I would like to say “Thank you” to Dr Pavelka for asking me to speak with you today about our Colorado legislative framework. I am Pete Lee, State Representative from Colorado Springs. I have been in the Legislature for four terms and currently Chair the Judiciary Committee. I introduced five bills to implement restorative justice in Colorado. From humble beginnings with a few scattered programs across the state, in less than 10 years ago, we have had some successes that we are proud of. I am honored to share with you what I will call The Colorado Restorative Justice Creation Story.

In the Beginning, which was 2007, the people of Colorado created The Restorative Justice Coordinating Council. Before the Beginning, all was turbulence, darkness and a spirit of anger, vengeance and retribution prevailed across the land. The world was dark and dismal. The people would commit sin and transgressions. They would fight and be incarcerated. Restorative Justice pre-existed, but it was without form, substance and direction. So, knowing there was a better way, Restorative Justice Practitioners went to the Legislature and said “Let there be a Colorado State Restorative Justice Coordinating Council; here shall the Tree of Restorative Justice Knowledge be planted. It shall be the source of wisdom and justice. And thus it came into being, and it was good. Into this august Council gathered all believers in restorative practices from the juvenile justice system, education, human services, law enforcement, courts and, importantly, victims and practitioners. And the believers went forth to educate and proselytize about restorative justice.

And in the second year, 2009, restorative justice was expanded to bear fruit among the children and it became a part of the Children’s Law. A clear definition was created to describe the practices which qualify as restorative justice and the goals of promoting accountability and victim and community healing were made manifest in the law. Restorative justice was added to the advisements to all juvenile transgressors who appeared before the magistrates, it was offered up to judges as a sentencing option and it was granted to probation officers as a permissible option to be used during probation. But restorative justice was prohibited from cases of domestic violence and sexual assault.

In the third year, 2011, light began to appear amidst the darkness and restorative justice, still in its infancy, moved from the exclusive land of the children; its virtues were made manifest to the world of adults, to those incarcerated in prisons, in youth correction facilities and then into the schools. The possibility of forgiveness was introduced into the formerly retributive and punitive system, (by dismissal of charges),
the concepts of victim offender dialogue and conferencing was acknowledged as virtuous and. Practitioners of restorative justice were recognized as wise and were thus anointed by local District Attorneys. And the District Attorneys were tasked with the responsibility for disseminating knowledge about restorative justice to all victims.

In the fourth year, the august State Coordinating Council saw that what had been created was good; it was promoting healing in communities, it was fostering accountability and it was reducing recidivism and costs and they said, “These programs are good, they serve our purposes and thus they should be fruitful and multiply; we shall bring forth others of like kind. “Let there be more restorative justice programs across the lands of Colorado. Let there be pilot programs in Alamosa, in Weld and Larimer Counties, in Boulder and in Pueblo. The Pilot programs shall follow the proven wisdom of the New Zealand model and use pre-filing diversion. And let it be available to youth who committed more grievous sins, offenses up to high felonies. And as their numbers multiply, let us count them and assess their abundance, and proliferation. So a census was ordered to account for all the multitude of programs and participants, to count their successes and to assess their diversity. And too, let the process of restoration be initiated by those that watch over the people, the police, by the least among them, the victims and by the people who have committed offenses as well as by prosecutors. And let there also be a fee imposed on all who commit offenses and the fee will support the spread of good practices among all the people, so they can continue and expand their work.

In the fifth year, 2015, the Council extended the scope of the pilot programs to include more offenses, including municipal offenses and empowered DA’s to waive the first offense requirement- all to expand the inclusiveness of the pilots; because of the good work of the Council and a desire of more to participate, it was expanded to include a public defender and a judge;

In the sixth year, 2017, it was recognized that restorative justice needed to be move from the margins to the mainstream, to be available to even more people; so it was authorized to be part of plea bargains and presentence investigation reports. And, too, the Council continuing contribution to the commonweal was recognized and it was extended indefinitely.

It then came to pass during the evolution of Restorative Justice as it sought its place in the community of people, that there was dissension and disagreements by people with different customs and beliefs who spoke different languages. And although they resided in the same lands and lived together and had common aspirations, like the Tower of Babel, the people began to not understand each other as they had different customs and practices. But the facilitators of restorative justice had a common
language and they could talk to each of the people in their own tongues, which brought about understanding and unity:

To the enlightened and progressives, they spoke about creating communities and repairing relationships.
To the moral conservatives, they emphasized individual responsibility and accountability.
To gendarmes and the enforcers of the laws, they spoke about enhanced public safety, reduced reoffending and recidivism and they spoke of restitution.
To the fiscal conservatives, the facilitators spoke about cost savings.
To the libertarians who were skeptical of all government, the facilitators spoke of a community restorative justice process totally outside and apart from the judicial system.
To the victim advocates, they talked about respect, and the beginning of healing.
The elegance of restorative justice is that it is a common language and can provide for the needs of multitudes of people.

In the seventh year, which is 2017, there was no rest, because restorative justice had not been universally adopted throughout the land. It had not moved from the margins to the mainstream. So the advocates and supporters came to Oakland to confer among themselves and to plan for the next millennium when the principles of respect, responsibility, repair, reintegration and relationships could be more robustly explored. Our restorative justice creation story continues to evolve.

The potential for restorative justice is virtually unlimited. As we work to expand the use of RJ for the most serious crimes and to integrate it into sentencing, as we move restorative justice from the margins to the mainstream, our vision needs to expand to the use of Rj in response to acts of genocide, gross violations of human rights, the repairing and redressing of contemporary injustices, such as Ferguson, Cleveland, Staten Island and many more, and to historical injustices such as slavery and disproportionate minority incarceration. Why can’t restorative justice and reparative circles be used for environmental disasters such as the Animas River in Colorado and the BP oil spill in the Gulf. Of course it can.

Imagine an educational system in which all elementary school children are immersed in the vocabulary of restorative practices and the healing powers of the peace rose talking piece are understood by all.

Imagine middle schools and high schools where restorative justice conferences are the first option for school misconduct; where no kids are suspended or expelled, and the school to prison pipeline is disrupted;
Imagine a criminal justice system in which restorative justice is the first option and only in cases where the offender is deemed unsuitable, that the conventional system is used;

Imagine a criminal justice system in which all victims are given an opportunity to meet with their offender, or an offender surrogate, to get the answers that they seek so they can begin the process of healing;

We are proud of our past in Colorado, but we are more excited about our future.