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### Learning Objectives

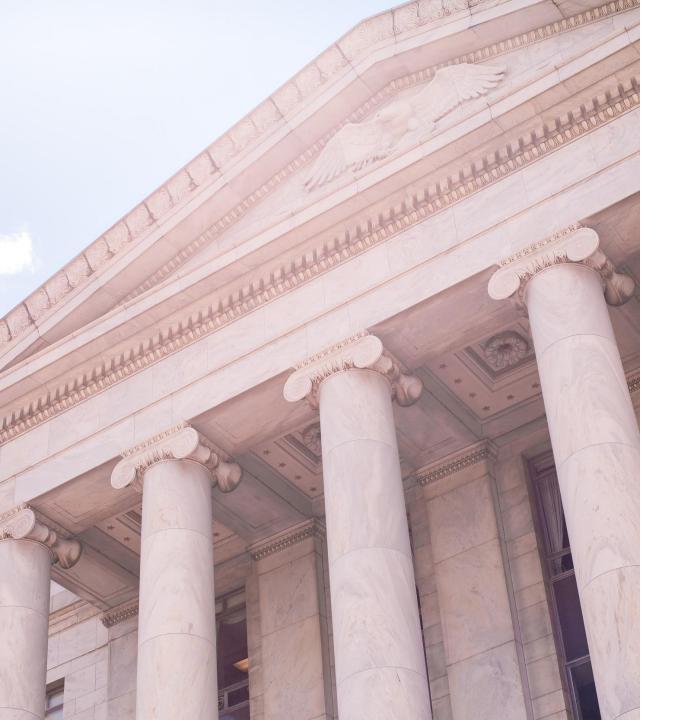
- → Become grounded in the principles of restorative justice (RJ)
- Understand pre-charge restorative justice diversion (RJD) and be able to speak about it in public
- Introduce Community Works and their RJD Program "Make It Right"



PARADIGM SHIFT

# We cannot solve our problems with the same thinking we used when we created them.

Albert Einstein



## Current Criminal Legal Approach

- → What law was broken?
- → Who broke it?
- How should they be punished?

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# Restorative Justice Approach

- Who has been harmed?
- → What do they need?
- → Whose obligation is it to meet those needs?

# The Language of Change

### Current Criminal Legal System

- Perpetrator
- → Offender
- → Victim

#### **Restorative Justice**

- Responsible party
- Person who caused harmed
- → Person harmed/Survivor

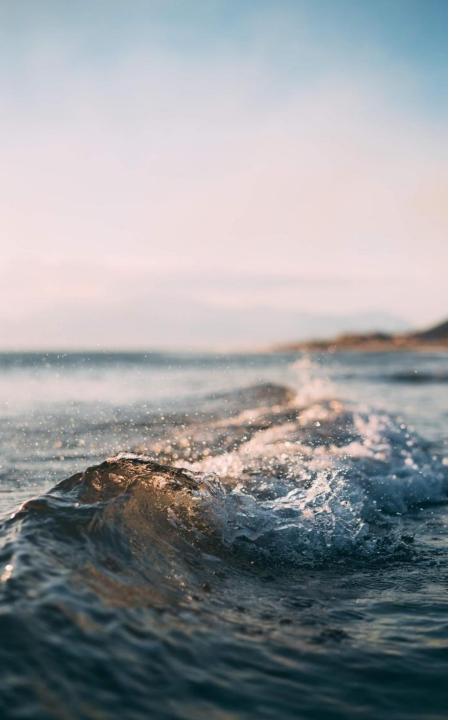




Violations create obligations.

The central obligation is to, as much as possible, do right by the people you've harmed.





# Elements of Our Restorative Justice Diversion Model

- 1. Oriented around the needs of people harmed
- 2. Designed to end **racial & ethnic disparities** in juvenile and criminal legal systems
- 3. Focused exclusively on **pre-charge** diversion
- 4. Structured to **prevent net-widening** in the juvenile legal system
- 5. Dedicated to a **strengths-based** approach to healing harm
- 6. **Rooted in relationships** how to nourish, deepen, and heal them
- 7. Committed to protecting participant confidentiality
- B. Created and **held by community** and community-based organizations

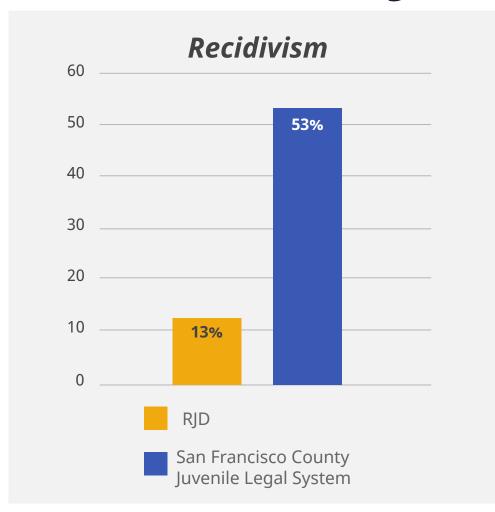


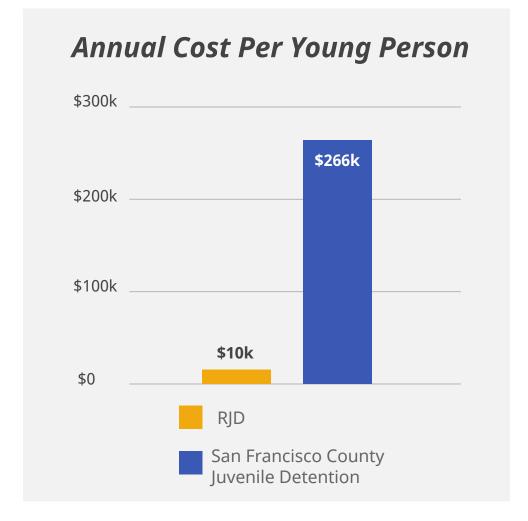
# These are the Kinds of Harms RJD is good for:

- → Burglaries
- → Assault/Batteries
- → Vehicle Theft
- Grand Theft/Theft of Person
- → Robberies
- → Arson
- → Theft
- → And, many more

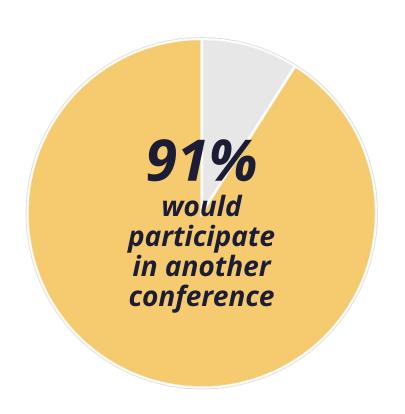


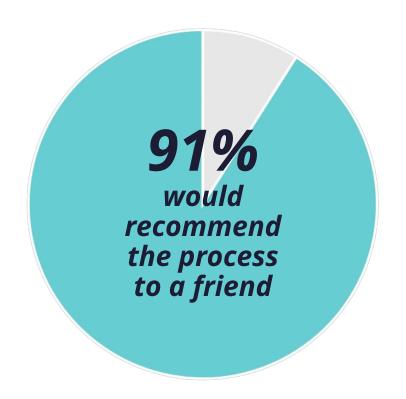
## Restorative Justice Diversion Works!





## Satisfaction Among People Harmed







## Introduction to the SF "Make It Right" Program



## About Community Works West (CWW)

Vision: We envision a future where justice heals.

**Mission:** To catalyze our collective power to transform justice through programs and policy rooted in humanity and healing.

#### Our programs focus on

- → Family Services
- → Youth Development
- → Restorative Justice Diversion
- → Violence Prevention
- → Client-centered advocacy



## CWW Programs: Overview

**ONE FAMILY** CW YOUTH THEATER PROJECT WHAT! RESTORATIVE COMMUNITY CONFERENCES (RCC) RESOLVE TO STOP THE VIOLENCE PROJECT (RSVP) TAY MEN'S REENTRY & WOMEN RISING

## Welcome & Purpose

- → Brief overview of CWW
- → Understanding RCC
- → Introducing the MIR Program
- → Learn from a MIR Case Example
- → Understand how all parties benefit from MIR process
- → Hear from RJ Director at CWW



Patricia Martinez, Make It Right Coordinator as a youth participant in Project WHAT! A program of CWW

## Restorative Community Conference (RCC)

#### RCC is an RJD process that connects

- → The Person Harmed
- → The Responsible Person
- → The Support of P.H. / R.P
- → The Community

#### All parties benefit

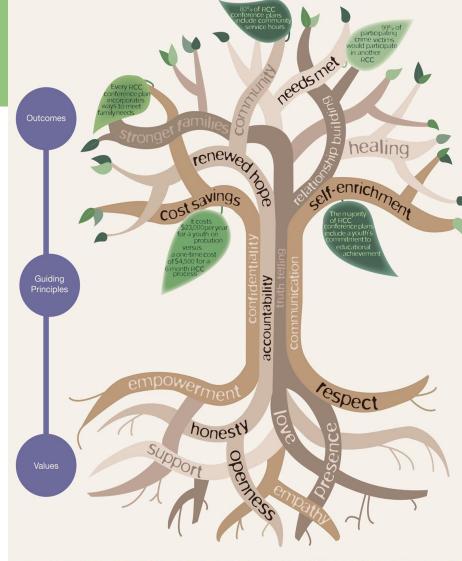
- → Opportunity for face to face dialogue
- Orients around needs of person harmed
- → Responsible party takes steps to repair the harm



### Make it Right Program

#### 3 Main Phases:

- Apology letter + Conference
   Preparation
- Restorative Community Conference & Accountability Plan
- Make Things Right & Program
   Completion
- → Partnership with Huckleberry/CARC to provide case management services
- → 100% of people who make it to conference, complete their agreements



#### THE ROOTS OF RESTORATIVE COMMUNITY CONFERENCIN

using restorative justice to heal individuals, families and communities impacted by harm

IF CRIME HURTS, JUSTICE SHOULD HE

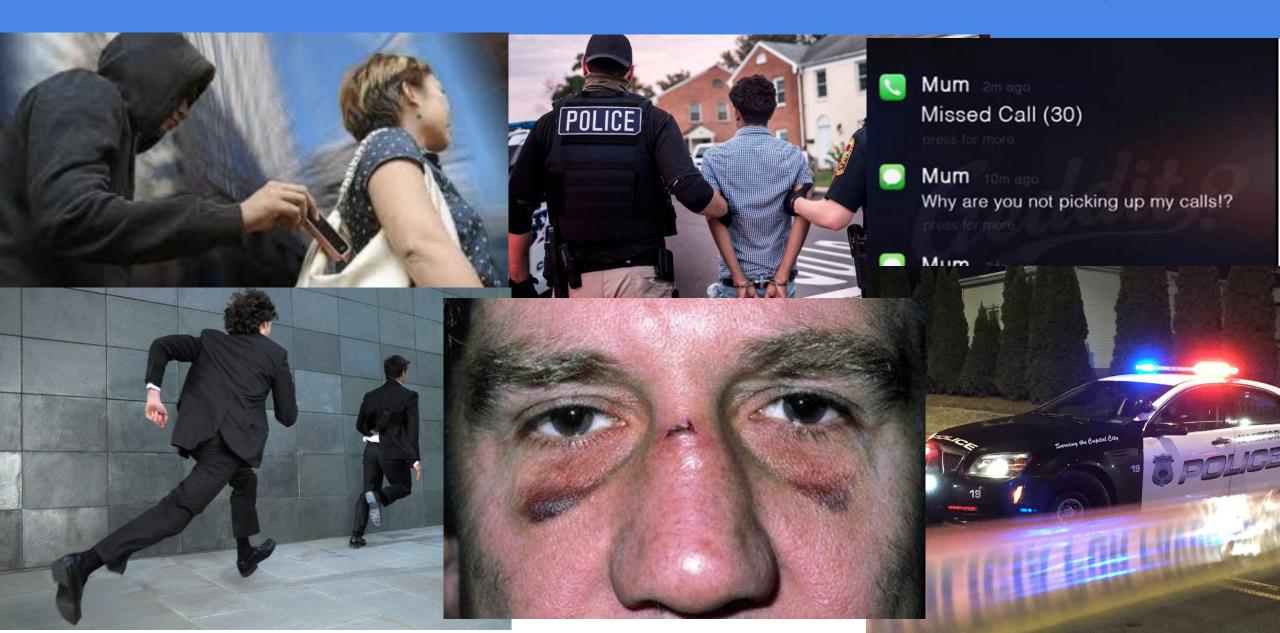
#### RESTORATIVE JUSTICE ASKS:

- what harm was done?
- what are the needs of those involved?
- how can that harm be repaired?

#### The Process

1. Youth Causes Harm 2. Cases Referred to Restorative 2 **Justice Diversion** 3. RJ Coordinator Prepares Each Party for a conference 4. Conference and Plan to Repair Harm 5. Youth Completes Restorative Plan

## Multiple harms are committed in a community



#### The MIR Process is a Transformative One

**Background:** Stealing a cellphone goes wrong

**Charge:** P.C. 243 Battery with serious bodily injury

P.C. 487 Grand Theft from a person

**Conference Takeaways:** 

Parties transform as a result of the process:

Healing is oriented around the needs of the PH Accountability initially feels like a hot-seat...

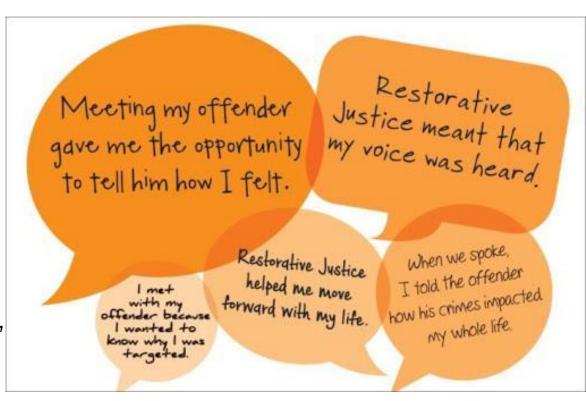
... in conference, that changes to warmth radiating in hearts and minds

"Is this enough?" -RP from this case "Can he touch my face?" -PH from this case



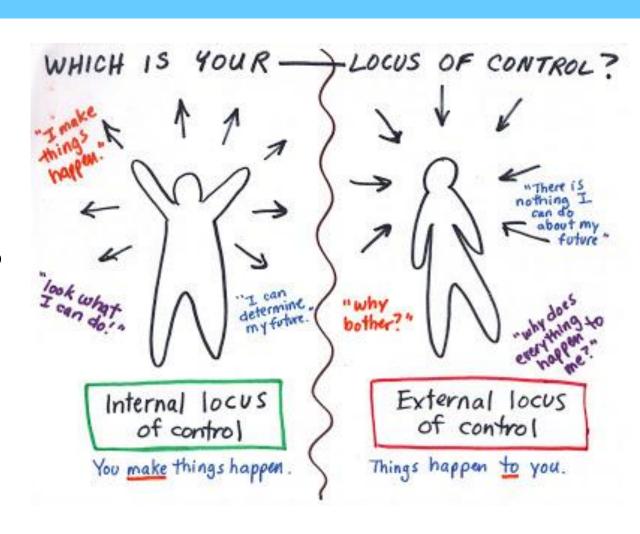
## Benefit to the Person Harmed (bystander)

- Opportunity to understand the motivation for stealing
  - Stealing for someone else in need.
- → PH felt the echoes of the immigrant narrative--
  - Acknowledging how Asian-Americans are often targeted
  - "We cannot trust the police / Voice our pain"
- Validation of their experience & harm
- → Direct involvement in determining the outcome of RP
  - ◆ (Ex. "Your people are builders")



## Benefit to the Responsible Person

- → Reflection on the what happened, and ripple effects of harm
  - Intuition saying "this is wrong"
  - Feeling demasculinized by peers
  - Understanding how actions can lead to consequences, not only for self
- → Develop empathy for PH by seeing interconnectedness
- → Develop their internal locus of control
  - Tap into their personal power to make active choices



## Benefit to the Family & Community

#### **Family / Support Person**

- Acknowledgment they also were impacted
- → Naming initial disbelief
  - Mom thought son was hurt or kidnapped
- → Opportunity to rebuild trust in RP
  - Wanted to replicate conference process with other family members

#### **Community Member**

- → Opportunity to address the ramifications of this harm in the community
- → Opportunity to offer perspectives as a person who has been harmed, and who has also harmed others
  - Homeless as a youth, robbed people to survive
  - Has also been a victim of theft/robbery

## Transforming the numbers

2.1 million

Number of youth under 18 arrested during a single year in the United States

26.3%

Percentage of 18-25 year olds who return to prison within the first three months

67.7%

Percentage of 18-25 year olds who return to prison after release

## Director of Restorative Practices @ CWW



- → Practiced Criminal Law approx. 13 years
- → Resource for SF DAO
- → Questions, concerns, skepticism all are welcome - email me & we'll make time to chat!

Annabelle Berrios, JD, MA aberrios@communityworkswest.org

### **Credits**

Youth.gov. Youth Involved with the Juvenile Justice System.

California Department of Corrections and Rehabilitation, 2014. 2014 Outcome Evaluation Report. Sacramento, CA: California Department of Corrections and Rehabilitation.

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Bernstein, Nell, 2014. Burning Down the House: The End of Juvenile Prison. New York, NY: The New

Lesson 1: What Is Restorative Justice? (n.d.). Retrieved from http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/#sthash.G6uBNev6.dpbs

### **THANK YOU!!!!**

Community Works

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