Funding Community Restorative Justice and Transforming City Government's Relationship with Communities

Community Restorative Justice Investment Report and Recommendations

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I. INTRODUCTION

Restorative Justice Initiative: Who We Are and What We Do

Restorative Justice Initiative (RJI) is a citywide, multi-sector network of practitioners, advocates and community members seeking to increase support for, and access to, restorative justice approaches for all New Yorkers.

Restorative justice (RJ) is a set of principles and practices rooted in indigenous societies. Restorative justice can be applied both reactively in response to conflict and/or harm, and proactively to strengthen community by fostering communication and empathy. Restorative justice invites everyone impacted by conflict and/or harm to develop a shared understanding of both the root causes and the effects. Restorative justice addresses the needs of those who have been harmed, while encouraging those who have caused harm to take responsibility. Restorative justice reflects the capacity of all people for healing, growth, and transformation by creating pathways for accountability, self-determination and connection.

By focusing our efforts on educating, convening and connecting, RJI is creating a hub for action and dialogue and a clearinghouse for information and resources to support the growth and development of this sector in NYC—where it is urgently needed. We believe that by fostering connection, collaboration and transparency among programs and practitioners, we can build shared power and a paradigm-changing movement that will reduce violence and create a more safe, just and equitable city. RJI is a Partner Project of the Fund for the City of New York.

Our Restorative Justice Values and Grounding Principles

- ➔ Restorative justice programs must *be* ***equity-driven***. In order to address the impact of historical and structural harm, and to transform the conditions leading to that harm, restorative justice practices must name and confront racism, systemic oppression and inequity in all forms.

- ➔ Restorative justice must ***promote decarceration.*** Restorative justice programs must actively, both in the short and long term, work towards decreasing the number of community members who are imprisoned and interfacing with the criminal legal system.

- ➔ Restorative justice programs must *be* ***healing-centered*** and ***community-driven.*** Restorative justice practices must center the healing processes of those that have experienced harm. Restorative justice must acknowledge the agency and power of communities to both name their own needs and access the resources to address them.

- ➔ ***Conflict is an opportunity, not a problem to be solved.*** As restorative justice practitioners we understand conflict as an inevitable component of human relationships. We also view conflict as an opportunity for reflection, personal growth and healing, rather than a problem that needs to be resolved.

- ➔ ***No one is disposable.*** We are all connected to each other, our communities and the land. Restorative justice practitioners recognize the humanity, value and contribution of all participants. We also recognize that all people cause harm and experience harm but that state-sponsored punishment is disproportionately imposed on Black, indigenous and people of color (BIPoC). Meaningful accountability is best achieved by calling people in, not through shame, blame or exclusion.

- ➔ Any investment in community restorative justice must ***prioritize BIPoC led work.*** Because the criminal legal system has systematically disenfranchised and dehumanized Black and brown communities, any investment in community restorative justice must focus on supporting BIPoC led work in order to correct, rather than replicate, previous and ongoing systemic harm.

Our Process

In October 2019, in conjunction with the city's plan to close the Rikers Island jail complex and to open four borough-based jails, the de Blasio Administration developed various Points of Agreement (POA) related to funding earmarked to "enhance

community driven safety and re-envision justice." This POA included funding for "Community Based Restorative Justice."

For this investment in restorative justice programs and practices, The Mayor's Office of Criminal Justice (MOCJ) anticipates that $2.5 million will be available in the first year of funding, with an anticipated increase to $6.5 million by the third year of funding and baselining at $6.5 million annually in subsequent years.

In recognition of the "many opportunities for restorative justice practices to be used throughout the criminal justice system and in the community" MOCJ solicited proposals for a consultant with "deep knowledge of and significant experience utilizing restorative justice practices in both the criminal justice and community contexts in New York City" to advise the city and "to create shared language around restorative justice and develop a process by which to decide where restorative justice practices could be implemented and how this funding should be invested." The timeline allotted for this process was **April 1, 2021 through June 30, 2021**.

As the consultant retained to lead the process, Restorative Justice Initiative, in collaboration with MOCJ and Council Member Stephen Levin, assembled an advisory committee of twenty-two New Yorkers, most of whom who are engaged in restorative practice, program design, policy advocacy, training and teaching in a range of settings within the five boroughs. We convened weekly over the course of five weeks via Zoom in a restorative justice Circle format where we posed a series of questions organized by theme. From May 19 to June 16, 2021 we facilitated ten, two-hour discussions.

The advisory committee includes:

- A diverse group of eighteen restorative justice practitioners and thought leaders working throughout the city
- Two representatives from The Mayor's Office for Criminal Justice (MOCJ), one from the Mayor's Office to End Domestic and Gender Based Violence and one from the city Council
- One representative from the philanthropic sector
- More than two-thirds of committee members identify as BIPoC and one third have been directly impacted by crime and/or incarceration.

We determined that it would not be possible to conduct meaningful community outreach to assess the needs and priorities of directly-impacted New Yorkers, or other justice-system stakeholders, within the three months designated for this process. But we are prepared to recommend a strategy and timeline for a truly inclusive community outreach process for phase two.

We also met with the following stakeholders who were recommended by advisory committee members and others in our network:

- **Charles Barrios**
  Director of Youth and Family Services, ACS
- **Alex Davis, Dr. Cory Greene, Thomas "Arocks" Porter**
  How Our Lives Link All Together (H.O.L.L.A.)
- **Rob DeLeon**
  Vice President of Programs, The Fortune Society
- **Bob De Sena**
  President, Council for Unity
- **Catherine Eusebio**
  Program Director, North Star Fund
- **Nancy Ginsburg**
  Director, Adolescent Intervention and Diversion Project, The Legal Aid Society, Criminal Defense Practice
- **Dr. Jocelynne Rainey**
  President and CEO, Getting Out and Staying Out
- **Susan Shah**
  Managing Director of Racial Justice, Trinity Church Wall Street Philanthropies

Others were recommended, but our limited timeline prevented us from connecting with them. We hope to convene this broader group in phase two.

II. OUR RESTORATIVE JUSTICE VISION FOR NEW YORK CITY

"My dream is that restorative justice might help move us from an ethic of separation, domination, and extreme individualism to an ethic of collaboration, partnership, and interrelatedness." -Fania Davis

We believe that all New Yorkers deserve the option of restorative justice, whether as a means to build community trust and understanding in order to prevent harm, or in response to conflict, violence and crime. But in New York City's BIPoC communities that have borne the brunt of the pandemic and state-sanctioned violence including over-policing and over-incarceration, the need is more urgent now than ever.

There is a widespread belief that the only appropriate and effective responses to harm are punitive. In fact, when people speak of accountability, what they usually mean is punishment. Lawmakers and institutions often increase budgets for policing in response to fear of threats to public safety. But there's no conclusive evidence that more cops on the streets lead to less crime.

Restorative justice is a holistic approach to justice that seeks to disrupt cycles of harm by creating balance and right relationship.[1] Restorative practices foster meaningful accountability through nuanced inquiry into the causes and conditions that engender harm, from the personal to the structural, including long-standing institutional racism and disenfranchisement. **Restorative justice requires a paradigm shift in both cultural values and ways of doing.** Restorative justice should not be viewed as an add-on to an ineffective system or a bandage that covers but does not heal underlying wounds, and need not focus on interpersonal harm to the exclusion of systemic harm.

[1] "Broadly, right relationships are relations in which each (or all) seek, without abandoning themselves, to be attentive and responsive to the needs and emotions of one another…That is, a relationship is not "right" if participants seek to overbear in power (oppress), to overreach in resources (exploit), or to mislead for selfish advantage (manipulate). ***Towards a Natural Justice of Right Relationships*** by John A. Humbach, Pace University School of Law

If New York City truly believes in the power and potential of community restorative justice, city government can start by re-examining its relationship to and impact on low-income BIPoC New Yorkers. There is a fundamental and profound contradiction inherent in funding restorative justice while simultaneously funding punitive policies and institutions. The former is working to repair harm while the latter continues to perpetrate further harm. Our focus is on building stronger relationships that create harmony, inclusion and collaboration.

Furthermore, as a party that's responsible for both historic and ongoing systemic violence and deprivation of the resources that communities need to thrive, city government has an affirmative duty to repair. **In addition to funding community restorative justice, the city government must actively work to change conditions over which it has control.** It is common knowledge that the same New York City neighborhoods most targeted by law enforcement and impacted by mass-incarceration are also the same neighborhoods lacking adequate schools, housing, mental health and substance use treatment, healthcare and social services. It is therefore well within the city's power to engage in policy change and the redistribution of resources that could begin to right these wrongs.

Within a restorative framework, accountability is a multi-step process that requires an individual or entity that caused harm to acknowledge the harm and its impact, to apologize and engage in reparative action and to take active steps to prevent future harm. Therefore, we call on the city government to engage in truth-telling and reparative action to end systemic racism and inequality by 1) acknowledging the harm caused by austerity measures coupled with punitive policies and institutions, and 2) taking immediate steps to divest from these systems and invest in programs and policies that repair.

While this community restorative justice investment of $2.5-6.5 million dollars is the largest investment that city government has made in restorative justice to date, it pales in comparison to the eight billion dollar budget allocated to build four new community jails to replace Rikers Island. Creating community jails will not make our communities safer. Investing in better schools, committed teachers, affordable housing, liveable wage jobs and adequate healthcare will be a start in reducing crime and violence in underserved and marginalized communities. If the city government is committed to supporting the expansion of community restorative justice, that should be reflected in

the city budget. **Allocating several million dollars, or .0008 of the jail construction budget to support community restorative justice is not enough.** City government must prioritize restorative justice over punitive approaches and systems. There is no evidence to support a link between resourcing law enforcement and incarceration and decreased crime/increased community safety. And yet, there is ample evidence that these systems inflict trauma and pose a direct threat to public health, disproportionately impacting BIPoC communities.

Our city government must resource community leaders and community-led solutions. For far too long, city government has taken a deficit-based approach to BIPoC communities. **It is time to adopt a strengths-based approach that recognizes and resources the wisdom, creativity and resilience of New York City's communities of color.** For the collective benefit of all New Yorkers and the long-term sustainability of our city, we must embrace a broad cultural shift away from surveillance, policing and punishment to communal values of care, healing and repair.

"Instead of mandated reporters we need mandated supporters." - Halimah Washington

III. DEFINING COMMUNITY RESTORATIVE JUSTICE

In our initial convening we asked members of the advisory committee, ***What makes a program restorative?*** and ***What does community-based programming mean to you?*** The responses were varied but there were common themes. It's clear that not everyone doing community based work that is aligned with restorative justice principles uses the term restorative justice. The reverse is also true, not everyone using the term restorative justice is doing work that is aligned with restorative principles and practices.

Some of the programs and practitioners we recommend for funding are engaged in healing justice, accountability and reconciliation through peacemaking, transformative justice and restorative practices. In this report we use the terms *restorative justice* and *restorative approaches* broadly to incorporate all of the concepts above in order to bring about the changes we seek.

Some key characteristics of restorative programming that emerged from the committee are that it **prioritizes and strengthens relationships;** it **looks to the root causes of harm;** it **repairs harm (both interpersonal and systemic);** it **centers the voices of people directly-impacted by harm while also including the broader community;** it **values the humanity and dignity of all participants;** it **shifts power** and it's **non-punitive.**

It is worth noting that there is a broader tension in the restorative justice movement between the more holistic view of restorative justice as a practice or even a lifestyle and the view that it is a set of tools or techniques that can be deployed situationally to respond to conflict or harm. As outlined in the 2017 report from the national Restorative Justice Listening Project published by the Zehr Institute for Restorative Justice, the first view is more aligned with the indigenous origins of the modern restorative justice movement while the second is a more Eurocentric approach. Restorative programming within the criminal legal system tends toward the latter approach, whereas this advisory committee generally holds the former, more holistic view.

The committee also embraced an expansive definition of community, naming bodegas, barbershops, hair salons, laundromats, dance studios and any other neighborhood-based setting where local people are building relationships (across generations, race, ethnicity, religion, sexual orientation, ability and more) as possible sites for community based restorative justice. Additionally, faith leaders and houses of worship have always played a vital role in sustaining communities. Tapping into their community service activities and including them in this process is crucial to the overall success.

"I think there is work to be accomplished when people of faith can speak of Grace when the bodega is robbed but seek punishment when the cathedral is vandalized. Restorative practices can work with both sides." - John Ducksworth

What We Heard

Community based restorative justice programs should **center community needs as defined by community members**; draw from existing community strengths and support

community members to navigate the impact of racism, colonialism and other oppressions.

Community-based restorative justice programs **promote healing from harm (regardless of whether that harm fits within a legal definition of crime) and seek to address root causes**. These programs challenge binaries of good and bad by entrusting community members that have caused harm and have been harmed to return, give back and serve as role models for their communities.

This community restorative justice investment should support long-term investments in communities. The programs and projects supported through this investment should **be grounded in the cultural practices and values of communities** that have suffered historic and generational trauma from state-sanctioned violence. These efforts should be horizontal, transparent, and inclusive.

Our recommendations herein prioritize funding grassroots, neighborhood-based projects and programs, led by people from the communities they serve who are directly impacted by the harm they seek to address. These projects and programs seek to **reduce and respond to violence at the community level in order to minimize contact with law enforcement**. They also seek to address the needs of system-involved community members for healing and repair.

One exception to the guidelines above is that some committee members believe the investment should also support smaller BIPOC-led projects within larger organizations (such as the Center for Court Innovation's Project Reset and Make the Road New York's Youth Power Project).

We recommend that this investment prioritize community-led innovation, rather than supporting court-based "diversion" programs, even though some of these programs have adopted restorative justice approaches. This is because there are other funding resources available to these programs and we believe this community restorative justice investment should support programs that expand the concept of diversion, emphasizing prevention of harm and relational approaches to safety.

We also asked the advisory committee, ***What do you see as the key steps to build community restorative justice capacity in New York City?***

The need for direct financial resources came up repeatedly. In communities where people are constantly in crisis and struggling to meet their basic needs it's nearly impossible to plan for the future. Programs receiving support from this investment should not be prohibited from providing direct payments to community members in need.

The committee recognizes the existing expertise within communities, but also the need for both education and healing to move away from punitive responses to harm. In particular, people need to understand that there are alternatives to the police. Many directly-impacted people don't have a full understanding of what restorative justice is. **Preparation work is essential,** as it is in a restorative dialogue process that is responding to harm. As one committee member put it, there is a lot of "undoing" that we need to do before we can start "doing RJ." We are still steeped in a punitive mindset, a desire for revenge and retribution. Building relationships across differences that prioritize healing and accountability is hard work. Restorative justice advocates must meet people where they are, and through popular education and restorative practice, help them envision what safety and justice could look like.

The need for autonomy and freedom of movement within and between neighborhoods also came up. In speaking about violence within public housing one advisory committee member pointed out that "you can't tell people to take ownership over how they behave in spaces that are not theirs."

There is a need for more community centers that offer holistic, wrap-around services that include restorative justice. There are safe houses and shelters for people that have experienced violence (though not enough of them) yet the equivalent does not exist for people that have caused harm in New York City. We need more places where people can walk in and admit to harm that they've caused without shame or fear, but where they can also find the support to take accountability and make things right. In order to be effective, these sites cannot be housed within courts, police stations, probation department facilities or other sites that are connected to or or patrolled by law enforcement. Chicago's Community-led Restorative Justice Hubs are an example of this model.

One committee member suggested that the city government provide capital funds for community based organizations to develop safe, modern and appealing sites from which to operate, pointing out how frequently non-profit and public services operate out of cramped, poorly-maintained buildings. The Oakland-based architecture and design firm, Designing Justice + Designing Spaces, is dedicated to creating custom spaces for restorative justice. Their completed projects illustrate what a difference it can make to have physical environments specially designed for this work.

The committee also recognized the need to broaden the reach of restorative justice to **include the voices and leadership of marginalized communities**. Some specific suggestions of how to do this include engaging in participatory action research, hosting focus groups, storytelling events and offering free and low-cost training in neighborhood-based settings. Committee members cited the need for education and learning not only about Circle practices but also opportunities to be able to understand and engage with different models of restorative justice. And yet, restorative justice training by itself is not enough. There's also a need to build a community and network of support and resources around restorative practice.

We also need to support existing organizations to implement **restorative accountability practices that don't rely on coercion, fear, blaming or shaming people**. As restorative justice practitioners we recognize that meaningful accountability can be a difficult and even painful process and that people need a great deal of support in order to be able to take accountability for harm. We need to know that we will still belong and have a place within our community before we can take responsibility for harm.

IV. FUNDING PROCESS AND MODELS

"Fund us like you want us to win." - Ash-Lee Woodard Henderson

A number of advisory committee members have direct experience applying for and receiving city funding, through MOCJ, the City Council and various city agencies. They clearly articulated the **need for a complete restructuring of the relationship between the city (in its capacity as a grant maker and beyond) and communities.**

Furthermore, we believe it's crucial that **any organization or entity funding, or offering restorative justice services within communities, must embrace these practices internally as well as externally**. In other words, city government's commitment to restorative justice should include a commitment to these practices "in house" as a means to build trust among staff and to address internal conflict and harm. The Center for Creative Conflict Resolution at the Office of Administrative Trials and Hearings (OATH) which "provides creative, collaborative, flexible, cost efficient and 'breathable' options to effectively manage conflicts within and across New York City government," could serve as a resource.

The committee expressed a need to break down the current distinction between recommenders and decision makers related to this investment. As set forth in the solicitation, RJI and the advisory committee will make recommendations but ultimately MOCJ and the City Council will decide how the funding is allocated. It's only logical that **the people closest to the needs of impacted communities should be determining which programs are funded and to what extent**. This is the premise of an approach to philanthropy known as participatory grantmaking, which has been in use by several New York City-based foundations and philanthropic funds for many years, and is more aligned with restorative justice than the traditional, hierarchical model. The grantee selection process should include restorative justice practices, just as this process for gathering recommendations did.

We recommend that an **advisory committee**—perhaps the same advisory committee convened to develop these recommendations—**oversee funding allocation decisions** related to the community restorative justice investment. If the city government is the primary decision maker related to allocation, these decisions must not be influenced by

political considerations. Care should also be taken that there's no appearance of political favoritism in the process. If MOCJ maintains a decision-making role regarding this investment, the decision makers within MOCJ should be those who work directly with impacted community partners and/or who have a community-based background. In the same way that peer-reviewed research is respected, using an advisory committee drawn from the field offers a higher level of scrutiny than the standard philanthropic approach.

The concept of trust also came up repeatedly. Within marginalized communities mistrust of government is widespread, and stems from lived experience.
It is a common dynamic between grantors and grantees that the burden is on the grantee to prove their trustworthiness. This is particularly true when the grantees are Black and brown. But this is an unreasonable burden to place on grassroots community programs and leaders who are often wearing many hats as they struggle to address urgent community needs.

City government must not only **trust community expertise**, it must also **afford grantees the "time, space and grace"** to explore new ideas, to build and even to make mistakes. This inversion of traditional power dynamics is necessary if the community restorative justice investment is truly committed to supporting innovation. The exploration of Trust-Based philanthropy within the grantmaking community is growing, as more grantors recognize that operating with less trust is reducing the effectiveness of their grantmaking.

The application and reporting processes associated with **this investment should favor small, grassroots organizations rather than large, resource-rich nonprofits**. Standard city procurement processes reinforce existing inequities by favoring larger, better-resourced organizations and programs. This point is reinforced by *Equitable Pathways to Healing: How Procurement Practices can Transform New York City's Responses to Survivors*, a policy memo developed by the Racial Justice Committee of the Downstate Coalition for Crime Victims.

New York City should increase the overall amount of funding available for community restorative justice. The relatively small amount of government investment in marginalized communities has fueled a scarcity mindset. The perception (and reality) that community-based programs are competing for scarce resources fuels competition,

a lack of transparency and stands in the way of cooperation and collaboration, which are essential if we want to build a robust restorative justice sector in New York City.

We also recommend that both **the application process and the reporting process should be substantially simplified**. Rather than being standardized, the city should offer a range of options for both applying and for grantee reporting, in order to increase access to applicants/grantees with a range of skills, strengths and styles. Similarly, **the way a grantee's work is evaluated should be tailored to the activities and goals of the specific grantee**. A one-size-fits-all approach to evaluation will yield incomplete if not inaccurate data. The only metrics/benchmarks should be whether grantees are creating meaningful change for those they are serving.

The advisory committee stressed the importance of general operating funds as opposed to program-based grants in supporting smaller organizations to build capacity. Similarly, **multi-year, unrestricted funding was cited as crucial to smaller organizations with limited staff**. Furthermore, single-year grants don't support the longer term transformation that restorative justice is seeking. And finally, city government should be minimally involved in the day-to-day program activities beyond funding them. There should be a balance between support and autonomy.

"RJ is for communities that systems have failed. While RJ can be a great tool for all, the system and its failure has directly harmed many communities and also left them without recourse when harm happens. So, for me, fairness and accountability demand that an expansion of RJ resources start in those communities." - Charlene Allen

Recommendations

➔ **Fiscal conduit**

The idea of enlisting a fiscal conduit to serve as an intermediary between the city and community grantees came up repeatedly. Ideally the fiscal conduit would have relationships and credibility within the communities where funding is distributed, while also having a large enough budget and staffing infrastructure to advance funds to grantees and manage all other aspects of the grant making process.

Although one committee member suggested that fiscal conduits should be borough-based or even neighborhood-based, we believe it will be challenging to identify five or more organizations with the relationships and capacity to serve in this role. One specific organization that was suggested as a potential fiscal conduit for this investment is Trinity Church Wall Street Philanthropies.

Trinity could be a good fit for a number of reasons: They have a ten-year strategic plan which prioritizes supporting the growth of restorative and transformative justice in New York City; they have the budget and staff to manage such an undertaking and they are open to exploring a more participatory model. We discussed the possibility with Susan Shah, Trinity Church Wall Street's Managing Director of Racial Justice, and she agrees that playing the role of a fiscal conduit for the community restorative justice investment would be mission-aligned for the institution.

➔ **Participatory grantmaking**

During this process we met with Catherine Eusebio at North Star Fund. North Star Fund is a national leader in the movement to invert traditional power dynamics within philanthropy. North Star Fund would be glad to serve as a resource in a future phase of the community restorative justice investment. In addition, the Brooklyn Community Foundation, New York Women's Foundation and Circle for Justice Innovations could potentially serve as advisors if MOCJ would like to develop a funding process based in community expertise.

➔ **Advisory Committee**

Nearly every member of the advisory committee expressed interest in playing an ongoing role in supporting the community restorative justice investment either in grantee selection, strategic planning and/or providing mentorship, training or technical assistance to grantees. Advisory committee members also expressed interest in determining what the reporting structures for grantees should be. And Sethu Nair at the Center for Creative Conflict Resolution expressed a willingness to support MOCJ staff to deepen their understanding of restorative justice.

Committee members also suggested that grantees of the community restorative justice investment should be connected to a community of support through which they can

continue to build their restorative justice practice. Popular and political education as well as ongoing training and professional development should also be available to all grantees.

There's a recognition that as restorative justice practitioners we need more opportunities for communal exchange, space to come together to share what's working, to think and build together in more cohesive, collaborative ways.

➔ **Streamlined procurement process**

- This funding should not be distributed through the RFP process. Alternative/streamlined ways of applying should be available.
- The city should offer a range of application process options.
- There are sometimes contractual clauses in city contracts that violate organizational missions and/or values. Those clauses should be eliminated from the outset or there should be a streamlined process by which an organization can request their removal without jeopardizing or delaying the funding.
- the city should provide applicants with back office technical assistance.

➔ **Grantee reporting & program evaluation requirements**

- Organizations should be given an opportunity to build capacity before they're required to provide metrics and benchmarks of success.
- The city should provide ongoing support to grantees around evaluation and reporting.
- Reporting process should be simple and flexible with minimal written documentation required.
- One specific tool recommended is Outcomes Star which measures incremental steps of progress.
- MOCJ staff could conduct listening tours at grantee programs in lieu of reporting requirements.
- Reporting requirements should be more qualitative and less quantitative.
- The reporting process should be characterized by trust and transparency.

- Community members should play a role in defining the measures of accountability.
- Research/evaluation and reporting measures could be scaled based on the size and resources of the grantee with larger organizations carrying the greatest burden of proving the efficacy of the work.
- Credible messengers should be utilized and rewarded for developing programs, activities and community support projects. These should be measured by enrollment and new activities that are successful with engaging young people (e.g., food distribution, exercise camps, basketball tournaments, tutoring).
- Quality should be valued over quantity when evaluating the work.

➔ **Payment**

- Funding should be provided upfront, rather than being reimbursement-based.
- If there are payment delays, the city should communicate clearly with grantees about when the funds will be accessible.

"This is the people's money." - Taylor Blackston

In order to inform future phases of this process we asked the advisory committee, ***How can the city ensure that directly-impacted communities have a say in how this funding is allocated?***

What We Heard

Directly impacted people should be involved in every stage of the process. Community outreach should not be rushed, superficial or performative. For example when speaking to NYCHA residents, talk to the parents in the playgrounds and people hanging out on the corner, in addition to the tenants' associations.

It's also important that the city government listen to what community-members are asking for, rather than approaching communities with preexisting ideas and/or plans. **A restorative approach lays a foundation for dialogue and then waits to see what needs emerge from that conversation**. We also recommend that community members should

be paid for their time and their ideas in recognition of the fact that showing up and thinking out loud requires resources and has value.

One advisory committee member suggested that in order to identify directly-impacted people who are looking to start restorative programming MOCJ should engage in outreach to services providers that work within communities such as public defender offices.

Other committee members pointed out that MOCJ already has plenty of information about what communities need and want to keep them safe. As a matter of fact MOCJ has assembled a great deal of data on community safety priorities within a series of policy briefs developed by MAP. From this perspective the city does not need to invest further time and resources assessing community needs. Before asking for more community input, they should fund the ideas that have already been suggested. The city government should focus on getting funds into the hands of directly impacted people rather than engaging in further needs assessment research.

V. FUNDING PRIORITIES

The advisory committee came up with a number of strategic suggestions, not all of which are compatible with one another. Our hope is that in phase two of this process we can develop a more fully-formed strategic plan for the investment over time.

There was widespread agreement that the community restorative justice investment should include two broadly defined tracks of funding: one for **organizations/programs currently doing restorative and transformative work**, and the other for **organizations/individuals with deep community relationships that are poised to incorporate restorative approaches into the work they're already doing**. As we expand and broaden the sector, it is critical that we build a community of support within the early years of the investment that can hold new practitioners as they begin doing this work. Further, we believe that restorative justice practitioners should be forming meaningful collaborations and connections with other entities that are meeting community needs and creating transformational change (but that may not identify with the term restorative justice).

The different strategic approaches that emerged within the advisory committee pivot on initial funding priorities. Some members feel that existing programs should be funded first, whereas others feel that the first years of the investment should prioritize capacity-building for organizations that don't currently identify with restorative justice but are interested in it. Below are some of the specific ideas that emerged:

Recommendations

- The first year of the investment should go toward planning and development grants for organizations that already have restorative justice programs in place.
- The first year of funding could be dedicated to capacity building for newcomers to RJ. Therefore, outcomes might be: hiring a new staff member, training that staff member, holding the first circle and any other steps that would equip them to do this work.
- The first year of funding could be directed toward a broad-based capacity-building strategy for people who wouldn't otherwise have access to RJ funding, because if we start by funding existing programs, we won't necessarily broaden the reach of the work. The city can fund existing programs several years into the investment.

Geographic priorities:

- Areas with the most reported crime and violence and the least financial resources, most impacted by incarceration
- The neighborhoods named in Greenhaven Think Tank's Seven Neighborhoods Study: Brownsville, East New York, Crown Heights, South Jamaica in Queens, Central Harlem, the Lower East Side and the South Bronx
- East and parts of West Harlem, parts of Staten Island
- Redhook, Brooklyn
- Cypress Hills, Brooklyn
- Queens and Staten Island are both underserved by RJ programming

"Prevention could put response to harm out of business." - Quentin Walcott

Because restorative justice is often narrowly understood and applied solely as a response to harm, we wanted to know ***how the advisory committee thought the investment should be apportioned between prevention work and responding to harm***. Some of the committee members believe that's a false dichotomy. Others felt strongly that the greater need at this time is to support restorative responses to harm and that over time, the investment should direct more resources toward prevention work.

Here's some of what we heard:

- ➔ Community building is prevention and it's also a response to harm (historical and generational). It's the social fabric in a community that prevents harm from happening in the first place.

- ➔ The leverage to get people to participate in restorative justice is either threat or relationship. In the community context, building trust and relationships is a prerequisite to any effort to address harm restoratively.

- ➔ Efforts to heal from harm must be paired with efforts to prevent it from happening again.

- ➔ Because violence is often correlated with lack of resources and opportunities in neighborhoods, creating more opportunities in communities (especially programming for youth) will lead to less harm.

- ➔ The community should be defining what harm is and what restorative responses look like.

"Beyond prevention our goal should be liberation." - Quentin Walcott

Recommendations

- The investment should support the wellbeing of practitioners.
- BIPOC-led organizations/programs should be prioritized.

- Organizations that are holding the container, connecting and convening the community should be supported by this investment.
- The investment should support young people as RJ practitioners and leaders.
- The investment should support programs for “Disconnected youth” 15-24 who are not in school or employed.
- The investment should include discretionary and innovation funds.
- The organizations that are holding the container, connecting and convening the community, should be included.
- Funded programs must include guidance from elders (there’s nothing new under the sun).
- The investment should support programs that foster intergenerational conversations about violence prevention.
- The investment should fund healers (broadly defined) including: artists, grandmothers and trans folks supporting homeless LGBTQ youth
- The investment should support people returning home after periods of incarceration (especially people convicted of violent crimes).
- The investment should amplify the power of restorative justice within organizations that are already doing community response to violence work (e.g., Cure Violence and the Crisis Management System).
- The NYS Fund Peace Coalition including community violence intervention programs should be supported to go beyond crisis response, to build infrastructure and to build capacity for restorative justice and healing.
- The investment should support programs that train directly-impacted people who have been participating parties in RJ processes and offer them stipends to facilitate.
- The investment should fund efforts to address highly localized, entrenched conflict that has been going on for generations.
- The investment should support families of children that have been harmed by gun violence.
- The investment should support victims of intentional harm.

VI. IDENTIFYING COMMUNITY RESTORATIVE JUSTICE PROGRAMS AND OPPORTUNITIES

In addition to funding small, grassroots organizations and programs, this investment should fund community leaders with good ideas and the credibility to make positive change in their neighborhoods. It should not be a requirement in order to apply for funding from this investment that the applicant be incorporated, have 501(c)(3) status, or even that they are affiliated with an existing program. There is a precedent for this approach within MOCJ, the Safe in the City microgrant program.

Community Violence Intervention Programs and Restorative Justice

There are currently more than three dozen Community Violence Intervention (CVI) programs in New York City. Some of these programs have been exposed to restorative practices such as Circles, but many have not. Although these programs employ a relational approach to combating street-level gun violence, they don't always prioritize the personal healing of the credible messengers leading the work.

Advisory committee members working within these programs told us that competition between programs can disrupt opportunities to collaborate and unaddressed harm has led to widespread mistrust between the groups. At this time when both New York City and the federal government have committed to increase funding for the CVI model, we believe that a concerted effort to integrate restorative practices into these programs would serve the field and the city well. For example, Circles can support self-reflection, healing and repair among participants. We therefore recommend that the city fund restorative justice training for all CVI programs.

Gender-based Violence and Restorative Justice

There are a number of advocates and survivors of intimate partner violence (IPV) locally and nationally that have been leading the effort to develop restorative approaches that can address the specific dynamics of this type of harm. For example, the 2017 report by Purvi Shah, Seeding Generations: New Strategies Towards Services for People who Abuse included a recommendation to pilot 3-year community based restorative justice interventions.

In 2018 the Mayor's Domestic Violence Task Force organized a one-day convening to explore restorative approaches to IPV at CUNY Law School on Safety, Accountability and Support. Subsequently, the Center for Court Innovation commenced a national survey of programs working at the intersection of restorative justice and intimate partner violence and in the fall of 2020, Charlene Allen and Erika Sasson, two of the community restorative justice advisory committee members, published a blueprint for using restorative approaches to address intimate partner violence in New York City. Currently, the RJ/IPV Collaborative meets regularly to build relationships, capacity, and training for community-based organizations working to shift norms around gender-based violence and to bring restorative approaches and healing within their communities.

The RJ/IPV Collaborative is facilitated by Charlene Allen and Purvi Shah and it includes: **A Little Piece of Light**, **Anti-Violence Program at the Arab-American Family Support Center**, **Black Women's Blueprint**, **Center for Court Innovation**, **CONNECT!**, **H.O.L.L.A.**, **Intimate Partner Violence Program at NYC Anti-Violence Project**, **STEPS to End Family Violence** and **Violence Intervention Program**.

Because RJ work in the context of gender-based violence is resource-intensive, sustained, dedicated funding is necessary in order to develop these models. The only city funding that is currently allocated toward restorative justice as applied to intimate partner violence comes from the Interrupting Violence at Home initiative; federal grants sometimes come with restrictions that prohibit the use of restorative approaches[2] and there is very little private philanthropy funding for this work.

Members of the Collaborative and others have dedicated a great deal of time and thought to studying and scaffolding community based, culturally-responsive restorative approaches to IPV. For all of these reasons, we recommend that a portion of the community restorative justice investment be dedicated to developing this important application of restorative practice, and that any of the ten organizations within the RJ/IPV collaborative would be a good starting point. A number of them are based in neighborhoods that overlap with our geographic priorities as outlined above, and they are already in the process of training staff and developing models. Other recommended organizations working in this area are: **Jahajee Sisters** and **Project Hajra**.

[2] Proposed legislation would change this: https://www.congress.gov/bill/117th-congress/house-bill/1620/text

We also asked the advisory committee, ***How would you like to see RJ being applied that it's not currently being applied in NYC?***

- To address sexual violence and intimate partner violence
- Within groups doing community organizing
- To foster intergenerational family and community dialogue
- With youth and the elderly
- With people who have returned home after serving time in jail or prison
- In the context of transformative mentoring for young people
- With organizations not doing social justice work but who would like to incorporate RJ into their HR policies/procedures
- With community boards
- With health care providers
- Many government social services would benefit from RJ, especially frontline workers (ACS, DHS)
- Family Group Conferencing
- Establish programs in Civil Court (e.g, housing and child support/custody cases in family court)
- Revive effective but defunded models from the past. For example, the community-based storefront mediation center model.
- Provide RJ training to people with private therapy practices that facilitate peacemaking within families
- The Cure Violence model could use support to align more with healing
- To respond to hate crimes[3] (especially where young people cause harm)
- Before a hate crime occurs, where there are intergroup tensions brewing in community
- To respond to workplace harm
- To address substance abuse and how it impacts the places where people go to use and where they live
- To work with community members that have lost public housing due to permanent exclusion policies
- Within houses of worship & faith communities who would like to be doing restorative work

[3] A recent report from Stanford Law School and the Brennan Center for Justice, Exploring Alternative Approaches to Hate Crimes, includes several examples of restorative justice processes used to respond to hate crimes, including in New York City.

Recommendations

Organizations currently engaged in restorative, transformative and/or healing justice work in need of funds to sustain their work and/or poised to expand their reach:

- H.O.L.L.A.
- S.O.U.L. Sisters Leadership Collective
- B.R.E.A.T.H.E. Collective
- Justice Committee
- Audre Lorde Project's Safe OUTside the System (SOS)
- Black Women's Blueprint
- K.A.V.I.
- Integral Justice
- Make the Road Youth New York - Youth Power Project
- Some Center for Court Innovation (CCI) programs including its restorative practices department, as well as Project Reset, Project RISE, and the Red Hook Peacemaking Program
- CONNECT!
- Hidden Water
- Chicken Murphy Foundation
- Institute for Transformative Mentoring (I.T.M.) which is trauma-informed and centered on healing. Many of its graduates have their own ideas of projects they'd like to start in their neighborhoods.
- Neighborhood Benches
- Girls for Gender Equity
- Rise Magazine
- Project NIA
- Incredible Credible Messengers
- Center for Justice at Columbia

Organizations poised to adopt restorative practices and/or interested in training/technical assistance:

- Organizing groups that are trying to develop alternative ways to create accountability for harm such as Brooklyn Movement Center
- This investment should support access to training and technical assistance for groups not currently doing the work but who would like to be.
- Houses of worship and faith communities who would like to be doing restorative work
- NYCHA tenant associations
- Redemption Center (and other orgs not currently using RJ but they serve an impacted population)
- Bronx Connect Urban Youth Alliance
- Exalt Youth
- Community Capacity Development
- Pure Legacee
- Miss Abbie's Kids
- I Am My Community
- Interpersonal plus inter-community healing. Family Violence (e.g., When Love Works Dynamically)
- A Little Piece of Light
- Youth organizing groups such as Future of Tomorrow & Brotherhood Sister Sol
- Center for Anti-Violence Education
- God Squad
- Abyssinian Baptist Church RJ circles for returning Citizens
- Women and Justice Project
- Living Redemption Youth Opportunity Hub
- RiseBoro Community Partnership
- Council for Unity
- Getting Out and Staying Out
- Violence interrupters/Cure Violence. May not be using the term RJ but they could benefit from RJ training and other opportunities to integrate more restorative approaches.

VII. CONCLUSION AND NEXT STEPS

We view this report as a beginning and not an end. We applaud MOCJ and Council Member Levin for recognizing the wisdom of bringing restorative justice practitioners and advocates into this process from the outset and we hope that future city officials who may be overseeing this investment will also share that commitment. The value in collaborating with practitioners is not only that the funding is likely to be more equitably distributed to the most effective organizations (which are not necessarily the same organizations that are equipped to navigate city government procurement processes) but also convening the community of practitioners who are doing the work on the ground over time, is critical to building the sector. As practitioners and advocates build trust and shared-values among themselves, they will form a more effective coalition to advocate for future investment in community restorative justice, and a stronger field of practice.

Although the recommendations herein range from broad to specific, there is plenty more work to be done in terms of developing a long-term strategic plan for the community restorative justice investment and developing a process for grantee selection, reporting and evaluation that is truly trust-based, participatory and restorative. Restorative Justice Initiative and virtually all members of the advisory committee look forward to participating in future phases of this process.

Some of the next steps we believe will be necessary to fulfill our goals for the investment include:

- ➔ Engage with funders in private philanthropy to learn more about their participatory grantmaking and trust-based models

- ➔ Engage in further discussion with Trinity Church Wall Street Philanthropies and other potential fiscal conduits

- ➔ Continue outreach to develop a more complete picture of existing community-based organizations and programs that would like to incorporate restorative practices and approaches

- ➔ Develop a strategy and timeline for an inclusive community outreach process
- ➔ Develop a set of criteria for evaluating proposals
- ➔ Develop a detailed set of questions that can be used to illuminate this criteria
- ➔ Develop a trust-based process for evaluating proposals
- ➔ Develop categories (for example: geography, constituency and methodology) and a process for balancing them so that the investment is supporting an ecosystem of growth
- ➔ Collectively develop program reporting and evaluation processes

Finally, although our recommendations for the community restorative justice investment don't include court-based diversion programs or jail-based restorative justice programs, there are members of the advisory committee who have expertise in both and who would be glad to advise MOCJ on funding these types of programs in the future.

GLOSSARY

Credible Messengers: Credible Messengers are mentors who have passed through the justice system and sustainably transformed their lives. Often Returned Citizens (previously incarcerated) and others with similarly relevant experiences, want to give back to help others. Their life experience provides them with a special ability to connect with younger, justice-involved people. From the same background and speaking the same language, Credible Messengers are able to break through to these individuals and form powerful, transformative, personal relationships. With the development of trust over time, they provide these young people a living example of hope and opportunity and are able to equip them with new tools to manage their emotions and behavior and thus change their lives (Credible Messenger Justice Center).

Grassroots: A characteristic of a process that includes education, participation, and decision making of members across a community. It serves to both shift traditional notions of power through building and expressing agency on a community level, while uplifting the voices of those traditionally non-or-under-represented across traditional decision making bodies.

Healing justice: The concept of healing justice, introduced by the Kindred Southern Healing Justice Collective (also known as the Kindred Collective), was created in the lineage of Black Southern radical traditions of liberation. Healing justice is a political strategy of collective care and carried forth from "mechanisms for wellness and safety that respond, intervene and transform conditions of generational trauma from oppression/colonization and violence within our communities." (Kindred Collective, 2020).

Participatory action research: Participatory action research (PAR) is intended to study and change a particular community, neighborhood, school, organization, group, or team. Participatory action research might be used to shape the design of a new initiative, inform the execution of an organizing campaign, provide evidence supporting a particular political position, or increase understanding of a local issue or problem. Participatory action research initiatives are typically designed and led by local practitioners and community members, though they may collaborate with professional researchers and evaluators on both the design and execution of the process (Organizing Engagement).

Peacemaking: Inspired by a traditional Native American approach to justice, peacemaking focuses on resolving disputes, restoring balance, and healing

relationships among those affected by conflict and crime. (Center for Court Innovation, 2016)

Restorative justice circles (Circles): Restorative justice circles are born out of indigenous (pre-colonized) societies around the world. Circles tap into our communal nature, and our desire to be in positive relationships with one another. In circles, no one is seen as dispensable and everyone is valued for their knowledge and unique gifts. In this way, communities remain whole and reciprocal. Circles build accountability between individuals and the larger community. (XQ Super School, 2020)

Transformative justice: Transformative Justice (TJ) is a political framework and approach for responding to violence, harm and abuse. At its most basic, it seeks to respond to violence without creating more violence and/or engaging in harm reduction to lessen the violence. TJ can be thought of as a way of "making things right," getting in "right relation," or creating justice together. Transformative justice responses and interventions 1) do not rely on the state (e.g. police, prisons, the criminal legal system, I.C.E., foster care system (though some TJ responses do rely on or incorporate social services like counseling); 2) do not reinforce or perpetuate violence such as oppressive norms or vigilantism; and most importantly, 3) actively cultivate the things we know prevent violence such as healing, accountability, resilience, and safety for all involved (Transform Harm, 2018).