



Legislative Report January 2014

A Glance at Restorative Justice Programs in Colorado

This report is a result of HB13-1254 pursuant to Section 4 (II) (d) (I). The statute outlines data to be collected statewide from existing restorative justice programs. The Coordinating Council on Restorative Justice (RJ) requested information from RJ programs statewide in December of 2013 for 2013 service provision. In January 2014, 20 programs responded to the request. There are currently 33 programs registered on the central repository called the RJ Directory located at www.rjcolorado.org. The RJ Council is aware that there are more programs in the state than registered in the RJ Directory however the total number is not currently known.

Restorative justice practices include a variety of models all based in a foundation of restorative values and principles of reconciliation, responsibility, reintegration, respect, relationship-building and restitution. For more information please visit www.rjcolorado.org. It is often said that restorative justice is a philosophy not a program. The programs are developed based on the unique characteristics of the community and their needs. This report reflects a sub-section of the broader spectrum of restorative justice practices relative to the criminal justice system. As defined in HB13-1254 with some clarification from the RJ Council:

HB13-1254 SECTION 1. In Colorado Revised Statutes, 18-1-901, amend (3) as follows: 18-1-901. Definitions. (3) (0.5) "Restorative justice practices" means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings (facilitated by trained facilitators adhering to the Code of Conduct and Facilitator Standards www.rjcolorado.org) attended voluntarily by the victim or victim's representatives, the

victim's supporters, the offender, and the offender's supporters and may include community members (and other stakeholders). By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, (meaningful) community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court. (or may be used as a pre-file option by law enforcement or their approved partners.)

The majority of programs that responded to the survey provide services that fall within the statutory definition of restorative justice practices. All of the restorative justice practices models noted in the statutory definition are used to varying degrees among those responding to the survey. Additionally there are offense specific models for crimes such as shoplifting, bullying, under-age possession and consumption of alcohol and drugs. The programs that serve schools specifically most often do not handle cases that reach the level of criminal charges, or fit well in the statutory definition of restorative justice practices. As a result, these school program statistics are not reflected in this document. Including the work in schools would give a much broader perspective of the restorative justice practices being used in Colorado. If this area is determined to be of value, future reports could expand to include the restorative justice practices being provided to Colorado schools.

"I was afraid to meet with my high school teacher because I had made her an enemy, but I left the restorative justice conference making a friend."

-juvenile offender



The programs that responded come from 12 judicial districts.

| Judicial District | Program |
|--------------------------|--|
| 2 nd | Denver District Attorney's Office, Juvenile Diversion Program |
| 2 nd | Denver Center for International Studies |
| 2 nd | The Conflict Center |
| 4 th | AspenPointe Youth Directions |
| 4 th | Manitou Springs Restorative Justice Project |
| 4 th | Pikes Peak Restorative Practices |
| 6 th | La Plata Youth Services |
| 8 th | Restorative Justice Services, City of Ft. Collins |
| 8 th | Estes Valley Restorative Justice Partnership |
| 9 th | YouthZone |
| 10 th | Office of the District Attorney, Juvenile Diversion Program |
| 11 th | Full Circle Restorative Justice |
| 12 th | Center for Restorative Programs |
| 17 th | Office of the District Attorney, Diversion Program |
| 18 th | Resolution Works |
| 19 th | Weld County District Attorney's Office, Juvenile Diversion Program |
| 19 th | Town of Erie, Restorative Justice Partnership |
| 19 th | Youth and Family Connections |
| 20 th | District Attorney's Office, Juvenile Diversion Program |
| 20 th | Teens Inc. |

Points of entry for restorative justice services in this report include:

District Attorneys, Juvenile Diversion, Municipal Courts, Schools, DYC, Community referrals, SB94, Probation, Judges, Police and others unique to the community or program.

Of those programs that responded to the 2013 data collection survey with the numbers of offender referrals from the different sources:

| Police | Schools | Community | Municipal Courts | Diversion | Probation | District Judge | SB 94 | DYC | Program Counselor |
|---------------|----------------|------------------|-------------------------|------------------|------------------|-----------------------|--------------|------------|--------------------------|
| 276 | 39 | 7 | 209 | 245 | 15 | 79 | 2 | 2 | 6 |

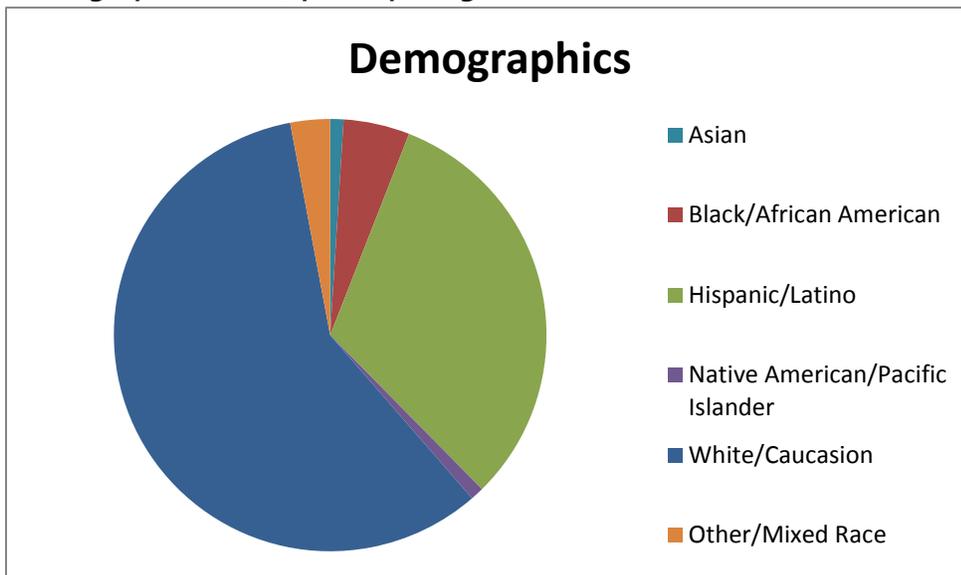
The total number of referrals among the responding programs for services provided in 2013 was 880.

Of those referred offenders, 617 went through a restorative justice process. RJ processes were not used with 263 offenders.

There are various circumstances that may prevent an offender from getting to do restorative justice. Sometimes the service provider is unable to make contact once the referral is made. When a direct victim is involved they may or may not be willing to let the offense be addressed with restorative justice. Occasionally the offender reoffends prior to participating in the RJ process. Offenders may also decline to participate or not take responsibility for their actions. The primary requirements for an offender to participate in a restorative justice process are their willingness to participate and take responsibility for their actions. If either of these requirements is not met the offender is referred back to the referring agency to be processed through the traditional system.

"Thank you for this great opportunity. It has given me the opportunity to apologize to those close to me. This has been spectacular!" – juvenile offender

Demographics of 617 participating offenders:



| Asian | Black/African American | Hispanic/Latino | Native American/Pacific Islander | White/Caucasian | Other Mixed Race |
|-------|------------------------|-----------------|----------------------------------|-----------------|------------------|
| >1% | 5% | 32% | >1% | 59% | 3% |

| Male | Female |
|------|--------|
| 62% | 38% |

| Adult (18 year +) | Juvenile (<18 year) |
|-------------------|---------------------|
| 12% | 88% |

OUTCOMES



Restorative Justice Agreements are specifically designed for the offender to repair the harm of their actions to the extent possible. Agreements may include restitution, apologies, educational components, behavioral agreements, meaningful community service and other creative items building upon the strengths and assets of the offender. This strengths-based approach used in establishing agreements supports the offender in relying on these attributes when making decisions in the future and is a contributing factor to their successful completion.

The completion status of participating offenders is tracked by noting whether the offender has fulfilled the expectations of their restorative justice agreement, by the completion date established in the restorative justice process. When the agreement is completed by the assigned completion date the process is considered successful. When an agreement is not completed by the assigned date the process is considered unsuccessful and noted as 'Did Not Complete'. At the time of this survey there were also many processes that were pending completion. Some processes do not have a written agreement as an outcome or do not reach an agreement within the process. These processes are not considered in the completion rates below. The anticipated success rate of the pending cases is approximately 90% based on the average outcomes of restorative justice programs statewide.

| RJ Process Completion Rates | | |
|-----------------------------|---------|------------------|
| Complete | Pending | Did Not Complete |
| 75% | 17% | 8% |

HB13-1254 requires the development and use of a Uniform Pre/Post Satisfaction Survey. Although many restorative justice service providers use a survey tool to measure participant satisfaction post process, not all do so. Fewer programs use a pre-process survey tool. Those that use a pre-process survey tool usually only survey the offender prior to the restorative justice process. The RJ Council is working with a research team to develop the Uniform Pre/Post Satisfaction Survey to be used by the restorative justice pilot projects established by the bill (in the 10th, 12th, 19th, 20th judicial districts). The Uniform Satisfaction Survey will eventually be available statewide for all RJ programs to utilize.

The RJ Council is in the process of developing a cloud-based database that will be utilized by the four established pilot projects for targeted and comprehensive data collection. The

"Thank you for introducing me to restorative justice. It has made me think of the offender as more of a person rather than an enemy. This process of reflecting on the person who victimized my family helps me to be more compassionate towards the offenders I work with." (A corrections officer). - victim

Uniform Satisfaction Survey will also be housed in the database and available electronically to participants. Survey data will be gathered as a part of the intake procedure in preparation for the RJ process. The post-process survey will be conducted immediately after the process to maximize participation. Various delivery and collection methods are being examined to identify the best means of capturing this data.

2014 promises to be a year of action for the RJ Council and the four pilot projects. Through the RJ Council there are opportunities for professional development for restorative justice practitioners and program professionals throughout the year. There are new programs being developed around the state. The RJ Coordinator, in the State Court Administrator's Office, has been able to support program growth by connecting new program staff with trainings, technical assistance and

(Through restorative justice),

"I have gotten everything I need to continue healing."

-victim

mentors in their area. RJ Fund spending authority will allow further database development and practical application within the field. This will help facilitate pilot program staff to meet implementation goals by making restorative justice more available to their communities.

If you have questions about this report or restorative justice please feel free to contact Deb Witzel, State Coordinator for Restorative Justice and Adult Diversion, Court Services, State Court Administrator's Office, Office (720) 625-5964 or deb.witzel@judicial.state.co.us .