Community Justice Conferencing Program Evaluation
“The need for meaningful experiences is tremendous in juvenile court, because really, what you're hoping is to bring about a permanent change in behavior or attitude.”

KIMBERLY NYSTROM-GEIST
PRESIDING JUVENILE COURT JUDGE

“There are often times where the kids come back and you can just tell in their eyes and their expression that they've had an awakening.”

JUDGE DAVID GOTTLIEB
FORMER PRESIDING JUVENILE COURT JUDGE

ACKNOWLEDGEMENTS

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Images are illustrative only and do not show youth or families involved in CJC cases.
This evaluation looks at a program called Community Justice Conferencing (CJC) that grew out of thirty years experience of the Fresno Victim Offender Reconciliation Program (VORP).

One of the ongoing issues that our VORP encountered throughout this time was the up and down in numbers and range of severity of case referrals. Our referrals were dependent on the judgment and discretion of judges and probation officers. While the cases we did were significant to the victim and offender and their support groups in that particular case (as you will see in this evaluation) we saw less impact moving Fresno County’s juvenile justice system toward restorative justice.

In August 2007, the Center for Peacemaking received a planning grant from the The California Endowment with a charge to, “Develop a plan for a systemic and sustainable model of restorative justice in the Fresno County Juvenile Justice System,” in cooperation with the leaders of the juvenile justice system.

The justice policy that emerged was not nearly as bold as we had hoped—a policy similar to legislation in New Zealand where restorative justice is the hub of the juvenile justice system—but still very significant in creating a partnership, detailed restorative justice policy, and structure so that referrals were not based on officer discretion but on policy.

Jonathan’s work provides a very valuable look at this CJC program over a very small slice of time (eighteen months) giving a detailed snapshot during this period. As with all programs, even those guided by a common vision and principles, there are programmatic and reputational shifts with changes in personnel, both in VORP/CJC and the juvenile justice system.

Jonathan provides a quick glimpse of CJC’s history and place within the larger Fresno juvenile justice system, so the reader begins to understand how the program is unique and offers a very different experience of justice to the participants when compared to the standard punitive juvenile justice system.

He describes in detail the current CJC process and how it functions. This helps the reader understand how referrals are currently being made, the diversity of referrals, timing of referrals, and their relative success or lack of success. This evaluation does not compare or contrast it with the current juvenile justice system without the benefit of CJC. What helps the reader understand the value of CJC are those stories that describe the justice experience when CJC is involved.

Jonathan closes with observations and suggestions that could improve the positive impact of CJC and the juvenile justice system. It seems to me that this might be a time to re-convene a group of VORP/CJC and juvenile justice system officials to take another look at the original policy, consider the early experience, and compare/contrast that with the current program(s).

My hope is that his work will be taken seriously, and we will look back on this evaluation as a significant step in moving our entire juvenile justice system toward becoming a restorative system—one that could provide more fairness, accountability, and safety for all (victims and offenders) who encounter our juvenile justice system in our community.
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Introduction

At its core, crime tears apart relationships and divides communities. The Center for Peacemaking’s Community Justice Conferencing (CJC) program is a restorative diversion program that gives youth who engage in criminal behavior a chance to repair harm arising from wrongdoing. It brings together responsible youth, persons harmed and their families in a “conference”¹ to discuss the crime and its impact. Then, the participants reach consensus on how the youth will make amends directly to victims and others they may have harmed.

This study evaluates the CJC program between July 1, 2018 and December 31, 2019. During the evaluation period, CJC served 171 youth (out of 181 youth referred) who engaged in criminal behavior and 96 victims. In total, 267 victims and responsible youth came together with family members to discuss the offense and figure out what should be done to repair the harm.² This study discusses CJC’s impact on these individuals through data, stories and people’s voices who are closely connected with the program.

First, the study builds context important for the evaluation. It gives a brief history of CJC in Fresno and California. Also, it summarizes the juvenile justice process and where CJC fits within the process. This section also looks more closely at cases referred during the reporting period. It analyzes offense types and responsible youth demographics, such as race, age and gender. Then, the study discusses stages in the CJC process and the extent cases progressed through the CJC process.

After building this context, the study dives more deeply into CJC’s impact and discusses when restorative diversion programs, like CJC, are most effective. Specifically, the study focuses on four main areas where CJC is most effective:

1. Cases are diverted as early as possible in the juvenile justice process, ideally before youth are arrested
2. All parties come together in a conference to discuss the harm, its impact and how to repair the harm
3. Responsible youth are held directly accountable to victims
4. Justice partners are committed to diverting the right cases

The study concludes with recommendations to strengthen CJC, so it becomes a primary response when youth commit crime in Fresno.

¹ Generally, there are three main restorative justice mechanisms that bring impacted parties together: 1) Victim Offender Mediation; 2) Conferences and 3) Circles. The models differ by the number and type of stakeholders who participate and the different facilitation styles. As restorative programs and practices evolve based on context and needs, these models are being blended. See Zehr, H. (2012). The Little Book of Restorative Justice. New York, NY: Skyhorse Publishing, p. 56.

² The Center for Peacemaking uses a case management database to track and document case information for CJC cases. All data used in this report were taken directly from the case management database. The researcher worked extensively with CJC staff to ensure the database reflected true and complete information. Data were exported into spreadsheets, cleaned and organized. After the spreadsheets were prepared, pivot tables were created to analyze the data. Spreadsheets and pivot tables from which data are drawn for this study are on file with the Center.
INTRODUCTION

Community Justice Conferencing

STORIES AND INTERVIEWS

A main hope is that this study sheds light on CJC’s work and how it impacts people’s lives. As part of the evaluation process, the researcher reviewed case files to capture stories that illustrate points made in the evaluation. In addition, the researcher interviewed Center for Peacemaking (Center) staff and justice partners to lift their voices about CJC and the role it plays within Fresno’s juvenile justice system.

NOTE ON TERMINOLOGY

The Center believes terms like “offender” and “victim” place labels on individuals that create stigma and might cause harm. In this study, “responsible youth” is preferred when referring to youth who come into contact with the justice system. At times, we may use “offender” for conciseness or ease of understanding. While we hesitated to use “victim”, the study most often uses the term because it is commonly used in the juvenile justice system.

ABOUT THE CENTER FOR PEACEMAKING

The Center for Peacemaking (“The Center”) is the “direct-services” arm within the Center for Peacemaking and Conflict Studies at Fresno Pacific University. The Center seeks to advance community safety, shared responsibility, and healing through evidence-based programming, multidisciplinary scholarship, and community-wide training. The Center operates restorative justice programs across the criminal justice spectrum that advance shalom between individuals, families and communities.

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3 Most case records in the Center’s case management database contain files important to the case, such as case referral forms, intake forms, redress agreements, apology letters and final reports submitted to the court or school. The researcher used information from case records and these case files for stories.

4 The researcher interviewed the following Center staff and CJC justice partners for the evaluation:

- Center staff: JOHN SWENNING, Programs Director; SEYA LUMEYA, CJC Court Director; AMY GAVROIAN, CJC mediator; and MICHAEL CARONA, CJC mediator.
- Justice partners: KIMBERLY NYSTROM-GEIST, Presiding Juvenile Court Judge; TRACI FRITZLER, Assistant District Attorney; GALEN RUTIAGA, Chief Deputy District Attorney; DARLA STERIOS (retired March 2020), Deputy District Attorney; JOANNA EDWARDS, Supervising attorney (Juvenile Unit). Public Defender’s Office; VICKI PASSMORE, Director, Probation Division; VINCENT ARIZ, Probation Services Manager (Juvenile Unit); JUDGE DAVID GOTTLEIB, former Presiding Juvenile Court Judge when CJC started. In addition, the researcher conducted a group interview with seven School Probation Officers.

The researcher digitally recorded and transcribed all interviews.
Introduction

Brief history of Community Justice Conferencing in Fresno

Fresno county has the unique distinction as birthplace of the first restorative justice program within a juvenile justice system in California. During the 80’s and 90’s, Dr. Ron Claassen was prominent in the restorative justice movement in the United States. In 1982, he started the Victim Offender Reconciliation Program (“VORP”) in Fresno County. VORP brought together victims and offenders with a trained facilitator to discuss the crime, its impact and how to repair harm arising from the crime. The team handled its first case in February 1983 and 85 cases its first year. Fresno County probation referred VORP most of its cases. As the program model grew, its impact was felt throughout California, the U.S. and the world.

In 1990, Professor Dalton Reimer and Dr. Ron Claassen cofounded the Center for Peacemaking and Conflict Studies (CPACS) at Fresno Pacific University (FPU). CPACS balanced restorative justice academic theory in the classroom with its practical implementation through VORP.

Each year, VORP consistently received high case referral numbers. But because it operated independently from the juvenile justice system, the number and type of cases depended upon the discretion of someone inside the system. In 2007, the Restorative Justice Framework Committee—formed and chaired by Dr. Claassen—led efforts to make the VORP model part of Fresno’s juvenile justice system. Dr. Claassen’s vision was that all youth who committed harm, except rape and murder, would have access to a restorative justice program.

From the Committee’s planning process, a modified version of VORP called Community Justice Conferences (“CJC”) emerged. Office space was set up for CJC inside the Fresno County juvenile justice campus that was inaugurated a few years earlier. On July 6, 2009, with The California Endowment’s support and financial backing, CJC received its first case. “The whole idea behind CJC was to make it an integral part of the new building,” says Judge David Gottlieb, former Juvenile Court Judge who referred CJC the first case. The CJC model broadened the stakeholders who participated in the process to include communities of care for victims and responsible youth, such family and teachers. At times, criminal justice officials also joined the dialogues.

Dr. Claassen’s vision was that all youth who committed harm, except rape and murder, would have access to a restorative justice program.

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5 Information about VORP and CJC history was obtained from internal Center for Peacemaking and Conflict Studies strategic plans, on file with the Center, and from Introduction to Community Justice Conferencing in Fresno, CA and Evaluation of the Program. Retrieved from http://restorativejusticediscipline.com/library/CJC_Introduction-History-Evaluation.pdf.


7 The Framework Committee comprised diverse and influential stakeholders concerned with youth justice in Fresno County, including Lynne Ashbeck (City of Clovis), Dr. Arthur Wint (Professor of Criminology, California State University, Fresno), Dr. Ron Claassen (CPACS), Dr. Duane Ruth-Heffelbower (CPACS), Dan DeSantis (Fresno Regional Foundation), Phil Kader (Fresno County Probation) and Doug Noll (Professional mediator).

In 2017, CPACS, Fresno police, probation and Fresno Unified School District formed a collaboration to divert criminal cases arising on school campuses to CJC, rather than arresting the youth. On October 19, 2017, CJC received its first case referral from Edison High School. Less than a year later, on August 1, 2018, a formal partnership began to pilot the pre-arrest diversion program at Edison, Fresno, McLane and Sunnyside high schools and Fort Miller middle school.

Since 2009, CJC has handled more than 2,000 youth cases. An ongoing spirit of collaboration among justice partners has marked CJC's growth and evolution within Fresno County. An advisory group comprising CPACS (now the Center for Peacemaking), Probation, District Attorney, Public Defender and Court representatives and interested community members discuss CJC and its progress. A smaller team of practitioners who handle CJC cases meet quarterly to discuss cases and the program's technical functioning.

"One thing that I think is amazing is...the collaboration that happens," says Director, Probation Division Vicki Passmore. "You have all these agencies coming together and talking about how to keep youth out of the system....People can look at Fresno and go 'Wow, look at those players in the room.'"

The California Endowment ("Cal Endow") has been a key partner behind CJC's implementation and growth. Beyond grants that funded CJC's planning and implementation in the initial years, in 2015 they funded an extensive program evaluation led by Dr. Mary Louise Frampton, then connected with UC Berkeley Law School, as well as this study.

Setting the context:
CJC and Fresno’s juvenile justice system

The Center offers CJC services primarily at three points within the juvenile justice system: pre-arrest, and post-arrest, either after police refer cases to Probation or when Probation refers cases to the district attorney’s office.

Generally, CJC is an option for first-time responsible youth who commit misdemeanors, such as disturbing the peace (most often used for mutual fights), assault and theft. But CJC has also been referred more serious offenses like burglary, weapon charges and hate crimes.

**PRE-ARREST DIVERSION**

The Center partners with Fresno Unified School District to provide CJC services at four high schools (Edison, Fresno, McLane and Sunnyside) and one high school feeder school, Fort Miller middle school. When criminal offenses occur on campus, Student Resource Officers (SROs) and School Probation Officers (SPOs)—peace officers responsible for safety and crime prevention at schools—and school administration may refer youth to CJC instead of arresting them.

**POST-ARREST DIVERSION**

After police arrest and book responsible youth, they have the option to refer cases to Probation. Then, probation officers have discretion to divert responsible youth to diversion programs. Alternatively, Probation may decide to refer youth cases to the District Attorney’s office for filing charges. CJC receives case referrals either from Probation or from the Court, after cases reach the District Attorney’s office. Probation officers, district attorneys or judges maintain discretion to divert eligible cases up until the Court adjudicates the case.

**SUITABLE AND ELIGIBLE CASES FOR CJC**

While cases may be eligible for diversion, justice partners could still find them unsuitable. Youth must take responsibility for committing the offense and voluntarily choose to participate in CJC. In addition, justice partners look at the totality of circumstances regarding the youth’s case to determine suitability, such as whether the offense involves gang-related activities, or the youth has a mental health or drug issue, has no family support at home or does not regularly attend school.

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9 When VORP collaborated with Fresno County juvenile Probation and Court, there were four case referral criteria: 1) responsible youth acknowledged involvement in the offense; 2) victim restitution had been ordered; 3) there was a clearly identifiable victim; and 4) trained volunteer mediators and staff were available to manage and follow up on cases. See Judicial Council of California, Administrative Office of the Courts. (2006). Balanced and Restorative Justice: An Information Manual for California. p. 19. Retrieved from https://www.courts.ca.gov/documents/BARJManual3.pdf.

10 While California juvenile law does not preclude referring CJC serious felonies under WIC 707(b), in CJC’s post-arrest guidelines, WIC 707(b) felonies are considered unsuitable.

11 Police officers have broad discretion how to dispose cases when youth break the law. The four main options police have are: a) reprimand and release youth. b) issue youth a citation. A citation is a written order to appear before a magistrate or probation officer at a later date; c) refer youth to diversion or support service programs. Diversion is an alternative to citation or arrest that keeps youth out of the juvenile justice system; or d) arrest the youth, which means taking the youth into custody or restraining them in a manner authorized by law. See Countywide Criminal Justice Coordination Committee Youth Diversion Subcommittee & the Los Angeles County Chief Executive Office. (2017). A Roadmap for Advancing Youth Diversion in Los Angeles County. Los Angeles, p. 68.

12 Police officers have authority to divert certain cases after arrest, but before they are referred to probation. Currently, no option exists for CJC to receive case referrals from police officials after they arrest youth.

13 For a helpful document that discusses Law Enforcement, Probation, District Attorney and judicial discretion in diverting cases from the juvenile justice system, see Countywide Criminal Justice Coordination Committee Youth Diversion Subcommittee & the Los Angeles County Chief Executive Office. (2017). A Roadmap for Advancing Youth Diversion in Los Angeles County. Los Angeles, Appendix K. Eligibility Guidelines & Sample-Decision-making Matrix for Participating Law Enforcement Agencies.

14 See Policies and Protocols of CJC Program, on file with Researcher.
16 See Policies and Protocols of CJC Program, on file with Researcher. This “totality of the circumstances” provision is an informal guideline justice partners have agreed upon that relates to guiding principles stated in formal protocols. CJC Court Director Seya Lumeya would like to see eligibility guidelines relaxed so more youth can participate in CJC: “If the case is eligible I think you ought to let it go through CJC or give it an opportunity to go through CJC. [because] there is a victim out there as well.”

18 Out of these cases, 166 were referred during the evaluation period. Fifteen cases were referred prior to July 1, 2018, but because CJC handled them at least two weeks during the program evaluation period, they qualified for the dataset.

19 While Probation directly referred only 14 cases, probation officers are involved in the decision making process at all points where cases might be referred: pre-arrest at schools and post-arrest, when cases reach the district attorney’s office.
OFFENSE TYPES REFERRED

In the 181 cases referred during the evaluation period, assault, mutual fight and theft/burglary comprised the vast majority (80%) of offense types.

<table>
<thead>
<tr>
<th>OFFENSE TYPE</th>
<th>PRE-ARREST</th>
<th></th>
<th>POST-ARREST</th>
<th></th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Assault</td>
<td>19</td>
<td>10.5%</td>
<td>56</td>
<td>30.9%</td>
<td>75</td>
</tr>
<tr>
<td>Theft / Burglary</td>
<td>11</td>
<td>6.1%</td>
<td>34</td>
<td>18.8%</td>
<td>45</td>
</tr>
<tr>
<td>Mutual Fight</td>
<td>20</td>
<td>11%</td>
<td>5</td>
<td>2.8%</td>
<td>25</td>
</tr>
<tr>
<td>Vandalism</td>
<td>0</td>
<td>0%</td>
<td>12</td>
<td>6.6%</td>
<td>12</td>
</tr>
<tr>
<td>Weapons Charge</td>
<td>7</td>
<td>3.9%</td>
<td>0</td>
<td>0%</td>
<td>7</td>
</tr>
<tr>
<td>Resisting Arrest</td>
<td>0</td>
<td>0%</td>
<td>5</td>
<td>2.8%</td>
<td>5</td>
</tr>
<tr>
<td>Hit and Run</td>
<td>0</td>
<td>0%</td>
<td>3</td>
<td>1.7%</td>
<td>3</td>
</tr>
<tr>
<td>Threats / Harassment</td>
<td>2</td>
<td>1.1%</td>
<td>0</td>
<td>0%</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>2.2%</td>
<td>3</td>
<td>1.7%</td>
<td>7</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>63</td>
<td>34.8%</td>
<td>118</td>
<td>57.5%</td>
<td>181</td>
</tr>
</tbody>
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Mutual fights and assaults were two of the most commonly referred offense types.

- Assault was the most common offense referred, 41.4% (75/181) of all cases. 54 cases were referred before arrest and 56 cases were referred after arrest.
- Mutual fight was another offense type commonly referred, 13.8% (25/181), and made up the second most cases referred pre-arrest.

But mutual fights were much more likely to be diverted pre-arrest and early in the criminal justice process than assault cases.

- 80% (20/25) mutual fight cases were diverted pre-arrest compared with 20% (5/25) post-arrest.
- 25.3% (19/75) assault cases were diverted pre-arrest compared with 74.7% (56/75) post-arrest.
- Justice partners generally agreed that in mutual fight and assault cases, CJC is most effective when cases are referred as soon as possible after the incident, rather than face inevitable delays once the youth’s case is referred to Probation.20

Other insights from offense types

- All vandalism cases (12/12) were diverted post-arrest, none pre-arrest.
- All weapon charges related to youth carrying a weapon on campus (7/7) were diverted pre-arrest.
- No drug offenses were referred to CJC.

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20 Deputy District Attorney Darla Sterios says, “As far as I am concerned, if I don’t see another school lassault case that would be fine with me. That just seems to be the majority of the ones that are going to CJC and [the ones] less likely to be successful because of the passage of time.”
DEMOGRAPHICS

RACE/ETHNICITY

- Most responsible youth were Hispanic/Latino (68.3%), then Black/African Americans (19.2%) and Whites (12.6%).
- Hispanics were more likely to have their case diverted pre-arrest or probation, 43.9% (50/114), than Whites, 38.1% (8/21) or African Americans, 31.3% (10/32).

AGE

- Responsible youth who were 15-16 years old comprised 39.2% of participants, followed by youth less than 15 years old (33.7%), and youth 17 and older (27.1%).

GENDER

- Most responsible youth were male at 64.1%. Females made up 35.4% of participants. There was one non-binary youth.
STAGES WITHIN THE CJC PROCESS

The Center operates CJC pre-arrest and post-arrest programs. When SROs and school administration refer cases pre-arrest, CJC staff meet responsible youth as soon as possible, either at the school or at the responsible youth’s home for intake. In post-arrest cases, when Probation or Court refers cases, the responsible youth and parent visit the CJC office on the juvenile justice campus for intake.

At a basic level, CJC Court Director Seya Lumeya describes the CJC process well:

*We come to the table because, on one hand, one person says that what I did was wrong. And I am willing to do whatever it takes to make things right with that person, with that institution, whoever that other person might be. And I am ready to come forth and take all responsibility for what I have done.*

*On the other hand, the [victim], who may be hesitant or reluctant to come, but through conversation and assurance from the mediator or facilitator...now feels empowered to say, hey, I feel like I am strong enough, able enough to come to the table as well, and sit across from the person who wronged me.*
**INTAKE**
CJC staff meet responsible youth and their parents to explain CJC process, learn about the case and its context and determine whether the youth takes responsibility for the crime.

**PREPARATION**
Once cases are accepted, CJC staff reach out to victims to gage their interest to participate in the victim offender conference. Staff also reach out to the responsible youth’s family to prepare for a family conference.

- **VICTIM PREPARATION:** CJC staff encourage victims to participate in the victim offender conference. They explain the process and discuss CJC’s benefits. When victims are unwilling or unavailable to participate, the Court may authorize CJC staff to locate a surrogate victim to represent the victim’s voice and interests during the conference.

- **RESPONSIBLE YOUTH AND FAMILY PREPARATION:** CJC staff contact the responsible youth's family to discuss the case and CJC process. At times, staff may meet the family without the responsible youth’s presence. They schedule a family conference where the youth and family members discuss the crime and its impact.

During pre-arrest diversion, the responsible youth have an opportunity to prepare an impact statement that describes the harm caused. During post-arrest diversion cases, the responsible youth drafts an apology letter.

**FAMILY CONFERENCE**
Responsible youth and their family participate in a conference to discuss how their actions impacted the family. The family and youth formulate an agreement to as much as possible make things right within the family. Often in pre-arrest diversion cases, the Family Conference stage is informal and blends into the preparation stage. While CJC staff meet the responsible youth's family and likely have a family conference, CJC staff do not formally document or follow-up on family conferences.

**VICTIM OFFENDER CONFERENCE**
After the family conference, responsible youth meet the victim or, if the victim declines or is unavailable to participate, the Court authorizes CJC to use a surrogate to discuss the crime’s impact and to formulate an agreement for the youth to repair harm caused, primarily to the victim.

**FOLLOW-UP**
CJC staff follow up with responsible youth to ensure they fulfill outcomes agreed upon at the victim offender conference, including community service and restitution.

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21 The Center uses the term “Family Group Conference” for this conference type. This study, however, uses the general term “family conference” to distinguish it from New Zealand’s Family Group Conference model, a distinct model used in their juvenile justice system.

22 The Center uses the term “Victim Offender Mediation” for this conference type. This study, however, uses the term “victim offender conference” because in a mediation, the parties theoretically have equal moral standing and the desired outcome is a comprised settlement among the parties. In restorative conferences, victims are recognized as having higher moral claim as the party wronged. Offenders have lesser moral standing because they committed the wrong and need to make amends. Of course, often as restorative conferences unfold, a more nuanced picture of crime is revealed that blurs binary distinctions of right/wrong and victim/offender.
A CASE TO ILLUSTRATE THE CJC PROCESS

GILBERTO’S CASE

One evening, Gilberto and his two friends decided to rob someone’s home so they could get money to throw a party. They broke into a neighborhood home where Felicidad and her teenage son Daniel lived. Gilberto knew Felicidad and Daniel well. He had been to their home many times and their families were friends. Inside the home, Gilberto and his friends stole a video game consul, video games and a mobile phone. As they fled the home, Daniel caught one of Gilberto’s friends.

More than a year after the case reached the District Attorney’s office, it was referred to CJC. At the Family Conference, Gilberto’s mom expressed how much Gilberto’s actions had hurt her. The family had to move, and she lost her friendship with Felicidad. Gilberto’s dad said he could no longer trust his son.

A little more than two months later, after CJC staff prepared the parties to meet, Felicidad, Daniel, Gilberto and his mother met for the victim offender conference. Gilberto spoke first and shared about what happened the night he and his friends committed the burglary.

“How could you do this to us?” Felicidad asked. She had trusted Gilberto. She had cooked him meals and they had eaten dinner together. When Felicidad learned Gilberto had committed the burglary, she said, “It killed me.” The phone Gilberto had stolen contained videos of her deceased brother, and now they were lost. Daniel felt angry and hurt too because he considered Gilberto his good friend.

At this point, Gilberto became emotional and apologized to Felicidad and Daniel. “I am sorry for what I did. I am sorry for hurting you and breaking your trust,” Gilberto said. “I never meant to hurt you and I made a dumb mistake.”

Felicidad and Daniel requested restitution for the video game consul and phone. Gilberto agreed to the restitution, split three ways between him and his two friends. Felicidad and Daniel also sought to restore the relationship between Gilberto’s family. They wanted to say hi to Gilberto and his mother when they saw them around town without it being awkward. The CJC team followed up with Gilberto to make sure he fulfilled his agreement to pay restitution.

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23Names and other identifying information of people are changed throughout the study to protect identity.
## Case Progression

This table lists the CJC process stage and number of cases that reached each stage. Overall, CJC accepted 94.5% (171/181) of cases it was referred.24

<table>
<thead>
<tr>
<th>Diversion: Pre-arrest</th>
<th>Cases Referred</th>
<th>Cases Accepted</th>
<th>Completed FC Process</th>
<th>Completed VOC Process</th>
<th>Completed VOC Process Agreement</th>
<th>% Completed FC Process</th>
<th>% Fully Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>63</td>
<td>61</td>
<td>—</td>
<td>54</td>
<td>49</td>
<td>—</td>
<td>80.3%</td>
</tr>
<tr>
<td>Diversion: Post-arrest</td>
<td>118</td>
<td>110</td>
<td>105</td>
<td>76</td>
<td>72</td>
<td>95.5%</td>
<td>66.5%</td>
</tr>
<tr>
<td>Total</td>
<td>181</td>
<td>171</td>
<td>105</td>
<td>130</td>
<td>121</td>
<td>95.5%</td>
<td>70.8%</td>
</tr>
</tbody>
</table>

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24 Family Conference completion percentage and overall case completion percentage are based on cases accepted rather than cases referred. CJC did not accept cases when the youth failed adequately to take responsibility for crime.
A deeper look into CJC’s cases and processes

Crime fractures relationships and divides families and communities. At its core, CJC is about repairing harm caused by crime, holding youth directly accountable to people they have harmed and mending broken relationships within the community. Vincent Ariz, Probation Services Manager (Juvenile), says, “It helps both sides understand and see what’s going on with each other...Yeah, [responsible youth] are human, they made a mistake. But they are willing to hold themselves accountable for it and do what they need to do, and it kind of changes their perception of how we think about each other.”

CJC is a fully restorative “conferencing” model that brings together responsible youth, persons harmed and their communities of care for a facilitated dialogue to discuss the crime and its impact. During the conference, youth take responsibility for wrongdoing and agree to repair harm arising from the crime, primarily harm caused to victims, but also harm within their families.

Restorative processes are most effective when the needs of responsible youth, victims and communities are met.

- **Responsible youth’s need to take responsibility.** They need to take responsibility for wrongdoing and make amends to victims, their family and possibly others in the community.
- **Victim’s need for reparation.** They need to have harm arising from the crime repaired.
- **Community’s need for relational health.** They walk with victims during their journey to regain control of their lives and support and hold accountable responsible youth, so they meet their obligations to make amends.

CJC is most effective meeting these needs when:

1. **Cases are diverted as early as possible in the juvenile justice process, ideally before youth are arrested.** This section discusses delays inherent in the CJC process and their impact.

2. **All parties come together in a conference to discuss the harm, its impact and how to repair the harm.** This section highlights the importance for victims to participate in conferences. Also, it discusses how conferences create space to understand underlying issues that led to crime, sometimes even systemic issues like racism.

3. **Responsible youth are held directly accountable to victims.** This section discusses how conferences create space for youth to take responsibility for wrongdoing within their families and with victims. Conferences should end with redress agreements that define specific, measurable and achievable ways the youth will repair the harm.

4. **Justice partners are committed to diverting the right cases.** This section discusses declining CJC case referrals and the need for justice partners to recommit to the CJC process, prioritizing case referrals where it can make the greatest impact.

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*Paul McCold developed a restorative justice framework that measures a program’s restorative character as the extent it meets primary stakeholder needs: a) victims and their need for reparation; b) offenders and their need to take responsibility; and c) communities of care and their need to achieve reconciliation. According to McCold, programs are fully restorative if they meet all three stakeholder needs; mostly restorative if they meet two of three stakeholder needs; and partially restorative if they meet one stakeholder need. Based on this framework, CJC is fully restorative because the process meets victim, offender and communities of care needs. See McCold, P. and Wachtel, T. (August 12, 2003). In Pursuit of Paradigm: A Theory of Restorative Justice, p. 2. In a paper presented at the XIII World Congress of Criminology, Rio De Janeiro, Brazil. Retrieved from www.iirp.edu/eforum-archive/in-pursuit-of-paradigm-a-theory-ofrestorative-justice."

* Communities of care refers to family members and others emotionally connected with the crime. See id. at p.2.
1. CASES ARE DIVERTED AS EARLY AS POSSIBLE IN THE JUVENILE JUSTICE PROCESS, IDEALLY BEFORE YOUTH ARE ARRESTED

CJC is most effective when cases are diverted early in the process, ideally before arrest. Once youth are arrested and booked, delays inherent in the system lead to CJC receiving cases long after the offense takes place. At the same time, some cases may be serious or victims are willing but not ready to participate in conferences, so delaying case referrals until after the youth is arrested and charged may be the better option.

The below graph and table lists time delay at different stages when cases are referred. As expected, delays become longer as cases progress in the system.

### INCIDENT TO CASE COMPLETION

<table>
<thead>
<tr>
<th>POINT OF DIVERSION</th>
<th>INCIDENT TO CASE REFERRAL (DAYS)</th>
<th>CASE REFERRAL TO CASE CLOSURE (DAYS)</th>
<th>TOTAL (DAYS)</th>
<th>TOTAL (MONTHS &amp; DAYS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion: Pre-arrest</td>
<td>3</td>
<td>41.7</td>
<td>44.7</td>
<td>1 month, 13 days</td>
</tr>
<tr>
<td>Diversion: Probation</td>
<td>108.6</td>
<td>80.6</td>
<td>189.2</td>
<td>6 months, 7 days</td>
</tr>
<tr>
<td>Diversion: Court</td>
<td>159.9</td>
<td>64.9</td>
<td>224.8</td>
<td>7 months, 11 days</td>
</tr>
</tbody>
</table>

- **DIVERSION, PRE-ARREST**: On average CJC was referred cases within 3 days from when offenses occurred. CJC staff completed the entire process in less than 1 ½ months.
- **DIVERSION, PROBATION**: On average, probation referred cases 109 days (3 mo. 17 days) after the offense occurred. The CJC process concluded 6 months and 7 days after the offense occurred.
- **Diversion, COURT**: On average, the court referred cases 5 months and 7 days after the offense occurred. The CJC process concluded 7 months and 11 days after the offense occurred.

In pre-arrest diversion cases, CJC staff work on cases immediately, while emotions are still raw. Often, the responsible youth and victim know one another and are from the same community: neighborhood, family, school or classroom.

“CJC is most effective when mediation takes place soon in time after the event occurs,” says Deputy District Attorney Darla Sterios. “Once the passage of time occurs then it is not really a high priority for a lot of the victims.”

Responsible youth sit in the same classrooms as teachers who they might have threatened or see students they fought. “We have to get the parties together as soon as possible,” CJC mediator Amy Gavroian says, “because they go to school together the next day or the next week.”
For example, in one case diverted before arrest, Bobby sat in math class and broke class rules because he was listening to music. His teacher Ms. D. confronted him and confiscated Bobby’s headphones. Bobby verbally abused and threatened Ms. D. for taking his headphones. Then he punched a wall as he left the classroom. Bobby was charged with disturbing the peace and was suspended from school because he threatened Ms. D.

CJC staff met Bobby the same day and his mother within the same week. They coordinated with Bobby’s mom, and the soonest they could schedule the victim offender conference was three weeks after the incident. In the meantime, Bobby had returned from suspension. His presence in Ms. D’s classroom created a tense environment. Bobby and Ms. D needed to speak with one another to diffuse the situation as soon as possible.

The victim offender conference gave Bobby and Ms. D the forum to speak about the incident. During the conference, Ms. D shared that the classroom was her safe space and Bobby disrespected that space. She was frustrated when Bobby returned to class like nothing happened. Bobby opened up about conditions at home that led to his outburst in class. He apologized for his actions, and Ms. D. affirmed Bobby and encouraged him to reach out if he needed help.

Assistant District Attorney Traci Fritzler described a delay in a case involving a fight at school between two girls. “The biggest problem was an eight month delay from when the incident happened…. When the offender and victim finally met for the CJC process, they had moved to different schools. Eight months had passed and nobody cared. I mean, they really didn’t care.”

CJC’s numbers reflect the importance of diverting cases early in the process. Youth were more likely to complete the CJC process in pre-arrest diversion cases than post-arrest diversion cases.

- **DIVERSION PRE-ARREST, 80.3% (49/61) youth** completed the CJC process.
- **DIVERSION POST-ARREST, 65.5% (72/110) youth** completed the CJC process.

<table>
<thead>
<tr>
<th>Diversion: Pre-arrest</th>
<th>80.3%</th>
<th>49/61 YOUTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion: Post-arrest</td>
<td>65.5%</td>
<td>72/110 YOUTH</td>
</tr>
</tbody>
</table>
In addition, cases should be diverted as soon as possible because the parties impacted by the crime move on with their lives, without ever resolving the conflict or repairing harm that resulted from the incident.

For example, in Gilberto’s case, after the burglary, Gilberto and his family moved out of their neighborhood and Felicidad cut off her friendship with Gilberto’s mom.

In another case referred by Probation, two young women, Olive and Nancy, got into an argument. Olive grabbed Nancy’s phone, then threw and broke it. The case was referred to CJC 4 ½ months later. The victim offender conference occurred more than 6 months after the incident. In the meantime, Nancy changed schools and her life was disrupted. While she obtained restitution for the broken phone, if the conference had occurred sooner, Nancy and Olive could have resolved their differences without Nancy feeling like she needed to leave a school she loved.

<table>
<thead>
<tr>
<th></th>
<th>DIVERSION: PRE-ARREST</th>
<th>DIVERSION: POST-ARREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>TYPE</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Victim</td>
<td>49</td>
<td>90.7%</td>
</tr>
<tr>
<td>Surrogate</td>
<td>5</td>
<td>9.3%</td>
</tr>
<tr>
<td>None</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>54</td>
<td>100%</td>
</tr>
</tbody>
</table>

Victims are less likely to participate in conferences the longer the delay. In CJC pre-arrest diversion cases, victims participated in conferences 90.7% of the time. When cases were referred post-arrest, victims participated only 44.8% of the time.

“Eight months had passed and nobody cared. I mean, they really didn’t care.”
In fact, most court-diverted cases fail to reach conclusion because when victims are unavailable or unwilling to participate in conferences, the CJC case is closed. Reviewing the case progression table above:

- In post-arrest diversion cases, while youth completed CJC processes only 65.5% of the time, they completed Family Conferences 95.5% (105/110) of the time. But once the Family Conference concluded, the process stalled because victims or surrogates were unavailable or unwilling to participate in the victim offender conference.
- 29 cases were diverted post-arrest that were closed when the responsible youth completed the Family Conference. In 86.2% (25/29) cases, there was no victim offender conference because victims could either not be located or declined to participate. In other words, they had moved on with their lives.

"When we get the case, the violation is several months in the past, kids have moved on," says Deputy District attorney Darla Sterios. "They do not want to deal with it, it is not that important anymore."

However, the need to refer CJC cases quickly needs to be balanced with victim safety. In some offenses, emotions may be too raw to engage in a conference, at least immediately. Chief Deputy District Attorney Galen Rutiaga expresses the importance of a balanced approach. "If [the crime] is too close in time, I think you have those raw emotions that probably will not be helpful either...If everything is too close, maybe it is going to be bad. If it is too far, I think it is going to be bad."
2. ALL PARTIES COME TOGETHER IN A CONFERENCE TO DISCUSS THE HARM, ITS IMPACT AND HOW TO REPAIR THE HARM

CJC creates meaningful experiences for those most impacted by crime: responsible youth, persons harmed and their families. Judge Kimberly Nystrom-Geist speaks about the power CJC has to create meaningful experiences for responsible youth to understand the impact of their actions. “The need for meaningful experiences is tremendous in juvenile court, because really, what you’re hoping is to bring about a permanent change in behavior or attitude. We want to help [responsible youth] move into themselves and become law-abiding, productive people to put [the offense] behind them. And the way to do that is through meaningful experiences....I often catch sight of one of the kids who appears to have a glimpse into “Wow, there was a victim here, there was a victim, and this hurt somebody, or there was a victim and now that person is afraid for me to even see them. And I never meant for someone to be afraid of me.”

CJC Court Director Seya Lumeya shared how CJC creates space where hurt becomes an opportunity to grow. “A moment in which people feel like they had been torn apart, somehow it becomes an opportunity,” Seya says. “[I]n the midst of chaos, in the midst of things falling apart, that moment can become an opportunity for relationship to grow.”

CJC is most likely to create these “meaningful experiences” when all stakeholders come together in conferences to discuss the offense and its impact, especially victims, because they have been most hurt by the crime.

VICTIM PARTICIPATION IS KEY IN CJC PROCESSES

Victims are central to restorative processes because the crime impacts them most. Victim participation is crucial to maximize the conference’s impact. Often, encounters between responsible youth and victims create understanding, relieve fear and ultimately facilitate healing. Center Programs Director John Swenning says:

*For [victims] it gives them the opportunity to talk about what happened, their story, what they were feeling, how it has affected them—emotionally, financially, spiritually—and they have that opportunity, which they very rarely get, if ever, in the system to look in the offender’s eyes and face-to-face and to say, 'This is what you have done to me, this is how it affected me. And this is what I would like for you to do to make this right, to fix this.'*

*Victims* don’t know why they were the victim of this particular crime. They have all these fears and horrible thoughts going through their head. And at the end, once they get to know this person who has offended them, and the family and the situation that they came from, it allows for that humanity to come through again.

“I think the victims usually feel a lot better voicing the specific hurt they’ve gone through,” says Lead Deputy Public Defender JoAnna Edwards. “Then also understanding that [the responsible youth had] underlying circumstances or turmoil going on.”
BLANCA’S STORY

One late spring evening in Los Angeles, police pulled over Blanca, a young woman in her mid-teens, and her three friends because they were driving a stolen vehicle. Blanca told police she had purchased the vehicle for $1,500 from someone on a social media site. But she had no proof she owned or purchased the car. Blanca was arrested and Probation referred CJC the case.

The stolen vehicle had belonged to a young woman named Debora, who lived in Fresno. Debora agreed to participate in the victim offender conference and sought restitution for damage done to the car.

During the conference, Debora shared she had received the car as a birthday gift from her parents just two days earlier. Blanca told her she knew what it was like to have something stolen. When asked to clarify her statement, Blanca’s mother revealed her daughter had been trafficked. At a follow-up conference, Debora learned Blanca had never purchased the car from someone on a social media site. Her pimp had stolen the car and Blanca and her three friends were driving the car on the night she was arrested.

Blanca’s story moved Debora and created a depth of understanding she likely never would have received in civil or criminal court. Because Blanca and her family were poor, Debora agreed to restitution much less than damages to the car. Each month, Blanca agreed to make $25 payments until she paid the full restitution. To date, Blanca has remained faithful to her payments.
USING SURROGATE VICTIMS WHEN REAL VICTIMS ARE UNAVAILABLE TO PARTICIPATE

Sometimes victims are unwilling or unable to participate, regardless when the crime occurred. In these instances, rather than closing the case, the court or school authorized CJC to use surrogate victims to represent the victim’s voice and perspective. Surrogate victims were used much more in court-referred cases than pre-arrest diversion cases.

- **In pre-arrest diversion cases, surrogate victims participated in 9.3% of cases.**
- **In post-arrest diversion cases, surrogate victims participated in 27.6% of cases.**

Some justice partners urged caution when using surrogate victims in CJC cases. “If it’s a case that I feel strongly is really particular to the victim, personal to the victim, I will object upfront to a surrogate,” says Deputy District Attorney Darla Sterios.

“I think it should be very narrow. Because to me, that does not seem like the spirit of CJC,” says Assistant District Attorney Traci Fritzler. “I don’t think a surrogate should be used unless there is a family member that lived [the experience] with the victim.”

When surrogate victims are used, ideally they would have a similar age, gender and experience as real victims so they can speak with an authentic voice and more likely connect with responsible youth.27

For example, in Pedro’s case, Pedro threw a rock and damaged the victim’s car. The victim was unwilling to participate because she feared Pedro finding out who she was. In this case, Debora, whose car was stolen in Blanca’s case, participated as the surrogate victim. At the end of the conference, Pedro paid restitution for damages done to the car.

In some CJC cases, the case was closed because no victim or surrogate were available to participate. When this happens, CJC could try using a similar model used in FUSD youth court, where responsible youth serve as jurors in future youth court cases. In the same way, responsible youth who complete CJC could serve as surrogate victims in future conferences for similar crimes. Instead of representing the victim’s voice or perspective though, they would engage the responsible youth in a dialogue about the crime’s impact.28

A potential danger in using surrogate victims is it becomes the primary option rather than investing time and effort locating and engaging real victims.29 In post-arrest diversion cases, justice partners might want to create a system to engage victims early in the juvenile justice process so they are more likely to participate in the CJC process.

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SHUTTLE PARTICIPATION: ANOTHER WAY FOR VICTIMS TO PARTICIPATE

In some cases, when victims are afraid to meet responsible youth face-to-face, like the victim in Pedro’s case, they could still communicate indirectly using shuttle participation. In shuttle participation, the mediator meets each party individually and relays messages without bringing them together.30 Victims could also indirectly participate in conferences by writing impact statements or by telephone or video conference.31

CJC PROCESSES IN VICTIMLESS CRIMES

CJC processes make a greater impact when responsible youth meet clear, identifiable victims who they harmed. In some cases, though, CJC was referred cases with institutional victims, like businesses or schools, or no victims at all. In the 181 referred cases, 23.8% were victimless crimes. Below is the breakdown:

<table>
<thead>
<tr>
<th>REFERRAL SOURCE</th>
<th>INDIVIDUAL</th>
<th>BUSINESS</th>
<th>SCHOOL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>PRE-ARREST</td>
<td>49</td>
<td>77.8%</td>
<td>3</td>
<td>4.8%</td>
</tr>
<tr>
<td>POST-ARREST</td>
<td>89</td>
<td>75.4%</td>
<td>20</td>
<td>17%</td>
</tr>
<tr>
<td>COMBINED TOTAL</td>
<td>138</td>
<td>76.2%</td>
<td>23</td>
<td>12.7%</td>
</tr>
</tbody>
</table>

Overall

- 76.2% cases had individual victims
- 12.7% cases had businesses as victims
- 11% cases had schools as victims

The most common offense type with no victim was theft—most often youth who were caught shoplifting from businesses. Other victimless offenses were weapon possession (7 cases) and vandalism to school property (3 cases). No drug-related cases were referred to CJC.

All weapon possession cases were diverted pre-arrest when students were caught with a weapon on school campus, generally a knife (6 of 7 cases). While victimless crimes may have less impact than crimes with clearly identifiable victims, they still hold responsible youth accountable for harm caused. They also raise the responsible youth’s awareness about an offense’s seriousness or impact on people indirectly harmed.

For example, Rory was caught with a knife at school. He forgot the knife was in his backpack and when he happened to find it he showed his friends. During the conference, the Student Resource Officer represented the school as victim. He explained how the school needs to create a safe learning environment, and when students carry weapons, it creates fear among the students. Rory’s mother took an active role and recommended her son do community service. Because Rory enjoyed reading, the participants agreed that he would spend an afternoon at a local park reading to children and helping serve them lunch.

**CJC CREATES SPACE TO ADDRESS HARM WITHIN THE FAMILY**

The CJC process recognizes that responsible youth’s wrongdoing impacts their families too. Family conferences create space for families and responsible youth to share how wrongdoing specifically impacted the family and what the families’ needs are arising from the crime.

Judge Kimberly Nystrom-Geist shared about the impact family conferences have on responsible youth.

> The family conference with somebody who can facilitate it. That’s not something that would ordinarily take place in court, and that’s not really something that is a part of most discussions about justice. But for kids to see the impact that something has had on their parents, to really understand, you know, ‘Mom lost her job because of this,’ or ‘Dad has to take time off work because of this,’ and ‘Because of this decision that I made, they’re now paying a price, and that’s having an impact on the family.’ I think that that is very important for them to understand and often appears to be very moving for them and a completely different view of whatever it is that brought them to court.

Adds Vicki Passmore, Director, Probation Division: “[I]t’s really important the impact that this program makes on those family members that will never now enter the system because they saw their brother, sister, cousin, aunt, uncle, child even, go through this process. They aren’t going to enter into [the system] because they got to see or hear firsthand the impact to a victim.”

At the same time, family conferences create space for parents to recognize how the home environment contributed, at least in part, to the responsible youth’s behavior.

“It’s an eye opener for the parents...that maybe what they have been doing with this child hasn’t maybe been the best thing[,]” says Center Programs Director John Swenning. “It helps them understand, ‘Man, I need to be more accountable in how I raise my kids and what I am saying and what I am doing.’”

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38 SCH18-032
CJC CREATES SPACE TO ADDRESS UNDERLYING PROBLEMS THAT LED TO CRIME

TINA’S CASE

Often, punitive responses are one-sided and impose punishment upon people who break the law. They ignore fractures crime causes within individual relationships and the wider community. There is much less scope, if any, to understand and address root causes that led to crime.

CJC conferences give space to discuss underlying causes or systemic issues, like racism, that form the context in which the wrong occurred.

Tina’s case illustrates the power of conferences to address systemic issues, like racism. During a cultural event at a local high school, a Hmong youth, Tina, painted her face black and posted it on social media. As the post spread within the school community, it sparked tension and hurt people because the post had racist tones.

Unless school leadership handled the conflict sensitively, it could have divided the school community and escalated the conflict. CJC staff and school leadership met the African American teacher, Ms. T., who reported the post. They asked Ms. T. how she wanted to handle the conflict. She decided to have four students participate in a conference and represent the ethnic groups most impacted: two students from the African American community and two students from the Hmong community. Ms. T., Tina and Tina’s brother also participated in the conference.

At the conference, Tina shared that when she posted the image, almost immediately she started receiving negative feedback. She was scared at the response. Tina had sent the post because she thought it was funny. She was oblivious the post was racist and culturally insensitive. Tina also had space to express how she felt hurt because people called her racist names, like “ching chong”.

Ms. T. showed Tina’s post to the participants, they discussed its impact and Tina and her brother apologized. The Hmong representatives explained how the post reflected poorly on the entire Hmong community and could create division between the two ethnic groups. The participants agreed Tina needed to become more aware about racism in the U.S. They recommended Tina do a research project on Black history in America and give a presentation to the Ms. T.’s class.

A little more than a month later, Tina stood in front of Ms. T’s class and presented her report. As she spoke, Ms. T. realized that she and others in the class were unaware of the Hmong culture, so the class agreed they would all research and write reports on different cultures represented at the high school. Afterwards, CJC staff followed up with Tina to see how she was doing. Tina seemed to have gained more respect towards others. The CJC process opened her eyes to how her actions created an unintended ripple effect that impacted many others.

CJC is excellent for sensitive cases, like hate crimes, because they create space for understanding issues that are bigger than the specific offense, where lines that divide “responsible youth” and “victim” blur together.
PARTICIPANT SATISFACTION

Survey results from the Center affirm that for the most part conferences are meaningful experiences for participants.\textsuperscript{32} A survey question asks how the process helped heal the relationship between victim and responsible youth. It compared the relationship before and after the CJC process on a scale of one (no healing) to four (a lot of healing). Then, the results were converted to a 100 point scale.

- \textbf{From the victim’s perspective, the relationship with the responsible youth improved 35 points (47.5 to 82.5).}
- \textbf{From the responsible youth’s perspective, the relationship with the victim improved 30 points (50.0 to 80.0).}

Another question asks how the CJC process helped heal the relationship between the responsible youth and their family.

- \textbf{From the family’s perspective, the relationship with the responsible youth improved 21.3 points (65.0 to 86.3).}
- \textbf{From the responsible youth’s perspective, the relationship with the family improved 17.0 points (63.0 to 80.0).}

Overall, participants willingness to take part in restorative conferences increased 15.0 points, from 77.5 to 92.5. They strongly agreed (90.0) the CJC process was a good thing for their lives.

\textsuperscript{32} The Center collected participant surveys inconsistently so there were a limited number of respondents. Still, they affirm the positive impact CJC processes had on participants. Survey responses were collected in two ways: 1) phone calls to participants for conferences that occurred between July 1, 2018 and June 30, 2019; and 2) surveys distributed immediately after victim offender conferences that were completed between July 1, 2019 and December 31, 2019. In total, 83 participants completed surveys: 42 family members, 26 responsible youth and 15 victims.
3. RESPONSIBLE YOUTH ARE HELD DIRECTLY ACCOUNTABLE TO VICTIMS

CJC creates opportunities to hold youth accountable directly to those they harmed, especially victims. “[O]n a basic level, [CJC] allows the person who has committed the crime to be responsible for their actions in stating what they have done, why they did it, and then them listening to who all it has affected,” says Center Programs Director John Swenning. “And then it takes it a step further and it gives them that opportunity to be accountable and to fix what they have done and to make things right.”

At times, skeptics label restorative diversion programs, like CJC, as soft on crime or weak on accountability, because responsible youth avoid punishment for breaking the law. From this paradigm, justice is equated with punishment. In reality, CJC offers true accountability because responsible youth must own wrongs they commit and take active steps to repair harm directly to persons harmed and their families.

Judge David Gottlieb, who helped start CJC in 2009, battled these mindsets as he advocated for CJC.

*It was a brand new idea, and it looked to some as though it was soft on crime. And in that period of time, especially in Fresno, soft on crime was not a good thing to be. [T]hey said, “You know...all they are having to do is say sorry to the person.” I said, “Well, it’s a lot more than that. It’s a lot lot more than that.” I think we changed the paradigm, [from] soft on crime and tough on crime, to smart on crime.

To combat perceptions that restorative diversion programs are soft on crime, CJC should be extra vigilant that agreements formed at conferences hold responsible youth accountable to take active steps to repair harm to victims, and possibly their families and communities. Ideally, outcomes should be specific, measurable, achievable and directly related to harm they caused. Often, restitution and community service are practical ways responsible youth can make amends.

**VICTIM OFFENDER CONFERENCE OUTCOMES**

At victim offender conferences, participants decide and agree upon what the responsible youth must do to repair harm, especially to victims. Each agreement is unique, tailored to specific needs resulting from the crime.33 “One of the things we’re not supposed to be doing in juvenile law is dealing with something in a cookie cutter way,” says Judge Kimberly Nystrom-Geist. “So this is a very customized, specific approach in the unique relationship of this child with his or her family and whoever the victim was.”

Importantly, responsible youth are more likely to fulfill commitments when they freely agree to them rather than the court imposing them. Plus, the responsible youth’s willing desire to repair harm gives victims respect, acknowledges they were wrong and demonstrates remorse.34

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34 See id., p. 32.
In CJC cases, 130 responsible youth participated in victim offender conferences and formed redress agreements as follows:

- **PRE-ARREST DIVERSION CASES**: 90.7% (49/54) youth fully completed agreements
- **POST-ARREST DIVERSION CASES**: 94.7% (72/76) youth fully completed agreements

When responsible youth made agreements, almost always they fulfilled them: **93.1% (121/130)** youth completely fulfilled outcomes agreed upon at conferences.

Potential outcomes stakeholders agree upon are grouped into three categories: positive youth development, restitution and community service.
POSITIVE YOUTH DEVELOPMENT

Positive youth development are activities or goals that promote positive outcomes among responsible youth. For purposes of the evaluation, they are categorized as follows:

- **IMPACT/APOLGY STATEMENTS.** In pre-arrest diversion cases, responsible youth write statements to the persons harmed, explaining the impact of their actions. In post-arrest cases, responsible youth write apology letters to the persons harmed.

- **ACADEMIC.** Activities related to education and academic improvement, like raising grades or not missing class.

- **SOCIO-EMOTIONAL.** Activities that build self-awareness, improve emotional health or strengthen connections with support networks.

- **JOB/TECHNICAL.** Activities related to gaining technical/job skills or obtaining employment.

- **OTHER.** Catch-all category for activities that do not fall into the other categories, such as verbal apologies or stopping activities that are unhealthy or may aggravate a conflict.

The table below shows that responsible youth almost always fulfilled positive youth development goals agreed upon at the victim offender conference.

<table>
<thead>
<tr>
<th>VOC OUTCOMES</th>
<th>PRE-ARREST DIVERSION (54 AGREEMENTS)</th>
<th>POST-ARREST DIVERSION (76 AGREEMENTS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GOAL</td>
<td>MET</td>
</tr>
<tr>
<td>Impact statement</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Academic</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Socio-emotional</td>
<td>30</td>
<td>29</td>
</tr>
<tr>
<td>Job/Technical</td>
<td>0</td>
<td>—</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>9</td>
</tr>
</tbody>
</table>

During conferences, responsible youth might offer gifts or perform services that show respect and demonstrate remorse. As shown in October and Kesia’s case, these outcomes create opportunities for deeper connection because they reflect sacrifice, thoughtfulness, creativity and carry deeper meaning.

Two sophomore students, Kesia and October, got into a fight on their high school campus. The teacher in the class, Mr. C., rushed over and broke up the fight. The students were suspended and referred to CJC.

36 See id., p. 99.
During the conference, the girls expressed why they had fought. They recognized they made wrong assumptions and fought each other based upon gossip without ever talking. One thing they didn’t think about: the fight might have impacted others too.

“Do you think your teacher was affected?” the school counselor asked. It hadn’t occurred to the young women that Mr. C. might have been harmed when he broke up the fight.

At another conference, Kesia and October met Mr. C and talked with them about the fight. He explained that he broke up the fight because he wanted to protect them. As a teacher, he cared about his students and did not want them to get hurt. More importantly, these types of incidents, he explained, can cause youth irreversible consequences. He wanted them to do well and go far in life.

The discussion impacted the students and created empathy for Mr. C. As a result of the conference, the young women baked Mr. C cookies. Kesia loved art, so she drew him a self-portrait and gave it to him.

**FINANCIAL RESTITUTION AND COMMUNITY SERVICE**

Financial restitution requires responsible youth to recompense victims for harm done. Typically, restitution is tied directly to the damage amount. Community service, or service work to give back to the victim or community, is another way to repair harm and communicate respect and remorse.

In the CJC conferences that ended with agreements containing financial restitution or community service, responsible youth largely fulfilled commitments.

<table>
<thead>
<tr>
<th>PRE-ARREST DIVERSION (54 AGREEMENTS)</th>
<th>GOAL</th>
<th>FULLY</th>
<th>PARTIALLY</th>
<th>REST $</th>
<th>$ PAID</th>
<th>% TOTAL AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial restitution</td>
<td>6</td>
<td>3</td>
<td>3</td>
<td>$1,518</td>
<td>$613</td>
<td>40.4%</td>
</tr>
<tr>
<td>Community service</td>
<td>11</td>
<td>11</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POST ARREST DIVERSION (76 AGREEMENTS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial restitution</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>$3,088</td>
</tr>
<tr>
<td>$2,891</td>
</tr>
<tr>
<td>93.6%</td>
</tr>
<tr>
<td>Community service</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>—</td>
</tr>
<tr>
<td>—</td>
</tr>
<tr>
<td>87.5%</td>
</tr>
</tbody>
</table>

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39 See id., p. 100.
Pre-arrest diversion cases

- For financial restitution, 50% youth fully completed restitution payments and the remaining 50% made partial payments. Victims collected around 40% of the amount owed under the agreement.

- However, the three partial restitution payments came from a theft case with no individual victim where three responsible youth damaged school property. Between them, the youth paid $585 of $1,500 restitution owed to the school under the agreement. As described below, despite the partial restitution payment the victim offender conference was still powerful.

- For community service, impressively 100% (11/11) youth fully completed community service.

Post-arrest diversion cases

- For financial restitution, 90% (9/10) responsible youth fully completed restitution payments. In the other case, the youth partially completed restitution. Impressively, victims collected 93.6% restitution amounts owed under the agreements.

- For community service, 87.5% (7/8) responsible youth completed community service agreed upon at the conference.

As these results show, when responsible youth participate in conversations about how to repair harm, they gain a sense of ownership and are more likely to follow through with commitments they make at conferences. This is powerfully represented in how responsible youth almost always followed through with commitments they make at conferences, including restitution and community service.

Vicki Passmore, Director, Probation Division, shares about the power in victims and responsible youth agreeing to restitution: “It’s not necessarily restitution to the full dollar amount, but it’s restitution to make the victim whole,” she says. “It’s for them being able to explain, ‘No, this is what would make me whole.’ What CJC is doing is bringing those people together to have those conversations to reach those resolutions.”
STRENGTHENING CONFERENCE AGREEMENTS AND OUTCOMES

WEAKNESSES IN CONFERENCE AGREEMENTS

While responsible youth fulfilled agreements at an impressive rate, often agreement outcomes were vague, hollow or mere promises that were difficult to track.

Below are a few examples that illustrate common outcomes in the agreements.

In a theft case, two youth were caught stealing two iPhones from an Apple store. The mall security officer participated in the conference as surrogate victim. While the responsible youth apologized and the security officer gave greater context about the theft’s impact, the agreement outcomes were: “share the impact of this crime with her friends” and “not develop a habit of stealing.”

In a mutual fight case, after school two responsible youth fought on the sidewalk and ended up in the street, disrupting traffic. While the conference process itself brought the parties together to discuss the fight and they apologized to each another, the agreement outcome was a promise “not to engage in a fight again.”

In a vandalism case, the responsible youth broke a school window. He wrote an apology letter, and at the conference, the youth and school representatives discussed how the incident unnecessarily caused damage, disrupted school staff’s day and could lead to other students feeling unsafe. But the agreement outcomes were to stay involved in positive influences, like clubs or other student groups, stay on target to graduate and keep the school representatives updated on his progress.

Also, no agreement outcomes treated underlying problems that contributed to the offense. While crime causes harm, it also flows from harm. When responsible youth commit crime, often it occurs within a context of deeper hurts and struggles. As mentioned, restorative justice processes, like CJC, provide space to uncover underlying causes that led to crime: mental health issues, substance abuse, gang-involvement or uncontrolled anger. But this also means responsible youth should have access to services that treat these struggles. Unfortunately, CJC has limited scope to provide services that treat underlying issues.

District attorney Darla Sterios expressed this concern when discussing CJC in serious offenses. “So a kid who has committed a serious crime like car theft, vandalism with a high dollar amount, with CJC, the [responsible youth] is not going to have to do anger management, not going to have to do any kind of substance abuse treatment.”

Adds Chief Deputy District Attorney Galen Rutiaga, “And just like anything else, it is the cost. Who is going to pay for things?”

INCREASED RESTITUTION AND COMMUNITY SERVICE

Restitution and community service are specific, measurable outcomes that directly repair harm to victims and communities. When repairing harm caused to victims, restitution is particularly important.

“The biggest impact CJC has is collecting restitution for the victims,” says Assistant District Attorney Traci Fritzler. “That’s what victims find really important about the process.”

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But responsible youth gave restitution or performed community service in only a handful of cases. Overall, restitution was an outcome in 16 cases, or 12.3% (16/130) of agreements.

- In pre-arrest diversion cases, restitution was an outcome in 6 cases, or 11.1% (6/54) of agreements.
- In post-arrest diversion cases, despite being so effective, restitution was an outcome in 10 cases, or 13.2% (10/76) of agreements.

Overall, community service was an outcome in 19 cases, or 14.6% (19/130) of agreements. In all but one case, responsible youth followed through with community service commitments.

- In pre-arrest diversion cases, community service was an outcome in 11 agreements, or 20.4% (11/54).
- In post-arrest diversion cases, community service was an outcome in 8 agreements, or 10.5% (8/76).

<table>
<thead>
<tr>
<th></th>
<th>PRE-ARREST</th>
<th>POST-ARREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Restitution In Agreements</td>
<td>11.1% (6/54)</td>
<td>13.2% (10/76)</td>
</tr>
<tr>
<td>% Community Serviced In Agreements</td>
<td>20.4% (11/54)</td>
<td>10.5% (8/76)</td>
</tr>
</tbody>
</table>

**Community Service Should Connect with Harm Arising From Crime**

Community service should directly relate to meeting victim or community needs arising from crime. When tailored to repair harms specific to the crime, it can increase understanding about the impact of one’s actions or build empathy towards similarly-situated crime victims.\(^{41}\)

However, when community service is unrelated to victim or community needs arising from the crime, it becomes an alternate form of punishment rather than a restorative practice.\(^{42}\)

In CJC cases, community service outcomes were mixed as to whether they were restorative or punitive. For example, in an assault case, the responsible youth hit another student, who was fighting her friend. At the conference, a surrogate victim participated, and the parties agreed the responsible youth would clean the cafeteria and pick up trash at her school. No connection existed between the fight and cleaning the school.

But in a theft case, three students broke into a school cafeteria and stole snacks from a refrigerator. In the process, they damaged the refrigerator door and the remaining food inside spoiled because the door would not shut. Overall, the theft caused $1,500 damage.

The CJC process was powerful because it brought together the students, their families and the impacted school staff to discuss the harm. The staff explained that because the food spoiled, they were forced to come to the school over spring break and make hundreds of sandwiches by hands so students would have food to eat.

The responsible youths agreed to pay restitution to repair the damage and perform twenty hours community service. While they only partially fulfilled the restitution, all students completed their community service commitments.

Over summer break, one responsible youth worked with custodian staff at his high school to scrape gum, wash windows and scrub floors. The work’s purpose was to create awareness about what it takes to maintain school property. In the process, he built relationships with the custodians. By the end of the week, he was joking and eating lunch with them.

**APOLOGY LETTERS**

CJC conferences create space for responsible youth to understand the harm they have caused and apologize to those they harmed, especially victims. “It is so much more difficult to face the person that you hurt and see the hurt,” says Lead Deputy Public Defender JoAnna Edwards. “[It’s] a life skill, you have to learn how to apologize for your behavior or deal with conflict in a non-defensive, open way.”

A proper apology communicates respect and acknowledges the person harmed deserved better. It sets the record straight about who was wrong. In fact, sincere apologies sometimes are the best way to repair certain harms and open doors to rebuild relationships.

However, because apologies play such an important role in repairing harm and restoring relationships, they must be genuine and offered voluntarily. During preparation, facilitators should work with responsible youth to acknowledge responsibility and understand the consequences of their behavior. In this stage, they might draft apology letters as they work through this process. During conferences, responsible youth should voluntarily choose to give the letter, and the letter’s content should reflect their genuine feelings.

In post-arrest diversion cases, the CJC process requires responsible youth to give persons harmed apology letters. While the requirement has good intentions, unless someone guides the responsible youth during the process, forced apology letters risk coming across as insincere and could decrease the conference’s impact. In some cases, insincere apologies might cause further harm.

In pre-arrest diversion cases, responsible youth wrote impact statements 51.9% (28/54) of the time. The lower percentage indicates that responsible youth offer these statements voluntarily. At the same time, when responsible youth write impact statements, someone should guide them in the process to understand their genuine feelings or whether they are minimizing harm or deflecting or shifting blame.

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43 See Radzic, Making Amends, p. 94-95.
45 See Zehr, Changing Lenses, p. 207.
4. Justice Partners Are Committed to Diverting the Right Cases

CJC Was Referred Fewer Cases During the Evaluation Period, Continuing an Ongoing Trend

Ultimately, CJC can make an impact to the extent justice partners refer cases. During the evaluation period, CJC was referred fewer cases as time progressed. At the same time, crime jumped sharply in schools where CJC has a presence, so it seems like case referrals should have increased.

Justice Partners Used CJC Progressively Less During the Evaluation Period

Overall, partners used CJC less as the evaluation period progressed. Case referrals declined 48% year-over-year, July – Dec. 2018 and 2019.

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</tr>
</thead>
<tbody>
<tr>
<td>Diversion: Pre-arrest</td>
<td>N/A</td>
<td>29</td>
<td>22</td>
<td>12</td>
<td>63</td>
<td>34.8%</td>
</tr>
<tr>
<td>Diversion: Post-arrest</td>
<td>15</td>
<td>44</td>
<td>33</td>
<td>26</td>
<td>118</td>
<td>65.2%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>15</td>
<td>73</td>
<td>55</td>
<td>38</td>
<td>181</td>
<td>100%</td>
</tr>
</tbody>
</table>

Case referrals decreased at both pre-arrest and post-arrest:
- At pre-arrest, case referrals dropped from 29 to 12 youth, nearly a 60% decrease.
- At post-arrest, case referrals dropped from 44 to 26, a 41% decrease.

Fewer Case Referrals Reflects an Overall Decline in CJC Case Referrals Since 2015

The decline in case referrals during the evaluation period reflects an ongoing trend. CJC case referrals have steadily declined the past five years.

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</tr>
</thead>
<tbody>
<tr>
<td>Diversion: Pre-arrest</td>
<td>—</td>
<td>—</td>
<td>8</td>
<td>46</td>
<td>34</td>
</tr>
<tr>
<td>Diversion: Post arrest (probation and court)</td>
<td>154</td>
<td>137</td>
<td>93</td>
<td>86</td>
<td>59</td>
</tr>
</tbody>
</table>

- In 2018, while overall cases jumped during the first full year of CJC’s pre-arrest diversion program, post-arrest diversion case referrals declined every year.
- Between 2015 and 2019, CJC post-arrest diversion case referrals declined 61.7% (154 to 59).

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48 For post-arrest diversion (probation and court), while 42 cases were referred between Jan – Jun 2018, only fifteen cases qualified for the dataset for this program evaluation.

49 CJC began a pre-arrest diversion program with Fresno Unified School District starting October 30, 2017, so this is the reason for lower case referrals in 2017. They entered a formal agreement starting August 1, 2018.
At the same time, cases were referred from fewer sources. Most pre-arrest diversion cases, 84%, came from two schools: Fresno High School and Fort Miller Middle School.

- While CJC contracts with Edison, Fresno, McLane, Sunnyside and Fort Miller to facilitate CJC conferences, only Fresno high school referred cases consistently during the evaluation period.
- Fort Miller referred 26 cases, but 18 cases were referred July 1 – Dec. 31, 2018. They referred only 8 cases in 2019.
- Post arrest, only 12% (14/118 cases) were diverted at probation and the remaining were diverted once cases reached the district attorney’s office. This is a drastic shift from CJC’s initial years when probation referred CJC almost all its cases.50

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CRIME JUMPED SHARPLY IN SCHOOLS WHERE SRO’S ARE LOCATED

While CJC was referred fewer cases, in FUSD schools where Fresno police place SROs, including the five schools where CJC operates, crime increased dramatically.\(^{31}\)

<table>
<thead>
<tr>
<th>CRIME TYPE</th>
<th>SPRING 2017</th>
<th>SPRING 2018(^{52})</th>
<th>FALL 2018</th>
<th>SPRING 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFRINGEMENTS</td>
<td>22</td>
<td>50</td>
<td>125</td>
<td>95</td>
</tr>
<tr>
<td>MISDEMEANORS</td>
<td>171</td>
<td>306</td>
<td>371</td>
<td>366</td>
</tr>
<tr>
<td>FELONIES</td>
<td>6</td>
<td>24</td>
<td>26</td>
<td>22</td>
</tr>
<tr>
<td>TOTAL</td>
<td>199</td>
<td>380</td>
<td>522</td>
<td>483</td>
</tr>
</tbody>
</table>

- Total student contacts jumped 91% between Spring 2017 and Spring 2018. Misdemeanors increased nearly 80% and felonies increased 300%.
- Between Spring 2018 and Spring 2019, student contact remained high. Infractions and misdemeanors increased and felonies remained steady.

JUSTICE PARTNERS SHOULD REINVIGORATE CJC AS A PRIMARY RESPONSE TO YOUTH CRIME

Justice partners should renew efforts to use CJC as a primary response to youth crime. First, evidence shows that restorative diversion programs, like CJC, reduce youth recidivism, have increased participant satisfaction and reduce costs in the juvenile justice system. Results from Mary Louise Frampton's 2016 CJC program evaluation are consistent with other studies. Also, outcomes from this evaluation show CJC’s impact.

Second, justice partners should prioritize referring CJC the right cases, specifically: a) cases with clearly identifiable victims; b) cases where they responsible youth and the victim know one another or are from the same community and c) cases that involved serious offenses. At the same time, justice partners should protect against net-widening and selection bias creeping into the referral process.

\(^{31}\) Statistics come from City of Fresno Police Department’s Student Contact Analysis (“SCA”) reports. Retrieved from https://www.fresno.gov/police/records-reports. SCA reports unavailable on the website were obtained from the Center and are available upon request. The Fall 2018 SCA report was unavailable.

\(^{52}\) Spring 2018 statistics combine Student Contact Analysis Reports for Winter 2018 and Spring 2018, so they reflect the same reporting period format as Fall and Spring 2018-19.
EVIDENCE SHOWS RESTORATIVE DIVERSION PROGRAMS ARE MORE EFFECTIVE THAN TRADITIONAL JUVENILE JUSTICE SYSTEMS

Youth who come into contact with the justice system are more likely to reoffend, drop out of school and suffer poor health than youth who participate in diversion programs. Diversion programs reduce the juvenile justice system's caseload burden and keep youth out of detention, significantly reducing system costs.

Lower recidivism

Significant evidence exists that shows youth who participate in restorative diversion programs are less likely to reoffend than youth who become involved in the juvenile justice system.

- In 2005, a meta-analysis of diversionary restorative justice programs found 11 of 15 victim-offender mediation programs had lower recidivism rates compared to traditional juvenile justice system processes.

- In California, five of six victim offender reconciliation programs reported lower recidivism rates—ranging from 21% less to 105% less—compared to youth who participated in traditional juvenile justice system processes (California VORP study).

- In Alameda County, 19.6% youth who went through a restorative justice youth diversion program reoffended after eighteen months compared to 36.7% youth whose cases were processed in the traditional juvenile justice system (Alameda County study).

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56 Evje, A. and R. Cushman. (2000). A Summary of the Evaluations of Six California Victim Offender Rehabilitation Programs. San Francisco, CA: Judicial Council of California, Administrative Office of the Courts, pp. 22-23. VORP programs in Los Angeles County (105% less), Mendocino County (54% less), Orange County (83% less), Santa Clara County (21% less) and Sonoma County (31% less) had lower recidivism rates. Santa Barbara County (46% higher) had a higher recidivism rate than cases processed in the traditional juvenile justice system. Id.
• In Fresno, according to Mary Louise Frampton's 2016 unpublished evaluation, CJC reduced reoffending rates among participating youth. The evaluation compared youth recidivism for five years prior to when CJC started (2003-07) with youth in similar cases who participated in CJC 2008-13. The study showed 2% youth reoffended after two years compared with 13% youth in traditional juvenile justice system processes.58

High participant satisfaction
Evidence shows that participants in restorative diversion programs are highly satisfied with victim offender mediation processes, across sites, cultures, and seriousness of offenses.59

• In the California VORP study, participant satisfaction was the greatest measure of its success. In the six programs evaluated, victims and offenders rated their experience above 90%.60

• In the Alameda County study, 91% victims stated they would participate in another conference, and an equal number stated they would recommend restorative diversion processes to a friend. Responsible youth were even more satisfied by the process: 95% said they would participate in the restorative diversion process again and 93% stated they would recommend it to a friend.61

• In Fresno, Dr. Frampton’s team interviewed twenty victims about their experiences with CJC. They voiced nearly unanimous enthusiasm about the CJC process and staff. They experienced greater feelings of safety and emotional closure.

• Dr. Frampton’s team also interviewed twenty responsible youth. Each expressed satisfaction with the CJC process. While it was difficult and embarrassing, it had changed their perspective. For some youth, it had changed their lives.62

Lower case processing costs
Restorative diversion programs reduce costs of juvenile justice proceedings and detention. Diversion programs decrease caseloads within the juvenile justice system and decrease youth housed in detention facilities. For example:

• Florida’s Office of Program Policy and Analysis and Government estimated that over four years (2005-08), it would cost $50.8 million to house youth in detention centers and only $14.4 million to send them to a diversion program.63

• In California, the Alameda County study estimates the average cost of a responsible youth on probation is $23,000 per year. This cost excludes other costs related to the youth’s involvement in the juvenile justice system, such as costs related to the Public Defender’s office, District Attorney’s office and court processing. In contrast, the per case cost within the restorative diversion program was approximately $4,500.64

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59 Frampton, Evaluation, Fresno County Community Justice Conference Program, p.2.
60 Umbreit, Coates and Voss, Impact of Restorative Justice Conferencing, pp. 2-5. The study shares satisfaction rates in restorative diversion programs across program type, location and types of offenses. Generally, participants are satisfied with the process and outcomes. However, programs could have high satisfaction findings because participants voluntarily choose to participate. Id. at 2.
62 Baliga, Henry and Valentine, Restorative Community Conferencing, pp. 9-12.
63 Frampton, Evaluation, Fresno County Community Justice Conference Program, p. 7.
65 Baliga, Henry and Valentine, Restorative Community Conferencing, p. 16.
JUSTICE PARTNERS SHOULD PRIORITIZE CASE REFERRALS WHERE CJC WILL HAVE THE GREATEST IMPACT

Cases with clearly identifiable victims

Restorative processes are most likely to create “meaningful experiences” when responsible youth meet the persons they harmed. Crime impacts victims most, so their voice is indispensable when determining how to repair harm. When persons harmed participate in CJC, the process itself often contributes towards their healing.

“[U]ltimately, in the end, the impact I saw was that the victim had felt included as far as the outcome, they felt like they were involved in the process,” a School Probation Officer shared. Victims have a chance to share their story and ask questions in a supportive environment that validates them. Responsible youth must acknowledge wrongdoing and often apologize, which could vindicate and empower the persons harmed.

In the same way, when victims participate in CJC processes, it humanizes them. Responsible youth must look the person they harmed in the eyes, hear their stories and answer their questions. These interactions have potential to create internal change.

Lead Deputy Public Defender JoAnna Edwards shares, “In order to prevent any human from engaging in the same behavior, you have to understand why you engaged in that behavior….CJC brings in the emotional aspect where they actually see, this wasn’t a fun, harmless thing that my friends and I did.”

Judge David Gottlieb adds: “There are often times where the kids come back [from CJC] and you can just tell in their eyes and their expression that they’ve had like an awakening[.]”

Cases where the responsible youth and victim know one another or are from the same community

CJC processes are also effective in assault cases where the parties live in the same neighborhood or go to the same school. Nadina’s case illustrates the power of bringing people together to repair harm arising from crime and to reconcile relationships.

In summer 2018, during a heated argument Nadina punched Rosa five times with her closed fists. Rosa had recently moved out of the home and was returning to take her remaining belongings. She started arguing with Nadina’s mother, who also lived in the home, because some of her belongings were missing. When Nadina intervened to support her mother, Rosa said, “go inside little girl.” Instead of going inside, Nadina hit Rosa, and later was arrested and charged with assault.

When CJC staff met Nadina and her family during the intake screening, more details emerged that complicated the case. Rosa’s daughter dated Nadina’s brother. They had a child together and all lived in the home. Nadina and her family agreed to participate in a conference with Rosa and her family to begin repairing the harm.

• In Fresno, Dr. Frampton’s study estimated the cost to place a responsible youth on probation for one year in a misdemeanor case is $9,538. In contrast, the cost to handle a responsible youth’s case in CJC is $1,225. The system costs increase if the responsible youth goes to trial, then later is incarcerated.65

During the conference, Nadina shared how she was trying to protect her mother. She had difficulty holding back tears because of the shame she felt. “I’m so sorry, I didn’t know what I was doing,” Nadina said. “I was very upset in the moment.” Rosa comforted Nadina and said she understood. But she also expressed how she hoped Nadina would learn to control her anger, so she never felt the need to hurt someone.

When the conference ended, the group agreed on a plan how Nadina could make things right. Nadina agreed to show respect to people, do house chores and avoid physically touching Rosa. In a sign that relationships were being mended, Rosa suggested that she and Nadina get ice cream together.

The conference helped bring together Nadina and Rosa’s families so they could begin to heal strained relationships. They were open to engaging one another and communicate about conflict so they could figure out how to strengthen the relationships between the families.

When responsible youth and victims come from the same community, it underscores the importance to quickly address the conflict. CJC Court Director Seya Lumeya describes a weapons case where a youth used a taser on another youth that turned awkward because the delay between the incident and CJC referral was so long.

I was given a case that happened literally when the two individuals were in middle school, and they are now both in high school, almost seniors. But they go to different schools, don’t even live in the same neighborhood anymore...[.] And when you hear from both ends, the offender says, “Well, it was a mistake.” And the victim also says, “It was a mistake that happened a long time ago. I don’t even remember.”

Still, Seya encouraged them to participate in the conference. “Hey, can you guys do this?” “Yeah, we are willing to do this, you know. But this feels a little bit awkward because this happened a long time ago.”

**Cases involving serious offenses**

CJC can have a powerful impact for serious offenses or when addressing systemic issues, like racism. Gilberto’s home burglary case and Tina’s case involving the racially insensitive social media post illustrate the potential.

Judge David Gottlieb shared a home burglary case he remembers similar to Gilberto’s case:

“One of the homeowners was a woman. And she says, “You know, I really am afraid to live in this community. Now, I’m going to have troubles and my child will have nightmares. So we went forward with it and after she spoke to this young man, it changed everything. And now they could be neighbors, and he can go by and wave to her and, you know, help her out. And now she feels safer.”

For the most part, justice partners were open to referring CJC more serious cases. Deputy District Attorney Darla Sterios’ compared CJC in serious cases, such as assault cases, with shoplifting cases:

“Shoplifting cases probably are not going to have a huge impact; I mean hopefully we do not see the kid again. But some of the more serious cases...your [assault] cases where it’s more personal to the victim, or vandalism....I think those have a little more impact than those shoplifting cases where you may have a surrogate victim.”

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However, Darla clarified that if youth have underlying issues that contribute towards the crime, such as anger management or substance abuse, CJC may not be a good alternative because agreements generally fail to include treatment for these issues.

While Lead Deputy Public Defender JoAnna Edwards shared that justice partners might be concerned that using CJC in serious cases would fail to hold youth ‘accountable,’ she says, “I think if we’re talking about reducing recidivism and making the community safer, it should absolutely be done in serious cases.”

**Avoiding net-widening and selection bias**

While justice partners should refer CJC more cases, they should be careful to avoid net-widening, in other words, youth diverted to CJC should only be those individuals who, if charged, would be incarcerated or placed on probation. Cases where SROs and police officials would fine or reprimand and release youth, should not go to CJC.

Vincent Ariz, Probation Services Manager (Juvenile) spoke about referring CJC cases involving first time offending youth charged with low level misdemeanors. “If you don’t close out [the case] and you refer it to CJC, that will help our numbers. But that defeats the purpose of keeping the kid out of the system. We don’t want to refer [a case] over to CJC to boost our numbers.”

At the same time, all responsible youth should have equal opportunity to participate in CJC regardless of race, ethnicity, gender, social status or sexual identity. When juvenile justice staff have discretion on which cases to refer CJC, the risk of selection bias arises. Justice partners should ensure safeguards exist to protect against selection bias. As CJC grows (and as Dr. Claassen originally envisioned), eventually all youth whose cases are eligible should have the option to choose CJC.

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68 Baliga, Henry and Valentine, *Restorative Community Conferencing*, pp.7-8. Arguably, the positive impact restorative diversion programs have on youth could outweigh the negative impact of getting involved in the system. Umbreit, Coates and Voss, *Impact of Restorative Justice Conferencing*, p. 16. But because CJC has limited capacity to take cases, partners should prioritize cases where CJC will have the greatest impact.
Recommendations

Based on the Program Evaluation, the following actions are recommended:

Case referrals

Justice partners should increase case referrals to CJC. The CJC program should be part of a larger evidence-based decision-making framework that justice partners use when disposing cases. The framework should be based on risk the youth poses, youth treatment needs and victim needs. Justice partners should:

- Prioritize cases with clear, identifiable victims who know the responsible youth or come from the same community, even in serious cases.
- Divert cases as soon as possible, so youth have limited involvement in the juvenile justice system or avoid the system entirely. Because law enforcement, including Student Resource Officers, often are the earliest contact point youth have with the system, the Center, law enforcement and FUSD should build upon its current pre-arrest diversion program.
- At the same time, justice partners should wait to divert cases if responsible youth pose a safety risk or victims are willing, but unready, to participate in CJC processes soon after the offense occurs.

Victim-focused processes

CJC should become more victim-centered and increase victim participation in the process.

- CJC should contact victims soon after the crime occurs to learn about their needs and to explain the CJC process.
- When explaining the CJC process, victims should understand how they might engage in conferences, including alternatives to direct communication, such as shuttle diplomacy, writing letters or impact statements or communicating by video or voice calls.
- Victims should have a voice in who participates in conferences and how the responsible youth might repair harm they caused.

CJC should use actual victims whenever possible. CJC should only use surrogate victims when: a) victims are unavailable or unwilling to participate in conferences or b) in victimless crimes.

- When surrogate victims are used, they should have similar age, gender and experience as real victims so they can speak with an authentic voice and more likely connect with responsible youth.
- CJC should avoid using the same individuals as surrogate victims in multiple cases. When surrogate victims are unavailable, consider alternative programs, such as using responsible youth, who previously had participated in victim-offender conferences, as surrogate victims.
**Holding responsible youth accountable**

*Conference agreements should hold responsible youth accountable for repairing harm they caused.*

- During the preparation stage, the Center staff should help participants, especially responsible youth and victims, think through harm that arose from the crime and how it might be repaired.

- Outcomes should be specific, measurable and achievable within set time frames. Participants should understand how they might incorporate restitution and community service into agreements.

- Support services and treatment programs, like anger management, substance abuse treatment, job/technical skills training or education and mentoring programs should be available as potential outcomes in conference agreements. Justice partners should work with the public and private sectors to provide and pay for these services and treatment programs.

- The Center should monitor conference agreements and whether responsible youth fulfil them. While conference participants collectively form agreements, the outcomes should be neither too harsh nor too lenient.

The Center should build capacity to take more cases. It should increase the number of community volunteers who facilitate CJC processes, including meeting and preparing participants, facilitating conferences and follow-up.

**Program monitoring and evaluation**

The Center should strengthen its monitoring and evaluation systems that measure CJC health and impact. It should:

- Establish and regularly review key indicators that measure CJC’s impact and health, such as recidivism, participant satisfaction and cost-benefit analysis. Indicators should also measure program impact on victims and whether CJC processes meet their needs.

- Consistently follow up with conference participants to understand their experiences immediately after the CJC process concludes and between 3-6 months following program completion. Revise data collection tools and processes to better understand how CJC processes impact participants.

- Rigorously maintain case management database to track cases and capture data used to manage CJC and monitor and evaluate its impact and health.

Justice partners should create pathways to obtain data used to monitor and evaluate CJC that balances transparency with youth privacy and government interests. For example, CJC would need access to data that measures recidivism, system costs, overall crime rates and relationship between CJC demographics and overall youth crime demographics.

Justice partners should regularly review, and where necessary revise, case referral guidelines and CJC operation protocols, so they reflect best practices and meet needs for public safety, responsible youth accountability and victim reparation.
Justice partner and Center staff/volunteer training

Justice partners and staff connected with CJC should receive basic training on restorative justice, the CJC process and how it fits into the juvenile justice system. Key justice partners and staff should receive ongoing education on restorative diversion best practices and trends.

The Center staff/volunteers who manage and facilitate conferences should have training to facilitate conferences that meet participant needs and are sensitive to their culture, background and trauma they might have experienced.

Governance and oversight

Justice partners should provide governance and oversight to CJC programs through quarterly meetings based on regular reporting from the Center.

Establish a Steering Committee to develop, implement and monitor strategic plan for the next phase of CJC’s growth. The Steering Committee could invite people outside the juvenile justice system, including representation from responsible youth, victims and families impacted by the system.

All stakeholders should seek and obtain funding within public and private sectors to implement CJC’s strategic plan.