



National Council on
Crime & Delinquency

Restorative Justice's Higher Calling

*Ending Racial Disparities in
Juvenile and Criminal Justice*

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Why Focus on the Nexus of RJ and DMC?

Transformatively-Inspired Restorative Justice

- When processes interface with a system that has a disease, it can be contagious
- Is restorative justice inoculated?
- If we had a true understanding of terms like “equality” and “justice,” would we need to add the word “racial”?
- Because of unconscious bias, we need to focus on DMC in RJ

Racial Disparities in Diversion

National

	White	Black
Overall Pop. (10-17)	25,521,300	5,437,700
Arrests per 1000	48.9	105.7
Diverted per 100 referred	28.4	20.6

Alameda County

	White	Black
Overall Pop. (10-17)	35,575	20,926
Arrests per 1000	18	136
Probation div./100 ref.	4.9 (1 out of 20)	2.2 (1 out of 45)

Restorative Diversion in Alameda County

Began with Intention to Root Out DMC

- Soros Fellowship in 2008
- Alameda County Restorative Juvenile Justice Task Force
 - » Brought *everyone* to the table
 - » Relationship building, education, and training
 - » Strategic Plan
- One of 4 pilots was restorative diversion
 - » Restorative Community Conferencing

What is Restorative Community Conferencing?

- New Zealand's Family Group Conferencing (FGC)
 - Howard Zehr and Allan MacRae's Little Book of Family Group Conferences: New Zealand Style
- Grew from Maori desire to decrease DMC
 - Pilot went nationwide via NZ's Children, Young Persons and Their Families Act of 1989
 - Juvenile incarceration nearly obsolete through diversion and FGC

Can We Replicate it in Oakland?

We're going to find out!

Community Works West 3 year Title II Grant

Serious Crimes

- Burglary, Teen Dating Violence, Arson, Assault, Car Theft

Role of NCCD: advising and hopefully research

- So we can track victim satisfaction, recidivism, impact on DMC

RCC in Practice

How Does It Work?

Cases from Police, *Probation*, or DA *pre-charge*

Write to Child, Family

- Call child, family
- Show up at home of child, family

Write to Victim

- Call victim
- (Rarely) show up at victim's home (never at work!)

Prep, Prep, Prep

Prep Meetings with Both Sides

With victim: inventory losses, needs, concerns

- Engage supporters for day of conference

With young person: encourage accountability, identify needs, build support network for repairing harm

- Parent/guardians involved when at all possible
- Siblings involved where possible/ appropriate
- “Partners in crime” when at all possible

The Day of the RCC

- Meeting in neutral location
- DA or police officer reads charges
- Young person admits
- Victim tells his/her story
- Victim asks questions of young person
- Young person tells what happened
- Victim asks more questions
- Everyone speaks in turn (including grandma)

The Plan

- Young person and family step aside to create first draft of the plan
- Do right by victim, family, community, self
- Timeline for completion, help needed?, consequences if failure to complete
- Victim gives feedback first
- By consensus of everyone present, plan is finalized
- Completed within 3-6 months, no charges ever filed
- Celebration

RJ to Reduce Racial Disparities

Inoculate Your RJ

Systemic implementation = danger of developing system's problems

Bias can appear at several stages

1. Case selection
 - » System Case Selection
 - » Community Based Organization (CBO) Selection
2. Assessment for appropriateness
3. When plan completion isn't going smoothly

System Case Selection

Less Discretion = Less Discrimination

- I.e. DA diverts *all* burglaries that have 2 or fewer priors
- Driving Under Influence in your community?
 - » If youth of color aren't getting arrested for DUI, don't limit your program to DUI if you want to serve diverse communities.
 - » Burglary isn't a crime that underrepresents children of color in Oakland

CBO Case Selection

What's Standing in for Race?

Geography

- A Piedmont-centered program (1.3% AA) won't represent who's in Alameda County's juvenile hall
- Transportation issues

Assessment for Appropriateness

- Prior systems contacts
- Youth in group home/without active family

CBO Case Selection, Con't

Assessment for Appropriateness

- How kid presents
 - » Excited vs. bored may be indicative of trauma
 - » Deciding for victim that this kid is "scary" ("attribution")
- Gang affiliation/alleged gang affiliation
- Language
 - » Parental language difficulties
 - » Services for plan completion

Reverse cherry-picking

- Pick the kid whose brother was just shot, whose father's incarcerated, who's in a group home, who's chronically truant

Plan Completion

Set It Up for Success

- What help does the young person need to complete?
- What help do his/her natural supports need to help him/her complete?

Don't Give Up Yet!

- Attribution: remember how young 14 really is
- Remember that "failure" triggers shame, which might read as "I don't care"

Overcome Funder Fear to Fight DMC

Realistic Markers of Success

CBOs need to be brave enough not to have 90% success rates

- Alameda County's JJ system has a 75% recidivism rate
- If Community Works' RCC program has a 25% recidivism rate, that's going to be a huge improvement

The Real Bang for the Funders' Buck

- Remember, effective diversion is cheaper than systems involvement
 - » More so when we reduce recidivism

Crabs or Dolphins in a Pot?

Be Dolphins in a Pot

Committing not to be crabs in a pot

- Don't undercut each other
 - » "My program costs only \$800/case, they cost \$3,500."
 - » What is the racial/socio-economic makeup of the community you serve? What kinds of cases are you taking?

Admit it costs more to do right by traumatized children and families

- Services/Wrap around
- Reasonable pay for facilitators who live in cities and work with traumatized youth and their families every day
 - » Preventing burn out and turnover costs something
 - » Dolphin = modeling and supporting self-care

Welcoming Children/Families of Color

Trust is the Key!

“Reverse Miranda”

- In writing from the District Attorney

We aren't housed inside the system

- CBOs are ideal when trust is a factor

We choose you and honor you for choosing us

- Reverse Cherry Picking
- Get a new vision: All children are cherries to be picked
 - » They are all “good kids.”

Welcoming Children/Families of Color, Con't

We come to you

- Shows we're not afraid of you or your community

We look like you/We are you

- Hire a diverse set of facilitators
- Have a broader vision of what makes for good RCC facilitators



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Thank You!

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