

# The Restorative Justice Grant Program

*Per House Bill 2204 (2021)*

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## Oregon Criminal Justice Commission

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The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

## Executive Summary

The Oregon Legislature established the Restorative Justice Grant Program through [House Bill \(HB\) 2204](#).<sup>1</sup> The grant program was appropriated \$4 million during the 2021-2023 biennium to fund programs operated by public and private entities practicing restorative justice through expanding existing programs or creating new programs. These grant funds were dispersed in two installments between July 2022 and January 2023. The Oregon Criminal Justice Commission (CJC) is the administering agency for the grant program.

The goal of these funded programs is to provide a community-based alternative to the criminal and juvenile legal systems that aims to center the needs of the harmed party and foster accountability within the responsible party without resorting to incarceration or criminal conviction.

Per Section 2 of HB 2204, this report includes updated information on the CJC's progress in adopting rules, convening an advisory committee, and awarding grants to date. Program rules were adopted in January 2022, and there have been no subsequent changes.<sup>2</sup> Provisions covered include the purpose of the grant, relevant definitions, the composition of the advisory committee, grant applicant eligibility, grant application review criteria, the process of grant application review and awards, and a supplemental grant period. The Restorative Justice Grant Advisory Committee is comprised of 11 members and is responsible for reviewing and evaluating applications for approval. Once approved, the Commission authorizes applications for funding.

In its inaugural grant cycle, nine applications were received for the Restorative Justice Grant Program, and eight programs were approved for funding with an operating period of April 1, 2022, through December 31, 2024.

These grant-funded restorative justice programs will not be sustained beyond the 2021-2023 biennium without further investment from the Oregon Legislature.

### Key Findings:

- There were 75 unique client cases reported to the CJC between October 1, 2022, and June 30, 2023.
- The median age of responsible parties was 23 years old and, of the 69 cases that reported information about sex of clients, 60% of responsible parties were male.
- Fifty-one percent of reported case types were related to person harm, 31% involved property harm, and 43% reported drug or other harm.
- Misdemeanor-level cases made up 75% of reported cases that included information pertaining to case severity or presumed case severity.
- The median number of hours a facilitator spent on a case was 13 hours.

A copy of the report may be obtained by contacting the Oregon Criminal Justice Commission at (503) 378-4830 or [cjc.grants@cjc.oregon.gov](mailto:cjc.grants@cjc.oregon.gov). The full report may also be accessed online at: <https://www.oregon.gov/cjc>.

<sup>1</sup> HB 2204 (2021 Regular Session), available at <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2204>.

<sup>2</sup> Oregon Administrative Rules 213-040-0010 – 213-040-0080, available at <https://secure.sos.state.or.us>.

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## I. Introduction

During the 2021 Regular Legislative Session, House Bill (HB) 2204 created the Restorative Justice Grant Program within the Oregon Criminal Justice Commission (CJC).<sup>3</sup> The program was appropriated \$4 million for awards to be granted to eligible public and private entities seeking to launch new restorative justice programs or expand capacity at existing programs. This report satisfies reporting requirements set forth in HB 2204, Section 2, and provides an update to the grant awards and progress in program implementation.

## II. Progress in Adopting Rules

Administrative rules for this program were adopted by the Commission in January 2022, and no subsequent changes have been made.<sup>4</sup> The program rules are housed at OAR 213-040-0010 – OAR 213-040-0080.<sup>5</sup> Provisions covered include the purposes of the grant, relevant definitions, the composition of the advisory committee, grant applicant eligibility, grant application review criteria, the process of grant application review and awards, and a supplemental grant period, if necessary.

For the purposes of this program, restorative justice is defined as “a community-based alternative to the criminal and juvenile legal systems that aims to center the needs of the harmed party and foster accountability within the responsible party without resorting to incarceration or criminal conviction.”<sup>6</sup>

## III. Convening an Advisory Committee

Per the program’s administrative rules, a Grant Advisory Committee (GAC) was convened, position descriptions for which are housed at OAR 213-040-0040.<sup>7</sup> The GAC is currently comprised of 11 members and has the authority to review, evaluate, and approve grant applications for award, pursuant to HB 2204.

In 2022, the GAC convened to discuss and approve grant applications for initial award. Following a grant application’s approval by the advisory committee, approved applications moved before the Commission for funding authorization.<sup>8</sup>

At the conclusion of the initial award round, unallocated funds remained, and a supplemental grant period was implemented, through which grantees applied to expand the scope of their inaugural award. The GAC then convened in November 2022 to review all eight grantees’ requests for additional funding to support and/or enhance their existing programs. These requests included program expansions such as additional personnel and paying volunteer

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<sup>3</sup> HB 2204 (2021 Regular Session), available at <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2204>.

<sup>4</sup> “Commission” refers to the board of Commissioners whereas “CJC” refers to Oregon Criminal Justice Commission agency staff.

<sup>5</sup> Oregon Administrative Rules 213-040-0010 – 213-040-0080, available at <https://secure.sos.state.or.us>.

<sup>6</sup> Oregon Administrative Rule 213-040-0030(8), available at <https://secure.sos.state.or.us>.

<sup>7</sup> Oregon Administrative Rule 213-040-0040(3), available at <https://secure.sos.state.or.us>.

<sup>8</sup> HB 2204 authorized the GAC to approve grant applications, however, this body does not have independent authority to spend agency funds. After applications were approved by the GAC, the Commission then voted on whether to authorize funds to go to the approved programs. All programs approved by the GAC were subsequently funded by the Commission.

workers in order to add capacity, acquiring further training and technical assistance, and renting more space to hold restorative dialogues and conferences. All supplemental funding requests were approved by the Commission, and funds were allocated by the end of 2022.

#### IV. Grants Awarded To-Date

The CJC received nine applications for review in 2021, and the Commission approved eight programs to receive inaugural and supplemental program funds. While the project period initially ranged from April 1, 2022 – December 31, 2023, the CJC has since offered project period extensions to existing grantees to support the longevity of programs and leverage limited funding. At the time of this report, two grantees have kept the initial project period, five grantees have extended their project period until June 30, 2024, and one grantee has extended their project period to December 31, 2024. What follows is a brief description of each grantee’s program and an update to their total awarded funds.

##### A. Center for Dialogue and Resolution, Inc. – Community Restorative Justice Program

\$449,627.42 – Grant funds expanded the Center for Dialogue and Resolution, Inc.’s (CDR) existing Community Restorative Justice program to provide comprehensive social support services for harmed and responsible parties in Lane County through referrals and direct handoffs to local agencies. These services did not exist prior to the grant award and now encompass housing, mental health, and substance abuse treatment, which are common components of Restorative Reparations Agreements. Since receiving their grant award, they have also received consultation to launch their restorative support circles, garner buy-in from local partners, work toward establishing a county-wide restorative justice coalition, and offer free registrations to their Restorative Justice Facilitation Trainings.

##### B. Conflict Artistry LLC – Community Restorative Justice Program

\$250,521.26 – Grant funds are being used to implement a pilot program with Conflict Artistry LLC (Conflict Artistry) to provide community-based restorative justice programs in Lane and Lincoln counties. Their efforts center on establishing strong partnerships and referral sources through events, outreach, and trainings. As a pilot program, they have been developing a social service resource manual, creating pre- and post-surveys, and have launched one self-referral case.

##### C. Cow Creek Band of Umpqua Tribe of Indians Peacemaking Court Program

\$60,000.00 – Grant funds are being used to implement a community member-led Peacemaking Court and to recruit and train Peacemakers – individuals who are educated and practiced in methods of traditional dispute resolution, including circle keeping – to preside over Peacemaking sessions to resolve disputes and promote healing using restorative justice principles and culturally appropriate methods. Through this implementation phase, they are also gathering funds to be able to help with restitution payments and have begun conversations with potential Peacemakers.

##### D. Deschutes County District Attorney’s Office – Emerging Adult Program

\$1,147,721.65 – Grant funds are being used to operate the Emerging Adults Program in Deschutes County, which redirects responsible parties, ages 18-24, and harmed parties out of the criminal legal system and into a restorative justice alternative. Their funds will also be used to

host a statewide restorative justice workshop for other CJC Restorative Justice grant recipients in 2024 as well as to supply additional wraparound supports for both harmed and responsible parties.

The program officially launched in January 2023 through their first orientation meeting, which led to their first restorative justice circle in February 2023. Since then, they have screened 29 cases, 15 of which have since been enrolled in the program. A total of 22 responsible parties have participated in an initial circle and there have been 19 follow-up circles. Of those, all but one responsible party are active and on track for completion. Case managers work simultaneously with these circles to provide responsible and harmed parties with basic needs supplies, mental health education, housing guidance services, legal information, and counseling services.

#### E. The Insight Alliance – Multnomah County Restorative Justice Alternative Program

\$1,133,735.03 – Grant funds are being used to pilot a pre-indictment restorative justice alternative in Multnomah County for young adults, ages 18-30, charged with specific crime classifications. They have expanded their program to also fund critical wraparound services for harmed and responsible parties. Branded as the “Restorative Roots Project,” the program has hired staff and built collaborative partnerships with the Multnomah County District Attorney’s Office and Metropolitan Public Defenders. They have enrolled four cases into the program with more in the enrollment stage. Based on terms agreed upon by all those involved, including the harmed party, the Multnomah County District Attorney’s Office drops the charges once a case has reached completion.

#### F. Lutheran Community Services Northwest – Restorative Justice Services

\$557,821.37 – Grant funds are expanding restorative justice services in Multnomah County via a pilot project to train Portland police officers to refer eligible individuals to Lutheran Community Services Northwest (LCSNW) to participate in a restorative justice process as an alternative to the criminal legal system.

This large-scale program has now hired all necessary staff and trained 30 volunteers. The Portland Police Bureau (PPB) released their officer training videos in August 2023 to begin educating officers on their role in this restorative justice alternative program. LCSNW has also piloted two cases during this implementation period, one of which has reached successful completion of their dialogue and the other is still in process. The program anticipates receiving 30-50 cases per month from the PPB by autumn of 2023.

#### G. Resolve Center for Dispute Resolution and Restorative Justice – Restorative Justice for Southern Oregon

\$123,993.00 – Grant funds are expanding the existing youth restorative justice program, for pre- and post-adjudicated youth as well as supported the development of a pilot program, Emerging Adults, in southern Oregon.

Resolve Center for Dispute Resolution and Restorative Justice (Resolve) has provided 60 hours of coaching, training, and consultation to the Jackson County Juvenile Justice’s Victim Assistance, Youth Accountability program this year as well as facilitated restorative justice processes for 58 youth. For their pilot program, they are making headway in collaborative talks

with Jackson County District Attorney’s Office to divert specific cases to a voluntary<sup>9</sup> restorative justice process in lieu of pressing charges. The focus will be on those ages 18-24 facing specific felonies such as burglary and hate/bias crimes.

#### H. Six Rivers Dispute Resolution Center – Columbia Gorge Region Restorative Justice Program

\$276,579.87 – Grant funds launched a restorative justice implementation period to design a program aimed at increasing community-based solutions for healing and safety through a pre-conviction restorative justice process. This includes hiring and training their restorative justice team. The program will serve five counties in Oregon: Wasco, Hood River, Sherman, Wheeler, and Gilliam.

Six Rivers Dispute Resolution Center (Six Rivers) assembled their steering committee of system partners and community agencies, which has been working to design their restorative justice program. Their grant-funded contract with the New York University Center on Violence and Recovery’s Circles of Peace team has helped guide the process and select a Circles of Peace model. There will be four tracks within their program to best meet the needs of those served: property crime, assault, sexual assault, and family violence. During this planning stage, they have conducted extensive outreach, hired their coordinator and practitioner, and successfully completed their first self-referred pilot case.<sup>10</sup>

#### V. Data Collection and Analysis

All recipients of the Restorative Justice Grant must report data and expenditures quarterly, as well as submit a qualitative narrative report twice annually. CJC staff worked with the grantees in 2022 to assess available data for collection and to develop data reporting requirements. Grantees have since worked to create or build upon existing infrastructure for data collection, as well as collaborate with external researchers to expand their case management systems and hone their evaluation tools. A data reporting pilot was released at the end of December 2022, and the first quarter of grantee-reported client/case data was received in January 2023 for the period beginning in October 2022. Data reporting has been, and continues to be, a challenge the grantees face, as discussed in more detail below. Both quantitative and qualitative data are essential in assessing the impacts and future needs of restorative justice programs.

##### A. Highlights from Reported Quantitative Data

As the data reporting pilot launched for the Restorative Justice Grant Program, the grantees faced numerous barriers. These included, but were not limited to, new programs needing time to establish processes for all program operations, including data tracking and reporting; concerns about client confidentiality; and figuring out how to align previously established data tracking practices with the newly established CJC data reporting standards. The participant data that the CJC received for the period between October 1, 2022, and June 30, 2023, therefore, is incomplete, as would be expected of a pilot. While the CJC cannot use this data to account for all participants or link all participants to the CJC’s existing data sets to conduct a complete analysis, the CJC received a set of participant data that does depict some patterns in these programs.

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<sup>9</sup> Agreed upon by the harmed party(ies) and responsible party(ies).

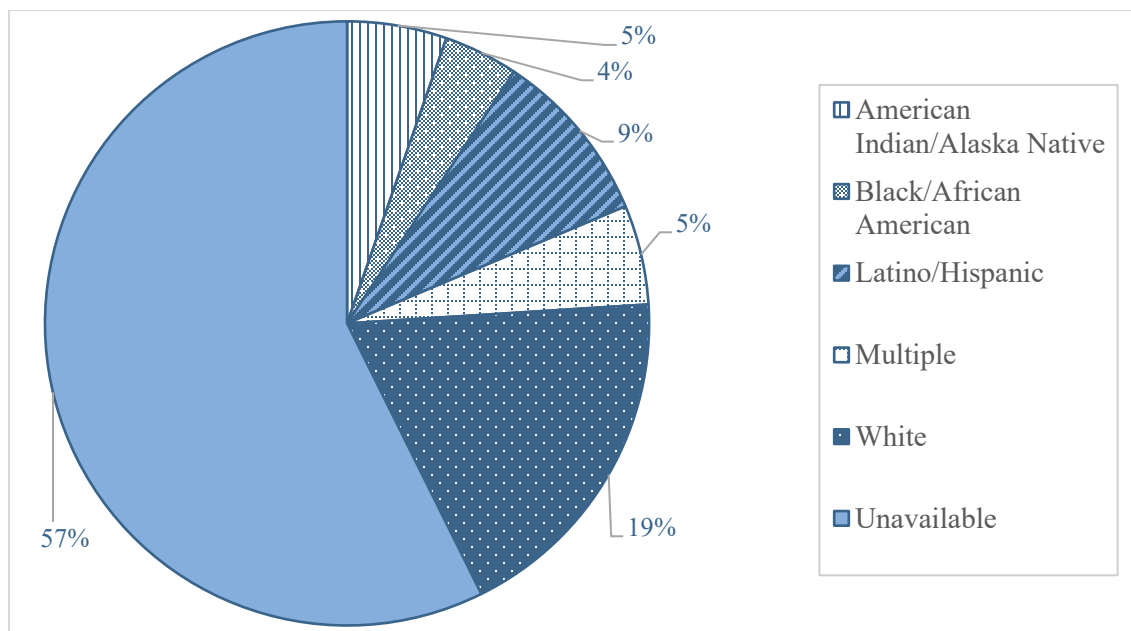
<sup>10</sup> Their pilot program will launch in 2024 if funding is secured.

In the reported data from October 1, 2022, through June 30, 2023, there were 75 unique client cases reported to the CJC. Two larger, more established programs – the CDR’s Community Restorative Justice Program in Lane County (41 cases) and Deschutes County District Attorney’s Office’s Emerging Adult Program (26 cases) – account for about 90% of these reported cases. Three grantees accounted for the rest: the Insight Alliance (4 cases), LCSNW (2 cases), and Six Rivers (2 cases). As previously stated, numerous grantees were standing up their programs during this period and are now in the process of focusing on outreach to recruit clients and establish referral sources.

Data reporting varied by grantee. In some cases, grantees provided identified information so that the CJC could pull demographics and link case information from administrative records. That information from administrative records is included below.

While reporting on demographic factors was not consistent across all grantee sites for these 75 cases, several distinct patterns emerged with the data that was reported. The median age of responsible parties was about 23 years old. As seen in Figure 1 below, for most cases (57%, 43), no race or ethnicity was reported, and no race or ethnicity was found in administrative records, where links were possible. About 5% (4) were reported as American Indian/Alaska Native, 4% (3) as Black/African American, 9% (7) as Latino/Hispanic, 5% (4) with Multiple races/ethnicities, and 19% (14) as white.

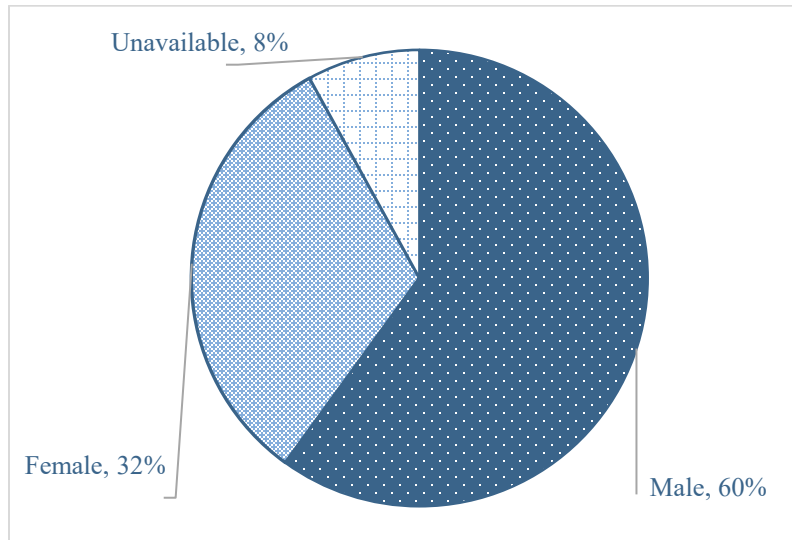
*Figure 1. Race or Ethnicity of Responsible Party*



Sex information was present for most cases (92%, 69), as seen in Figure 2 on the following page, with 60% (45) male, 32% (24) female, and 8% (6) missing this information. No responsible parties were reported as having a physical disability, and about 11% (8) of cases reported a developmental disability.

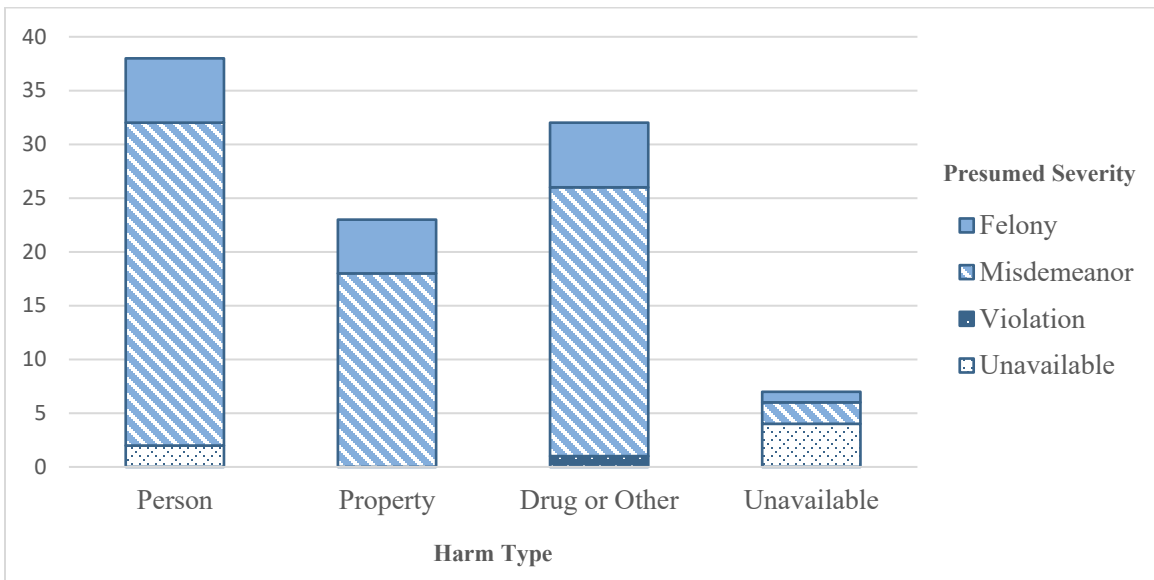


Figure 2. Sex of Responsible Party



As Figure 3 shows below, about 95% of cases reported included some information pertaining to the case type (i.e., Person, Property, or Drug/Other). Overall, 51% (38) of these cases reported person harm, 31% (23) involved property harm, and 43% (32) reported drug or other harm.

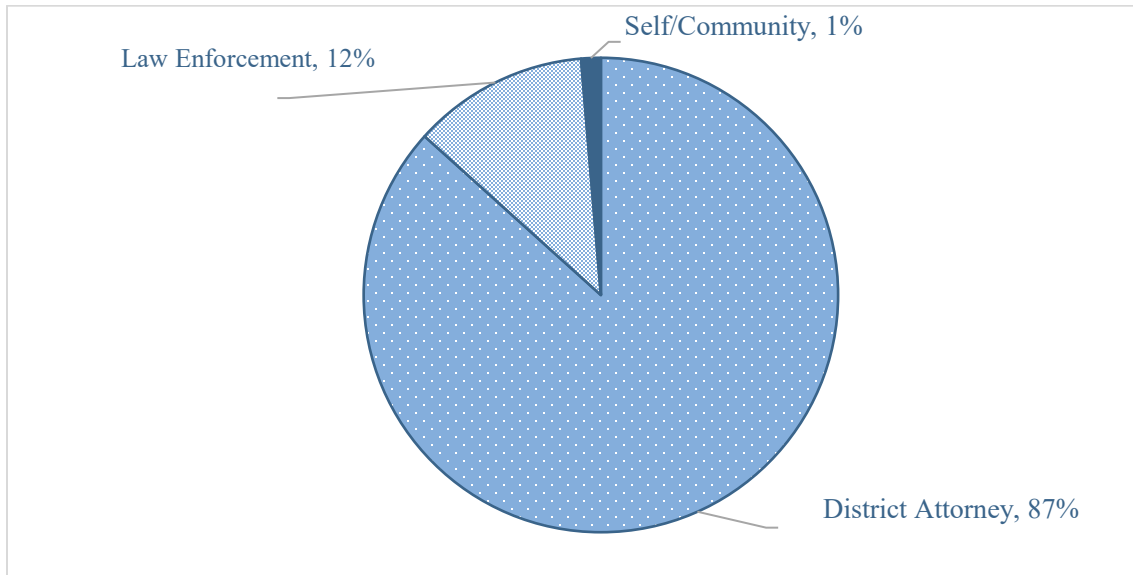
Figure 3. Cases by Harm Type and Presumed Severity



Some cases report multiple types of harm, so there is overlap between these figures. Most cases, 92% (69), reported information pertaining to the case severity or presumed case severity. The majority, 75% (56), reported a Misdemeanor severity, whereas 16% (12) reported a Felony severity, and 1.3% (1) reported a Violation severity.

Harmed party de-identified information was requested as part of the data reporting pilot, but most grantees chose not to include this information, so the significantly limited harmed party data is omitted here.

Figure 4. Case Referring Group



Most cases (87%, 65) were referred by district attorneys with 12% (9) being referred by law enforcement and 1.3% (1) being a self/community referral, as seen in Figure 4 above. About 30% (23) initiated the restorative justice program prior to case filing with the district attorney's office, with the remainder (70%, 52), starting restorative justice programming after case filing. These figures further support the notion that grantees who attempt to initiate cases prior to criminal legal system involvement face the highest challenges in finding clients.

Of the 75 reported cases, 35 were marked as completed with 33 of these including facilitation hours information. Of those, the median facilitator time spent on the case was 13 hours, with a range from three hours to 50 hours. The sole Violation case represents the low end at three facilitation hours. There were only two completed Felony cases at eight and 30 hours, respectively, whereas the 30 completed Misdemeanor cases had a median of 14 facilitation hours.

#### B. Analysis of Deschutes County's Pilot Program

The CJC sought to better understand the impact of restorative justice grant funds, and Deschutes County was willing to provide earlier data from their restorative justice pilot program, which consisted of 13 cases between July 2021 and June 2022, before receiving the Restorative Justice Grant. The CJC compared these 13 cases to the set of cases in administrative datasets that had the most similarities to these 13 cases, which resulted in 200 cases. The CJC then conducted a rigorous, statistical comparison of these groups while controlling for as many measured differences as possible. The results show that these 13 participants had no statistically detectable difference in arrest rates in the one year after starting the restorative justice program when compared to the one year after non-pilot individuals started probation or were releasing from jail.

While these results are interesting, the sample size is small, the data comes from only one restorative justice program's pilot, the one-year post period is very short, and the one available outcome measure (i.e., arrest) is too limited. These results cannot, therefore, be used to draw wider conclusions about Deschutes County's program, as the program has changed since the pilot, nor to draw conclusions about other Restorative Justice grantees or restorative justice

programs more generally. More data, both in quantity and breadth, is necessary to begin to answer these questions. Interested readers can find a summary of the more extensive and rigorous research completed on restorative justice from other jurisdictions on the Justice Research and Statistics Association's publication on the topic.<sup>11</sup>

### C. Highlights from Qualitative Narrative Reporting

Because quantitative data remains so limited, many programs account for their progress in implementation as well as evaluate program effectiveness through qualitative data. Qualitative reports allow opportunities for grantees to outline the progress of their programs in ways that quantitative data may not easily capture. Such data has been collected twice over the past year in the form of narrative reports and has provided insight into the early successes and challenges of program development, advancement of implementation, and effectiveness in terms of client testimonials.

The largest resounding challenge shared amongst several grantees is staff retention and hiring. As restorative justice practice grows in Oregon, the number of practitioners has not increased at the same rate. Many grantees have, therefore, spent this implementation time in soliciting and training new practitioners to meet the demand. As an increasingly utilized resource, any future Restorative Justice Grant funds may continue to aid in this personnel retention and development.

Client successes are highlighted in grantees' narrative reports. For example, one grantee shared about two cases that went through their restorative justice process. Case A was a community-referred case that involved "a high-level personal harm that resulted in a potentially life-threatening, permanent injury." As part of their narrative report, the grantee noted that "the public nature of the harm created additional hurt for both families. Parents of the Harmed Party chose to pursue a restorative process rather than call law enforcement and seek a resolution in either criminal or civil court." In addition to the restorative justice process addressing the physical harm and subsequent impacts, "the [process] allowed each set of parents to feel understood and to see the good intentions of [each other]."

In Case B, which was a system-referred case involving a high-level person harm, "the Harmed Party chose a restorative process to pursue accountability and avoid a court trial that would be emotionally difficult and likely to cause further trauma. The Harmed Party also chose [a restorative justice] process...to set their own goals and have more input in the accountability process."

Narrative accounts of client progress and testimonials also add important qualitative data to analyze program effectiveness. Learning which services are commonly provided to clients, for instance, reveals what the greatest needs are among individuals involved in restorative justice processes. In the past six months, the Restorative Roots Project, which is run by Insight Alliance, provided housing and bill assistance, aid in therapy enrollment, clothing for new jobs as well as assistance in seeking employment, and connection of individuals to legal resources and services.

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<sup>11</sup> Maryfield, B., Przybylski, R., & Myrent, M. (2020). *JRSA Research Brief: Research on restorative justice practices*. Justice Research and Statistics Association. <https://web.archive.org/web/20230519025453/https://www.jrsa.org/pubs/factsheets/jrsa-research-brief-restorative-justice.pdf>

These services help both harmed and responsible parties heal and focus on the restorative justice process. Often, these stabilizing measures for responsible parties are benchmarks in the agreements made between both parties.

Another account of client success was reported by a different grantee. In their recent narrative report, they shared that, “a particularly powerful victim-offender restorative dialogue occurred during the [most recent] quarter.” Three youth had been convicted of vandalism. They met with a representative from the city to better understand the impacts of vandalism on the city and the larger community. “During the dialogue, the representative was able to help the youth understand that the [city] spends \$150,000 a year of taxpayer dollars to undue the harm caused by youth vandalism.” At the conclusion of the restorative dialogue, “the youth walked away visibly astounded about the impact vandalism can have on the community and appreciated the opportunity to understand the harm better while in the process connecting with a member of the...community charged with keeping their city clean, safe, and enjoyable for everyone.” These testimonials exemplify the healing that many participants find in restorative justice that cannot be measured quantitatively.

## VI. Estimated Costs Avoided

The work of restorative justice programs focuses on diverting people from entering or reentering the criminal legal system. As noted, for the purposes of this grant program, restorative justice is defined as “a community-based alternative to the criminal and juvenile legal systems that aims to center the needs of the harmed party and foster accountability within the responsible party without resorting to incarceration or criminal conviction.”<sup>12</sup> Therefore, costs associated with the criminal and juvenile legal systems – such as costs related to incarceration, community supervision, and time investment by law enforcement and courts – may be considered avoided if individuals are being diverted from the systems entirely or in part due to restorative justice programs. While avoided costs are difficult to estimate – some of which are intangible – a few grantees included some approximate figures as part of their most recent narrative reports. It would take many years to build a comprehensive cost avoidance analysis, but the following examples serve as considerations for potential and achieved cost savings already brought on by these grant-funded restorative justice programs.

The Deschutes County District Attorney Office’s Emerging Adult Program worked with their system partners to review their 22 active cases and determine what the potential offers would be if the cases did not go into an Early Disposition Program.<sup>13</sup> They also reached out to their local jail to learn that the State of Oregon’s current reimbursement rate for housing an individual is \$137.35 per day.<sup>14</sup> Deschutes County used this information to estimate that, if all cases ended in conviction and chose jail over community work service, their 22 current cases would account for approximately 75 days in jail, costing an estimated \$10,301.35 in carceral housing, alone.

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<sup>12</sup> Oregon Administrative Rule 213-040-0030(8), available at <https://secure.sos.state.or.us>.

<sup>13</sup> See ORS 135.941, available at [https://oregon.public.law/statutes/ors\\_135.941](https://oregon.public.law/statutes/ors_135.941). Early Disposition Programs are available for those who have committed a nonperson offense and for persons charged with probation violations for the first time.

<sup>14</sup> This is an approximation based on the average reimbursement rate for housing individuals convicted of felony Driving Under the Influence of Intoxicants (ORS 813.010).

Many other programs consider avoided costs at a higher level. The Restorative Justice Services Program at LCSNW, for instance, reported how their restorative processes are diverting people from arrest. This leads to law enforcement investing less time in certain cases and also accounts for less bed space needed in jail, and potentially prison, which all have large associated costs.

Additionally, some costs avoided are difficult to measure and quantify. Such intangibles include things like the value of reconnecting an individual with their community, continued family unification, and empowerment through accountability and repaired relationships. Retaining an individual's place of residence, employment status, or continuity in health care treatment, as examples, are other cost benefits to communities of diversion from the criminal legal system, as criminal convictions often affect future housing and employment opportunities and disrupt health care benefits.

As part of their narrative report, Resolve noted that,

Cost avoidance through restorative justice shows up in the...benefits of working up-stream, [including unburdening and avoiding the costs] of institutions such as courts and [carceral] systems, and through less tangible savings, by lower[ing] recidivism and interrupting cyclical harm and violence for both victims and perpetrators. Relative to those who have caused harm, because the restorative process is grounded in community, it refranchises and reconnects the perpetrator to a sense of community and belonging. The additive cost savings of citizenship (power in community) are tough to measure in dollars. But it is wise to remember that cost benefit should be measured not only as cost avoidance but as wealth generation....[and] by what is gained.

#### VII. Next Steps for the Restorative Justice Grant Program

HB 2204 provided the Restorative Justice Grant Program with one-time funding for the 2021-2023 biennium. In order to support the longevity of existing programs and leverage limited funding, the CJC offered to extend project periods up to an additional 12 months. End dates of project periods for the inaugural restorative justice programs now range from December 31, 2023, to December 31, 2024. Without further investment from the Oregon Legislature, these programs will end with the expiration of the project periods.