

Offender Aid and Restoration—Restorative Justice

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To: The Public Welfare Foundation

1. Organization Description:

Offender Aid and Restoration (OAR) is a non-profit organization in Central Virginia, which provides aid, lifestyle transitions, and resources to individuals who have been arrested, imprisoned, and released from incarceration. OAR aims to help these individuals achieve a smooth transition to a stable and crime-free lifestyle after incarceration.

Restorative Justice (RJ) is a program within OAR which works specifically with juvenile offenders who have been accused of a crime, and **offers an alternative to the failing punitive juvenile justice system**. The goals of restorative justice are to introduce **accountability, responsiveness, and empowerment in the justice process**. In order to accomplish these goals, RJ brings together the offender and victim in a counseling session, called a **Support and Accountability Conference**, to discuss the crime, the harm it caused, and reparations to be made. RJ facilitates these meetings to help offenders understand the consequences of their actions and to attend to the needs of the victim, giving them the sense of closure needed to move past the incident. **RJ helps to create safe and interconnected communities** by giving victims of crime the opportunity to make their grievances known and receive appropriate restitution while simultaneously allowing perpetrators to make reparations in a safe and respectful environment. Of the RJ cases that resulted in a Support and Accountability Conference, **100% of participants reached an agreement**.

The Public Welfare Foundation works to secure fundamental rights and opportunities for people in need, and OAR's Restorative Justice Program is an ideal match for the Juvenile Justice grant opportunity. The Foundation has three distinct expectations of the groups they will fund. The first objective is reducing youth incarceration rates through policies that limit the use of incarceration as punishment in the justice system and expand the use of community-based alternatives. RJ conferencing has resulted in a **recidivism rate between 11-15%** for offender participants, compared to a state average of 36.6% for reconviction and 18% for re-incarceration according to the Commonwealth of Virginia. This 22.6-26.6% reduction in recidivism rates demonstrates the success of the RJ method in reducing youth incarceration and crime. According to the Annie E. Casey Foundation and the Justice Policy Institute, a typical stay for one juvenile in a correctional facility costs states between \$66,000 and \$88,000; more than half our total yearly budget. By reducing juvenile re-incarceration by such a substantial margin, RJ saves the taxpayer hundreds of thousands dollars while offering juveniles a second chance. RJ helps to **break the cycle of juvenile crime resulting in incarceration** at a young age and **promotes the welfare and treatment of juveniles within the justice system**. RJ's work helps to ensure a constructive future for juvenile offenders by keeping them out of correctional facilities and reducing the chance they will offend again.

The second objective of PWF's Juvenile Justice grant is to end the practice of trying, sentencing, and incarcerating youth as adults. RJ acknowledges the **difference between adults and juveniles**, and has implemented its program of face to face engagement between victims and juvenile offenders. Juvenile offenders are still growing and maturing, so ensuring they understand the far-reaching impacts of their actions will help prevent them from committing

criminal acts again in the future. The “penalties” in the RJ system incorporate **community service as an alternative to incarceration**. The third objective of the Juvenile Justice grant is the promotion of more fair and equitable treatment of persons of color by the juvenile justice system. The Support and Accountability Conference also provides an alternative to the **demonstrable racial bias in sentencing** at work in courtrooms across Virginia and the nation. The majority of our juvenile justice cases are minority youths, meaning most of our resources go to assisting these youths in achieving more equitable outcomes in the justice system. Our success as a **grassroots** initiative to **reform the juvenile justice system** provides the kind of evidence needed for successful advocacy to create **large-scale change** for criminal justice.

2. Problem(s) to be Addressed:

Crime, at its core, is a tear in human and community relationships. Repairing this tear requires a collaborative process including all who have been affected by the event. When juvenile offenders confront a judge or jury, the punitive and faceless nature of the encounter creates an adversarial attitude that perpetuates further conflicts with the law. Incarcerating juveniles places them in isolation from their communities, surrounded by other offenders, in an environment where others assume responsibility for them instead of increasing the accountability and responsibility of the offenders themselves. The problem of juvenile delinquency impacts the community, families, and schools, yet ordinary juvenile court proceedings seldom involve these entities and only target the individual offender. The disconnect between court sanctions and the effects of the offense itself separates punishment from repair. This teaches youth that their illegal actions render them victims of the state, rather than community members who have harmed their fellow citizens and must make amends.

Our criminal justice system relies on incarceration as the main tool of enforcing social norms, and the weight of this policy falls disproportionately on people of color. In 2005, the national average black-to-white ratio of incarcerated persons was 5.6:1, with these ratios as high as 19:1 in some states. Disproportionate arrest and indictment, as well as increasingly harsh mandatory minimum penalties, target people of color to the point that the NAACP estimates that 1 in 4 black men will spend time behind bars in his lifetime. Over one third of offenders go to prison for nonviolent crime, but upon release they are more likely to commit acts of violence and to reoffend. This leads to a net increase in violence, destroys families and communities, and traps millions in cycles of poverty. High incarceration rates harm minority communities by reducing employment, education, and political efficacy. RJ works to reduce incarceration rates in youth before this cycle can begin.

3. Activities/ Strategies:

Restorative Justice Proceedings:

1. Coordinate with local magistrates to request juvenile cases for restorative justice.
2. Review and accept cases, begin interviews for Support and Accountability Conference.
 - a. A staff member sits down first with the offender and hears his/her side of the story. The same counselor then sits down with the victim of the crime and asks them to recount their experience of the offense. Once the mediator has an understanding of how each party

perceives the incident, they bring both parties together to discuss these perspectives and reach a solution. This allows the victim to explain to the offender how they have been wronged and to ask for the compensation they need to address the grievance. The offender has the opportunity to learn exactly how their actions have harmed the victim and community, which helps them develop empathy for victims of crime and take responsibility for their actions.

3. After the Support and Accountability Conference, the victim, offender, and mediator agree on appropriate restitution for the crime. This can range from community service to financial compensation to substance abuse classes, and is tailored to repair the damage incurred by the victim while helping the offender understand and learn from the experience.

4. The RJ staff follows up with the offenders in their restitution projects and report to the judge on their progress. Often the completion by the offender of the restorative justice program results in a reduced or commuted sentence.

Restorative Justice Strategies:

Restoring victims: Retributive rather than restorative justice fails to prioritize those directly harmed by crime. Victims should have a primary role in the justice process. Achieving safe and secure communities requires attention to victims' needs, broadening focus beyond the perpetrator's crime.

Offender rehabilitation: Allowing for direct offender repentance facilitates reintegration into the community possible. Setting conditions and appropriate sanctions that reinforce the offender's obligation to redress harm to victims, in conjunction with thorough monitoring of reparation activities, facilitates successful reintegration into the community.

Breaking the cycle of crime: While restorative justice addresses crime at the micro-level through collaborative sanctioning of specific offenses, RJ also addresses the macro level need for safer communities in which conflicts can be peacefully resolved in order to break the cycle of violence. Youth offenders, victims, and communities should receive balanced attention as each are part of the system in need of intervention.

4. Budget:

Expenses	2013-2014
Salaries	\$76,000.00
Benefits	\$7,632.00
Taxes	\$5,830.00
Additional Personnel	\$39,501.00*

Total Personnel	\$128,963.00
Prof. Fees	
Supplies	\$800.00
Telephone	\$1,200.00
Postage	\$500.00
Occupancy	\$4,200.00
Equip Maint	\$750.00
Printing	\$500.00
Travel	\$1,250.00
Training	\$2,000.00
Client Assistance	\$500.00
Dues	\$250.00
Miscellaneous	\$100.00
Promotions/Education	\$5,000.00
Total Budget	\$146,013.00*
Income	
City (Reliable)	\$23,360.00
County (Reliable)	\$8,652.00
Individual Contributions (Likely)	\$12,000.00
Federal Block Grant (Unlikely)	\$5,000.00
Comprehensive Services Act Funds (Plausible)	\$20,000.00
Other (churches, etc.) (Likely)	\$2,500.00

Foundations (breakdown below) (Plausible)	\$74,501.00
Total	\$146,013.00
Foundation Breakdown	
Bama Works Fund	\$10,000.00
CACF	\$10,000.00
J&E Berkley Foundation	\$15,000.00
Public Welfare Foundation	\$39,501.00*

*Indicates funds included from the Public Welfare Foundation

Employee salaries constitute the majority of RJ's expenses. There are two main staff members who are critical to the operation of the RJ program. The majority of the operating costs remain constant year to year. Funding from the Public Welfare Foundation would grow our staff, allowing more time and depth of service for each case, while increasing the number of cases we have the capacity to accept.

5. Expected Outcomes:

- a) These grant funds will increase our capacity to take on additional cases by allowing us to hire another full-time mediator. In FY 2012, RJ served over 200 victims, offenders, family, and community members. These are 200 individuals whose lives could have been forever changed by incarceration and whose suffering was ameliorated by the RJ program. Of both victims and offenders, 92% reported satisfaction with the process, and the recidivism rate among offenders was 15%, a significant improvement over the Virginia state average. With this grant, RJ can continue and expand upon these already proven results.
- b) By doubling our capacity with the presence of another full-time mediator, we can accomplish two important outcomes.

First, we can take on more cases, offering more members of the Charlottesville and central Virginia community an alternative to the traditional justice system.

Second, we can engage more deeply on each case, spending more time on pre-conference work and follow-up from the Support and Accountability Conference. Increasing the time devoted to each case will improve communication between victim and offender, the core purpose of restorative justice. This will lead to an even better outcome and build stronger relationships between the victim, offender, and the community as a whole.

- d) Improving communication improves accountability, and our increased capacity to devote time and resources to our clients should push the program completion rate even higher and the recidivism rate even lower. By improving our results, we raise the profile of our organization, especially within the criminal justice community. We can demonstrate lower rates of recidivism

and more cost-effective resolution of criminal issues, thereby increasing our caseload from local magistrates. Our long-range objective in expanding capacity is to raise awareness of our methods, encouraging a transition toward a more holistic approach to criminal justice.

e) Young people who enter our program reoffend at a rate of 15% or lower, which is substantially lower than the Virginia state average of 36.6%. By reducing recidivism rates, we help juveniles break the cycle of criminality and return these young people to their communities with a better understanding of the relationships therein. Crime pits community members against one another, and destroys relationships while trapping everyone in destructive cycles. By addressing crime as a violation of community relationships instead of a transgression of external mores, we can teach community responsibility while also protecting youth from the overreaches of the criminal justice system. Young people in our program will not face an adversarial encounter that treats them as second-class citizens. Instead, they will be held accountable to the people who have suffered from their actions, learn what it takes to repair this harm, and walk away with a greater sense of personal responsibility and community conscience.

6. Assessment:

The restorative justice model aims to fundamentally change the justice system such that victims and offenders can reach a mutual understanding of support and accountability that will repair the human and community relationship that crime tears apart. As mentioned above, we measure the progress of our restorative justice program according to several important quantifiable outcomes:

- a) Number of cases accepted per year
- b) Hours devoted per case
- c) Remuneration success rate
 - a. Percentage of offenders who complete remuneration agreement
 - b. Probationary success rate
- d) Percentage of offenders who do not break conditions of probation
- e) Recidivism rate
 - a. Percentage of recidivism over a 12-month period including
 - i. Rearrest
 - ii. Reconviction
 - iii. Reincarceration
- f) Victim satisfaction
 - a. Percentage of victims who report satisfaction with the restorative justice process and its results

We plan to measure the progress associated with additional grant funding according to these six quantifiable outcomes. We expect that grant funding will directly increase both measures a) and b) due to increased labor capacity. We expect that the quality of all of our outcomes will be positively impacted by an increase in both the number of cases and hours devoted per case.

In addition to quantifying specific outcomes of the restorative justice program, OAR evaluates

the success of all of its criminal corrections programs based on a model we call the “What Works” movement: “What Works” demands evidence-based practices, relying on empirical demonstration that theoretically sound, well-designed programs can appreciably reduce recidivism rates. Through the review and analysis of hundreds of studies, researchers have identified a set of principles that should guide correctional programs. We use the guiding factors of *who*, *what*, and *how* for determining the manner in which our correctional programs target the risk and need factors of offenders. Using this evidence-based assessment mechanism, we ensure that the program at large continues to progress toward becoming a more effective correctional program.

7. Prior History:

RJ has been in operation since 2000, and has heard over 150 case referrals from juvenile courts all across Central Virginia. Of these cases, 89% of victims reported satisfaction with the results of the process. The following story demonstrates the positive results yielded from our work.

One evening, three young men stole a car for a joy ride. Normally, this story would end with the boys going to a juvenile detention center after confronting a state prosecutor having never understood the impact of what they had done beyond its consequences to them. However, through the RJ program at OAR, they were able to meet with the victim of their offense, who happened to be a struggling single mother, much like one of their own. At the Support and Accountability Conference, she spoke about how she struggled for weeks to shuttle her children to school activities. She was calm, non-accusatory, and helped the boys understand how their selfish and impulsive actions had impacted her and her family. Far from being a nameless, faceless victim, this woman spoke of the effect of the crime on her life. The young men understood, and they repaid all of her financial losses by the date promised.

These men had an encounter with the justice system that was one of education and growth, rather than one of conflict and punishment. They have been taught a new way to think about their actions and their responsibilities to the community, and their victim has had her losses recouped at *no cost to the taxpayer*. The Support and Accountability Conference also provided therapeutic value to the victim, as she was able to get clarity about the incident, and ask simple questions such as where the boys had driven her car. She was able to put together a picture of what occurred instead of continuously wondering about the event, the offenders, what led to her misfortune, and whether similar events would happen again. This offered her a peace of mind that would not have been offered by courthouse proceedings.

Participants in the RJ program had a high probationary success rate (76% vs state average of 70%), and 89% of victims reported satisfaction with the results. The work completed by RJ thus far has proven that a non-punitive system of justice can work, and often works better, than the traditional route of trying, sentencing, and incarceration of juveniles. These findings align with the Public Welfare Foundation’s goal to reduce juvenile incarceration rely instead on community-based alternatives.

8. Board of Directors:

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13. Renae Vance--Therapeutic Community Coordinator

9. Key Staff:

- a) David Saunier: Restorative Justice Coordinator. Saunier has a Master's degree in Conflict Transformation, with an emphasis on restorative justice studies. He oversees the overall functioning of the RJ program. He manages cases referred from the courts and individual RJ cases as necessary.
- b) Farren Keyser: Program Associate. Keyser is responsible for management of cases referred from local juvenile courts and other duties as necessary

10. References:

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