Colorado Officials Praise Progress of Restorative Justice Programs

By Megan Schrader • Published: June 22, 2015 •

The Weld County juvenile was facing serious charges. He'd brought a knife to middle school and shown it to two girls, who felt threatened.

Mothers of the victims wanted him prosecuted to the fullest extent of the law, likely a felony.

But when they all sat down together, things changed, says Kirsta Britton of the Weld County District Attorney's Office.

"They went through that conference and they found that this boy, who had brought this knife to school, had been bullied pretty severely ... it was preventative protection for him," Britton said.
"They were all able to see each other's side of it. They all hugged at the end."

That's the beauty of a juvenile restorative justice pilot program that is putting victims together with offenders to rectify crimes before charges are filed in court, says Deb Witzel, director of the state's Restorative Justice Coordinating Council.

"The focus was on juveniles and giving kids the opportunity to use restorative justice practices and repair the harm that they have done and have the opportunity to make things right so they could not enter the criminal justice system," Witzel said.

"Of the 90 percent who complete their agreements to make things right, the recidivism rate is 10 percent or less. ... It's kind of hard to say no to something that clearly works so well."

That was the intent behind a bill introduced by Rep. Pete Lee, D-Colorado Springs, and Sen. Linda Newell, D-Littleton, in 2013 that set aside more than $500,000 for pilot restorative justice programs in four communities and collection of data on the programs (the money comes from a new $10 fee associated with criminal convictions).

As of June 2014, 89 juveniles in the program had reached agreements to repair harm in their cases (69 were still reaching an agreement), and of those only three were deemed failures.

In Boulder County, District Attorney Stan Garnett has his numbers. Every year, that office sees between 550 and 680 juvenile cases. Of those, only 30 percent had been going through restorative justice-like programs known as diversion and only after charges had been filed.
Now, a year since the pilot program began, 70 percent of cases are going through diversion programs and none of those juveniles had official charges filed.

"It provides an intuitive and appropriate way for juveniles to be held accountable but still move forward with their lives," Garnett said.

One of the bigger problems with filing a juvenile case is the implications on a juvenile's future - whether that's college, military or career, he said.

Restorative justice improves the chances those juveniles will keep moving forward, despite their mistakes, and become taxpayers and productive members of society, Garnett said.

In addition to the programs in the 19th and 20th judicial districts (Weld and Boulder counties), pilot programs were set up in the 10th Judicial District in Pueblo County and the 12th Judicial District, which includes Alamosa, Conejos, Costilla, Mineral, Rio Grande and Saguache counties.

Lee said he's pleased with how the pilot program is working and hopes to continue collecting data to make a case for a broader application of the program.

He also wants to make sure the program is being offered equally to minorities and at-risk juveniles and not only being used for affluent suburban youth.

Part of the data collected under his bill includes the age, gender and race of offenders in the program as well as the degree of their crime.

"Part of the purpose of the restorative justice pilot program was to develop evidence of the effectiveness in order to make it more appealing to district attorneys, prosecutors and public defenders so it will feel more mainstream," Lee said. "I want to make restorative justice the first and viable alternative for offenses."

Witzel said there is a scattering of restorative justice programs across the state, including a longstanding and effective program in Longmont, where she started her career in diversion work with juveniles.

In 2007, the Restorative Justice Coordinating Council was formed to provide resources to those programs, but it functioned without funding.

She joined the council in 2009.

"We give offenders the opportunity to take responsibility for their actions instead of giving them opportunities to plea bargain or live in fear," Witzel said.

"It's not an easy thing to do to sit in the face of the people you did harm to."
Britton said that in the Weld County case the mother of one of the victims ended up tutoring the juvenile who was in trouble with the law.

"One of the things that I love about restorative justice is that so often people call the police when they really should just be speaking to one another and this allows for the humanity to come back into it," Britton said.

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