

## 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.<sup>143</sup>

## 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.

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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

<b>\$3,000-5,000</b> Per Case	<b>30-60</b> Days to disposition	<b>8.5%</b> Recidivism Rate
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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%.<sup>144</sup>

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.

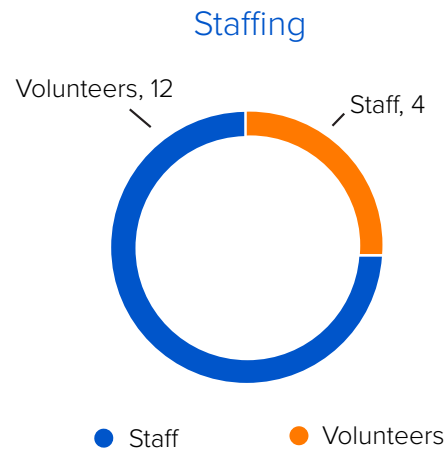
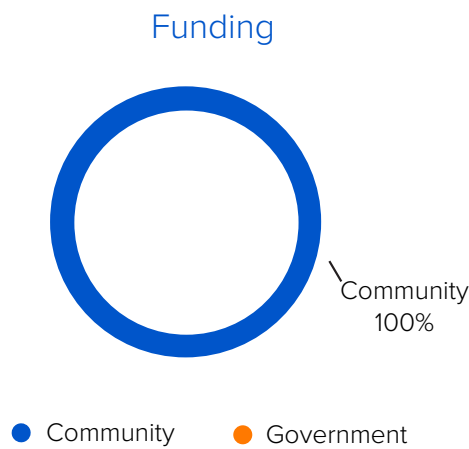
On average, RJMP processes a case within 30-60 days. RJMP doesn’t charge anyone to participate in the program, but the cost to RJMP for each dialogue and the monitoring of agreements afterwards is \$3,000-\$5,000.

## 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.”

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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](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/>.