

STATE OF COLORADO



Restorative Justice Council 2013

Spiro Koinis, Division of Youth Corrections Victim and Restorative Justice Services Coordinator (Chair)— present
Perrie McMillen, Restorative Justice Services Program Director, City of Ft. Collins— present
Greg Brown, Chief Probation Officer, Twentieth Judicial District (Executive Committee)—present
Meg Williams, Department of Public Safety, Division of Criminal Justice, Manager (Executive Committee)—present
Matt Riede, 1st Judicial District Victim Advocate—not present
Stan Garnett, District Attorney, Twentieth Judicial District- not present
Nancy Lewis, Colorado Executive Director, Colorado Organization for Victim Assistance-- present
Candace Hawkins, Colorado Department of Education-- present
Esther Cho, Juvenile Justice Delinquency Prevention Council— not present
Rebecca Oakes, Adult Parole Board—not present
Paula Mattas, Juvenile Parole Board— present via phone
Monica Crocker, Department of Corrections— present
Gabrielle Frey, Practitioner/RJ Directors—present
Alice Price, Practitioner, Center for Restorative Programs—present
Lynn Lee, Practitioner, Pikes Peak Restorative Justice Council— present
Peggy Evans, Practitioner, 1st and 18th Judicial—present
Minutes taken by: Zana Molina

Guests for morning- Representative Pete Lee, Sherry Stwalley- State Judicial, SCAO, Director of Court Services, David Kribs- State Judicial, SCAO, Director of Financial Services Holly Panetta- State Judicial, SCAO, Court Programs Manager and ODR Director and Zana Molina, Restorative Justice Intern, Kerri Schmidt, RJ community member, Pastor Terrence Hughes,

RJ COUNCIL MINUTES

July 18th, 2014 9am-4pm
COVA at 90 Galapago Street Denver, CO 80223

RJ Council Mission: The State Restorative Justice Council advances restorative justice principles and practices throughout Colorado by providing a gateway to information, networking and support.

Tagline: Developing restorative culture in Colorado

Regular Meeting

CALL IN INFO at COVA: 303.996.2788 Long Distance- 1-800-261-2682 and ask to be put into 2788

1. 9am-Welcome and introductions

2. Additions:

- a. Cultural Responsiveness in Rj Training-DU?
- b. Pilot is refusing to collect data
- c. Schedule & Focus Group Planning
- d. Education & Engagement-Victim's Community-20 Points, etc.
- e. Blog
- f. NY Time/CPR
- g. DCJ Role
- h. Peggy: Draft of State Probation Advisory Committee protocol regarding state probation
- i. Language in legislation around what you can and cannot do. Be clear with the standards going forward- look at DV, sex offenders-how to not get sideways with DA's and offenders?

3. **Approval of May minutes-** unanimously approved (post to website)

4. **Judicial and RJ Council Partnership and structure- Sherry, David and Holly-**

- What type of board is this group? Budgeting/Spending authority/cash flow

No exact type of board as in Executive branch (Type I, II, III) RJ Council established in the SCAO –So Council has advisory responsibilities to Judicial. Ultimate decision maker is SCA (Jerry Marroney)

- Financials- No spending authority (set annual budget amount) of RJ Cash Fund without legislature approval. Judicial appropriates fund distribution. RJ Council proposes and advises
- Meg- Would it be helpful to put processes in bylaws? ← Draft & bring back to council in September. Executive board. Bylaws outline how the board will advise.
- Greg- Need deadlines and annual allocation schedule- Sherry/David will provide
- Full time position for RJ work: Money is potentially available in the RJ Cash fund, currently ½ time. May propose increased FTE next session. Find ways to increase temporarily now.
- Contract time for RJ work? Six month contracts without benefits (personal services contract). Same person cannot do two consecutive sessions, must have a six month break in between contracts according to David
- How does judicial like to see reserves maintained and expenditures reported, etc?
 - David-Reserves- No statutory requirement for reserves on RJ Cash fund, though not fiscally responsible to spend beyond 2 months operating. 16.5% should be ok.
 - Other budget guidance-Be transparent on spending.
 - Ongoing dollar commitments-need multi-year forecasts.
- Conference every other year?- How to handle revenue if there is any- Cost recovery spending authority should be sought. Funds could be distributed annually and used for other trainings, etc. Technical cleanup issues in supplemental
 - RJ Council would like to do conference 2016, quarterly trainings before (2015).
 - You can charge what it costs you to do something
 - Extra fund intake requires legislation- like grants gifts, donations
- Legislative Advocacy
 - Deb can answer questions not testify or support- Judicial presents neutrality
 - State agencies cannot speak on behalf of legislators
 - Spiro-council processes for providing RJ Council perspective rests with non-state-employee persons
 - RJ Directors are independent
 - Can council take a position as a whole? Potential Conflict-judge says they cannot implement, council says yes-technically in the same area so may be best to use neutral language
 - Provide information in advance for issues that might be questionable
 - Nancy-Legislation moves so quickly with amendments overnight
 - Try to stay neutral unless there will be a problem or when fiscal notes are included
 - Go to answer: Yes= RJ Council has reviewed. *No=Rj Council support cannot be offered.*
- Moving RJ Council from judicial to DCJ?
 - Depends on what the council wants to achieve- Not at this time
 - Benefits in judicial that cannot be measured. See how things go for a while
 - Paradigm shift-raise awareness with judges through education
- Greg-Raise surcharge?
 - Criminals have to pay a lot of fees already, disproportion for disadvantaged people, judges feel like we are overburdening offenders with the money already, fee can be waived

- Statute allows for fee to be waived- no one turned away for financial reasons
- Do not increase surcharge at this time
- Other sources of income?
 - Gifts/grants/donations-doable, but legislation is needed
 - Grants cannot be taken from corporations
 - Language in the statute needs to say “goes into the RJ cash fund”
- We have the cash fund, the size of the fund will not meet the need of the council in efforts to support new programs beyond the pilots.
- How do we meet the need currently?
 - Training
 - There are ways to support RJ through legislation OR through DCJ only with spending authority
- Data Issue with Pilots
 - DCJ is responsible for providing a report on the pilots.
 - One JD does not want to provide race/ethnicity information even though it is required by the contract/statute. They will have to. Deb will call to clarify.
 - Why is it in the law?
 - To make sure programs are offering RJ equally to all children

5. 2014 Action Plan –Brief Committee Reports

- a. **Pilot Projects- Meg** (Gabrielle, Alice, Esther) **and Research- Perrie** (Candie, Rebecca, Greg, Alice, Meg) volunteer Kerri Schmidt
 - Pilot Projects
 - 10th, 12th, 20th, 19th
 - First Pilot Data Reports- July 30, next Dec
 - Next pilot implementation Team meeting August 15th -Greeley (Data Collection Training meeting)

Diversion language: Pre-file or pre-adjudication

Need to clarify that RJ practices are usable/applicable on a spectrum ranging from pre-trial through re-entry (Intent of HB11-1032)

RJ Pilots and DCJ Juvenile Diversion are separate-RJ Cash Fund can't be used to fund the same service as diversion, though same person is OK in certain situations when RJ is a service provided and funded through RJ Cash fund

Mistakes here will be fixed, pilots are helping out tremendously to figure these distinctions out and need support in keeping things clear

OMNI research

Diversion-What is happening in the adult world? 2013 Adult Diversion funding became available. How similar is adult diversion to juvenile? RJ is not designated as a part of Adult Diversion but there are some similarities programmatically and in language. Should also be pre-trial.

Meg-Continued funding for pilots:

Additional pilots can't be added at current funding

Pilots are officially done December 31st, 2015

How should legislation look for the 2015 session to support funding future programs?

RJ Cash Fund will remain the same if crime rates stay the same

Hopefully more DA's will want to take on RJ due to results from 1st pilots

Hoping to prove that RJ is effective in many different ways

Propose running the program for an additional two years?

How does Council make it possible to fund pilots and programs statewide?

This is problematic. Legislation says do both.

Pete eligible for 2 more terms (Four years)

OMNI Survey

How should we get this out in the field?

Go back to legislation and remember what it is we are challenged to do

Legislation says we will develop a uniform pre/post satisfaction survey that will be administered to victims, offenders, and community members

Pilots will collect data, will be made available statewide

However, no funding for OMNI to evaluate statewide data is available

Unless we can track a survey back to a specific program, this is not extremely helpful

Other-Send the survey out and encourage programs to use the survey.

b. **Legislative/Public Policy- Lynn (Spiro, Nancy, Greg, Matt, Monica) volunteer Eileen Hyatt**

i. Proposed items for 2015 legislative session -a better understanding of where/how RJ appears in legislation and how it can be used with different programs is necessary- Legislative assistant help?

- Legislation for council to accept gifts, grants, and donations
- Funding for pilots and other programs across the state
- RJ definitions in statutes
- Look at the national level-look at 20 principles for victim involvement
- Sunset of the Council 2017-can this be addressed in 2015 or must we wait until to 2017 session?
 - Address now-probably yes. Will help plan in longer term increments
- High Risk Victim Offender Dialogue/HVOD- 30 States that have done VOD. Get more informed positions on use of RJ with sex offenders and DV from TX, OH
 - Some RJ practices don't necessarily lead to dialogue, could mean a victim initiated video/audio/written apology
 - NOT RJ unless victim involved-Only a restorative practice. Victim can make a decision to allow someone else to take their place
- How to define practices in legislatively certain types of events when they are already protected by legislation. Does simply saying "RJ" cover all practices? ADR statute uses 'mediation' and 'ADR' language. Are RJ practitioners covered and protected and are RJ programs?
 - Liability-Professional or **subpoena**, Insurance company discount? Sounds more like professional association work not RJ Council
- Funding
 - What to do if Pilot wants to drop out?
 - Does the funding allow for four slots or four specific pilot - pilots sites named in legislation.
 - Problematic- do not do again
- Priority for funding after Dec 2015?- part of visioning work later

Legislation timeline

Focus groups Aug and September

September Council meeting-complied data from focus groups, learn priorities as related to RJ Council priorities.

Make recommendations to Pete and Jerry.

Pete work on draft in November,

Present bill title in December

Jan 2015 session begins

Pete's Recommendation: Do not increase surcharge fees.

Legislation changes rapidly

Restorative Culture Discussion- How to apply RJ in a corrections based environment

Make a new RJ visual- Including umbrella & continuum

Focus Groups

Proposed Schedule:

C-Denver 8/25

NE-Greeley 8/26 **Conflict with other RJ event**

C- Boulder 8/29

W-Glenwood Springs 9/3

S-Alamosa 9/4

-Deb will rework schedule with Pete

Include on invite list of Sheriffs and Chiefs of Police, CDAC, Judges, other RJ facilitators

Outreach & invites beforehand

Who will facilitate?- Deb and RJ Council member

Check on funding for travel

c. Education and Engagement-Greg (Paula, Matt, Perrie, Spiro) volunteer Kerri Schmidt

- Two more trainings to go this year-
 - Cultural Responsiveness in RJ-Sept 11th & 12th
 - Space issue- Do not partner with DU
 - Try- Volunteers of America
 - Mile High United Way
 - Wash Park community center
 - High Risk Victim & Offender Dialogue-November
- Two trainings have already occurred:
 - MI
 - Victims & Restorative Practices
- Other education conferences coming up-
 - SB94-October 9th, Vail 11-12:30
 - Workshop & Panel, COVA- Oct 26-29
- Already done this year with very positive feedback-
 - APAI
 - CCJJ Conference

Working on scheduling for the Judicial Conference

Nancy-Try to become more conscious of the language we use around stakeholders- not magic

Tailoring the message to RJ- 'What's in it for stakeholder/audience?' 'What's changing?'

Specifically tooling the message in general to be more inclusive of our primary stakeholders

- Blog- Zana- Blog Guidelines
 - Who Can Post? Council committee needs to complete criteria
 - Check with legal in terms of what content can be posted as well as the legality of the blog disclaimer

d. Internal Capacity- Spiro (Lynn, Gabrielle)- due to scheduling challenges no new reports

- September Honoring of Past (Council) Members

- At Nov Boulder Meeting instead of September Meeting,
- Gather to discuss in August ,
- Maybe instead of inviting Beverly and Anne who are ill to meeting council could Add messages to the website or somehow share and honor these 2 leaders in the field with notes and videos from people expressing how the different people have touched various lives
 - Set a final date for this to be done-Connect with Nancy, summarize ideas, interest in creating iPhone videos?

6. Budget and Funds update- (Greg)

- a. Discussion - increased FTE (Sherry)
- b. Discussion – Program support and development proposal
- c. Proposed budget

LUNCH

7. Long term vision work-discussion /decisions

4pm Adjourn

FUTURE TOPICS

RUNNING LIST:

Council Authority/Process- removing people from listing in Directory if harmful
Practitioner Grievance Process