

Solution #4- Victim-Offender Dialogue

Introduction to Victim-Offender Dialogue

States: **California, Delaware, Maryland, Missouri,
Nebraska, New Mexico, Pennsylvania, Washington**

Estimate of Active Community Programs: **12**

Estimated Cases per Year: **720-960**

Case Types: **Criminal misdemeanor, Criminal
felony**

Victim-offender dialogue (widely known as victim-offender mediation) is the most well-researched community solution to justice. First started in 1974 by two youth probation volunteers in Canada, around a dozen programs serve nearly 1000 cases per year in the United States.

Victim-offender dialogues (VODs) are used almost exclusively for criminal cases, and in many cases replace a standard criminal trial, though the victim has the opportunity to take the case to court if the outcome is unsatisfactory. In most programs, the VOD is initiated by the victim, though they can also be initiated by the prosecuting attorney and, in some cases, offenders as well.

A VOD typically consists of four steps. First, an agency will receive a referral from the victim, offender, or court official such as a prosecutor. Secondly, the agency will check with both the victim and the offender to see if they would like to proceed with the dialogue process. If both agree, then the agency holds preparatory meetings with the victim and offender as well as support persons. The victim is prepared to tell their story and to consider what would help repair the harm. The offender is walked through taking responsibility for

their actions and listening to the victim. Then, the agency schedules a dialogue between the victim, offender, and support persons, after which an agreement is signed listing out what the offender will do to repair the harm they caused. Finally, the agency monitors the agreement to completion, and when complete, contacts the court to have the charges removed from the offender's record.

As one of the most studied alternative approaches to justice, VOD offers numerous, well-backed benefits over traditional prosecution. In the short term, both victims and offenders are more satisfied with the process than with traditional court proceedings, perceive the processes as fairer, and see higher completion rates of agreements and restitution paid than traditional justice approaches. In the long term, VODs can improve the attitudes of both the victim and offender toward each other, and the process likely significantly reduces offender recidivism.

However, there are some drawbacks to consider as well. Offenders may feel pressured to waive their right to a trial if they believe they are innocent. Both the victim and offender may be reluctant to attend

.the dialogue. There is also a risk of revictimization with some crimes.¹¹³

History of Victim-Offender Dialogue

The first recorded instance of a victim-offender dialogue was in 1974, when two youth probation volunteers became frustrated with the proceedings in the traditional Canadian criminal justice system and started to brainstorm about possible alternatives. When they came across a case where two youth offenders were arrested for vandalizing the small rural community of Elmira, Ontario, they suggested that the two offenders meet with all 22 of the victims in the community. The judge, originally interested but skeptical of the idea, reversed his decision and agreed to let the victims and offenders meet. After which the offenders met with and apologized to their victims and ultimately paid restitution to “make things right”.¹¹⁴

Four years later, in 1978, VOD spread to the United States through the advocacy of several local probation officers and the Mennonite Church. It started with a few cases

in Elkhart County, a community of approximately 137,000 [in 1978], in Northern Indiana. Elkhart County Superior Court Judge William Bontrager referred some cases to a group of probation officers and the Mennonite Central Committee to experiment with. The results seemed to help address the harms caused by offenders and the program continued.

Then, in 1983 a Community Service and Victim Assistance program was started in the small rural town of Batavia, New York. What made this program unique was that it was part of a larger and more intense victim assistance program operated by the Genesee County Sheriff’s Department. Between 1983 and 1985 only 17 cases went through the VOD program, but nearly all of the them involved violent offenses like homicide, rape, armed robbery, and assault.¹¹⁵

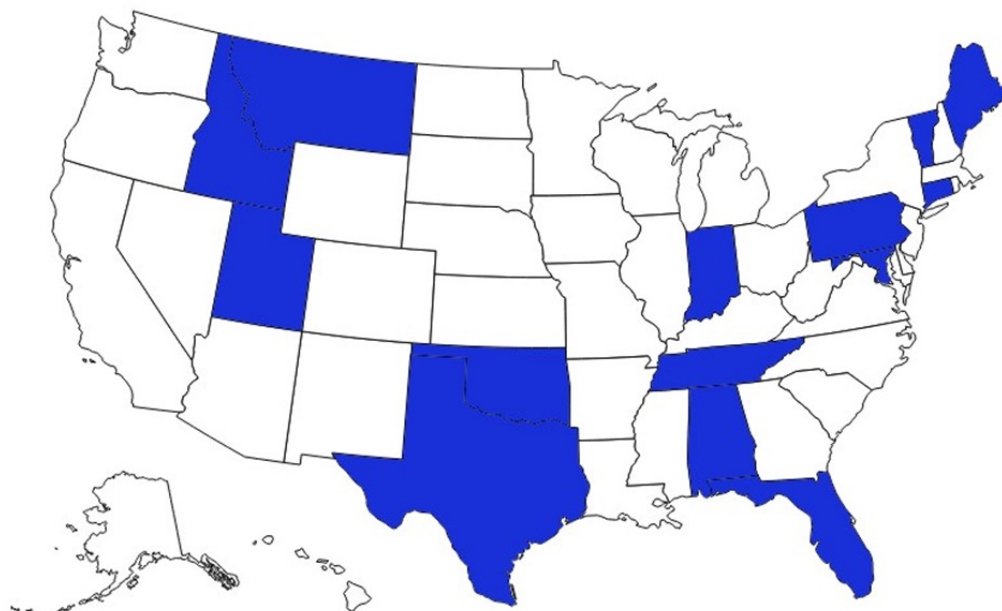
Within a couple decades of the first cases in Ontario and Indiana, VOD programs began to be accepted worldwide, including across the United States.¹¹⁶ A study completed in 2000 found that at least nineteen states had passed legislation promoting a more balanced and restorative juvenile justice system,

113 Amstutz, Lorraine Stutzman. *The Little Book of Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue*. Intercourse, PA: Good Books, 2009.

114 Gustafson, D. Encountering ‘The Other’: Victim Offender Dialogue in Serious Crime. Ku Leuven, 2018. 123-124. https://limo.libis.be/primo-explore/fulldisplay?docid=LIRIAS1996032&context=L&vid=Lirias&search_scope=Lirias&tab=default_tab&from-Sitemap=1.

115 *Ibid.*

116 *Ibid.*



which included victim-offender dialogues.¹¹⁷ By the early 2000s, VODs were being endorsed and encouraged by two international bodies: the United Nations and the Council of Europe.¹¹⁸

States with Balanced and Restorative Justice Legislation by 2000

Victim-offender dialogues remain the oldest and most widely developed usage of restorative justice practices; they have been

in practice for nearly 50 years and several hundred cases a year are handled by VOD programs across the United States. Recent estimates of community VOD program case numbers do not exist, however, given that our case study handles 60-80 cases per year, we estimate that the 12 community VOD programs we identified handle 720–960 cases per year.

How Victim-Offender Dialogue Works

A victim-offender dialogue is a structured

117 Mark, U. S., Vos, B., Coates, R. B., & Lightfoot, E. (n.d.). *Restorative Justice in the Twenty-First Century: A Social Movement Full of Opportunities and Pitfalls*. Marquette Law Review. Retrieved May 2022, from <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1098&context=mulr>.

118 Umbreit, Mark S., Robert B. Coates, and Betty Vos. *Victim-Offender Mediation: Three Decades of Practice and Research*. *Conflict Resolution Quarterly* 22, no. 1-2 (2004): 279–303. <https://doi.org/10.1002/crq.102>.

conversation between the victim, offender, and typically their support persons, that seeks to find ways to repair the harm caused by the offender. In many programs, a VOD can only be initiated by the victim. The victim may initiate a dialogue for numerous reasons, including because they want information about the offense or the offender, be interested in sharing how the offender's actions affected them and others, or even have an idea how to heal some of the harms caused by the offender.¹¹⁹ Some other programs also allow initiation by the offender's side or a referral by other people on the behalf of the victim, like therapists or aboriginal elders.¹²⁰

Some VOD programs work with victims pre-charge, meaning that a charge does not yet appear on the offender's record even if a citation has been issued, and others work with victims after the offender has been charged but before they are convicted. Regardless of the stage in the process a dialogue is initiated, the VOD process typically consists of four steps:

1. Referral - At the beginning of the dialogue

process, the victim, court officer, or other involved person contacts a qualified agency that conducts VOD programs. The agency will often screen that case for the type of harm and involved parties. If the VOD agency is willing to facilitate the case, agency staff will begin contacting each party. VOD program staff will often ensure that the offender has taken responsibility for the crime, any minors have been given permission to participate, and there are no mental health issues that could inhibit the process.¹²¹ If both the victim and offender agree to participate, the agency will discuss with the victim what happens next.¹²²

2. Preparation - Upon agreeing to facilitate the case, the VOD agency will hold preparatory meetings with both parties to discuss the process. With the victim, VOD program staff will prepare them to tell their story and encourage them to think about what might repair the harm caused. With the offender, VOD staff will often walk them through taking responsibility for their actions and listening to the victim. Both parties are also typically offered the opportunity to select

119 University of Wisconsin-Madison Law School. *Victim-Offender Dialogue*. Accessed May 11, 2022. <https://law.wisc.edu/fjr/rjp/vod.html>.

120 Gustafson, D. *Encountering 'The Other': Victim Offender Dialogue in Serious Crime*. Ku Leuven, 2018. 154. https://lmo.libis.be/primo-explore/fulldisplay?docid=LIRIAS1996032&context=L&vid=Lirias&search_scope=Lirias&tab=default_tab&fromSitemap=1

121 Hansen, Toran, and Mark Umbreit. *State of Knowledge: Four Decades of Victim-Offender Mediation Research and Practice: The Evidence*. *Conflict Resolution Quarterly* 36, no. 2 (2018): 99–113. <https://doi.org/10.1002/crq.21234>.

122 *Ibid.*

support persons to join them in the dialogue. Once both parties are prepared, the facilitators will schedule a meeting in a safe environment that all parties have agreed to meet at for the dialogue.¹²³

3. Dialogue - The VOD agency then facilitates a conversation between the victim, offender, and support persons about the harm caused. The exact structure of the VOD varies from program to program, but typically the facilitator will help each party walk through their experiences and ask questions of the other.¹²⁴ Towards the end of the dialogue, an agreement is crafted where the offender specifically lays out how they will repair harm caused, and the agreement is signed by both parties.

4. Follow-up - After the dialogue, the facilitator informs the referring agency of the agreement. VOD staff monitor the completion of the agreement by the offender and keep the victim informed of the offender's progress. When the agreement is fulfilled, VOD staff typically schedule a follow-up meeting between the parties. If no final meeting is requested, VOD staff notify the victim of the agreement's completion. In both cases, the staff then follow up with the referring agency on the next steps required to close

the case, which may include the release of probation or other similar actions.¹²⁵

123 Amstutz, Lorraine Stutzman. *The Little Book of Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue*. Intercourse, PA: Good Books, 2009.

124 Hansen, Toran, and Mark Umbreit. *State of Knowledge: Four Decades of Victim-Offender Mediation Research and Practice: The Evidence*. *Conflict Resolution Quarterly* 36, no. 2 (2018): 99–113. <https://doi.org/10.1002/crq.21234>.

125 *Ibid.*



Benefits of Victim-
Offender Dialogue
over Traditional
Justice Approaches

As one of the most studied community solutions to justice, VOD offers numerous, well-backed benefits over traditional prosecution. In the short term, both victims and offenders are more satisfied with the process than with traditional court proceedings, perceive the processes as fairer, and see higher completion rates of agreements and restitution paid than traditional justice approaches. In the long term, VODs can improve the attitudes of both the victim and offender towards each other, and the process likely significantly reduces offender recidivism.

Short-Term Benefits

Victim Satisfaction

Like the other programs in this report, VOD is a voluntary program, and victims often refuse to participate. Across numerous studies, approximately 40-60% of victims chose not to participate, either because they didn't see the time required to participate in a VOD as

necessary for the crime committed, feared meeting the offender, or wanted the offender to be more harshly punished.¹²⁶ However, for those victims that did participate, satisfaction rates are incredibly high. An average of 80-90% of participants report being satisfied with the process.¹²⁷ Additionally, injured parties may express feelings of empowerment and having a sense of emotional healing because they were involved in the process.¹²⁸

Offender Satisfaction

Similarly, offenders also report much higher satisfaction rates. Some studies suggest 80 to 90 percent of participants, including offenders, who participate in restorative processes and the resulting agreement are satisfied.¹²⁹ Other benefits for the offender found them being more empathetic to their victims, feeling empowered, and avoiding further involvement with the criminal justice system.¹³⁰

126 Umbreit, Mark S., Robert B. Coates, and Betty Vos. *Victim Impact of Meeting with Young Offenders: Two Decades of Victim Offender Mediation Practice and Research*. Restorative Justice for Juveniles : Conferencing, Mediation and Circles. Accessed August 28, 2022. <https://doi.org/10.5040/9781472559111.ch-007>.

127 *Ibid.*

128 Umbreit, Mark S. *Restorative Justice Through Mediation: The Impact of Offenders Facing Their Victims in Oakland*. Journal of Law and Social Work, 1995. <https://westerncriminology.org/documents/WCR/v01n1/Umbreit/Umbreit.html>.

129 Umbreit, Mark S., Robert B. Coates, and Betty Vos. *Victim Impact of Meeting with Young Offenders: Two Decades of Victim Offender Mediation Practice and Research*. Restorative Justice for Juveniles : Conferencing, Mediation and Circles. Accessed August 28, 2022. <https://doi.org/10.5040/9781472559111.ch-007>.

130 Shack, J. (n.d.). *40 Years of Victim-Offender Mediation Research: Benefits to Victims, Offenders, Courts and Community*. Just court ADR. Retrieved January 28, 2022, from <http://blog.aboutrsi.org/2019/research/40-years-of-victim-offender-mediation-research-benefits-to-victims-offenders-courts-and-community/>

Increased Perception of Fairness

Potentially because the focus of a VOD shifts from a powerful arbitrator, such as a judge, to the victim and offender, both participants often believe that the VOD process is fairer than the traditional justice system. In a study of burglary victims in Minneapolis, MN, 80% of burglary victims who participated in a VOD with their offender found the process fair, while only 37% of burglary victims perceived the traditional justice process as fair.¹³¹

High Agreement and Contract Completion Rates

VODs also tend to result in high agreement and contract completion rates. In a 2004 meta-analysis of several VOD studies, nearly 90% of VODs resulted in an agreement, while an average of around 80-90% of the contracts that came out of an agreement were completed.¹³²

Higher Restitution Paid

Finally, some research has also shown impressive increases not just in contract completion, but in the amount of restitution paid. One study in California looked at the amount of restitution paid by youth offenders who went through a VOD as opposed to youth that went through the traditional justice process, and found increases from 95% (Sonoma County) to over 1,000% (Los Angeles County) increase in restitution paid.¹³³

Long-Term Benefits

Changed Attitudes

Both victims' and offenders' attitudes may also change as a result of the VOD process. Victims can get an overall better understanding of offenders as well as "the nature and causes of crime, and a reduced sense of alienation as a result of this process." Offenders, on the other hand, have the ability to demonstrate their commitment to the com-

131 Umbreit, Mark S. (1989) *Crime Victims Seeking Fairness, Not Revenge: Towards Restorative Justice*. Federal Probation, Volume 53, Issue 3. 52-57. <https://www.ojp.gov/pdffiles1/Digitization/119864NCJRS.pdf>

132 *Ibid.*

133 Evje, Audrey, and Robert C Cushman. Rep. *A Summary of the Evaluations of Six California Victim Offender Reconciliation Programs*. The Judicial Council of California Administrative Office of the Courts, May 2000. <https://www.courts.ca.gov/documents/vorp.pdf>.

munity and show they are not “just a monster.”¹³⁴ One study of a Utah VOD program found that victims not only saw dialogue as a helpful process, but they had a better opinion of the offender after the process. Offenders agreed that they would recommend mediation to a friend and that they had a better understanding of how the victim was affected after the VOD process was complete.¹³⁵

Community Benefits

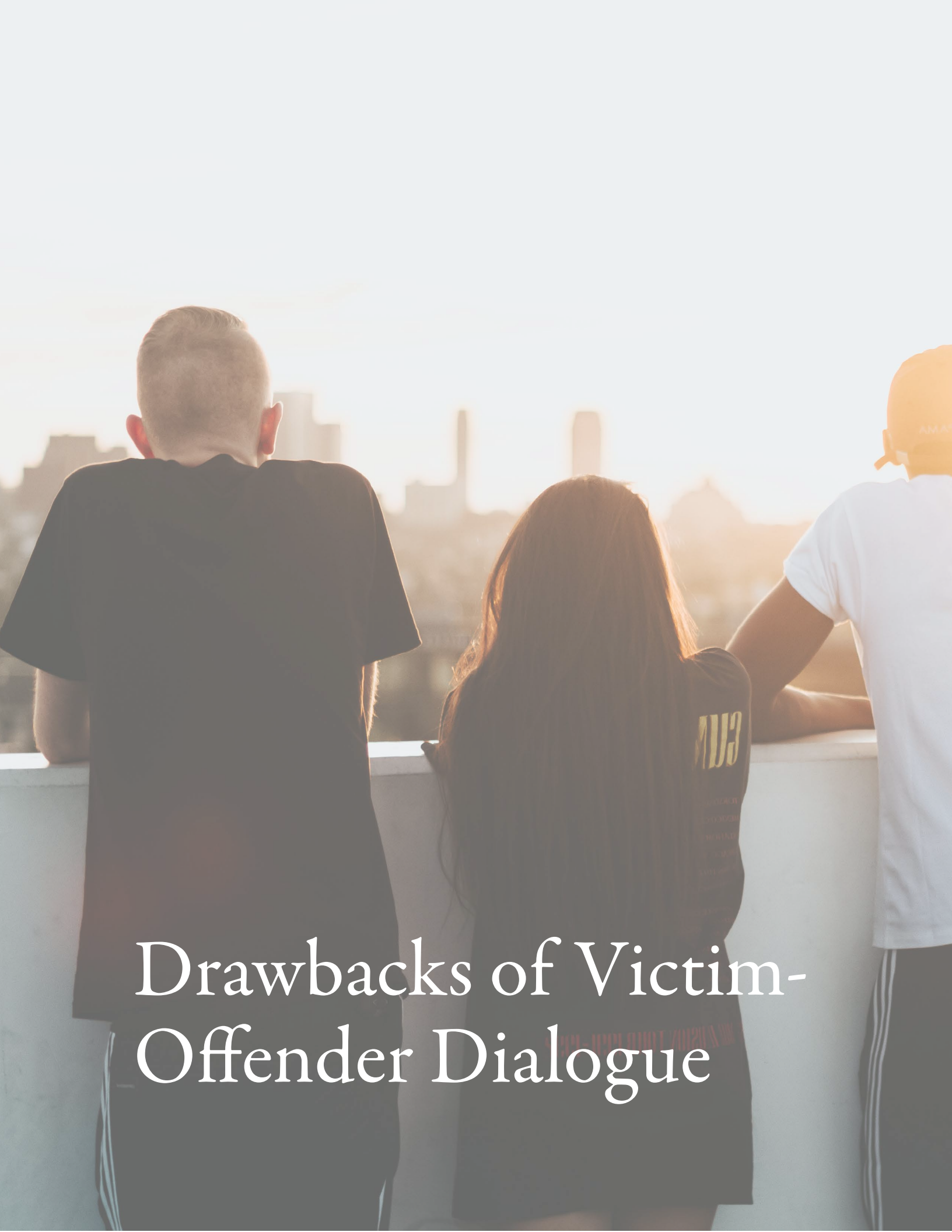
Potentially Reduced Recidivism

From 2002 until 2012, seven out of eight meta-analyses showed a small to a significant reduction in offender recidivism. The most recent meta-analysis by authors Wilson, Olaghere, and Kimbrell found, “...evidence regarding the effectiveness of these programs in reducing continued delinquent behavior is promising, but given methodological weaknesses of the literature, is not at a level that would allow for a strong positive conclusion. Simply stated, the results are promising but not conclusive.”¹³⁶

134 Amstutz, Lorraine Stutzman. *The Little Book of Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue*. Intercourse, PA: Good Books, 2009.

135 Poulson, Barton, and Kathy Elton. *Participants' Attitudes in the Utah Juvenile Victim-Offender Mediation Program*. *Juvenile and Family Court Journal* 53, no. 1 (2002): 37–45. <https://doi.org/10.1111/j.1755-6988.2002.tb00054.x>.

136 Wilson, D. B., Olaghere, A., & Kimbrell, C. S. (2017). *Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta Analysis*. Department of Justice. Retrieved from <https://www.ojp.gov/pdffiles1/ojjdp/grants/250872.pdf>.



Drawbacks of Victim-Offender Dialogue

There are some potential drawbacks to the VOD process as well. Offenders may feel pressured to waive their right to a trial even if they believe they are innocent, either the victim or offender may be reluctant to attend the dialogue, and there is a risk of revictimization with some crimes.¹³⁷

Lack of Understanding of the Process

Because an offender often waives their right to trial before entering a VOD, some critics are concerned that the offender, particularly if they are a youth, may not fully understand the implications of attending a VOD, and may be “pressured” into attending a VOD even if they are innocent.¹³⁸

Victim Reluctance

As discussed above, nearly half of all victims choose not to meet with an offender when given the opportunity.¹³⁹ Victims may see the

process as unnecessary, frightening, or too soft on the offender and refuse to participate.

Offender Reluctance

Offenders will often worry about facing their victims, even if they are in a controlled, safe environment. Offenders may fear that their victim may want to exact revenge against them; they feel the victim may ask an exorbitant amount of restitution or may resort to violence themselves.¹⁴⁰

Revictimization

With some crimes, VOD may carry a risk of revictimization. While there exists some evidence that VODs can be used to address the harms caused by very violent crimes, including one small study that worked with victims of a sniper attack,¹⁴¹ many experts advise caution in this area.¹⁴² In cases like these, placing the victim in a dialogue with the offender can lead to outcomes as severe as revictimization.

137 Amstutz, Lorraine Stutzman. *The Little Book of Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue*. Intercourse, PA: Good Books, 2009.

138 Delgado, R. *Goodbye to Hammurabi: Analyzing the Atavistic Appeal of Restorative Justice Prosecuting Violence: A Colloquy on Race, Community, and Justice*. (2000) *Stanford Law Review*. 760-761. https://scholarship.law.ua.edu/cgi/viewcontent.cgi?article=1383&context=fac_articles

139 Amstutz, Lorraine Stutzman. *The Little Book of Victim Offender Conferencing: Bringing Victims and Offenders Together in Dialogue*. Intercourse, PA: Good Books, 2009. 57.

140 *Ibid.*

141 Umbreit, Mark S. (1989). *Violent Offenders and Their Victims*. In *Mediation and Criminal Justice* (M. Wright and B. Galaway, eds) pp. 99-112. Sage; London.

142 Umbreit, Mark S., William Bradshaw, and Robert B. Coates. *Victims of Severe Violence Meet the Offender: Restorative Justice through Dialogue*. *International Review of Victimology* 6, no. 4 (1999): 321–43. <https://doi.org/10.1177/026975809900600405>.

Victim-Offender Dialogue Case Study - Restorative Justice Mediation Program

Victim-Offender Dialogue Program

Summary

Organization: Restorative Justice Mediation Program

- Program: **Victim-Offender Dialogue Program**
- Location: **San Diego, CA**
- Established: **1993**
- Cases per year: **60-80**
- Average case length: **30-60 days**
- Average cost: **\$3,000-\$5,000**
- Caseload: **4-6% of juvenile delinquency cases in San Diego County, CA**
- Impact: **Over 80% of contracts completed, 91.5% did not reoffend after one year (based on a parent survey), and 75-80% of negotiated restitution recovered**

Operations

- Staff: **4**
- Volunteers: **12**

Support

- Community: **100%**
- Government: **0%**

Impact Story - Returning the Ring

In 2017, “Adrian” broke into several homes in a wealthy neighborhood in San Diego County. Instead of being sentenced for burglary, he was diverted to the RJMP Victim-Offender Dialogue program.

When Adrian and one of the homeowners he had stolen from, “Enrique”, sat down together in the dialogue, Enrique learned that Adrian and his family struggled with food insecurity. Enrique had also struggled with food insecurity growing up, and began to see Adrian as more of a struggling youth than just a burglar of his home.

At one point during the dialogue, Enrique told Adrian that he had stolen a prized family heirloom, a ring he really cared about. He had assumed it was lost forever after the burglary, but after talking to Adrian, sensed that he might be able to get it back.

He asked if Adrian could return it. Two weeks later, RJMP staff received the ring and were able to give it back to Enrique. Enrique ended up employing Adrian at his family business over the summer. RJMP’s

victim-offender dialogue program helped Enrique recover a prized ring, and helped give Adrian a pathway out of a life of crime.

History of RJMP’s Victim-Offender Dialogue Program

In the Mennonite Community, when a young member of the community causes harm, community members bring the youth together to talk with the victim and work to address that harm. Pearl Hartz, a member of that community, had been regularly doing these dialogues in San Diego before she started the Restorative Justice Mediation Program (RJMP). “Most of the dialogues were between neighbors or people with kids going to the same school,” Xiani Williams, Director of Programs at RJMP said. “At that time, it was mostly adults who just wanted to have a conversation with others.”

In 1993, RJMP started to informally take on criminal diversions from San Diego’s juvenile justice system. To date, 650 youth offenders have gone through RJMP’s Victim-Offender Dialogue program. The San Diego County DA’s office diverts approximately 60-80 youth offenders to the program every year, between 4-6%

of San Diego County's juvenile delinquency caseload.¹⁴³

How RJMP's Victim-Offender Dialogue Program Works

While, true to its roots, RJMP does take referrals directly from community members looking to repair harm, the vast majority of cases are referred to RJMP by the San Diego Juvenile Court. "I'd say over 90% of our referrals come directly from the court," Xiani says. The public defender and district attorney agree to divert a case, which is then sent to RJMP for screening.

The primary thing RJMP looks for in the case is whether or not there is a victim and identifiable harm, as opposed to "victimless crimes" like drug possession cases. The RJMP screener will also ensure the youth offender and their parents know the RJMP program is voluntary. "I do highly encourage them to go through the process because it's a diversion opportunity, but we don't want anyone going through the process if they don't want to participate," says Xiani.

Once the offender has been contacted and agrees to participate in the dialogue, the RJMP screener will contact the victim to explain the process and answer any questions. If both parties agree to proceed, the screen-

er will assign facilitators to the dialogue process.

Since all of their facilitators are volunteers, Xiani does her best to assign the facilitators she believes will be the best fit. "Some facilitators might want to work more with younger kids, or older kids, some facilitators will travel the entire county of San Diego while others won't travel as much, and we need to make sure the facilitator either speaks the language of the parties in dialogue or find a court translator before we start." RJMP assigns two facilitators to each case, a lead facilitator and a facilitator in training to watch and learn the process.

Once facilitators are assigned to the case, they will hold two pre-dialogue meetings, one with the youth offender and their parents and one with the victim. In those meetings, both parties have the opportunity to discuss with the facilitator what happened, express their feelings about the harm done, and talk about what they believe would be appropriate reparations. RJMP facilitators make sure the offender and victim lead this process. "We don't suggest any specific options. We let both of the parties come up with options, and we might provide technical help such as where to do the community service, if they want community service, but we don't suggest any specific reparation," Xiani says.

143 Rep. 2019 Court Statistics Report Statewide Caseload Trends. 140. Judicial Council of California, 2019. <https://www.courts.ca.gov/documents/2019-Court-Statistics-Report.pdf>.

In that process, facilitators will also make an assessment of whether or not the case should move forward to dialogue. “If the victim is too emotional or angry, or the offender is not taking responsibility for any of the harm, we wouldn’t move forward with the process,” says Xiani.

When both parties have agreed to the dialogue, facilitators help each party prepare for the conversation, often spending a significant amount of time with the youth offender. Facilitators may help the offender think about what they want to say at the dialogue, or if they’re particularly young, even help them write a script.

RJMP’s dialogue is fairly structured. First, the offender will speak about what happened from their point of view and answer questions. Then, the victim, their support person or parents (if the victim is a minor), and the offender’s parents will get to talk about how this harm affected them. The parent’s voice is an important part of the process, says Xiani. “A lot of the time parents don’t have a voice about how this has affected them too, as the parent of the offender, so they get to speak about that in the dialogue.”

Next, the dialogue focuses on reparations. Reparations can include community service, direct service, monetary restitution, or even personal goals the youth offender must complete. “A lot of the time the [reparation] agreement includes academic goals, such as graduating with a 3.5 GPA, something that is measurable and the court can determine if it has been achieved or not,” Xiani says.

The last part of the dialogue is “future intentions,” where the offender talks about what they plan to do to avoid causing this kind of harm again, such as attending an after-school program so they stay out of trouble. “This is really important to us,” says Xiani. “During future intentions is where the offender can help make the victim feel like this won’t happen again.” RJMP can also help the youth fulfill their future intentions by referring them to services, such as tutoring or another non-profit like a Boys & Girls club.

Once the youth offender and their parents sign the reparation agreement, RJMP monitors the process, and collects payments on behalf of the victim, to ensure the agreement is met. If the youth offender doesn’t fulfill their agreement, the case is sent back to court. If they fulfill their agreement, the court is notified and the case is dismissed.

Impact

| | | |
|----------------------------------|-------------------------------------|--------------------------------|
| \$3,000-5,000 Per Case | 30-60 Days to disposition | 8.5% Recidivism Rate |
|----------------------------------|-------------------------------------|--------------------------------|

RJMP ensures that in most cases the victims get the reparations they requested. In a survey of offenders that went through the program from 2019-2021, RJMP found that 80% of their youth offenders completed their agreements. In a survey of offender’s parents from the same period, 91.5% reported their child had not reoffended within one year of completing the program, compared to the

California Department of Juvenile Justice reconviction rate of 55.5%.¹⁴⁴

RJMP also touts the effectiveness of their restitution recovery, the total dollar amount negotiated between victims and offenders, as they are able to recover between 75-80% of the restitution negotiated.

Xiani says that a big impact of their program on a youth offender is actually meeting someone that has been affected by their actions. “A teenager might not think it’s a big deal to tag (graffiti) a wall or break into a school, because they can’t really put a face to anyone that has been harmed by their actions,” Xiani says. “It makes a big impact when they hear from, for example, a teacher that their six year olds were afraid to go to the classroom after what the youth did.”

This impact goes both ways. In one case, a group of youth offenders damaged a senior home in San Diego. After meeting with the kids, instead of demanding restitution, the city manager worked with RJMP to propose a different solution. When the city manager met with the kids, he said, “instead of going around and destroying things, why don’t we have you be a part of the new skate park we’re building?’ They actually integrated the kids into their committee so they could have input on what the skatepark looked like,” Xiani said.

Another big impact is that going through

RJMPs program helps a youth offender avoid any more contact with the juvenile justice system. “We do know that those youth who have any contact with the criminal justice system have a higher likelihood of being in the system, again, failing at school and things like that,” Xiani says.

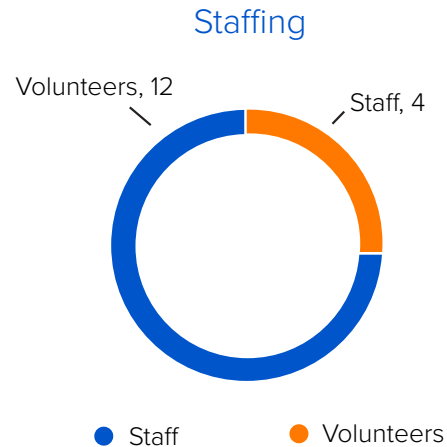
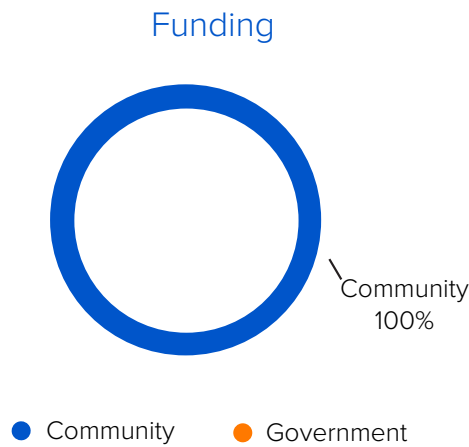
Once the youth are referred to RJMP, their contact with San Diego’s juvenile justice system ends. “The very tangible impact is that the youth offender won’t have a record or any kind of contact with the criminal justice system that could potentially prevent them from getting jobs, scholarships, and you know, we know the impact of all those things,” says Xiani.

On average, RJMP processes a case within 30-60 days. RJMP doesn’t charge anyone to participate in the program, but the cost to RJMP for each dialogue and the monitoring of agreements afterwards is \$3,000-\$5,000.

Why it Works

One big reason RJMP staff say that the program works is that the youth offender actually takes ownership of the process. Because the youth offender works directly with the victim to create a reparation agreement, they have a say in how their lives can turn out. “These kids feel like life is happening to them,” says Ian Ragsdale, RJMP’s Executive Director. “This is the first time they can make a decision on where they want things to go.”

144 Rep. 2017 Division Of Juvenile Justice Recidivism Report. California Department of Corrections and Rehabilitation, January 2019. https://www.cdcr.ca.gov/juvenile-justice/wp-content/uploads/sites/168/2020/10/2017-Division-of-Juvenile-Justice-Recidivism-Report_ADA.pdf.



RJMP staff also say that the high restitution recovery rate comes from how their program is structured. By negotiating monetary damages directly with the offender, they find that many victims will negotiate a restitution the offender can actually pay, sometimes innovatively. “Actually, it’s not very uncommon for us to have victims offering jobs to the youth,” Xiani says.

Funding & Support

RJMP’s victim-offender dialogue program is 100% community supported, including voluntary donations, volunteer hours, and fees for services. 4 staff are involved in the program, who receive cases, follow-up with participants, recruit and train volunteer facilitators, and manage relationships with stakeholders. RJMP also has 12 volunteer trained facilitators, who facilitate each of the dialogues.

How to Implement a Victim-Offender Dialogue Program in Your Community

RJMP staff have two specific pieces of advice for anyone who wants to implement a

victim-offender dialogue in their community: establish relationships with stakeholders and work with victim advocacy groups. First is engaging the stakeholders. While community referrals might one day make up the majority of RJMP’s referrals, right now they come from systems-involved stakeholders. Xiani especially recommends pitching the idea to the District Attorney and public defenders. “You have to really sell them on that idea first, because you have to work with the system in order to reform the system,” she says.

The second is working with victim advocacy groups. Because the victim gets to be involved in and drive the process, victim advocacy groups are often interested in victim-offender dialogue. They also serve as a natural funnel for cases for a new dialogue program, as they have a large number of victims that might seek a dialogue with a youth offender.

For advice on implementing a similar program in your community, contact RJMP at <https://www.sdrjmp.org/>.