

Introduction and History of CJC (Community Justice Conferences)

By Dr. Ron Claassen - Founder (1982) of Fresno VORP/CJC, Director of the Center for Conflict Studies and Peacemaking (1990 – 2010), Professor Emeritus (Peacemaking and Conflict Studies)

Contributor: Duane Ruth-Heffelbower – Attorney and Mediator, Assistant Professor (Peacemaking and Conflict Studies (1990 – 2010), Director of the Center for Peacemaking and Conflict Studies at FPU (2010 – 2015)

Contributor: Seya Lumeya – Current director of CJC, VORP/CJC Mediator, Graduate Student in Peacemaking and Conflict Studies at FPU.

Contributor: Jason Ekk – Attorney, Assistant Professor (Criminology and Restorative Justice Studies (2012-2016), Program Director of the Restorative Justice Initiative in Fresno County (2007-2010)

This introduction is to provide context for the reader of the CJC Research/Evaluation report. It adds background and history information as well as additional detail regarding CJC processes used. The research/evaluation was funded by the California Endowment and conducted by a team lead by Dr. Mary Louise Frampton, attorney and professor at University of California, Berkeley Boalt Law School.

There are many contributing factors to the creation of the CJC pilot project. This article will briefly describe the history of how it came to be. By no means is it an exhaustive explanation.

On a broader side, the CJC pilot project has drawn from and contributed to an expanding and deepening international restorative justice field.

The specific Fresno CJC pilot project emerged from the vision of Claassen, director at the Center for Peacemaking and Conflict Studies (CPACS) at Fresno Pacific University (FPU) and the founder of Victim Offender Reconciliation Program (VORP) of the Central Valley.

The Fresno Victim Offender Reconciliation Program was founded in 1982 by Claassen. The Fresno VORP received its first case in February 1983. It experienced slow and steady growth in case load and increasing criminal justice system, church, and community support. Over the years, the VORP case load varied from the first year of 85 to more than 60 cases per month in one year. Nearly 1,500 volunteer mediators from many backgrounds have been trained, with about 10 to 100 actively involved as mediators with VORP in a given year.

VORP Referrals came primarily from the Fresno Probation Department. The consistency of referrals was a problem for VORP because they were dependent on a person inside the system referring cases out. Because people in the referral positions changed frequently, and because referrals were made on the basis of a person feeling comfortable making the referral, the numbers of referrals varied greatly, depending on who was responsible for making the referrals. A group known as the Restorative Justice Framework Committee, chaired by Ron Claassen, applied for a grant from the California Endowment to address this problem. Ron's idea was to address this problem in a way that would enhance public health by creating a systemic change that would be offer all victims and offenders the option of a Community Justice Conference. The plan was to duplicate a system similar to the New Zealand juvenile justice system law (Children, Young Persons, and Their Families Act 1989) that would make referrals systemic, rather than dependent on individual personalities. CPACS at FPU would be the recipient organization.

In August of 2007, the Center for Peacemaking received a planning grant from 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. During the due diligence process for deciding whether to make the grant, the California Endowment received agreement from the District Attorney, Public Defender, Probation Department, and the Presiding Juvenile Judge to participate in the planning process with the Fresno Restorative Justice Framework committee. The grant was managed by the Center for Peacemaking and Conflict Studies (director Ron Claassen) at Fresno Pacific University.

In the beginning months of the grant, CPACS hired Jason Ekk as the program director to work with Claassen and the Framework Committee. Jason spent many hours planning, scheduling, and going to meetings to bring the right people to the table to develop this pilot project. There were three groups in this planning process that proved essential:

1. Restorative Justice Framework Committee- This group provided the direction, contacts and support to assist the director in establishing the other working groups and necessary vision to move everything forward. This group was made up of Lynne Ashbeck (City of Clovis), Dr. Arthur Wint (Professor of Criminology CSUF), Dr. Ron Claassen (CPACS), Dr. Duane Ruth-Heffelbower (CPACS), Dan DeSantis (Fresno Regional Foundation), Phil Kader (Fresno County Probation) and Doug Noll (Professional mediator). The RJ Framework Committee served as a “board of directors” of sorts for the program director. This group existed several years prior to the grant funded work and their vision and planning provided the framework for the work that followed.
2. Restorative Justice Network- The purpose of the RJ Network was twofold: 1) educate the community on the theory and best practices of restorative justice as it pertains to the juvenile justice system and 2) generate feedback from a diverse range of constituencies from the community on restorative justice practices. We had meetings about every three months and had special speakers talk about various aspects of restorative justice. Attendance varied from 25-50 each meeting. The participants included representatives from various government agencies, non-profits, religious organizations, victim organizations, local mediators, business people, and others.
3. Juvenile Justice Group (JJG)- This group was formed out of the RJ Network meetings and consisted of the four main entities in the juvenile justice system that would be affected by a CJC pilot project, the presiding juvenile judge, District Attorney’s Office, Public Defender’s Office and Probation, CPACS and VORP. During the planning phase of the pilot project the JJG met for about six months every two weeks for at least two hours. The JJG

developed the logistics and details of the pilot project. This group continues (although many individuals have changed) to meet on a quarterly basis to work on implementing and improving the process.

After the one and one-half year planning process, CPACs applied for and received an implementation grant from the California Endowment to implement the plan created by the Juvenile Justice Group. Through this grant the VORP/CJC pilot project became a reality. During the planning phase the discussion came up as to where should the project be “housed?” In other words, which organization will take over the day-to-day supervision, case management, and other responsibilities? The Juvenile Justice Group decided that the Victim Offender Reconciliation Program of Central Valley should be that organization as it already had the infrastructure, case management system and knowledge and capacity with a pool of trained mediators.

The first VORP/CJC case was received on July 6, 2009. The VORP/CJC directors in the first five years were, Noelle (Dauodian) Nightingale, Tim Nightingale, and Seya Lumeya. The PACS directors who provided oversight were Ron Claassen and Duane Ruth-Heffelbower.

Guided by the Restorative Justice Fundamental Principles

<http://restorativejusticediscipline.com/library/rjprinc.html> and the Peacemaking Process, <http://restorativejusticediscipline.com/library/APeacemakingModel.pdf>

both developed by Ron Claassen, the structure and meeting process evolved. The key elements at the beginning were to include:

1. To be sure that the meeting included the victim and offender along with their support people (family, friends, teachers, colleagues, etc.) who would help improve the quality of the meeting and agreements. At times, the meeting included a criminal justice official and/or additional community members. While some traditional VORP cases included a larger group like this, the CJC process required it.

2. To be sure that all participants engaged with the process voluntarily and with a commitment to be constructive (not to overlook the violations, injustices, and impact that these had on the individuals).
3. To be sure that the mediator/facilitator, in separate preliminary meeting with the victim and offender and their support groups, helped prepare parties to participate with full understanding of the process and to empower each to say if the process at any time did not seem fair (which then meant discussing what was not fair and making the adjustments so that it would be fair or ending the meeting). The preparation included being sure that the parties were also clear that they were the decision-makers and that unless all participants (except the mediators) agreed, there would be no decision.
4. The joint meeting included the basic elements of the Peacemaking Model:
 - a. Recognize the injustice/violation/problems/needs/concerns etc. and to be sure that they were understood, someone would summarize (usually the offender for the victim and the victim for the offender or if the victim preferred, someone else chosen by the victim).
 - b. Together figure out how to restore equity as much as possible. This often included an apology by the offender to the victim and as time passed, this apology became a written one that was read to the victim by the offender. In addition to apology, in this part of the process they discussed and decided what restitution would be appropriate and how it would be paid.
 - c. Clarify Constructive Future Intentions. When the first two parts were completed the discussion would turn to clarifying the parties' constructive future intentions, both relationally and individually.
 - d. Finally, after writing the agreement and being sure that everyone agreed with what was written, they would search for and set a good follow-up time for the purpose of again looking at the agreements and then acknowledging if the agreements had been kept and if not, what options they might pursue. They were reminded that

“When agreements are made and kept, trust grows.” (Ron Claassen).

5. As time passed and experience was gained, it was realized that value could be added to the entire process by having two full mediation/peacemaking meetings, the first with the offender and family only. This recognized that the offender’s family is also a victim and in the meeting with the “named” victim, the family did not have the opportunity to be in the victim role. So the first meeting is with the offender and their family and they follow the full process as outlined in #4 above. Then the second mediation meeting, again following the full process, was with all participants.

We will not discuss here the communication between VORP/CJC and the Juvenile Justice System that is essential for each case because that is well documented in the research/evaluation report.

Perhaps what is most important about the CJC project was that it made the mediation/peacemaking process a central part of juvenile justice system and it was offered to all eligible cases, not just those where a criminal justice official thought it would be a good idea. It is both the mediation/peacemaking process and the systemic aspect of the project that reduce bias on which cases are chosen and if fully implemented would significantly eliminate racial disparity in the juvenile justice system.

This CJC project is a good start but only a start. It will require courageous leadership from our juvenile justice system leaders to fully implement CJC for all cases (except rape and murder). If fully implemented it would significantly reduce recidivism, increase reimbursement for victims, reduce system costs, improve safety and public health (see the following: **EVALUATION OF FRESNO COUNTY COMMUNITY JUSTICE CONFERENCE PROGRAM** research/evaluation Executive Summary and Evaluation Report).

The **EVALUATION OF FRESNO COUNTY COMMUNITY JUSTICE CONFERENCE PROGRAM** was funded by the California Endowment and conducted by a team lead by Dr. Mary

Louise Frampton, attorney and professor at University of California, Berkeley Law School.

EXECUTIVE SUMMARY

The Fresno County Community Justice Conference Program (“CJC”), a restorative justice project of the Fresno County Juvenile Court, was the focus of this research and evaluation project. In a collaborative effort of Fresno County’s Juvenile Court, Probation Department, District Attorney’s Office, Public Defender’s Office and Fresno Pacific University’s Center for Peacemaking, young people charged with first time misdemeanor offenses engage in a restorative process with their families and the victims of their offenses. Since the inauguration of the program in 2008, over fifteen hundred cases have been resolved in this fashion.

The purpose of this research project was to evaluate the effectiveness of the CJC program by a variety of different measures. The first was to determine whether young offenders whose cases were resolved in a restorative manner through the CJC program re-offended with greater frequency, lower frequency, or the same frequency as offenders whose cases were resolved solely by the court (the recidivism rate). The second was to gauge whether the victims in these CJC cases were compensated at a higher, lower, or similar rate as the victims whose cases were resolved solely by the court (the restitution rate). The third was to research whether the program saved the County of Fresno money or was more costly than the court system (cost-benefit analysis). The fourth was to assess the program through the eyes of the victims and the young offenders and their parents/guardians who have participated in the program (interviews).

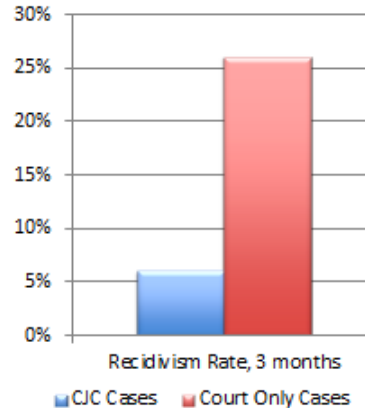
Community justice conferencing is a way of “doing justice” that focuses on the responsibility of young offenders to repair the damage that their misbehavior has caused so that the needs of victims are satisfied and the community is safer. Restorative justice brings together those most affected by the youngster’s offense to craft a plan to “make things right” for the victim, to hold the offender accountable, and to identify the reasons for the offense to avoid its repetition. In the restorative justice process victims have agency and are given a strong voice so that their interests can be protected. By hearing directly from victims and family members about the harm that they have caused, young offenders are confronted with the impact of their actions on others and learn to develop empathy. Given the opportunity to apologize to victims and to fix the problems they have caused, young people become more responsible and productive adults.

Lower Rates of Recidivism

The research study found that young people who participated in CJC had lower rates of recidivism than those who were charged with similar offenses and whose cases were handled solely through the regular court process prior to the inception of CJC. Within three months of the offense about one in four (26%) of the juveniles whose cases had not been diverted to CJC had re-offended while only about one in twenty (6%) of the CJC participants had re-offended. Within six months the rates were 22% for non-CJC participants and 4% for participants. At one year the rates were 15% for non-CJC participants and 2% for CJC participants. At two years the rates were similar: 13% for non-CJC participants and 2% for CJC participants.

Recidivism

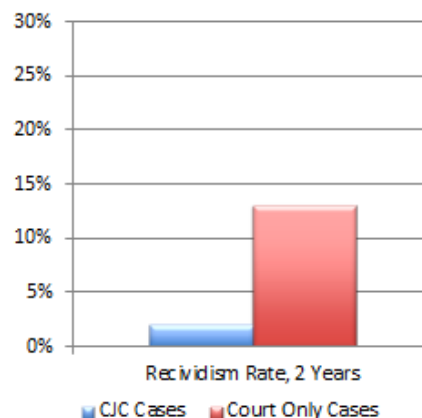
- 3 months after the offense CJC youth recidivate at a rate of 6 percent. (2008-2013)
- By comparison, the recidivism rate for court only cases is 26 percent. (2003-2007)



Recidivism

Two years after the offense the CJC youth recidivate at a rate of 2 percent. (2008-2013)

By comparison, the recidivism rate for court cases is 13 percent. (2003-2007)



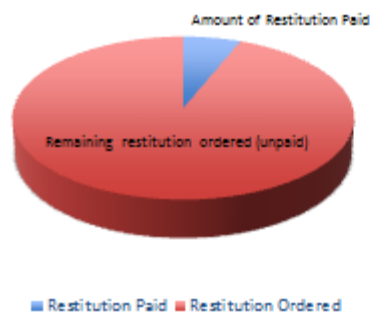
Higher Rates of Restitution

When the courts adjudicate juvenile delinquency cases they sometimes order the juvenile to compensate the victim for the monetary damages suffered as a result of the offense. This compensation is usually called “restitution” or “reimbursement for costs incurred.” Fresno

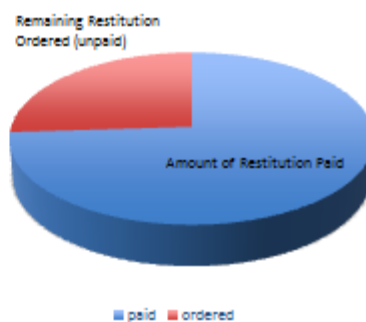
County collects slightly over 6% of the restitution ordered by the Juvenile Court in misdemeanor cases. CJC collects 74% of the restitution ordered by the Juvenile Court in cases that have been referred to CJC.

Misd. Case Restitution Comparison

Restitution: Non- CJC Cases



Restitution: CJC Cases



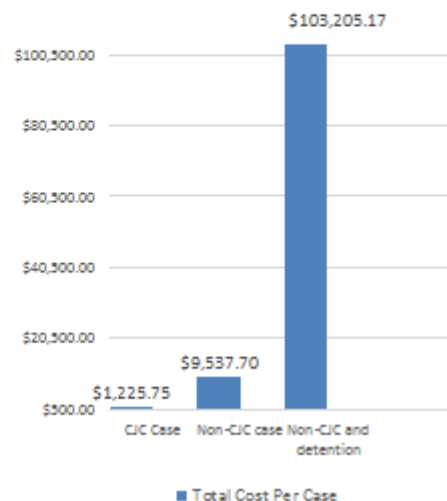
In a three year comparison, CJC youth paid 74% of assigned restitution. In comparison, non-CJC youth only paid 6% of assigned restitution.

Lower Costs

The study found that the costs of cases diverted to CJC were substantially lower than the costs of cases processed solely through the court system. A case which is diverted to CJC costs an average of \$1225.75 while a case which is processed only by the court system costs on average \$9537.70 if the case is resolved before trial and the young person is placed on probation for one year rather than being incarcerated. If the case goes to trial or the youngster is incarcerated the cost difference is even greater.

Juvenile Misdemeanor Case Cost

- Estimated total cost for a CJC case is **\$1,225.75**
- Estimated total cost for a non-CJC case is **\$9,537.70**
- Estimated total cost for a non-CJC case if the youth is incarcerated for a year is **\$103,205.17**
- A non-CJC case cost **\$8,311.95** more than a CJC case



Stakeholders Were Enthusiastic About CJC

The Fresno County Juvenile Court, Probation Department, District Attorney's Office, and Public Defender's Office all voiced enthusiastic support for CJC. The stakeholders lamented the fact that the overcrowded court system is often not equipped to provide the in-depth examination of the myriad of circumstances giving rise to each case that comes before it, much less to the often complex and multi-layered problems facing each child, the family members of each child, and the victims of each offense. Because the CJC process is usually able to explore many of these issues the resolution of the case can be individually tailored to meet the needs of everyone affected by the offense. As one Juvenile Court judge stated: "It's all about the truth, not about the proof."

Victims Expressed High Satisfaction With CJC

Twenty victims who participated in CJC were selected at random and interviewed at a time and place of their choice. They were victims of assault and battery, theft, bringing a knife to school, destruction of property, fighting, and leaving the scene of an accident. In a few of the cases the injuries were fairly substantial. The interviewees included businesspeople, city employees, and school officials; adults and young people; strangers to, and acquaintances of, the young offenders.

Victims expressed nearly unanimous enthusiasm for CJC, praise for CJC staff, and support for restorative practices. Agreements were reached and kept with all the victims except one. Victims reported feelings of enhanced safety after the mediations as well as a sense of closure. They appreciated the opportunity to tell the offenders how they were hurt by them and to witness the youngsters' apologies. Some related they were angry, skeptical, or concerned before the mediation but that these feelings evaporated after their participation. They related their observations that the young people were taking responsibility for their misbehavior and how emotional and difficult the experience was for the youngsters. Although they were victimized, many were very sensitive to the challenges facing young people. Some contrasted their negative experiences with the criminal justice system with their positive experiences with CJC. Nineteen of the twenty victims interviewed thought CJC would be appropriate for more serious crimes. The one victim who had no opinion on the matter stated that she lacked sufficient knowledge to make a judgment.

Family Members of Young Offenders Related the Positive Impacts of CJC

Twenty parents, grandparents, and guardians of youthful offenders were also selected at random and interviewed in this study. The cases involved vandalism, drug possession, shoplifting, theft, and bringing a knife to school. These interviewees had a two-fold involvement with CJC as they participated in the family group conference as well as the victim-offender mediation. Like the victims, the parents expressed enthusiasm for CJC and for restorative practices.

Almost all credited CJC with teaching their children that there were real consequences from their actions. Most reported their young persons' participation in CJC improved their behavior and attitudes and enhanced the communication within the family. Some noted their youngsters used what they learned from CJC to become leaders rather than followers. They also expressed appreciation for CJC's focus on "bad choices" rather than "bad kids."

The two parents who did not think that CJC was effective for their children highlighted a deficiency in the current configuration of the program. At the present time a young person with

serious drug problems cannot both participate in CJC and also receive drug treatment through the Probation Department. Hence, the parent of a child with significant drug addiction did not feel that CJC was sufficient to address his addiction. The other parent felt CJC was too onerous for an offense that was simply a dispute between parent and child.

Young Offenders Reported How CJC Changed Their Perspectives

Twenty young offenders of various ages, races, and ethnicities were also chosen at random and interviewed. An equal number of boys and girls, they came from the full range of economic circumstances. Everyone reported satisfaction with the program. All reached agreements and all but one completed their agreements. Even though their cases were different than those of the family members interviewed, the themes that emerged from the interviews were similar. They commented that their participation in CJC was difficult and embarrassing but that it had changed their perspectives and, for some, their lives. Many reported their involvement in the program encouraged them to leave friends who were bad influences, to perform better in school, to foster good relationships, and to become more responsible people.

EVALUATION OF FRESNO COUNTY COMMUNITY JUSTICE CONFERENCE PROGRAM

The purpose of this research study was to assess the efficacy of the Fresno County Community Justice Conference Program (“CJC”), a restorative justice project of the Fresno County Juvenile Court. A collaborative effort of Fresno County’s Juvenile Court, Probation Department, District Attorney’s Office, and Public Defender’s Office, the program diverts young people charged with a first time misdemeanor offense to Fresno Pacific University’s Center for Peacemaking to engage in a restorative process for resolving that offense. Inaugurated in 2008, the program is a leader in the State of California.

Methodology

The methodology of this research involved a quantitative analysis of comparative rates of recidivism and restitution between five years of CJC cases and a “control” group of similar cases for the five year period immediately preceding the inception of the program. It also utilized a simple cost benefit analysis. On the qualitative side the researchers interviewed sixty participants from sixty different cases: 20 victims, 20 parents or other family members of youthful offenders, and 20 young offenders. These numbers were three times greater than the grant proposal indicated but seemed necessary to obtain a more accurate and richer picture of the participants’ perspectives. The stakeholders approved this methodology.

The researchers also conducted confidential interviews of the stakeholders to assess their perspectives on the strengths and weaknesses of the program. All of the stakeholders expressed support and enthusiasm for the program. The perspectives of those Juvenile Court judges who do not belong to the CJC Collaborative ranged from mildly supportive to wholeheartedly enthusiastic. A few judges commented that the size of their caseloads often prohibits them from spending the amount of time that is required to make proper judgments about young people and were grateful that CJC was not so constrained. One said of restorative justice: “It’s all about the truth, not about the proof.”

A few hundred cases were selected at random. The randomization methodology insured that the participants selected would be representative of the gender, racial, and ethnic diversity of the pool. The interviews took place at a time and location selected by the interviewees and lasted between a half hour and an hour and a half.

QUANTITATIVE FINDINGS

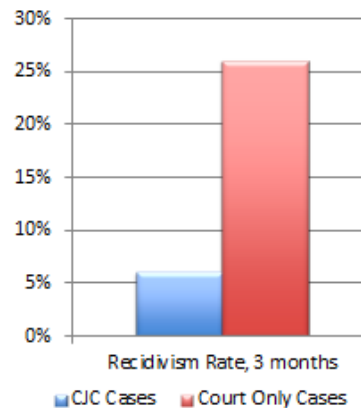
1. Comparative Recidivism Rates

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The Fresno County Probation Department data show that within three months of the offense 26% of the young people in the “control” group (those who were charged with a first offense misdemeanor and would have been eligible for the CJC program if it had existed at that time) re-offended while only 6% of CJC participants got into trouble again. Within six months, the rates were 22% for non-CJC participants and 4% for participants. At one year the rates were 15% for non-CJC participants and 2% for CJC participants. At two years the rates were similar: 13% for non-CJC participants and 2% for CJC participants.

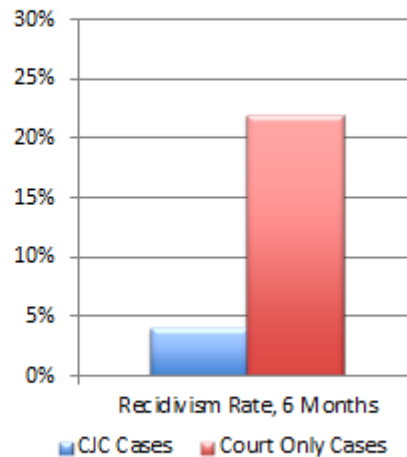
Recidivism

- 3 months after the offense CJC youth recidivate at a rate of 6 percent. (2008-2013)
- By comparison, the recidivism rate for court only cases is 26 percent. (2003-2007)



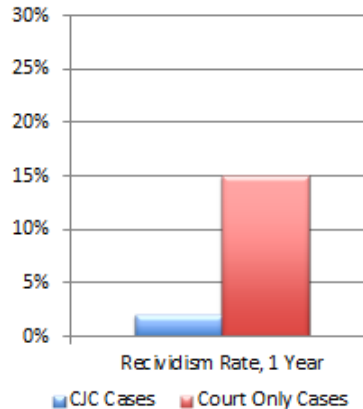
Recidivism

- 6 Months after the offense CJC youth recidivate at a rate of 4 percent. (2008-2013)
- By comparison, the recidivism rate for court cases is 22 percent. (2003-2007)



Recidivism

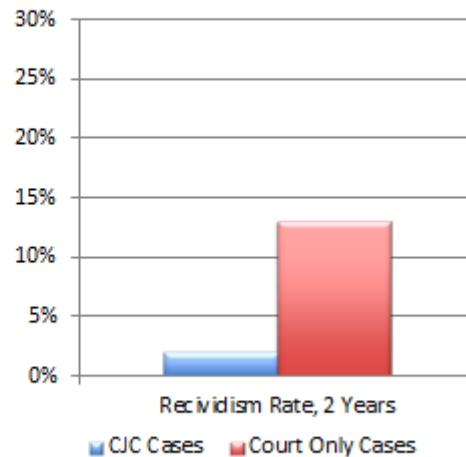
- 1 Year after the offense CJC youth recidivate at a rate of 2 percent. (2008-2013)
- By comparison, the recidivism rate for court cases is 15 percent. (2003-2007)



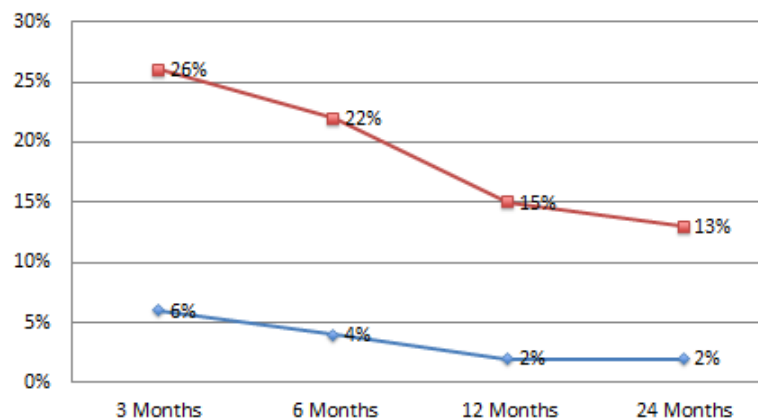
Recidivism

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Recidivism, CJC Cases (2008-2013) and Court Only Cases (2003-2007)



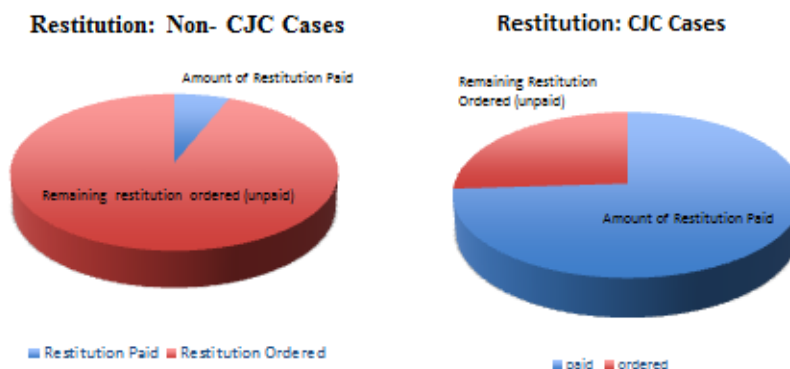
2. Comparative Restitution Rates

Historically the Fresno County Probation Department was responsible for executing the Juvenile Court orders for restitution but records were not kept in a manner that would accurately reflect rates of restitution. Over the past three years, however, the Fresno County Revenue Collections Unit has assumed this duty. The transfer of authority made an assessment of restitution rates by Fresno County during the time period of this study virtually impossible. Instead, the researchers used the rate of restitution by the County over the last three years. Hence, the comparison is not exact. The general state of the economy was more distressed in the 2009-2012 period than in the 2012-2015 period so it is possible that the rates of non-CJC Fresno County reimbursement during that period might have been lower than what is reflected here but there is no way to test that hypothesis.

The victim restitution assigned from the Juvenile Court to the Revenue Collections Unit for the 2012-2013 year was \$1,380,628.91. The amount actually paid on those court orders was \$90,204.30, or slightly over 6% of the amount ordered..

The amount of restitution ordered by the court in CJC was \$72,685.58 and the amount collected by CJC was \$54, 061.67. Hence, the percentage of restitution paid was 76%.

Misd. Case Restitution Comparison



In a three year comparison, CJC youth paid 74% of assigned restitution. In comparison, non-CJC youth only paid 6% of assigned restitution.

3. Comparative Cost

Using cost figures provided by the Fresno County Juvenile Court, Probation Department, District Attorney's Office, Public Defenders Office, and Fresno Pacific University's Center for Peacemaking, the researchers calculated the average cost of juvenile misdemeanor cases that are processed solely by the court and those that are diverted to CJC. It should be emphasized that the figures presented are very rough estimates as each case is different and statistics kept by Fresno County offices are not closely correlated with the research questions presented here. Costs escalate when a case goes to trial and/or a young person is incarcerated. Yet even cases that resolve prior to trial or do not involve incarceration can require significantly different amounts of time and thus revenue.

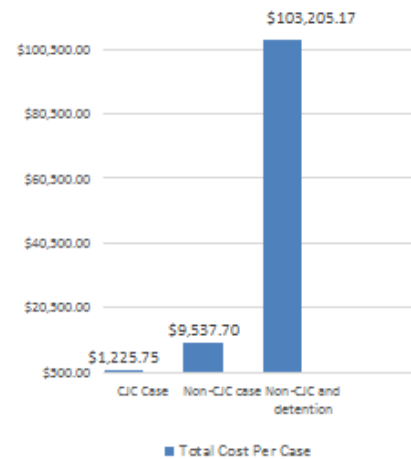
The average cost of a juvenile misdemeanor case that is processed through the normal court system is \$9537.70 if the case is resolved prior to trial and the young person is not incarcerated but is placed on probation for one year. This total reflects a cost of \$83.00 in judicial time, \$845.02 in District Attorney's Office time, \$511.68 in Public Defender's Office time, and \$8100.09 in Probation Department time. If the youngster is incarcerated or if the case goes to trial the costs are significantly higher. For example, a case that goes to trial costs the Public Defender's Office alone over four times more than the case that is resolved prior to trial. Similarly, a case in which a young person is incarcerated for a year costs the Probation Department \$103,205.10. For purposes of this study, however, the researchers took the more conservative view and used the average figure for cases that do not go to trial and involve probation rather than incarceration.

The average cost of a juvenile misdemeanor case that is diverted to CJC is \$1225.75. This figure represents an average cost of \$700.00 in Fresno Pacific University Center for Peacemaking time, \$62.00 in judicial time, \$241.25 in District Attorney's Office time, and \$222.50 in Public Defender's Office time. Hence, the cost differential between the cases processed solely through the court system and those diverted to CJC is \$8311.95 per case.

In addition there are significant additional cost savings to the County from the substantially lower recidivism rates for those young people whose cases have been diverted to CJC. Because such an analysis requires such a complex set of variables (e.g. trial time, time in incarceration, number of subsequent offenses, seriousness of subsequent offenses, duration in time) the amount of savings could cover a wide spectrum and be subject to some conjecture. For that reason the researchers chose to focus on a more conservative and concrete analysis of current costs.

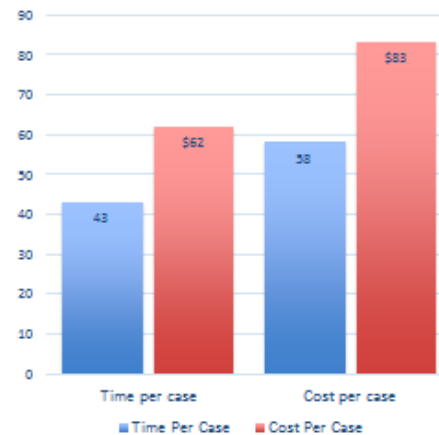
Juvenile Misdemeanor Case Cost

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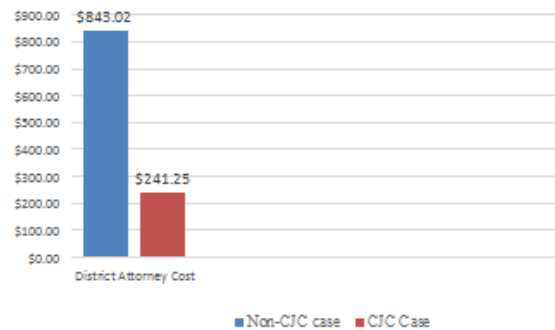


Judicial Case Data

- Average time judges spend per case is 58 mins per non-CJC case
- Each CJC case takes 43 mins
- A non-CJC case is \$83.00 per case.
- A CJC case costs \$62.00 per case



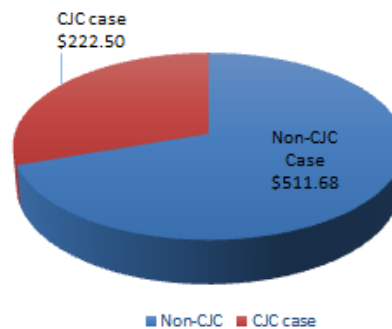
District Attorney Case Cost (per case)



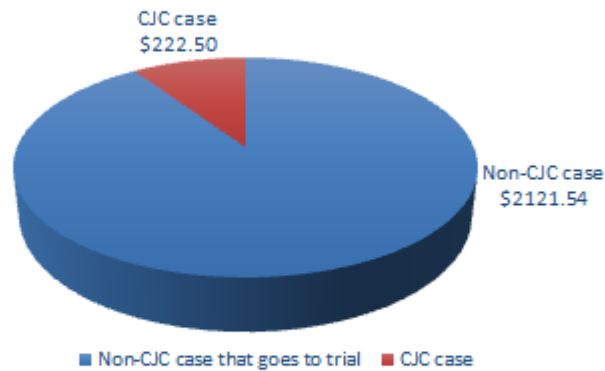
Estimated total DA cost difference between a CJC case and a non-CJC case is **\$601.77** per case

Public Defender Cost (per case)

- The public defender's office spends **\$289.15** more dollars on a non-CJC case that does not go to trial than it does on a CJC case.
- This figure amounts to **43%** more funds spent on a non-CJC case than on a CJC case



Public Defender Cost (per case)



- A non-CJC case that goes to trial- the cost for the Public Defender is \$2121.54 per case
- In comparison, the cost for a CJC case is \$222.50 per case
- Cost difference of \$1899.04

QUANTITATIVE FINDINGS OF THIS STUDY CONSISTENT WITH OTHER RESEARCH

These quantitative findings are consistent with other research findings on the efficacy of restorative justice programs. In recent decades, criminal justice systems across the world have turned to restorative justice practices to augment many of their existing criminal justice protocols. New Zealand has entirely replaced its criminal justice branch for juveniles with a restorative justice system and has witnessed precipitous drops in offending as well as reoffending.

Impact on Recidivism

Most research studies have found reductions in recidivism when people were diverted from court to restorative justice programs. Some studies found significant reductions in re-offending while others found only slight decreases. While some meta-analyses of restorative justice evaluations cited that the differences in observed impact could be attributed to study designs or inconsistent definitions of “reoffending”, several meta-studies found that the more rigorous

studies (those that controlled for intervening factors) actually found higher decreases in recidivism rates for offenders that participated in restorative justice programs.¹

For example, youth who were processed through the Victim Offender Mediation program in Multnomah County, Oregon recidivated at a rate of 22% less than those processed through the court during a one year follow-up period (20% versus 42%).² In Australia, restorative justice conferencing has produced a reduction of 15% to 20% in re-offending across different offense types (regardless of gender, criminal history, age and ethnicity of offenders). The RISE project in Australia found that juveniles participating in restorative justice conferencing decreased rates of recidivism by as much as 38% when compared to the juveniles whose cases were processed through the courts (11% versus 49%).³

Even studies that did not seek to quantify the reductions in recidivism noted that restorative justice was able to positively address and mitigate the risk factors that increase the likelihood of an offender recidivating such as substance abuse, aggression, and poor disposition toward school.⁴

Moreover, while many studies found that there were no major differences in recidivism rates for offenders charged with property crimes and those charged with violent crimes who were diverted to restorative justice programs, several studies found that restorative justice actually reduced reoffending more effectively with more, rather than less, serious crimes.⁵

¹ Sherman and Strang. (2007). "IIRP: Restorative justice: the evidence." The Smith Institute. Umbreit, Coates, and Vos. (2002). "The Impact of Restorative Justice Conferencing: A Review of 63 Empirical Studies in 5 Countries." University of Minnesota, Center for Restorative Justice & Peacemaking School of Social Work, College of Education & Human Development. Bain, Kristin. (2012). "Restorative Justice and Recidivism: A Meta-Analysis. Electronic Theses and Dissertations." Paper 46. Bradshaw, William and Roseborough, David J. (2005). "Restorative justice dialogue: The Impact of Mediation and Conferencing on Juvenile Recidivism." Social Work Faculty Publications, Paper 24. Bergseth and Bouffard. (2007). "The long-term impact of restorative justice programming for juvenile offenders." Journal of Criminal Justice 35: 433-45. Strang H, Sherman LW, Mayo-Wilson E, Woods D, Ariel B. (2013). "Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review." Campbell Systematic Reviews. Nugent, W., M. Umbreit, L. Wiinamaki and J. Paddock (2001). "Participation in Victim-Offender Mediation and Severity of Subsequent Delinquent Behavior: Successful Replications?" Journal of Research in Social Work Practice 11(1): 5-23.

² See Umbreit, Coates, and Vos (2002).

³ Linton, Hilary (2003), Restorative Justice Conferencing and the Youth Criminal Justice Act.

⁴ See Strang (2003).

⁵ Sherman, Strang, Barnes, Woods, Bennett, Inkpen, Newbury-Birch, Rossner, Mearns, Slothower. (2015), "Twelve experiments in restorative justice: the Jerry Lee program of randomized trials of restorative justice conferences."

Cost-effectiveness

Few studies have attempted to rigorously quantify the net savings that restorative justice has generated for the criminal justice system. However, the existing studies generally assert that the use of restorative justice to divert offenders from court generates substantial savings due to the time and resources that would otherwise be expended by law enforcement officials and the court.

The Restorative Community Conferencing program in Alameda County, California estimated that it saved \$37,922 per juvenile that it diverted from the county court system (at a cost of \$13,908 versus \$51,830).⁶ A cost-effectiveness study evaluating a restorative justice program in Massachusetts found that restorative justice was nearly six times more cost-effective than the traditional criminal justice methods.⁷

Other countries have also benefited from the cost-effectiveness of diverting offenders through restorative justice programs. Restorative justice conferencing in London was found to be as much as 14 times as cost-effective at preventing crime as the traditional criminal justice system.⁸ The Restorative Resolutions program operating in North Wales, Australia saved the police an estimated 3,363 hours--valuated at \$153,671.⁹ The Community Holistic Circle Healing Process in Hollow Water First Nation in Manitoba, Canada estimated that the program saved the province \$2,551,414 over 10 years--with a net savings to the federal government of \$1,261,317 over that same period of time. The literature overall suggests that restorative justice alternatives generate yet to be quantified net savings on the victim side for mental health services costs.

The emerging evidence of the positive impact restorative justice has on recidivism and cost-effectiveness is further supported by the reports of overwhelming participant satisfaction, the

Journal of Experimental Criminology 11(4): 501-540. See Bain (2012). Walgrave, Lode. "Advancing RJ as the Ground for Youth Justice." UNICEF. See Sherman and Strang (2007). Strang. (2001), Restorative Justice Programs in Australia. Criminology Research Council.

⁶ "Scaling Restorative Community Conferencing Through a Pay for Success Model: A Feasibility Assessment Report." (2015). National Council on Crime & Delinquency.

⁷ Furman. "An Economic Analysis of Restorative Justice." (2012). The University of Massachusetts Boston McCormack Graduate School of Policy and Global Studies.

⁸ See Strang (2013).

confidence of major law enforcement entities, and the support of the public. In the aggregate, these yet to be quantified benefits are important, because they contribute to the perception of the legitimacy and effectiveness of a well-functioning criminal justice system.

QUALITATIVE FINDINGS

1. INTERVIEWS OF VICTIMS

Twenty victims were selected at random and interviewed at a time and location of their choice. The interviews lasted from a half hour to an hour and a half. The victims interviewed included both adults and juveniles, city employees and school employees, parents and friends strangers, business representatives, and one surrogate victim and spanned the entire length of the program. The offenses included assault and battery, theft, bringing a knife to school, destruction of property, schoolyard fighting, and leaving the scene of an accident. In a few of the cases the victim's injuries were substantial.

The perspectives of the participants are presented here as they were reported in the interviews. By such presentation the researchers do not intend to suggest that they are in any way attesting to the veracity or accuracy of those perceptions.

Several prominent themes kept recurring in the interviews of victims. The first was almost unanimous enthusiasm for CJC, praise for CJC staff, and support for restorative practices. The only exceptions were two parent victims who had called the police because of their children's behavior toward them. One of the parents found the program too "soft" on her son. The other parent judged the program to be unnecessarily rigorous and burdensome for the particular dispute involved.

Agreements were reached and kept with all the victims interviewed. With the exception of the parent victims referenced above all victims expressed unqualified satisfaction with those agreements. All victims felt that their voices were heard, they were respected throughout the process, and their needs were met.

All victims but one voiced the opinion that CJC could effectively be used for more serious crimes. That one exception did not feel that she had the expertise to have an opinion. Some victims thought that it would be necessary to carefully evaluate the attitude of the offenders before referring them to CJC for more serious crimes to insure that they were truly repentant.

⁹ "Facing Up To Offending: Use of restorative justice in the criminal justice system. A joint thematic inspection by HMIC, HMI Probation, HMI Prisons and the HMCPSP". (2012). Criminal Justice Joint Inspection.

Because the previous assistant district attorney assigned to the Juvenile Court had expressed the concern that the facilitator might try to suggest appropriate consequences to victims or try to substitute his/her judgment for theirs, we asked a specific question about the role of the facilitator. None of the victims indicated that the mediator had exercised any influence on the content of the agreement and indeed one victim said it would have been helpful for the facilitator to provide a list of possible consequences to victims.

Another concern expressed by the assistant district attorney was that the community was not represented at the conferences. For that reason the interviewer asked victims whether they thought that the offense had impacted the community. In almost all cases the victims did not believe that the community had been affected.

Some victims were initially very skeptical about CJC or were still very angry at the offender before the conference but those emotions dissipated by the end of the conference. Indeed, many of the victims were acutely aware of the pressures facing young people and the traumatic lives that many of them had experienced.

VICTIMS REPORTED HIGH DEGREES OF SATISFACTION WITH THE CJC PROGRAM

Victims expressed their satisfaction with CJC in the following ways:

"It far exceeded what I had hoped, far exceeded everything...it was that open dialogue that really helped to restore the relationship ...Yes, she had assaulted me, but because I was able to talk about what she had done and why I was angry, or why I was upset, I think she understood that. And so, it actually was a very emotional process...I was finally able to talk about how her actions had hurt us."

"I feel like this is a quality practice."

"I feel 100% satisfied."

The conference was "perfect."

"So, I was really impressed that there were actually people out there that cared enough about these kids enough to show...them responsibility and accountability for their actions...I think part of the reason a lot of these kids end up in jail is because they're never held accountable for their actions, good or bad

“You’re seeing a student really trying to work towards understanding what they did and the impact that they have.....With the criminal justice system, I don’t see them working with the impact they have on others. They only see the impact on themselves.

As noted above, one victim who was the offender’s parent felt the program was not effective for her son because the offence was “just a personal thing at home.’ She thought the process was “rolling through the motions” and her son was “manipulating the system... It just didn’t work, you know, based on where we were at, we were beyond the point of, he was too stubborn...it was too soft.” She said that “he’s got a lot better since then” and “it could probably make huge difference, this program, when it’s not the parent.”

VICTIMS RELATED FEELINGS OF RELIEF AND ENHANCED SAFETY

Many of the victims related that they were grateful to CJC for reducing their fear of retaliation from the offender in the future. This fear was expressed by both young people and adults, by school officials and neighbors alike. Here are some representative perceptions:

“I felt relieved” and “like happy that I can be safe and that I wouldn’t have to worry about it anymore and, like I just felt like something came off my chest and off of his.”

When there is a theft, “what you did is you destroyed my confidence in my safety...and that is bigger than this fifty or sixty bucks...so it really brings that person to that conversation because that doesn’t happen...they go to jail for a year or two...they come out, the person they stole from, they forgot about...But now (with CJC) this person has a face...[v]ery different...and a story too.”

Because of the agreement “he’s not gonna be able to mess with me anymore.”

“I’m going to be walking down the street and I’m going to see this kid and, you know, in the back of my mind I don’t want to be second guessing, you know what. Am I going to avoid him? Or, I got to watch myself or stuff like that...it’s almost like a relief from the incident.”

If a young person is incarcerated then “when that guy gets out of jail I’m going to go buy me a gun because I don’t know if he’s going to come after me here or something like that.”

"If I see him again, I don't have to like worry if anything is going to happen. That it could just be safe and just to know that he's not out there planning on doing it again or something."

The program "has the potential to make it (the community) safer... we're caring about our kids more, investing in our kids more, instead of just throwing them in jail because they did something wrong. Giving them a second chance, you know...it potentially can make our society safer if these kids, even if one out of twenty turns their life around."

VICTIMS OBSERVED YOUNG PEOPLE LEARNING FROM THEM AND FROM THE CONFERENCE

Several of the victims expressed their gratitude for the focus on their needs and the opportunity to communicate the impact of the offense on them. Victims were given the choice of location for the victim-offender meetings and some selected unusual venues like a McDonald's parking lot or a school field. Many victims reported observing the educational benefit to the young offenders.

"I think the really powerful part for him (the young offender) was to hear everybody else's experience because he's ten, eleven, he only sees things from how he felt about it, how it impacted him. But then he got to hear my side and...it was powerful for him to have to summarize and repeat it. I told him he was making my job hard because my number one job is student safety and he's making it seem like I can't keep kids safe."

"You need to fix it, because you need him to know that you are a man and not a child...it's that restorative mindset.. It's, how do you fix it...I'm not a liberal by the way. I'm a Republican...but I still believe in the good people...kids especially have to see that this mistake does not define you."

"Because since he's a child I feel like that would help him learn more than if he would've been punished."

"If we coddle them, it's just... not going to get you nowhere." But in the conference "we all kind of got something from it" and "this could teach them how to deal with situations."

"I was able to dictate what I felt was appropriate as a restorative practice...I think that's a valuable part."

The benefit of the conference was to “have the victim feel some sort of payback has been made to them...the primary purpose was for the perpetrator to take accountability for his actions.”

VICTIMS OBSERVED HOW DIFFICULT AND EMOTIONAL THE CONFERENCE WAS FOR THE YOUNG OFFENDER

The offender was “really nervous....He had a hard time. He had to try, like three different times to summarize it (the harm he had caused)...he had a hard time making eye contact. You could tell he felt really bad.”

“Sometimes that’s kind of hard for youth to admit they did something wrong and then let alone confront the person they harmed.”

“I thought it was going to be a fake, you know, ‘Hey, I’m sorry. It won’t happen again’ kind of deal but once he started speaking, I saw that the tears were coming out and he was having a hard time expressing himself, I realized he means it and I think he learned from it.”

VICTIMS DISCUSSED THEIR AWARENESS OF THE CHALLENGES FACING YOUNG PEOPLE

“I think a lot of these kids don’t get the chance when they’re younger and they don’t get to see forgiveness. Or they don’t get to see the good part of society. They only see the bad. So, you know, I believe in positive reinforcement as opposed to just negative all the time.”

“Students believe at twelve and thirteen, this (fighting) is the only way to solve the issue, and there has to be different skill sets for the kids to have when they suspect somebody is talking about them (on social media).” When the offender was in kindergarten his mother “punched him in the face...because he couldn’t understand the homework...that really stayed with him. And the mom was very abusive.” He lived in a home where the adults were using drugs and drinking but he was a “good kid.”

“I’m glad they have something like this. I mean, it gives kids...that just make bad mistakes, hang out with the wrong people, they’re not really trouble makers...They try to do it to fit in...they may have messed up once, and now they’re going to get a chance to make that right.”

“Maybe you stole something, but you know what, you were hungry. You needed, you...stole a cell phone because you were going to sell it so you could help your parents pay rent. ...I just don’t know how you can incarcerate somebody for that...that’s part of the side of this restorative thing, I think is, will bring hope to many of those kids.”

“When you have kids that through their whole lives keep seeing nobody wants to take the time, nobody really gives a crap about them, nobody is willing to get involved, when you put them through something like this, I think just based on my personal experience with kids, they feel...acknowledged that...they do exist that they do have to answer for what they do...but lessons come in different pictures...it was a positive experience, so do I think it can help kids, yes I do...sometimes bad things happen and at the end of the day something good comes out of it, so.”

“You have to get to know the kids and the family. It’s going to take more time. It’s going to get messy. You may come to find out the kid had a knife, but hey you know what, they go home to a car every night, they don’t know where they’ll park it. So, they have to carry a knife and they just totally forgot it was on their person...we have to look at circumstances that not everybody is the same.

VICTIMS APPRECIATED THE FACT THAT CONSEQUENCES COULD BE TAILORED TO MEET THE NEEDS OF THE VICTIMS, THE PARTICULAR CIRCUMSTANCES OF THE OFFENSE, OR THE YOUNG PERSON’S SITUATION

Sometimes victims requested that young offenders “make things right” by doing work that aligned closely with their offense. For example, some of the taggers agreed to clean up locations where they had defaced property or to work with an ex-tagger who now runs a ministry and is a role model to young people. In other cases, students who had committed offenses against school authorities agreed to do work for their victims and forged closer relationships with them. Many of the young people were required to bring up their grades to “work off” their offenses.

VICTIMS’ THOUGHTS ABOUT COMMUNITY SAFETY

“I think it made the community safer...it’s going to cause” young people “to think twice, or think longer about doing something like this again, or doing something illegal again. There’s no doubt in my mind.”

“Making it a better place to where there’s not that many people going out looking for problems, but thinking about what they’re doing.”

The community is safer because “these kids are saying ‘well if this organization that doesn’t even know me stepped in on my behalf and, so maybe they see something in me. Maybe, you know, I should change my ways...Yes, it’s made things safe.”

“I would say maybe over a period of years, if this process were in place, it would make the community a safer place. This one isolated incident would not be enough to affect the community. But as a practice, I think it could potentially affect the community.”

“The community’s always safer if we can learn how to forgive one another. So, bring the victim and the offender in the same room, I imagine that it could...if we’d learn to forgive, it’s always a safer place because then we’re not harming other people.”

SOME VICTIMS EXPRESSED THEIR VIEWS ABOUT THE CRIMINAL JUSTICE SYSTEM

“I came to the conclusion that punishment doesn’t work...The prisons are full because we want to punish them...Especially the kids, they don’t see it. They don’t see punishment as a way to learn... “They’re growing up with these kids and they’re gonna be neighbors one day and what kind of neighbors did I want to have for my kids. And that would be someone that was responsible and that understood their behavior had consequences...We can’t throw away kids...unless we throw them away to Mars... We need a better community.”

This victim’s brother was a correctional officer who had worked at a boot camp for juveniles. His brother told him that the kids “are good when they’re there...but once they go back into the same situation, the same system, with the same poor choices...they just fall right back in....I realized that we need to do something different....” He explained that “they almost always make the same mistake again...It’s not working....They go in and they’re not that bad...but when they come out, they’re good to go for, you know, that type of lifestyle.”

“Restorative justice” should be for “everything” because “punishment isn’t working.”

“I think sometimes with our criminal justice system, it’s very black and white.”

“I think most of our offenders out there were victims at one point in time themselves and...were thrown into whatever situation...and never had the time to heal like a lot of us have. And they become what they know...with just a little care and understanding they can become a better person...we spend so much money in incarceration, and I think it’s necessary, I do. But I also think if we can find money to try and rehabilitate some of

these, especially kids, you know at a young age because they're not adults. They don't know everything that adults know and they're more possibilities to change

"I think we kind of put aside in a sense when you don't allow somebody to take responsibility for what they do...I've gone to court and I can see that in some kids' eyes...they know they screwed up, but in reality they still have to take the consequences even though they can't explain themselves, nobody understands them and then once they get labeled as a bad kid, who is going to take the time?"

"It just made sense...not everything is black and white. You did something wrong, you go to jail, or you get punished. It's, you did something wrong, here's a chance to make it right. And I think the majority of people want that...it just makes sense."

"If a kid were to do something that damages property...in those situations where the parent is fined, that doesn't seem to be as practical as having the student pay for the damage...they may not be able to pay for it monetarily, but they're paying for it through some restorative practice."

"I'm not saying that there shouldn't be a fine. But when that fine is incurred, it penalizes the family. And I would say most, if not all of the families that I deal with are doing what I would say is the very best they can for their children. They all do it in a different way...they all want the best for their children."

"Through our system there is no contact after the fact. So if there are still bad feelings, they're there."

"Punishment for a crime doesn't seem to be emptying our prisons."

It is "encouraging when you see that shift in the law and the shift in the consequences" with restorative justice.

2. INTERVIEWS OF PARENTS AND FAMILY MEMBERS OF YOUNG OFFENDERS

The sampling of parents, grandparents, and guardians of youthful offenders interviewed in this study came from various walks of life and all parts of Fresno County. They were of all varying ages, races, and ethnicities. Some were struggling single parents or grandparents while others came from nuclear families. Their economic circumstances spanned the range from poverty to wealth. Some of the parents had jobs in police departments, corrections, and the military. The offenses included vandalism, drug possession, shoplifting, theft, and bringing a

knife to school. For some of their children the offense which brought them to CJC was a single isolated incident. For others it represented a pattern of misbehavior.

Some offenses involved considerable damage while others seemed so minor as to raise the question of whether they were even suitable for referral to the juvenile justice system. For example, one junior high school child was scribbling with a tack on an old school gym floor during P.E. class because he was bored. The father, a law enforcement officer, readily agreed to pay the small sum it cost to sand over the negligible damage and the school agreed that such arrangement would take care of the matter. Months later the family was shocked to receive a notice to appear from the court.

Unlike victims who attended only the victim-offender conference, this group of interviewees had a two-fold involvement with CJC as they participated in the family group conference as well. Almost all of the family members expressed a high degree of satisfaction with the program. Many reported that it had significantly improved both their child's behavior and the relationships within the family. There were two notable exceptions. One involved a parent who was also a victim. The dissatisfaction there mirrored the same issues that surfaced in the victim interviews. In the other case the child had serious drug problems and required considerably more intervention and treatment than CJC is currently designed to deliver. It did exemplify one flaw in the present configuration of CJC within the larger juvenile justice system. Currently a young person in need of drug treatment cannot be referred to CJC because he or she requires the kind of service that only the Probation Department can provide. Interviews with other stakeholders and indicated that a change to the program that enabled children to both receive drug treatment and also reap the benefits of the CJC program would not be difficult to create.

Parents and guardians reiterated over and over that they appreciated the program because it taught their children that there were consequences to their actions. It was invaluable to have someone outside the family communicate to their children in a caring fashion that what they had done was wrong and they needed to take responsibility for fixing it. At the same time, parents reported, it was important to them that CJC made the distinction between the "bad choice" and the "bad kid." They lauded the fact that the program sought to uncover and discuss the underlying causes for the children's behavior. Parents also liked the speed and convenience of the program.

FAMILY MEMBERS EXPRESSED HIGH DEGREE OF SATISFACTION WITH CJC

Accountability

Parents viewed the program as holding their young people accountable for their mistakes:

The interviewees recounted how difficult the community service and work was for their children. When parents or guardians agreed to make restitution, the young people were required to do some kind of work to reimburse them. Sometimes this was doing manual labor at their churches or community centers where they were “dog tired” when they got home. Others worked in the fields. One young woman cleaned bathrooms in businesses. Two children who worked cutting cactus “got up before sunrise...that was enough and they valued that because their dad would tell them: ‘Put your effort in school because school is easier than...the fields. That pencil is lighter than the shovel.’”

In many situations the children were so young that they could not legally work. In those cases the youth worked in their own homes doing jobs that their parents would ordinarily pay others to do. As one parent phrased it, the consequence was giving you “something you don’t like to do and let’s take away something that you like.”

The Focus on Learning

Some parents and guardians differentiated the type of accountability required of young people by the CJC program from the punishment of the traditional criminal justice system while others expressed support for an educational rather than a punitive approach.

“I was excited because they didn’t do the, ‘You’re in jail, you committed a crime, here you go.’ They did a teaching with my daughter and kind of broke down, ‘Do you understand what you did? Do you understand it was wrong?’ And then...they kind of come along side of her...I think that that actually made her deal with the severity of what she had done.”

“For someone to make time for your kid, was awesome...I didn’t want my kid to be locked away and think that this is all his life is going to be just because he got into trouble. I didn’t want him to think that...there is no one out there who cares, because right now, the people tell you, the system don’t care about kids, especially young black ones, they build prisons for them and you know this is where you’re going, you’re not going to be anything. So it was awesome to me that somebody...would say ‘hey, you can change, you can turn around, you don’t have to go to prison, finish school,...get a job.’ I

think it taught him that there is some people out there that care and we're not all trying to throw you away."

The program "is making them think about what they did, versus, oh you did this, you're going to jail for so many days then you get out."

The Impact of CJC on Behavior of Young Offenders

Most of the parents observed a significant change in the behavior of their children.

"So this program changed his direction, it made him look and see, I don't want to go like my dad went (14 years in prison), I don't want to do that... he wanted to hang around with different people.. The program stopped him from ditching and cutting up...It really put a hold on it like, 'okay, let me think about this' is what I'm thinking. They did something in there to change his mind and that's the important thing to me."

"I see him as responsible, a better boy...friendlier...he was straightening up...he was straightening his path."

"He respects other persons more...he thinks before he does things."

"I have seen the change in my son. He is more calm and thinks about things before doing them."

She is "more responsible."

The program "helped him a lot...with his anger."

She is "more respectful."

According to the interviewees, one of the factors that many of the young people cited in the conferences was the importance of peer pressure. A number of parents mentioned that after the program their children left the friends who had encouraged them to get into trouble and made new friends who were more responsible.

The Impact of CJC on Family Dynamics and Communication with children

“It opened our eyes to see that, I guess as a community we’re kind of in this battle together...and there are people that really do care...it just shined a different light on our family dynamics and what we were doing as a family...and this is an incident no family wants to go through but I think overall as I look back on it, it was an eye opener and it was a blessing to have CJC be there.”

“There is a history of some dysfunction and addiction in our family, so I know that obviously has consequences, but “it was a way for us to get together and actually see things from a different perspective...rather than there’s a problem and then we need to discipline because of the problem...it showed us that we can see the problem and then teach about the problem, and then move forward as a family “Before I didn’t know how to get him to talk and I think they helped me out on that, to get him to open up.”

“I think it helps the family pull together, come a little closer, it helps teach the parents more experience on how to handle their kids, how to talk to their kids, how to get through to their kids. And I think it teaches and helps the kids open up more to their parents, not be so distant.”

“It helps them to admit their faults and also helps them to apologize. The apology letters were wonderful...It taught me another way to talk to my son, another way to ask him questions and not make him feel uncomfortable about answering the questions truthfully...and it taught my son...just one more step at being a man, from boyhood to manhood...I think that this program is really good for not only the kids but for the parents.”

A few parents expressed support of the program generally but were unhappy that it seemed to favor the victims. One father shared the view that that the program seemed to favor the victims rather than the young people or their parents

The other case in which the parent expressed dissatisfaction involved a child who was addicted to meth and whose offense had no actual victim other than himself and the family. His mother expressed the view that when a child is addicted to drugs “it needs to go a whole different way; they need to be made to be functional....if they’re not going to stop the drugs, they’re not going to stop the behavior.”

PARENTS COMMENTED ON THE DIFFERENCES BETWEEN THEIR EXPERIENCES IN THE CJC PROGRAM AND IN THE CRIMINAL JUSTICE SYSTEM

"The courts are so far apart just the waiting period is so long. You go with...dozens of other kids for...their court time...the judge sees you for five minutes, but you've waited hours...I think that's typical in any kind of court setting. It's just a long process....I think it's not the best way to use your funds.

From a deputy sheriff: "the criminal justice system doesn't know...which are the good kids and which are the bad kids, they just know who committed an offense and then, this is how we deal with the offence...and a lot of kids nowadays, a lot of it is the respect and authority is just out the window.

"Going through the court process is nerve wracking for parents, especially if you never were in that situation before."

"I had to sit at the courthouse all day for you know from 8-5 waiting for her to be called into a court..." versus CJC which "worked around my schedule."

The parent of a young African-American boy remembered when they were in court and "they kept asking if he was in a gang because he wore a lot of blue" and finally she became so frustrated that she had to stand up and explain that she bought all his clothes and she "liked blue."

When this mother called the police to get help because her son wasn't going to school, "the police totally blew it out of proportion" and charged him with things he hadn't done.

When a parent missed a court date because of a change of address his junior high school son, whose offense was just "a kid being a kid," was issued a warrant and taken to juvenile hall.

According to one father, "the only one I had a problem with was the judge...I mean just right off the bat, I mean he was just harsh...It's like he talked down to me like I was stupid or something. And me, being law enforcement...I'm like that's not how you talk to me...just because you're a judge behind the bench, doesn't give you the right to talk to me like that...He seemed agitated and he was just point blank like, I don't want to hear your excuses, your lies and everything...if he knew what my employment was, it probably would have been a different story."

3. INTERVIEWS OF YOUNG OFFENDERS

The young offender interviewees were of varying ages, races, ethnicities and included an equal number of boys and girls. Some lived in rural areas of Fresno County, others in Clovis, and the majority in various areas in the city of Fresno. Some were experiencing extreme poverty in their homes while others came from affluent neighborhoods. A few were victims of abuse and/or neglect and two suffered from disabilities. Some were in continuation or other alternative schools or in independent study but most were in regular public schools at the time of the offense. For some their offense was an isolated incident while others had a series of previous behavioral issues. The offenses consisted of shoplifting, theft, assault and battery, vandalism, and bringing a knife to school. The timing of their experience with the CJC program ranged from five years ago to a few months ago. None of them had any prior experience with restorative justice.

Every single offender reported satisfaction with the program. All felt that their voices were heard and that they were respected throughout the process. Not surprisingly, those who had experience with the program many years ago could not remember it as well as the more recent participants.

All the young people reported that they had reached agreements with their victims and all but one completed those agreements. Most were satisfied with the terms of the agreement although a few felt that they were too harsh and not proportionate to the degree of the offense. In the one case of non-completion the minor had fulfilled all the requirements of the original agreement but when the school requested an additional conference on an issue unrelated to the offense the parent refused.

Every interviewee expressed the opinion that the program should be available for more serious offenses. Most agreed that it would not be appropriate for those arrested for murder or rape but a few even thought it would be helpful in those cases.

With some exceptions the young people interviewed demonstrated considerable insight about their behavior and had opinions about most of the questions. Some were forthcoming and articulate while others were more reticent.

Many of the themes identified in the interviews of the victims and parents also appeared in the interviews of the young people. Rather than relating the testimony according to those categories, however, a few youngsters' stories will be presented so that the context will be clear.

These stories reflect the experiences and opinions of a few of the young people themselves and are not presented here as an accurate factual rendition.

The interview of a high school sophomore who was arrested for shoplifting is somewhat emblematic of several of the shoplifting cases. Expelled from an excellent regular high school for anger issues she was in continuation school with an entirely new group of friends. One of those friends was pregnant and had no money for baby clothes so the interviewee helped her to shoplift. Because the interviewee had not stolen for herself and actually had receipts for the items she had purchased she was “furious” and “upset” that she had to spend five days in Juvenile Hall before the initial court hearing where she was offered the CJC program.

At first she felt that the program was too onerous: “I was like I don’t want to do this, this is BS.” She did not want to apologize because “I have a hard time saying I’m sorry to people. my pride is just up there.” She knew “I was wrong but I disregarded it... at first I was like I don’t care, I got caught at, who cares man” and the family group conference was very “hard for me because I had to sit there with my mom” with whom she was feuding. In fact, at one point she regretted her decision to participate in the CJC program because “I was like this is doing too much...they want me to do all this stuff, and I could have just sat in juvenile hall for ten days.” She was also upset that her mother insisted that she do forty hours of difficult work.

After she started the program, however, she said that “it really helps, it kind of made me feel like, it made me believe, not like in a higher power, but I...wasn’t so selfish... They talked to me like I wasn’t a delinquent...they talked to me like I was just a person” and she began to understand that she “had to be responsible at this point. We made...the choice to do what we did.” At the family group conference the mediator “made me and my mom talk, that’s what that accomplished because after we left we were talking... Our communication skills were very horrible and now we can talk” and the program “helped lay that foundation.”

At the victim-offender conference she learned the impact of shoplifting on the store and its employees and she was “dumbfounded, I was wow, I didn’t know.” Before she just thought that big stores “have so much money, they going to get product every day, like come on, you guys can spare \$30... It did help open my eyes to look at the bigger picture” and understand the seriousness and impact of her actions. “When the store representative accepted my apology I kind of felt better, it kind of took a little weight off my shoulders.”

The program also “made me look at who I was hanging with and where I was going” so that she cut off the friends who had encouraged her to shoplift ...“it made me want to get back to regular school with regular people.” She made new friends, returned to regular high school, went to prom, and graduated on time. At the time of the interview she was holding down two jobs and studying to be a corrections officer. The program changed “my whole view on things” and “I probably wouldn’t be here right now” without it.

She explained that she decided not to get into trouble again because “you’re really going to think about it now...I don’t want to do this again because now you have to face your victim all over again, and you have to hear what they have to say, you have to hear what your mom has to say.” She contrasted the program with her experience of Juvenile Hall. “In juvenile hall I focused on getting home, I was crying, I wasn’t focused on being rehabilitated for what I did. I was too busy on why, I need to go, I need to get out of here, I don’t care, ugh.” Just sitting in juvenile hall, she said, “I don’t feel that is as effective.”

For a fifteen year old boy who pushed his little brother and broke a window in anger, the CJC program “does change people while going through it... It “helped me to bring me closer to my mom to understand where she was coming from. It helped me learn a bit about myself more too.” When his parents told him at the family group conference the impact of his offense on them, that they “have to work harder to pay the bills now” to repair the window and deal with his involvement in the juvenile justice system, he felt “horrible,” like a “pile of dog crap.” What this program helped me realize too is, you know, I’m the older brother. I have to be a role model to my little brothers because, you know, they look up to me. If I was still in that same position I was in when all this happened, being, you know, trying to be someone I’m not, they would’ve followed my steps and they would’ve been in a bad position right now too. So I’m glad that I went through this program. We’d probably be in a different predicament” because “I’d probably be doing stupid stuff...still.”

Before his involvement with CJC he “was acting like somebody I didn’t want to be...You see things, you want to be like them...A thug. That’s honestly what I wanted to be when I was going through that. But now, you know, I’m just me...You know, growing up in the hood, you get inspired by it. .. But now, I’m like, these guys are struggling out here...they’re scared everyday they’re going to get shot or not. Me, I don’t have to worry about that. I had ridiculous friends that were smoking, like, weed every day and just doing stupid stuff. But now, you know, my buddies are in college. They’re all doing something. The program “brought me to the place I am right now. You know, graduating, going to college, a closer relationships with my mom, working with my mom. It helped me open up to my family more. Before I tried to keep distance from them, now, that’s all I got is my family.”

For most of the young people, the impact of hearing how their behavior had impacted their parents and other family members was a powerful experience. Several expressed the view that the style of mediation used by the CJC program enhanced this experience. To “have them repeat it back to me to let me know that they were listening to me...that was...the best

way...“they were all paying attention and they were, like...we had to restate what, like, people would say, showing that we’d pay attention.”

As one girl reported “[w]hen it (the offense) happened I was just mad. I was in my own little world, listening to music, wasn’t paying attention... I felt like I didn’t do anything wrong.” When her grandmother told her how she felt about it, however, “it was good to know, because I was like, “Oh, I didn’t know she felt like that...that she was scared.” As a result, she realized what she had done wrong and it “helped me communicate more.” Now she talks more and tells her grandmother when things are upsetting her. “It helped me calm down more and to just listen to what other people have to say before I just blow up.” When her grandmother told her that she thought her friends were not a good influence on her she just “kind of stopped talking” to those friends. Without the program, “I wouldn’t have been able to communicate with, like anybody because I would’ve stayed to myself.”

Sometimes young people who have committed offenses are themselves victims. A boy who took a knife to school talked about the importance of exploring the underlying causes for a young person’s behavior. “Some kids are put into a situation they don’t really like...they don’t force it upon themselves//because high school is crazy.” He explained that at private school “there is a community where it’s just like, you get to learn, you get to figure out who everyone is, there is no one who is left out” while in public school “it’s almost like you’re treated, you’re on your own...and you either choose to stay with friends or go off on your own or just go out with bad people.”

At the conference “it just showed me there was other ways” to take care of the problem and there were “ways to stay anonymous.” He was able to talk about his perspective because “they did very well on how they talked to me and how they got involved and just how they got to know me.” As a result of the CJC program they are paying “more attention to kids at school now.”

Yet another boy who brought a knife to school because he was being bullied related that “I felt like I needed to do it but I know what I did wasn’t right.” It was “hard telling it in front of my priest” at the family group conference because “I just wasn’t feeling proud of what I did.” After the conference, however, he had much better relationship with school administrators, “talked” a lot more with the vice principal and got more involved in school. He said that “every time I see someone else with a pocket knife or something similar to it, I’m just like, I would suggest you not to like bring that. There’s other ways.”

Conclusion

By both quantitative and qualitative measures the CJC program was found to be a highly successful and cost effective program that significantly reduced recidivism, put more money into the hands of victims, and met the needs of victims as well as young people and their families.