

# STATE OF COLORADO



---

## Restorative Justice Council 2013

### Restorative Justice Council 2013

Greg Brown, Chief Probation Officer, Twentieth Judicial District (Chair)— Present

Debbie Wilde, Youth Zone Executive Director—Present by Phone

Stan Garnett, District Attorney, Twentieth Judicial District—Not 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—Not 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

Amanda Nagel, Estes Valley Partnership Executive Director (outgoing)—Present in afternoon.

Deb Witzel, LCJP contractor—Present

Dayna Scott, LCJP contractor—Present

Guest: Representative Pete Lee during the afternoon by phone

## Minutes—January 10<sup>th</sup>, 2013

### 1. Arrive, mingle, welcome, approval of the November minutes

The November minutes were corrected for spelling, and, as corrected, were adopted by the Council.

Perrie McMillen was nominated for the position of parliamentarian, and upon second was elected. Meg Williams will provide Perrie with a power point training on Robert's Rules of Order.

### 2. Aligning our goals—Platforms from 2011/Summit Workrgroups/Council Workgroups

The Council reviewed the platform plans from the 2011 planning retreat. The platforms developed at that Council meeting were intended to be the jumping off point for starting to engage the RJ community. This was followed by the summit in 2012, and from that summit a number of workgroups emerged, and at the retreat at the end of 2012 a third list was developed by the Council. In comparing those workgroups developed by the community and the platforms identified by the Council at both retreats, there are some similarities and some differences which need to be brought in line with each other and the Council needs to decide on steps going forward. This process will be one in which the Council determines the priorities for moving forward on now, what issues will be addressed in the coming year, and which issues will be addressed at a later date. To begin the process, the Council adopted Meg's suggestion that it review the 2011 and 2012 information and determine where things stand in these areas.

### 2011 Platforms

\*Professional Association (Bev, Meg): There were a number of conversations around development of a professional association, but not a lot of interest was expressed by the community at the Summit. As a result, this platform may be getting worked toward indirectly through the development of the standards and continued capacity building for the Council. In summary, this is a longer term objective at this point but not on the table for

the coming year. One concrete step that could be taken in the coming year would be to engage in training on implementation in order to help get to this point more organically. In addition, the Directors desires a collaboration with the Council in terms of standards and any eventual professional association.

\*RJ Summit/Conference (Meg, Amanda, Greg): This was accomplished, and there will need to be a conversation at the end of 2013 about setting up and putting on the 2014 summit.

\*COSA (Amanda, Greg): A group is interested in this subject and is receiving some support from DCJ and SOMB. SMART gave DOC funding in an amount of \$750,000 which in turn utilized \$350,000 of that amount to form a non-profit to provide COSA services to DOC sex offenders who are transitioning into community based supervision. The Council probably has a role to play in this area and should possibly look at developing some linkages with this non-profit. Since the COSA model is a high risk model and not sex offender specific, there might be a place for it in RJ on a broader scale. In addition, Perrie reports that a similar program is desired by the community but that obtaining the initial funding has been difficult. Greg committed to continue monitoring developments in this area and thinks it will be a part of the evaluation and research plan since some good research and results are available with respect to these programs.

\*Education (Michael, Bernadette): This platform is still alive, but the context has substantially changed after the Summit and 2012 retreat. In 2011, this platform specifically was targeted at RJ in the education system, the 2012 workgroup broadened the platform to be about providing educational outreach about RJ to broader audiences. In addition to that education outreach, there is still work to do in the areas of school discipline. In particular, there was a taskforce created after the RJ legislation which is not currently meeting, and addressing those concerns may eventually need to be a subject for the Council. Perrie asked about how informed the Council is about Peace Circles and what schools have implemented policy changes and what the results of those changes seem to be. Spiro followed up Perrie's inquiry with a report that Theresa Zimney-Villegas presented to the Department of Education about the Harrison School's Positive Behavioral Supports initiative. Candace will follow up on this development.

\*DYC Platform (Spiro): The initial intent was to provide information and begin laying the groundwork for RJ with the DYC stakeholder groups. The oversight group that subsequently formed decided to pursue a different objective and has been working on completing an inventory of practices. The general response to these outreach attempts was somewhat lukewarm, and at this time this platform may be best served by being placed on the table until things begin to develop organically.

### 2012 Summit Workgroups

\*Evaluation and Research (Greg): This workgroup's objectives have been carried into 2013 as part of Greg's duties and work with the graduate student's project.

\*RJ in Criminal and Juvenile Justice (Meg): It doesn't really feel like this fits perfectly into any one of the workgroups, but applies in an overarching fashion to all of them in some ways. This is a very broad topic, and seems to be something weaves through everything that the Council is doing. This is similar to how victim services and RJ in

schools function, these topics may be more foundational to and underpin RJ practice generally.

\*Engagement, Standards and Training (Anne Rogers, RJ Directors)—This workgroup connects very clearly and cleanly to the work on the standards.

\*New RJ Laws and How to Respond (Spiro)—There are similar issues as the RJ in criminal and juvenile justice work group area. Spiro raised the issue that there might be some concern about having a Council member who works for a state agency interact with legislation and the legislative process in the way that this will probably require. The Council may be more effective in this area if someone is appointed to this area who does not have the advocacy limitations placed on them that state employees have. As a result, in her later phone attendance, Debbie Wilde was asked and agreed to serve as the legislative lead. While the legislative lead will not need to answer every query on legislation, the position will be able to serve as a conduit of information between the legislative process, the Council, and Council stakeholders. A short discussion followed regarding getting input from the RJ field in this area in particular, and suggestions were made that perhaps finding a way to involve community members, ex-offenders, or other participants not affiliated with any specific program might be desirable in the future. Possible resources are the Longmont COP reform commission and the Colorado commission, but any developments that involve the addition of Council members will require a further discussion about Council size and practical management issues that stem from increasing the size.

\*RJ and Victims' Services (Matt): As previously mentioned, this is an area that weaves through the Council's work in a similar manner as criminal and juvenile justice.

\*RJ in Schools (Stephanie with Laura S.): As previously mentioned, this is an area that weaves through the Council's work in a similar manner as criminal and juvenile justice.

\*Communication and Promoting RJ Widely (Monty Miller with Ken K & Dayna): This area links with and should interface with community education and engagement.

\*Inclusion in the RJ World (Pablo, Rachel Sharpe, Leanne Alaman)— this is an area that weaves through the Council's work in a similar manner as criminal and juvenile justice.

### Council Retreat Workgroups for 2013

\*External Research (Greg)

\*Internal Council Capacity Building (Meg)

\*External Standards (Perrie)

\*Education and Engagement (Debbie)

\*All work groups developed at the Summit will continue to exist as work groups that the Council will develop a plan to interface with and support.

### 3. Action Planning

The Council engaged in an action planning process and completed action planning worksheets.

\*Internal Council Capacity Building:

Activity: Develop introduction/welcome packet for new membership (provides an orientation and history for the council. Projected timeline 3/1/13, Meg needs help recreating the history.

Activity: Issue an annual report every year with list of accomplishments. Meg will be the lead on this activity with Candy and Spiro volunteering to support. Projected timeline of completion of the report every fall with a target date of November 1. The hope is that the report will be distributed to the governor and an executive summary provided to the legislature; with it also being published on the website.

Activity: Develop a marketing sheet or brochure that speaks to what the Council is offering; and include something like an elevator speech to summarize accomplishments.

Activity: Fill Council vacancies quickly. Develop an orientation and outreach package to identify individuals who might be selected to fill vacancies and perform the agency outreach to get them on board quickly.

Activity: Appoint parliamentarian. Completed as of 1/10/13

#### \*External Research:

Activity: Contact all RJ programs in CO and document all services that they are currently offering. This is part of Amanda's project which will be completed by June 30<sup>th</sup>, 2013. Create a spreadsheet which includes all of this information.

Activity: Conduct a literature review on RJ research and outcomes related to recidivism and dynamic criminogenic needs. This will be completed by Amanda and Greg by June 30<sup>th</sup>, 2013. Find data collection practices and tools to measure RJ and dynamic criminogenic needs.

Activity: Develop a sample survey and data collection best practices. Amanda and Greg will complete this by June 30<sup>th</sup>, 2013.

Activity: Review literature on COSA and develop recommendations for creation of a COSA literature review.

Activity: Develop and articulate next steps in research for RJ, identify service gaps and develop a plan for filling those research gaps.

#### \*External Standards:

Activity: Identify and obtain contact information for key players for conducting a review of the standards. Obtain the contact information from individuals interested in this area from the Summit from Anne's groups.

Activity: Distribute the standards to all programs and to the list created at the Summit.

Activity: Post the standards to Facebook page and request feedback.

Activity: Conduct a literature review of other standards that have been created in other countries and benchmark the standards. Find someone to be a resource to take on this project, Perrie will write it up and Greg will ask about it in his university research classes and with his sources.

Activity: Revise the standards based upon feedback and input from the community in order to keep them updated, incorporate the input, and improve them. Make sure the revised standards are posted in the various locations.

#### \*Education and Engagement:

Activity: Appoint Debbie Wilde as the legislative liaison. Completed 1/10/13

Activity: Connect with legislature to guide RJ legislation.

Activity: When legislation passes, educate the RJ community on new bills and provide support with compliance and education.

Activity: Create a presentation to promote awareness of RJ among different systems representatives. Include legislation, standards, etc. in the presentation.

Activity: Present info at COVA in October.

Activity: Present info at Pikes Peak.

Activity: Present info to DA's, either at meetings or individually.

Activity: Research law enforcement meetings to determine when/how to do a presentation--Dayna will perform this task.

Activity: Sponsor an online webinar on juvenile justice RJ work, and promote it and make it widely available.

Activity: Provide agency based RJ trainings for specific stakeholders, explore appropriate training venues and opportunities.

#### 4. Sustainability, Funding, and Budget

\*Dayna provided the Council with a review of the revenues. JAG funds for the year total \$12,677, funds generated by the Summit total \$11,700, funds provided by partner agencies total \$16,000 (two separate \$8,000 contributions from Greg and Spiro) which results in total available funding of \$40,377. There are limitations on that funding—Greg and Spiro's funds must be used by June 30<sup>th</sup>, JAG funds must be used by September 30<sup>th</sup>.

Action Item from this discussion—Dayna Scott will contact Susan Colling in order to get the funding contract/MOU in place with Judicial and get a bill submitted to Judicial, and will contact Jeanine with NYC to get their payment process started.

\*Dayna provided the Council a variety of cost projections for review.

Fully Funded: In order to develop a fiscal note, and to provide a baseline of what it would cost to fund the Council's needs full time, LCJP created the following budget projections. This funding does include an administrative assistant to help with support and to follow up on action items from meetings. LCJP is currently looking at hiring a part time administrative assistant for their needs not related to support of the Council, and increasing that time might be an option in the future if the funding supports it. In terms of a fiscal note, detailed job descriptions will be needed to support the statement of funding needed and LCJP will develop those as an action item. To full fund support of the Council would require \$72,014, derived from personnel costs of \$62,997, operating costs of \$6,597 (based on current JAG funding), mileage costs of \$500, and professional services costs (primarily web management needs) of \$1,920.

Partially funded: To fund things at close to the current levels of support through 9/30/13 would cost \$40,588, which is very close to the currently available budget. That figure is derived from personnel costs of \$31,571, operating costs of \$6,597, mileage costs of \$500, and professional services costs of \$1,920.

\*Timing of Funding Gaps and Fiscal Notes: In order to get a fiscal note in the long bill, it will probably take another 10 months before that information can be put together in such a manner that Judicial can ask for it. There will also be a funding gap on 7/1/13 due to the expiration of the state fiscal year and state provided funds. With a Summit scheduled every

other year with Pikes Peak, it would be ideal to have some funding generated by the previous Summit to be available for up front and ongoing Summit costs. On major resource has been the development of a substantial reserve of people who can provide support and assistance. For example, there were 10,000 website visits in December up from 1,000 last December and a rate of return visits of 60% versus 11%. As part of this discussion, Candace volunteered to approach the Department of Education about possibly providing funding to the Council.

\*Adoption of Partially Funded Budget: The partially funded budget projections were modified to reduce the mileage budget by half in order to balance to revenues. That budget as modified was motioned for approval, seconded, and adopted unanimously by the Council. In addition, there may be options for increased funding for the next year for an increase in funding through DOE and DOC support.

\*The sustainability plan at this point is continuing to request funding from agencies and obtain a fiscal note in FY15. With JAG funding terminating, that means the Council will be needing to find \$40,000 to sustain activities in FY14. As part of this, the Council adopted an action plan in which each Council member will go to their agencies and private sector resources to attempt to gain funding commitments.

#### 5. Graduate Project

The Council met with Amanda regarding her project and identified the data which she will be collecting. The Council granted her authorization to represent herself as working with the Council in the process of obtaining this information, in the hopes that it would improve the response rate. In addition to obtaining basic program information, the Council suggested an attempt to get the following data: when the referrals for RJ are happening; what program staffing and budget is; where the referral is coming from; what is the funding source (non-profit/government/county/state/private); whether the program provides training, consultants, or are self employed, etc.; recidivism rates and how they are measured and that is considered a recidivist contact; what else they measure; and types and rates of victim participation.

#### 6. Pete Lee—New RJ Bill Information Request

Representative Lee requested feedback regarding a new RJ bill that he plans to introduce in this legislative session. The Council provided the following feedback:

\*The legislation mentions juveniles and DOC both, in RJ terms and victim terms these are two different populations which have to different victim points of contact. This is a factor in the victim community's concern that this not be offender initiated contact with victims. That being said, there are ways in which an offender who wants to explore harm and reparation can do so without victim contact.

\*Ensuring services are provided by supervised and well-trained facilitators is critical to the RJ process being effective.

\*Initial outreach and communication of the availability of RJ processes needs to be improved, making sure that the victim is aware of the availability is the first step in getting victims to opt into these processes.

\*The Council wants to make sure that it is recognized that there will be some push back about mandated RJ processes or legislation about RJ processes until there are

standards and other protections for victims in place and enforceable. While the Council and RJ Directors are trying to work towards that objective, the infrastructure currently is not in place to provide those protections as effectively as they should be provided.

\*Availability and access of RJ processes is a concern as programs do not currently exist in all regions.

\*Financial issues, if programs are able to charge for their services, how much and will there be any other funding supports. If not, there is an issue with minority and juvenile access to RJ. Sliding fee scales might help, but also, the quoted charges do not reflect the real costs of providing the services.

\*On the juvenile side there are victim issues, in particular there is a need for law enforcement victim advocates who are strongly and provide services at the initial contact.

\*Young offenders are a different component of restorative justice than adult offenders and at the DOC level the process is started in a very different manner and is not very organic.

\*Victim-offender dialogue needs to be victim initiated.

\*The offender should still have ways to understand the harm and work towards empathy if the victim does not initiate a process, but this would not be a victim-offender dialogue.

\*Victim opt-in is a critical component of a victim-offender dialogue, there should be no contact unless there is an opt in.

\*On the post sentencing side of the process, to receive the notifications the victim needs to re-enroll. As a result, DYC was missing a lot of cases and by the time they got to the parole system they had gotten to the point where there was a miss in the notification process.

As a follow up, Representative Lee asked about the access issue and wondered if initiating this at the beginning as a pilot program approach and in jurisdictions with already existing RJ programs. In terms of jurisdictions that seem to be effective, it seems that Boulder, Larimer, Denver, El Paso in places, Estes Park would be good locations to begin in. Perhaps in order to fund RJ and address the access issues, it might be worth considering an RJ surcharge as a fee.

At what point in the proceedings should the RJ process be initiated? In the original legislation, it was indicated that it would start when the DA files the petition. However, statute 19-2-510 allows it to start with police and sergeant or supervisor discretion if the offender takes responsibility and victim being willing. It would then begin earlier in the sequence, and there would be a referral from police to the RJ program, the RJ program would then do an assessment. Only when the client fails to complete or comply would it be moved into the system. This can be very effective, and would require the training and support of law enforcement; certain jurisdictions already have this in place for reference (Ft. Collins, Estes Park, Longmont)

Meg asked on behalf of the Council if there is any place to start pursuing funding for RJ? What about asking for support from the Colorado Criminal Justice

Commission? It might be worthwhile for the Council to give a presentation to the task force or commission about changing the way RJ is done and implemented and how to design the system RJ. By doing this, the Council would then be able to partner with the Commission to elevate and support the expansion of RJ. In addition, it can take a fully dedicated one or two years to put together a good piece of legislation that addresses the needs of all stakeholders appropriately. Perhaps partnering with Pete Lee about putting together a very good, comprehensive piece of legislation and this could be another partnership for the Council to help facilitate between the legislative process and the RJ community. If this were to happen, the Council suggests the following individuals be at the table to ensure stakeholder buy-in: Representative Lee, the Council, the RJ Director's Group, Pike's Peak, representatives from all of the Council state agencies (so, in total, around 25 people).

Nancy suggested that the Council ask Pete Lee to file a funding request or ask for funding for the Council so that it can begin to put the standards in place and getting that groundwork laid so the community will be more willing to accept legislation. It could also be effective to have someone speak with the governor to try to get a regulatory and standards board created like the DVOMB and SOMB. In order to do this correctly and fully support the Council's activities, it appears that there would be a need for two additional FTE and the fully funded budget discussed earlier in this meeting. The Council had a follow up discussion with Representative Lee about how this would be put together following the model of the DVOMB and SOMB, including the development of standards of practice; approved provider lists; professional association; grievance and loss of ability to represent as a provider; how to provide to train and training standards; and development of a process by which programs would apply through the board to become approved to provide service and maintain the list of approved providers.

The Council decided that it would support Representative Lee in whatever way possible and appropriate with his current legislation and also offer the Council's support in gathering the key players now and helping to begin the work on a good, comprehensive restorative justice legislative proposal for a session in the future.

#### 7. COVA Representation on the Council and Requests

Nancy reported to the Council that she has contacted two individuals about their ability to sit on the Council as representatives for COVA. She hopes to know more within the next 7-10 days.

She asked that the Council provide information to the victim community in the form of a list of programs that the Council feels okay with signing off on that she can then provide to her community through the COVA website. This will then start the process of integrating RJ into the victims' community as a partnership. The victim community would like RJ and victim services to become incorporated as part of the justice system. However, there needs to be more than a linkage established, there needs to be outreach and communication that helps establish RJ as more of a part of the ongoing dialogue in the victim community. One step that will be taken is to include COVA's membership lists in the RJ Colorado Online email blasts.

8. COSA—is it RJ?

Where does this fit with the council and what should the council's role be? Discussion tabled for the next meeting.

9. Ongoing/Continuing Agenda Items to Be Addressed As Appropriate:

- Revisit the platforms from the Summit action groups. In March, after revisiting that information, determine next steps and how the Council can support the action groups. Done.

- 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. Working on it.

- 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. Working on it.

- Bev/Nancy and Greg do the True Colors training with us.

- Keeping repository current, including LCJP utilizing the repository to develop a community network of practitioners. Amanda's project.

- Spiro will pursue information about VINE and possible VINE support. Relative to the summit, and this is one of the places he would go back.

- Accreditation, including standards discussion from previous meetings. Ongoing

- Addressing gaps in representation or collaboration—may need to revisit Ongoing

- Strategic plan items—good there. We've done strategic plan.

- Adoption of membership addition and appointment procedures. Includes any necessary discussion about maximum council membership numbers and other appropriate entities to extend membership invitations to, including civil restorative justice. Working on it. Update on Tom Raines from Meg—first meeting is Friday, hopes to solicit a rep at that meeting.

- 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 about their being very few practitioners in the group and keeping the Council up on what practice look. 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 paying for them.

- Update on Robin Wilson, circles of accountability—Greg

- Presentation development for COVA conference. Matt is working on this for this year. Nancy advice for Matt on a couple of panel suggestions—2/3rd of attendees are brand new every year. Her suggestion is to have two or maybe three good examples of youth programs and have youth in every part of it. Want two kids there if you have kids. Then have someone who has been very successful at doing a dialogue and have them present with the victim to talk about what it really meant to the victim. Spiro—what about a one day preconference with RJ practices.

- 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
- Standards feedback survey for the field.—Amanda doing that.

**Restorative Justice Council Meetings, Calendar Year 2013**

**Boulder County Justice Center, Probation Department from 9:00 a.m. to 4:00 p.m.**

**January 10<sup>th</sup>, 2013**

**March 8<sup>th</sup>, 2013**

**May 17<sup>th</sup>, 2013**

**July 12<sup>th</sup>, 2013**

**September 13<sup>th</sup>, 2013**

**November 8<sup>th</sup>, 2013**