

STATE OF COLORADO



Restorative Justice Council 2013

Greg Brown, Chief Probation Officer, Twentieth Judicial District (Chair)— Present
Debbie Wilde, Youth Zone Executive Director—Present
Stan Garnett, District Attorney, Twentieth Judicial District—Present
Spiro Koinis, Division of Youth Corrections Victim and Restorative Justice Services Coordinator (Vice Chair)—Present
Matt Riede, 1st Judicial District Victim Advocate--Present
Beverly Title, Ph.D., Teaching Peace Founder and Director of RJ in Schools—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--Present
Perrie McMillen, Restorative Justice Services Program Director, City of Ft. Collins--Present

Deb Witzel—Consultant, Present
Dayna Scott—Consultant, Present

Guests: Kirsta Britton, Weld County District Attorney's Office
Rachel Mahan, Graduate Student

State Restorative Justice Council Meeting 3/8/13, Boulder Justice Center Probation Conference Room

The meeting was called to order at 9:15 a.m. and a voting quorum was established as being present.

1.) Arrive, mingle, welcome, introductions and approval of the January minutes:

The following new Council member was introduced: Stan Garnett, new District Attorney representative to the Council. Kirsta Britton from the Weld County District Attorney's office RJ bill pilot program attended as a guest.

The minutes from the January meeting were reviewed and the following corrections were made. Perrie McMillen's name was corrected and the stationary will be updated to reflect the additions to and terminations from the Council. A motion was made and seconded that the minutes as corrected be adopted. That motion was approved by the Council.

Following the adoption of the minutes, Deb Wetzl, Dayna Scott, and Greg Brown provided the newly appointed Council members a recap of the Council's activities to date: Deb Witzel, Dayna, and Greg met and provided the newer Council members a recap.

*The Council was created in 2007 by Governor Ritter. At the time it was established, it was given 4 focuses: the creation of a central repository for information and programs, supporting the development of RJ programs in the state, providing technical assistance, and assisting with education and training.

*In order to ensure that both government systems and private restorative justice practitioners share the leadership of the Council through the rotation of the chair and vice chair positions.

*Since being created, the Council's accomplishments include: training guidelines; a statewide survey of RJ programs; obtaining JAG funding; obtaining DYC and Judicial funding; developing and presenting the statewide RJ Summit (which also made money); development and maintenance of the website; creation of the RJ online community; collaboration with the RJ Directors to develop a code of conduct, facilitator standards, and practices; expansion of Council membership and

legislation to formalize the additional members; public relations communications in support of RJ work through blogs and eblasts; and creation of new member welcome packet and historical overview document.

2.) Progress on Workgroup Updates:

*External Research (Greg and Amanda)

--Amanda is working on a PhD and looking at efficacy of RJ processes and programs. She has developed a survey for RJ programs and will be sending it out for feedback. As part of this work, she is also conducting a literature review. Amanda and Rick developed the survey along with an introductory email which will be sent to RJ programs, she asked if the Council wanted any modifications to the email or if there were any ideas for incentives. The Council agreed to give away one of the registrations to the next RJ Conference. The email will read something like "Have a voice in the Advancement of RJ in Colorado and Win a Prize/Conference Registration!" The introductory email will include a request to forward it to other RJ providers or individuals involved with RJ. The body of the email was revised jointly with the Council and finalized.

--The draft survey was reviewed with the Council and the following feedback on the questions was provided.

--#15 was a point at which many people on the Council got frozen/stuck.

--Funding questions: The Council suggested that it might be a good idea to include an explanation for why the question is being asked. Some reasons could include finding evidence/research to support funding of programs and attempting to identify how to achieve financial stability (e.g., are there diversified funding streams or are programs reliant on single funding streams). The answers were updated to allow a respondent to select multiple answers.

--Question on how long the program has been in existence: Discussion about what kind of information is needed in response to this question, agreement that it will be a blank field or "less than one year".

--Staff/what kind of organization are you question was discussed.

--The question on referral source was amended to change "Religious" to "Faith Based" and "Sheriff" and "Police" to a single "Law Enforcement" answer.

--The Practices Offered question was amended to include Victim-Offender Dialogue and Victim-Offender Conferencing as options.

--Discussion the Offered Training question regarding facilitator training-and psycho-education, the Council decided that a respondent could answer this in the fill in field.

--Fees charged question modified to eliminate the option for "fees charged to the victim".

--The question about the amounts charged by the program feels cumbersome and unnatural. The hope is to get an idea of how much the programs charge for each kind of service. Rachel will revise this question and come up with some other options for attempting to get at this information.

--Program budget—this question generally seems to capture everything, but was edited to clarify that it is asking for the annual budget.

--Outcome measures—this question was amended to include a form filed response asking how the provider defines recidivism. This question will appear if the provider answers the previous question with recidivism rates being an outcome measure.

*Internal Council Capacity Building (Meg)

--Meg presented to the Council the “new member welcome packet” that she had put together. She reviewed the contents and indicated that the package also includes a history document. She asked for the Council’s feedback on which resources should be added to the document, such as Ben’s capstone project on lessons learned in the educational system, the survey conducted to develop the repository, and Amanda’s research on the availability/county coverage of RJ in the state. The package also includes the action planning worksheets, the bylaws, contact information for the Council members (with an additional agreement that this contact information would not be shared), the guidelines for trainers, and the provider code of conduct. Meg asked if any other information should be included in this package and the Council decided that a copy of the previous meeting’s minutes should be included.

--Meg is also developing a marketing document/elevator speech, and wanted the Council’s feedback on if this should also be developed as a brochure. This brochure would contain the same information, but in a different format. The Council decided that a brochure, as well as a talking points document, should be developed. Bev volunteered to help Meg develop the talking points document, and will plan to have a draft of these ready for review at the next meeting.

*External Standards (Perrie)

--Perrie has begun the process of identifying programs and attempting to obtain contact information for them. There was a request from the Director’s group that information be communicated via email, and she is working on getting that contact database put together.

--Perrie raised what she views as the more fundamental focus of this work area, which is how does the Council or RJ community ensure that schools and criminal justice organizations are trained in, and complying with, the standards and practices that have been developed. Mike stated his view that he feels that the eventual result would be a move towards something similar to the DVOMB or SOMB that develops naturally out of a need to provide these oversight functions given the legislation and feedback from the field. Fortunately, the legislation does include a fee which could eventually be used to fund this organization and provide staff to meet these requirements. In the absence of an enforcement mechanism or organization, it becomes a community regulated model; at this point the Council members agreed that they will communicate that these are the standards and best practices that should be adhered to if they are working with an RJ agency or provider. One point that was highlighted is that, at this point, the Director’s Group is not aware of any conversations regarding enforcement, and as the previous conversations have been around getting support from the council in terms of

moving towards a professional organization, a discussion on a government or formal regulatory body might be a bit of a surprise. Nancy informed the Council that, when the Victim Services community put their organization in place a few years ago that they found that it worked very well to get the stakeholders together to jointly build this organization from the foundation up as a joint endeavor. This enables the community to establish accountability based on a model of lowest level interventions gradually rising up a chain of more involved and formal interventions; their experience was that unethical providers do not tend to last long with this community based approach. Initially, this is formed around a code of conduct that gets communicated when providers start offering services, which then becomes more formalized as the structure gets put in place for the professional or other regulatory body. It is very important for the Council to recognize that RJ practice is based at the local level and statewide discussions really are not on the radar for many of these providers. Communication and transparency are key to getting those providers and the RJ community in general on board with any moves in this direction.

Given that there is starting to be pressure coming for some form of accountability through legislation and other sources, developing some form of accountability system may need to be added to this work area as an ongoing action item. The suggestion was made that a meeting might be worthwhile which includes the Council members, the Director's group members, and other affiliated stakeholders who have an interest in this process such as COVA, the legislation joint group, and independent RJ practitioners. Initially, the focus would be on where the gaps are between what the legislation would require and what currently exists, and how to bridge those areas. A motion was forwarded and adopted that this meeting will be convened and a subgroup addressing accountability and threshold of services is created to handle this process. Nancy offered to have this meeting at COVA as they have the technology to Skype people in from other areas of the state which will hopefully give broader participation and feedback. Bev and Deb Witzel will be the responsible Council members for this subgroup with a time frame of June for updates and the beginning of the process. They requested that the Council members send them the names of people who should be invited to this meeting as key stakeholders.

The standards were posted on the RJ Facebook page in February. The Facebook page will be updated/a posting made that indicates that the standards are very important and that they are part of a movement towards accountability that the practitioners should be aware of and are welcome to provide feedback on. In addition, the guidelines/standards should be distributed to DA's and victim coordinators.

***Education and Engagement (Debbie Wilde and Mike)**

The engagement work plan was amended to ensure that the standards are part of the informational processes and presentations that will be promulgated by the Council. Mike has begun the process of developing presentations, but needs the Council's feedback on exactly what should be presented and what this outreach is meant to communicate. In other words, given the nature of presentations, what one idea or

philosophy does the Council want to make sure is communicated? Initially, the Council determined that there should be a focus on the standards, with a description of the joint process by which they were developed, and ideally they should be presented jointly with the Director's group to model the collaborative approach. Meg provided the feedback that ultimately she envisions the Council developing a huge presentation which includes a number of blocks or modules. The blocks or modules can then be pulled out of the larger presentation for specific audiences. Nancy's feedback that the presentation needs to include a piece that talks about "What's In It for You?" One module focus could be on the standards and the practices document. Mike's research on effective presentations indicates that it is important to put holes in people's knowledge on what they think and then fill those gaps. One approach could be to specifically discuss apprehensions and concerns about RJ from whatever community is being presented to, and then use the standards to address those concerns. For example, if presenting to District Attorney's, identify what is most important to the DAs and determine why they would opt for an RJ process instead of a straight plea. Recidivism might be a relevant concern. Krista's feedback was that the Council's presentation needed to answer the question a line deputy DA who has a stack of cases to manage would be asking, which I "What do I do so that I can have one less file on my desk but still live up to the standard of what I'm supposed to be doing?" Another question is how to inform victims about the process so that they can have the opportunity to opt in and be aware of the option.

When and to whom will the first presentation be? The Council had previously discussed that a presentation to the CDAC might be the best starting point. Law enforcement outreach was another priority, and the law enforcement victim coordinators meeting could be a good place to provide this training as well. On a more global level, Dayna has been able to compile a data base of organizations and their meeting dates and times. POST regional trainings are possible, but getting this in a format to present by their next meeting is asking a bit much—it may be realistic to target the next fiscal year's starting meeting on July 14th. Other possibilities include the Colorado Association of School Resource Officers, the Sheriff's organization, Probation Academy, and child welfare organizations. The Council members will send Dayna ideas and contact information for organizations that might be possibilities for these outreach presentations. By deciding that, Mike can start to address some basic logistical questions such as when it will happen, how long it will be, and what the space will look like. Another vehicle for providing these presentations could be via webinars, especially to enable statewide reach. At the next meeting, Mike would like everyone's perspective on and review of his initial draft presentation.

Meg mentioned that DCJ is currently working on an initiative in partnership with juvenile agencies to professionalize the services provision for those individuals, eliminate training overlaps, and identifying and addressing gaps in services. RJ has been identified as a services gap, so the partner agencies in that initiative should be considered for this outreach work as well.

A schedule was proposed and adopted by the Council for these presentations. A content piece will be available by the May meeting for review, visual aids will be

added and put in a semi-final form for review at the meeting in July, and the final format for presentations will be reviewed at the September meeting. Dayna will use the contacts provided by Council members to begin setting up presentation times and will be creating a signup sheet for Council members to sign up to do these presentations.

3.) Council Updates and Action Items:

*Representation of the Council at the Pike's Peak symposium. In particular, the Council has been given five comp registrations. One registration will be given to Amanda as the prize for completion of the survey. Greg and Amanda will be presenting at the conference about the information the Council is gathering and how it will be used. The other four comp registrations were given to Perrie, Jean McCalister of COVA, Dayna/Abigail from LCJP, and one will be offered to a representative from the alternative school discipline group.

*Budget/Funding Update. LCJP is still in the process of finalizing the contracts necessary to get money from SCAO and DYC. Once those are finalized, a plan will be created to expend those funds by the end of the state fiscal year on 6/30/13. Currently, LCJP's activities in support of the Council have expended about \$7,000 of the funding, which is on target.

*Blog Topics and Articles for the RJ website are not on any action plan and need to be added.

4.) Discussion Regarding Pete Lee's Bill:

Highlights from Representative Lee's Bill were reviewed by the Council and then discussed with Representative Pete Lee. LCJP facilitated a process by which the Council identified the things that were good about the bill and the things that were bad/needed improvement and how to change it to address those concerns. Action or responses from the Council will be provided to Representative Lee before the bill goes to committee on the 26th.

Elements that the Council Liked In the Proposed Legislation:

- *RJ is on the Legislative Agenda
- *It provides funding/creation of a surcharge
- *Allows RJ process initiation by DA's and Offenders/Expansion of the Parties that Can Initiate the Process
- *Implementation of the New Zealand Model for Juveniles
- *Discretion with DA's to Assess
- *Provision for Data Collection, Measurement, Evaluation
- *Provision to Expand Council Membership
- *Creation of Pilot Projects
- *Involvement of Multiple Stakeholder Groups

Elements that the Council Does Not Like:

- *There is a Need for Victim Centered Language/COVA has a concern with the language and needs to work with the drafter to ensure it is Victim Centered. The language needs to be cleaned up between RJ process and

dialogue, there needs to be the distinction made that it is an RJ program that doesn't involve the victim necessarily. Needs to be more general, to include practices that do and do not require victim involvement—in other words “Youth Restorative Justice Practices”. Nancy will talk with Stan and Tom Raines about language and how to address this and move the ball down the field and will include an RJ practitioner in the conversation.

*In terms of the fee, there is no provision for who makes the determination of if a participant is indigent.

*The data collection is too detailed/defined. The Council would prefer that the legislation set the goals and allow the Council to figure out how to meet them. In other words, access the Council for its expertise. In addition, the legislation might require reporting before there are funds available to provide the staffing to collect the information needed, Meg has some ideas to address this concern. She will put those ideas in order and discuss them with Representative Lee.

*How will the funds be distributed or designated? Suggestion that SCAO be allowed to establish guidelines and run the process, with input or direction from the Council.

*There are related concerns about the equity of how funds will be distributed.

*Council membership concerns, including concerns about a balance between the number of system individuals and non-system RJ practitioners. What about juvenile parole board membership? There was extensive discussion around these concerns, with a final determination that there should be three RJ practitioners, JBB representation, DOC representation, and parole representation. Language will be developed and given to Pete Lee to accomplish this.

*Is there a way to include schools/education?

*For processes without victim involvement, there is a lack of clarity about who would be an appropriate victim surrogate.

*Do the identified pilot districts have qualified RJ programs and what are the qualifications that led to their identification as pilots? At the time of drafting, these districts were identified as currently having projects or solid proposals in place to act upon. Since one objective of the legislation is to increase the utilization of RJ around the state, the pilot district projects are intended to show these processes work. That demonstration of efficacy is why there's a data collection requirement included in the legislation.

*What are the qualifications required for a practitioner to perform assessments? Concerns about provider accountability.

*Restitution not included in ways to help heal harm.

*Concern that there are requirements that will require funding to achieve, but there is an anticipated lag between when funds will start to be available as a result of the surcharge. In addition, the \$10 surcharge is not provided with a priority level in terms of the order of collection.

*As drafted, the bill confuses dialogue with other RC processes, no consistency in the language. Conference outcomes and agreements

supervision are not addressed. How do we know what is going to happen as a result of an RJ process and whether or not it was actually accomplished?

*There is no structure or definition of where the collected money goes, who collects it, and how the funding determinations will be made. In terms of the distribution of funds collected from the surcharge, is it clear where the money goes and how is it distributed? The first priority would be for funding to go to districts doing RJ and to the Council. It would be ideal if the Council would have some opportunity to provide feedback or active involvement with the distribution of the funding. There is a concern that existing programs that do not operate within a Judicial District or Probation Department could be put out of business by competing government programs. The language around funding needs to be broad enough that it can support providing funding to community based restorative processes or providers. Nancy suggested that funds could be routed through something similar to VALE boards (or something similar to the Governor's victim taskforce or how the state distributes juvenile diversion funding). Finally, it may be helpful to clarify that the legislation doesn't preclude a DA's office from contracting for these services.

5.) Lingered other agenda items with notes from January minutes:

- How do we have the balance of the 3 entities in our process i.e. community, victim, offender? Currently being addressed; this is what the conversation was about today.
- Sustainability—Including establishing community ties and partnerships to provide funding to continue the work of the Council, fund the position currently occupied by Dayna Scott, and continue to manage the website. (Spiro will pursue information about VINE and possible VINE support. Relative to the summit, this is one of the places he would go back to for sponsorship)
- Bev/Nancy and Greg do the True Colors training with us?
- Continue to keep an eye on professional development and expansion of knowledge of RJ possibilities for the members of the Council, e.g., RJ for bullying in schools. Concern is few practitioners in the group. Chris Harms has done a lot of work with bullying. Should probably have more of a discussion about that. Training on EBP in Criminal Justice , implementation science work. Greg will be setting up a few of these trainings and pay for them
- Update on Robin Wilson, circles of accountability—Greg
- Spiro will review the victim empathy curriculum that the Council obtained from the Forum. As part of that review, he will develop a list of suggested changes for the Council to review and consider for adoption. Can be on a future agenda.

The next Restorative Justice Council meeting will be in the Boulder Justice Center in the Probation Department Conference Room on Friday, May 17th, from 9:00 a.m. to 3:00 p.m.