

# Can Restorative Justice Conferencing Reduce Recidivism? Evidence From the “Make It Right” Program

Yotam Shem-Tov

Department of  
Economics,  
UCLA

Steve Raphael

IRLE and  
Goldman School of  
Public Policy,  
UC Berkeley

Alissa Skog

California  
Policy Lab,  
UC Berkeley

## What is restorative justice conferencing?

Restorative justice programs typically involve a structured conference involving the victim, the accused, and supporters of both parties

An agreement is usually made in which the responsible party (the accused) makes amends for the crime through a mutually agreed upon set of actions

- An important component is understanding the causes that lead to the harm and how they can be treated

Emphasizes the youth's accountability through repairing harm rather than imposing sanctions

- A necessary condition is being willing to take responsibility for the harm caused to the victim (the harmed party)

Unlike traditional criminal justice proceedings, the victim has a prominent and active role

## This study

**Question:** Can restorative justice interventions reduce recidivism?

**Setting:** Evaluate “Make-It-Right” (MIR), a restorative justice community conferencing intervention targeting youths (13 to 17) in San Francisco charged with a felony offense

**Identification:** Youth eligible to MIR were randomly allocated to either:

- Treatment: The MIR restorative justice conferencing program
- Control: Traditional criminal prosecution

**Data:**

- Administrative records on juvenile and adult arrests in San Francisco
- Information on assignment, participation, and completion of MIR

## What do we know about restorative justice interventions?

Victims are generally satisfied with restorative justice conferencing programs (McCold and Wachtel, 1998; McGarrell, 2001; Angel et al., 2014; Brooks, 2013; Sherman et al., 2015)

Evidence on recidivism is mixed. E.g., two observational studies find effects of opposite sign

- Brooks (2013) finds increases in recidivism evaluating a conferencing program in Baltimore, Maryland
- Bonta et al. (2002) find large reductions in recidivism evaluating a program in Canada

The experimental evidence in the U.S. is also mixed

- In Indiana, McGarrell (2001) finds meaningful decreases in recidivism relative to a control group allocated to a diversion program; however, the effects fade away over time Jeong, McGarrell, and Hipple (2012)
- McCold (1998) evaluates a family-group conference intervention in Pennsylvania and finds no evidence of reductions in recidivism after one year

## The MIR program

Piloted in late 2013 and RCT lasted until May 2019 (then expanded to all eligible youth)

MIR is a restorative justice community conferencing intervention that is an alternative to a criminal prosecution and acts as a diversion program

Main eligibility criteria:

- Did not injure the victim or used a weapon
- Not affiliated with a gang
- Not on probation or in detention at arrest
- No prior 707(b) arrests or sustained positions (707(b) offenses that would count as a strike under California's three-strikes for juveniles 16 and over),
- Resident of San Francisco county, northern Alameda county

## Implementation of the intervention

One of the eligibility requirements was the victim's consent — all victims consented  $\Rightarrow$  no sample selection

All eligible cases were randomized

- Once a case is eligible, the prosecutor has no discretion about whether or not it will be part of the experiment. It automatically participates

Assignment to MIR was done at random by a paralegal who is not involved in the program and is unrelated to the prosecutor handling the case

## MIR's sequence of events

- (1) Eligibility to participate based on offense severity and criminal history
    - No prior felony offenses
    - Mid-level severity felony offenses (burglary, theft, assault), not involving a firearm
  - (2) Consent of the victim that the youth will participate in MIR—**all** victims consented
  - (3) Community Works West (non-profit specializes in restorative justice)
    - Assesses suitability (e.g., willingness to take responsibility for the harm)
    - Conducts the restorative justice conferences / meetings
    - An agreement to restore welfare to the victim / harmed by the youth
  - (4) Huckleberry Youth: Conducts the post conference case management and compliance monitoring
- Law enforcement agencies are not involved in any part of the restorative justice conferencing

# What happens in the restorative justice conferencing

- 1 Before the conference:
  - ▶ Suitability assessment
  - ▶ Harmed party assessment
  - ▶ Pre-conference prep: To the responsible party, harmed party, and supporters
  - ▶ Apology letter
- 2 During the conference:
  - ▶ Reading of apology letter
  - ▶ Harmed party response
  - ▶ Consensus based plan developed
- 3 After the conference:
  - ▶ Initial debrief with agreement monitor
  - ▶ Meetings with agreement monitor (at least weekly)





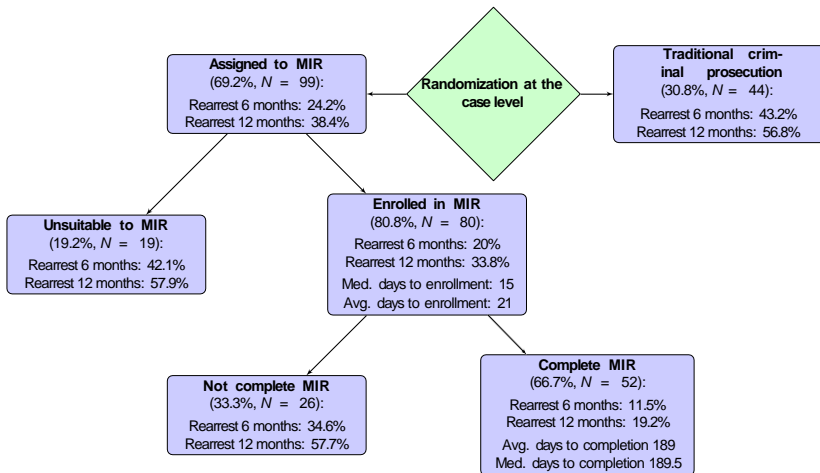
# Summary statistics I

	(1) MIR controls	(2) Assigned MIR	(3) Enrolled in MIR (Compliers)	(4) All juveniles
<b>Demographics:</b>				
Male	0.909	0.889 [0.756]	0.900	0.796
Black	0.500	0.531 [0.788]	0.487	0.608
Hispanic	0.318	0.323 [0.966]	0.359	0.238
Age	16.023	16.091 [0.814]	16.113	15.851
<b>Criminal history:</b>				
Any past arrests	0.273	0.273 [1.000]	0.250	0.565
Number of past arrests	0.705	0.374 [0.229]	0.313	1.903
Any past felony arrests	0.068	0.141 [0.184]	0.125	0.468
Number of past felony arrests	0.068	0.162 [0.134]	0.125	0.960
Age at first criminal offense	14.750	15.198 [0.091]	15.269	14.227
Number of observations	44	99	80	6203
Number of individuals	44	99	80	3333

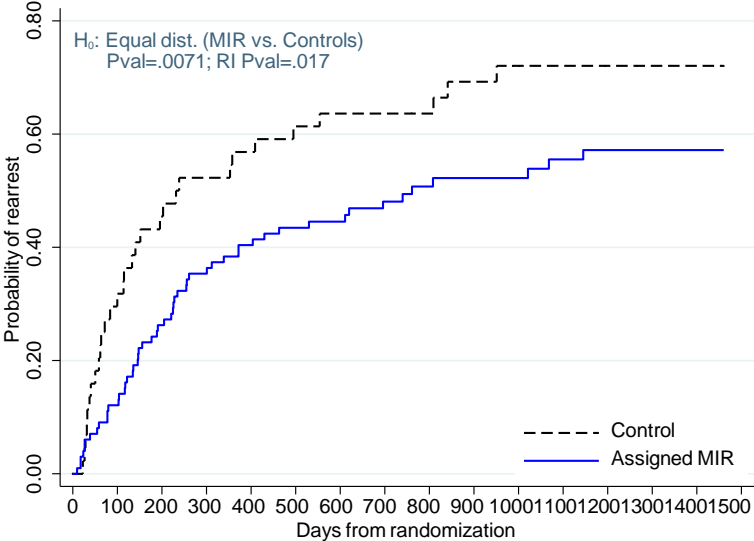
## Summary statistics II

	(1) MIR controls	(2) Assigned MIR	(3) Enrolled in MIR (Compliers)	(4) All juveniles
<b>Type of most severe offense:</b>				
Homicide/Manslaughter	0.000	0.000 [.]	0.000	0.019
Sex offense	0.000	0.000 [.]	0.000	0.013
Robbery	0.000	0.030 [0.087]	0.000	0.344
Assault	0.159	0.131 [0.690]	0.138	0.264
Burglary	0.318	0.434 [0.245]	0.487	0.140
Theft	0.636	0.657 [0.833]	0.713	0.236
Drug	0.000	0.000 [.]	0.000	0.071
Weapons	0.000	0.020 [0.165]	0.025	0.098
Other	0.205	0.293 [0.447]	0.287	0.472
Number of observations	44	99	80	6203
Number of individuals	44	99	80	3333

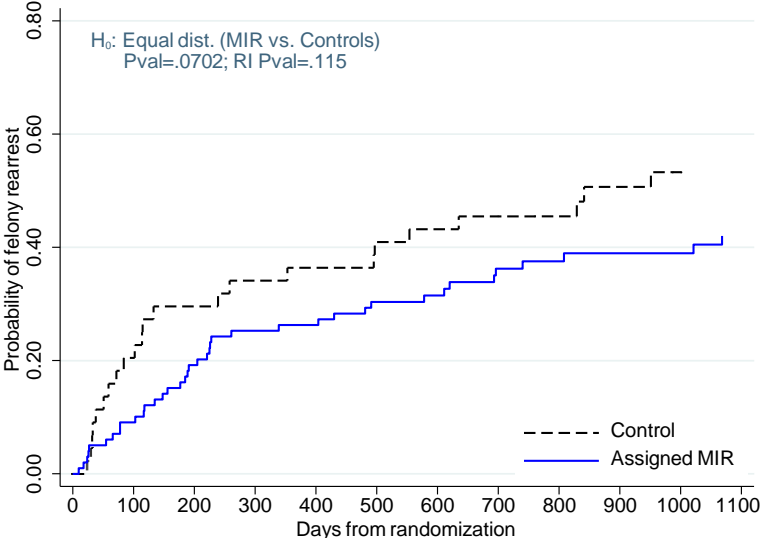
# Treatment assignments and choices



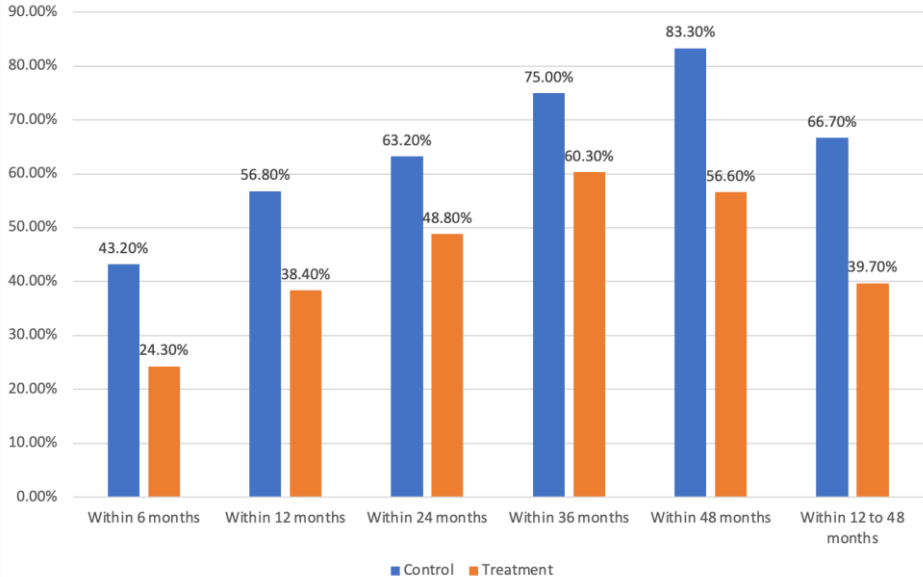
# MIR causes a permanent reduction in rearrests



# MIR also reduces felony rearrests



### Percent Rearrested within Specific Times Periods Following Random Assignment for MIR Treatment and Control Groups



## Concluding remarks

Assignment to MIR causes a large and permanent reduction in the likelihood of being rearrested

- 18 percent. points (32%) within 1 year and 26 percent. points (30%) within 4 years
- Effects are larger by  $\approx 1.3$  for enrollment in MIR and  $\approx 1.9$  for completion of MIR

MIR is a proof of concept that restorative justice interventions have the ability to generate lasting reductions in recidivism

Larger scale evaluations are needed to:

- 1 Validate the scalability of MIR if adopted widely
- 2 Understand better the channels through which the effects operate
- 3 Improve the program completion rate ( $\approx 54\%$ )