

STATE OF COLORADO



The Colorado Restorative Justice Council engages communities to create lifelong cultures of respect and responsibility.

Matt Riede, Chair, 1st Judicial District Victim Advocate— not present
Lynn Lee, Practitioner, Vice Chair, Pikes Peak Restorative Justice Council— present
Perrie McMillen, Restorative Justice Services Program Director, City of Ft. Collins (Immediate Past Chair)- present
Spiro Koinis, Division of Youth Corrections Victim and Restorative Justice Services Coordinator (Past Chair)— present
Greg Brown, Chief Probation Officer, Twentieth Judicial District (Executive Committee)— not present
Meg Williams, Department of Public Safety, Division of Criminal Justice, Manager (Executive Committee)— present
Robb Miller, Deputy District Attorney, Nineteenth Judicial District- present
Mary Mc Ghee, Colorado Organization for Victim Assistance Board Member— not present
Robin Singer, Colorado Department of Education-- present
Christine Harms, Juvenile Justice Delinquency Prevention Council— not present (resigning)
Rebecca Oakes, Adult Parole Board— present
Pat Kelly, Juvenile Parole Board—
Monica Chambers, Department of Corrections—present
Melissa Westover, Practitioner/RJ Directors—present
Alice Price, Practitioner, Center for Restorative Programs— present
Martin Gonzales, Judge, 12th Judicial District— present
Elizabeth Porter-Merrill, Public Defender State of Colorado—present
Benito Garcia, Chief of Police Milliken, CO- present

Facilitation by: Deb Witzel (RJ Coordinator SCAO)

Minutes taken by: Jack Hubbard

Guests- Dr. Shannon Sliva-DU, Ana Nunes-Omni, Kathleen McGoey- E.D. Thaxter Baker, Karin Higgins LCJP, Principals Jen Gallegos, Jen Kirksey, Rep Pete Lee

RJ COUNCIL AGENDA

Regular Meeting

August 26th 2016, 9a-3p

Hosted by DCJ Division of Criminal Justice- Colorado Department of Public Safety

Location is the REMAX Building at 6th and Kipling, 710 Kipling Street, Room 308, Lakewood 80215

Call in info: Call in #:1-877-820-7831; participant pass Code: 473114#

1. **Welcome and Introductions:** The Council members and others present introduced themselves.
2. Additions:
 - **LCJP Discussion:** The new officers of the Longmont Community Justice Partnership (LCJP) attended the meeting and offered an apology to the Council for events in the past. In addition to that apology, they offered to engage in a restorative dialogue in order to address the harm caused by those interactions and to find a way to move forward as partners with the Council. Moving forward, they would like to support the work of the Council in any way possible. At the end of the presentation, the Council asked the LCJP staff how the Council can support LCJP and what needs LCJP sees in the field. Finally, the Council expressed that it was happy that LCJP had come to the table and is thankful for the opportunity to continue the dialogue and repair any harms from the past.
3. RJ COUNCIL Business:
 - Adopt June minutes- The June minutes were moved for adoption and adopted unanimously.
 - Retreat August 25th follow up if needed- none needed Action Plan is being developed
 - CCRJD proposal/request- **Melissa & Perrie** recused themselves- vote declined- NO
 - Melissa and Perrie, on behalf of the CCRJD presented a request/proposal to the Council. In order for the directors to be able to apply for grants, seek donations, and receive/distribute funding, they will need to seek and establish 501(c)(3) non-profit status. After a detailed discussion

regarding the activities that the Council should engage in and the appropriateness of the Council providing state funding in this way, the motion was withdrawn. The Council agreed to continue discussions and consideration of the nature of funding requests that it is appropriate to fund and if support of the RJ Directors in this context is appropriate and permissible.

- Lynn Lee Lynn Lee raised the issue that, as a member of the RJ Council and the spouse of an elected representative that there might be a concern about potential issues and conflicts of interest with respect to certain discussions, funding decisions, and other topics. She has also tendered her resignation from the executive committee. The Council determined that Lynn Lee will be a valuable practitioner member and is asked to remain a member of the RJ Council generally, as there is a specific internal procedure in place to avoid conflicts of interest and the Council trusts that the bylaws and provisions of the governing documents will be sufficient to address any of those concerns that would arise from her, or any similarly situated individual's, membership. However, as the executive committee is responsible for questions of funding and financial issues, and given the potential appearance of a conflict, the Council accepts her resignation from the executive committee. The record needs to show regularly that Lynn has recused herself from any RJ Council issues that may be perceived to her benefit.
- Mileage reimbursement to SCAO. SCAO has errantly reimbursed some people for travel. This issue is urgent and needs to be resolved immediately. All of those members that received reimbursement will pay back the funds. Alice made clear that she agreed to be a practitioner member with the understanding she would be reimbursed for her long-distance travel. Meg expressed discontent with Judicial's response. After this discussion, Meg placed the following statement of frustration on the record: From her perspective as a Council member, it appears inappropriate and lacking in accountability that the Colorado Judicial Department's budget office was responsible for accurately creating a budget in compliance with the long bill which should not have included the capability to provide travel reimbursements to RJ Council members and providing guidance to the individuals responsible for managing the functions of the Council regarding those funds and it failed in that duty. The Council is, in response to these concerns, considering additional formal and official responses.

2016 Action Plan:

4. Funded Programs, Data Collection & Evaluation – Meg Chair

- **Year-end and end of Pilots- draft-** The Council had a motion, second, and voted unanimously to adopt the draft document/report for year end and end of the pilot projects.
- **Omni Report- Ana & Deb-** Ana and Deb presented the Omni Report. The report was provided to the Council for review prior to the meeting. It was adopted with edits. There was a finding that there was an underrepresentation of minorities with respect to the general population. As part of ongoing research and evaluation, the Council is interested in trying to determine where this discrepancy is coming from/what is causing it. In addition, it would be worthwhile to evaluate the types of charges, the demographics of each particular judicial district, and compare youth in the system to youth in the jurisdiction generally. How does the RJ pilot data compare with the DCJ's diversion programs? Finally, a general demographics section should be added into the report for the included communities; these additional comparison questions will be addressed in the future or requested for research with additional funding.

Meg Q- compare to diversion. --Meg noted that the reported one year recidivism rate of 8% is better than that of traditional diversion programs. Nonetheless, any direct cost comparison is really difficult to develop and likely not very informative since the comparison between the program is not very "apples to apples". --Victim participation data is included.

IN the Future:

- **DMC- underrepresentation in RJ compared to population**
- **Recidivism**
- **Types of charges**
- **Compare numbers to general demographics for school aged youth**

Omni Research Questions- Ana requested that the Council consider if there needs to be anything added to the research and questionnaires in the coming fiscal year. The Council determined that victim questions will be added to the post survey for victims and the offender questions will be added to that survey.

- For future research/consideration, the Council would like to be able to start examining issues of race/minority representation in the population for future data collection/research. To start this process, there needs to be some foundational work done
- **Offender**
 - **Satisfaction**
 - **Change**
 - **Empathy**
 - **Locus of control**
 - **Relationships to self, family, others**
 - **Reintegrative Shame**
 - **How often do you stop to think about your decisions affect others**
- **Victims**
 - **Satisfaction**
 - **Qualitative- why not participate, what would you need/want to participate**
 - **Sense of safety, justice, respect, relationship**
 - **Internal locus of control**
- New FY and newly funded programs
 - Orientation July 29th in Salida
 - 1st Implementation Team meeting August in Alamosa
 - Budget Amendments- FCRJ, 19th, 20th *Budget Amendments: The projects from the FCRJ, and 19th filed requested amendments to their budgets. Since the changes to funding and some of the expectations for the funding were not included in this year's announcement, in order to avoid this issue in the future it will be included in next year's announcements. The Council views this as an issue of capacity building and that there should be a way to make sure that applicants have a clear understanding of what they are applying for and what their obligations are as part of that funding process. The Council has budgeted \$800,000 for these projects, \$518,619 has now been committed. A motion was made to approve and fund the amended budget requests. Robb Miller recused from the vote, and the vote to adopt was unanimous with one abstention.
- 5. **Training and Resource Development – Greg Chair (Deb)**
 - **Restorative Practices in Schools, review of the Guiding Document which was provided to the Council prior to the meeting.** Jen Gallegos and Jen Kirksey were present for the meeting to answer questions about the guiding documents and to obtain feedback. **Changes from Spiro need to be integrated**
 - A motion was made to adopt this document as a guiding and living document, with the edits that motion passed unanimously.
- Other presentations/trainings for 2016
 - Judicial Conference-Sept (Judge, Greg & Deb)
 - Public Defenders Conference (Liz, Deb if needed)
 - CO Bar October 24th 3-5p 1900 Grant (Judge, Robb, Liz, Deb will be at COVA. Can someone else do RJ Basics?)
 - COVA (Matt & Deb)
 - Pilots presenting at National Symposium on Juvenile Services in November
 - Others?
- 6. **Budget and Funds- Greg & Deb**
 - Cash Fund Update was provided to the Council by Deb.
 - FY '16- budget update provided
 - FY '17- Retreat?- TABLED
 - Anjali- Capacity Building- Implementation Science and RJ Programs
 - Online Training
 - Research

- Expansion- HRVOD- **Shannon**- Expansion of High Risk Victim Offender Dialogue: Professor Sliva. At this point, she is attempting to answer the question of how the adoption of the legislation has changed actual day to day practice in DA offices and sentencing decisions by judges. This kind of research could also be helpful in identifying some of the barriers in that process. The Council's DA and Judge representative think that this would be a good follow up research question to other research that has already been engaged in, though the Judge suggested making sure to be very definitive and clear about defining what would be considered restorative justice practice questions for this survey. The Judge and DA representative agreed to consider, and provide answers outside of the meeting, about the question of how to construct the survey/request for information to encourage responses and ensure honest feedback. The Council agreed that Professor Sliva should proceed with research and pursuing this information.
 - FY '18 TABLED
7. **2017 Legislation- Rep Pete Lee- from the margins to the mainstream. Representative Lee Attended the Meeting in Order to Discuss Pending Legislation and Future Legislative Issues.** Representative Lee addressed the Council. He commended the Council for the work it has done and the discussions and processes involved in how the Council has gone about the work it has been asked to do.

Judge Gonzalez takes no position and makes no statements with regards to legislative issues during the Council's discussion and abstains from any and all voting.

- Confidentiality—Alice and Liz have been working on developing suggestions for action on confidentiality issues for restorative justice processes. As part of their work, they have discovered that there's not much out there about process confidentiality nationally, and if we can get this done it might become a model for other states/other processes. At this time, Representative Lee will refer this discussion to the bill drafters and will provide the information on their solutions to Alice and Liz.
 - **Send Shannon's Sentencing and Advisements Statutes Summary to Rep Lee**
 - **Sunset /Renewal- DORA**, The review of the sunset of the Council is currently in process at DORA and is being headed by Bruce Harrelson.
 - **Pre-trial/Plea?**
 - **DA must advise- appealable?**
 - **VRA – must advise Victims- are they doing it- Kelly Kissell**
 - Other Issues that the Council Would Like to Have on the Legislative Radar:
 - *Removing language that sets the limit on what facilitators can be paid.
 - *Ensuring both juveniles and adults can be in process and are served at all levels of the system, and that there are services available at all stages of the processes.
 - *Creation of an RJ Title in the statutes.
 - *Creation/development of an RJ Caucus—this idea was inspired by the COVA facilitated creation of the victim caucus, where crime victims could come into committee meetings where senators and representatives could directly hear their concerns. This does require a specific legislator to be in charge of the program, and it might be necessary to develop more legislators as champions to help carry this and other ideas forward.
 - *Can Matt Riede develop something to present on the status of RJ, what the Council has done, and where it is going for the legislature, particularly in light of the DORA review?
 - *Funding to provide/expand data collection and research, and to find ways to incentivize communities to participate in statewide RJ initiatives, in order to eventually establish consistency in service delivery and data reporting
8. **Shannon- Research impact of RJ legislation on actual behaviors- annually survey?- Vote-YES!**
- **Survey follow up with Das**
 - **Survey with Judges**
 - **Survey Public Defenders/defense bar**

- LCJP new Muni judge maybe leader of muni judges- Shannon talk about with Kathleen

9. 2016 RJ Conference

- Updates

10. Website Upgrades- Deb

- Need Pictures of RJ Council members
- Forums are now available

Mission:

The State Restorative Justice Council advances restorative justice principles and practices throughout Colorado by providing *gateways* to information, networking and support.