

Making amends, not doing time: SF prosecutors say youth program achieves results

Jill Tucker

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Sondra Santana (left), case manager at the Huckleberry Community Assessment & Resource Center, meets with Program Director Stacy Sciortino, who leads the group's Make It Right.

Photo: Stephen Lam / Special to The Chronicle

The crime, car theft, was a felony, and the San Francisco teen who committed it would have been hauled into court, charged and assigned a fine, supervised probation or possibly time in a cell.

Instead, the young car thief paid for his crime by painting a Tinkerbell mural in the victim's home.

The result was a lower cost to taxpayers than a traditional felony case and a greatly reduced likelihood the youth would commit another crime, prosecutors told The Chronicle.

The teen was one of 98 youths in the past five years arrested for felony crimes in San Francisco who were offered the chance to make amends outside a courtroom with the city's Make It Right program.

Youths agree to sit in a circle with their victim or a surrogate, as well as moderators and family members, to talk about their crime, what led to it and what the youth could do to repair the damage.

Rates of violent crime among youths have fallen sharply over the past two decades, emptying out juvenile detention centers across the state. A series of investigative reports by The Chronicle on youth crime spurred San Francisco to close its juvenile hall by the end of 2021, and other counties are looking at similar moves. But overall, counties have been slow to craft alternatives to incarcerating youths.

Vanishing Violence

When District Attorney George Gascón began the restorative justice program in 2014, he believed that not prosecuting juveniles for certain felonies would not only be cheaper, it would also reduce crime.

But he wanted to be sure, so his office created a blind, random process, which meant prosecuting some of the youths who were eligible to participate and funneling the others into the program.

The results stunned Gascón.

“We always felt there would be some level of improvement,” he said. “It was much more than expected.”

Of the 47 youths who completed the program, about 13% re-offended within two years, according to data provided by the district attorney. By comparison, of the 43 youths in the control group who went through the traditional court process, about 53% re-offended.

The district attorney’s office randomly selected 98 youths to participate in the Make It Right program. Nine of those youths’ cases are still pending, and 42 either declined to participate or faced another charge and were referred back to the district attorney.

Those facing felonies, typically property crimes with identifiable victims, were eligible for the program, said Katherine Weinstein Miller, chief of programs and initiatives in the district attorney’s office. That could include cell phone snatches, vandalism, burglaries and car theft.

Cases involving significant injury, weapons or sex crimes were not eligible.

Stacy Sciortino, program director of Huckleberry Youth's Community Assessment Resource Center and leader of the organization's Make It Right restorative justice program.

Photo: Stephen Lam / Special to The Chronicle

Those randomly selected for the program were referred to the Huckleberry Youth Programs' Community Assessment and Referral Center. The nonprofit sets up the restorative justice circle, which brings the victim, the youth and others together to talk about the crime and come up with a specific plan to "make it right," Miller said.

Prosecutors are left out of the process, and whatever is said in the circle and what the youth is required to do is confidential.

"We never know what's on that list," Miller added. "That's very intentional for us."

Restitution can include the youth volunteering with the victim's favorite charity, getting therapy or, in more unusual cases, painting murals. In one case, an offender helped the victim build a planter box.

"We believe that everyone is more than the worst they've done and they're more than the worst thing they've experienced," said Ashlee George, associate director of Impact Justice's Restorative Justice Project. "Giving someone the opportunity to acknowledge they've made a mistake and trusting them to make it right is really powerful."

The Oakland organization first helped Alameda County create a restorative justice diversion program before helping Gascón adopt a similar effort in San Francisco.

Similar programs are in Contra Costa and Los Angeles counties, as well as a few other locations across the country.

In San Francisco, the program costs about \$5,000 to \$7,000 per youth, with a city grant allocating \$125,000 annually for the past five years. This year, the city will add \$10,000 to expand the program to young adults.

District Attorney George Gascón is leaving for Los Angeles.

Photo: Santiago Mejia / The Chronicle

Gascón's last day in office is Friday. He resigned before the end of his term and the election of his successor to move to Los Angeles to explore a run for the top prosecutor's job there. To complete his term, Mayor London Breed appointed Suzy Loftus, who is on the November ballot for the job against Chesa Boudin, Leif Dautch and Nancy Tung.

While most prosecutors measure success by the number of criminals convicted, the San Francisco district attorney said his greatest legacy will be the young criminals he never brought to court.

"I would rank Make It Right at the very top of the list," he said.

The current criminal justice system is "toxic," Gascón added.

"A system that is based on process and punishment doesn't get this work done well," he said. "I'm hoping whoever gets elected takes it to the next level."

Jill Tucker is a San Francisco Chronicle staff writer.

Email: jtucker@sfgate.com Twitter: [@jilltucker](https://twitter.com/jilltucker)