is of greatest importance before, during, and throughout the implementation of an RJD program. So listen carefully to what folks have to say, with an open heart and a deep desire to connect and understand.

In this step, you will learn how to become even more familiar with the beautiful wisdom that exists in your community. You will also learn about what type of criminal legal system data you should look for in order to paint a clear picture of how young people, particularly youth of color, are being criminalized in your county, and how RJD can best assist in eliminating racial and ethnic disparities in youth incarceration.

## Step 2C

---

### *Listening Sessions & House Meetings*

#### Download: Restorative Justice Listening Sessions and House Meetings Resource

In the Restorative Justice Listening Sessions and House Meetings Resource (download above) you will find detailed information on what these meetings are and several tips and guidelines on how to hold them in your region.

#### *Listening sessions*

larger gatherings, often open to the public, during which attendees are asked what they know about restorative justice diversion and how they would feel about a program in their community that includes the core elements in this approach to restorative justice diversion

#### *House meetings*

smaller, private gatherings that typically happen in folks' homes and are made up of friends and neighbors of the host

Both these meetings offer opportunities for communal learning and dialogue, as well as sharing information about what your CBO is planning and hoping to achieve by developing an RJD program.

Finally, as community and system partner support for RJD grows, and the time for program launch gets nearer, these meetings can provide folks the time and space to brainstorm how they will be involved in their local RJD program (i.e. as community members in Restorative Community Conferences, as local mentors to enrolled youth, as resources or support to program participants, as members of an RJD steering committee or oversight council, etc.).

While these two meetings are different in setting and size, their general goals are typically the same:

1. To raise awareness about what your organization is doing in a manner that builds community and promotes relationship building, honesty, and transparency
2. To ask community members, partners, and allies about their thoughts, hopes, and concerns about restorative justice in general and the possibility of an RJD program specifically, and
3. To accurately record their responses in a way that respects everyone's humanity and dignity, and, when requested, upholds privacy and confidentiality



# Step 2C

---

## Local Youth Justice Landscape

### *Youth Population Data*

A much less pleasant, but no less important part of this step, is becoming familiar with the juvenile legal system landscape in your county. This means first learning about the size of the youth population in your county (separated by age and gender). Then, if possible, learn what distinct parts of your county have concentrations of families and youth of color. These distinct areas may be distinguished by zip codes, cities or city/county districts. Gathering youth population data can be done by looking at the Census or visiting your local American Fact Finder page.

Next, you'll need to identify the person or people in your county who can provide you with insight on: what the local juvenile legal process is; what diversion options may already exist; and who in the criminal legal system may be a supporter or opponent or somewhere in between of RJD. A good place to start is to meet with a juvenile attorney at your local Public Defender's Office or with other juvenile justice lawyers to understand the following:

#### **What happens to children post-arrest but pre-charge**

#### **What are the existing diversion programs and policies in your community, and what kinds of rules exist around them, including:**

- Types of cases that are accepted
- Referral criteria (# of priors, risk assessment and other tools used, etc.)
- At what stage diversion occurs (pre-arrest, pre-charge, post-charge, etc.)
- Agencies/system partners who make diversion decisions
- Organizations or agencies that facilitate diversion programs

#### **Which system partners might be supportive of RJD and which might be harder to sway**

- What state, local, or federal policies, procedures, boards, commissions, etc. you should be aware of

To capture all the information you find on local youth diversion programs, policies and decision-making bodies, refer to the **Local Youth Justice Landscape Programs, Policies and Boards Worksheet** below.

### *Juvenile Legal Process and Diversion Options*



Download Worksheet: Local Youth Justice Landscape - Programs, Policies, and Boards

## Step 2C

---

### *Youth Criminalization Data*

The final, and perhaps most difficult part of creating a comprehensive juvenile legal system landscape, is gathering information on youth arrest, adjudication, probation, and incarceration/detention data. For the most part, this data is maintained by probation departments, but sometimes it can be found through police departments.

Some counties maintain detailed records on these statistics and are willing and able to share data easily and quickly, while others maintain very inconsistent or partial records. Similarly, some counties are willing and able to share this type of data with the public, while others may limit access or deny inquiries of this nature. This is all to say that you may need to get creative with how you acquire these statistics.

### **TIP!**

If your county is unable or unwilling to provide you with this information, The Burns Institute and the Vera Institute both have national databases on incarceration trends and racial/ethnic disparities in the U.S. juvenile legal system. Another way to identify areas where youth of color are likely experiencing disproportionate contact with the criminal legal system is by looking at school district data on suspension and expulsion rates separated by school.

The following are the general categories of data that you should look for. Whenever possible, this data should be disaggregated (sorted) by race, sex, race & sex, and zip code. When sorting by zip code is not possible, consider other geographical distinctions such as neighborhood or city/county district. To simplify this process, refer to the **Local Youth Justice Landscape Data Worksheet** (downloadable below), where you'll find charts for capturing all these different data sets:

- The most common **misdemeanors** and **felonies** that have an identifiable person harmed, for which youth are **arrested, charged, adjudicated (convicted) delinquent, detained, and placed on probation**
- The most common **misdemeanors** and **felonies** that have an identifiable person harmed, for which youth have the **highest rate of recidivism**
- The zip codes where youth are arrested, charged, convicted/adjudicated delinquent, detained, and placed on probation for crimes in which there is a clear, identifiable person harmed

## Step 2C

---

 Download: Local Youth Justice Landscape - Data Worksheet

Now that you've learned how to engage with members of your community around what their vision of RJD is, you're ready to move on to **Step 2D. Funding**. In this step, you'll find suggestions on how to identify potential funders for your RJD program.

### What If...?

#### **WHAT IF OUR ORGANIZATION DOES NOT HAVE THE BANDWIDTH OR CAPACITY TO ORGANIZE LISTENING SESSIONS OR HOUSE MEETINGS?**

Use this as an opportunity to build relationships with other community-based or faith based organizations that may already have a base of community members interested in holding these types of events. Similarly, network with faculty and staff at local schools who may have ideas for how to reach out to parent and/or student groups.

#### **WHAT IF WE RECEIVE A LOT OF PUSHBACK FROM COMMUNITY MEMBERS ON THE IDEA OF ESTABLISHING AN RJD PROGRAM?**

Be patient and continue hearing folks out. Restorative justice is a term that has become more popular than understood, so there may be confusion or misunderstanding on what restorative justice is and is not. This is an opportunity to build community via circle process and engage in honest conversation on what it means to be truly restorative. When community members are ready and interested in supporting RJD, they will let you know. Always practice being in power with community rather than trying to have power over folks, and remember to take time to identify values, principles, and community agreements before every circle.

### Stories

#### **FOSTERING A COMMUNITY PARADIGM SHIFT**

In one county, the community came out in full support of alternatives to youth incarceration after experiencing decades of youth criminalization with no real solution. In order to respond to community concerns, a CBO held multiple community meetings focused on health and the impact of criminalization. From these gatherings, the CBO compiled the needs and concerns of survivors and of relatives of

## Step 2C

---

young people who had been criminalized for harms they'd caused. At first, the stories seemed at odds with one another, coming from two separate "sides." But as the impacts of failed approaches to addressing wrongdoing continued to be shared from survivors and people who had been criminalized or otherwise impacted by criminalization, everyone began to find common ground and a common voice. As the conversations deepened, the lines between who was a survivor and who had been criminalized blurred.

In the gatherings held by the CBO, stories of harm experienced by both survivors and the families of incarcerated youth caused a paradigm shift in the way the community collectively addressed youthful wrongdoing. This shift, from opposition to collaboration and support, fostered the conditions for the creation of a restorative justice diversion program and for a healthier community.

### 2C CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**HOLD** Listening Sessions or House Meetings in your community



**FILL OUT** the charts on Local Youth Justice Data



**FILL OUT** the worksheet on Local Youth Justice Landscape - Programs, Policies, and Boards



# Step 2C

---

## *Tools & Resources in this Step*

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Resource: Restorative Justice Listening Sessions and House Meetings
- Worksheet: Local Youth Justice Landscape - Data
- Worksheet: Local Youth Justice Landscape - Programs, Policies, and Boards

# Step 2D

---

## STEP 2C: FUNDING

### Who Will Fund This Work?

Start thinking about funding early. This step offers guidance on how to fund your restorative justice diversion program by pursuing existing value-aligned funders in your area, and it includes recommendations of national funding networks.



#### IN THIS STEP:

Relationships

Fundraising Plan

What If...?

Stories

Stories

Checklist

Tools & Resources

---

#### Start with Relationship

As we've stated in other sections, this work always starts with relationships. When talking about restorative justice diversion (RJD) to potential funders, it's important to first get to know them as people. Gauge their interest in this model of RJD and what impact they could have on the juvenile legal system. When folks invest in the program, they are making a commitment to partner with you in this vision for change. Get folks excited that they get to partner with you in creating the better world that is only possible when we all create it together.

#### Create a Fundraising Plan

As a community-based organization operating in your county, you may not currently have the staffing or

## Step 2D

---

budget to start an RJD program right now. You should begin developing a fundraising plan early so that you have the staff and infrastructure ready for the next phases of program implementation, including training and case facilitation. Check out the Foundation Center for resources on how to find grants, write proposals, and learn more about the philanthropic sector.

**Your fundraising plan should include:**

- **Budget**
- **Fundraising goal**
- **Fundraising methods**
- **Fundraising pitch**
- **List of potential funding sources**
- **Research from your community**

### **Budget**

Determine what the overall operating costs will be for your program. Be as detailed as possible regarding your staffing needs, benefits, overhead costs, travel expenses, supplies, etc. While you won't want to start your conversation with how much money you need, or necessarily even talk money in your first several meetings, having a detailed budget ready demonstrates to potential funders that you've put thought into your operating costs and it will help them (and you) understand your funding needs.

### **Fundraising Goal**

Once you have your budget, you'll know how much you need to raise in order to launch your program. Based on the budget for the program, and additional expenses you foresee (fundraising costs, general operating costs for your organization, etc.), you should set your fundraising goal/target. This goal will guide which types of fundraising methods you use and which grants you pursue.

### **Fundraising Methods**

There are many methods to explore when it comes to fundraising for your program. These include:

- Private foundations
- Government grants
- Individual donor campaigns (fundraising events, letter campaigns, crowdsourcing, etc.)
- Endowments, etc.

We encourage you to include multiple fundraising methods to diversify your funding. Diversifying your funding portfolio will strengthen your program.

## Step 2D

---

### **Fundraising Pitch**

In the form of letters of interest (LOIs), proposals, and donor solicitations, these documents will be what you send to potential funders to describe the program you're building, your staffing needs, and pilot operating costs. When describing your program to potential funders, make sure to refer to it as pre-charge, for felonies and high-level misdemeanors, oriented around people harmed, and aimed at ending racial and ethnic disparities in youth incarceration. You can also use the provided Program Overview & Elements, Stages of the RCC Process, and the RJD 101 Powerpoint to help develop your fundraising pitches.

### **List of Potential Funding Sources**

Develop a list of potential funders, including current funders, and new ones to solicit. This list should include how much funding they traditionally give to organizations each year, their deadlines for submissions, what kinds of programming they fund, etc. You can go through the list of Potential RJD Funders to identify private foundations that may fund your program. Keep in mind that this list can only function as a suggestion of potential funding sources, and, we cannot guarantee they are a good fit for your organization or program. You can also check out Foundation Center online for a comprehensive database of foundations that you can filter based on your programmatic needs.

 [Download: Potential RJD Funders](#)

### **Research from Your Community**

This is a good moment to lean on the community you've been developing. Plan to research community-based organizations doing the same or similar work, including youth justice and racial justice organizations. Specifically, research who funds their work. You can often find this information on their websites or their 990s (which are publicly available online). You can also meet with the fundraising officer or leadership of the CBO and pick their brains directly. Chances are they have funding partners who would be interested in funding this work, or may know of donors or foundations you should consider pursuing. It's important to approach those conversations from an "all boats rise with the (funding) tide" approach, letting these other CBOs know you are not trying to replace their programs, but rather co-create a CBO ecosystem in which everyone's work is lifted up.

The bottom line is that you should do your research early and develop a comprehensive fundraising plan for your program. After you create your fundraising plan, it's time to reach out to funders and begin cultivating relationships and interest in your program. Be prepared to engage funders in multiple ways; some funders prefer to talk to you at length before you submit any documents about your program—so be prepared to talk a lot! Other funders will require you to just submit your LOI and budget. Be flexible in how you engage



## Step 2D

---

with potential funders.

Also, be prepared for rejection. The reality is that you will get a lot of funders saying “no” initially. Don’t get discouraged. Sometimes funders who pass on you (for now) pass your name onto other funders, or eventually come back to you when their portfolios have room for you. You will ultimately find people who are eager to fund your innovative work. It just takes time, research, patience, preparation, dedication, and sometimes, a thick skin.

Also, remember that every funder isn’t right for you. If they are passing on you, it may be that their values and vision aren’t aligned with yours. There will be others who are.

### *What If...?*

#### **WHAT IF A FUNDER IS PUSHING TO STRUCTURE THE PROGRAM IN A WAY THAT DEVIATES FROM THE MODEL?**

Make sure when building relationships with potential funders that you are providing them detailed resources that explain the model. We offer these resources in this toolkit. Explain to them the importance of the restorative justice diversion model you’re working to implement in your county. Ultimately, with this program and others, you should be careful to not let the funding dictate how you build the foundation of your program or how you implement it.

#### **WHAT IF WE’VE ALREADY STARTED A FUNDRAISING CAMPAIGN FOR ANOTHER PART OF OUR ORGANIZATION?**

First, you should consider your organization’s capacity to take on another large-scale fundraising campaign before adding another campaign for your RJD program. You can also try introducing your RJD program to your potential funders to get feelers out there and gauge their interest in funding this new program as well as your existing ones. If you don’t have the capacity to fundraise for your RJD program while also pursuing a fundraising campaign for other parts of your organization, focus on resourcing your existing programs.

#### **WHAT IF FUNDERS THINK THE PROJECT IS TOO RISKY?**

Refer back to what you learned in [Step 1E: The Evidence](#). In this section, you will find lots of information and resources on the success and effectiveness of this restorative justice diversion model, especially when compared to the traditional criminal legal system. This information can sway even the most hardened critiques of your RJD program, and funders who require an “evidence based model.”

## Step 2D

---

### Stories

#### **A LESSON IN CHOOSING FUNDERS WISELY**

In one county, an RJD CBO is funded by a governmental grant. The grant application and reporting requirements focus primarily on numbers—how many youth are receiving the “treatment.” There is no requirement in the grant that the cases be high level, that survivors be present for the restorative process, or that youth of color are included in a way that reflects their system involvement. Each quarter, the CBO staff scramble to complete enough cases to meet grant requirements. When the district attorney offers them cases that don’t align with the core elements—cases that would generally be inappropriate for their RJD program—the pressure to take those cases to meet their grant deliverables is real. This pressure is compounded by the fact that it’s unclear whether the DA in that jurisdiction will charge the cases if they don’t go to RJD.

Compare this with another county, where the majority of the funding for the RJD program comes from the county’s budget for youth wellness programming and a private foundation dedicated to ending youth criminalization. From the start, the funders shared a goal of not net widening, and were in agreement that it was more important to get the right cases than to get a large number of cases, especially as the program was in its development stage. This protected the CBO from pressure to take low-level cases or otherwise inappropriate cases from the DA to impress a funder by proving they did “enough” cases.

# Step 2D

---

## 2D CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**SET** a fundraising goal



**CREATE** a budget



**IDENTIFY** your fundraising methods



**WRITE** fundraising pitches



**DEVELOP** a list of potential funders



**RESEARCH** local community funders



# Step 2D

---

## *Tools & Resources in this Step*

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Resource: Restorative Justice Diversion Program Staff Roles & Responsibilities
- Resource: RJD Program Overview & Elements
- Resource: Stages of the Restorative Community Conferencing Process
- Template: RJD 101 Powerpoint
- Resource: Potential RJD Funders

# Step 2E

---

## STEP 2E: COMMON GROUND

### How Do We Work with Legal System Partners?

The process starts with getting in touch with folks in your local juvenile legal system departments and will include many meetings in order to establish shared understanding of the program's goals and principles.



#### IN THIS STEP:

**Making Contact**

**Facilitating Meetings**

**Stories**

**Checklist**

**Tools & Resources**

---

Our intention in this section is to equip you with the resources, tools, and wisdom you'll need to get a meeting with your local district attorney or head of the juvenile charging unit. It's important that they learn from you and talk through what implementing RJD could look like in your community. Moreover, you will need their buy-in as a primary source of receiving cases that would most likely enter the juvenile legal system without your program, and also, ultimately, for making sure nothing that happens in restorative processes can be used in a court of law.

#### *Getting In Touch and Making Contact*

Of the many meetings with key actors in the juvenile legal system you'll have in the process of starting an RJD program, the district attorney's office (DAO) is one of the most important. The idea of getting in touch with the DAO might initially feel intimidating, but you can do this in many different ways. The easiest and quickest way is to lean on existing relationships that you or someone you know already have with criminal or juvenile

## Step 2E

---

legal system people. These existing relationships do not have to be with someone working in the DAO—but if they are, that’s great! Having your foot in the door with anyone in the system is beneficial and can expedite this initial phase.

### Start Anywhere, Then Network

If you don’t have existing relationships with anyone in the system, don’t fret! Previous sections have offered tools you can utilize for this exact scenario. Take a look at your System Partner & County Leadership Landscape, Power Map, and System Partner Profile that you created in [Step 2B: Community Held](#). Using those resources, you can begin to identify potential allies in the system who you can start connecting with. Try to start with someone who can help you make connections that will lead you to the DAO.

Once you’ve identified some potential allies in the system and made connections, begin developing a foundation of shared understandings, values, and vision between all of you and the RJD program. The system partner profiles you created can be very helpful for this. They should detail the issues these people care about, and commitments or intentions they made to the public during their campaign or while in office. If a legal system representative hasn’t explicitly voiced interest in restorative justice or even diversion for young people, but has been very vocal about supporting survivors, that’s an in for you! When reaching out to that person, be sure to emphasize RJD’s orientation around survivors and their self-identified needs. The **RJD Program Overview and Principles** below can be a helpful resource for figuring out how to play to both the strengths of the program and system folks’ interests.

### Download: RJD Program Overview & Elements

Use your system partner profiles to find people’s contact information once you feel ready. Keep in mind that this first contact, whether it’s by email or phone, shouldn’t be *too* information heavy. Your goal in this initial contact should be to schedule a face-to-face meeting where you can share more information in-person. You can always send follow-up supplemental documents after you all meet.

In order to get to an in-person meeting, your email or phone call should:

- Introduce your organization and explain why you would like to meet
- Get to the heart of the ask
- Highlight your shared values and interests
- Provide 1-2 attachments or resources

Based on our experience working with legal system actors, we’ve found these three points about RJD are the most compelling to them:

## Step 2E

---

1. The success of the program
2. RJD's orientation around survivors and their satisfaction with this model of RJD
3. The cost savings of the program when compared to probation or incarceration

📄 Download: Talking Points for Meeting with System Partners

We detail these three main points in more depth in **Talking Points for Meeting with System Partners**, above. Familiarize yourself with these talking points prior to making initial contact. Reference the points when reaching out to folks while also knowing that you can and should discuss them more in detail once you meet in person. Additionally, watch the video below of sujatha baliga speaking with District Attorney Larry Krasner for a look into how these talking points can be utilized in real time.

▶ Video: <https://www.facebook.com/watch/?v=1936625629960829>

Meeting in person is always preferred, especially during these initial stages of the process when you are focusing on building relationships and trust with folks in the system. It's also worth keeping in mind that **each person you meet with is a human being deserving of compassion and care**. While your goal is to meet with your local DA, you don't want anyone you meet with beforehand to feel used or any less important. Moreover, almost everyone ultimately plays a role, small or large, in the rollout and sustainability of RJD in your county. The more everyone feels heard and valued, the more care they will put into ensuring the success of the program.

### **TIP!**

Be patient with this process! System folks may not be so quick to get back to your email or return your phone call. That doesn't mean they won't get back to you eventually. Try reaching out to multiple people at the same time to increase your odds of getting a response.

Additionally, once you start this networking process, you most likely will hold the same or very similar conversations with many different people, over and over and over again. Just remember that even if the conversations seem repetitive and tedious to you, this information is probably brand new to whoever you're talking to and could be incredibly exciting or potentially difficult for them to grasp. To the best of your ability, try to approach each new conversation or interaction with enthusiasm and care.

### **Facilitating Meetings & Sharing Resources**

Congratulations! You have a meeting scheduled with a point of contact who works in, or is connected to,

## Step 2E

---

your local criminal or juvenile legal system. Before your meeting, make sure you know exactly who will attend, the length of the meeting, how much time you need to talk and present, the type of meeting, and your goals for the meeting. Using the **Meeting Agendas and Activities** resource below, you can start to gain insight into the different types of meetings you may experience, what to prepare beforehand, and what resources to bring to each meeting.

### Download: Guide to System Partner Meeting Agendas and Activities

This resource includes important tips and strategies for creating agendas when meeting with system partners, such as:

- Understanding who will be leading the meeting, how long it will last, and the POP (Purpose, Outcomes, and Process)
- Knowing who will be in your meeting
- Tailoring your agenda to your audience and their role in supporting RJD, based on your attendee research (and system partner profiles, when applicable)
- Limiting the number of agenda items to no more than four to six per hour of meeting time

Additionally, this resource provides sample agendas for the following types of meetings you may have with system partners:

- Introductory or relationship building meetings
- Presentation or informative meetings
- Strategy or problem solving meetings
- Working or work group meetings
- Finalization, announcement, or celebration meetings

In this initial phase of connecting with system folks, you will be living in the “introductory or relationship building meetings” and sometimes (most likely later on) in the “presentation or informative meetings” arena. Both are extremely important and extremely different, so make sure you know which type of meeting you’re walking into! After each meeting, find out if there are additional people you can reach out to, such as others who would be interested in supporting RJD and have more direct relationships with the DAO.

Ultimately, every single person you will talk to has either been elected or reports to someone who was elected to serve and represent the people of your county. Whether or not you agree with their approach, those who work directly in the criminal or juvenile legal field have been tasked with ensuring the safety of everyone in your county. In asking for RJD, you’re effectively asking these officials to relinquish a part of their responsibilities to a community-based organization. It’s a dance—you want to demonstrate respect for their




## Step 2E

---

important role in their county, while also kindly and compassionately showing them a different way to support youth and people harmed.

A resource we've found to be really helpful for this framework is the 21 Principles for the 21st Century Prosecutor released by Fair and Just Prosecution (FJP). FJP is a network of newly elected local prosecutors "committed to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility." Using real examples and experiences from innovative prosecutors across the nation, this report offers prosecutors practical steps to transform their office and county. We strongly encourage taking a look at this report and FJP in general, as they can be useful reference points and beacons of insight when thinking about how to frame and engage in conversations with system partners.


This section of the toolkit has several additional resources that will be helpful for you to read when preparing for meetings with system partners *and* to distribute to system partners as you continue to garner trust and interest in RJD. Familiarize yourself with them and trust your instincts for when it feels right and necessary to share and utilize each resource, while keeping in mind that folks probably won't read through every single thing. So rather than sending them all at once, pick and choose which ones to highlight at different stages of the process. Below are brief snapshots of the remaining resources this section has to offer:

 **Download: RCC Infographic**

This graphic shows what the RJD process looks like specifically in Alameda County, California, from the moment when a young person causes harm and gets arrested to the point of RJD plan completion. Since the process is very dynamic with a lot of moving parts, we've found this way of visually representing the process very helpful to walk through with folks as you are envisioning what it could look like in your community. Keep in mind this infographic is specific to Alameda County's juvenile legal procedures and that the points of referral vary based on jurisdiction.

 **Download: RCC Stages**

RCC Stages gives a more detailed and focused look at what an RJD facilitator is responsible for at each stage of the process. You may find this to be a good supplemental resource to share or, if it feels too in the weeds for this initial stage of system partner meetings, share it later. Still, it's always helpful to familiarize yourself with all the stages and steps of an RCC process.

 **Download: CWW report**

This report demonstrates the benefits and effectiveness of the RJD program in Alameda County housed at Community Works West (CWW). The RJD program in Alameda County is the first of its kind and scope to address youth crimes in a major US urban area, working solely in a pre-charge context,

## Step 2E

---

and with an explicit goal of ending racial and ethnic disparities. The report is based on analysis of available data from January 2012 through December 2014. Some of the evaluation's highlights include:

- Reduced criminalization
- Lower recidivism
- High satisfaction among people harmed
- Family connectedness
- Cost savings
- Reducing racial and ethnic disparities

### ↓ Download Template: RJD 101 Powerpoint

This powerpoint template may be useful when you do more formal presentations to folks on basic overviews of restorative justice and RJD. This should serve as a guide, but please make it your own. You will notice in the notes for each slide, that italicized text is what we suggest saying out loud, while the rest includes tips, reminders, etc. for your use.

### ↓ Download Resource: Case & Program Eligibility Recommendations

The memo above outlines the types of cases that are appropriate for restorative justice diversion and offers general information about how the RJD program works. This memo can be sent to referring agencies with the understanding that details will be discussed as you collectively determine the best approach for the technicalities of taking on cases from their office.

### ↓ Download Resource: 6-year RJD Program Growth

This document describes the first six years of the growth of an RJD program. Each time a community-based organization (CBO) is ready to move to the next phase, it must consider the staffing and funding required to keep up with program expansion. It's useful for CBOs and system partners to all have the same understanding of what sustainable scaling of this program looks like over the next few years.

### ↓ Download Template: Two-Way Expectations of CBO/SP

This resource lays out the commitments and expectations involved in maintaining an RJD program between the CBO and system partners. It details what per-implementation and post-implementation expectations are for:

- RJD community-based organization
- State's attorney/district attorney/prosecuting attorney
- Juvenile division chief in the district attorney office
- Presiding judge of juvenile court

## Step 2E

---

- Public defender
- Chief of probation department
- Chiefs of police departments
- County board of supervisors
- Victim advocate in district attorney office

As you meet and build relationship with folks in each of these departments, it's generally helpful for everyone to have the same baseline understanding of what is expected of them throughout this process. Even if you don't end up meeting with someone from every department on this list, as the program begins ramping up and garnering more attention and enthusiasm, more people and departments will want to be involved. You may find this document useful to point to for departmental role clarity.

### **TIP!**

Coming to your meetings with folders of resources is always a nice thing to do. Your folders should contain a mix of RJD resources and resources about your organization, your team, and you specifically! Be sure to slip your business cards in there as well. Even if you get a headcount of everyone who will be in the meeting or presentation, it's always useful to bring extra materials just in case. Additionally, we've found it useful to hand the folders out *after* the content portion of our meeting or presentation was over. We've found that doing it this way ensures you have folks' full attention while you are speaking rather than tempting them to rustle and read through all the incredible resources you provided.

### **TIP!**

After any meeting you have, even if it's incredibly brief and doesn't lead you any closer to the DAO, it's important to write a follow-up. These follow-up emails are a good opportunity for you to thank your new connections again for their time and energy, send them soft copies of any resources you already provided and any additional resources that may be helpful or relevant to your discussion, and gently remind folks of who they promised to connect you with.

Building relationship, trust, and a deeper understanding of what an RJD program can offer your community is a crucial piece of this process and makes space for your DAO to express any type of interest or buy-in in this program. Once that has happened, you'll be able to dive deeper into what this program will actually look like in terms of case types, referral process, eligibility criteria, etc. Head on over to [Step 2F: Referring Cases](#) to gain a deeper understanding of how to navigate the next steps of implementation.

## Step 2E

---

### What If...?

#### **WHAT DO WE DO IF WE'VE TRIED EVERYTHING AND STILL HAVE NOT HEARD BACK FROM ANY SYSTEM PARTNER POINTS OF CONTACT?**

Don't give up! See if you can gain access to any local official's public calendar and see if they are doing a public event. If so, make an effort to attend and see if you can wait around to speak to them or someone on their staff directly. If you can't seem to find anyone's calendar directly, you can always see if anyone in your community or network of organizations may be hosting or attending an event that a local elected official may be attending. There's always a way to get your foot in the door, even if it means starting your process with someone even further removed from the DAO than you originally anticipated.

### Stories

#### **THE SKEPTICAL DA CAME ROUND**

After a DA received an email from the presiding judge of the juvenile division asking him to come learn about restorative justice, he thought to himself, "Here we go again, everyone thinks they know better than we do..." Out of respect for the judge and a sense of duty and protocol, he replied to the email saying that he would attend. During that first meeting, he was intrigued by the notion that youth would be encouraged to take responsibility for the harm they caused. In the weeks that followed, he was impressed that the restorative justice advocates reached out to meet with him individually and to ask him questions like: What about his current job was and wasn't working for him? What he would need to be able to support the development of an RJD program? He admitted he was tired of speaking with "angry, dissatisfied crime victims," and he was impressed with the idea that RJD involved youth being directly accountable to survivors' self-identified needs.

In those initial conversations, the presiding judge of the juvenile division quickly handed over facilitation of the meeting to local CBO staff who were grounded in restorative justice practice and facilitation. These meetings gave people the opportunity to share their frustrations with the current system of justice, to find shared strengths and interests, and to stand on common ground. Often the DA and the public defender would joke that this was the only meeting in which they'd sit next to one another.

Because many attendees expressed appreciation for these meetings, the judge convened a county-wide restorative justice task force, which met monthly. The DA attended all of these meetings, eventually attended multiple restorative justice trainings, and read foundational texts about restorative justice. This DA began regularly saying that the juvenile legal system was out of date and generated poor

## Step 2E

---

outcomes, and that he preferred community members to take the lead on helping youth in conflict with the law. He cared deeply about people harmed and saw that the criminal legal system failed to attend to their needs the way restorative justice processes did. It took him a while, but when he truly understood the philosophy and practice of restorative justice, he became a champion for it.

### **THE RESISTANT BUT NON-OPPOSITIONAL PROBATION OFFICER**

In one jurisdiction, the creation of a pre-charge felony diversion program for youth required the approval of the chief of probation. He was initially opposed to the idea that any child in conflict with the law could resolve the harm without probation supervision. In the first meeting to discuss the possibility of a pre-charge RJD program, he made it very clear that he had had negative experiences with restorative justice trainings in the past (“I’ve been on the RJ merry-go-round before”). The RJD advocates didn’t take this as a closed door. Instead, they met with him several times, allowing him to vent about the failures of decades of “newfangled” approaches to addressing youth crime, before moving into helping him see why the proposed approach to RJD attended to many of the things he was legitimately angry about. While he never became a “true believer,” these conversations led to him getting out of the way of the program proceeding without probation supervision.

### **2E CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)**

**READ** FJP’s 21 Principles For The 21st Century Prosecutor report



**ESTABLISH CONTACT** with someone in the criminal and/or legal system




**PRESENT** RJD 101 powerpoint to potential system partners



## Step 2E

---

**ESTABLISH CLARITY** and **UNDERSTANDING** of roles and expectations between all potential system partners and CBO 

**RECEIVE** informal buy in from DAO 

### *Tools & Resources in this Step*

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Resource: RJD Program Overview & Elements
- Template: RJD 101 Powerpoint
- Resource: Potential RJD Funders
- Template: Talking Points for Meeting with System Partners
- Resource: Guide to System Partner Meeting Agendas and Activities
- Resource: RCC Infographic
- Resource: RCC Stages
- Resource: CWW report
- Resource: Case & Program Eligibility Recommendations
- Resource: 6-year RJD Program Growth
- Template: Two-Way Expectations of CBO/SP

# Step 2F

## STEP 2F: REFERRING CASES

### What Kind of Cases Should We Receive?

Create the eligibility requirements for cases and establish shared expectations with system partners going forward. Set up pre-charge referrals from the juvenile legal system to your restorative justice diversion program.



#### IN THIS STEP:

Identify Data	Program Eligibility	Referral Process	Legal Documents
What If...?	Stories	Checklist	Tools & Resources

Coming off Step 2E: **Common Ground**, hopefully you've begun meeting with folks at the DAO and have some sort of informal buy-in from them for this program and what it could look like in your community. That is amazing and is a feat in its own right! You are building something HUGE from the ground up, so don't forget to celebrate yourself at every step of the way.

Now that you've garnered their interest, we suggest building on this momentum. Up until this point, your conversations on RJD should've been more big picture and focused mostly on building relationship and trust. Once you've built that solid foundation, it'll be a lot easier to move into more of the details and minutiae of what this process is going to look and feel like in your community. This section should help you understand how to start identifying and building out the **eligibility criteria** and **referral process** to determine what cases can and should be diverted and what that process will look like internally.

## Step 2F

---

### Identify Current Data

As you well know, RJD is intended to create accountability to survivors' self-identified needs, while also ending racial and ethnic disparities in the juvenile legal system. Therefore, the types of cases that are ideal for diversion are those with a clear person harmed and those crimes which most often result in young people of color being incarcerated or placed on probation. To ensure this is the case, we use data to inform the eligibility criteria of the young people who will be referred to RJD. Most likely the DAO or another closely related agency such as probation holds the data you need for this process.

#### Download Worksheet: Local Youth Justice Landscape - Data

The specific data you need for this process can be found on your **Local Youth Justice Landscape - Data** worksheet from **Step 2C: Community Vision**. Using your previous research, you should already have an idea of what the county data is going to look like, but it's always important to get the numbers directly from the county too, if available. Download a clean copy of the worksheet and use the county numbers to fill out:

- The current population of youth in your county (ages 10-18) broken down by race and sex
- The top 10 misdemeanors *and* felonies youth (ages 10-18) are *arrested* for that have an identifiable person harmed, broken down by race and sex of the youth
- The top 10 misdemeanors *and* felonies youth (ages 10-18) are *charged* with that have an identifiable person harmed, by youth's race and sex
- The top 10 misdemeanors *and* felonies youth (ages 10-18) are *convicted/adjudicated* delinquent for that have an identifiable person harmed, by youth's race and sex
- The top 10 misdemeanors *and* felonies youth (ages 10-18) are *placed on probation* for that have an identifiable person harmed, by youth's race and sex
- The top 10 misdemeanors *and* felonies youth (ages 10-18) are *detained* for that have an identifiable person harmed, by youth's race and sex
- The top 10 misdemeanors *and* felonies that have the *highest rate of recidivism* for youth (ages 10-18) and have an identifiable person harmed, by youth's race and sex
- The top 10 zip codes from where youth (ages 10-18) are:
  - Arrested
  - Charged
  - Convicted/adjudicated delinquent
  - Detained



## Step 2F

---

### Download Worksheet: Local Youth Justice Landscape - Programs, Policies, and Boards

Additionally, you'll want to refer to your **Local Youth Justice Landscape - Programs, Policies, & Boards** worksheet, downloadable above. At this point, your focus should be on the existing diversion programs in your county, if any exist. Work with your system partners to fill in whatever missing information you may have. Specifically, you want to know:

- Which of these offenses are diversion eligible for already existing pre-charge diversion and post-charge diversion?
- If they have pre-filing diversion, what percentage of pre-filing diversion eligible offenses are diverted?
- What is the referral criteria for existing pre-filing diversion programs (# of priors, types of priors, age of youth, and other limiting criteria)

Obviously, this is a *lot* of information. We've had a wide array of responses from system partners when it comes to their willingness to share their data. Some folks have been very eager to share their data, while some feel neutral about it and others are resistant to the idea. We've even done work in jurisdictions that don't have a centralized place for storing their county-wide data. Additionally, we've had a similar array of responses when it comes to analyzing the data.

### **TIP!**

In the spirit of transparency, sharing a copy of both worksheets (that are blank!) with the folks you are working with can be helpful for them to visually see what you are asking for and where the ask is coming from. Often people are asking for data to sue county entities, or to show that the system has erred or failed. Being *overly* communicative and collaborative during this process in particular can also be helpful since it can be a sensitive subject. You may want to ask systems folks if they want to fill out the Landscape worksheets together or schedule a meeting once you have mapped it out yourself.

If you're finding yourself in situations where system partners are resistant to share their data, try to figure out where that hesitancy is coming from. Is it because it may be a lot of work for them to compile it all? Or maybe they don't want to share their data with someone outside the system? The data will most likely show stark disparities across racial and ethnic lines. In some cases, this can be really hard for staff within the DAO to face. Again, it's important to remember that this is not an opportunity for you to expose the shortcomings of the criminal legal system or to cast blame on any group of people for these disparities. We know the underlying cause is systemic. Rather, you'll want to find a way to align with your partners and let them know

## Step 2F

---

you are not going to use this data for a “gotcha” moment of what’s wrong with the system or with them. Instead, show them you are approaching it with the point of view of “we know your hands are tied because your process isn’t resourced to...” Sometimes it’s just a matter of ‘flipping the script’ on how you present information so that it’s more digestible and relatable. If they had a pretty positive response to the seven principles of RJD and the **2-Way Expectations of CBO/SP** document (downloadable below) you shared in previous meetings, you can also always point back to that shared expectation, and remind them that the data is necessary for everyone to understand whether the program will be successful in fulfilling its principles.

 [Download: Two-Way Expectations of CBO/SP](#)

### **TIP!**

All of the juvenile legal data you need for your county may be held in multiple agencies across the system. Being able to identify in advance where all this data is held and how many different agencies you’ll need to contact can save you a lot of time and energy in the long run.

This information may come out in one or many of your meetings with different agencies as you’re building trust and relationship around RJD. It’s also a discussion that can come up as you’re reviewing the **Two-Way Expectations of CBO/SP** template from [Step 2E: Common Ground](#). If not, you can always ask directly. And remember to get a feel for who you will need to spend extra time building relationship with by reviewing the roles and needs from the **System and County Leadership Landscape** worksheet in [Step 2B: Community Held](#).

### **Identify Program Eligibility Criteria**

With all the information and data in front of you, you can start identifying potential RJD cases! We suggest having some sort of grasp on what the data in front of you means before you meet with the DAO. You might have some idea of what cases you want to be diverted but find that the DAO may not feel comfortable with the severity of crimes you’re focusing on or with the optics of what you have in mind. So make sure you understand what ultimately is and is not a good case for diversion. You also want to be careful about selecting cases that would otherwise be diverted to another existing diversion program. Those are *not* the cases you want for RJD.

 [Download RJD Case and Participant Eligibility Worksheet](#)

## Step 2F

---

From our experience, figuring out the appropriate eligibility criteria and referral process with the DAO has been a sort of informal back-and-forth conversation where we say “here’s what looks ideal” and then the DA pushes back or agrees. These meetings can move at a fast pace and can even be a bit intimidating at first. Our **RJD Case and Participant Eligibility** worksheet, downloadable above, can be a great visual and accessible way to capture these conversations on paper. The worksheet maps out what the criteria for youth who are diverted will be. It covers:

- What types of cases and arrest types will be referred (ensuring that it aligns with the data, RJD program principles, and DAO comfort level)
- How many (if any) prior charges (the number or the type) will disqualify a young person from being referred (remember! studies show that youth who reoffend are most successful in the RJD program. So you should push for this not to be a “first time offender” program)
- Whether dependency-delinquency youth (aka crossover youth) are eligible for referral
- What the age range of youth who cause harm will be
- What zip codes cases will be diverted from (remember! These should be zip codes of high arrest rates and high levels of racial and ethnic disparities)

 [Download: RJD Case Referral Criteria Checklist](#)

Once you’ve filled out the **RJD Case and Participant Eligibility** worksheet, feel free to cross-check it with the RJD Case Referral Criteria Checklist, found above, and also to add any and all additional criteria you’ve outlined to that checklist. The checklist can be a helpful resource for both the DAO and you to ensure that the cases that are being identified and referred align with the criteria you all decided on together.

### *A Note On Discretion*

Using data to inform the program eligibility criteria satisfies both RJD core principles and also helps limit the DAO’s discretion around who gets offered diversion and who doesn’t. Studies show that despite the fact that youth of color are *overrepresented* in the criminal legal system, they are actually *underrepresented* in diversion programs. We want to make sure RJD doesn’t replicate this dynamic, and one way we do so is through limiting the DAO’s discretion.

Talking about reducing the discretion of the DAO is a very delicate topic. It is our experience that discretion is really important to folks who work in the DAO, regardless of how they use it. Some system partners use their discretion to impose even more punitive outcomes on people and others use it in the opposite way. Either way, the idea of limiting the DAO’s discretion should be navigated delicately.

A perspective we’ve used for a DA who actually wanted to use their discretion to send more serious, direct

## Step 2F

---

file cases, was by explaining that if the program is dependent on complete DA discretion, as the program continues to expand and receive a large volume of cases, that is going to result in a *ton* of work for the DA's office. It is also helpful to be able to point to the numerous studies that have shown that, whenever there is more discretion, there is *always* more discrimination, even when policies are implemented in a "race neutral" way. We absolutely want to avoid situations where DAs can look at each case as it comes in and decide whether they think the youth is "good" or "worthy" or "amenable" to diversion based on nothing else but their own impressions off a case file. Implicit bias *always* comes into play here regardless of how reform minded or anti-racist your DA may be. Relatedly, we also shared with this specific district attorney that as much as we love them and their politics and wish they could be in office forever, there will come a time when they are no longer in office. With that in mind, it's necessary to implement more standardized protocols and procedures so that the program's success and the cases referred don't depend on the character of the current DAO.

### Create Case Referral Process

Creating a discretion-less referral process can be hard to do for the reasons listed above, but can be especially hard to do during the early stages of RJD implementation. In order to ensure the sustainability of the program, the number of cases referred should be explicitly based on the capacity of the CBO. In our experience, only 15 cases should be referred to the RJD program if there are two full-time facilitators (the scaling is detailed further in the **6-year RJD Program Growth** worksheet, downloadable below). If RED and mass criminalization of youth of color are prevalent in your county, then the eligibility criteria you and the DAO create will more than likely result in diverting exponentially more young people than just 15 a year. Because of this, you want to find a way for the DAO to refer only 15 cases from that larger pool of eligible cases, without giving the DAO complete discretion.

#### Download: 6-year RJD Program Growth

There are plenty of ways to do this, so feel free to get creative with your system partners in coming up with a process that feels good for everyone. When thinking through a process, here are a few things to consider: You don't want the DAO to just refer the first 15 eligible cases that come across their desk because that could mean receiving 15 cases in the first month of the program. You want to find a way to limit discretion while also keeping the success and sustainability of the program in mind.

Whatever process you come up with shouldn't be permanent. It should be able to evolve (and potentially disappear altogether!) as your organization's capacity increases.

## Step 2E

---

### *Existing Examples*

In one of our sites, the DAO uses a free randomization tool to determine which youth get referred and which youth don't. At this site, the charging juvenile DA receives a case, makes a charging decision and if they decide this is a case they would *absolutely* charge, and it fits all the county's eligibility criteria for the program, they send the case over to their legal secretary. The legal secretary uses the randomization tool (which is effectively a piece of paper that says "control, test, control, test, control, control, etc.) to determine the next steps. The randomization tool is adjusted based on capacity of the CBO. Because the CBO can only take a certain number of cases per year, the tool's algorithm is structured to match that. For example, the CBO can only take 25 cases a year so for every 10 cases that the tool works with, it will randomly select 7 out of those 10 to divert to the CBO.

Using this computer generated randomization tool ensures less discretion and also helps prevent net-widening. Since the charging DA has no idea if the computer will refer the case or not, they have to be absolutely sure this a case they would take to court before sending it to their legal secretary. That way, if the computer decides to charge the case, they are ready to take it to court. Another added bonus of this method has been that at the earlier stages of the program using the random generator has inadvertently given the program a generated match sample of cases to compare the RJD process to, in order to measure for recidivism and other measurements of success.

What we've learned through this site's process, however, is once again the importance of including ending RED in the eligibility criteria process. Because that was not explicitly done in this site, the randomization tool has resulted in RED actually increasing. Further, we've learned the importance of creating a plan to move away from this process in the future. There should be no reason to exclude youth who are perfectly eligible for the program once your program has the capacity to receive them.

Another site found a way to limit case referrals in the early pilot stages by creating more narrowly-focused eligibility criteria when it came to case type, which will be expanded as CBO capacity increases. For example, using data, this site picked one case type that had around the same number of charges as the number of cases that could be referred (ie. they saw that there were around 25 burglary charges and they needed 15 referrals), filtered all the young people arrested for that crime type through their remaining eligibility criteria and if it was a match, all those cases were sent to the CBO.

This process works well if you find a case type that is RJD appropriate and statistically relevant. What we've learned through this process is that you still need to have a process in place to stagger the case referrals. On the off chance that 15 young people are all charged with burglaries in November and all turn out to be eligible for the program, you don't want your program receiving all 15 cases at once. Additionally, this option leaves

## Step 2F

---

room for the opposite to happen—maybe 25 youth were charged with burglaries last year, but then this year, there are only 10, and out of those 10 only 6 are eligible for RJD. You want to find a process that is dynamic and fluid enough to prevent overwhelming or underwhelming the RJD program.



### *Sign Legal Documents*

Up until this point, your relationship with the DAO and other system partners has been ‘informal’ in the sense that nothing has been legally or contractually agreed upon in writing. Clearly this program is something you are all deeply invested in, but the actual process of referring cases cannot begin until:

1. A memorandum of understanding (MOU) has been signed by the CBO and all system referring agencies
2. A standing order has been signed by the presiding juvenile judge in your county
3. You (the CBO) have officially been trained in all the RJD processes

Those three final steps don’t necessarily have to happen in that order. Some DAs like to sign the MOU and then start referring cases immediately, while others like to sign the MOU and give it a few months before cases actually start being handed off. There is also a chance that the DAO may not feel ready to sign any legal contract or document until you and your staff have all completed the necessary trainings and are officially ready to start receiving cases. If this is the case, it’s still worth going through all the remaining attachments, editing them accordingly, and ensuring that all sides understand what is being asked and required of each other so that once you are trained, the legal documents can be signed, and nothing will come as a surprise to folks later on.

The two legal documents that need to be signed by the DAO before a program can begin are:

-  **Download Generic RJD DA MOU**  
A memorandum of understanding (downloadable above) is a legal contract signed by the facilitating CBO, the DAO, and any other referring system agencies (i.e. if probation will be directly referring you cases, they must sign this document). Only once this document has been signed, the DAO and other referring agencies can begin referring cases.
-  **Download Generic RJD Standing Order**  
The standing order (downloadable above) is signed by the presiding juvenile judge of your county. This document allows for unredacted police reports to be sent to the CBO as part of the case referral. It’s important for CBOs to have access to unredacted police reports for various reasons, but most impor-

## Step 2F

---

tantly it gives the contact information of all parties that were involved and impacted by the incident so that facilitators can reach out and begin the restorative process.

Both the MOU and the standing order are generic templates and are completely editable and customizable, so you'll want to go through each document and fill in the specifics of your county. The DAO and other system partners will most likely want to go through and negotiate/change pieces of these documents, especially the MOU, based on their comfort level, politics, etc. We strongly suggest you do not go into any negotiation or modification meetings until you have read through each of these documents extensively and, better yet, **gone through them with a lawyer**. Using your Youth Justice Landscapes, identify allied youth justice lawyers who can sit down and explain these documents to you and potentially even join you in the negotiations. You want to come into negotiation meetings with a clear understanding of what the document is asking for, what the DA wants to change, and whether or not that interferes with the values and principles of the program.

As you're reviewing both documents, there are a couple things we'd like to emphasize, especially with regards to the MOU. First, we're intentional about keeping this document a bit broad and vague. We don't include the specific zip codes or specific types of cases or referral criteria in the document because we want the program to evolve and grow without having to re-open this contract every time a change is made. The hope is that this document will be signed in perpetuity so that as zip codes and case types expand (in severity and volume) you can do so more easily than reconvening all signatories on the document, making alterations and then resigning the document. The elected district attorney who originally signed the MOU will not be in office forever. You can never know who the future DA of your county will be and what their opinions on the program or certain clauses may be. We don't want to risk re-opening a document and having certain clauses be up for negotiation again based on the character of the current elected official. Instead, the idea is to have separate internal documents that outline the specifics of eligibility criteria, referral process, etc. so that the overall idea of the diversion program can live in the MOU and will hopefully, over time, become more integrated with the internal structures, procedures, and protocols of the DAO—making it harder for incoming DAs to get rid of it.

Second, other than allowing cases to start being legally diverted to the CBO, the main chunk of the MOU is to ensure and maintain confidentiality of every single participant in the process from the point of referral through the end of the process, regardless of outcome. Maintaining the confidentiality of all participants involved is the cornerstone of the RJD program. Without the protection of knowing that *whatever* is said throughout the *entire* process is held in complete confidence, the depth, authenticity, and genuine transformation that comes from this process just won't happen.

## Step 2F

---

### **TIP!**

When signing either the MOU or the standing order, make sure all of the signatures are on the same page as at least one sentence of content. In the off chance the pages in the document get separated from one another, you want to ensure that the signatures are connected and can always be traced back to the agreements made. Also, number the pages at the bottom this way—“6 out of 7”—so the complete document stays together and in order.

Introducing, reviewing, and negotiating the MOU and Standing Order to your system partners can be a somewhat lengthy process. At the end of it all, there’s a possibility that they may not feel comfortable signing it right away and would instead prefer you be trained and ready to receive cases the second they sign it. Regardless of whether they formally commit to this program via signing the legal documents, or they maintain their informal commitment via not signing the legal documents just yet, head on over to **Step 2G: Receiving Cases**, to make sure you have everything else in order before you request an RCC training!

### **What If...?**

#### **WHAT IF OUR COUNTY ACTUALLY CANNOT SHARE THEIR DATA WITH US—WHETHER IT BE BECAUSE THEY HAVE NOT MAINTAINED CONSISTENT COUNTYWIDE DATA COLLECTION, OR MAYBE BECAUSE THEY HAVE POLICIES THAT DON’T ALLOW THEM TO?**

First, you should identify why they will not (or maybe cannot) share their data and whether or not they are actually still interested in implementing RJD. If they are, hooray! While this is not ideal, it’s just a hiccup and really shouldn’t stop you from being able to get a sense of what zip codes and case types to target for eligibility. Definitely ask around your youth justice networks to see if anyone else has had the same or similar issues, and if they maybe have the data or any suggestions on where to find it. Additionally, you may want to check to see if there are any schools or universities in your area that focus on criminology that may be able to support you. If so, try reaching out to professors in that department to see if they or their students can support you in tracking down the data.

Another suggestion is to try building relationships with and talking to some police officers or police departments about which neighborhoods and crimes they see most youth of color being arrested for. This doesn’t have to be a set of statistics written anywhere, it can just be what they see and hear everyday on the job. (Please note, this may take time and may not give you much more than you already know.)



## Step 2F

---

Looking at school district data can also be helpful as a proxy for juvenile legal system data. Finding the school districts with the most suspensions and expulsions, the highest volume of youth receiving free or reduced lunches, etc. will most often lead you to the districts where youth of color live and where youth have the most contact with the criminal legal system.

Ultimately, as people interested in implementing an RJD program that ends RED in your community, you should have lived experience, wisdom, and insight into which areas of your community are being overpoliced and what young people of color are most often being picked up for.

### **WHAT IF OUR DAO IS SO EXCITED ABOUT RJD THEY WANT TO SEND WAY MORE THAN 15 CASES IN THE FIRST YEAR AND WANT TO SEND ONLY THE MOST SERIOUS CASES?**

First, what an incredible position to find yourself in! To have someone like a DA want to send you *more* than what you asked for is really powerful. Be sure to acknowledge the blessing of having this kind of DA but stay grounded in the process. Of course we would all love to decriminalize serious cases and take as many young people as are arrested per year, but the process is scaffolded in this way for a reason. As you start rolling out this process there will undoubtedly be some attention around what the DA has agreed to do. Some people in the community may feel really excited about this program, while others may feel strongly against it. You want to make sure you are setting yourself and the future of the program up for success. If you take a really serious case right out the gate and something goes wrong, that could potentially put the future of your program at risk. Of course, this doesn't mean you should just play it safe and take cases that wouldn't necessarily be charged if RJD didn't exist. But starting off with nonviolent car thefts, for example, as you start to get a hang of the process, taking cases, running a program, etc., can make this transition easier than starting with robberies involving weapons or bodily harm. The same goes for taking more cases. We scale the cases per year based on capacity. If your organization has more than two facilitators in the first year and feel that taking more cases is reasonable and doable then by all means do! The first few years, but the first year especially, will be a period of learnings (as well as exciting firsts and celebrations!). Trust your gut on what feels good to start with, knowing that strong foundations lead to long lasting and successful programs.

# Step 2F

---

## 2F CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**RECEIVE** and ANALYZE county data



**DEVELOP ELIGIBILITY** criteria with DAO using RJD Case Eligibility Setting worksheet



**CREATE** referral process with DAO



**REVIEW** the MOU and the standing order with a youth justice lawyer



**INTRODUCE** the MOU and the standing order to relevant system partners



**SIGN** the MOU and the standing order



## Step 2F

---

### *Tools & Resources in this Step*

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Worksheet: Local Youth Justice Landscape - Data
- Worksheet: Local Youth Justice Landscape - Programs, Policies, and Boards
- Template: Two-Way Expectations of CBO/SP
- Worksheet: Establishing RJD Case & Participant Eligibility
- Resource: RJD Case Referral Criteria Checklist
- Resource: 6-year RJD Program Growth
- Template: MOU Template
- Template: Standing Order Template

# Step 2G

## STEP 2G: RECEIVING CASES

### Are We Ready to Be Trained to Receive Cases?

Once the necessary folks in your local juvenile legal system have agreed informally or formally to refer cases to your organization’s restorative justice diversion program, it’s time to confirm your funding and staffing, and this step reminds you of what that can look like.



#### IN THIS STEP:

Getting Organized

Funding

Staff Up!

What If...?

Checklist

Tools & Resources

Congratulations! By this point, you should be coming off meetings with the DAO and other system partners where you have received informal or formal (in that legal documents have been signed) buy-in for RJD in your community. This is a huge milestone! This section will review steps from previous sections to make sure you have all the resources, materials, logistical information, and staff necessary to receive training and have restorative justice diversion become a reality.

#### Get Organized

Even if your system partners did not wish to sign the memorandum of understanding (MOU) or standing order that was talked about in [Step 2F: Referring Cases](#), you still want to make sure that everything else is in order so that once you receive training, the documents can get signed and the program can get up and running. That looks like:

- Make sure the MOU and standing order reflect the changes and modifications you and your system

## Step 2G

---

partners needed so there is nothing left to do on them except sign

- Have identified or confirmed funding for the program
- Have positions and infrastructure in place to start the program so that once you are trained the program can begin
- Request RCC training from the Restorative Justice Project at Impact Justice!

### *Establish or Confirm Funding*

As you learned in **Step 2D: Funding**, you must consider how you will fund your RJD program. Ensuring funding for your program will support its sustainability and overall success. Funding allows you to build the necessary infrastructure and systems, and fill all the necessary staff roles for your program. Make sure to create a fundraising plan that includes:

- Budget
- Fundraising goal
- Fundraising methods
- Fundraising pitch
- List of potential funding sources
  - Our Potential RJD Funders resource and the Foundation Center from **Step 2D: Funding** can help you start this part of the process
- Research from your community

Once you have a solid fundraising plan in place, you can track down funding for your RJD program. When you have funding in place, you will be able to hire program staff and obtain the resources to build out your program. Something worth noting is that having system partner buy-in (whether or not they have signed the MOU) makes your funding applications stronger!

### *Staff Up!*

Before requesting training, make sure you've hired staff or established who will be holding what roles and positions in your RJD program. Again, every staff member plays an important role in the survival, maintenance, and success of your program. Feel free to revisit both the RJD Org Chart and the RJD Staff Roles & Responsibilities resources to make sure you have what you need to get the program off the ground.

As you can see, the organization chart and roles and responsibilities resources cover the necessary staff roles

## Step 2G

---

for a program during the first “pilot” year and for subsequent years as the program expands. To reiterate, in the first year “pilot” program, the minimum necessary positions for an RJD program to be successful are: two facilitators, one program manager, and one administrative assistant. During the first year, these positions will be tasked with all of the responsibilities detailed here as well as varying levels of the “Expanding Responsibilities.” However, as your program grows and expands in both responsibility and capacity, the “Expanding Responsibilities” listed will quickly become much more complicated. We encourage you to start thinking about how and by whom these responsibilities will get done without overburdening any one position. This may mean hiring new people tasked with the more specialized responsibilities.

Once you have everything sorted out, head over to [Step 3: Receive Training](#) to find out how to request an RCC training from us!

### *What If...?*

#### **WHAT IF WE’VE FOUND PEOPLE IN OUR COMMUNITY WHO ARE INTERESTED AND WOULD BE PERFECT FOR WORKING WITH OUR RJD PROGRAM BUT WE HAVEN’T FOUND FUNDING YET?**

First, congratulations on establishing what you have! Building this program from the ground up requires a lot of juggling of what is currently happening and foresight about what needs to be happening down the line. It can feel frustrating when the timing of certain pieces don’t seem to line up the way we expected or planned for them to—our team can definitely attest to this! Continue to build and nurture relationships with folks in your community and be transparent around where you are in the process. We have found that all of the pieces do tend to come together at the right moment.

What if we’ve received funding for our program but can’t find the right people to hire to work with us? Very similar to the scenario above. Funding is never easy to receive so hats off to you! If you’re having trouble finding the right folks for your program, think about how you’re communicating these positions out into the community and try to diversify! Are your open positions only visible on your website? Think about promoting them via social media and your organization’s listserv; ask partner orgs in your community to post them; send them out to local coalitions you’re a part of; post fliers in local community centers or other frequented areas.

What if we realize that there are actually other organizations in the area that we could have partnered with earlier in the process but we just learned about them now?

It’s never too late to collaborate! In fact, we strongly encourage you to be looking for ways to build and

## Step 2G

---

expand your network of support before, during, and after your RJD program has launched. As you've learned in earlier sections, restorative justice asks us to embrace our interconnectedness with one another, so your RJD program should never operate in isolation or feel exclusionary. There are so many incredible people doing truly incredible work, and oftentimes, the best folks—the ones most steeped in community and most deeply connected to the work—don't have the best website or the flashiest brochures. Leaving room for potential allies or partners at every step of the way will allow your program to flourish as it continues to evolve.

### 2F CHECKLIST (SEE FULL CHECKLIST ON PAGE 9)

**FINALIZE** any edits to both MOU and standing order so they are both ready to be signed at any point



**IDENTIFY OR CONFIRM** funding streams for your RJD program



**HIRE** necessary personnel for your RJD program



### Tools & Resources in this Step

*A full list of resources can be found on page 127. All resources can be found on [rjdtoolkit.org](http://rjdtoolkit.org).*

- Resource: Potential RJD Funders
- Resource: RJD Org Chart
- Resource: RJD Staff Roles & Responsibilities

## Step 3

---

### 3 STEP 3 Receive Training

Sign up for updates about trainings from Impact Justice's Restorative Justice Project.



Congratulations on finishing the toolkit! You have the power to create the justice you would like to see in your community. The final step is signing up for updates about attending a Restorative Community Conferencing (RCC) training from the Restorative Justice Project.

We'll start offering RCC trainings to the public in 2020.

We strongly encourage folks to complete all steps of the toolkit before signing up for a training from us. It is essential that everyone attending an RCC training has completed the trainings laid out in Step 1F: Interactive Learning (implicit bias, circle, etc.) and held or facilitated circles before.

Unsure if you're ready for a training? Contact us and ask! In the meantime, we encourage community-based organizations accessing this resource to complete as many of the steps of this toolkit as possible.

Please sign-up **online** to receive updates about future training opportunities and updates about this Toolkit generally.



# Stories

---



These stories appear throughout the toolkit, and we offer them to bring life to the steps. These are based on real experiences in partnerships with community-based organizations and juvenile legal system partners. We've chosen not to name the people and locations in these stories for two reasons. In addition to preserving anonymity around some issues of political sensitivity, we also felt that hearing these stories in this form would allow readers to identify with them more, to imagine how scenarios like this can happen in any location, including your own.

## **NET-WIDENING FOR BUNNIES**

A family in a major US city kept an assortment of bunnies, goats, and other pets in their backyard. A 9-year-old child who lived in the neighborhood was, naturally, drawn to them. One day, no longer able to resist the temptation, he went into their backyard, opened a bunny's cage, pet it, and set it free. Upon seeing this, the homeowners called the police on the child, who was then arrested for breaking into the backyard and damaging the bunny cage. This child's case eventually found its way to the desk of the local DA, who diverted it to RJD.

Were the facts of this case severe enough to warrant an accountability process with a four-part plan to repair the harm? Do you think that, had the DA gone forward with charging this case, a court would have

# Stories

---

put the child on probation? Even if in some jurisdictions the child would have been placed on probation, is RJD the right approach for this case? This last question will be your most challenging to answer.

From **1D: Restorative Justice Diversion**

## **POST-CHARGE NET-WIDENING FOR POLICE INTERACTIONS**

Some legal system agencies have opted to use restorative justice in a post-charge posture (something we think is unwise for reasons stated elsewhere in this toolkit). In one post-charge jurisdiction with whom Impact Justice is not currently partnering, a police officer interrogated a child without good reason and the child rightfully decided not to talk to the officer. When the child tried to leave, the officer grabbed her, and she responded instinctively by pushing the officer's hand away. The officer then charged the child with resisting arrest, and she was offered RJD to "repair the harm done" to the police officer.

Would the RJD process be helpful or harmful for a youth in this situation? What power dynamics are at play when law enforcement use an RJD process for this type of alleged harm? How are those dynamics exacerbated when having charges dropped requires apologizing to a police officer?

From **1D: Restorative Justice Diversion**

## **MATCHING YOUR VALUES, GOALS AND ASPIRATIONS**

In one county, several system partners supported the need for a diversion program, and they approached a community-based organization (CBO) to be RJD facilitators. The CBO did a deep exploration of the proposed program and the necessary relationship with county agencies. They'd never partnered so closely with county agencies before, and needed to determine whether the program format would be in alignment with their organizational mission and values. In that assessment, they realized that to remain true to their values and mission, they needed complete autonomy in their diversion work; they were concerned with the implications of county agency oversight of the program. This was particularly important to the CBO because they needed to maintain the community's trust, and to know that the information gathered from RJD program participants would remain confidential. Negotiating the CBO's desired level of autonomy took quite some time, and many conversations between the CBO and system partners were required to build the level of trust needed to keep moving forward. But once it was decided by both the system partners and the CBO that the program would have no oversight from any referring agency, the CBO was on board.

As they began implementing the pilot program, the CBO kept a close eye on ensuring that their program participants were treated with care and cultural humility. Early on, the CBO realized that to best address the issues facing their community, they needed to expand their staff size and its diversity. By hiring more staff from the community they were serving, the organization was able to deepen their efforts and commitments to their own core values.

From **2A: Program Fit**

## **THE PROPER ROLE OF SYSTEM PARTNERS**

A university once invited the renowned professor Howard Zehr to give a public talk on restorative justice. Many system partners attended, who became eager to implement a restorative justice program in their own county. Professor Zehr connected them to Impact Justice's sujatha baliga to provide thought partnership and guidance. sujatha advised them to identify community-based organizations to partner with and lead the development of the program. She also advised that the facilitating CBO must be deeply embedded in the community to be served, and for that CBO to have complete autonomy over the diverted cases.

# Stories

---

Many challenges arose, stemming from long-standing, complex relationships between local CBOs and system partners. Over time, Impact Justice’s team facilitated a series of dialogues between the county agencies and local CBOs. In these rich, and often challenging conversations, the system partners were strongly encouraged to partner with a CBO which met the criteria found in this Program Fit Questionnaire. Ultimately, these conversations led to building strong, healthy, and clear relationships between system partners and several CBOs. The system partners began to understand the power imbalance that arises when they lead the RJD implementation process and why it’s essential for communities to lead the process from the onset. In the end, the system partners worked to find a strong community-based organization to lead the program and the program became a successful, community-led endeavor.

From **2B: Community Held**

## **A CHALLENGING POLITICAL CLIMATE**

In one county a community-trusted, youth-serving organization had long desired to start an RJD program. Their district attorney, however, was vocally resistant to diversion programs in general—let alone a pre-charge RJD program. During the CBO’s five years of advocacy, the DA eventually agreed to divert a single case to RJD. Despite the incredible success of that case (including positive local and national media attention on the story and its restorative justice resolution), the DA remained unwilling to partner with the CBO to divert more cases to RJD.

Knowing that this would be an uphill battle, the organization focused their energy on community coalition building. Coalition building led to the creation of a county-wide racial justice task force that was approved by the county board of supervisors, and support for ending racial and ethnic disparities through diversion prevailed. The conviction, resilience, and advocacy of the community ultimately contributed to the election of a new, progressive district attorney. The new district attorney was deeply committed to ending racial and ethnic disparities in their county’s juvenile legal system and looked to the community to support solutions that met the needs of their constituents. This DA was eager to support the implementation of a restorative justice diversion program, and partnered with the CBO to ensure the development of a strong program.

From **2B: Community Held**

## **FOSTERING A COMMUNITY PARADIGM SHIFT**

In one county, the community came out in full support of alternatives to youth incarceration after experiencing decades of youth criminalization with no real solution. In order to respond to community concerns, a CBO held multiple community meetings focused on health and the impact of criminalization. From these gatherings, the CBO compiled the needs and concerns of survivors and of relatives of young people who had been criminalized for harms they'd caused. At first, the stories seemed at odds with one another, coming from two separate "sides." But as the impacts of failed approaches to addressing wrongdoing continued to be shared from survivors and people who had been criminalized or otherwise impacted by criminalization, everyone began to find common ground and a common voice. As the conversations deepened, the lines between who was a survivor and who had been criminalized blurred.

In the gatherings held by the CBO, stories of harm experienced by both survivors and the families of incarcerated youth caused a paradigm shift in the way the community collectively addressed youthful wrongdoing. This shift, from opposition to collaboration and support, fostered the conditions for the creation of a restorative justice diversion program and for a healthier community.

From **2C: Community Vision**

## **A LESSON IN CHOOSING FUNDERS WISELY**

In one county, the CBO is funded by a governmental grant. The application, and the grant reporting requirements, focus primarily on numbers—how many youth are receiving the "treatment." There is no requirement in the grant that the cases be high level, that victims be present, or that youth of color are included in a way that reflects their system involvement. Each quarter, the CBO staff scramble to do "enough" cases. When the district attorney offers them cases that don't align with the core elements—cases they would generally say are inappropriate for their RJD program—the pressure to take those cases is real. This pressure is compounded by the fact that it's always unclear whether the DA in that jurisdiction will really charge the cases if they don't go to RJD.

Compare this with another county, where the majority of the funding for the RJD program comes from the county's budget for youth wellness programming. From the start, that funder and the district attorney in that county shared a goal of not net widening, and were in agreement that it was more important to get the right

# Stories

---

cases than to get a large number of cases, especially as the program was in its development stage. This protected the CBO from pressure to take low-level cases or otherwise inappropriate cases from the DA to impress a funder by proving they did “enough” cases.

From **2D: Funding**

## **THE SKEPTICAL D.A. CAME AROUND**

After a DA received an email from the presiding judge of the juvenile division asking him to come learn about restorative justice, he thought to himself, “Here we go again, everyone thinks they know better than we do...” Out of respect for the judge and a sense of duty and protocol, he replied to the email saying that he would attend. During that first meeting, he was intrigued by the notion that youth would be encouraged to take responsibility for the harm they caused. In the weeks that followed, he was impressed that the restorative justice advocates reached out to meet with him individually and to ask him questions like: What about his current job was and wasn’t working for him? What he would need to be able to support the development of an RJD program? He admitted he was tired of speaking with “angry, dissatisfied crime victims,” and he was impressed with the idea that RJD involved youth being directly accountable to survivors’ self-identified needs.

In those initial conversations, the presiding judge of the juvenile division quickly handed over facilitation of the meeting to local CBO staff who were grounded in restorative justice practice and facilitation. These meetings gave people the opportunity to share their frustrations with the current system of justice, to find shared strengths and interests, and to stand on common ground. Often the DA and the public defender would joke that this was the only meeting in which they’d sit next to one another.

Because many attendees expressed appreciation for these meetings, the judge convened a county-wide restorative justice task force, which met monthly. The DA attended all of these meetings, eventually attended multiple restorative justice trainings, and read foundational texts about restorative justice. This DA began regularly saying that the juvenile legal system was out of date and generated poor outcomes, and that he preferred community members to take the lead on helping youth in conflict with the law. He cared deeply about people harmed and saw that the criminal legal system failed to attend to their needs the way restorative justice processes did. It took him a while, but when he truly understood the philosophy and practice of restorative justice, he became a champion for it.

From **2E: Common Ground**

# Stories

---

## **THE RESISTANT BUT NON-OPPOSITIONAL PROBATION OFFICER**

In one jurisdiction, the creation of a pre-charge felony diversion program for youth required the approval of the chief of probation. He was initially opposed to the idea that any child in conflict with the law could resolve the harm without probation supervision. In the first meeting to discuss the possibility of a pre-charge RJD program, he made it very clear that he had had negative experiences with restorative justice trainings in the past (“I’ve been on the RJ merry-go-round before”). The RJD advocates didn’t take this as a closed door. Instead, they met with him several times, allowing him to vent about the failures of decades of “newfangled” approaches to addressing youth crime, before moving into helping him see why the proposed approach to RJD attended to many of the things he was legitimately angry about. While he never became a “true believer,” these conversations led to him getting out of the way of the program proceeding without probation supervision.

From **2E: Common Ground**

# Tools & Resources

---

## 1E

Resource: Case & Program Eligibility Recommendations

Resource: RCC Infographic

Resource: RCC Stages

Resource: RJD Program Overview & Elements

## 1E

Restorative Community Conferencing: A study of Community Works West's restorative justice youth diversion program in Alameda County

## 2A

Questionnaire: Program Fit

Resource: RJD Program Organization Chart

Resource: RJD Program Staff Roles & Responsibilities

Resource: Big Picture Site Assessment

## 2B

Worksheet: Community Partner & Ally Landscape

Worksheet: System Partner & County Leadership Landscape

Template: Restorative Justice Diversion System Partner Profile

Resource: Guide to Power Mapping

## 2C

Resource: Restorative Justice Listening Sessions and House Meetings

Worksheet: Local Youth Justice Landscape - Data

Worksheet: Local Youth Justice Landscape - Programs, Policies, and Boards

## 2D

Resource: Restorative Justice Diversion Program Staff Roles & Responsibilities

Resource: RJD Program Overview & Elements

Resource: Stages of the Restorative Community Conferencing Process

Template: RJD 101 Powerpoint

Resource: Potential RJD Funders



# Tools & Resources

---

## 2E

Resource: RJD Program Overview & Elements

Template: RJD 101 Powerpoint

Resource: Potential RJD Funders

Template: Talking Points for Meeting with System Partners

Resource: Guide to System Partner Meeting Agendas and Activities

Resource: RCC Infographic

Resource: RCC Stages

Resource: CWW report

Resource: Case & Program Eligibility Recommendations

Resource: 6-year RJD Program Growth

Template: Two-Way Expectations of CBO/SP

## 2F

Worksheet: Local Youth Justice Landscape - Data

Worksheet: Local Youth Justice Landscape - Programs, Policies, and Boards

Template: Two-Way Expectations of CBO/SP

Worksheet: Establishing RJD Case & Participant Eligibility

Resource: RJD Case Referral Criteria Checklist

Resource: 6-year RJD Program Growth

Template: MOU Template

Template: Standing Order Template

---

## 2G

Resource: Potential RJD Funders

Resource: RJD Org Chart

Resource: RJD Staff Roles & Responsibilities

# Gratitude

---

This toolkit is the product of a deeply iterative labor of love and thought by the following writers and editors: Georgia Valentine, Rima Chaudry, Ashlee George, Jenny Poretz, Karen Schousboe, Miguel Garcia, Sandra Rodriguez, sujatha baliga, Dave Belden, Hanna Miller, Joseph Broadus, Kyung Jin Lee, nuri nusrat, and Alex Busansky. We're grateful to our restorative justice community and team at Impact Justice who supported this project in various ways throughout this journey.

Thank you to our incredible and dynamic development team, put together by Wethos:

- Wethos: Kristen Ablamsky, Robbi Kearns, Janel Kinlaw, Rosie Powers, and Akua Sencherey
- Specialists: Shawn Hayward (Development), Mary Kate Henry (Design), Harvey Kreiswirth (User Experience), Bo Schlagel (User Experience)

Special thanks to our community-based partner organizations, whose experiences with implementing RJD serve as the bedrock of this toolkit: California Conference for Equality & Justice, Community Works West, Huckleberry Youth Programs, Raphah Institute, RYSE Youth Center, and S.O.U.L. Sisters Leadership Collective. We deeply appreciate the wisdom of these folks leading RJD in their communities and their willingness to collaborate with us in refining this approach together.

The approach to restorative justice diversion offered in this toolkit was initially developed through the generosity of time and spirit of countless practitioners, system partners, and teachers including Susan Marcus, Harmon Wray, Chief Justice Emeritus Robert Yazzie, Cheryl Graves, Ora Schub, Howard Zehr, Nadia Glavish, Kay Pranis, Kelly Branham, Renjitham Rita Alfred, Fania Davis, Jon Kidde, Denise Curtis, Millie Burns, Nancy Nadel, Lauren Abramson, Judge Gail Bereola, Matt Golde, David Anderson Hooker, Allan MacRae, Tenzin Geyche Tethong, Judge Andrew Becroft, Judge Heemi Maana Taumaunu, Mike Hinton, and Lorraine Stutzman Amstutz. Through Soros Justice Fellowship which began in 2008, sujatha baliga synthesized their wisdom and advice to launch the first iteration of our pre-charge RCC model; the continued advice over the years from our many thought partners has helped refine our team's approach to restorative justice diversion. We hope they will be pleased with how RJD has evolved into its present form.

It must also be named that we've drawn all the wisdom in this toolkit from innumerable sources, including but not limited to: Māori-inspired Family Group Conferencing, Navajo Peacemaking, Menno-

# Gratitude

---

nite framing of “covenant justice,” the Nguni Bantu meaning of Ubuntu, Tibetan Buddhist notions of interdependence, the fields of quantum mechanics and trauma healing, and from the wisdom of the criminal justice reform and abolitionist communities, anti-racism work, liberatory pedagogies, from community organizers, from freedom movements the world over, and most of all from the people who have shared their restorative justice journeys with us — kids who’ve caused harm, survivors, and their families, caregivers, loved ones, and communities.

Our work to gather, refine, and share the information in this toolkit required generous support from our philanthropic partners. Warm thanks to Open Philanthropy, Google.org, Mountain Philanthropies, Open Society Foundations, Heising-Simons Foundation, Porticus, The Zellerbach Family Foundation, Threshold Foundation, The California Endowment, Akonadi Foundation, and Ford Foundation, for believing in our restorative justice diversion work over the years.

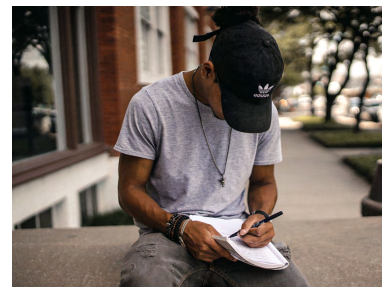
About page photo by Leo Rivas.

Source: Unsplash



Stories Photo by Brad Neathery.

Source: Unsplash



Other photos by JJ Harris of Tech Boogie Media.

## Accountability

Merriam-Webster says “An obligation or willingness to accept responsibility or to account for one’s actions.” Restorative Justice teaches us that accounting for our actions can be a complex matter, including recognizing our conscious choices, trauma-induced triggers and unconscious actions, both from the traumas of our individual lives, and the collective traumas suffered from systemic oppressions. None of this is an excuse for our actions, but behavior we need to explore in order to take responsibility for the harm and take steps towards healing.

Source: Merriam-Webster

---

## Charity or Savior model

A mentality or framework in which a person or organization tries to solve a problem without acknowledging the systemic and structural conditions underpinning that issue. For example, feeding the homeless while telling them to pull themselves up by their bootstraps; this does not consider the structural conditions that led to that person becoming homeless. Without acknowledging the structural conditions that lead to societal issues, these issues do not change or get solved.

Having a “charity or savior” mentality, consciously or subconsciously, means believing one is better than those one is attempting to help. This drives the motivation to “give back” rather than having genuine desire to change conditions, shift power, or confront one’s own privilege. A person or organization with a “charity or savior model” often has very little knowledge of a particular place or issue, yet tries to solve a local problem that they lack a genuine connection to.

---

## Confidentiality

As a legal term, the duty to refrain from sharing information with others, except with the express consent of the person who provided said information. There are rules and regulations which place restrictions on the circumstances in which a professional, such as an attorney, may divulge information about a client, and other situations may be deemed confidential by the use of a contract.

In the restorative justice process, facilitators maintain strict confidentiality as it pertains to all participants. Throughout the process, all participants also commit to keeping everything confidential. Legal documents,

---

# Glossary

---

such as the MOU described elsewhere in this toolkit, are necessary for confidentiality to be protected in legal proceedings.

Source: Legal Dictionary

---

## Criminalization

“The culture of mass criminalization is one in which aggressive policing and incarceration are our default tools for dealing with a wide array of social problems that can and should be solved by other means. These punitive approaches far exceed what is necessary to maintain public safety and primarily target poor people and people of color.”

Source: [drugpolicyalliance.org](http://drugpolicyalliance.org)

---

## Dependency-delinquency or Crossover youth

Youth who are at risk of, or are fluctuating between, the child welfare and juvenile justice systems.

Source: Center For Juvenile Justice Reform at Georgetown University

---

## Equal partiality

Rather than trying to remain neutral (which is not possible) or partial (which can lead to bias), facilitators must care equally for all participants, regardless of their role. Everyone should leave an RCC with their dignity, humanity, and life force intact, and should feel that a facilitator is equally invested in this outcome for all participants.

# Glossary

---

## Evidence-based

In the mainstream research community, evidence-based practice refers to programs, curricula, or practices that have been proven with hard data to have tangible and replicable benefits using rigorous research. Accepted research methods are generally randomized-control trials, quasi-experimentation, or meta-analyses.

It is important to note that there are indigenous, cultural, and community-based practices that people know are effective, but are not considered “evidence-based” by the mainstream research community because of the lack of data and findings backing them.

Source: Vera Institute of Justice

---

## Facilitator

The person who plans, guides, and manages the RJD process to ensure that the group’s objectives are met effectively, with active participation and collective buy-in from everyone involved. They help to set the tone and environment for circles and RCCs to take place such that everyone feels ready, safe, supported, and heard. They also guide the conference toward plan creation and in some instances will support the responsible youth during plan completion. Facilitators may also support participants to connect to wraparound services as needed.

---

## Historical trauma

The aftermath and legacy of traumas inflicted on whole groups of people. “Aftermath describes political and economic structures, while legacy refers to cultural ideas, beliefs, and prejudices. Legacy and aftermath work together to help maintain detrimental cultural norms that result in, and sustain, violence.”

Source: The Little Book of Racial Healing

# Glossary

---

## In perpetuity

For all time; forever

Source: Merriam-Webster

---

## Intersection/Intersectionality

Intersectionality is a term coined by the Black feminist scholar and critical race theorist, Kimberlé Crenshaw, who says, “intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects.”

The various forms of social stratification, such as class, race, sexual orientation, age, religion, creed, disability, and gender do not exist separately from each other but are woven together. This woven experience can compound an individual’s experiences of marginalization, as well as privilege. So while people may have a shared identity, the way their identities intersect make that shared identity markedly different. For example, a white woman’s experience of sexism will be very different than a Black woman’s, given that her experience is compounded by racism.

Source: Kimberlé Crenshaw

---

## Latinx

A non-gendered way of referring to people in place of the terms “Latina” or “Latino.” It moves beyond terms like “Latino/a” and “Latin@,” which still reinforce a gender binary. Folks who identify as Latinx may be doing so because they don’t identify within the binary of Latino/Latina or male/female. The description has also spread to other communities, with Chicano being recast as Chicanx and Filipina as Filipinx.

The “x” also can be read as a political statement, similar to Malcolm X and other members of the Nation of Islam, who use “X” as a way to reject the systems in which many Black Americans ended up with the last names of those who owned their ancestors through slavery.

Source: Time

---

# Glossary

---

## LGBQ/TGNC

An acronym used as an umbrella term for lesbian, gay, bisexual, queer, transgender, and gender non-conforming people. These are distinct and sometimes overlapping identities with which people might self-identify, not labels anyone should assume about someone.

Source: Merriam-Webster

---

## Liberation framework

Rooting one's actions and intentions in the liberation of all oppressed people. Liberation is both the undoing of the effects and the elimination of the causes of social oppression, and the outcome after these have been accomplished.

Source: Unlearning Racism

---

## Lived experience

The wisdom a person gains from having the first-hand experience of living as a member of an oppressed or marginalized group. For example, a formerly incarcerated person is someone with lived experience of the criminal legal system and its impacts.

---

## Net-widening

Instead of reducing the number of youth formally processed through the juvenile justice system, “net-widening” policies actually subject more youths to formal justice system intervention... The implications of net-widening are serious because the process results in the diversion of resources from youth most in need of intervention to youths who may require no intervention.

This process depletes the system's resources and impairs its ability to properly intervene with appropriate

---



# Glossary

---

youth. Instead of improving public safety, these early intervention and prevention strategies promote net-widening by shifting resources from youth most in need to youth least in need.”

Source: Center on Juvenile and Criminal Justice

---

## Paradigm shift

“An important change that happens when the usual way of thinking about or doing something is replaced by a new and different way.” RJD is meant to create a paradigm shift away from punitive responses to harm to those that focus on healing harms and rebuilding relationships.

Source: NPR

---

## Power & privilege

“Power is unequally distributed...in society; some individuals or groups wield greater power than others, thereby allowing them greater access and control over resources. Wealth, whiteness, citizenship, patriarchy, heterosexism, and education are a few key social mechanisms through which power operates.”

Privilege is “unearned social power accorded by the formal and informal institutions of society to ALL members of a dominant group (e.g. white privilege, male privilege, etc.). Privilege is usually invisible to those who have it because we’re taught not to see it, but nevertheless it puts them at an advantage over those who do not have it.”

These concepts have roots in WEB DuBois’ work on “psychological wage” and white people’s perception of superiority over Black people and people of color.

Source: Beyond the Psychological Wage: Du Bois on White Dominion, Intergroup Resources, Colours of Resistance

---

# Glossary

---

## Power with or Power over

Terms originally coined by Mary Parker Follett (1868-1933), “power over” and “power with” are two of four “expressions of power.” “Power with” is used in the context of building collective strength. In the “power over” expression, “power is seen as a win-lose kind of relationship. Having power involves taking it from someone else, and then, using it to dominate and prevent others from gaining it.”

“Power to” and “power within” are the other two expressions of power. Learning to see and understand relations of power is vital to organizing for progressive social change.

Source: Powercube, Wikipedia

---

## Pre-charge

Any point in the legal system process before appearing before a court and receiving a charge. Pre-charge diversion occurs prior to a young person going to court and being charged with an offense, in order to reduce legal system contact and improve outcomes for youth by holistically identifying and addressing youth needs and providing opportunities for non-punitive accountability.

Pre-charge diversion for youth may occur at (a) the point of arrest or citation by law enforcement— either before or after the arrest or citation is recorded; (b) after referral to probation (but before a probation officer is assigned); or (c) after referral to the district attorney.

In some jurisdictions, people refer to this as “pre-filing.” However, the term pre-filing may or may not include formal or informal probation. For purposes of this toolkit, we are discussing forms of diversion which do not involve the assignment of probation supervision, whether formally or informally.

Source: Countywide Criminal Justice Coordination Committee Youth Diversion Subcommittee & the Los Angeles County Chief Executive Office

## Racial justice

“The proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access, opportunities, treatment, impacts and outcomes for all... A key indicator of racial justice is equality in the impacts and outcome across race.”

Source: Uprooting Racism

---

## Responsible youth

In the words of Bryan Stevenson, “each of us is more than the worst thing we’ve ever done.” Using the terms “responsible youth” or “young person” instead of “perpetrator” or “offender,” acknowledges that we are all human. We all deserve for our humanity to be the first thing recognized about us. We shouldn’t be defined by our actions when we have all done or experienced harm. We want to allow for change and growth, not define someone by a static event that happened.

Responsible youth acknowledges the transformative impact of a restorative justice process can have. A young person enters the process as responsible for the harm and afterwards becomes responsible to themselves and their community. Also, see definition for “survivor or person harmed.”

---

## Status offense

“A status offense is an action that is prohibited only to a certain class of people, and most often applied only to offenses committed by minors.” Crimes only youth can be charged with include truancy, curfew, running away, possession of alcohol. RJD is not suitable for typical status offenses because this contributes to net-widening. Also, see definition for net-widening.

Source: Countywide Criminal Justice Coordination Committee Youth Diversion Subcommittee & the Los Angeles County Chief Executive Office

---

## Strengths-based

Strengths-based is the opposite of how the current criminal legal system and US society as a whole operates, treating people as bad if they've done something harmful.

Remember the words of Bryan Stevenson, “each of us is more than the worst thing we’ve ever done.” The RJD process is intended to affirm people and focus on what is right with a person, instead of what is wrong with them or the harm they experienced. One should approach interactions with RJD participants (or any person, for that matter) from a perspective of getting to know them, their skills, or qualities they’re proud of - i.e. their strengths. The response to the harm should uplift those strengths.

Nobody is bad, nor can they become bad by any actions. It is possible and necessary to hold someone fully accountable without losing sight of their strengths, assets, and humanity.

---

## Survivor or person harmed

In the words of Bryan Stevenson, “each of us is more than the worst thing we’ve ever done.” We add that each of us is also more than the worst things that have ever happened to us. Using the terms “person harmed” or “survivor” instead of “victim” acknowledges that we are all human. We all deserve for our humanity to be the first thing recognized about us. We shouldn’t be defined by our actions when we have all done or experienced harm. We want to allow for change and growth, not define someone by a static event that happened.

The term “victim” can also be stigmatizing. One shouldn’t assume a person feels victimized by what happened to them. Instead, we use “survivor” or “person harmed” when referring to someone who has experienced harm to approach the experience of harm from a strengths-based perspective. That said, it is important to not make assumptions about a person’s experience and how they identify; some people identify as a victim, others identify as survivor or crime survivor, and others still may not identify as either. Note, also, that some people may feel like what they have suffered is being downplayed by the idea that they have been “harmed,” especially when the situation involved violence. The best way to be respectful is to ask for their preference, with care to not make them feel labeled or further stigmatized. Also see definition for “responsible youth.”

Source: ccjcc.lacounty.gov, wikipedia.org

# Glossary

---

## Systems partner(s)

In the words of Bryan Stevenson, “each of us is more than the worst thing we’ve ever done.” Using the terms “responsible youth” or “young person” instead of “perpetrator” or “offender,” acknowledges that we are all human. We all deserve for our humanity to be the first thing recognized about us. We shouldn’t be defined by our actions when we have all done or experienced harm. We want to allow for change and growth, not define someone by a static event that happened.

Responsible youth acknowledges the transformative impact of a restorative justice process can have. A young person enters the process as responsible for the harm and afterwards becomes responsible to themselves and their community. Also, see definition for “survivor or person harmed.”

---

## Trauma-informed

“Trauma-informed care means [engaging with] a whole person, taking into account past trauma, and the resulting coping mechanisms, when attempting to understand behaviors and [support] the person. It involves four key elements: (1) realizing the prevalence of trauma; (2) recognizing how trauma affects all individuals involved with the program, organization, or system, including its own workforce; (3) responding by putting this knowledge into practice; and (4) resisting retraumatization.”

Source: Psychology Today, Substance Abuse and Mental Health Services Administration

## A Note from the Authors

We believe that, inherently, no one can own information related to restorative justice or have the authority to dictate how it should be available. At the same time, given the realities of capitalism and appropriation, we must protect the materials on this website from commercialization, co-optation, and from use in ways that undermine both the elements of our model and the spirit of restorative justice itself.

In that spirit, what follows is the language necessary to ensure that you and this resource are legally protected.

## Impact Justice Website Privacy Policy

### Privacy Policy

For use by Impact Justice; and all its programs, initiatives and affiliates, owner of [www.impactjustice.org](http://www.impactjustice.org), [www.rjdt toolkit.impactjustice.org](http://www.rjdt toolkit.impactjustice.org), and [www.rjdt toolkit.org](http://www.rjdt toolkit.org).

We are committed to protecting your privacy at Impact Justice and to holding any information received in strict confidence. We will not collect any personal information from you that you do not volunteer, and we are the sole owner of all information collected on this site. We do not sell, share, or rent this information to others in any way that we have not mentioned in this statement.

#### 1. Introduction

Impact Justice takes your privacy seriously. This privacy policy describes how and why we obtain, store and process data which can identify you. We may update this policy from time to time and shall indicate on the website when changes have been made.

#### 2. The information we collect

Information is collected from you when you register with us, or when you contribute to or use some of the advanced features on the site. The information we collect is clearly set out on the web page on which we collect it. See for example our e-newsletter registration.

#### 3. Why we collect it

We collect information about you so that we can personalize your use of the site, assist your use of the site and improve the site generally.

#### 4. Who we disclose it to

4.1 We will only pass on information about you as an individual (as opposed to aggregate information) to enable us to perform services requested by you or with your prior consent. Any personal information provided is confidential and protected and may be disclosed only under specific conditions and with prior written authorizations and consents.

4.2 If you give your consent, we will pass your contact details to third parties who may then occasionally send communications to you to provide information and services that may be of interest to you.

4.3 In certain circumstances we may need to disclose information about you if you breach this privacy policy or if you breach the Terms and Conditions. We may also disclose or access your account if required to do so by law.

## 5. How we use cookies

A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyze web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences. Cookies are commonly utilized by most Internet users.

We use traffic log cookies to identify which pages are being used. This helps us analyze data about webpage traffic and improve our website in order to tailor it to customer needs. We only use this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

## 6. Security

Keeping information about you secure is very important to us and certain sections of the site may encrypt data using SSL or a comparable standard. However, no data transmission over the Internet can be guaranteed to be totally secure. We strive to protect your personal information, but we cannot ensure or warrant the security of any information which you send to us, and you do so at your own risk. We use reasonable precautions to keep the personal information you disclose both in your browsing and to only release this information to third parties we believe share our commitment to privacy. However, we are not responsible for

any breach of security or for the actions of these parties.

## 7. Links to other websites

Our website may contain links to other websites of interest. However, once you have used these links to leave our site, you should note that we do not have any control over that other website. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this privacy statement. You should exercise caution and look at the privacy statement applicable to the website in question.

In no event will we be liable for any loss or damage including without limitation, indirect or consequential loss or damage, or any loss or damage whatsoever arising from loss of data or profits arising out of, or in connection with, the use of this website.

Through this website you are able to link to other websites which are not under the control of Impact Justice. We have no control over the nature, content and availability of those sites. The inclusion of any links does not necessarily imply a recommendation or endorse the views expressed within them.

Every effort is made to keep the website up and running smoothly. However, Impact Justice takes no responsibility for, and will not be liable for, the website being temporarily unavailable due to technical issues.

## 8. Liability

The information contained in this website is for general information purposes only. The information is provided by Impact Justice and while we endeavor to keep the information up to date and correct, we make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to the website or the information, products, services, or related graphics contained on the website for any purpose. Any reliance you place on such information is therefore strictly at your own risk. Impact Justice provides general information on its website. Impact Justice's website is not intended to provide legal advice. Any person needing legal advice should consult an attorney.

In no event will we be liable for any loss or damage including without limitation, indirect or consequential loss or damage, or any loss or damage whatsoever arising from loss of data or profits arising out of, or in connection with, the use of this website.

Through this website you are able to link to other websites which are not under the control of Impact Justice. We have no control over the nature, content and availability of those sites. The inclusion of any links does not necessarily imply a recommendation or endorse the views expressed within them.



Every effort is made to keep the website up and running smoothly. However, Impact Justice takes no responsibility for, and will not be liable for, the website being temporarily unavailable due to technical issues.

## 9. Questions?

If you wish to change any information you have given us, or have any questions on our Privacy Policy, you can contact us at [rjdtoolkit@impactjustice.org](mailto:rjdtoolkit@impactjustice.org). Please note Privacy Policy in the subject line of your e-mail.

## Impact Justice Website Terms & Conditions

### Introduction

These terms and conditions govern your use of this website; by using this website, you accept these terms and conditions in full. If you disagree with these terms and conditions or any part of these terms and conditions, you must not use this website.

This website uses cookies. By using this website and agreeing to these terms and conditions, you consent to our Impact Justice's use of cookies in accordance with the terms of Impact Justice's privacy policy / cookies policy.

### License to use website

All of the content featured or displayed on the Website ("Content") is owned by Impact Justice, its licensors and/or its Content providers. All elements of the Website, including without limitation the design and the Content, are protected by copyright, trademark and other laws relating to intellectual property. The Content owned by the Impact Justice (i.e., all design elements, text, graphics, and arrangements) is licensed to the public through the Creative Commons Attribution-NonCommercial 4.0 International license. This license allows users to download Content owned by us (that is not specifically restricted) from the Website and to share it, adapt it, transform it and build upon it for any purpose, so long as any such use: (a) includes appropriate credit to Impact Justice; (b) contains a link back to [www.rjdtoolkit.org](http://www.rjdtoolkit.org) as the original source of the work and a link to the Creative Commons Attribution-NonCommercial 4.0 International license; (c) indicates if changes were made to the original Content; and (d) is not for commercial purposes. Except as authorized under copyright law, you are responsible for obtaining permission to use any Content owned by any party other than Impact Justice.