Restorative Community Conferencing

Frequently asked questions

Partners

“EMPOWERING PEOPLE. TRANSFORMING CULTURES.”
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Introduction

As members of the Peace Promotion Momentum Team, we are advocates of Restorative Justice. Our community recognizes the ongoing need for clear and concise communication regarding what this work involves, how it is being delivered, and what impact it is having in our schools and neighborhoods.

We are committed City Heights residents and their partners in the community, education, law enforcement and legislative systems. We are dedicated to organizing, empowering and mobilizing others for the sustainable and systemic promotion of compassionate, peaceful and responsive change through restorative practices and restorative justice.

We believe the following FAQ (frequently asked questions) document will provide a clear picture of how the Restorative Community Conferencing Program is working in City Heights and surrounding areas.

We hope you find this helpful and invite any additional inquiry.

The Peace Promotion Momentum Team
City Heights, San Diego, CA
June 2018
About PPMT & Support for Restorative Justice

PPMT (Peace Promotion Momentum Team) seeks to disrupt systems that have historically had a disparate impact on citizens of color and low socioeconomic standing. We acknowledge that our country has established privilege for white citizens and that bias and racism, both implicit and explicit, continue to spread by way of individuals, media, and the very structures of our public systems.

There is no denying that authoritative system processes, based on faulty assumptions, have resulted in disempowerment, oppression, disadvantage and a virtual pipeline to prison for youth of color. This “structural racism refers to the totality of ways in which societies foster racial discrimination through mutually reinforcing systems of housing, education, employment, earnings, benefits, credit, media, health care, and criminal justice. These patterns and practices in turn reinforce discriminatory beliefs, values, and distribution of resources.”

The evidence that verifies this societal dysfunction is not to be ignored by an advanced society. For instance, studies showed that a black student is nearly 4 times as likely to be suspended for the exact same offense than his white peer. When students are suspended they are less likely to finish high school and more likely to have justice system contact.

In the juvenile justice systems of our country, boys of color are more likely to suffer harsher consequences than white peers at every touchpoint: more law enforcement stops, more arrests, more pre-hearing detentions, more charges filed, more serious charges filed, more true findings, and more serious sentences.

Youth who are involved with the Juvenile Justice system are more likely to be involved in the adult criminal justice system, with similar disparities occurring. In the end, black men in California are 5.5 times over-represented compared to population, and Latinos are 2.9 times overrepresented. Perhaps this is why the Private Prison Industry is reported to use a forecasting formula that bases future facility needs on the reading scores of 3rd grade boys of color.

In 2008, the San Diego Association of Governments (SANDAG) confirmed disparate impact on youth of color in the San Diego Juvenile Justice system. PPMT has been working restoratively with them since 2012 to find solutions to the broken system.

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1 https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)30569-X/fulltext April 2017
2 https://www.usatoday.com/story/news/2016/06/07/black-students-nearly-4x-likely-suspended/85526458/
4 Reparable Harm: Assessing and Addressing Disparities Faced by Boys and Men of Color in California Davis, Kilburn, Schultz 2009
Restorative Community Conferencing (RCC) was identified as a process that shifts power from the system to community and changes responses to youthful offenses from punitive to restorative. This has proven to be an empowering and impactful change; working with youth to repair harm as opposed to punishment has undeniably better outcomes. Another key reason for PPMT creating the RCC was as a response to a survey conducted with thousands of City Heights residents, which indicated that a restorative response would address a number of the residents’ expressed needs.

Fortunately, awareness is growing. Awareness is the cure to unconscious and implicit bias. Awareness coupled with action will address and resolve the injustices that are embedded in our systems. PPMT is dedicated to raising awareness and providing the restorative action that will one day lead to the systemic changes that will eliminate the inequities within our county, and eventually, within our society.

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6 See, for example http://www.modelsforchange.net/publications/856/Policy_Brief_Assuring_the_Future_of_Developmental_Reform_in_Juvenile_Justice.pdf 2017
What is Restorative Justice?

Restorative justice invites a fundamental shift in the way we think about and address crime. This alternative model asks: 1) Who was harmed? 2) What are the needs of those affected? and 3) Whose obligation is it to meet those needs? Thus, restorative justice differs from the adversarial legal process because the latter focuses on the actions of the person who caused harm, while the former prioritizes the people and relationships harmed.  

Restorative justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders. This can lead to transformation of people, relationships and communities.

Restorative Justice is a process to "make things as right as possible" which includes: attending to needs created by the offense such as safety and repair of injuries to relationships and physical damage resulting from the offense; and attending to needs related to the cause of the offense (addictions, lack of social or employment skills or resources, lack of moral or ethical base, etc.).

Restorative Justice is a worldwide phenomenon, and is being successfully employed in a wide variety of programs throughout the United States

- before any charges are filed (pre-charge)
- after charges are filed (post-charge)
- after a guilty verdict has been reached (post-adjudication), but prior to and instead of incarceration
- while an individual is incarcerated

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What is Restorative Community Conferencing (RCC)?

A restorative community conference is a face-to-face problem solving meeting between people who were harmed, the people who caused that harm and community members. Led by trained and experienced RCC facilitators, the people in the RCC discuss the harm caused, ways to repair the harm as much as possible, and ways to prevent further harm. In the meeting, the youth responsible for the harm is held accountable for the crime. Together, the group creates an action plan for the youth to repair the harm to the person, the community, their family, and themselves. Once the youth fulfills the plan in a timely manner, charges are dismissed.

What are the benefits of RCC?

To the persons harmed and their families

◆ Satisfaction of explaining the impact of the crime
◆ Opportunity to have questions answered
◆ Input on how the youth can make things as right as possible
◆ Access to community resources
◆ Support from community

To the community

◆ Contribute to the safety and well-being of the community
◆ Opportunity to teach and support youth to successfully repair the harm
◆ Build community strength through relationships and knowledge
◆ Taxpayers save money
◆ Rate of recidivism (repeat offending) is significantly reduced

To responsible youth and their families

◆ Youth has the opportunity to take responsibility
◆ A collaborative, creative plan to make things as right as possible for everyone
◆ Charges are dismissed when the plan is complete
◆ Access to community resources
◆ Support from the community

Which communities are currently being supported by the RCC?

Cases are accepted when the responsible youth lives in, and/or the person harmed lives in, and/or the harm was committed in any of the following areas: City Heights, Southeast San Diego, Barrio Logan, Lemon Grove, Spring Valley
What is the RCC referral process?

Youth may be referred by community-based organizations, faith-based organizations, schools, police departments, Probation, the DA’s office, or the courts.

When a youth is arrested, collaborating partners determine if the case meets the qualifications for the restorative process. Once a case is referred, separate convening and preparation meetings commence with all impacted parties to explain the process and invite participation to the restorative conference. All participants meet for the restorative conference to talk about the harm, its impact, and develop an action plan. Follow up and support is given to the responsible youth to complete the action plan. The length of the process depends on the underlying needs of the impacted parties.12

Who are the justice partners and other collaborators with RCC?

Collaborating partners include the San Diego District Attorney, San Diego County Probation, Public Defender of San Diego County, San Diego County Sheriff, San Diego Unified School District School Police, San Diego Police Department, The California Endowment, and Mid-City CAN.

Can a community member refer a case to the RCC?

Yes! Contact rjoutreach@ncrconline.com / 619-238-2400

What cases are currently accepted by the RCC?

Cases in which there is clear evidence of guilt are best for RCC. Cases are considered eligible after looking at factors including the type of offense, the youth’s progress on probation, and any previous order from the juvenile court which would include RCC diversion consideration. To be accepted into the RCC process, the youth who caused harm must take responsibility, and the persons harmed must agree to proceed, even if the persons harmed do not choose to take part in the full process.

Cases may be referred to RCC either pre-charge or post-charge. Some of the crimes currently being accepted into the RCC process include commercial burglaries, assaults, thefts, domestic/family violence, battery, vandalism, and weapons charges. This is not an exhaustive list as other cases may be referred at the discretion of schools and justice partners.

12 Memorandum of Understanding / RCC San Diego 2018
Because studies show that second-time offenders are most successful in the RCC process, youth with prior records will be accepted at the discretion of RCC collaborating partners.

Cases are considered eligible for responsible youth up to the age of 17.5 years to ensure that if the RCC process is not appropriate, enough time will remain for the case to go through traditional channels prior to the youth’s 18th birthday.

What is pre-charge?

When a youth is accused of a crime, but not yet formally charged with a crime, there is an opportunity to handle those cases pre-charge. In pre-charge diversion cases, when the plan is completed, charges are never filed.

What is post-charge?

In post-charge cases, the responsible youth has already entered the justice system because they have been charged with an offense by a justice partner. In post-charge cases, the rights of the responsible youth (against self-incrimination) are protected, and the charges are dropped and expunged from the youth’s record when the RCC Action Plan is successfully completed. Where the charging District Attorney determines that a case is too serious for pre-charge RCC, the DA may suggest post charge diversion as another avenue for using a Restorative Community Conference.

What about resisting arrest cases?

Resisting arrest cases bring a particular challenge to the RCC process, and requires a careful acknowledgment and management of power dynamics.13

Resisting arrest cases have been shown to give participants in the process an opportunity to empower one another and increase community awareness and safety. Likewise, youth and law enforcement have a better opportunity to connect and build better relationships with one another.

How does the RCC address the school to prison pipeline?

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The school-to-prison pipeline (SPP), also known as the school-to-prison link or the schoolhouse-to-jailhouse track, is the disproportionate tendency of minors and young adults from disadvantaged backgrounds to become incarcerated, because of increasingly harsh school and municipal policies. Many experts have credited factors such as school disturbance laws, zero tolerance policies and practices, and an increase in police in schools in creating the pipeline.14

As of 6-25-18, of the youth served in the RCC program

- 49% are Hispanic
- 29% are Black
- 11% are "Multiple, Other, or not reported"
- 7% are White
- 4% are Asian

The majority (at least 82%) of the youth served have been of color -- and 71% of the youth have been male. Considering the dramatic drop in the recidivism rate for youth who have gone through the program, this has interrupted the school to prison pipeline for them.

Click here to see current data on the RCC program.

What is Restorative Practices?

Restorative practices cultivate community on campuses with a focus on building strong relationships between students and district employees. They hold students accountable for their actions while giving them a high level of support to create a campus culture of learning and safety for all school community members.

By using restorative techniques, students and teachers can share positive and challenging personal stories about their school experience which, in turn, helps build empathy and stronger relationships. Based on stories shared, students and teachers can support each other and there is a natural desire to create more instances where everyone is feeling connected.15

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14 https://en.wikipedia.org/wiki/School-to-prison_pipeline
Restorative practices has proven very successful\(^\text{16}\) in San Diego and throughout the United States, demonstrating remarkable and measurable benefits for school communities.\(^\text{17}\)


Resources / Additional Research

Paper Tigers Documentary Film
Watch on Amazon
Watch on YouTube
Watch on Vudu
Watch on iTunes

Books and Articles

- Clifford, A. (2013) *Teaching Restorative Practices with Classroom Circles* (free download)
  http://centerforrestorativeprocess.us2.list-manage2.com/subscribe?u=2a42883105ac554285a9bfa47&id=a37456ef67
- Community Coalition Infographic: *Are Our Children Being Pushed Into Prison?*
  http://cocosouthla.org/inforgraphics
- Rethinking Schools Editors (Fall 2014) *Restorative Justice: What it is and is not*
- Shiff, M. (2013) *Dignity, Disparity and Desistance: Effective Restorative Justice Strategies to Plug the “School to Prison Pipeline*

Video

- American Kids and the School to Prison Pipeline
  youtube.com/watch?v=04pcSyzwoTg
- Can A One Minute Video Change How We See For-Profit Prisons?
  good.is/articles/how-companies-make-money-off-prisoners
Fixing Juvie Justice (aired 8-13-2013) [pbs.org/program/fixing-juvie-justice](http://pbs.org/program/fixing-juvie-justice)

Introducing Restorative Justice for Oakland Youth [youtube.com/watch?v=ZtdoWo1D3sY](http://youtube.com/watch?v=ZtdoWo1D3sY)

Organizations


**Restorative Justice: What You Can Do**

**Learn and Share:**

- Download the Fix School Discipline Community Toolkit and follow the recommended steps. [http://fixschooldiscipline.org/community-toolkit](http://fixschooldiscipline.org/community-toolkit)
- View and share free webinars from the Zehr Institute: [http://zehr-institute.org/webinars](http://zehr-institute.org/webinars)
- Are you a teacher or resident of San Diego County? Anthony Ceja provides Restorative Practices trainings (Intro to RP, Effective Use of Circles in Schools, and Restorative Conferencing) to San Diego County schools. He also provides technical assistance and support to schools attempting to implement RP in their school. Contact: ACeja@sdcoe.net
- If you are a parent/guardian/teacher/mentor, help children to develop a feelings vocabulary using real life situations, movies, television, and literature. Help children understand the idea of making things as right as possible when harm has been done. One vocabulary example: [http://www.parentmap.com/article/name-that-emotion-developing-an-emotional-vocabulary](http://www.parentmap.com/article/name-that-emotion-developing-an-emotional-vocabulary)
RESTORATIVE JUSTICE is a non-punitive approach that emphasizes accountability and resolution of the offense through dialogue with all impacted parties including the responsible youth.

WHAT IS A RESTORATIVE COMMUNITY CONFERENCE?
A restorative community conference (RCC) is a face to face problem solving meeting between people that were harmed, the people who caused that harm and community members.

Led by trained and experienced RCC facilitators, the people in the RCC discuss the harm caused, ways to repair the harm as much as possible, and ways to prevent further harm.

In the meeting, the youth responsible for the harm is held accountable for the crime. Together, the group creates an action plan for the youth to repair the harm to the person, the community, their family, and themselves.

Once the youth fulfills the plan in a timely manner, charges are dismissed.

HOW IS RCC DIFFERENT FROM COURT?

Our current criminal justice system asks these three questions:
1) What law was broken?
2) Who broke it?
3) What punishment is given?

RCC asks a different set of questions:
1) Who was harmed?
2) What are the needs of all affected?
3) Whose obligation is it to meet those needs?

BENEFITS OF PARTICIPATING IN RESTORATIVE JUSTICE:

YOUTH RESPONSIBLE:
- Opportunity to take responsibility
- Creative plan to make things as right as possible for everyone
- Charges dismissed when plan is complete
- Access to community resources
- Support from community

PERSON HARMED:
- Satisfaction of explaining the impact of the crime
- Opportunity to have questions answered
- Input on how the youth can make things as right as possible
- Access to community resources
- Support from community

COMMUNITY MEMBERS:
- Contribute to the safety and well-being of the community
- Opportunity to teach and support youth to successfully repair the harm
- Build community strength through relationships and knowledge
REFERRAL PROCESS:

- When a youth is arrested, collaborating partners determine if the case meets the qualifications for the restorative process.
- Once a case is referred, separate convening and preparation meetings commence with all impacted parties to explain the process and invite participation to the restorative conference.
- All participants meet for the restorative conference to talk about the harm, its impact, and develop an action plan.
- Follow up and support is given to the responsible youth to complete the action plan.
- The length of the process depends on the underlying needs of the impacted parties.

WAYS TO GET INVOLVED AND MAKE A DIFFERENCE:

- Participation in conferences as a community member, supporter or co-facilitator.
- Request Community Presentations.

NCRC is also involved in Restorative Justice in the San Diego Unified School District

Based on the move away from zero-tolerance policies in SDUSD, Restorative Justice is being used in the Placement and Appeals office to support students, families, and school personnel who are affected by a recommended expulsion.

Please contact Justine Darling for more information at jdarling@ncrconline.com

NCRC NATIONAL CONFLICT RESOLUTION CENTER.

Restorative Community Conferencing

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THERE IS A SOLUTION.

Since 1983, NCRC has been Empowering People and Transforming Cultures.

Conflicts arise in every aspect of life—at home and work, in classrooms and communities. When effective communication strategies reveal common ground, people are empowered to overcome differences. The National Conflict Resolution Center provides services and training that transform conflict into resolution.

www.NCRConline.com