

STATE OF COLORADO



Restorative Justice Council 2013

Greg Brown, Chief Probation Officer, Twentieth Judicial District (Co-Chair)— present
Stan Garnett, District Attorney, Twentieth Judicial District- not present
Spiro Koinis, Division of Youth Corrections Victim and Restorative Justice Services Coordinator (Co-Chair)— present
Matt Riede, 1st Judicial District Victim Advocate-- not present
Beverly Title, Ph.D., Teaching Peace Founder and CEO ReSolutionaries-- present
Meg Williams, Department of Public Safety, Division of Criminal Justice, Manager—present
Nancy Lewis, Colorado Executive Director, Colorado Organization for Victim Assistance--present
Candace Hawkins, Colorado Department of Education-- not present
Perrie McMillen, Restorative Justice Services Program Director, City of Ft. Collins— not present
Esther Cho, JJDP Council— present
Rebecca Oakes, Adult Parole Board—present
Paula Mattas, Juvenile Parole Board— not present
Monica Crocker, Department of Corrections— present

Guests: Representative Pete Lee, Rose Gordon TOAS NM RJ program, Marianne Dunne Alamosa County Commissioner

Minutes taken by: Deb

RJ COUNCIL AGENDA

November 8, 2013 10am – 3pm

2013 Summit on Restorative Justice in Alamosa, CO

Adams State University Student Union Building

***Please note that you have time to attend the key note session of the Summit prior to the RJ Council meeting but the meeting will begin promptly at 10am. Working Lunch will be provided courtesy of the Summit planners at Center for Restorative Programs. THANK YOU ALICE AND LUKE!*

10am - Welcome and introductions -call to order 10:17am

Additions?

- 1. Approval of September minutes (vote)** unanimous approval
- 2. Action Items update**
 - Internal Capacity Building (Meg) *still working on the practitioner members, member packet reviewed Matt's PowerPoint will be added, Deb will add 2011 legislation, Pete will send Deb his summary of all legislation for packet*
 - *Meg noticed we may need to add positions to council- law enforcement and public defender seats. Pete will consider adding in next legislation*
 - Internal Procedures and Communication (Spiro) *We need to set up internal processes for things like setting up subcommittees and decision making, one of the top items is around how we as council can be more pro-active in legislative processes and proposals for legislation, also how do we make official statements or positions from the council? as state personnel that is challenging in some instances and we need clarity on how we do that. Also the practitioner committee selection, A question arose about a conflict of interest, it was noted in the bylaws that there is a conflict of interest section, council members in state appointed positions feel they need departmental support for their positions. Rebecca expressed specific concern and Monica suggested the Ethics advisors from the state come to a council meeting. Jane Feldman*

jane.feldman@state.co.us 720-625-5697 Executive Director Ethics Committee. Can Council members testify at legislation and take positions? additional concern around email communication and how those conversations get used or interpreted. Spiro would also like to agree on how we have a unified council message when communicating with larger audiences? Meg asked that we have a place on the website that we can get input from wider community and communicate decision items. In particular when working with pilots we need to work with them and be clear about expectations. Greg suggested council member take on direct communication with DAs.

- Education and Engagement (Matt- not attending)- Greg saw Matt's presentation to DAs and it is simple and clear. Meg asked that Matt's presentation get put in the new member packet, Deb will get a copy and distribute.
- External Research (Greg)- Amanda Mahan is doing her doctoral research on shame and guilt in RJ. Lit review may be helpful. Deb has found software that may work for data collection Athena Software (Penelope)
- External Capacity Building (Perrie- not attending)

3. 2014 Meeting Schedule and Leadership-(vote)

- Regular meetings- Continue to meet every other month, 2nd Friday 9am – 4pm? (Jan 10th, March 14th, May 9th, July 11th, Sept 12th, Nov 14th) Meg has conflicts on 2nd Fri can we do 3rd Fri. YES unanimous (Jan 17th, March 21st, May 16th, July 18th, Sept 19th, Nov 21st)
- Meeting in Denver? COVA at 90 Galapago Street Denver, CO 80223
COVA Lot Parking - plenty of free street parking- YES unanimous
- Who will take minutes? Greg will check on Jack continuing

Bylaws Amendment-(vote) One meeting outside of area- Who would like to host/where? Which meeting? No need to amend bylaws all agree to meet at a volunteer pilot location next year. Deb will ask the pilots at the Nov. meeting

- Executive Committee (Spiro new Chair, Greg and Meg as past chairs remain on exec)
- Who will be VC to succeed Spiro in 2015? (vote) nominations-Matt, Perrie, since they are not here they need to be asked first. Esther is willing to be alternate. Monica and Rebecca may be willing. Based on the Council's desire to have a state perspective paired with a community-based perspective each year, Perrie would have first right of refusal.
- Expense reimbursement? (vote) All agree that those who do not have any agency support for travel expenses should be reimbursed. May need to amend legislation to include more spending authority in the future and address this.
- Deb explained the current spending authority challenges and how supplemental will work to access the RJ Fund. This issue arose because practitioner and CCRJD representatives' expenses are not reimbursed and they do and may need to travel regularly. This meeting Beverly is requesting reimbursement– unanimous YES to reimburse Beverly. A policy will be developed at a future meeting
- Council Chair and VC and Deb will work out a proposal for the budget

4. Nonprofit Partnership/Fiscal Management of Summit Funds- (Greg) –

- LCJP contract/budget proposal- Funding for Council Began with a JAG grant in 2009, 2013 Spiro DYC contributed \$8000, Summit also made profit in 2012. There is a contract for \$8000 with LCJP and Judicial for now through June 30th2014. The remaining money is approximately \$14,000. Vote- unanimous-The remaining moneys will be moved so there is more direct Council access.
- Options – We need flexibility with funds and npo are good ways to do that. Pikes Peak and Ft Collins come to mind as possibilities. Beverly suggested Greg have a conversation with Perrie since has a seat on the Council at this time. Greg will try to complete this before the end of the year.

5. Practitioner Application Process and other new members- (*Sub Committee = Spiro, Beverly, Nancy, Matt, Perrie*) Beverly has a set of recommendations as the sub-committee chair for how council may move forward. The process was discussed among the council. There were 5 candidates in the end. There was consensus on a couple. Council needs to make decisions:

- Who will be forwarded to SCA
- Term limits and orientation for new members
- Practitioners-Process changes?
 - a. Suggestions to full council then to Jerry Marroney for decision. The 5 candidates were presented to the council by sub-committee. All council members ranked and voted privately on each. Then forward to State Court Administrator. **(vote)** Forwarded were; Alice Price, Lynn Lee, Kerri Schmidt, Peggy Evans, Gabrielle Frey.
 - b. SCAO will select 3.
 - c. Terms will be 4yr, 3yr, 2yr determined by SCAO
 - d. An effort should be made to reach out to the candidate pool to engage with council in their area of interest on committees etc.

6. Pilots- (*Sub-Committee = Meg, Greg, Esther*) Any Council members able to attend?

- DA phone conference meeting- definitions, measures (Nov 12th 10 am) greg will attend will send info to all
- Pilot Teams meeting- building the cohort, sharing information, answering questions, getting on the same page (Nov 15th at 701 Court Street in Pueblo, 10a – 3p) Esther, Nancy and Meg will attend
- Site Visits- support and technical assistance (20th is set for 11/20 9am- Greg & Stan?) (19th is set for 12/13 – Rebecca & Beverly & Monica)
- Additional technical assistance such as implementation science training, forms etc.? (Meg)
 - a. Implementation Science
 - b. Evidence-based Practices- Motivational Interviewing
 - c. Database Training
 - d. Strategic Planning
 - e. Research Team
 - f. VRA training (what is and is not and how to use RJ)
- Funding possibly available April 2014- depends on supplemental

7. Definitions and Requirements-discussion /decisions **(vote to adopt)**

Purpose of restorative justice is to utilize an inclusive justice process that increases satisfaction with the criminal justice system experience, decreases recidivism and burden on the criminal justice system and increases a sense of connection among participants.

a. Definition of Restorative Justice = as legislated =

HB13-1254 SECTION 1. In Colorado Revised Statutes, 18-1-901, amend (3) as follows: 18-1-901. Definitions. (3) (o.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 Standards*) 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 education 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.)* mutual responsibility? How do we mention education as part of this? Add restorative discipline relative and restorative education to our working definition.

- b. **Definition of Recidivism** = (Meg) based on all offenders participating in RJ any subsequent summons or arrest filed in county or district court within one year from completion of restorative program to be checked annually for 3 years- adopted
- c. **During program and post program**
- d. **Conviction or adjudication for any misdemeanor or felony post program completion**
 - i. **DOC uses 3 yr definition, district court filing, misdemeanor or felony,**
 - ii. **Kevin Ford in Meg's division may has good definition**
 - based on all offenders participating in process
 - tracked for 1 year from arrest
 - any subsequent arrest

As used by multiple state agencies:

- Pre-Discharge Recidivism: A filing for a new felony or misdemeanor offense that occurred prior to discharge from (diversion, probation, NYC commitment, etc).- This could also affect the completion rates if referred back due to re-offense
- Post-Discharge Recidivism: A filing for a new felony or misdemeanor offense that occurred within one year following discharge from (diversion, probation, NYC commitment, etc).
- And will be checked annually for 3 years

A standard release saying to all offender participants and parents that they consent and agree to allow their data with or without identifying information to be used for research (Eileen Kinney)

- e. **Qualifications for using RJ:**
 - Offender must take responsibility for their part of the crime committed- no remorse need be expressed at the time of assessment prior to RJ process
 - Victim must be initially informed by either Law Enforcement, District Attorney, victim services staff or other system victim advocate
 - Trained Facilitators must facilitate the practice (see Standards)
- f. **4 key measures for restorative practices in CO:**
 - 1. Participant satisfaction with their experience in the criminal justice system and with the RJ experience (risk? impact? change? sense of safety?..)
 - 2. Reaching Agreement and completion by offenders (efficacy)
 - 3. Recidivism as defined above (efficacy, impact on criminal justice system, community safety)
 - 4. **Cost of RJ (reduce costs in criminal justice system) A formula for costing out various processes/models needs to be developed**
- g. **Success will be measured by:**
 - 85% + satisfaction from all participants
 - 90% + completion rates
 - 10% < recidivism (among those who complete RJ process?)
 - RJ costs less than cost to process same crime through traditional system.

Discussion items:

- Is there need /value in adopting a set of principles we want to see applied to RJ in the state? (i.e. Beverly's 5Rs?) How would this be measured? (sub-committee?) Use Beverly's 5Rs- Council adopted
- Pre/Post Uniform Satisfaction Survey for all participants – See latest draft- (sub-committee?) vote-moved to use one survey for all participants if possible, Deb will work on draft of Survey
- Research teams- Conversations with CSU and Michigan State University, Omni, others? (sub-committee = Greg, Meg, Esther) create RDQ

8. **HB13-1254-** update

- Money- the fund appears at this time to be growing at an average of \$30k/month. There is no appropriation of funds beyond the \$12k for the part-time position at this time. A request for spending will need to be submitted as soon as session begins to spend any of the money accumulated. A budget plan will need to be in place by Jan. No money will actually be available until April 2014. The money is designated largely for pilots at this time
- Mandates/Timelines –
 - Rep Pete Lee was informed that the Sept 1st deadline for the Pre/Post Satisfaction Survey was not met but progress is being made toward its development.
 - The Practitioner Council Seats have not been filled. Although the application did go out in July. This meeting advanced this mandate
 - Database development is being discussed and a temporary solution is to use an Excel spreadsheet.

9. **CCRJD-discussion (Beverly)**

- CCRJD replacing Beverly Title (Dec 6th)
- Joint meeting for 2013/2014?

Friday, February 21 in Boulder- **this was selected as joint meeting**

- Joint Legislative Sub-Comm?- Prep for 2015 legislation (In July meeting Spiro, Nancy, Greg, Matt will serve on this sub-committee)- Willing to serve Meg, Nancy, Greg, Spiro
 - CCRJD meeting Fri Dec. 6th Mennonite Church in Aurora 10a-3p meeting – at 1pm sub-com attend?

CCRJD would like to invite the State Council members who are interested in being part of this committee to the next scheduled CCRJD meeting. Friday, Dec. 6, 2013 - 1-3 pm at Resolution Works in Aurora, hosted by Gabrielle Fry.

Members of CCRJD who plan to be on the committee include: Melissa Westover (Estes Park RJ), Anne Rogers (Boulder RJ), Cheryl O'Shell (Loveland School RJ), Lynn Lee (Pikes Peak RJ).

10. **2014 RJ Event-**

- PPRJC is NOT doing an event until 2015
- Will Council do anything in 2014? –No event. But maybe offer some other opportunity for professional development like implementation science training day
 - a. Eileen Kinney? ideas
 - b. Implementation Science for RJ

3:05pm Adjourned

FUTURE TOPICS

Jan Council Strategic Planning

Directory- Uses

- Are you and yours listed?

Practitioner Grievance Process

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

New Strategic plan

How should council establish as independent

Policy for budget development and reimbursement

Practitioner app process will be addressed at a future meeting