Common Justice: New Solutions for Violent Crimes

Addressing violence, incarceration, and mental and physical health consequences arising from violent crime

SUMMARY

Starting in 2008, the Vera Institute of Justice in New York began running a demonstration project called Common Justice, an innovative service program for people harmed by crimes and an alternative to incarceration for young people ages 16 to 24 years who committed serious crimes. With the approval of the Kings County (Brooklyn) district attorney and the consent of the person harmed, a case with a young person facing a violent crime charge such as robbery or assault in Brooklyn’s Supreme Court can be diverted to Common Justice.

Common Justice brings together those who committed the crimes (called responsible parties) and the victims (called harmed parties), along with family and community members for a dialogue process that recognizes the harm done, identifies the needs and interests of the harmed party, and determines appropriate sanctions (also called agreements) to hold the responsible party accountable. Sanctions include engagement in employment and/or education, restitution, community service, apologies, and referrals to counseling. The program also provides or connects responsible and harmed parties with counseling, mental health, and other support services.

The Vera Institute of Justice is a nonprofit organization that works to improve the systems that people rely on for justice and safety, particularly criminal and civil justice systems that impact vulnerable populations.

Key Results

- In Common Justice, the Vera Institute of Justice applies participatory justice (which brings together those most immediately impacted by a crime) to serious cases of crimes committed by 16–24 year olds who are in the adult criminal justice system, intervening in cycles of violence and helping to avoid the harmful effects of incarceration. The program is the first of its kind in the country according to Common Justice staff.
During the course of the RWJF grant, Common Justice worked with 43 responsible parties and 47 harmed parties. By the end of 2012 (the close of the RWJF grant), 24 responsible parties or 56 percent had already completed the program; fewer than 5 percent had been terminated and sentenced for new crimes; and many others were still enrolled and working toward completion. One graduate during this period was later convicted of a theft, but none had been convicted of new violent crimes.

- Common Justice connected harmed parties, particularly men of color who rarely seek or receive help after they are harmed, with a wide array of mental health and support services.
- In 2012, the U.S. Department of Justice recognized Common Justice as a leader in crime victim services through an Encouraging Innovation: Field-Initiated Programs grant and the Award for Professional Innovation in Victim Services. (For more information see the Significance section of this report)

**Funding**

The Robert Wood Johnson Foundation (RWJF) funded Common Justice from July 2009 through December 2012 with a grant of $495,000 under the Robert Wood Johnson Foundation Local Funding Partnerships, a 27-year program (1978-2015) that supported a diverse collection of innovative projects that work to make better health possible for people in difficult life circumstances. Read the Special Report for more information on the program.

Other funders contributed about $3.1 million. For a list of other funders, see Appendix 1.

**CONTEXT**

Despite many popular misperceptions, the people most likely to be harmed by violent crime both nationally and in New York City are 16- to 24-year-old black men—the same people most likely to commit those crimes. According to Department of Justice statistics, black men in New York City are six times more likely than white women, three times more likely than black women, and more than twice as likely as white men to be the victim of robbery.

Yet the vast majority of victim services’ policies and programs fail to meet the needs of 16- to 24-year-old black men when they are crime victims. Nationally, federal research indicates that 95 percent of all victims of robbery and 91 percent of victims of assault received no assistance after the crime. In New York City, service agencies reported that an especially small portion of men of color sought and received services. (The term men of color includes black people and people of Hispanic, Spanish, and other non-white descent.)
What’s more, the current approach to youth violence has failed to reduce recidivism, encourage participation in civil society, and interrupt cycles of violence.

“The traditional court process is poorly equipped to address the material, emotional, and social needs associated with serious crime,” according to the Vera Institute of Justice. “It relies heavily on incarceration, which is costly and often perpetuates a cycle of violence and re-offending, and fails to meet the needs of people who have been harmed by criminal acts.”

The Vera Institute of Justice combines research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety. Vera is an independent, nonpartisan, nonprofit center for justice policy and practice, with offices in New York City, Washington, New Orleans, and Los Angeles. Vera’s projects and reform initiatives, typically conducted in partnership with local, state, or national officials, are located across the United States and around the world.

Vera Institute staff wanted to do a demonstration project in Brooklyn, N.Y., that held the party responsible for the crime accountable in a dignified way and also recognized that both the serious, violent felony offender and those they have harmed are traumatized and need help to break the cycle of violence.

After two years of planning, in 2008, the Vera Institute of Justice launched Common Justice in Brooklyn, N.Y., a demonstration project designed as an innovative victims’ service program and an alternative to incarceration for young people 16 to 24 years old who committed serious crimes. The project took its first case in 2009, the same year Common Justice received a three-year grant from RWJF.

**RWJF’s Interest in This Area**

Since 1988, *RWJF Local Funding Partnerships* has provided matching grants for innovative community-based projects aimed at improving the health and health care of underserved and vulnerable populations. This $146.2 million national program, originally known as *Local Initiative Funding Partners*, ran for 17 years and closed in September 2014.

In 2009, the program added a special solicitation, *Peaceful Pathways: Reducing Exposure to Violence*, to attract, smaller, under-resourced, diversity-focused funders and local programs like Common Justice at the Vera Institute of Justice.
RWJF has also supported the program, *Reclaiming Futures: Communities Helping Teens Overcome Drugs, Alcohol and Crime*, a $29.8 million program to create a new pathway for treating teens caught in the cycle of drugs, alcohol, crime, and the juvenile justice system. It promotes new opportunities and standards of care in juvenile justice by bringing communities together to improve drug and alcohol treatment, expand and coordinate services, and find jobs and volunteer work for young people in trouble with the law. See the [Program Results Report](#) for results from the early phases.

**THE PROJECT**

Common Justice aims to reduce violence, facilitate the well-being of those harmed by violence, and transform the criminal justice system’s response to serious crime. With the approval of the Kings County (Brooklyn) district attorney’s office and the consent of the harmed party, the case of a young person facing charges in Supreme Court in Brooklyn for a violent crime such as robbery or assault could be diverted to Common Justice. These felonies carry potential prison sentences up to eight years.

**Overview of Participatory Justice**

Common Justice is grounded in “participatory” justice principles that bring together those most immediately impacted by a crime—the person harmed, the person responsible, their families and friends, and community members with a stake in the outcome. During a face-to-face dialogue or “circle,” the participants hold the person responsible accountable for the harm done, identify the needs and interests of those harmed, and determine sanctions other than incarceration to hold the responsible party accountable.

These sanctions are referred to as agreements—and typically include engagement in employment and/or education, restitution, community service, apologies, referrals to counseling, and other creative sanctions such as writing projects or ongoing correspondence with the harmed parties (at their request). Common Justice staff members closely monitor the responsible parties’ compliance with these agreements and connect harmed parties and responsible parties with appropriate services, such as school, GED and other education programs, work readiness programs, housing, and counseling services.

These agreements replace the prison sentences the responsible party would otherwise serve, and the felony charges are dismissed if the responsible party successfully completes the program. Upon completion, the Supreme Court in Brooklyn sentences the responsible party to a Conditional Discharge on an underlying misdemeanor.
The responsible parties are enrolled in Common Justice for 15 to 18 months and they proceed through four stages:

1. **Outreach, intake, and assessment.** Cases are referred to Common Justice by defense counsel, the District Attorney’s office, a judge, or a community member or community-based program. Common Justice staff then secures consent of the District Attorney’s office to divert the case to Common Justice. If the case is approved, Common Justice staff conducts outreach to the harmed party and if the harmed party consents, the responsible party is screened. The screening interview includes questions regarding the incident; the responsible party’s readiness to participate; educational history and needs, work history and needs, housing, substance use, mental health, family history, history of exposure to violence (including domestic violence), and demographic information. If the responsible party is accepted into the program, he or she enters a plea in court.

2. **Preparation of responsible parties for the circle.** For 90 to 120 days, staff members prepare responsible parties for the circle, including through a violence-intervention curriculum; meetings to help identify the responsible party’s income and housing options; participation in drug treatment and mental health services as needed; attendance at court appearances; and engagement in positive activities such as work or work readiness programs. Common Justice staff also works with both parties’ support people during this time.

3. **Circle.** Typically held within 120 days of intake, the circle includes the person harmed (or a surrogate representative), the responsible party, and Common Justice staff members. Also included are support people for both the harmed person and the responsible party—friends, relatives, and partners. Circles are convened one or more times until the participants reach an agreement as to how to hold the responsible party accountable and make things as right as possible.

   “The centerpiece of Common Justice is the circle process. We believe that violence is a decision that people make and that they are accountable for that decision. They owe it to the harmed person to face them and to make it right in every way they possibly can.”—Danielle Sered

4. **Supervision and follow-up.** For 12 months, responsible parties complete the agreements under close supervision and monitoring while receiving services and support.

For full descriptions of these stages, see Appendix 2.
“We call it ‘Common’ Justice because while the process is a cutting-edge innovation in the field...it is a simple, centuries-old accessible process that draws on basic human capacities to address harm and make things as right as possible.”—Project Director Danielle Sered

“Common Justice recognizes that very often the interests of safety and justice for the person harmed align with a process of meaningful accountability for the person who harmed them, and that the community has a stake in improved public safety, said Sered.

The Vera Institute of Justice works closely on Common Justice with partners in the criminal justice system and community partners, which provide mental health and other services to responsible and harmed parties. For a list of criminal justice and community partners, see Appendix 3.

Challenges

The project staff reported two main challenges:

- **Small caseload.** With any demonstration project, the Vera Institute of Justice starts with an intentionally small caseload, in order to test and refine the model before expanding, according to Sered. However, project staff reported to RWJF that a lower-than-anticipated number of cases was being referred to the project, which “created barriers to further testing” the model and perhaps replicating the program. During the project, Common Justice continued to work through its legal partners to increase the flow of cases.

- **Being a new program without a precedent.** According to Sered, it was a challenge being “one of the first programs nationally to serve young men of color who have been harmed by crime”—and working without an existing model to create Common Justice.

Several years into the Common Justice work, to help staff members examine these challenges as well as their own expectations about what the program was accomplishing and how it worked, Sered engaged an outside facilitator to conduct a series of six, day-long meetings. In these meetings, the staff worked to more concretely define the goals of Common Justice, hold both staff and participants more accountable, and thus help create a model that would be viable for others in the field.

“The variety of challenges Common Justice has encountered have had to do with being a new demonstration project doing unprecedented work.”—Common Justice report to RWJF
Evaluations

Vera Institute of Justice researchers are conducting an outcome evaluation of Common Justice to assess three main areas:

- Harmed parties’ mental health during their involvement with Common Justice
- Harmed parties’ and responsible parties’ satisfaction with the program
- Responsible parties’ recidivism

As of August 2014, the evaluation was ongoing.

From March 2010 to February 2012, Vera Institute of Justice researchers conducted a confidential process evaluation of Common Justice that focused on internal operations, coordination with system partners, and participants’ experiences. Results were used to refine the program.

RESULTS

Common Justice staff reported the following results to RWJF:

- In Common Justice, the Vera Institute of Justice applies participatory justice to serious cases in the adult criminal justice system, intervening in cycles of violence and helping to avoid the harmful effects of incarceration. Key stakeholders such as the Kings County (Brooklyn) district attorney’s office, advocates for persons harmed by crime, and the persons harmed themselves, are steadfast and enthusiastic champions of the work.

Common Justice also drew attention to the issues facing young men of color who are harmed by crime.

“\textit{The notion that we do not have to decide between the interests of those harmed by crime and the interests of those responsible for crime is potentially transformative for the field, as is the notion that we do not have to choose between community-based alternatives and public safety. We can meet those needs at once.}” —Danielle Sered

- Common Justice worked with 43 responsible parties and 47 harmed parties from 2009 through 2012, the end of the RWJF grant. By the end of 2012, 24 responsible parties or 56 percent had completed the program, and fewer than 5 percent had been terminated and sentenced for new crimes.

An example: two young men named Alberto and Pablo worked with Common Justice after Alberto and a group of his friends threatened Pablo with an illegal weapon while
riding the A train in Brooklyn. Alberto, one of the 24 responsible parties to complete the program, ultimately apologized face-to-face to Pablo, who accepted the apology. Read the Sidebar on Alberto and Pablo, “A Neighborhood Conflict in Brooklyn Leads to a Promise of Protection.”

Of the remaining 19 responsible parties who had not completed the program:

— 10 (23%) remained enrolled in the program
— Five (11.6%) were terminated from the program and sentenced
— Two were transferred to more intensive mental health supervision
— Two were transferred to programs to address safety-related concerns

No responsible parties who completed the program during the RWJF grant were convicted of new violent crimes; one was convicted of a theft.

“You owe your harmed party twice: once for what you did, and once for the chance they gave you to make it right. And both debts take your whole life to repay.” — Common Justice responsible party

Each case involved an average of four family and community members to help support those who committed crimes and the people they harmed.

As of the end of 2012, all but one of the responsible parties were people of color:

— Thirty-six are male
— Seven are female

Of the harmed parties:

— Thirty-five are men of color
— Seven are women of color
— Four are white men
— One is a white woman

Common Justice connected those harmed by crime, particularly men of color who rarely seek or receive help after being harmed, with a wide array of mental health and support services. Some services, such as groups for men focusing on preventing domestic violence, were provided in house. If services were not available in house, program staff developed a network of community partners to provide services such as jobs or educational programs that were culturally and age-appropriate options and not offered by other agencies serving victims.
“Common Justice was exactly right for me. I knew immediately when I was robbed at gunpoint that I didn’t want those boys to go to prison, but I wanted something. I needed something. I wanted them to face me man-to-man, human-to-human. I wanted to know they would do something with their lives so they’d never do this to anyone again. And I wanted to have some say in what that might be.”—Common Justice harmed party

- **Project staff took initial steps to lay the foundation to replicate Common Justice.** After further refining and documenting the model, the Vera Institute of Justice plans to expand it to other geographic areas. In preparation for expansion, staff members have started early planning discussions with stakeholders in New Orleans, Detroit, Chicago, Philadelphia, and the Capitol Region in New York.

**SIGNIFICANCE OF THE PROJECT**

The U.S. Department of Justice recognized Common Justice as a leader in crime victim services through:

- A three-year Encouraging Innovation: Field-Initiated Programs grant for Common Justice, awarded in 2011 by the Bureau of Justice. These grants support projects that develop and implement new strategies that better equip criminal justice systems to prevent and respond to crime.

- The 2012 Award for Professional Innovation in Victim Services from the Office for Victims of Crime for “demonstrated leadership in expanding the reach of victims’ rights and services.”

Common Justice staff reported that the program is the first in the country to divert cases of serious violence in adult court away from prison and into the participatory process.

**THE WORK CONTINUES**

The Vera Institute of Justice continued Common Justice after the RWJF grant concluded at the end of 2012.

“While it is too early and the same sample size is too small for us to say anything statistically significant from a research perspective,” Project Director Sered noted, “Common Justice’s early experience (with recidivism) appears to be in alignment with one of the most important and under-heeded lessons in the restorative justice field: restorative justice works better for more serious cases.”
In June 2014, Sered reported that Brooklyn’s new district attorney, Kenneth Thompson, had agreed to continue to work with Common Justice and was committed to helping grow the program.

Sidebar

**A NEIGHBORHOOD CONFLICT IN BROOKLYN GETS RESOLVED**

**An Inside Look at How Common Justice’s New Approach to Violent Crime Helped Both Sides of the Conflict**

When Alberto and a group of his friends threatened Pablo with an illegal weapon while riding the A train in Brooklyn, neither could imagine how the situation would end.

When the case was referred to Common Justice at the Vera Institute of Justice in New York in 2010, both Pablo and Alberto were worried that the original incident, rooted in a long-standing conflict in the neighborhood, would lead to further incidents and losses—possibly even death—for people on both sides.

According to Common Justice staff, who agreed to tell this story as long as the real names of the responsible party and harmed party were not used, Pablo estimated that as many as 15 people might lose their lives or be incarcerated if the conflict were not resolved.

Like all Common Justice participants who commit crimes, Alberto met regularly with Common Justice staff in preparation for the circle. The heart of the Common Justice approach, the circle brings together those most immediately impacted by a crime—the harmed party (victim), the responsible party (perpetrator), and family and community members with a stake in the outcome—for a face-to-face dialogue to agree on sanctions other than incarceration.

**Expectations for the Circle**

When asked what he hoped would come out of the circle dialogue, Alberto’s answer did not match what Common Justice typically hears. Namely, “I want to put this behind me,” or, “I just want to reach a good resolution,” or even, “I want to show them I’m not a bad person.”

Instead, Alberto said: “I hope in the circle they can feel comfortable enough to tell me how they really felt and how what I did affected him and his family…so that when I’m doing all these agreements, if one day I feel frustrated or mad that I have so much I have to do…if I think I can’t do it… I can remember how my actions affected them and
remembering that it'll motivate me to do what I need to do. That way it’s a win-win for all of us.”

Before the circle, Common Justice asked Pablo about his expectations. “We’ll see,” said Pablo, who noted that Alberto and his friends had not bothered or threatened him since Common Justice became involved in the case. “I need to see his [Alberto’s] face to see what he’s really thinking and if I believe him, and then I’ll know what I think.”

The Circle Experience, From All Sides

After an intensive preparatory period, the parties, together with their friends and family members, gathered for the circle. Alberto and his family participated thoughtfully in the circle, and Pablo and his girlfriend spoke openly and seriously about their experience. Alberto, his parents, and his brother all thanked Pablo for giving their loved one the chance to earn back his freedom.

“You didn’t have to do what you did for my brother,” Alberto’s brother said to Pablo. “Not everyone would give the person who wronged them a chance to fix it and fix their life. I want to tell you that I love my brother more than anyone in the world, so I thank you from the bottom of my heart for believing he can be a good person and do right by you. I know him, so I know he can and will.”

Pablo warmed up over the course of the circle because, as he said, he saw that Alberto was “serious and honest.” Towards the end of the circle, he said directly to Alberto: “I’ve been coming to all these meetings, and working with [Common Justice staff], and doing all this for you. All of us here, everything we do is for you. I’ve been doing this for me, too—I feel good for you and me that this is over and we can be in peace. But from the beginning I’ve been doing it not just for myself, but for you and your family. Today I feel very good that I did that.”

The group reached a robust set of agreements, including a nearly 12-hour daily school and internship schedule, and a promise Alberto made to communicate to those close to the conflict that Pablo and his family should be protected from any violence, threat, or harm. He agreed fully and immediately to every agreement proposed for him.

“I’m Sorry I Hurt You”—Apology Accepted

Toward the end, when participants were asked if they had anything to add, Alberto did. “I just want to say to you [Pablo], I’m sorry I hurt you. I know what you must have felt, and that was wrong of me to do to you. You didn’t deserve that. I have so much respect for you, and I’ll show you that respect in what I do. I want you to know I’m here to make things right.”
Pablo accepted his apology. “You made a mistake, but seeing you here today, now I know you’re going to be good to me and your family. And that helps me and my family to know that.”

Nearly four years later, Common Justice reports that Pablo and his family have not been hurt or threatened. What’s more, Pablo has moved out of his family’s home, advanced in his career, grown personally, and stopped living in the constant fear that he or his loved ones would be harmed. And Alberto has honored his commitments—keeping a job, building his own future, and being a different kind of role model for those around him.
APPENDIX 1

Other Funders: 2008–12

(Current as of the time of the grant; provided by the grantee organization; not verified by RWJF.)

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APPENDIX 2

The Four Stages of Common Justice

- **Outreach, intake, and assessment.** Cases are referred to Common Justice by defense counsel, the District Attorney’s office, a judge, or a community member or community-based program. Common Justice staff then secures consent of the District Attorney's office to divert the case to Common Justice. If the case is approved, Common Justice staff then conducts outreach to the harmed party and if the harmed party consents, the responsible party is screened.

The screening interview, which typically run from 90 minutes to two hours, includes questions regarding the incident, the responsible party's readiness to participate, educational history and needs, work history and needs, housing, substance use,

\(^1\) Blue Ridge Foundation also provided in-kind support valued at about $600,000.
mental health, family history, history of exposure to violence (including domestic violence), and demographic information.

If the responsible party is accepted into the program, the responsible party enters a plea.

- **Preparation.** For 90 to 120 days, staff members prepare responsible parties for the circle. Services delivered during this stage include:
  - Daily hour-long, one-on-one preparatory meetings with a case coordinator at Common Justice. Three meetings focus on the violence intervention curriculum, and two focus on securing the responsible party’s stability in terms of income, housing, and engagement in positive activities, such as work or work readiness programs or educational programs.
  - At least one preparatory meeting with the facilitator in anticipation of the circle with the harmed party
  - 20 hours weekly engagement in positive activities
  - Participation in drug treatment and mental health services at partner agencies as needed
  - Attendance at court appearances every three weeks

In addition to the short-term outcomes outlined above, staff members report that the “preparatory process guides responsible parties to act responsibly; to gain an understanding of the participatory justice process and its relation to the court process; to identify the emotional and physical impact of their actions; to develop the tools to communicate their responsibility in a respectful and safe manner; to foster a readiness to listen actively to the harmed party and to honor that person’s needs; and to identify a preliminary, appropriate, and realistic set of sanctions that they are willing and able to complete.”

- **Circle.** Typically held within 120 days of intake, the circle includes the person harmed (or a surrogate representing him or her, should the person choose not to be present), the responsible party (with his or her support people), and staff. Circles are convened one or more times until an agreement is reached as to how to hold the responsible party accountable and make things as right as possible.

According to Common Justice, the circle provides important opportunities for both responsible and harmed parties:
  - Harmed parties “are allowed to ask why, to express the harm they endured, to regain control and a sense of agency relative to the act, to begin to assemble a coherent narrative regarding what took place and thus plant the seeds of recovery from trauma, and to have that harm repaired in a way that is responsive and meaningful to them,” according to staff.
— Responsible parties are allowed “to feel and take accountability, engage support from their existing networks, reach a dignified and peaceful resolution with those harmed, develop a strong sense of responsibility, empathy, and capacity, and plan for and demonstrate follow-through. By providing not only an outlet for witnessing the human consequences of harm but also an opportunity to regain a sense of pride and self-worth, the process addresses key driving forces behind violence at their root in a developmentally appropriate and efficient manner.”

- **Supervision and follow-up.** For 12 months, responsible parties complete the agreements reached in the circle under close supervision and monitoring while further engaged in services and support.

  Services during this stage include:

  — Hour-long, one-on-one preparatory meetings with the case coordinator three times per week. Each meeting has a different focus:
    - The violence-intervention curriculum
    - The agreements reached with the harmed party
    - Securing the responsible party’s stability in terms of income, housing, and engagement in positive activities
  
  — 20 hours engaging in positive activities each week

  — Supervision of the sanctions and activities agreed upon in the circle, including those carried out at Common Justice partner agencies (i.e. GED, job readiness, or counseling programs)

  — Participation in drug treatment and mental health services at partner agencies as required

  — Attendance at court appearances every three weeks

**APPENDIX 3**

**Community and Criminal Justice Partners**

(Current as of the time of the grant; provided by the grantee organization; not verified by RWJF.)

**Criminal Justice Partners**

- Brooklyn District Attorney
- Brooklyn Defender Services
- Brooklyn Legal Aid
- Kings County Supreme Court
• Downstate Coalition for Crime Victims
• New York State Office of Victims Services
• Federal Office of Victims of Crime.

**Community Partners**

• Bed Stuy’s Project Regeneration
• CONNECT
• Cypress Hills Youth Development Corp.
• exalt
• Fifth Avenue Committee
• Fortune Society
• Green City Force
• HOPE Program
• Housing Works
• Interborough Counseling Center
• New Horizons
• Opportunities for a Better Tomorrow
• Safe Horizon
• St. John’s Bread and Life
• Young Adult Borough Centers
BIBLIOGRAPHY

(All citations and URLs are current as of the date of the report; as provided by the grantee organization; not verified by RWJF; items not available from RWJF.)

Articles


Communications and Promotions


www.vera.org/project/common-justice. Website created to share information about Common Justice, an innovative victim service and alternative-to-incarceration program based on restorative justice principles. Brooklyn, NY.