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JUNE 2019

# STATE OF THE STATE

Restorative Justice in Colorado



RESTORATIVE JUSTICE  
COLORADO





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## ABOUT THE COLORADO RESTORATIVE JUSTICE COUNCIL

The Colorado Restorative Justice Coordinating Council (RJ Council) was formed via HB07-1129 by the Colorado state legislature. The RJ Council's mandate is to provide training, technical assistance, and education related to restorative justice in the state of Colorado, support the development of restorative justice programs, and serve as a repository of information for those programs.

The RJ Council advances restorative justice principles and practices throughout Colorado by providing gateways to information, networking and support.

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# ABOUT THIS REPORT

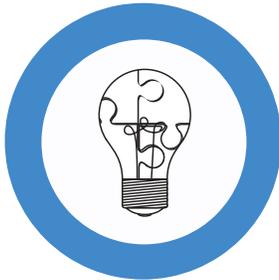
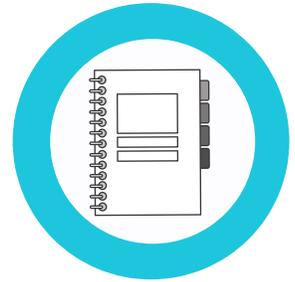


## Policy Leadership

Between 2007 and 2018, Colorado enacted 40 legal provisions related to restorative justice in the Colorado Criminal Code and Colorado Children's Code. This situates Colorado with the most robust statutory support for restorative justice in the nation.

## Report Commissioned

Ten years following the first restorative justice policy adoption, the Colorado Restorative Justice Council commissioned an assessment of restorative justice practices in Colorado to capture their content and scope as well as emerging considerations for statewide implementation.

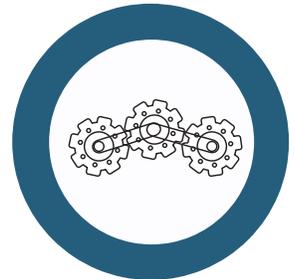


## Report Aims

- (1) Describe the landscape of restorative justice practices in Colorado.
- (2) Assess the capacity of Colorado restorative justice programs and practitioners to fulfill recommendations related to restorative justice.
- (3) Summarize emerging considerations for implementing restorative justice practices statewide, according to restorative justice practitioners.

## Process

The research team conducted systematic web searches for restorative justice practices in each of Colorado's 22 judicial districts and engaged in direct outreach via email and phone. In addition, the team contacted government agencies and employed a brief interview process to elicit basic information about the actual or desired use of restorative practices.



The research team distributed a detailed survey to practicing government agencies and restorative justice organizations, asking programs and practitioners to describe their scope of services, organizational structure, and defining practices. The survey queried key successes and concerns related to implementing practices, especially those related to funding, training, guidance documents, data collection, and policy changes, as well as contemporary issues of importance to the restorative justice community, including confidentiality, community engagement, victim involvement, and attention to diversity and inclusion.



## Recommendations

Findings point to recommendations for supporting the collaboration and expansion of restorative justice programs across the state, including:

- (1) Strengthen collaborative networks
- (2) Respond to differentiated training needs
- (3) Build system-level infrastructure
- (4) Integrate data collection and evaluation
- (5) Engage the community in restorative work

# DEFINITIONS

Restorative justice and restorative practices are defined in a number of ways. The Colorado Restorative Justice Coordinating Council has adopted definitions of common restorative justice practices, available at [rjcolorado.org/restorative-justice/resources](http://rjcolorado.org/restorative-justice/resources). For clarity and consistency, these definitions are used throughout this document and are provided below.

## Restorative Justice

Restorative justice is a philosophical approach to wrongdoing that focuses on the needs of the victims and the offenders, as well as the involved community. It is based on a theory of justice that considers crime and wrongdoing to be an offense against relationships, rather than the state or school. Restorative practices foster dialogue between victim and offender and often engage affected community members. Restorative justice practices show high rates of victim satisfaction and offender accountability. There are a wide variety of models; however, they all rest in a set of principles that are fundamental to any restorative justice practice.

## Conference

A conference is a structured meeting between offenders, victims, and both parties' selected support people (like family and friends) and may involve affected community members, in which they address the harm of the crime and decide how best to repair it. Neither counseling nor a mediation process, conferencing is a victim-sensitive, straightforward problem-solving method that demonstrates how citizens can resolve their own problems when provided with a constructive forum to do so [1].

Conferences provide victims and others with an opportunity to confront the offender, express their feelings, ask questions and have a say in the outcome. Offenders hear firsthand how their behavior has affected people. Conferences hold offenders accountable while providing them with an opportunity to discard the "offender" label and be reintegrated into their community, school or workplace [2].

## Dialogue

Dialogue is usually a face-to-meeting between the victim of a crime and the person who committed that crime with the presence of a trained facilitator. In this restorative process, the facilitator ensures the safety of the dialogue by setting ground rules for the process and holding all parties accountable to those ground rules. The basic dialogue between the offender and victim may explore what happened, and who was affected and how. It gives voice to the most directly involved parties. These restorative processes are best done when victim-initiated.

[1] O'Connell, T., Wachtel, B., & Wachtel, T. (1999). *The conferencing handbook*. Pipersville, PA: The Piper's Press.

[2] Morris, A., & Maxwell, G. (2001). Restorative conferencing. In G. Bazemore & M. Schiff (Eds.), *Restorative community justice: Repairing harm and transforming communities* (pp. 173-197). Cincinnati, OH: Anderson Publishing.

# DEFINITIONS

## Circle

A restorative circle is a versatile restorative justice practice that fosters cooperation and responsibility in group situations with mutual responsibilities identified. A restorative circle often doesn't specify victims and offenders. The circle is a process that brings together individuals who wish to engage in conflict resolution, or other activities in which honest communications, relationship development, and community building are core desired outcomes. In a restorative circle, one person speaks at a time: The opportunity to speak moves around the circle, and people wait until the person before them has finished speaking. The chance to speak continues moving around the circle as many times as necessary, until everyone has said what they need to say. A "talking piece" is often used to facilitate this process: Whoever is holding the talking piece has the floor.

## Boards/Panels

Boards and panels are meetings where victim representatives and/or members of the community sit on a panel and speak to offenders about the impacts of crime on the community. Boards and panels are typically composed of a small group of citizens, prepared for this function by intensive training, who conduct public, face-to-face meetings with offenders who have been sentenced by the court to participate in the process or who have been referred by police officers on a pre-charge basis or as part of a peripheral, extra-judicial process. Other times, panels take the form of presentations which may be given in community or correctional settings, such as victim impact panels.

## Family Group Decision-Making

Family Group Decision-Making (FGDM) is a family-centered process that recognizes the importance of involving family groups in decision-making about children who need protection or care. FGDM can be initiated by child welfare agencies whenever a critical decision about a child is required. In FGDM processes, a trained coordinator who is independent of the case brings together the family group and members. The processes position the family group to lead decision-making, and the agency agrees to support family group plans that adequately address the agency's concerns for child safety, wellbeing, and permanency.

## Victim-Centered

Colorado law defines restorative justice practices as "practices that emphasize repairing the harm caused to victims and the community by offenses." Practices that emphasize meeting the needs of victims are considered "victim-centered." Practices that are initiated by victims or family survivors are considered "victim-initiated." These terms sometimes overlap. Being victim-centered means holding the care and concern for the victim as the primary consideration. It is important that victims have choice, safety, and support when considering and participating in a restorative justice process. This includes choice about whether, when, and how to participate; physical and emotional safety during all interactions; and the support of a qualified facilitator with training in the needs of crime victims.



# CONTENTS

## **The Colorado Landscape 01**

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|  |    |
|--|----|
| Restorative Justice Law in Colorado                  | 01 |
| Access to Restorative Justice in Colorado            | 02 |
| Community-Based Practices                            | 03 |
| <i>Paws 4 Peace</i>                                  | 05 |
| Governmental and System Practices                    | 07 |
| <i>Longmont Community Justice Partnership</i>        | 09 |
| <i>Center for Prevention and Restorative Justice</i> | 13 |
| <i>Center for Restorative Programs</i>               | 14 |
| <i>Colorado Victim Offender Dialogue Project</i>     | 17 |
| School-Based Practices                               | 19 |
| <i>Conflict Resolution Services</i>                  | 20 |

## **Priority Implementation Needs for Restorative Justice Programs 21**

---

|                              |    |
|------------------------------|----|
| Funding Needs                | 21 |
| Training Needs               | 22 |
| Data and Evaluation Needs    | 25 |
| Legislative and Policy Needs | 27 |

## **Community Engagement with Restorative Justice 30**

---

|  |    |
|--|----|
| Organizational Networks                            | 30 |
| Community Engagement                               | 31 |
| Diversity and Inclusion                            | 33 |
| <i>Colorado Organization for Victim Assistance</i> | 34 |

## **Recommendations 36**

## **Summary 39**

# THE COLORADO LANDSCAPE

## Restorative Justice Law in Colorado

Colorado has the most extensive statutory support for restorative justice in the nation [3]. As of 2019, legal provisions related to restorative justice – or specified practices like victim offender dialogue – appear 40 times in the Colorado Revised Statutes. The bulk of statutory structure for restorative justice is contained in the Colorado Criminal Code and Children's Code (relating to juveniles). Each opens with a legislative declaration calling for the prioritization of restorative justice as an aim of the adult and juvenile codes, respectively (Colo. Rev. Stat. § 18-1-102, Colo. Rev. Stat. § 18-1-102.5, Colo. Rev. Stat. § 19-2-102). Likewise, the Colorado Education Code offers a legislative declaration "support[ing] and encourag[ing] the use of restorative justice as a school's first consideration to remediate offenses..." (Colo. Rev. Stat. § 22-32-144).

The Colorado Criminal Code defines "restorative justice practices" in Colo. Rev. Stat. § 18-1-901:

*"Restorative justice practices" means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings attended voluntarily by the victim or victim's representatives, the victim's supporters, the offender, and the offender's supporters and may include community members. By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court.*

The Children's Code definition of restorative justice is slightly different (Colo. Rev. Stat. § 19-1-103(94.1)), including most notably the 2019 addition of confidentiality protections for statements made during restorative justice processes at all stages of the juvenile justice system. This 2019 bill also prioritizes restorative options in state-funded juvenile diversion programs and increases state funding for juvenile diversion programs throughout all judicial districts (Colo. Rev. Stat. § 19-2-303).

Colorado statute also provides for the creation and staffing of a State Restorative Justice Coordinating Council (Colo. Rev. Stat. § 13-3-116) and mandates the collection of fees to a state restorative justice fund, which is administered by the Council (Colo. Rev. Stat. § 18-25-101). These statutes are implemented at the state level by the State Court Administrator's Office.

Other statutory provisions are implemented at the local level, in varying degrees, by Colorado's 22 local judicial districts. These provisions support, encourage, or require a number of access points for the introduction of restorative practices for both adults and juveniles by district attorneys' offices, judges, and corrections divisions. Colorado's statutory provisions further establish the right of crime victims "to be informed about the possibility of restorative justice practices" (Colo. Rev. Statute § 24-4.1-302.5) and require district attorneys to inform victims of the availability of restorative practices (Colo. Rev. Statute § 24-4.1-303).

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[3] Sliva, S. M., & Lambert, C. G. (2015). Restorative justice legislation in the American states: A statutory analysis of emerging legal doctrine. *Journal of Policy Practice*, 14(2), 77-95.

## Access to Restorative Justice in Colorado

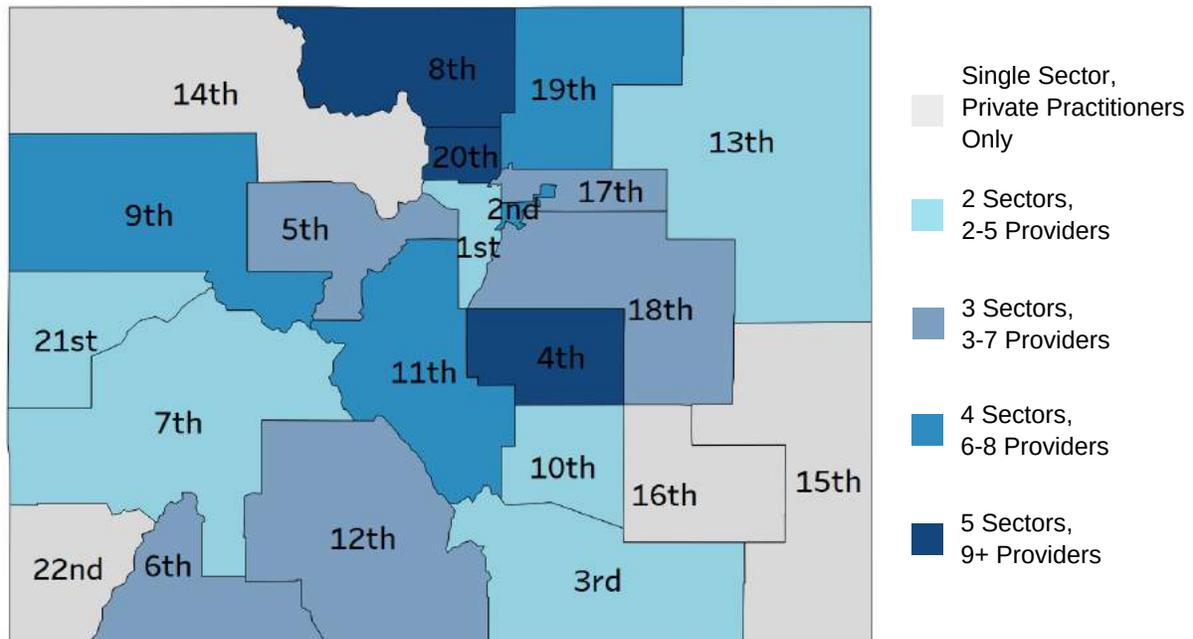
Colorado has an extensive network of schools, universities, government offices, correctional agencies, and community-based organizations, which provide restorative justice services to local communities. In addition, coalitions, including the Colorado Restorative Justice Coordinating Council, provide technical assistance and implementation support to programs and practitioners. There are currently 69 organizations and 16 professionals who report they are engaged in restorative justice services and programs in Colorado [4].

**Figure 1. Restorative Justice Practices Are Delivered Across Settings in Colorado**



Colorado’s network of restorative justice practices spans the state’s 22 judicial districts. The 4th, 8th, and 20th Judicial Districts seat the highest concentration of restorative justice projects. Similarly, these judicial districts offer the broadest range of practices, typically hosting practices in governments, schools, and community sectors. Based on this assessment, the 14th, 15th, 16th, and 22nd Judicial Districts have limited access to restorative practices, with only private practitioners indicating these jurisdictions as a service area for their work.

**Figure 2. Access to Restorative Justice in Colorado Judicial Districts Varies**



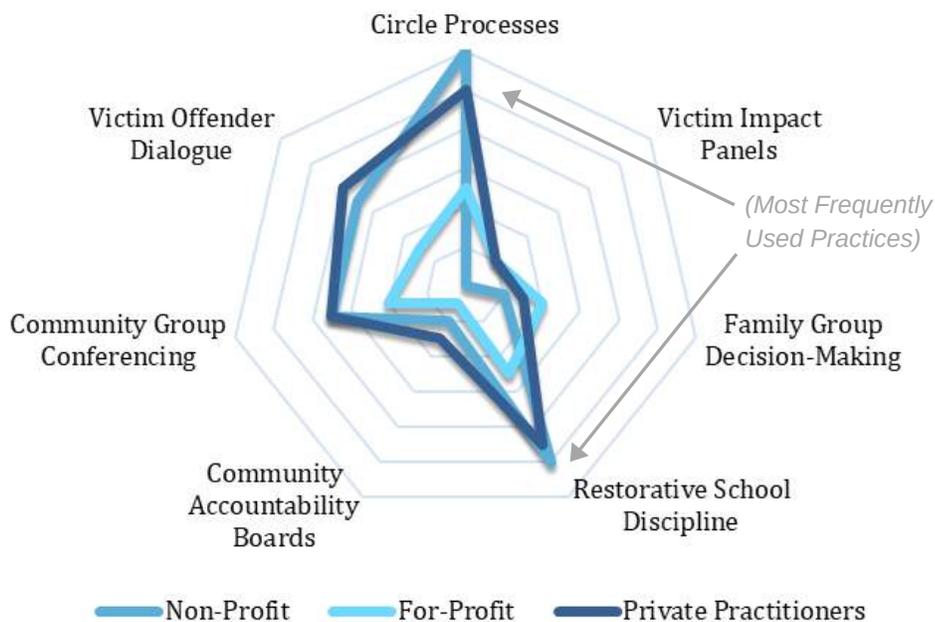
[4] This number represents organizations and practitioners responsive to outreach efforts during the course of this assessment, as well as additions made by partner organizations during a community feedback process.

The following sections will provide a sector-by-sector discussion of the content and scope of restorative practices in the primary settings in which they are utilized in Colorado, including community-based organizations, government agencies, and schools.

## Community-Based Practices

The largest share of restorative practices in Colorado are implemented by community-based organizations, both non-profit and for-profit, and private practitioners. This assessment identified fifteen non-profit organizations, seven for-profit organizations, and sixteen private practitioners delivering restorative justice programming in Colorado. Community-based organizations and private practitioners work across sectors in roles of training, consulting, and facilitation. Types of practices utilized are similar across organizational types and converge around circle processes, restorative school discipline, community group conferencing, and victim offender dialogue. Few community-based programs report using victim impact panels, family group decision-making, or community accountability boards.

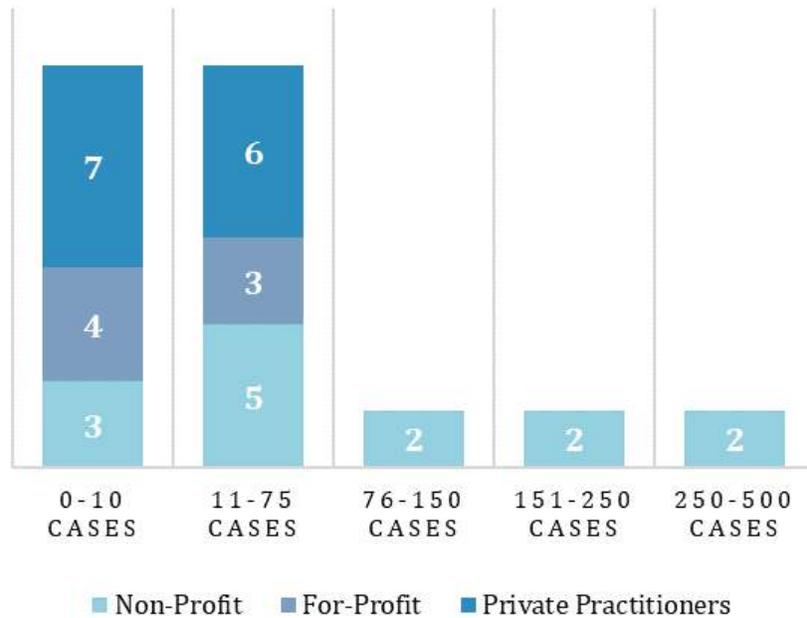
**Figure 3. The Most Common Restorative Justice Practices of Community-Based Organizations and Private Practitioners Converge**



Most community-based restorative justice organizations in Colorado are small in size: Approximately two thirds of reporting organizations have one or two staff only, while nearly all have five or less paid staff. Sixty percent of restorative justice non-profits report incorporating the use of contracted facilitators to deliver services, and more than 90% report using volunteers in some capacity. For-profit organizations report relying similarly on contracted facilitators, but only about 30% report utilizing volunteers.

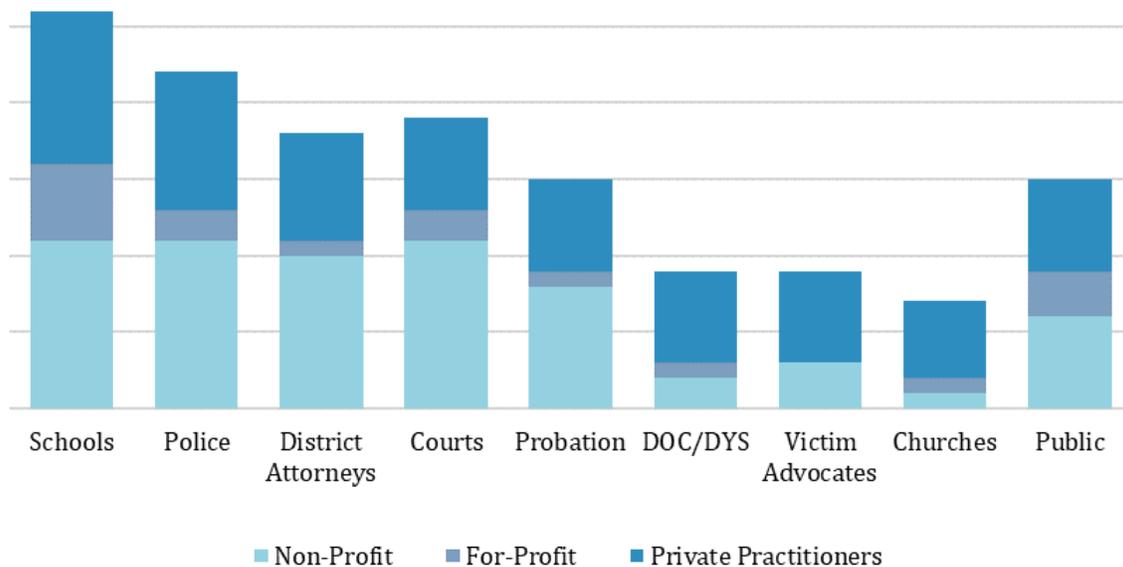
Despite the small size of community-based restorative justice organizations, many programs serve a high volume of cases. Non-profit organizations handle anywhere from less than 10 cases to more than 250 cases each year, with many programs falling somewhere in between. For-profit organizations handle far fewer cases – most less than 10 per year – with a larger emphasis on training and technical assistance for schools and other implementing agencies.

**Figure 4. Community-Based Organizations and Private Practitioners Serve a High Volume of Cases**



Community-based organizations and private practitioners serve across sectors and accept referrals from multiple sources. This is in contrast to schools and governmental agencies, who have designated, internal referral sources. Still, while all community-based organizations and practitioners accept referrals from at least some system sources, less than half accept referrals directly from the community or general public.

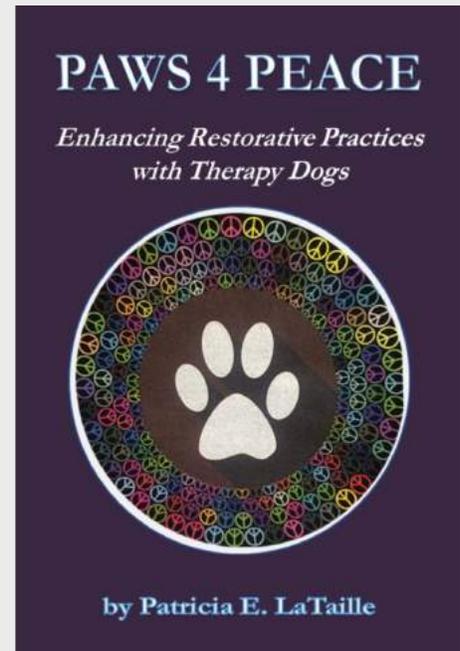
**Figure 5. Community-Based Organizations and Private Practitioners Accept Referrals from Diverse Sources**



## **ENHANCING RESTORATIVE JUSTICE PRACTICES WITH THERAPY DOGS**

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As part of Full Circle Restorative Justice, the Paws 4 Peace program is a pioneering approach for enhancing restorative justice practices by incorporating therapy dogs into conferences with victims and offenders. Paws 4 Peace "showcase[s] an interspecies collaborative effort towards building peace in our communities," according to Patty LaTaille, Program Director of Full Circle Restorative Justice. Therapy dog teams, which consist of a trained facilitator and a certified therapy dog, are increasingly in demand; Paws 4 Peace assisted in facilitating 20 conferences in 2018 and 22 to date in 2019.



Therapy dogs participate in all aspects of the process – from the pre-conference to the conference. From the moment they greet parties at the door, the therapy dogs serve to diffuse tension, ease anxieties, and create an avenue for connection and communication. During conferences, the dogs are positioned in ways that allow them to be responsive to the emotional needs of the participants. LaTaille describes the incorporation of dogs into restorative processes as "transformational." She states that parties are more willing to participate in the process and that overall, they have a more engaged experience with positive results.



**“Dogs are really important. If the dog hadn’t been there, it wouldn’t have worked as well.”**

*– Harmed Party*

**“I think that the way the restorative justice people [handled this] was good and the dogs helped.”**

*– Responsible Party*

**“Overall great & meaningful process. I was very thankful for Kharmie the therapy dog. She brought a calming aspect to the circle & always brought a smile to the circle. Having a dog at circle seems to be a huge benefit to all. Encouraging empathy as well.”**

*– Community Member*

## SPOTLIGHT: PAWS 4 PEACE



One of the most uncomfortable moments for participants and facilitators, according to LaTaille, is before the conference actually begins when the victims and offenders are sitting across from each other having a "stare down." This no longer occurs in conferences with therapy dogs. Instead, participants are engaging with the dog and engaging with each other in conversations about their own dogs in a calm and casual manner. In this way, the dogs break down barriers between victims and offenders and allow them to have a connection to each other aside from the crime.

In the few years since the program began, LaTaille has seen an improvement in outcomes. Now, FCRJ facilitators mainly facilitate processes with therapy dogs, unless otherwise requested by the victim or offender because of allergies or aversion to dogs. LaTaille notes that the use of therapy dogs has "made our jobs as facilitators so much easier." There are minimal costs associated with using volunteer facilitators and their certified therapy dogs. Still, LaTaille maintains that external funding from the state has been a "lifeline" in developing the program as an added benefit within a non-profit organization. LaTaille hopes that Paws for Peace will serve as a model for others and hopes to support the expansion of this low cost, high impact restorative practice beyond the 11th Judicial District.



## Government Practices

Government agencies in Colorado are increasingly utilizing restorative practices to serve state and local criminal justice functions. Seventeen responding programs identified as governmental agencies, including municipal and law enforcement agencies, district attorney's offices, and probation departments. In addition, restorative justice practices are used in the Colorado Department of Corrections and the Colorado Division of Youth Services. Government agencies reported the highest use of community group conferencing (56%), circle processes (50%), victim impact panels (44%), and victim offender dialogue (50%), with roughly one in eight agencies reporting the use of family group decision-making or community accountability boards. Other practices listed by governments as restorative include the ReStore shoplifting program, Circles of Support and Accountability (COSA), community conferences specifically designed for traffic and substance abuse offenses, restorative conversations, and letters of apology.

Many government-based restorative practices are delivered through victim services divisions. In general, government agencies have a small number of staff assigned to deliver restorative justice programming, with more than 60% employing only one to two paid staff. Agencies rely heavily on volunteers. While only three reported the use of contracted facilitators to deliver services, 14 reported drawing on a small or large bank of volunteers. Even with limited capacity, Colorado government agencies implementing restorative justice report handling a high number of cases: More than half of reporting government agencies handle between 11 and 75 cases per year; 18%, between 76 and 150; and 24%, between 151 and 250. State and local agencies primarily accept referrals from within or from other government agencies, including police, prosecutors, courts, and probation. More than half of agencies reported accepting referrals from schools, while a much smaller number reported accepting referrals from victim advocates, victims, family members, or the general public.

In order to assess levels of implementation in various sectors of government, our team engaged in a systematic outreach process to identify restorative justice practices in law enforcement agencies, district attorney's offices, and correctional departments, including both local probation departments and state corrections divisions. The following sections summarize the process and results of each of these searches, highlighting important findings related to implementation supports and challenges arising in each sector.



## Law Enforcement and Municipal Practices

Restorative justice practices in Colorado law enforcement agencies are extremely limited or happen in an informal, unpublicized manner. Of the 146 police and sheriff departments in the state of Colorado, this assessment identified three agencies with an established, regular referral system for restorative justice – Fort Collins Police Services, Longmont Police Department, and Manitou Springs Police Department – while three others have restorative justice programs that are staffed in-house – Boulder County Sheriff's Office, Erie Police Department, and Estes Park Police Department.

It should be noted that while the results of our search suggest low utilization of restorative justice in Colorado law enforcement agencies, our search methods were only designed to capture formal and documented restorative justice practices – in other words, intentional, systemic approaches. It is likely that additional law enforcement agencies in Colorado use restorative practices in an informal way on a case-by-case basis. It is also likely that some agency efforts are simply undocumented.

These referral systems and in-house programs represent innovative law enforcement partnerships focused on restorative solutions for reducing criminal justice system involvement at the front end. As a result, they have high potential to reduce court burdens and justice-involved populations.

### COLLABORATING WITH SYSTEMS: ADVANCING RESTORATIVE JUSTICE THROUGH PARTNERSHIP

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Celebrating its 25th year in operation, Longmont Community Justice Partnership (LCJP) provides restorative justice services to the city of Longmont in collaboration with local law enforcement, municipal courts, schools, and community agencies as an alternative to crime and conflict. LCJP also offers training, coaching, and implementation support statewide and beyond.



A particularly successful initiative of LCJP is its partnership with the Longmont Police Department. Law enforcement officers have referred between 90-130 cases for restorative justice to LCJP each year for the past four years. LCJP has promoted this collaboration using targeted efforts and a multifaceted approach. According to Kathleen McGoey, Executive Director of LCJP, it is important to cultivate relationships with agency leadership to help integrate restorative justice into law enforcement culture and practices. Knowing the values and goals of the agency assists LCJP in communicating how restorative justice aligns with their values and can help achieve agency goals, says McGoey.

For LCJP, this buy-in from leadership has led to organizational structures that promote restorative justice, including an orientation for new officers to acquaint them to the role of restorative justice in the department's culture, participation in a restorative justice conference as part of officer field training, and the establishment of the LCJP-police liaison team, which involves a special assignment within the department that positively affects an officer's ability to obtain promotion.

While McGoey indicates that participating in a restorative justice conference is the most persuasive experience to gain buy-in from officers, LCJP has made other efforts to encourage referrals to restorative justice. For example, LCJP has worked to streamline the referral process by having cases referred to LCJP directly through the police database so as not to create additional administrative work for officers, which McGoey says can make referring to restorative justice "unattractive" and "demotivating." In addition, LCJP has engaged in extensive and ongoing relationship-building with officers by addressing any concerns an officer may have about making a referral for restorative justice services, making efforts to explain to officers why a case they referred was deemed ineligible for restorative justice services, providing high-quality staff and volunteers to facilitate conferences, soliciting feedback regularly from officers, and in general, giving officers a voice in the process.

## SPOTLIGHT: LONGMONT COMMUNITY JUSTICE PARTNERSHIP



To improve the quality of services provided, LCJP instituted what McGoey calls a culture of feedback, in which feedback is regularly sought and given within the organization and with community partners. One of the ways this occurs is through debriefing with facilitators, community members, and officers after each conference. This constant feedback elevates the quality of services and garners support and buy-in from law enforcement. Most importantly, it helps to ensure that services are provided in a way that minimizes harm to the community.

One of the biggest challenges for systematizing restorative justice, according to McGoey, is the desire many organizations have to fit restorative practices into existing paradigms despite having philosophical values inconsistent with the approach. While many find restorative justice appealing, value differences can often lead to a focus on the outcome instead of the process.

Being based in the community can help. "We're not embedded in a system, so we can really live by restorative justice principles and values because we're not placed to advocate for any one stakeholder," says McGoey.

Like many restorative justice organizations based in the community, LCJP is challenged by funding and capacity issues related to staffing. Despite the challenges, LCJP's partnership with Longmont Police Department has been incredibly successful. In the past year, the program had a 90% completion rate for offenders, and 100% of victims reported feeling that offenders were held accountable during the process. With a cost of \$130,000 to incarcerate one youth for one year in Colorado, McGoey argues that LCJP is a cost-effective alternative that is supported by system agencies and promotes the values and principles of restorative justice.

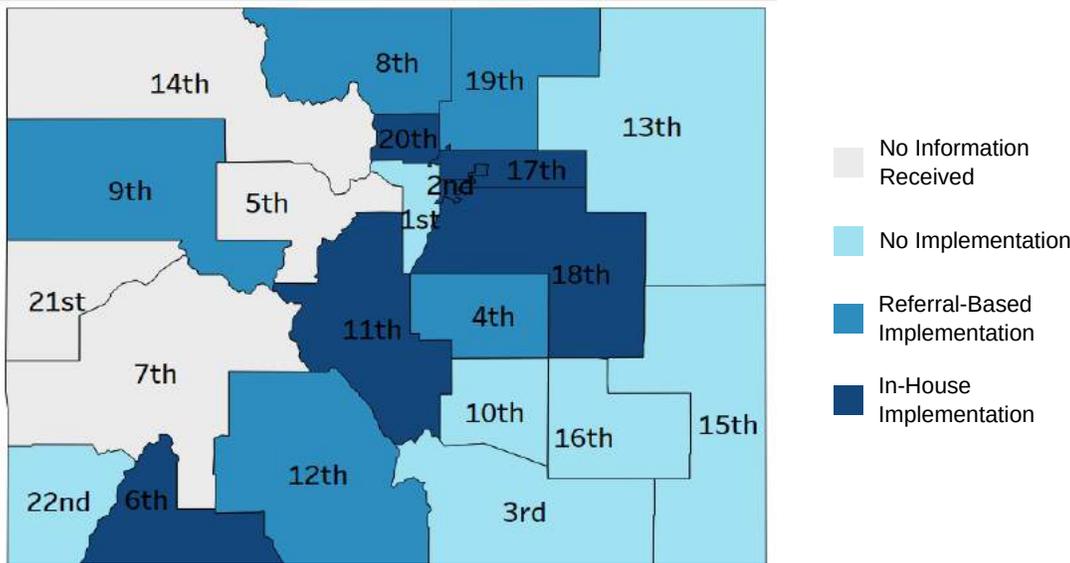


### Restorative Justice Practices in District Attorney's Offices

Eleven of Colorado's 22 judicial districts (50%) report offering restorative justice programming at some level through the District Attorney's Office. This programming is typified by community group conferencing models as part of a diversionary agreement for juveniles in misdemeanor and low-level felony cases. Less frequently, victim offender dialogues are facilitated in conjunction with a plea or sentencing process. While some district attorney's offices staff in-house restorative justice programs, some call upon contracted facilitators or make referrals to community-based programs as a means of utilizing restorative justice. Programming with an in-house component was identified in six districts, while the remaining five districts offer referral-based processes. Both in-house and referral-based models have demonstrated success in restorative justice practices, as seen on pages 12 and 13 of this report.

Seven districts report that they currently have no formal restorative justice programming or referral process. Of these seven, some expressed an intention or desire to develop (or re-develop) restorative justice programs, while one reported resistance to incorporating restorative justice. Despite multiple forms of outreach to the remaining four districts, no responses were received which enable our team to determine whether or how restorative justice programming is being implemented by the district attorney's office.

**Figure 6. Access to Prosecution-Based Restorative Justice in Colorado's Judicial Districts**



Both implementing and non-implementing district attorney’s offices reported major capacity challenges related to implementing restorative justice. Most stated that more funding or designated personnel are required to operate programs successfully. Indeed, the receipt of state funding via legislatively created pilot programs (Colo. Rev. Stat. § 19-2-510.5) has facilitated the growth of restorative justice in many high-implementing district attorney’s offices. In contrast, one non-implementing district that had used restorative justice in the past cited the disappearance of the community-based program it had partnered with as the reason for the program’s end. Non-implementing districts also reported additional challenges, including philosophical objections, negative experiences with restorative justice in the past, and a sense that implementing restorative justice would duplicate or conflict with their other diversion programs.

# WORKING WITHIN AND ALONGSIDE OF SYSTEMS: TWO MODELS OF DIVERSION

The Center for Prevention and Restorative Justice (CPRJ) and the Center for Restorative Programs (CRP) are two programs offering diversion services to youth and adults through participation in restorative justice processes. CPRJ has been operating as an in-house initiative of the 20th Judicial District Attorney's Office since 2014, while CRP is a community-based non-profit – established in 1995 – providing services to the 12th Judicial District Attorney's Office. Both programs have been successful in operating different models of diversion that are responsive to the unique features of the communities they serve.

## SPOTLIGHT: CENTER FOR PREVENTION AND RESTORATIVE JUSTICE, 20TH JUDICIAL DISTRICT

As an internally-staffed program within the 20th Judicial District Attorney's Office, CPRJ has a highly developed diversion program for juveniles and adults that provides in-house restorative justice services and also refers cases to community-based restorative justice providers.

CPRJ's diversion model consists of two supportive arms – one focusing on reducing an offender's risk factors for criminal behavior and the other on repairing harm based on the needs of the victim and the community. Repair of harm is always a part of diversion at CPRJ, but it can happen in a variety of ways, and participation in a restorative justice process is always voluntary. According to Erin Siffing Cordell, Deputy District Attorney and Assistant Director of CPRJ, this bifurcated model allows CPRJ to be responsive to victims while using individualized case planning to address the needs of the offender. She says that decisions about referrals to mental health and substance use treatment are made through validated assessments rather than through the restorative justice process. "Mismatching services can cause more harm, and this



helps us make sure that therapy and other community-based services are a good fit for the person and their situation," Siffing Cordell says. This also improves consistency and frees the participants of the restorative process to focus on other types of repair.

CPRJ faces similar challenges to programs that operate outside of systems, including funding and capacity issues related to staffing. However, even with these challenges, CPRJ has grown an active base of volunteers and has been able to serve 550+ cases annually, with a diversion completion rate of 91%, a satisfaction rate above 95% across RJ participants, and an 8% recidivism rate for juvenile pre-file diversion cases.

## SPOTLIGHT: CENTER FOR RESTORATIVE PROGRAMS, 12TH JUDICIAL DISTRICT

The Center for Restorative Programs operates outside of the criminal justice system and relies on relationship building with multiple organizations to offer diversion services to the 12th Judicial District. According to Luke Yoder, Executive Director of CRP, "We had to really work hard to create this complex web of partnerships in order to make sure that all youth in our community are able to access diversion services when appropriate."

In the 12th Judicial District, this coalition-based approach offers a number of benefits: it utilizes community expertise, reduces barriers to participation, improves trust and authenticity during conferences, and offers a sustainable model which is more consistent in the face of system leadership and capacity changes. Yoder believes that CRP's focus on relationships is in line with restorative justice principles and reflects the organization's commitment to a restorative justice philosophy.

Fostering and maintaining these relationships with community partners and government systems takes a lot of effort. Yoder likens their model of diversion to several small spigots as opposed to one fire hose, which he says can make the services difficult to manage logistically. Still, he maintains that operating outside of the District Attorney's Office is the best approach for the rural, dispersed community of the 12th Judicial District.

Since 2014, CRP has received 303 referrals and hosted 58 circles, with a satisfaction rate above 90% across participants and a recidivism rate of 5-7%. Yoder asserts, "RJ can't be implemented in a singular way." An examination of the different yet successful models of diversion used by CPRJ and CPR supports this claim and highlights the need for state and national policy makers to consider community context in restorative justice implementation.

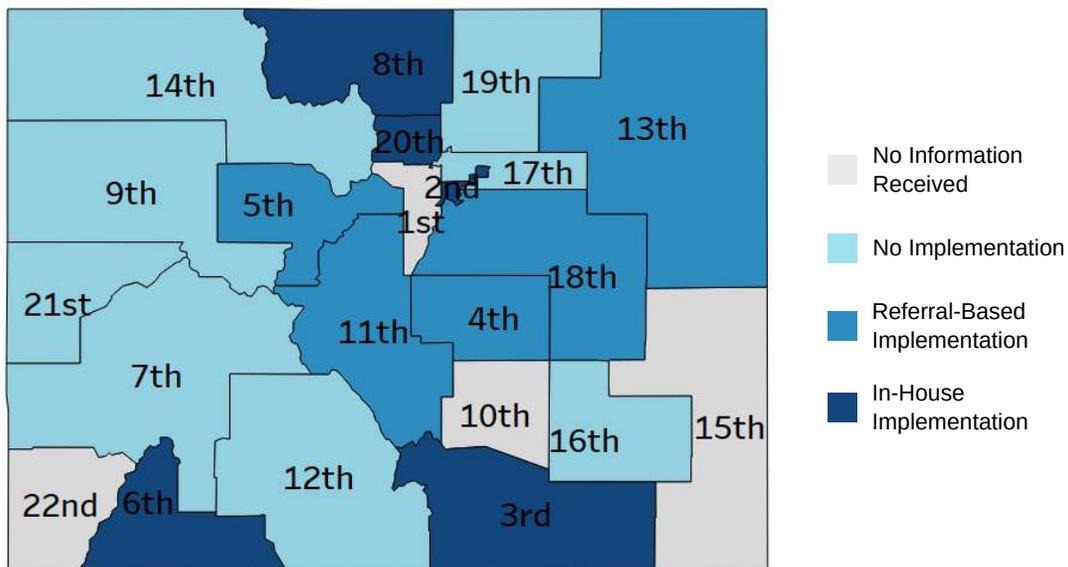


## Restorative Justice Practices in Colorado Probation

Ten of Colorado's 22 judicial districts (45%) offer restorative justice programming at some level in Probation Departments. Programming most often includes victim impact panels and victim offender dialogues, with circle processes, community group conferencing, and family group decision-making being utilized by fewer departments. Like other government systems, some probation departments staff in-house restorative justice programs, while others rely on referral-based services as a means of utilizing restorative justice. Programming with an in-house component was identified in five districts, while the other five reported offering referral-based processes.

Eight districts report that they currently have no formal restorative justice programming or referral process. Of these eight, two non-implementing districts – the 7th and the 12th – expressly stated interest in restorative justice programming if equipped with the necessary funding and trained personnel. In several judicial districts, our assessment found limited knowledge of restorative justice among staff not directly involved in program implementation. Specifically, staff often referred to victim services as restorative justice programming, even if the services or programs described did not appear to have any restorative justice components.

**Figure 7. Access to Probation-Based Restorative Justice in Colorado's Judicial Districts**



Districts with referral-based programs reported that open communication and close collaboration through regular meetings with community-based organizations providing the restorative justice services helps promote implementation. Districts further identified legislation and court mandates as moving practices in probation forward; however, nearly all noted challenges related to the district's capacity and resources to meet those aspirations and demands. These capacity and resource limitations include funding, staffing, programming, and training. Non-implementing districts in rural areas reported difficulties obtaining more common justice-related services like substance abuse treatment, which makes securing specialized restorative justice services even more challenging. Additionally, some non-implementing districts reported processing so few probation cases that restorative justice services are not a major consideration. Finally, structural barriers, such as privacy issues regulating victim-offender contact, were identified as hindering restorative justice efforts in probation.



### Restorative Justice in the Colorado Department of Corrections

The Colorado Department of Corrections (CDOC) offers facilitated Victim Offender Dialogue (VOD) at the request of crime victims and depending on the appropriateness of the offender. Individual correctional facilities may offer restorative justice-based programming – such as victim impact panels or groups – when offered by community groups and approved by wardens. In addition, the Restorative Justice Education Program (RJEP) is offered at four correctional facilities. Adapted from the Victim Offender Education Group at San Quentin State Prison [5], RJEP is a 12-week program focused on increasing offenders' insight into the causes and consequences of their crimes. CDOC also has pre-release curriculum with a unit offered on restorative justice and victim awareness. As a part of this unit, members of the Crime Victim Advisory Council share their experiences as victims of violent crimes with the offenders.

Restorative justice practices in CDOC can best be described as developing, following 2011 legislation authorizing the creation of a pilot program for VOD (Colo. Rev. Stat. § 17-28-103). In addition, funded research through the University of Denver on CDOC's VOD program [6] has supported increased outreach to victims about the availability of VOD, as well as staffing support to identify and screen cases. However, restorative justice administrators in CDOC cite staffing challenges as the primary barrier to increasing broader access to restorative justice. In a department where primary goals are related to containment and safety, prioritizing restorative justice practices depends on resource allocation.

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[5] <http://www.insightprisonproject.org/victim-offender-education-group-voeg.html>

[6] <https://www.rjcolorado.org/restorative-justice/justice-system/hrvod>

# SERVING VICTIMS AND SURVIVORS THROUGH RESTORATIVE DIALOGUE

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Victim offender dialogue (VOD) is a promising practice for supporting victims and survivors of crime. A small but consistent body of literature explores the impact of VOD in cases of serious, violent crimes. Victims in these cases expressed that they felt heard, that they regained control over their lives, that they could begin to see the offender as a human being, that they regained a sense of trust and safety, and that they felt less anger and more peace.

The Colorado Victim Offender Dialogue Project was formed in 2017 as a research partnership funded by the National Institute of Justice. It is a collaborative initiative of the Colorado Organization for Victim Assistance, the Colorado Department of Corrections, the Colorado Division of Youth Services, the Chief Probation Officer's Council, and the University of Denver's Graduate School of Social Work.

A unique element of the project is its focus on collaboration to improve the interface between restorative justice and victim services. During regular team meetings, members work to identify barriers to access experienced by Colorado victims and survivors who would like a face-to-face meeting with the offender in their case. As a result, the team has produced guidance documents, outreach materials, and a training curriculum for restorative justice and victim services professionals. Similarly, the Colorado Victim Offender Dialogue Project tackles the gap between practice and research. A central goal of the project is to contribute to the body of knowledge about VOD in cases of serious, violent crime, examining the impacts of VOD on crime victims and survivors.



## Restorative Justice in the Colorado Division of Youth Services

Restorative justice practices in the Division of Youth Services (DYS) occur on a continuum. This continuum includes numerous activities that can be categorized into beginning, intermediate, and advanced restorative justice practices. Beginning restorative practices – such as psycho-education classes, facilitated discussions, and understanding ripple effect – focus on reflective processes, which support the development of awareness as well as build cognitive and empathy skills. Intermediate restorative practices – such as victim empathy classes and victim impact panels – involve building stronger awareness and demonstrating improved capacity. Advanced restorative practices – such as restorative dialogue techniques, circles, conferences, mediation, and Victim Offender Dialogue (VOD) – involve direct victim-offender processes that contribute to increased accountability and provide the opportunity to repair harm to the best degree possible. Most facilities are also working towards incorporating restorative interventions into infractions by strengthening components of accountability and offering opportunities to address harm. The DYS Restorative Dialogue Curriculum's skills and facilitation techniques are at the core of restorative practices that staff use to address difficult issues, build relationships and community, and deescalate situations.

Restorative justice practices also differ by type of facility. Detention facilities offer restorative practices and opportunities that are introductory and preparatory in nature. These practices may occur onsite only due to population characteristics that include a shorter length of youth stay, the pre-adjudicated status of the majority of youth, and restricted access to offsite opportunities. Commitment facilities offer advanced restorative practices that are more sustained and interwoven across multiple program areas. Various types of circle processes are often used and have four main purposes: (1) repair, resolution, and problem-solving, (2) community building, (3) peace building, and (4) celebration. In addition, youth and staff regularly engage in facilitated dialogues when individuals have come into conflict. Structured restorative projects in commitment settings also allow for more involved offsite projects that include opportunities to repair harm both within the facility and in the larger community. Non-governmental organizations who have partnered on restorative projects include the Humane Society, Habitat for Humanity, local food banks, community gardens, and various victim services organizations.

The majority of restorative practices are conducted by facility staff, but in cases where advanced expertise is needed, as in VOD, the DYS Victim Services/Restorative Justice Coordinator screens and coordinates cases with outside contracted facilitators. The capacity for restorative justice practices in DYS has increased significantly over the past few years in support of DYS' efforts to create a more trauma responsive environment. Because restorative justice implementation can vary by facility, the maintenance of an ongoing centralized oversight group within DYS has been beneficial. This group includes staff from each facility across the state that meet monthly to further individual and collective restorative justice efforts. Barriers to implementation in DYS include change fatigue, staff attrition, and insufficient access to resources to meet the needs of the field.



## School-Based Practices

School-based restorative practices are prevalent enough in Colorado to be the topic of focus for a number of other community reports and academic research [7-9]. For this reason, school-based restorative practices are only briefly addressed here to the extent that our systematic search further illuminates the prevalence and distribution of school-based restorative practices across the state.

Simply put, there is great variation in the degree of implementation of restorative practices in Colorado schools – not only between districts, but between schools within each district. In some districts, staff reported efforts to implement restorative practices district-wide, while in others, only individual schools identified themselves as implementing restorative practices. Denver Public Schools demonstrates the most robust district-wide implementation. At least 14 of Colorado's 22 judicial districts report implementation of restorative practices in at least one school district [10]. Across districts, elementary schools are most likely to universally implement restorative practices, while high schools are least likely. A common response to the question, "Who is receiving restorative practices?" is that the district is striving for all grades, but the most promising work is being done in elementary and middle schools.

Colorado schools report that the majority of the work is in Tier 1, or whole-school approaches, including classroom circles, "respect agreements," and use of restorative language in classrooms. More individualized use of restorative practices, such as a dialogue between a teacher and student or a dialogue between two students, is less often utilized. While some districts have paid restorative justice staff or have implemented all-staff trainings on restorative practices, many rely on outside contractors to facilitate more specialized processes like conferences or dialogues and may lack the designated resources to do so often.

Four Colorado universities reported use of restorative practices at various levels. Reporting university programs rely on paid staff and do not utilize contracted facilitators. In addition, universities reported utilizing between 10 to 150 volunteers. Similarly, the number of cases served ranged from 10 per year to more than 500.

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[7] Anyon, Y. (2016). *Taking restorative practices school-wide: Insights from three schools in Denver*. Denver, CO: Denver School-Based Restorative Practices Partnership.

[8] Anyon, Y., Gregory, A., Stone, S., Farrar, J., Jenson, J. M., McQueen, J., ... Simmons, J. (2016). Restorative interventions and school discipline sanctions in a large urban school district. *American Educational Research Journal*, 53(6), 1663–1697.

[9] Baker, M. (2008). *DPS Restorative Justice Project: Executive summary*. Denver, CO: Denver Public Schools.

[10] Those discovered during our limited assessment of school-based practices include the 2nd, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 12th, 14th, 17th, 18th, 20th, and 21st Judicial Districts.

### USING RESTORATIVE JUSTICE PRACTICES ON COLLEGE CAMPUSES

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At Colorado State University in Fort Collins (CSU), the Conflict Resolution Services program is using restorative processes to address behavior that violates the Student Code of Conduct and, in some cases, rises to the level of criminal offenses. The program, which is part of the Student Resolution Center at CSU, offers a range of services to students, including conflict coaching, mediation, and restorative justice processes – such as impact circles, impact classes, and community group conferencing.



Brooke Wichmann, Associate Director of Conflict Resolution Services, says she is particularly proud of their court diversion process for students. Through partnerships with Fort Collins Police Services and the Fort Collins Municipal and County courts, many students who participate in a restorative process are able to have their criminal charges dismissed upon completion of the program. Wichmann states that their restorative practices are meant to help students develop empathy, gain an increased understanding of how their actions have impacted others, and help them develop a stronger sense of community.

In the 2017-2018 school year, 83% of conferences that involved criminal charges had a law enforcement officer present, which speaks to the strong collaborative support the program has. To engender this support, Wichmann uses data to gain buy-in from system organizations, including law enforcement and district attorneys.

Wichmann maintains that strong philosophical support from CSU administration has been integral in moving the work of restorative justice forward on their campus. However, Wichmann contends that restorative justice is not well integrated into society and says, "there is a need for increased understanding of both the value and limitations of these processes." In addition, Wichmann notes particular difficulty in using restorative justice with incidents of bias, since the complicated campus dynamics of these situations are unlikely to be fully resolved in the restorative process. Still, she states that there is a need and demand for restorative justice on college campuses. Students want to have their voices heard, according to Wichmann, and restorative justice provides students that opportunity.

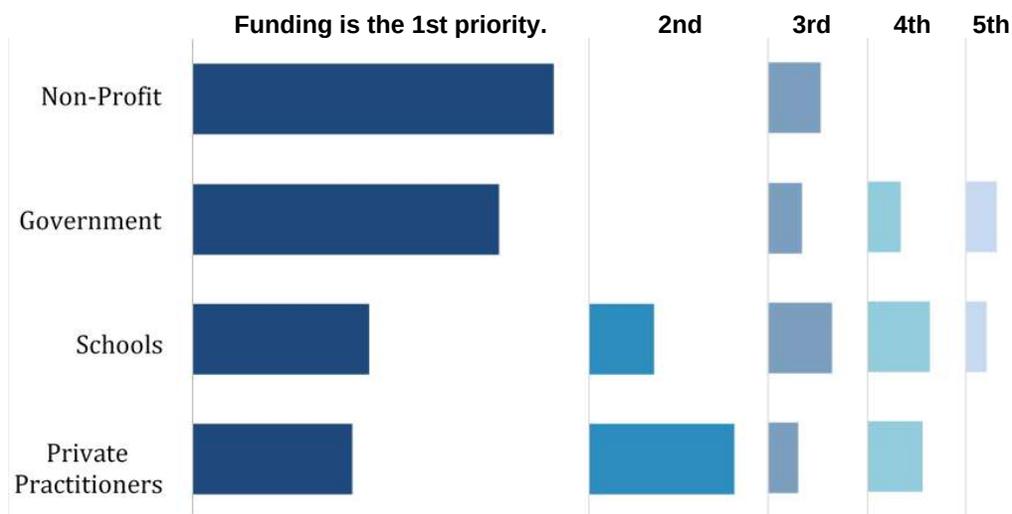
# PRIORITY IMPLEMENTATION NEEDS FOR RESTORATIVE JUSTICE PROGRAMS

Through a survey of programs and brief interviews with implementing agencies, our team sought information about the types of support enjoyed by restorative justice practitioners, as well as the types of support needed to improve the implementation and impact of their programming. We queried programs specifically about their priorities related to funding, training, guidance documents, data collection, and policy changes.

## Funding Needs

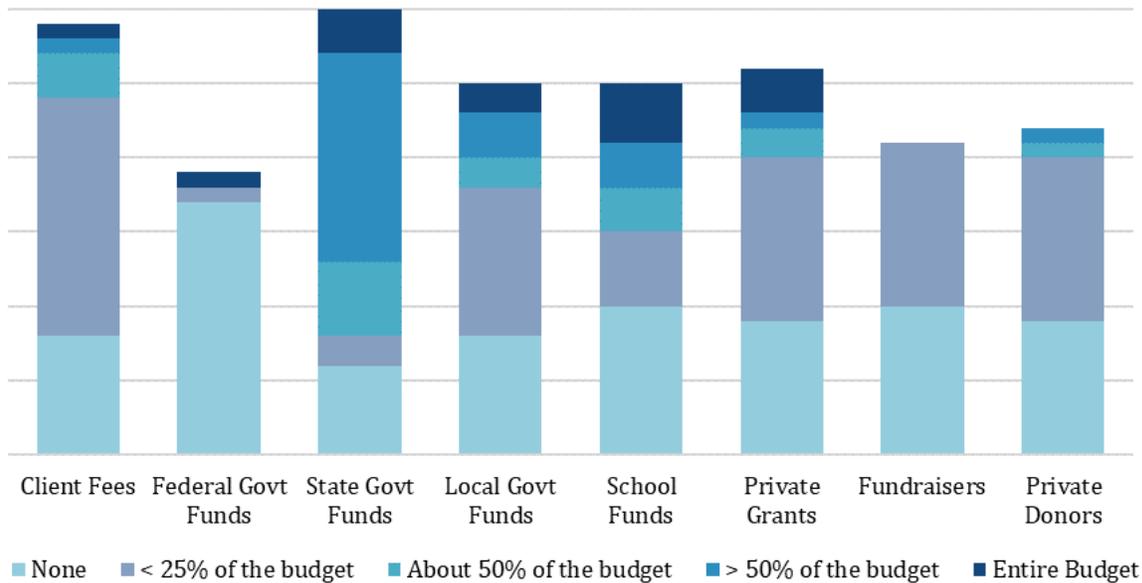
On average – with the exception of universities – all types of restorative justice programs rated funding as their highest priority need to support their restorative justice programming. Non-profit organizations ranked funding most urgently, closely followed by government and for-profit organizations respectively.

**Figure 8. Across Organization Types, Programs Prioritize Funding Needs**



Restorative justice programs in Colorado operate on small budgets. With the exception of one larger non-profit organization, no responding programs reported a budget of more than \$500,000. The majority reported that they either had no operating budget outside of their own salary or that they managed modest program budgets of \$100,000 to \$300,000. The vast majority of Colorado restorative justice programs currently receive little or no funding from private donations, fundraising, client fees, or federal dollars. Programs are most likely to receive the largest share of their income from state funds, including state pilot funds for restorative justice and school budgets. Local government funds and private grants are also primary or secondary sources of funding for some programs.

**Figure 9. State Governments Fund the Largest Share of Program Budgets**



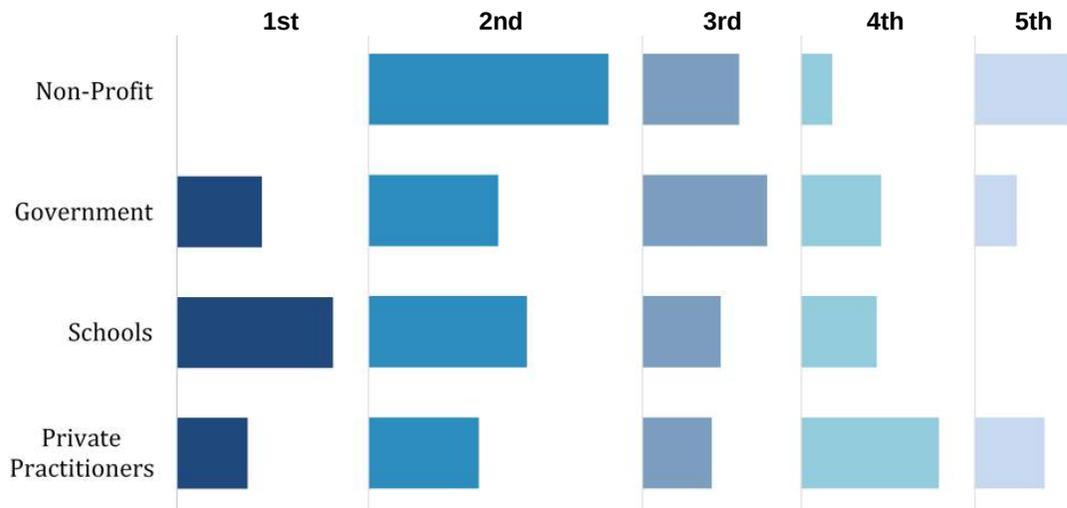
When practitioners and program staff in implementing agencies were asked what barriers they faced, obtaining funding was a recurring theme. One respondent expressly emphasized the lack of state funding for restorative justice beyond the juvenile justice realm. In addition, programs cited a lack of resources and personnel. Specific resources identified included centralized database and case management tools, community education, and staff and volunteer training. Personnel needs included the ability to recruit and retain volunteers, the ability to hire full-time staff, and the ability to allocate staff time to logistical work, grant writing, and data reporting.

Similarly, when programs did receive funding, this was cited as a primary motivator and facilitator of their restorative justice work. Programs identified state funding, pilot funds from the Colorado Restorative Justice Council, school-based work grants from the Colorado Department of Education, and foundation funding as supporting their work in significant ways. Other resources that have enhanced the provision of restorative justice practices include a strong volunteer base, paid staff time, supported spaces, and designated victim advocacy staff (in a government agency).

### Training Needs

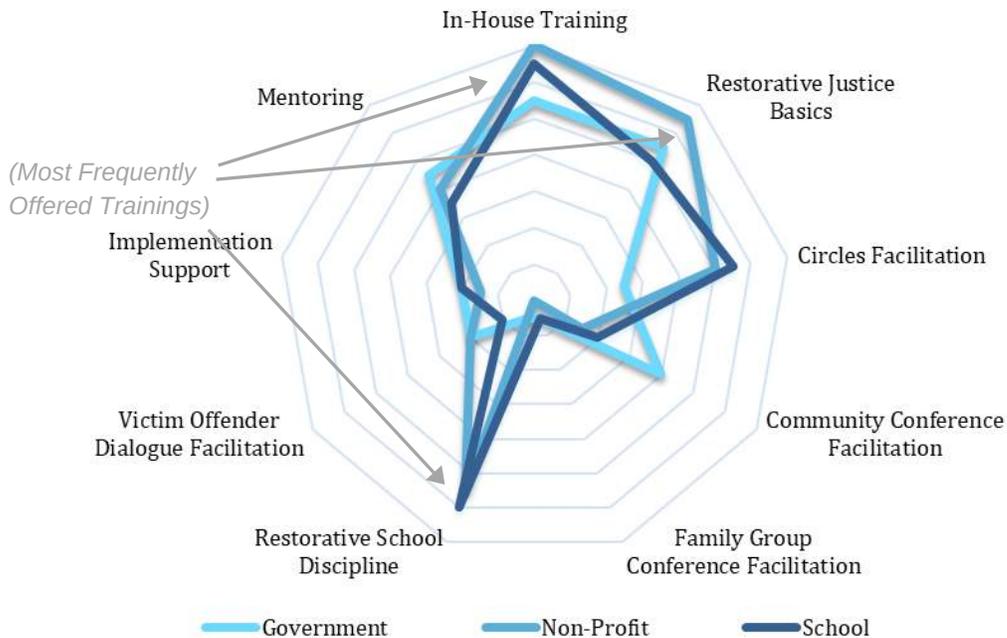
The need for training was also prioritized across organizational types. More than half of organizations reporting for each sector ranked training needs second or third in priority, following funding needs. For one third of reporting schools and three quarters of reporting universities, training was a first priority need. While the need for guidance documents to support the implementation of specific practices was ranked low by non-profit and for-profit organizations, more than half of government agencies, schools, and universities ranked this need among their top three needs. Some programs further articulated specific requests, including a need for education and outreach materials that demonstrate the effectiveness of restorative justice and a desire for a community of practice - such as a network or mentoring group - around restorative justice work.

**Figure 10. Training Needs Most Often Ranked 2nd in Importance**



Conversely, most restorative justice programs responding to the survey report that they provide training, both to their own staff and volunteers and outside of their organizations. Nearly all non-profits (87%) and for-profits (86%) offer training in restorative justice basics, while more than half offer training in circles facilitation and school-based restorative practices. Approximately half of government agencies report offering community conferencing facilitation training. A smaller number of community-based and government programs report offering training in Victim Offender Dialogue or in implementation support.

**Figure 11. Restorative Justice Programs Provide In-House and External Training in Basic Modalities**



Due to the diversity of respondents delivering restorative justice programming in a number of professional settings, it difficult to synthesize average or typical levels of education, training, and experience for Colorado restorative justice professionals. Many practitioners have a high level of training in diverse fields, while some have very little formal training and a great deal of experience. At least in Colorado, there is no one field or educational trajectory which characterizes the practitioners of restorative justice. Rather, practitioners draw on a wide range of backgrounds, with varying levels of education, specialized training, and practical experience.

- Twenty-five respondents have graduate-level education in fields, including Social Work, Counseling, Educational Psychology, Applied Developmental Science, Conflict Resolution, Peace and Justice Studies, Transpersonal Psychology, Law, Agricultural Economics, Family Justice, and Public Administration.
- Forty respondents reported specific *restorative justice* training, including training in restorative dialogues, circles, community group conferencing, school-based restorative approaches, community-member volunteer training, culturally appropriate restorative practices, restorative conversations, skills-building, and restorative mediation. Nine had obtained *High Risk Victim Offender Dialogue* training. Sixteen respondents had *mediation* training, including divorce, family, and community mediation.
- Fourteen respondents indicated that they had more than 10 years of experience in restorative justice facilitation; eight respondents, between 5 and 10 years; and seven others, between 1 and 4 years. Several respondents reported facilitating upwards of one hundred restorative justice cases, training upwards of one hundred schools, and facilitating over one hundred peace circles.

Some programs were able to provide specific insight into their requirements for selecting staff and volunteers. These requirements range from “no experience necessary, training will be provided,” to a minimum of six months to three years of experience facilitating or volunteering as a community member before moving to the next level. A few programs indicated that they held simulated circles to train facilitators or required co-facilitation prior to solo-facilitation.

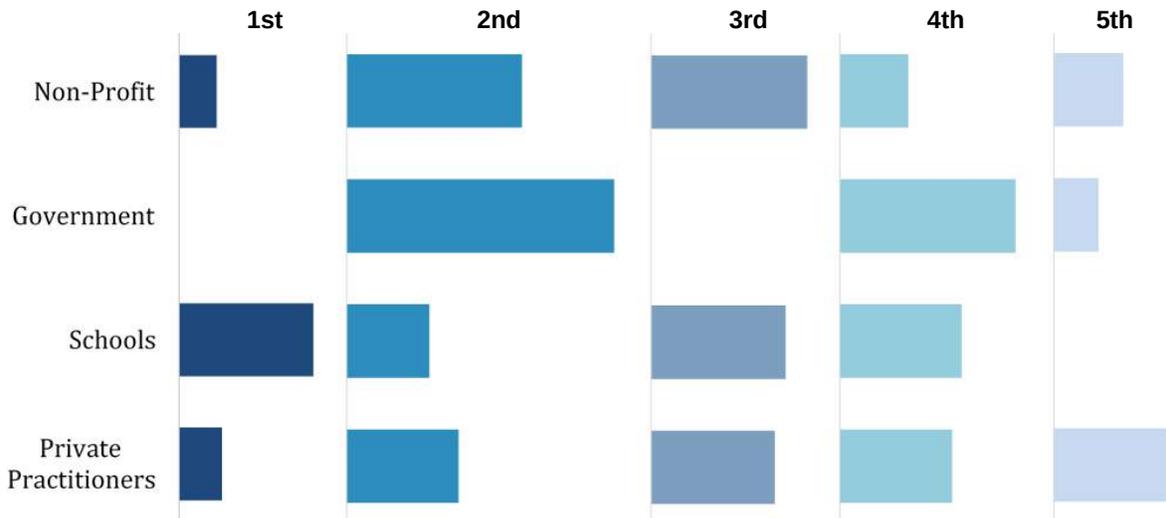


Restorative justice knowledge and training were cited by a number of respondents as important promoters of their work. Respondents acknowledged training, on-going education, mentorship, practical experience, and personal development as important to expanding their practices. In addition, their ability to retain experienced restorative justice professionals was noted as a plus to implementation efforts. In related comments, practitioners and program staff observed “best practices” which had facilitated their success, including the use of holistic approaches and strong system designs, attention to power dynamics, and utilization of assessment tools and implementation science consultants.

## Data and Evaluation Needs

Restorative justice practitioners identified a need for data collection tools or evaluation support as a high priority. More than half of government agencies and more than one third of non-profits ranked this need second to their need for funding. Data support was rated less important by universities and for-profit organizations.

**Figure 12. Restorative Justice Programs Prioritize Data and Evaluation Support Needs**



Colorado restorative justice programs collect a variety of data in order to track their efforts. Most programs collect data on the number of cases or individuals served, while approximately three out of five programs collect data on participant demographics, participant satisfaction, and completion of agreements. While two out of five programs keep data on recidivism rates and school discipline outcomes, it should be noted that most government agencies do collect data on recidivism and nearly all schools do collect data on school discipline outcomes. Private practitioners are less likely to collect and maintain data, especially sophisticated types of data, than organizations. Two government agencies, one for-profit organization, one school, and four private practitioners reported collecting no data related to their restorative justice programs.

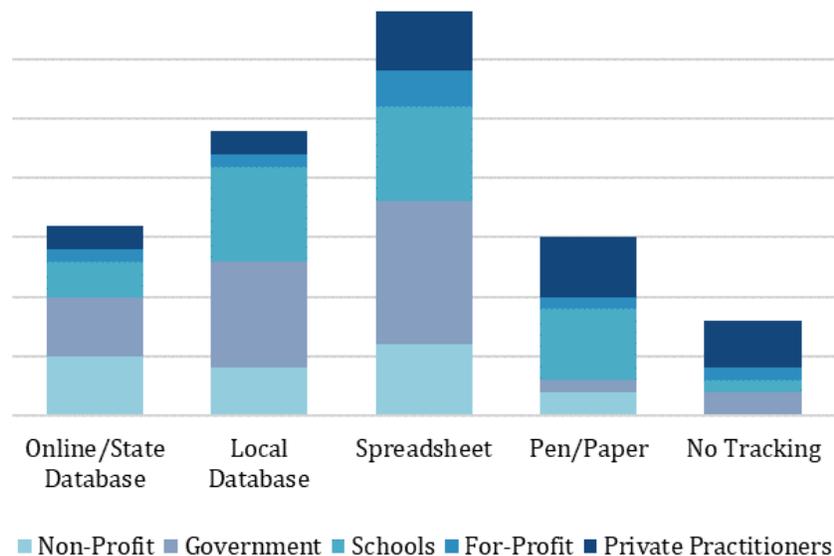
**Figure 13. Types of Data Collected by Restorative Justice Programs**

Percentage of 71 programs collecting each type of data

|  |     |
|--|-----|
| Numbers served                                 | 73% |
| Participant demographics                       | 59% |
| Participant satisfaction                       | 59% |
| Agreement completion rates                     | 55% |
| Participant attitude changes                   | 46% |
| Recidivism rates                               | 41% |
| School discipline outcomes (e.g., suspensions) | 41% |
| Educational outcomes (e.g., drop-out rates)    | 28% |
| Changes in wellbeing of participants           | 23% |

Most Colorado restorative justice programs use spreadsheets or local databases like Microsoft Access to keep track of data. Government agencies and non-profits are among the most likely to use an online or state database, while private practitioners and schools are more likely than other sectors to use pen and paper methods. Programs utilizing centralized databases indicated that they use ETO (5), OMNI (4), Facilicase (2), Salesforce (2), CDE (2), Maxient (1), ACTION (1), ORBIS (1), or school campus databases.

**Figure 14. Most Restorative Justice Programs Use Spreadsheets or Local Databases to Track Data**



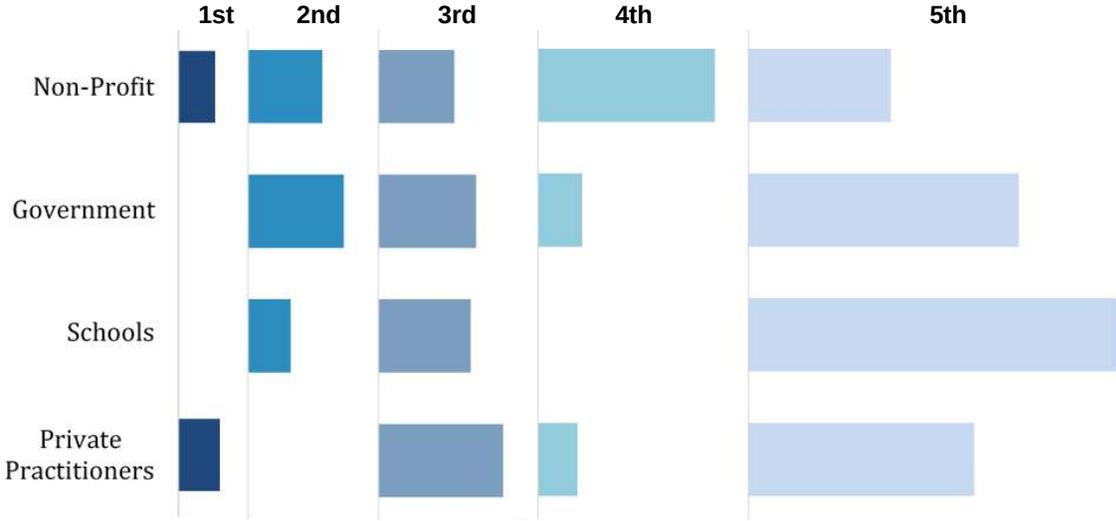
When asked what support is needed to facilitate the implementation of restorative justice, practitioners commented on needs for professional data management as well as needs for consistent, comparable state data. One stated:

*We really need to have support at the state level for collecting standardized information about recidivism and coming up with a valid comparison for cases that don't do restorative justice.*

### Legislative and Policy Needs

There is great variability in the priority placed on legislation or policy needs by most Colorado restorative justice programs. Programs rank the need for legislation or policy change lower than other needs as a desired support. About one third of government agencies and non-profits ranked this need in their top three priorities. Two thirds of for-profit organizations ranked policy supports in their top two priorities, while schools and universities almost unanimously ranked it lowest.

**Figure 15. Restorative Justice Programs Rank Legislative and Policy Changes Beneath Other Support Needs**

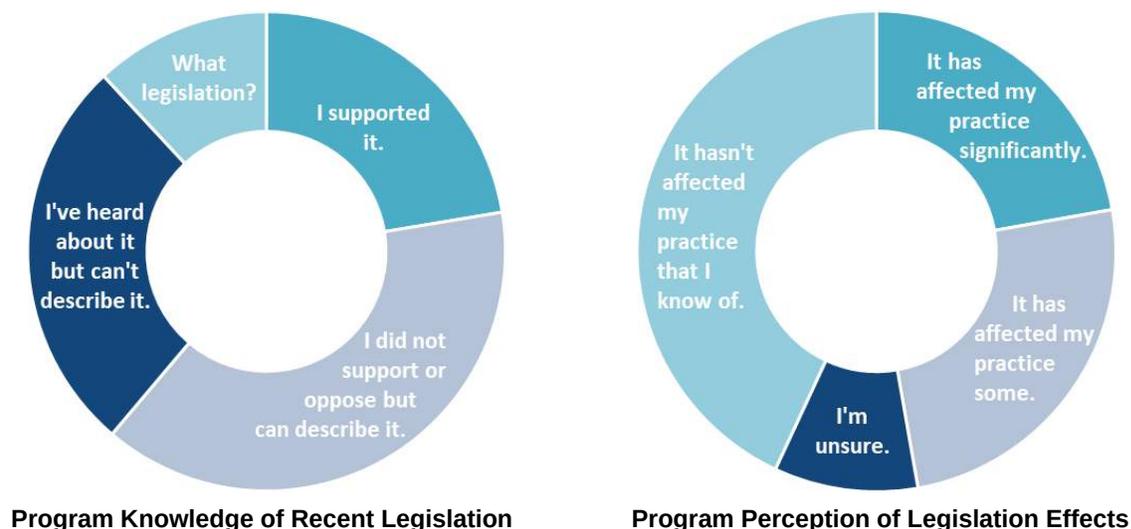


Still, at least five responding programs identified recent legislation passed in Colorado when listing supports that had enhanced their work. Others described specific issues which may require policy change to resolve, such as system challenges related to coordinating restorative justice provision with other system functions. One program reported, “There is a continued lack of systems alignment. For instance, there is a push for pre-file RJ diversion for youth, but youth in need of additional services may not be able to access them through SB 94 [state-funded services for charged youth] unless charges have been filed. This kind of misalignment causes us to have to do a lot of gymnastics as practitioners.”

Sixty-one percent of responding programs report detailed awareness of Colorado’s recent restorative justice legislation, while an additional 27% report that they have heard of the legislation but would not be able to describe the components. Eight responding programs (12%) report that they haven’t heard of the legislation. Awareness of legislation was much higher among non-profits and government agencies than schools.

While most Colorado programs have at least some awareness of recent legislation to support restorative justice, 53% of government agencies, 37% of community-based organizations, and 86% of schools indicate that it has not affected their practices in ways that they are aware of, or that they are unsure whether it has done so. Approximately one third of government agencies and community-based organizations report that legislative changes have *significantly* affected their practices.

**Figure 16. Programs Have Broad Awareness, Different Opinions about Recent Legislation**



Asked to describe how recent legislative changes had affected their practice, respondents focused on provision of funding for state pilot projects, increased visibility for restorative justice, and increased collaboration within the state through the Colorado Restorative Justice Council. Some comments include the following:

*Funding helped us to pay for additional training, such as basic Community Group Conferencing training, as well as training in more specialized techniques such as motivational interviewing. This continues to strengthen our offerings to this day.*

*The requirement to indicate RJ eligibility on Pre-Sentence Investigation reports [in probation] seems to increase attention to restorative justice.*

*It has united state and local partners, legislators, DAs, and schools, and united RJ directors in the state in order to send representatives to [the Colorado Restorative Justice] council.*

Twenty respondents reported that either programming would not exist without the legislation or that the legislation enabled further implementation of their programs.

Some concerns are also of note. One respondent indicated that the legislation had encouraged institutions to implement restorative justice practices hastily or inappropriately, while another suggested that the legislation hadn't 'done enough' to require schools to fully implement restorative practices.



## Confidentiality

Addressing the confidentiality of restorative justice processes – and the limitations of that confidentiality – is an ongoing topic of concern nationally and within Colorado. Confidentiality protections are needed to ensure that restorative justice processes support meaningful accountability by offenders in a safe space. Colorado statute protects statements made during restorative justice processes by both juveniles and adults in certain contexts. Protections for adults exist for restorative processes conducted as part of a diversion agreement (Colo. Rev. Stat. § 18-1.3-104(10)(e)), or in processes imposed as a sentence or a condition of probation:

*Any statements made during the conference shall be confidential and shall not be used as a basis for charging or prosecuting the defendant unless the defendant commits a chargeable offense during the conference. (Colo. Rev. Stat. § 18-1.3-104(1)(b.5)(I), § 18-1.3-204(2)(a)(III.5))*

In 2019, the general assembly added protections for statements made during restorative processes conducted under the Children's Code, including juvenile delinquency proceedings:

*Any statements made during the restorative justice process are confidential and shall not be used against the juvenile, or as a basis for charging or prosecuting the juvenile, unless the juvenile commits a chargeable offense during the process. Nothing precludes a person from reporting child abuse or neglect when required under section 19-3-304, or a mental health provider from complying with a duty to warn under section 13-21-117. (Colo. Rev. Stat. § 19-1-103(94.1))*

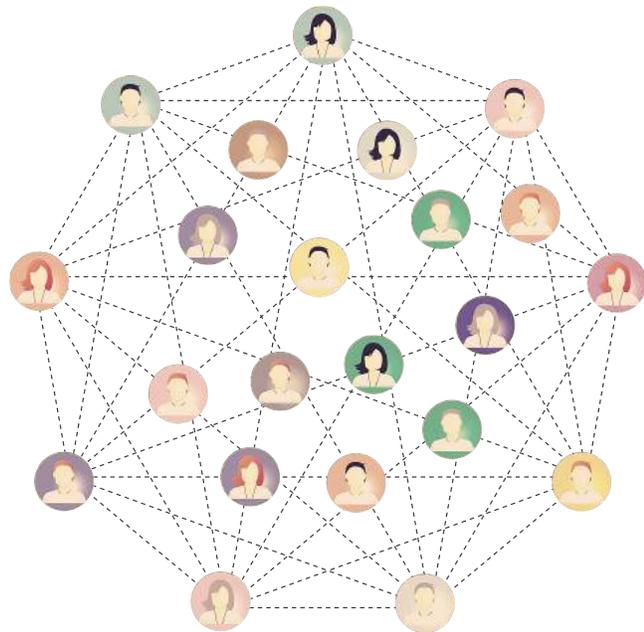
Nevertheless, many restorative justice practices in Colorado occur outside of these specific circumstances, either in formal contexts not specified above or outside of the formal juvenile and criminal systems - for instance, in private practice. More than half (58%) of Colorado restorative justice programs have a written confidentiality agreement signed by all participants. An additional 41% of programs make requests of participants to keep processes confidential, but do not have written agreements. Only one third of programs inform participants of any limitations of confidentiality for their restorative justice processes. Some programs expressed confidence in the confidentiality of their current practices, while other expressed concern. This is an area of ongoing focus for Colorado restorative justice practitioners.

# COMMUNITY ENGAGEMENT WITH RESTORATIVE JUSTICE

Finally, we asked Colorado restorative justice practitioners and programs to provide information about their communities of support, including organizational networks, community engagement, victim involvement, and attention to diversity and inclusion.

## Organizational Networks

Organizational relationships and networks are important in Colorado restorative justice practices. Half of responding programs specifically noted ways in which key relationships and collaborations had enhanced or furthered their practice. These included collaborations with other practitioners, victim services, police, district attorneys and diversion programs, courts and judges, probation departments, municipal programs, victims, offenders, the community, and national colleagues. One program stated expressly: *Relationships create more referrals.*



Conversely, programs report that poor or absent collaborations have prevented their work from moving forward. Where practitioners have experienced resistance from police, prosecutors, schools, and corrections, fewer referrals and less effective work results.

Colorado restorative justice programs provided information about the top five organizations they collaborate with in their work. Organizations cumulatively listed more than 150 organizations important to their work, spanning all sectors. These organizations trade referrals and training, advocate and coalition build together, and collaborate in numerous other ways. A handful of organizations surfaced as central “hubs” in the Colorado restorative justice network – organizations with several other organizations connected to them. The Colorado Restorative Justice Council is the largest hub, while the Longmont Community Justice Partnership, the Colorado Coalition for Restorative Justice Practices, and the Restorative Justice Program at CU Boulder follow. Organizations not listed on the chart below were named as collaborators by three or fewer other organizations.

**Figure 17. The Colorado Restorative Justice Council is the “Most Networked” Organization in the Community**



**Community Engagement**

Colorado restorative justice programs describe community involvement as “one of our biggest challenges” and “a work in progress.” While about 74% of programs have community members participate in circles or conferences and 52% have volunteer facilitators from the community, less than 20% of programs report that the community is involved in other ways – such as strategic planning or needs assessment. In particular, schools report less community involvement due to the nature of school-based processes as internally focused (for them, community equals school community). Programs credit “lack of awareness” as contributing to low community involvement as well as negative or false pre-conceived notions about restorative justice or actual resistance toward the practices.

To further explore the public perception of restorative justice, our team engaged in intercept polling at public locations in Denver. In this polling method, people are “intercepted” in public places and asked to provide opinions on an issue. While the results of intercept polling cannot be considered statistically random or generalizable to the whole community, a large number of responses can shed some light on public opinion about a specific topic. Our team gathered 335 responses over two days of intercept polling in three public locations: the 16th Street Mall, City Park, and The People's Fair.

We devised three scenarios which typify common restorative justice practices in Colorado:

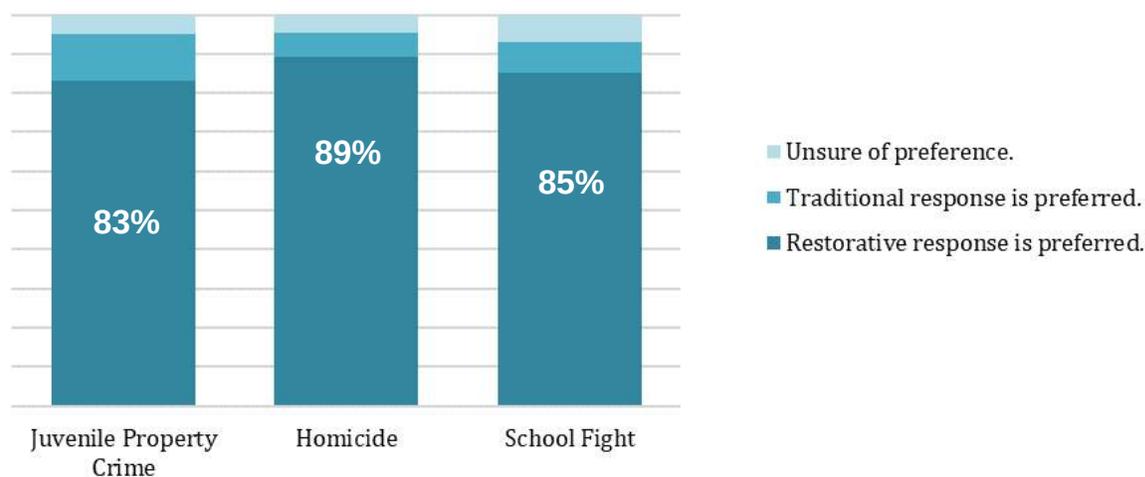
- (1) A scenario proposing traditional and restorative responses (in this case community conferencing) in the event of a juvenile property crime.
- (2) A scenario proposing traditional and restorative responses (in this case, a post-sentencing victim offender dialogue) in the event of a homicide resulting in a life sentence.
- (3) A scenario proposing traditional and restorative responses (in this case, school-based discipline practices) in the event of a school fight.

We asked intercepted respondents to respond to a short description of one scenario and indicate their preferred response – traditional or restorative – as well as react to other conditions that might affect their decision, such as criminal history. It should be noted that solutions were offered, and preferences expressed, without identifying restorative solutions by the name “restorative justice.” Before ending the interaction, we asked respondents whether they were familiar with the term “restorative justice” and what they knew about it.

The results of our poll suggest that there is widespread philosophical support for the use of restorative justice. Across types of scenarios, 85% of respondents indicated that they preferred the restorative solution offered to the traditional solution.

### Figure 18. Public Polling Suggests that Most Prefer Restorative Responses to Justice Scenarios

Responses based on 335 intercept polls conducted in Denver.



Respondents were also asked whether other conditions would make a difference in their decision, and many responded that extenuating circumstances of a case would matter or at least might matter. In the instance of a juvenile property crime, 44.4% of respondents who preferred a restorative process to traditional prosecution said it may make a difference if the juvenile were a first time offender, and 31.3% said it may make a difference if the juvenile were in a gang. Similarly, in the instance of a fight among students on school property, 50% of respondents who supported a restorative process said it may make a difference if the involved students had a history of discipline problems.

It should certainly be noted that there are limitations to the applicability of this data. What it suggests is that the community has some level of readiness for the application of restorative practices in a variety of situations, including following serious violent crimes. However, this poll reports residents' reactions to abstract scenarios, not personal ones. It is unknown whether the respondents would actually choose a restorative response if they or their loved one were a victim or survivor of crime.

## Diversity and Inclusion

### Victim Inclusion

Programs report low victim involvement as a challenge to implementing restorative practices in a victim-centered manner. While more than half of programs report that victims are “often” or “always” involved in processes, about one third of programs say that direct victims are only “sometimes” involved in their cases. About one in ten programs report that direct victims are “rarely” or “never” involved. Some point to “not having information about victims” as contributing to this challenge, while others suggest that programs are unskilled in engaging victims.

Low participation by victims may also be related to the unintended consequences of the growth of diversionary and court-based practices in Colorado, where offender outcomes are a point of focus. In these settings, data about the outcomes of restorative justice are collected more often for responsible parties than harmed parties. As “victim-centeredness” is a fundamental value of restorative justice in Colorado, more data is needed to understand the causes and consequences of victim participation (or non-participation) in Colorado restorative justice programs.

### Racial and Ethnic Diversity

Research suggests that attending to selection bias is an important implementation issue for restorative justice programs. A limitation of this assessment is that it only explores practitioner perceptions and not actual demographics of clients and service providers. Programs were asked to rate the “match” between the racial demographics of their staff and volunteers and their clients, as well as between their clients and their community. Programs rated this match on a scale of 1 to 5, with 1 representing “a great deal” and 5 representing “not at all.” On average, programs perceive that the racial demographics of their staff and volunteers is reflective of their clients “somewhat,” giving an average rating of 2.92. This average reflects a wide range of responses, with 18% of respondents reporting they match very little, 23% reporting they match quite a bit, and 9% reporting they match a great deal.

Further, on average, programs perceive that the race of their clients reflects the race of their community. When asked to what extent their clients match their community, programs gave an average rating of 2.24 – closer to “quite a bit” than “somewhat.” Again, this reflects a range of responses, with 6% of respondents reporting they match very little, 25% reporting they match somewhat, 47% reporting they match quite a bit, and 19% reporting they match a great deal.

Reports from Colorado’s state pilot projects suggest that enrollment in state-funded restorative justice programs is similar in racial demographics to the project communities. While national research demonstrates that rates of arrest, prosecution, conviction, and sentencing are higher for people of color, local data about the racial demographics at arrest and prosecution stages are inconsistent or unavailable for comparison. This is a topic of little clarity, which requires further attention and the collection of relevant demographic data.

## CREATING COLLABORATION BETWEEN VICTIM SERVICES PROVIDERS AND RESTORATIVE JUSTICE PRACTITIONERS



Since 1982, the Colorado Organization for Victim Assistance (COVA) has been committed to fairness and healing for crime victims, their families and communities through leadership, education, and advocacy. After becoming involved in the Colorado Victim Offender Dialogue Project, COVA recognized a need for greater understanding and collaboration between victim advocates and restorative justice practitioners. Nancy Lewis, Executive Director of COVA, says, "Between victim services and restorative justice practitioners, there is a lack of understanding across the United States." In 2018, COVA initiated the Victim Advocate and Restorative Justice Practitioner Training to create enhanced collaboration between the two groups to better serve crime victims and offenders. The training is offered in collaboration with the Colorado Coalition for Restorative Justice Practices and is sponsored by the Colorado Restorative Justice Coordinating Council. To date, COVA has provided five trainings for 58 victim services providers and 64 restorative justice practitioners across the state.

According to Lewis, the adversarial justice system can contribute to distance and division between these two groups. The training works to bridge this divide by finding commonalities and shared meaning.

**"I learned more about how restorative justice can benefit victims of crime. I realized how healing it can be for all involved."**

**– Victim Services Provider**

**"Today I learned about victim advocacy, how trauma works and ways to integrate RJ and VS. I am excited to take the new found victim services information and apply it to circles and RJ practices."**

**– RJ Practitioner**

Lewis notes that funding from the State Restorative Justice Council as well as the willingness of both victim advocates and restorative practitioners to come together have been integral to the success of the trainings. Since restorative justice should be victim-centered, Lewis believes there is a need for greater involvement of victim advocates in restorative justice processes. She adds that there is also a need for collaboration with restorative justice practitioners, so that victim advocates are knowledgeable about the availability of restorative justice and can provide this resource to victims.



### Honoring Indigenous Knowledge

Restorative justice is widely associated with a number of indigenous practices that focus on peacemaking and reconciliation in communities. About half (45%) of Colorado restorative justice programs consider their practices to be based on indigenous or Native American teachings. This includes 50% of non-profit organizations, but only 20% of government agencies. In other words, government agencies are less likely to view their programs as rooted in indigenous practices. Nineteen percent of respondents reported that they were “unsure,” including one third of government agencies.

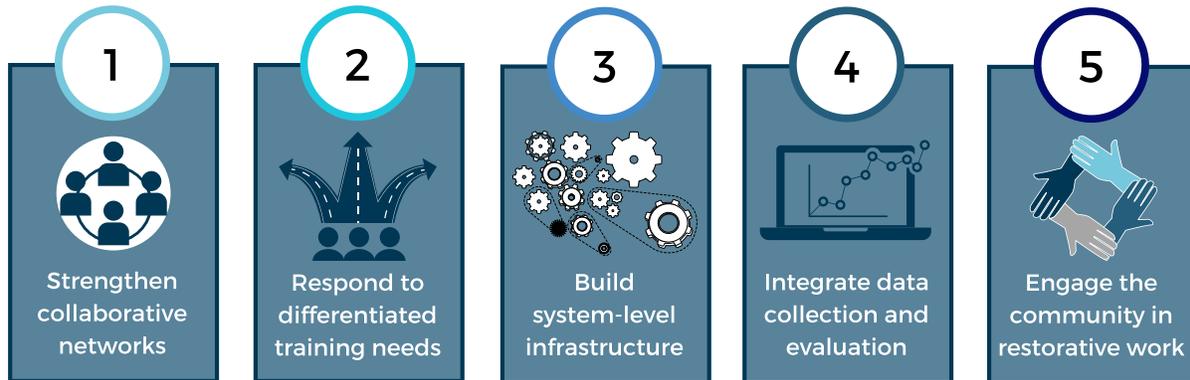
Despite the fact that many Colorado programs view their practices as originating from indigenous teachings, results of this inquiry suggest that Colorado practices are delivered largely in isolation from Native communities or leadership. Only a few of the 62 responding programs reported that indigenous or Native communities are involved in leadership or collaborative roles. While a handful of programs reported that they had attended trainings with Native groups or were currently cultivating partnerships with tribe or tribal leaders, another captured the sentiments of several others, saying:

*[We involve the Native community] through literature, trainings that we attend, and resources we value, but we do not have any indigenous communities directly involved.*

Seventy-six percent of organizations across sectors indicated that they would be interested in education or other programmatic assistance from indigenous community leaders with knowledge in indigenous peacemaking methods.

# RECOMMENDATIONS

Based on findings from this assessment of Colorado restorative justice practices implementation, we suggest the following actions for supporting the collaboration and expansion of restorative justice programs and systems across the state:



## Strengthen Collaborative Networks

Colorado restorative justice programs cite collaborative relationships as a critical arena for growing their practice. While restorative justice organizations cumulatively report a number of collaborative partners, there are only a handful of “hubs” – organizations with several other organizations connected to them (See Figure 17). The most central hubs are coalitions or large programs serving a high volume of cases. Better connecting organizations within and across judicial districts may support the exchange of referrals and problem-solving around infrastructure and policy issues. As restorative justice practitioners know, a well-tended relationship can often solve a problem that a finely tuned strategy cannot.

In addition, strengthening collaborative networks between restorative justice organizations and their system counterparts – such as police, schools, and courts – may allow the community to share resources more effectively. Colorado’s restorative justice organizations are resourceful and rich in knowledge. There is a core group of practitioners, who are highly educated and highly trained, with more than 15 years of experiences in restorative practices and hundreds of cases facilitated. However, as many organizations report they *need* training as report they *provide* training. While it is likely that some program training needs are specialized, it is also likely that the existing network of restorative justice practitioners is an untapped resource.

## Respond to Differentiated Training Needs

Programs in different sectors report different needs related to training and guidance. Non-profit organizations and schools rank training needs higher than other sectors (See Figure 10), while government agencies place a higher need on guidance documents to support the implementation of specific practices. Government agencies were likewise the least likely to report having read the state Standards of Practice, suggesting that short, simple, and specific guidance documents might provide the best support for safe and effective implementation in these settings.

In addition, more established organizations and programs have high-level training needs and desires, which allow them to better address confidentiality, to strengthen indigenous teachings in their practices, or to address infrastructure and process challenges in collaboration with system partners. While training in RJ basics and facilitation models are abundant, specialized training for established practitioners is not. By listening closely to learn more about what each sector, organization, and practitioner needs to be successful, the restorative justice community may be able to build a more responsive array of offerings that facilitate established practices in addition to new ones. Developing and supporting Communities of Practice for established organizations and facilitators is another potential mechanism for both assessing and responding to high-level implementation needs by drawing on the wisdom of the community, including the wisdom of indigenous and native populations in Colorado engaged in traditional restorative practices.

## Build System-Level Infrastructure

Recent legislation in Colorado has provided policy support for restorative justice practices across court, correctional, and school settings. Some policies are merely encouraging, while others are quite robust. Individual programs and practitioners are largely aware of the passage of legislation; however, nearly half of programs are unable to detect the impact of legislation on their professional practice. It may be that programs fail to associate broad changes – like increases in referrals from system sources – with the passage of legislation. However, there is also evidence that the passage of legislation is only the first step in changing system practices. In order to buttress recent policy changes, supportive system-level infrastructure is needed.

A recent study of implementation in Boulder County [11] found that policy uptake has been most associated with the actions of championing agency administrators and the availability of designated funding. Findings in Boulder suggest that successful implementation of restorative justice policy requires a high level of subsequent commitment from the state, implementing agencies, and the community. Policy changes may be meaningless if organizational structures, funding support, and buy-in are not accounted for.

As one of the administrator of state funding for restorative justice, the Colorado Restorative Justice Council must make strategic decisions about the delivery of funding, as evidence suggests that receipt of state funding – and perhaps, related caseload commitments and tracking requirements – has a significant impact on implementation patterns in the targeted communities. The Council may further consider whether there are additional ways to support programs in seeking funding from other sources. Finally, the Council may consider ways to support state agencies targeted by legislative changes in implementing those changes more comprehensively, perhaps through outreach, specialized training, targeted guidance documents, or relationship-building and networking between practitioners and systems at the local level.

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[11] Sliva, S. M., Shaw, M., & Han, T. M. (forthcoming). Policy to practice: An implementation case study in restorative justice. [Contact shannon.sliva@du.edu for manuscript]

## Integrate Data Collection and Evaluation

Colorado restorative justice programs are currently tracking a variety of data to measure their impacts (See Figure 13); however, little of this data is stored in a centralized database or location (See Figure 14). In addition, it is unclear which data points programs are using to capture the data described in Figure 13 or whether these data points are comparable. For instance, one program may track satisfaction on a scale of 1 to 5, another on a scale of 1 to 10, and another by asking multiple questions about specific areas of satisfaction (e.g., Did you get what you hoped for from the process?).

Collecting consistent data and offering a centralized storage location would allow the RJ Council to compare success across programs, across types of practices, or across communities. In addition, a statewide multi-program dataset could assist in establishing a record of high-quality restorative practices across the state, especially if data sharing partnerships allow program data to be matched with state and local indicators such as police filings, incarceration rates, and recidivism. Finally, coordinating data collection would improve knowledge about potential selection bias or racial disparity in the delivery of restorative practices, as well as the reasons for and impacts of victim involvement (or lack thereof).

## Engage the Community in Restorative Work

Restorative justice in Colorado represents decades of successful capacity-building and effective stakeholder engagement. Even so, Colorado restorative justice programs express that lack of buy-in and low community engagement still hinder the expansion of their work. Simultaneously, public intercept polling suggests widespread philosophical support for restorative justice practices as an alternative to traditional school discipline and criminal justice strategies, even in serious cases (See Figure 18). These preferences are accompanied by widespread lack of familiarity with the term “restorative justice.” As a result, expanded outreach to communities using an intentional marketing and communications strategy may be quite effective in increasing support for restorative justice programs.

Strategies for community engagement should attend specifically to victims and survivors of crime and diverse communities. Restorative justice is a process that is centered on the needs of people who have been harmed by crime, yet many Colorado cases in the criminal justice system proceed without the involvement of direct victims. While current evidence suggests that restorative justice-based diversion processes that use surrogates, victim representatives, and other community stakeholders still lead to better outcomes than non-restorative diversion options, direct victim involvement - as well as authentic choice by crime victims - should be maximized. Programs should consider gathering data about the reasons victims participate (or choose not to do so) and engaging with local training opportunities related to the ethical engagement of crime victims in restorative justice.

Similarly, restorative justice programs should further assess participation and leadership by communities of color and indigenous leaders. While most practitioners perceive that their efforts are inclusive, there is little data available to assess racial disparities in the application of restorative justice. All Colorado programs should evaluate whether restorative justice practices are accessed disproportionately by white offenders or white victims and, if so, take steps to ensure that practices fulfill values of inclusion and equity, principles inherent to restorative approaches.



# SUMMARY

This report presents the findings of a statewide assessment of restorative practices in Colorado, ten years after the passage of the state's first restorative justice bill and the creation of the Colorado Restorative Justice Coordinating Council. It finds that restorative justice practices span the state and are integrated into communities, government agencies, and schools. Half of the state's 22 judicial districts use restorative justice as a strategy for diverting youth and/or adults from the criminal justice system, and victim offender dialogues are available statewide to victims and survivors of Colorado crimes. There are private practitioners serving each judicial district across the state in some capacity, and many local areas have access to restorative justice programs across sectors.

At the same time, Colorado restorative justice programs remain short-staffed and underfunded. Most organizations and government agencies employ only one or two staff members and operate on a modest budget. They continually cite funding and structural supports as necessary to their expansion and ability to thrive. Further, many programs are calling for advanced training, more developed practice networks, and support to improve data collection and evaluation.

Despite the capacity limitations faced by the restorative justice field, programs and practitioners in Colorado are generating notable results. According to evaluation reports of state-funded juvenile diversion projects using restorative justice, these programs boast recidivism rates of 8% and below. Victims and survivors who participate in practices are highly satisfied and report that the people responsible for harming them were held accountable. Innovative partnerships between community organizations and government systems are increasingly diverting cases from the courts to the Colorado communities.

This report provides key recommendations for the growth and sustainability of state practices, including: (1) strengthening collaborative networks, (2) responding to differentiated training needs across sectors, (3) building system-level infrastructure to support policy mandates, (4) integrating data collection and evaluation across the state, and (5) engaging the community more deeply in restorative work. With ongoing commitment to building restorative communities, Colorado can continue to lead the way.



