

# Resource

# Talking Points for Meeting with Systems Partners

## Introduction

When speaking to systems partners, it's important to be able to explain:

- What this restorative justice diversion (RJD) model is
- How it orients around the needs of people harmed
- How successful existing programs have been

This document answers frequently asked questions related to the above, provides talking points, and offers research that relates to these topics.



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# FAQ

## What is restorative justice diversion (RJD)?

This restorative justice diversion program creates opportunities for a facilitated dialogue between a young person who has caused harm, the person who has been harmed, caregivers/families, and community members to discuss the impact of the incident on everyone. There is self-reflection by all parties and supportive, yet firm, accountability. This culminates in coming together to produce a consensus-based plan for the young person to make things right by the person harmed, their caregivers/family, the community, and themselves.

## How do cases get diverted to RJD?

This model of RJD program is post-arrest but pre-charge, meaning that the young person has been arrested but has not been charged with a crime. The young person is diverted to an RJD program by police, probation, or the district attorney's office instead of being processed through the juvenile legal system. RJD programs are run by community-based organizations (CBOs), who are always independent of any law enforcement or systems partner. They are often local nonprofits experienced in supporting youth and are embedded in the communities they serve.

Once a young person is arrested, police, probation, or the district attorney can divert the case to the CBO's RJD program instead of sending the case through the juvenile legal system. The referring agency holds the case in abeyance, meaning it's essentially on a hold until they find out from the RJD program that the case is completed. Once the RJD program reports back to the referring agency that the case was completed successfully, the referring agency considers the case resolved. If the RJD program returns the case without completion, the referring agency can still process the case as it would have, but can't use any information gathered during the RJD preparation, process, or follow up as evidence against the young person.

## What happens in the restorative justice diversion process?

This restorative justice diversion model most often uses a process called Restorative Community Conferencing (RCC) to address harms done by young people. When diverting a case to an RJD program, the referring agency informs the person harmed and the responsible youth via letter of the decision to divert. The facilitating CBO then meets with the responsible youth and their caregivers to see if they are interested in participating and whether the young person is willing to take responsibility for the harm. If the young person is willing, the facilitator meets with the person harmed to find out how they have been impacted and what they need. The facilitator then prepares each participant, helping process what happened and find out what repairing the harm could look like. They prepare the person harmed and their supporters and the responsible youth and their supporters for an RCC process.

During an RCC, the young person who has caused harm, the person who has been harmed, caregivers/families, and community members discuss the impact of the incident on everyone, which, as described above, results in a plan through which the young person is supported to make things as right as possible by those they've harmed, their family, the community, and themselves.

The plan is usually completed within 3-6 months, after which the case is closed with no charges filed. RCCs are most effective with more serious crimes (felonies and high-level misdemeanors), which have a clear, identifiable person harmed such as robbery, burglary, car theft, assault/battery, arson, etc.

How do restorative processes prioritize the needs of people harmed?

RCC processes recognize the wisdom and agency of people harmed. Rather than prescribing an outcome, people harmed identify for themselves how they were impacted and what they need to help repair the harm. Prosecutors know from years of meeting with people harmed that not all people are the same, and people harmed have a diversity of needs. They deserve more options than are possible within the legal system. RCCs are empowering because they create space for people to define for themselves what outcomes they'd like to see after the harm they experienced.

How successful are restorative justice diversion programs?

Three main points seem to move systems partners towards supporting this restorative justice diversion program: it *reduces recidivism*, *satisfies people harmed*, and *saves money*. Below is information about each of these points. The following data is from the [Community Works West \(CWW\) report](#) which analyzed the Alameda County Restorative Community Conferencing program at CWW. The report analyzes *102 cases completed* (from referral to conference completion) through the CWW RCC program from January 2012 to December 2014.

# Talking Points

## Talking Point #1

### 44% Reduction in recidivism

**Key Details:** Within 12 months of completing the RCC program, youth were 44% less likely to get a new sustained charge than youth who were processed through the juvenile legal system. [This study specifies recidivism to refer to the likelihood that a young person will be arrested and subsequently adjudicated delinquent (i.e. found guilty by a judge)].

**Background Information:** Some systems partners ask about how this data was gathered and what type of study was used. For the analysis, RCC youth were matched with a control group of youth adjudicated through the Alameda County judicial process based on race, gender, age, offense (both in terms of felony/misdemeanor and in terms of person/property/drug/other), and priors. When possible, matches were made using all categories and resulted in two groups with very similar demographic profiles. The primary inquiry was whether the RCC youth were arrested, and subsequently adjudicated delinquent, for new offenses at lower, higher, or the same rates as a control group of youth who were processed through juvenile legal system. Data on new offense(s), probation violations, petitions filed and sustained, and dispositions for all youth in the two cohorts were compared in the analysis.

**Additional Information:** From 6 to 12 to 18 months, the RCC youth recidivism rates increase only slightly, while the recidivism rates for the control group increase at a much higher rate. This speaks to the effectiveness of the RCC program at sustained recidivism reduction over time. Within 12 months of completing the RCC program, youth whose cases originally involved person crimes were 48% less likely to recidivate. This data supports the indication that RCCs are most successful in reducing recidivism with cases involving charges that are more personal and with a direct, identifiable person harmed.

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## Talking Point #2

### 91% Satisfaction rate among people harmed

**Key Details:** 91% of survivor participants who completed surveys reported that they would participate in another conference and that they would recommend the process to a friend.

**Additional Information:** Survivors surveyed said they appreciated the ability to get answers to questions, to see the youth who harmed them demonstrate remorse for their actions, and many found it rewarding to hear the young person apologize and explain how they felt. They said the conference process provided more details about the incident and the process of steps taken to correct the wrong.

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## Talking Point #3

### Cost Savings - It is significantly less expensive for a young person to go through RCC versus the juvenile legal system

**Key Details:** 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.

**Background Information:** The cost per RJD case was calculated by the total budget that facilitating community-based organization (Community Works West) had for the RJD program divided by the number of youth they served on an annual basis. The source for the cost per Alameda County juvenile legal system youth is from a 2019 report by the San Francisco Chronicle, which can be found on their website at <https://projects.sfchronicle.com/2019/vanishing-violence/part-2/>

# International Studies on Restorative Justice

## Restorative processes reduce trauma

International research shows that participating in restorative conferences reduced Post-Traumatic Stress Symptoms (PTSS) in burglary and robbery survivors and those survivors who participated in restorative conferences had lower levels of PTSS than those survivors who participated in the criminal legal system.<sup>1</sup> Other studies found that survivors of violent crimes who participated in a restorative process were five times less likely to feel they would be revictimized by the person who harmed them than those who participated in the criminal legal system<sup>2</sup>, and that survivors were far less afraid of the person who harmed them after the conference.<sup>3</sup> Survivors asking the question “why me?” and blaming themselves increases PTSS symptoms; restorative justice processes allowed them to get answers to the question of why me, which reduced their PTSS symptoms.<sup>4</sup>

## People harmed are satisfied with restorative processes

International studies also find that people harmed who participated in restorative justice interventions were able to be as closely involved in their cases as they wanted to be, whereas those who went to court didn't know what the person who harmed them was charged with or convicted of. The majority of restorative justice participants felt restorative processes gave them the opportunity to explain the loss and harm resulting from the offense and that they were treated fairly.<sup>5</sup> After participating in restorative process, people harmed were satisfied with the process, felt they had the opportunity to tell their story, felt the person who harmed

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<sup>1</sup> Angel, C.M. (2005). *Crime Victims Meet their Offenders: Testing the Impact of Restorative Justice Conferences on Victims' Post-Traumatic Stress Symptoms*. (Doctoral Dissertation). Retrieved from ProQuest Dissertations and Theses. (Researchers interviewed 114 burglary and robbery victims immediately and six months after the conference to ask about PTSS symptoms)

<sup>2</sup> Strang, H. & Sherman, L.W. (2002). Repairing the Harm: Victims and Restorative Justice. *Utah Law Review* 15, 1–19. (Analyzed data from 1995-2000 of the RISE restorative justice program in Canberra, Australia, examining how victims felt after participating in the RISE restorative justice program versus those who participated in the traditional criminal legal system)

<sup>3</sup> Strang, H., Sherman, L., Angel, C.M., Woods, D.J., Bennett, S., Newbury-Birch, D., & Inkpen, N. (2006). Victim Evaluations of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis. *Journal of Social Issues*, 62(2), 281–306. (Reviewed responses of 210 victims who participated in face-to-face restorative justice conferences in three sites in England (London, Northumbria, Thames Valley) and one site in Australia (Canberra))

<sup>4</sup> Strang, H., Sherman, L.W., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013). Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review. (Interviewing 210 victims about their feelings before and after their participation in restorative practices in trials Australia and the UK.)

<sup>5</sup> Strang, H. & Sherman, L.W. (2002). Repairing the Harm: Victims and Restorative Justice. *Utah Law Review* 15, 1–19. (Analyzed data from 1995-2000 of the RISE restorative justice program in Canberra, Australia, examining how victims felt after participating in the RISE restorative justice program versus those who participated in the traditional criminal legal system)

them was held accountable, and were satisfied with the outcome.<sup>6</sup> Around the world, people harmed express satisfaction with the restorative justice process.<sup>7</sup>

### **Restorative justice processes work better for serious crimes**

International research consistently reports that restorative justice is more effective with more serious crimes rather than less serious crimes and is more successful for violent crimes than property crimes.<sup>8</sup> Because restorative justice is a serious accountability model, it is actually not appropriate for low-level crimes. Meeting with the person you harmed and making things right by them, especially hearing the impact of the harm on another person, is often described as the most difficult thing the responsible youth has ever done. The more serious the crime, the greater the impact on the responsible youth.

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<sup>6</sup> Poulson, B. (2003). A Third Voice: A Review of Empirical Research on the Psychological Outcomes of Restorative Justice. *Utah Law Review*, 167. (Analyzed seven published evaluations of restorative justice and court-based programs from 1980-1999 from the U.S., Canada, England, and Australia, with 4,602 respondents)

<sup>7</sup> Pemberton, A., Winkel, F.W., Groehnhuijsen, M.S. (2007). Taking Victims Seriously in Restorative Justice. *International Perspectives in Victimology* 3(1), 4–14. (Citing a 2004 study that found victims are satisfied with restorative processes, with satisfaction ranging from 75% to 98%.); Poulson, B. (2003). A Third Voice: A Review of Empirical Research on the Psychological Outcomes of Restorative Justice. *Utah Law Review*, 167. (Analyzed seven published evaluations of restorative justice and court-based programs from 1980-1999 from the U.S., Canada, England, and Australia, with 4,602 respondents)

<sup>8</sup> Sherman, L.W. & Strang, H. (2007) *Restorative Justice: The Evidence*. The Smith Institute. (Analyzing 36 published and unpublished reports of face-to-face restorative conferences)