

# Annual Report on Implementation of

## HB 2013-1254

### By the Division of Criminal Justice

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### Restorative Justice Coordinating Council



**COLORADO**

**Division of Criminal Justice**

Department of Public Safety

**September 15, 2016**

This report is being submitted to the Colorado General Assembly in response to the mandate from HB 13-1254 for the Colorado Division of Criminal Justice (DCJ) to prepare a report that includes a summary of pilot project sites for diverting juveniles from the justice system through restorative justice practices. This work is being guided by the Colorado Restorative Justice Coordinating Council.

**THE COLORADO RESTORATIVE JUSTICE (RJ) COORDINATING COUNCIL**

<b>Restorative Justice Coordinating Council September 2016</b>	
<b>Member</b>	<b>Representation</b>
Christine Harms, Juvenile Justice and Delinquency Prevention (JJDP) Council	A representative from a Statewide Juvenile Justice Council
Spiro Koinis, Division of Youth Corrections, Victim and Restorative Justice Services Coordinator	A representative from the Division of Youth Corrections
Meg Williams, Department of Public Safety, Division of Criminal Justice	A representative from the Department of Public Safety
Greg Brown, Chief Probation Officer, 20th Judicial District	A representative from the Judicial Department
Perrie McMillen, Restorative Justice Services, City of Fort Collins (Chair)	Two representatives from a Statewide Organization(s) whose primary purpose is related to the development and implementation of Restorative Justice Programs
Vacant	
Robb Miller, Assistant District Attorney 19 <sup>th</sup> Judicial District	A District Attorney with juvenile justice
Matthew Riede, Victim Services, 1 <sup>st</sup> Judicial District (Vice-Chair)	A Victim’s Advocate within the Judicial Department with Restorative Justice Experience
Robin Singer, Department of Education, Senior Consultant	A representative from the Department of Education
Rebecca Oakes, State Board of Parole	A representative from the state Board of Parole
Monica Chambers, Victims Services Coordinator, Department of Corrections	A representative from the Department of Corrections
Mary McGhee, Colorado Organization for Victim Assistance (COVA)	A representative from a non-government statewide organization representing victims
Alice Price, Founder, Center for Restorative Programs	Three Restorative Justice Practitioners
Lynn Lee, Chair of the Pikes Peak Restorative Justice Council	
Melissa Westover, Estes Park Restorative Justice	
Pat Kelly, Colorado Juvenile Parole Board member	A representative of the Juvenile Parole Board
Elizabeth Porter-Merrill, Public Defender	A representative of the State Public Defender’s Office
Benito Garcia, Chief, Milliken Police Department	Representative of Law Enforcement
Martin Gonzales, Judge, 12 <sup>th</sup> JD	Representative of the Judiciary

On March 29, 2007 upon signature of then Governor Bill Ritter, the Colorado Restorative Justice Coordinating Council (hereinafter referred to as the “RJ Council”) was created within the State Court Administrator’s Office (SCAO) pursuant to HB 07-1129. The statute enumerated several specific items of responsibility for the RJ Council which includes, to the extent resources permit:

- To serve as a central repository for information;
- To support the development of RJ programs;
- To assist with education and training; and
- To provide technical assistance as needed.

In addition to the RJ Council establishment and duties, the statute also encouraged each local juvenile services planning committee to consider restorative justice programs when developing its resources plan and directed the Tony Grampsas youth services board to consider in the grant award process whether a grant program applicant includes restorative justice components.

HB 13-1254, expanded and clarified restorative justice in Colorado as adopted in 2007, 2008, and 2011, with the goal of keeping juveniles out of the juvenile justice system. Significant provisions of the bill included establishing four juvenile RJ Pilot projects, collecting information about the projects and creating a database, changing the procedure for initiating the restorative justice process, clarifying language in the original bill, adding members to the RJ Council, creating a surcharge establishing the RJ Cash Fund which supports the pilots, a position and funds the previously unfunded mandates.

In 2015, HB 15-1094 further expanded the RJ Council membership to include a public defender, judge and law enforcement. It also expanded the population that can be served by the pilots as now the district attorney can elect to waive the first time offender qualification, can now include petty offenses and can include juveniles charged with a municipal offense if the law enforcement agency refers them directly to an RJ pilot program.

### **ESTABLISHMENT OF RESTORATIVE JUSTICE PILOTS**

HB 13-1254 created pilot projects in the 10<sup>th</sup> (Pueblo), 12<sup>th</sup> (Alamosa), 19<sup>th</sup> (Weld) and 20<sup>th</sup> (Boulder) judicial districts. Pursuant to the legislation, in these four pilots, prior to filing charges, District Attorneys would identify juvenile first offenders that committed non-traffic misdemeanors or Class 3, 4, 5 and 6 felonies and screen them for participation. If a juvenile successfully completes the program, no charges will be filed. The pilot programs report certain information to the Division of Criminal Justice, with the ultimate goal of obtaining empirical data about the capability of restorative justice practices to reduce costs, lower recidivism rates, and improve the well-being of victims and offenders. Data submitted to the DCJ will include the number and demographics of juveniles who met the program criteria, did/did not participate, reached reparation agreements, completed the agreements, re-arrest rates, and the results of victim and offender satisfaction surveys.

To facilitate the development of the pilots' RJ Programs, the four (4) statutorily-designated District Attorney's Offices were asked to complete an application for funds which provided the SCAO, as the funding agency, and the RJ Council with the detailed information required for proper implementation. This information included:

- A description of the project's target group of juvenile offenders and an estimate of the number of juveniles anticipated to be served.
- Identification of any partner organizations, if applicable, expected to provide direct services to juveniles. For partner agencies, they were to describe any collaborative effort, partnership, or contract support directly related to this project including what services partners will provide and their qualifications for providing those services.
- Inclusion of a Letter of Commitment or MOU from each partner organization, clearly stating their understanding of their role in the District Attorney's juvenile RJ Pilot project.
- A description of the pilot project including; how RJ principles and best practices were being incorporated, eligibility criteria for participants, a description of the implementation plan, training needed, a description of how they will determine if their project is successful, and for existing programs (12<sup>th</sup> and 20<sup>th</sup> JDs) a summary of their implementation & measures of success to date.
- A description of each pilot's project protocols, technology and staff capacity to meet specific mandates of HB 13-1254: 1) appropriate screening for eligibility; 2) administration of pre/post participant surveys; 3) collection of data on participant demographics & case outcomes; 4) collection of recidivism data; & 5) timely reporting to the state of all required project information.
- A list of the goals, objectives, outcomes and timeframes for each pilot project.
- A brief description of each pilot's plan for sustainability of juvenile RJ diversion.
- A detailed budget and budget narrative including a line item expenses to be covered by state funds, other sources of funding or in-kind contributions that are available, fees, if any, to be charged to the juvenile, and the anticipated cost per referral (including the formula used for this estimate).

A subcommittee of the RJ Council reviewed each application, requested clarifications on the proposed projects and recommended funding levels to the State Court Administrator. The four pilots received funding to begin operating their projects as of April 1, 2014.

<b>Restorative Justice Pilot Funding Awards</b>			
	<b>April 1, 2014-June 30, 2014</b>	<b>July 1, 2014-June 30, 2015</b>	<b>July 1, 2015-June 30, 2016</b>
<b>10<sup>th</sup> JD</b>	\$39,290	\$12,375	\$0*
<b>12<sup>th</sup> JD</b>	\$30,245	\$155,296	\$155,296
<b>19<sup>th</sup> JD</b>	\$16,500	\$123,000	\$237,904
<b>20<sup>th</sup> JD</b>	\$81,200	\$227,850	\$205,100

\*The 10<sup>th</sup> JD, due to staffing issues, had not fully expended prior awards. As of 7/1/15, they had \$33,313 remaining and available for continued services in SFY 2016.

## **DATA COLLECTION PROCESSES**

Following passage of HB 13-1254, the SCAO immediately began exploring options for the data collection mandates for the pilot projects. Several options were reviewed. Because the Division of Criminal Justice administers the state's Juvenile Diversion Program pursuant to 19-2-303 C.R.S. and has a data collection and evaluation process in place with the OMNI Institute, a nonprofit social science agency, using Efforts to Outcomes (ETO), a web-based software developed by Social Solutions, this was one of the options reviewed. The decision was made to proceed with OMNI using ETO to assure reduced duplication of data collection efforts as all 4 pilots also receive State Diversion funding from DCJ as of FY '15. The ETO database for the restorative justice pilots is now in place and each Pilot uses the data to complete written quarterly data collection and narrative reports. This report reflects the data collected from this database and the quarterly reports submitted by the four Restorative Justice Pilots.

### **CRITERIA FOR PILOT PARTICIPATION OF JUVENILES AS ESTABLISHED BY EACH JUDICIAL DISTRICT- JULY 1, 2015 THROUGH JUNE 30, 2016**

**10<sup>th</sup> JD:** To be considered for the program the client must be a first time offender at the District Court level. Once the DA's office receives a charge request from local law enforcement it is processed and sent to the juvenile unit where a charging decision is made. If the case is determined to be a good candidate for Diversion it is then sent to the Diversion Supervisor for a more in depth screening process to determine final eligibility. The Diversion Supervisor then determines which of the programs is the most appropriate for each individual and the case is assigned accordingly.

**12<sup>th</sup> JD:** All youth - with discretionary exceptions in individual cases for inclusion or exclusion - not otherwise excluded by following criteria: a) prior felony-level adjudication; b) prior diversion enrollment; c) current charge of class 1 or 2 felony; d) any other statutorily excluded charge: unlawful sexual behavior, domestic violence, stalking, protection order violation; e) Schedule I & II CS possession, use, or distribution; f) Burglary; g) Crimes of Violence; h) Hate crimes

**19<sup>th</sup> JD:** Juveniles aged 10-17 at the time of their first offense, where the offense is not drug- or gang-related are eligible for Diversion. Of those, cases where there is a victim willing to participate, or capacity permits Restorative Justice Conferencing, are referred to RJ.

**20<sup>th</sup> JD:** Petty offenses; misdemeanors; class 3,4,5,6 felonies as staffed by DA and diversion coordinators. Other criteria include eligible juveniles on the CJRA; juveniles with prior municipal history; and youth with drug/alcohol use or dependency. An initial in-person assessment is conducted to ensure juvenile is taking responsibility and appears motivated to repair harm. The CJRA prescreen is administered on each participant to evaluate risk, needs, and supports. Program exclusions include DV; VPO; VOBB; sexual assault; stalking; history of serious gang involvement; cases with SBI; juveniles with other pending district court cases; and juveniles with prior felony adjudication(s).

**DESCRIPTION OF THE TYPE OF RJ PRACTICE USED AND COST ASSOCIATED  
WITH EACH PRACTICE- July 1, 2015- June 30, 2016**

**10<sup>th</sup> JD:** Initial contact made by phone call or mail. During initial contact the program is described in detail and questions are answered. An intake appointment is set up during this phone call. Contact victims by telephone call and/or letter. When talking with victims describe the program and the Restorative Justice process. At this time it is explained the different ways that victims can participate in the process. During the intake assessment, the Restorative Justice program and process is explained to the client and guardians. This also allows for the best restorative justice process to be arranged (i.e. Community Accountability Board, Circle, etc). During the intake an assessment is performed to help staff understand family dynamics and any obstacles that may exist. This also allows us to know if additional services may be needed. Set up the restorative justice process, contact community members to attend, contact co-facilitator if needed, set up area to hold RJ in a nonbiased location. Manage restitution if owed, assist with community service arrangements and monitor if needed, make any referrals that are needed (i.e. mental health service, substance abuse evaluations, etc), frequent documentation to follow the progress made. \$9,000 of staff salary per RJ budget fiscal year 2015.

**12<sup>th</sup> JD: Victim-Offender Dialogue (for personal and property crimes):** Intake & assessment services, followed by facilitated face-to-face dialogue between an eligible youth offender and one or more victims or others impacted by the offense. Contracts made and monitored, to address impact, accountability and specific steps for repair of harm. Average cost: \$750

**Rethinking Substances: Restorative Circles for Underage Possession of alcohol or marijuana:** Intake & assessment services, followed by participation of charged youth and their parents (or other supportive adults) in an in-depth, two-session facilitated group circle process, which addresses their specific offense, as well as general education about the physical, emotional, and social impacts of substance use. Contracts made and monitored, in which youth complete concrete actions to address the harm to the community, their families, and themselves from their substance use. Average cost: \$750

**Restorative Interventions for Shoplifting:** Intake & assessment services, followed by facilitated face-to-face dialogue with a managerial representative of affected businesses; may be in a one-on-one or group circle process. Contracts made and monitored, to address impact, accountability and specific steps for repair of harm. Average cost: \$750

**Restorative Discipline Interventions for School-based Youth Conflict/Fighting:** Intake & assessment services, followed by facilitated face-to-face dialogue between involved youth, to address impact of behavior on selves and school community, and their individual or mutual accountability for harm. Contracts made and monitored, to address harm and repair personal relationships and school community. Average cost: \$750

**19<sup>th</sup> JD: Restorative Justice Group Conferencing:** The costs associated with the RJ Conferencing include: salaries, training and mileage incurred for the Program Coordinators; refreshments for Circle Conferences and for monthly facilitator meetings; in kind copying and printing costs. For this

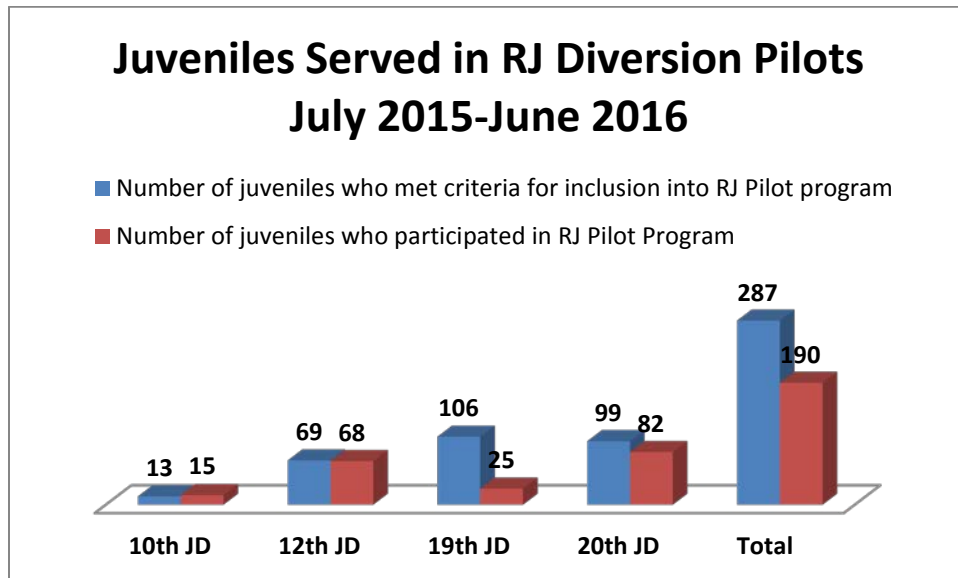
quarter, they divided their quarterly award by the number of cases that actually went to conference for a cost per juvenile of \$2820. That number doesn't take into account the work that went into the cases that weren't found to be suitable.

20<sup>th</sup> JD: RESTORE; \$50 fee per client (sliding scale). In-House Facilitation (DARJ): Community Group Conference; Family Group Conference; Connection Circle; Victim Offender Dialogue; Drug and Alcohol Support Circle. No charge to juvenile. Boulder Sheriff's Dept.: Community Group Conferences. No Charge. Actual cost = one FTE divided by the number of cases received, which is approximately \$1200/juvenile. (Cost estimate reported by program, based on estimated 50 cases a year.) Community Restoration Justice Partnership (CJRP): Community Group Conferences. No charge to juvenile. (No cost information available). City of Boulder Mediation Services: Community Group Conference; No charge. (Cost estimate reported by program, based on total operating budget/ clients served=\$1300.) Erie Police Department: Community Group Conference. (No cost information available). Teens, Inc., Nederland: Community Group Conference. (No cost information available).

### DEMOGRAPHICS OF JUVENILES SERVED

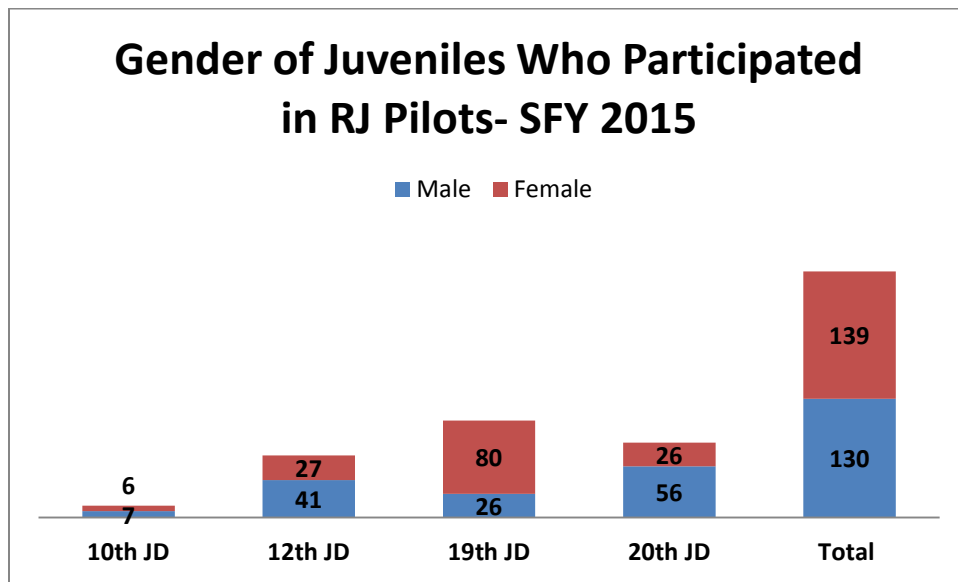
Of the 287 juveniles who met criteria, 66.2% (190) were accepted for participation; a reduction from the prior year.

	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
Number of juveniles who met criteria for inclusion into RJ Pilot program	13	69	106	99	287
Number of juveniles who participated in RJ Pilot Program	15	68	25	82	190



Most of the juveniles served in the RJ Pilot programs are female (52%).

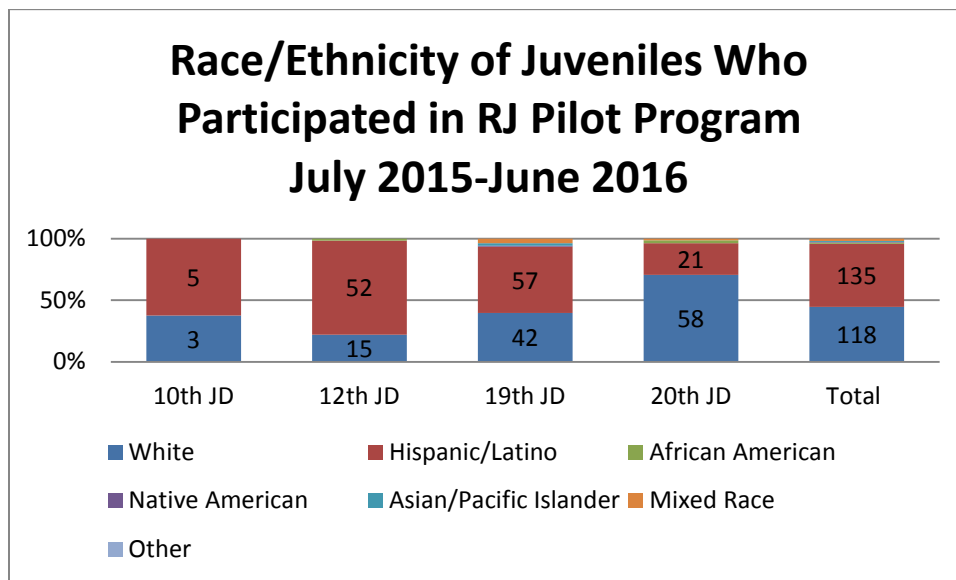
<b>Gender of juveniles who participated in RJ Pilot program JULY 1, 2015- JUNE 30, 2016</b>					
	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
<b>Male</b>	7	41	26	56	<b>130</b>
<b>Female</b>	6	27	80	26	<b>139</b>
<b>TOTAL JUVENILES</b>	<b>13</b>	<b>68</b>	<b>106</b>	<b>82</b>	<b>269</b>



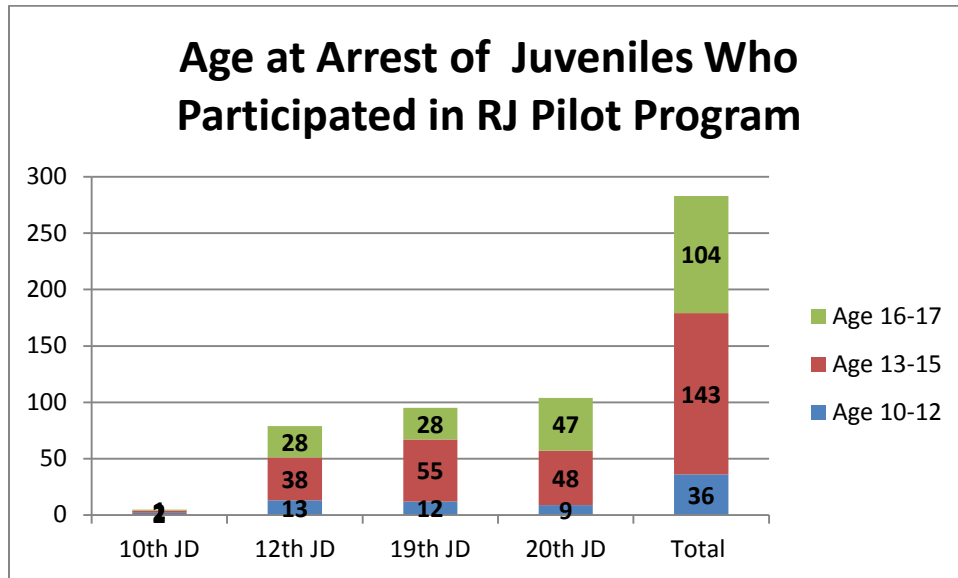


<b>Race/Ethnicity of juveniles who participated in RJ Pilot program JULY 1, 2015- JUNE 30, 2016</b>					
	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
White	3	15	42	58	<b>118</b>
Hispanic/Latino	5	52	57	21	<b>135</b>
African American	0	1	0	2	<b>3</b>
Native American	0	0	1	0	<b>1</b>
Asian/Pacific Islander	0	0	2	0	<b>2</b>
Mixed Race	0	0	4	1	<b>5</b>
Other	0	0	0	0	<b>0</b>
<b>TOTAL JUVENILES</b>	<b>8</b>	<b>68</b>	<b>106</b>	<b>82</b>	<b>264</b>

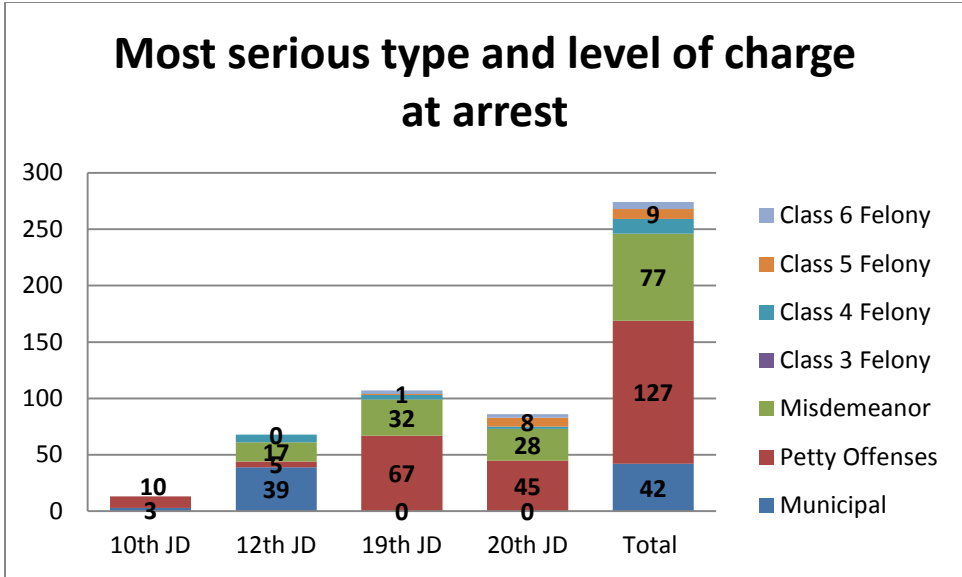
The RJ Council as well as the pilots are carefully watching the racial and ethnic diversity of participants within the pilots to assure the opportunity for diversion is offered equitably for all youth. In this 2016 State Fiscal year, of the 264 participants served statewide, slightly over 44% were white, 51% were Hispanic and 1.1% were African American.



Of the RJ Pilot participants in SFY 2016, 13.0% were ages 10-12, 52.4% were ages 13-15, and 34.2% were ages 16 or 17. These closely resemble the breakdowns from the prior year.



<b>Age at arrest of juveniles who participated in RJ Pilot program JULY 1, 2015- JUNE 30, 2016</b>					
	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
Age 10	0	0	2	0	2
Age 11	0	2	5	3	10
Age 12	3	4	10	6	23
Age 13	2	16	12	6	36
Age 14	3	14	16	14	47
Age 15	1	9	23	25	58
Age 16	1	8	17	13	39
Age 17	3	15	20	15	53
Age 18+	0	0	1	0	1
<b>TOTAL JUVENILES</b>	<b>13</b>	<b>68</b>	<b>106</b>	<b>82</b>	<b>269</b>



Most of the juveniles had committed petty offenses at 46.3%, followed by misdemeanor offenses at 28.1% and 15.3% committing municipal offenses. Municipal offense cases were formally permitted under this pilot program in this year.

Most serious type and level of charge at arrest of juveniles who participated in RJ Pilot program JULY 1, 2015- JUNE 30, 2016					
	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
Municipal	3	39	0	0	42
Petty Offenses	10	5	67	45	127
Misdemeanor	0	17	32	28	77
Class 3 Felony	0	0	0	0	0
Class 4 Felony	0	7	4	2	13
Class 5 Felony	0	0	1	8	9
Class 6 Felony	0	0	3	3	6
<b>TOTAL JUVENILES</b>	<b>13</b>	<b>68</b>	<b>107</b>	<b>86</b>	<b>274</b>

## RJ ENGAGEMENT OF PARTICIPANTS

Of the 269 juveniles served, a total of 232 juveniles successfully completed the RJ program in this fiscal year and 16 were deemed unsuccessful. The completion rate includes the completion of some agreements that were pending from the previous fiscal year.

	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
Number of juveniles who participated in RJ Pilot program and reached agreement to repair harm	10	79	15	82	186

	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD	20 <sup>th</sup> JD	Total
Number of juveniles who successfully repaired harm (successful completion)	0	65	98	69	232
Number of juveniles pending completion (active but not completed)	3	N/A	97	54	
Number of juveniles who did not repair harm (unsuccessful)	0	11	1	4	16

## VICTIM ENGAGEMENT

	10 <sup>th</sup> JD	12 <sup>th</sup> JD	19 <sup>th</sup> JD*	20 <sup>th</sup> JD	Total
Number of victims contacted for participation in RJ Pilot program	5	53	86	50	194
Number of victims who participated	1	52	6	10	69
Number of victims who submitted victim impact statements	0	0	2	4	6
Number of surrogate victim representatives who participated in RJ Pilot program	0	0	58	13	71
Number of victims who declined to participate in the RJ Pilot program	1	1	59	26	87

\* When a big box store is the victim in shoplifting offenses and the juvenile will be participating in RESTORE, by design the merchant is not contacted for participation. Surrogate merchant representatives are used in RESTORE shoplifting conferences.

## RECIDIVISM

Because recidivism is defined as new arrests or filings within one year post-program participation, the ability to track recidivism was delayed until enough time had passed to capture those measures. In 2014, OMNI Institute (OMNI) was awarded a grant from State Court Administrator's Office (SCAO) to conduct an evaluation of the pilot in order to document its implementation and impacts, and satisfy legislative requirements for monitoring and reporting. More specifically, the evaluation sought to address the following questions:

- What are the numbers, demographics, and program completion rates of youth participating in the pilot program (across the four sites)?
- What restorative justice practices are implemented across cases and programs?
- Do youth show increased levels of accountability and express satisfaction following participation in the restorative justice process?
- Are victims and participating community members satisfied with their experiences in the restorative justice process?
- What is the recidivism rate of youth who successfully completed the program?

In addition to youth demographics, the evaluation included collection of individual- and case-level process measures such as the referral source, offense level and type, participation of the victim(s), and the restorative justice practices implemented. Second, a measure of accountability (i.e., feelings of responsibility for one's offense and recognition of the harm it caused to others) was collected from offenders at two time points (pre-restorative justice program participation and post-restorative justice process) to assess positive change on this targeted outcome. Third, satisfaction data were captured from offenders, victims, and community members. Questions focused on each individual's role, their participation in the restorative justice process, experience interacting with others in the restorative justice process, and their overall satisfaction with the experience. Finally, recidivism data were requested from DCJ in order to understand the longer term impact of restorative justice on youths' likelihood to re-offend. The enabling legislation specified the importance of examining, for any youth who participated in the restorative justice pilot programs, any subsequent arrests or filings within one year.

Data included in the evaluation included only those who began and completed their restorative justice process and juvenile diversion contract between July 1, 2014 and June 30th, 2016. During this timeframe, 574 youths were suitable and began participating in a restorative justice program. Of those, 474 youths participated in a restorative justice process and reached an agreement, and 433 youths had successfully completed their restorative justice contracts. These 574 youths reflected 423 cases referred to the restorative justice pilot programs, with the number of juvenile offenders associated with each case ranging from one to four.

The full Evaluation Report offers a great deal of information beyond the recidivism that will be reported here.

## Recidivism Findings

Recidivism data were only comprehensively available for youth who had received a district level filing sometime in the year after their participation in the restorative justice program. Thus, the following analysis and observations consider only filings that occurred in the year following restorative justice program participation. At the time recidivism data were requested, 283 youths had completed their participation in a restorative justice pilot program; 17.7% (50) had been out of the restorative justice program for a full year, 45.9% (130) had been out of restorative justice at least six months, but less than a full year, and 36.4% (103) had been out of restorative justice for less than six months.

Looking at youth for whom a full year of recidivism data were available (n=50) overall, 8.0% of youth recidivated in the year following the completion of their restorative justice contract. Several factors were considered; first, data were examined to ensure that the arrest and filing occurred after participation in the restorative justice program in order to be considered true post-program recidivism. Second, data were examined to identify whether youth recidivated within the first 6 months of completing the program. For those youth who had been out of the program for a full year and were found to have recidivated, all filings occurred in the second half of the year following completion of their contract.

Of those that recidivated, only 1.9% of youth did not successfully complete their restorative justice contract; thus, it was not possible to compare recidivism rates of successful versus unsuccessful program participants.

Because the sample of youth for whom a full year of recidivism data were available was relatively small, additional analyses were conducted on a larger sample of youth who had completed their restorative justice contract at least 6 months, but less than 1 year, prior to the time recidivism data were available, (n=130). This unofficial examination of the data indicated that 8.5% of these youth had recidivated after completion of their restorative justice contract. While more time must elapse to calculate official recidivism rates for a larger sample, this analysis suggests there may be relatively low recidivism for youth that participated in the restorative justice pilot. Recidivism data was further examined to understand if there were any differences by the level of charge youth received when initially being referred to restorative justice.

Once the sample size of youth for whom a full year of recidivism data are available is larger, further exploratory analyses will be conducted on the current dataset to understand further details about youth who recidivated.

## PROBLEMS/ BARRIERS/SUCCESES/SOLUTIONS IDENTIFIED BY PILOTS

**JULY 1, 2015- JUNE 30, 2016**

**10<sup>th</sup> JD:** Due to issues regarding numbers of youth served among other concerns, the contract with the 10<sup>th</sup> JD was ended during this fiscal year.

**12<sup>th</sup> JD:** This year the 12<sup>th</sup> JD Pilot experienced some new opportunities. The change in legislation that allowed municipal court diversion referrals in the pilot projects has fit well with protocols already established for diversion with the city of Alamosa, its largest youth population base. Building on this base, they have been in conversation about ways to implement similar protocols for municipal court diversion in the city of Monte Vista, its second largest population base. This diversion has allowed for law enforcement and the court clerks to refer juvenile cases straight to the RJ/Diversion program and bypass the district attorney's office. With the small changes in the referral process as well as the personnel changes within the district attorney's office the normal flow of referrals has decreased; resulting in having no DA-generated pre-file referrals during the final quarter of this year. Nonetheless, they were still able to serve 20 youth with pre-file RJ diversion through municipal referrals during this gap period. Now that the new RJ Liaison has had a chance to become more familiar with juvenile diversion practices and the Pilot project specifically, they anticipate returning to a strong mix of both state and municipal levels of referrals again.

Feedback for the Pilot program remains very positive, both in terms of survey data and more anecdotal information. Below are three stories reflecting the types of experiences diverted youth are having. Names have been omitted or changed to protect confidentiality.

- 1) *Two middle school boys were referred for RJ Diversion. They were good friends and hung out together, in and out of school. But one boy always seemed to push things to the limit, by being overly aggressive. One day, this boy recruited a couple of other buddies to pull his friend Tomas' hood over his face and punch him. Tom got upset and punched back. When the bell rang, they took off running down the school hall and almost knocked a teacher down. The first boy did not take responsibility for his actions. But Tomas wanted to make things right at school. The teacher who was almost knocked down agreed to meet with him. At first, Tomas felt that the teacher had overreacted, but then he heard her side of the story. She explained how she had fallen previously and broken her arm. It had taken over a year to heal; she still feels pain in that arm and has to be careful with it. When Tomas ran into her, it brought back memories of her fall and she was very scared. Tomas shared with her that after hearing this, he really understood why she was frightened and angry. He apologized and told her that he now realizes that "running down the hall" is not always so harmless and he needs to be more careful. The teacher let Tomas know that she feels he is a good kid. She said it felt good to tell him her story, so he would have a better understanding of how his actions can affect others. Through RJ diversion, this youth and adult were able to talk to each other in a safe place and hear more about each other's experiences and points of view. Tomas could see that the teacher "was not just picking on him," as she had good reason to be upset. And the teacher was able to welcome Tomas back into good standing, letting him know that she wants the best for him.*

- 2) *A recent RJ Pilot participant, David, was referred to CRP's Rethinking Substances program for possession of marijuana and drug paraphernalia. A 15-year old, David arranged to attend the Circles with his older brother as his supportive adult. Throughout the process, David shared his story with honesty and full recognition of how the incident had impacted his family, particularly his younger brothers. After participating in the two required sessions, David and his brother decided that one of David's agreements to repair harm to his family would be having weekly "family meetings" to discuss his experience and counsel his younger siblings on the consequences and health concerns surrounding underage drug use. David successfully completed all of his contract agreements and gave excellent reviews of the "family meetings" that he organized. He was able to restore some trust with his brothers, as well as establish a safe setting to discuss family issues and support one another going forward. Since completing RJ Diversion, David has become involved as a teen intern at a local non-profit and is taking big steps towards his future goals.*
- 3) *Another Rethinking Substances participant was Steven, who was referred for possession of an imitation drug-controlled substance. Steven was only 13-year and attended the Circles with his parents. He took full responsibility for his actions throughout the process. As part of his agreements to repair harm, Steven conducted a series of interviews with people in the community. He began by interviewing an ex-drug addict, then a captain of a local police department, and finally the sheriff of his county, to learn the realities of drug use and abuse, hear about how the local justice system is dealing with drug users, and understand better the consequences for individuals and communities. Steven finished his project by writing up a reflection of each interview and what he learned.*

*The accountability, commitment and creativity of these three youth demonstrate the type of growth each is having, as well as exemplify the types of positive learning all youth can undertake through the RJ pilot project.*

**19<sup>th</sup> JD:** Restore continues to be where the bulk of the youth are served, with 60% of cases this quarter being theft cases. For the fiscal year, approximately 63% of cases were theft cases. As a result, Restore is frequently at capacity. Additionally, females tend to dominate their RJ case referrals, with 75% of cases this fiscal year being female defendants. These factors have been very consistent. They continue to discuss this to see if programming should be altered, however, many of the theft cases referred to the DA's Office are female shoplifting cases and these fit very well into Restore. The high rate of female acceptance doesn't exclude others from participating; therefore, they haven't identified it as a problem per se, more of just something to be aware of, particularly when female specific training is available.

A volunteer shared the following experience regarding volunteering with the program:

- 1) *I was in a Restore session in which many of the kids in the circle did not want to share their stories or take responsibility for what they did. They mostly clammed up. However, there were two young women who did share openly, admit responsibility, and even had the humble*



*vulnerability to cry and show emotions of regret and anger at themselves. They seemed to visibly feel better after opening up and hearing their parents' responses. The facilitator was wise enough to go back around the circle after this happened and I watched with amazement as the kids who wouldn't open up before began to share more of their stories and show some level of emotion. I think the other teens' stories affected them and showed them that it is okay to admit fault. I think that a lot of people are taught to deny their actions no matter what- that this is their best chance of not getting in trouble. But I think this is one of the reasons restorative justice is so important- it is because when one starts to take responsibility one can actually begin the process of growing and fixing the problem and put real effort into it.*

- 2) *Another story that comes to mind was a circle I was in with a girl with fetal alcohol syndrome. She was in trouble for a case of theft at a 7/11 but when we got into the circle we began to realize that this was a chronic problem at home and at other stores and that this was certainly not an isolated incident. The heartbreaking thing about this circle was that- to me- it looked like an addiction to stealing rather than an act of malevolent intentions. She didn't seem to know why she couldn't stop stealing. Something that this circle did- that definitely wouldn't have happened if it was a simple court case- was take the time to delve into the why behind her stealing, understand the patterns, and make simple suggestions for her work on the problem. Not only did the group help her decide on her community service and projects, they helped her figure out the ways that might help her as an individual whenever she got the urge to steal. Though she seemed to be earnest about wanting to try, I left having to wonder if she would be able to stop since it seemed like such an ingrained problem. But I heard great things about her integration. It seemed like she and her mom had an improved relationship and her mom said she was doing better. This was a wonderful thing to hear.*

**20<sup>th</sup> JD:** The 20<sup>th</sup> Judicial District Attorney's Office (20<sup>th</sup> DA's Office) made major strides this quarter in developing its diversion and restorative justice program models. They continue to collaborate with and receive substantial support and positive feedback from stakeholders and community RJ providers, which will contribute to their program success and long-term sustainability. As a result of collaboration and research this quarter on evidence-based best practices for pre-adjudicated youth, they established clear tracks for diversion and RJ that are directly tied to the youth's assessed risk level and needs, and the type of offense. They modified certain diversion interventions to align with evidence-based practices (such as discontinuing the use of urinalysis for pre-adjudicated youth on diversion), clarified goals and outcomes of both models in order to minimize duplication of efforts and services, and honed procedures such as intake, referral, and monitoring in order to maximize the ability of each program to support and enhance the other. In line with best practices, they continue to work to reduce the amount of time between the incident and the RJ process, and have established "RJ readiness" criteria for referrals to promote consistency. A juvenile's RJ readiness is assessed based on level of responsibility, ability to recall and discuss the incident, safety concerns, and environmental and emotional stability in order to avoid the creation of additional harm for any of the parties. They also worked with OMNI (researcher) regarding the existing participant surveys, and to meet their needs developed supplemental evaluation questions to measure participant satisfaction with restorative justice services. Their supplemental questions ask if participants felt the process was fair, inclusive,

voluntary, and worthwhile, and ask additional open-ended questions which allow participants the chance to provide comments, suggestions, and other feedback about their experience.

The 20<sup>th</sup> DA's Office hired and trained two full-time staff for their in-house restorative justice program, DARJ. Kelly Taylor Russell is the RJ Program Coordinator and Dane Myers is the RJ Case Manager. Ms. Taylor Russell is an experienced RJ practitioner with a significant background in RJ program development and implementation, training development and delivery, and counseling. Mr. Myers is experienced in case management, working with youthful offenders and victims, and facilitating substance use groups and community RJ processes. Both staff completed training this quarter in motivational interviewing, advanced RJ facilitation, trauma informed care and vicarious trauma, substance use and cycles of change, and the DA's diversion and RJ models. They have also participated in ongoing implementation team meetings allowing them to learn about Boulder County resources and stakeholders, and have collaborated with numerous other county and state RJ providers to develop an in-house RJ model for handling drug and alcohol violations.

To meet the need of providing an RJ process for the large number of juveniles on diversion for drug and alcohol charges, the 20<sup>th</sup> DA's Office created a Drug and Alcohol Support Circle (DASC) model through research and collaboration with community partners and stakeholders, and will begin conducting regular DASC processes next quarter. DASC is a 2-session restorative process for 3 to 6 juveniles and their families to address substance-related charges. DASC focuses on accountability and identification and repair of harm to self, family, and community. A specially-trained community member provides substance education, personal stories, and community impacts in the 2nd session. Evaluation of DASC will be via self-report survey that they attach to the Omni pilot survey following the 2nd DASC session. Goals of DASC are to increase the juvenile's ability to understand and communicate the impacts of their use, reduce their risk of future use, support responsibility for harm caused, repair harm, and reintegrate into family and community.

The DA's Office continues to collaborate with multiple community agencies and programs. They work closely with Boulder County IMPACT (Integrated Managed Partnership for Adolescent and Child Treatment) and several of its partner agencies to improve its programming. Assessment and case planning experts from IMPACT, Mental Health Partners' Home-Based Services and substance use treatment providers, Boulder County Wraparound, and others have assisted in developing their assessment, case planning, service-matching, and referral procedures. They continue to collaborate closely with Boulder County RJ providers and have also strengthened relationships with the University of Colorado's Restorative Justice Program (CURJ), CU's Office of Student Conduct and Conflict Resolution, and Weld County Restorative Justice this quarter. They began work on a resource manual of community programs to assist RJ participants in formulating agreements and accessing needed services and will have an intern assisting with this project in the next quarter. In addition, they offered several trainings this quarter to the RJ community. Dr. Janine D'Anniballe provided a one-day training on trauma informed care and vicarious trauma tailored to restorative justice facilitators, Anjali Nandi provided a two-day motivational interviewing training, and Kerri Schmidt provided a two-day advanced facilitator training. They received excellent feedback regarding all of these trainings.

One of the major barriers 20<sup>th</sup> DA's Office is currently facing is that they are in need of support with information management. They currently track data via an Excel spreadsheet created by the Assistant Director, but this method of tracking is becoming insufficient given expansion of their programs. A specially-designed database would allow them to better facilitate referrals from diversion coordinators to restorative justice, to better measure outcomes including participant satisfaction, and to identify program successes and areas for improvement. They are working with Boulder County IMPACT to develop an ETO database specific to their diversion and RJ programs and hope to be able to address this need in future quarters.

The 20<sup>th</sup> DA's Office continues to receive overwhelmingly positive feedback from RJ participants. Following is a sample of the comments received during FY16Q4 for RJ cases facilitated by DA staff:

*From Community Members:*

- "We didn't know what to expect coming in. Just wanted to fulfill our legal obligation to get out. Here at the end we see it as a valuable support that we were grateful to receive."
- "This program is valuable. Thank you for the help and resources."
- "With this being the first time I've participated in a restorative justice meeting, I was impressed to see the interaction between the facilitator, the juvenile, and his parent. The interaction amongst all was inviting, supportive, and respectful."
- "Thank you for all the care and heart you put for young people, [to help] young people to move in the right path."

*From Responsible Juveniles:*

- "I want to say that I felt good talking about this with the rest of the people and that I can learn from my mistakes."
- [My goals for the RJ process were to regain] "My father's trust and a better perspective on smoking weed, in which I did but most of all I learned to think before I act."

## **SUMMARY**

This report provides information following a second full year of implementation. In this past year (July 1, 2015-June 30, 2016) a total of 287 youth met criteria for inclusion in the statewide RJ Pilot programs and based upon suitability, a total of 190 (66.2%) were deemed suitable and served. A majority of the youth served were Hispanic (51.1%) followed by White (44.7%). Only 1.1% of those served were African American.

Most of the participants were females (52%) and 52.4% were ages 13-15 at law enforcement contact for the current offense. Almost half had committed a petty offense (46.3%), with another 28.1% committing misdemeanor offenses. Only 10.2% would have been charged with a Class 3, 4 or 5 Felony.

Of the 269 youth served, 232 of the juveniles were able to successfully complete the RJ program, deemed as successfully repairing the harm they committed and 16 who were deemed as being unsuccessful. The others are still in process for completing their RJ contract.

Of the 194 victims contacted for participation in the RJ Pilot program, 69 participated (35.5%) with 71 surrogate victim representatives participating in lieu of the actual victim of the crime. Forty-five percent (87) of the victims contacted formally declined participation, were unable to be located or did not respond.

Looking at youth for whom a full year of recidivism data were available (n=50) overall, 8.0% of youth recidivated in the year following the completion of their restorative justice contract.

### **CONTACTS**

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