



Restorative Justice:

A Primer for Prosecutors



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Executive Summary

Restorative Justice (RJ) is a growing alternative to the traditional adversarial criminal justice system, offering an expansion of accountability tools for prosecutors.¹ Tracing its roots to indigenous practices, RJ is fundamentally victim-centered, voluntary, focused on offender accountability, and driven by community involvement through dialogue and mediation. It shifts the focus from courtroom confrontation to a structured, holistic, and healing process designed to repair harm.

The evidence of its effectiveness is compelling, yet more research is needed to understand the variation in successful program models. Nevertheless, research consistently shows RJ leads to modest, but reliable, reductions in recidivism and significantly higher rates of victim satisfaction and healing compared to traditional case processing. With lower costs than traditional approaches, RJ is often a cost-effective approach to certain types of crime.

RJ approaches are highly adaptable and can be implemented across all age groups (youth, young adults, adults), for various offense types (person crimes being particularly well-suited), and at different points in the justice system (pre-charge, post-charge, or post-disposition). Programs are typically housed in Community Based Organizations (CBOs) but can also be established in-house. Youth RJ is particularly promising, as adolescents are particularly responsive to interventions centered on relational repair.

Ultimately, RJ is not intended to replace traditional prosecution but to be a strategically integrated instrument that empowers victims, secures constructive accountability, and strengthens the overall legitimacy of the justice system.

¹ Council of Europe Committee of Ministers. (2018). Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters. Council of Europe. Link: <https://search.coe.int/cm/#{%22CoEIdentifier%22:%2209000016808e35f3%22,%22sort%22:%22CoEValidationDate%20Descending%22}>

Introduction



Restorative Justice practices, which trace their roots back to indigenous practices, first emerged into criminal justice system use in the 1970s.² In early years, restorative justice (RJ) was used sporadically and experimentally. Subsequently, community-based organizations have embraced restorative justice and experimented with various models. In recent years, as the use of diversion more generally has increased, prosecutors and courts have increasingly explored the use of restorative justice as an alternative to the traditional adversarial system.³

Nationally, over 200 prosecutors' offices offer a program they categorize as restorative, according to tracking from the National District Attorney's Association.⁴ According to a scan by the Prosecutors Alliance, over 20 counties in California boast restorative justice programming specifically for juvenile cases. While programs range in their fidelity to traditional restorative justice practices, we see clearly that restorative approaches are increasingly integrated in a range of different criminal justice system contexts.

² Hudson, J. (2012). Contemporary origins of restorative justice programming: The Minnesota Restitution Center. *Federal Probation*, 76(2), 3–13. Administrative Office of the U.S. Courts. Link: https://www.uscourts.gov/sites/default/files/76_2_9_0.pdf

³ González, T. (2019). The legalization of restorative justice: A fifty-state empirical analysis. *Utah Law Review*, 2019 (5), 1027–1067. <https://doi.org/10.63140/bvf6ipv0vw>

⁴ [NDAA Diversion Map](#), Accessed April 2026

The features and goals of RJ programs may vary, but they typically share several distinct features:⁵

- **Victim-Centered:** The needs and perspectives of the victim/survivor are central. This often involves a process where victims/survivors have the opportunity to express how they were affected by the crime and what they need to heal.
- **Voluntary:** Restorative justice is only appropriate when it is voluntary and meets the needs of the victim, offender, and community.
- **Accountability:** Offenders are actively encouraged to take responsibility for their actions and make amends. This can include apologies, restitution, or community service. RJ has been successfully used in a wide range of cases, including, in some instances, murder.⁶
- **Community Involvement:** The community plays an active role in the justice process, supporting both the victim and the offender and helping to prevent future harm. Community members may act as facilitators, surrogate victims, or authors of a case resolution. These dialogues are often housed within non-profit organizations.
- **Dialogue and Mediation:** The process typically involves meaningful preparation and mediated meetings between victims, offenders, and community members, where all parties can discuss the impact of the crime and agree on steps for restitution and healing.

For prosecutors, restorative justice is not a departure from accountability; it is an expansion of the tools available to achieve it. Prosecutors remain responsible for determining eligibility, ensuring community safety, and verifying compliance. RJ shifts the locus of accountability from a courtroom to a structured dialogue—preserving prosecutorial discretion while enhancing the prosecutor’s ability to secure meaningful outcomes that repair harm, reduce recidivism, and strengthen public trust.

As restorative justice programming becomes more prevalent, prosecutors’ offices are increasingly exploring whether it can better serve victims and promote public safety in their community.

⁵ United Nations Office on Drugs and Crime. (2006). Handbook on restorative justice programmes. United Nations. Link: https://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf

⁶ Lartey, J. (2023, September 16). This homicide victim’s family chose reconciliation over a life sentence. The Marshall Project. <https://www.themarshallproject.org/2023/09/16/north-carolina-murder-restorative-justice-donald-fields>

Evidence of Effectiveness

The effectiveness of RJ is supported by a growing body of research, which demonstrates a positive impact on various outcomes, particularly reducing recidivism, increasing victim satisfaction and healing, and fostering community cohesion. Researchers typically compare restorative justice approaches to standard case processing through the criminal justice system.

Key research findings include:

- A 2013 systematic review of the literature by Campbell Collaboration found that RJ modestly reduced recidivism, significantly increased victim satisfaction, and was highly cost effective.⁷ Much of this focused on research in the United Kingdom, where restorative justice was implemented and studied earlier than in the United States.
- A 2017 meta-analysis of research on youth restorative justice programs by George Mason University professors found a range of positive outcomes from restorative justice, including consistent positive effects on both victim and perpetrator satisfaction and on perceptions of fairness. The researchers tended to find RJ reduced recidivism, however they note that more statistically rigorous methods find smaller effects.⁸
- A 2023 meta-analysis published in *Criminology and Criminal Justice* found small positive impacts on general recidivism and victim satisfaction. The researchers found participation in RJ had no impact on more serious or violent offenses, but they caution that the evidence is limited because fewer studies have focused on these cases. They also find that medium-to-high risk individuals show greater reductions in recidivism than low-risk offenders.⁹

⁷ Strang, H., Sherman, L. W., Mayo-Wilson, E., Woods, D. J., & Ariel, B. (2013). Restorative justice conferencing using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. *Campbell Systematic Reviews*, 9(1), 1-59. Link: <https://journals.sagepub.com/doi/full/10.4073/csr.2013.12>

⁸ Wilson, D. B., Olaghere, A., & Kimbrell, C. S. (2017). Effectiveness of restorative justice principles in juvenile justice: A meta-analysis. Office of Juvenile Justice and Delinquency Prevention. Link: <https://www.ojp.gov/pdffiles1/ojdp/grants/250872.pdf>

⁹ Fulham, L., Blais, J., Rugge, T., & Schultheis, E. A. (2023). The effectiveness of restorative justice programs: A meta-analysis of recidivism and other relevant outcomes. *Criminology & Criminal Justice*. Advance online publication. Link: <https://journals.sagepub.com/doi/10.1177/17488958231215228>

- More recent randomized controlled trials (the gold standard in research) have shown promising results:
 - A 2019 study in Utah found that a batterer’s intervention program combined with RJ performed significantly better at preventing recidivism than a batterer’s intervention program only. The RJ program resulted in reductions in both new arrests (53%) and crime severity scores (52%) for all offenses, including domestic violence, over a 24-month period.¹⁰
 - A 2022 study of San Francisco’s Make It Right youth RJ program found that the program significantly reduced youth delinquency. Youth who were given the opportunity to participate in Make it Right were 44% less likely to be arrested in six months, compared to the control group of youth who were prosecuted in the traditional juvenile justice system. The effect persisted, with Make It Right reducing rearrest by 32% after four years.¹¹
- While we mostly avoid looking at papers on restorative justice in schools reviewing papers on restorative justice in schools because the intervention is distinct (school programs may not address actual criminal conduct), a 2025 paper using rigorous methods found that Chicago Public Schools’ adoption of restorative justice resulted in a 15-percentage-point reduction in youth arrests.¹²

In sum, the evidence strongly suggests that restorative justice can be more effective at reducing recidivism and also consistently leads to higher victim satisfaction ratings than traditional case processing. However, more research is needed to assess the effectiveness of specific programs and variations across the populations they serve. RJ refers to a set of principles rather than a single model, offering flexibility for jurisdictions to tailor programs to their office’s and communities’ needs, but also posing a challenge in identifying and replicating the most effective models. Adopting a clear model and building in an evaluation is essential for building an evidence base and demonstrating program effectiveness to the community.

¹⁰ Mills, L. G., Barocas, B., Butters, R. P., & Ariel, B. (2019). A randomized controlled trial of restorative justice-informed treatment for domestic violence crimes. *Nature Human Behaviour*, 3, 1284-1294. Link: <https://www.nature.com/articles/s41562-019-0724-1#change-history>

¹¹ Shem-Tov, Y., Raphael, S., & Skog, A. (2022). Can restorative justice conferencing reduce recidivism? Evidence from the Make-it-Right program. *Journal of Policy Analysis and Management*, 41(3), 897-922. Link: <https://www.nber.org/papers/w29150>

¹² Adukia, A., Feigenberg, B., & Momeni, F. (2025). From retributive to restorative: An alternative approach to justice in schools. *American Economic Review*, 115(8), 2722-2754. <https://doi.org/10.1257/aer.20230971>

Program Spotlight

Neighborhood Restorative Partnership

Contra Costa County District Attorney's Office
California

Model at a Glance

Contra Costa County's Neighborhood Restorative Partnership is a pre-filing diversion program for low-level, first-time offenses. The model uses trained community volunteers to help people take responsibility, understand the impact of their conduct, and complete an agreement designed to repair harm.

Who It Serves

The program is designed primarily for misdemeanor cases involving first-time or low-level offenses. Participants must accept responsibility and be willing to engage in the process. Serious or violent offenses and cases with significant safety concerns are excluded.

How It Works

Cases are referred by law enforcement and reviewed by the District Attorney's Office. Eligible cases move to intake, then to a community safety panel. Each panel includes trained community volunteers who guide a structured dialogue and help develop an agreement tailored to the harm caused.

Victim Role

Victim participation is optional but prioritized. Victims may engage in different ways, including offering input into outcomes, participating in the dialogue, or otherwise helping shape what repair should look like.

Promising Results

Contra Costa reports 397 cases reviewed with 197 successful completions, a 95% success rate, and just a 1% recidivism rate among NRP participants.

Prosecutor Takeaway

NRP shows how prosecutor offices can divert appropriate low-level cases early, reduce system burden, and still preserve accountability by involving victims and community members in defining meaningful repair.

Model Variation

Restorative justice approaches are highly adaptable and vary based on several factors: population, offense, victim involvement, and the stage of the criminal justice process.

Population

While there is no definitive research on which populations benefit most, practitioners agree that RJ can be effective across all age groups: youth, young adults, and adults, though programs should be tailored to specific populations. Practitioners disagree about the appropriateness of including individuals with specialized needs such as mental health or substance use issues. Serious mental health issues often make individuals less suitable for RJ compared to other diversion programs, but serious substance use, while presenting specific challenges, should not always be grounds for exclusion.

Offense Type

Practitioners emphasize that RJ is most effective when a perpetrator is held accountable for the harm they caused in direct conversation with a

harmed person, making crimes against persons typically well-suited. While prosecutors may be hesitant to use RJ in serious cases or with medium-to-high risk individuals, evidence suggests RJ can be most effective in these populations, though more complex cases like domestic violence require specialized knowledge on the part of the RJ facilitator. RJ may also be useful for less serious cases where diversion is the primary goal to prevent an individual's deeper system involvement. As with all diversion, prosecutors should seek to limit entangling individuals in the criminal justice system beyond what is necessary for public safety.

Victim Involvement

The inclusion of the victim's voice is a key element in promoting their healing and in illustrating the harm caused. When direct participation is not possible due to trauma or other reasons, programs may utilize alternative approaches such as surrogate victims or community councils (described in more detail later).

Points in the System

There are three standard intervention points for RJ programs with prosecutor office involvement:

1) Pre-Charge

Occurs before the filing of a criminal charge. Successful completion means the individual avoids a criminal record (other than a possible arrest record). This model, most commonly used for youth and lower-level offenses, is often preferred by practitioners because all parties engage with the RJ process immediately. Referrals may be made by police or prosecutors' offices.

2) Post-Charge

Occurs after a criminal charge is filed. Can be offered pre- or post-plea, and can function as an alternative to incarceration

(ATI). Typically, successful completion of the RJ process allows a defendant to receive a lesser sentence or an outright dismissal of the case. Can be combined with other requirements and/or services such as anger management, treatment, education or employment requirements, etc.

3) Post-Disposition/ Post-Adjudication

This model may not have an impact on the sentence already imposed, but it functions more to support healing for victims or their families, encourage acceptance of responsibility, and improve future conduct, typically through a victim-initiated, victim-offender dialogue. Participation may have an impact on resentencing where that mechanism is available.



Program Spotlight

Make It Right

San Francisco District Attorney's Office
California

Model at a Glance

Make It Right is a pre-charging restorative justice conferencing program for young people who would otherwise face serious juvenile felony charges. The San Francisco District Attorney's Office partners with community-based organizations to create a process centered on accountability, victim voice, and repair through dialogue.

Who It Serves

The original model served youth ages 13 to 17 who were San Francisco, Alameda, or Contra Costa residents, charged with eligible felony offenses, and whose cases involved an identifiable victim.

How It Works

After the DA's Office determines that a case is eligible and would otherwise be charged, the case may be referred to Make It Right. Community Works assesses suitability, prepares the youth and victim separately, and facilitates a restorative conference. The resulting plan may include apology letters, restitution, community service, job readiness, counseling, family engagement, or other tailored actions.

Victim Role

The victim is invited to participate meaningfully in the process, either directly or through a surrogate. The goal is for the victim to be heard, help shape the repair plan, and gain a sense of closure.

Promising Results

A [randomized controlled trial](#) found that youth offered the opportunity to participate in Make It Right had lower rearrest rates than youth processed through traditional prosecution, including a 44% reduction in rearrest at six months, 33% at one year, and 32% at four years.

Prosecutor Takeaway

Make It Right demonstrates that restorative justice can be used in more serious youth cases—not just the lowest-level offenses—when prosecutors partner with capable community restorative justice partners.

In-House v. Community Based

Restorative Justice programs are most commonly housed in **community-based organizations** (CBOs). The prosecutor's office refers individuals to a CBO with appropriate staff, training, and procedures in place to provide trauma-informed RJ services. The local prosecutor and CBO will establish a Memorandum of Understanding (MOU) to outline processes and procedures, clarify roles and responsibilities, and establish confidentiality practices. Prosecutors will work with the CBO to fund the program directly or identify funding for eligible cases. The CBO will be responsible for reporting back to the prosecutor on the success or failure of individual cases as well as sharing relevant data (such as program satisfaction survey results).

A few offices have established **in-house** RJ diversion programs with specialized staff and procedures to provide trauma-informed RJ services. This allows the prosecutor's office greater control and direct

monitoring of outcomes, which can build confidence within the office and foster a robust referral pipeline. Critics argue that participants may view a program housed within the prosecutor's office with suspicion if participants feel the facilitator is an extension of law enforcement. Operating RJ inside a prosecutor's office also reduces community ownership and may raise skepticism from the defense bar. Programs can mitigate these concerns by including RJ participation as a completely voluntary piece of a larger diversion program with no incentive or consequence for offender participation, clear confidentiality policies and firewalls around the RJ process, and an emphasis on community involvement, for example as volunteer facilitators and participants, can help mitigate these concerns and build trust.

While each approach has its supporters, currently there is no strong research evidence favoring one model over the other.

Case Resolutions

Unlike in the traditional justice system, case resolutions in an RJ context are highly flexible, limited only by the agreement of the parties. Experienced facilitators guide the parties toward feasible and appropriate commitments, which often include:

- A written apology or self-reflection
- Restitution
- Community service
- A commitment to mental health or substance use treatment
- School-based goals or personal development plans
- Agreements on communication boundaries



Compliance is typically monitored by the RJ program. Additional support and resources, such as risk screenings, individualized case planning, harm reduction, and connection with community services may be provided concurrently with RJ. If a participant repeatedly fails to comply, their case may be referred back to the prosecutor for traditional processing, though a participant engaging in a good-faith effort to participate should be allowed to continue in the program even if compliance is imperfect (for example, missing appointments or struggling to complete required programming in a timely fashion).

Victim Engagement

Putting the harm caused to the victim and the community at the center of the process is a core element of RJ. Programs must be carefully designed to include victim and community participation, whether direct or through surrogates.

Direct Victim Participation

When victims participate directly, the program must prioritize their healing. While the traditional justice system is often marginalizing and retraumatizing, RJ can be a healing experience because victims retain a meaningful voice and act as **co-authors of meaningful accountability**. Failure to provide appropriate care in victim support can undermine satisfaction with the restorative process.¹³ Key considerations for direct participation include:

- **Trauma-Responsive Preparation:** Facilitators must use a trauma-responsive lens. Victim preparation should be commensurate with the harms experienced by the victim. This may include an emotional safety plan or the inclusion of a support person.
- **Communication:** Facilitators should provide sufficient information and transparency about what the process offers so that victims can make an informed choice whether to participate, communicating in a way that is accessible, culturally relevant, and trauma-informed. Repetition at multiple points of the process may be necessary.
- **Flexibility and Autonomy:** A victim's needs and definitions of justice can evolve. They should be able to opt into or out of a restorative process at any point.
- **Appropriate Facilitators:** Facilitator experience levels should be commensurate with the seriousness of the offense and survivor's trauma experience. In some cases, like those involving domestic violence, it may be important for the victim to have a facilitator with whom they can identify and who can support a culturally-relevant dialogue.

Alternative Victim Participation

At times victims may opt into RJ but choose not to participate directly. In these cases, the RJ program may find other ways to bring the victim's experience and perspective into the process, such as:

- **Written or Recorded Statements:** Victims may submit a personal statement outlining the impact of the crime.
- **Surrogate Victims:** A trained person who has experienced similar harms can speak to the impact.
- **Community Panel:** A panel of community members can stand in for victims, drawing on their own experiences to articulate the harm. This approach is typically reserved for less serious crimes.



Program Spotlight

Common Justice

Brooklyn, Manhattan, and the Bronx
New York

Model at a Glance

Common Justice is an **alternative-to-incarceration and victim services program** for serious violent felony cases. It is designed for cases that many diversion programs do not serve, offering a structured restorative process, intensive violence-intervention programming, and trauma-informed services for victims. Cases are referred by several New York District Attorneys' Offices.

Who It Serves

Common Justice works with people ages 16 to 28 who are indicted on violent felony offenses and facing prison time. Cases must involve an identifiable victim and generally exclude family violence, intimate partner violence, sexual violence, and cases involving serious, untreated behavioral health or cognitive barriers that would prevent meaningful participation.

How It Works

Common Justice is a post-plea program, in which the responsible party completes a 12- to 15-month program that includes a 1:1 violence-intervention curriculum, stability requirements, court monitoring, and a restorative justice accountability circle. The circle typically occurs several months into programming and brings together the people most impacted to discuss the harm and determine what is needed to repair harm as best they can. Post-circle, the responsible party must complete the actionable items determined by the circle for successful completion of the program.

Victim Role

Common Justice will not consider the responsible party for the alternative to incarceration program if the victim does not want the responsible party to be screened and assessed for programming. Victims receive free, open-ended, culturally responsive services whether or not they agree to have the responsible party screened for the ATI Support may include safety planning, trauma-informed services, referrals for housing or mental health care, help accessing victim compensation, and preparation for a restorative circle.

Promising Results

Common Justice has worked with over 150 responsible parties and reports that 100% of circles have resulted in agreements. Since inception, only 8% of responsible parties have been terminated from the program for committing a new crime, and in one study of graduates enrolled between 2012 and 2022, only one had been convicted of a new violent felony offense.

Prosecutor Takeaway

Common Justice offers a model for addressing serious violence without defaulting to incarceration, while still centering victim safety, accountability, and court-monitored completion of concrete agreements.

Youth RJ - Special Considerations



Young people enter the justice system at a moment when their identities, relationships, and sense of accountability are still forming. Unlike adults, adolescents are neurologically and socially situated in ways that make them uniquely responsive to interventions that focus on personal responsibility, future orientation, and relational repair—not merely rule enforcement. Restorative justice (RJ) is particularly well-suited to youth cases because

it recognizes that young people do not commit harmful acts in a vacuum; they act within family systems, peer networks, and institutional environments that shape behavior and influence outcomes.

While traditional juvenile justice responses emphasize compliance with court orders, restorative justice engages young people in understanding the ripple effects of their actions. Instead of merely acknowledging guilt, youth are supported in recognizing how their conduct affected specific individuals, relationships, and community norms. This distinction matters: when a young person can safely explore why they acted as they did and who was impacted—not just what rule they broke—they are more likely to internalize accountability rather than perform it to avoid punishment. Likewise youth are more likely to value and respect the terms of the case resolution when they have a hand in devising the repair agreement themselves.

Prosecutors who have used RJ in youth cases often describe a marked difference between compliance-based supervision and restorative accountability, noting that restorative agreements typically demand more effort, reflection, and behavioral change than traditional sanctions.

Youth restorative justice requires attention to family and community dynamics that are often absent—or less central—in adult cases. Adolescents do not navigate accountability alone. A young person’s success may depend on their caregiver’s willingness to provide support, transportation, emotional guidance, or simply to sit with discomfort. Prosecutors and program staff must therefore ensure:

- Families understand the purpose and structure of the process,
- Supports are available to overcome logistical barriers, and
- The tone of the process avoids shaming from adults, which can derail participation.

Adult victims in youth cases often occupy more complex emotional terrain than those in adult cases. They may know the young person, recognize the immaturity underlying the conduct, or feel conflicted about criminalizing a young person’s future. Restorative justice gives these victims choices that the traditional system rarely offers: an opportunity to ask questions, to articulate the personal impact of the harm, and to craft an outcome that reflects their safety needs rather than generic sentencing ranges. Many prosecutors report higher victim satisfaction in youth RJ cases precisely because victims regain agency and feel that they are contributing to changing a young person’s life, rather than being positioned as evidence within a state-driven process.



Building a Referral Pipeline

Depending on the model and jurisdiction, it may be challenging to maintain a steady flow of appropriate cases. Strategies recommended by offices include:¹⁴

- Identifying or hiring a Program Director or Coordinator to serve as a "gatekeeper" to oversee referrals.
- Empowering the Director to review open cases directly and "take" appropriate cases.
- Setting criteria for cases to be automatically referred and reviewed for suitability by the Director rather than relying on individual prosecutors to send cases.
- Holding regular training to remind prosecutors about the RJ option, case eligibility standards, and case guidelines.
- Bringing in victims to discuss their experiences with RJ.
- Providing prosecutors with monthly synopses of cases or fact patterns that can trigger line prosecutors to consider which of their own cases may be a fit.
- Designating a monthly RJ All-Star prosecutor who sends appropriate cases to RJ.
- When a prosecutor IDs a case for RJ for the first time, providing them with regular updates on the process.
- Talking about RJ with the community so when the option is presented, there is familiarity with it.

¹⁴ Prosecutors Alliance, Reimagining Accountability: Restorative Justice & The Future of Prosecution. April, 2026.

Program Spotlight

In-House Restorative Diversion

Boulder County District Attorney's Office
Colorado

Model at a Glance

Boulder County's District Attorney's Office operates an **in-house restorative diversion program** that combines traditional diversion goals—risk reduction, needs assessment, and case management—with a restorative focus on repairing harm.

Who It Serves

The program serves both youth and adults across multiple tracks, including unsupervised and supervised diversion, as well as a behavioral health diversion track. Eligibility depends on offense type and severity, risk level, criminal history, behavioral health needs, victim input, and whether the person is taking sufficient responsibility.

How It Works

All diversion cases are screened for restorative justice. Depending on the case, participants may complete a restorative justice conference and agreement or a repair plan. Diversion staff address risk and needs, while restorative practices focus on accountability, victim input, and meaningful repair.

Victim Role

Victims can participate in several ways, including a victim impact statement, questions for the defendant, input on repair items, direct participation in a restorative justice conference, or participation through a surrogate or representative. The program emphasizes victim choice, agency, and trauma-informed engagement.

Promising Results

Boulder reports diverting more than 600 cases annually, with more than half of youth cases diverted each year. Across diversion tracks, 92% of participants successfully complete diversion, recidivism is 9%, and satisfaction with the restorative justice process is 99%.

Prosecutor Takeaway

Boulder's model shows how restorative justice can be integrated directly into a prosecutor office's diversion infrastructure, allowing offices to use consistent screening, collect data, maintain role clarity, and make restorative practices accessible across a broad range of cases.

Landmines and Stepping Stones

To ensure the success and integrity of an RJ program, critical issues must be proactively managed:

Engaging the Defense Bar: Early and proactive outreach to the defense attorney community is essential to encourage participation. Defense attorneys often act as gatekeepers, and their confidence in the process is crucial for a robust referral pipeline. Defense attorneys may be concerned that a lengthy, resource-intensive process will further entangle their client in the justice system, or that information gathered during the RJ process will be used against their client. Conversely, defense attorneys may value the RJ program and wish to include clients who are not immediately approved by the prosecution. In these cases, defense attorneys should be able to appeal to a supervisor. Attention to the defense bar's concerns is crucial for program success.

Victim Advocate Partnerships: Building strong, sustained relationships with victim advocates and victim service agencies is critical to the culture change restorative justice demands. These partnerships embed victim-centered values into every stage of the process and not just the referral pipeline. Robust training for advocates and others having these conversations ensures survivors are approached with the knowledge, language, and trauma-informed care this work requires.

Protecting Participants: A clear process must be established to ensure that any comments or statements made by participants during the RJ process do not inadvertently put them in further legal jeopardy. Without this protection, defense attorneys will likely prevent their clients from participating. Legislation, like Oregon's SB-586,¹⁵ can provide assurances to all parties as to the scope of confidentiality. Where legislation does not exist to protect the confidentiality of communications made as part of the RJ process, the MOU executed between the CBO and the prosecutor's office should spell this out.

¹⁵ Or. Rev. Stat. § 147.610.

Clear and Presumptive Eligibility: The program should have clear, well-defined eligibility criteria that trigger a review by prosecutors. While prosecutors must retain discretion to exclude individuals based on specific case factors, the program should operate with a presumption that RJ is offered to all individuals who meet the established criteria. Appropriate standards can also help reduce the impact of implicit biases and provide equitable access to RJ.

Case Suitability Reinforcement: Prosecutors (and defense bar) will need regular reminders and information about which cases are suitable for the program. As the program grows or changes, continue to provide training for attorneys so they understand in detail the features that make a case a good fit for the RJ program. Without purposeful training, prosecutors will likely default toward referring lower-level cases, which may not necessarily be most suitable for the RJ program.

Feedback for the Office: Build data and storytelling updates into program operation (e.g., quarterly or semi-annual updates). Demonstrating successes is crucial for building confidence and faith in the program among prosecutors and in the community.

Victim Advocacy Partnerships: Partner with external victim advocate service providers to build support for and integration of victim-informed restorative practices into office practices.

Ongoing Training: Training on RJ is not a one-time event. Facilitators, case managers, victim advocates, prosecutors, and others who touch the process will benefit from ongoing training opportunities.



Program Evaluation

While Restorative Practices have a record of success, more evidence is needed on which specific models best meet community needs. Partnering with independent researchers to investigate the program can build confidence and inform necessary changes. A close, data-responsive look at the program, particularly at recidivism rates, can show the community that the office takes outcomes seriously.

Evaluating small programs can be challenging. A strong evaluation requires a meaningful sample size (often several hundred cases) to draw conclusions. Even so, data collection is essential even for small programs to ensure programming is meeting basic standards.

Keys for a successful research partnership:

Identify a Researcher Early

Partner with a researcher at the program design stage to ensure data collection



practices are compatible with rigorous study.

Leverage Local Expertise

Local university researchers are often interested in partnerships to review data.

Ensure Rigor

Not all researchers have the time or expertise to conduct a rigorous study. Be sure that at least one person involved has a background in rigorous quantitative research. Prosecutors Alliance can help provide guidance on appropriate research partners.

Program Evaluation

Include Qualitative Elements

Qualitative examination can provide invaluable information on program successes, which can be useful for improving program implementation and illustrating program accomplishments.

Streamline Data Agreements

Data privacy is important, but be mindful that delays can make projects infeasible. While an MOU with the research partner is required, a data use agreement may not be necessary. If you are creating a data use agreement, build in plenty of time—it often takes

several months to a year to get one in place.

Mutually Beneficial Terms

Researchers need to write publishable papers to advance their careers. Researchers also have valuable skills that you can leverage to better collect and understand your data. An MOU should include clear guidance on review timetables, support provided by the research team, and any oversight you will exercise over what is or is not publishable to ensure the partnership is mutually beneficial.

If you are not ready for an evaluation, it is still wise to collect your own data. You may want to appoint one person to oversee data collection and establish a standardized data protocol. Any external RJ providers are also part of the data collection effort and that information should be integrated.

Identifying Funding

A significant challenge in starting an RJ program is securing seed funding and identifying consistent funding that enables the program to grow and thrive. To launch a program will likely require creative approaches.

PUBLIC FUNDS

- **County/City General Fund:** RJ can provide safety and cost-savings by reducing costly court and custody time. A strong pitch may persuade your city or county to provide funding. Pair your request with an evaluation plan that measures cost.
- **Training Dollars Already in Your Office:** Redirect a slice of your training dollars toward RJ basics and survivor-informed practices.
- **Victim Services Allocations:** Where statutes/policies require survivor notification of RJ options, request implementation funds (scripts, advocate time, translation/interpretation). For example, California's Assembly Bill 60 created a plain-language opening for that budget ask.¹⁶
- **Victim Services Grants:** This funding can be used for survivor outreach, transportation, interpretation, and advocate staffing. A survivor-centered model should be able to use dollars designed to improve victim experiences with the justice system.
- **State and Federal Grants:** While not always an option, explore state and federal grant opportunities. These can serve as a temporary source of funding while a program launches.
- **Plan to Use Your Funds:** When working with a community partner, some of the funds that your office would typically use to process a case should be allocated toward the community partner that is now doing the heavy lifting. Over the long term, this is the best way to build a sustainable program.

¹⁶ Assemb. B. 60, 2023-2024 Reg. Sess. (Cal. 2023). Link: <https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?billId=202320240AB60>

PHILANTHROPY & COMMUNITY PARTNERSHIPS

- **Private Foundations:** Partner with those aligned with survivor dignity, evidence-based safety, and alternatives to incarceration. Local foundations may be a particularly good source of funding; they often value public-private partnerships.
- **In-Kind from Partners:** Local RJ providers may be able to contribute facilitator time, training, or space; universities may cover evaluation hours when you co-design a study through a research table. This isn't a sustainable approach long term, but it can help get a program off the ground.

When making the case for ongoing funding, program participants can serve as invaluable advocates for your program.



Conclusion

Restorative justice is no longer a theoretical alternative or a fringe experiment, but it is not yet a standard part of the prosecutor toolkit. To take the next step, prosecutors will need to launch robust programs, measure success, and build systems for continuous use and improvement.

The promise of restorative justice goes beyond simply disposing of a set of cases. It offers communities the assurance that prosecutors can provide accountability in ways that are tailored, constructive, and responsive to the complex needs and desires of victims and communities. Rather than replacing prosecution, restorative approaches give prosecutors another instrument—one that can interrupt harmful behavior earlier, reduce the likelihood of future offenses, and provide victims a voice that the adversarial system too often sidelines.

The evidence supporting restorative justice is encouraging and continues to grow. Research demonstrates reductions in recidivism, improvements in victim satisfaction, and meaningful cost savings. Yet the field is still evolving, and we need to identify the most effective models. Prosecutors who pursue restorative approaches should do so in partnership with experienced practitioners, service providers, and researchers, committing not just to implementation but to learning—what works, for whom, and under what conditions.

Prosecutors are increasingly taking advantage of the opportunity to strategically integrate restorative approaches where they are most likely to produce better outcomes. When implemented thoughtfully, restorative justice empowers victims, holds people who cause harm accountable, increases public safety, and strengthens the legitimacy of the justice system by demonstrating that accountability can be both meaningful and humane.

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