

**PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
DECEMBER 10, 2020**

Members Present: Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member
Council Member Dave Gruber
Council Member Juan Marcano
Council Member Marsha Berzins

Others Present: J. Batchelor, A. Robnett, C. Hills, C. Andersen, D. Brotzman, I. Evans, J. Lanigan, J. Drake, J. Twombly, J. Schneebeck, J. Heckman, K. Leyba, K. McGoey, C. Amsler, M. Fassio, M. Hays, M. Chapman, M. Platt, R. Payan, S. Day, S. Redfearn, W. Wilson, W. Lippman, Z. DeBoyes, T. Plucinski

REVIEW/APPROVAL OF MINUTES

November 19, 2020 minutes approved.

ANNOUNCEMENTS

None.

CONSENT ITEMS

2020 Agenda Item Summary

CM Hiltz noted that the committee was able to get a lot done in 2020. She thanked all the staff and outside presenters for the items presented. CM Gardner commented that he likes doing accomplishment lists to reflect back on what was done. He recognized the Chair for her management of the agenda items during this difficult year. He added that the Committee should be proud of all the work they did this year. They worked together really well addressing challenges they didn't expect at the beginning of the year. He also recognized Staff for all their work this year. CM Hiltz appreciates the kind words and agreed it has been a challenging year in terms of topics and time. She agrees that the Committee has been good to work with and she hopes the conversations started can continue going forward.

RESTORATIVE JUSTICE PRESENTATION

Summary of Issue and Discussion

CM Hiltz explained this item was something all three committee members had worked on and CM Gardner had taken the lead in setting up a lot of the conversations. CM Gardner added that this is a topic all three had spent a significant amount of time on over the last several months. They met with stakeholders in the city and outside the city. They spoke with several municipalities to understand how their programs work. They spoke with the Colorado Restorative Justice Council to discuss funds available and other things from their perspective. He introduced Kathleen McGoey, Executive Director of Longmont Community Justice Partnership, and Toby Plucinski, an officer at Longmont Police Department.

K. McGoey explained LCJP was founded in 1994 and is one of the longest running restorative justice programs in the country. Their program is unique because they partner with police. Most other programs partner with schools or district attorneys. Their key values and model are pretty much the same.

When an officer is called out on service, makes contact with an offender and/or victim of a crime, they have the option to refer the case directly to restorative justice rather than writing a ticket or making an arrest. The victim also has to agree with the referral. If they choose to press charges, restorative justice is no longer an option. They work with adult and juvenile offenders, which makes LCJP unique because most other programs focus on juveniles. They work with misdemeanor and felony crimes however, they do not participate in traffic crimes or anything that carries a mandatory sentence such as sex assaults or domestic violence. The majority of their referrals are for misdemeanor crimes such as theft. The officer will write a report of the incident, but indicate no charges filed against the offender. There is no conviction and it is treated as a diversion process. The report is forwarded to LCJP staff for intake. They then contact the offender and victim and their support people. Staff then matches the case with two volunteer facilitators. The facilitators meet with the offender and victim separately in a pre-conference, or prep meeting, to make sure the case is a good match for restorative justice, it is being done voluntarily, and that they know what to expect. The parties then come together in a community group conference. Included in this meeting are the two facilitators, the offenders, victims, their support group, the officers if available, and two community member volunteers. The emphasis of the conference is to discuss what happened and what can you take responsibility for, who was affected and how, and what can be done to make things right. The final phase of the conference is looking at the harms and the strengths of the offender and the whole group brainstorms specific actions that the offender will take to make things right with the victim, their family, their community, and themselves. Their two main goals are to make sure there is a place in the justice system for those that have been harmed and create a meaningful learning experience for the offenders that will hopefully change their behavior and lead them to make better decisions in the future. The determined actions go into a contract with a deadline. As long as all the actions are completed within the deadline, the program will be closed, and no charges will be filed. If they don't complete the contract or they re-offend during the contract phase, the case is referred back to the officer and they use their discretion to take the next action.

Ninety-four percent of the conferences have an officer participate, which builds police/community relationships. Seventy-five percent of all the conference roles are filled by volunteers. They work with 100-120 cases per year. Of the cases that go to conference, they have a 90-95% success rate. Of those that don't complete the contract, 1-2% re-offend during the contract. A recent study of 2,500 offenders that went through the LCJP program from 2006-2019 indicated a 3.5% recidivism rate. Most diversion programs cite under 10% and the State of Colorado study of their state funded restorative justice programs cited 8% recidivism rates. Restorative justice is intended to be a victim-centered process and the fact that they have a 98-100% of all participating victims reporting feeling satisfied and that the offender was held accountable is one of their primary measurements of success.

Officer T. Plucinski is one of 15 liaisons in Longmont. Liaisons assist LCJP in educating police departments on restorative justice and how to refer cases and implement similar processes. They will fill in for officers that can't make the conference meeting. They will also assist with handling the refer-back if offenders don't meet the contract requirements. The ability to have options outside of conventional or traditional criminal justice system has been a great tool in helping people learn from their mistakes. It's important to reiterate that this diversion takes them away from seeing the courtroom or being adjudicated in any way. He was not an advocate at first, but after being involved he sees the benefit of having such a program available. CM Hiltz noted that making a skeptic a believer speaks to the success of the program.

CM Gardner asked what they would say to those that feel restorative justice is soft on crime. T. Plucinski responded that in most cases related to juveniles, the parent is normally the most affected. Going through restorative justice, the juvenile is the one tasked with doing all the work. For adults, they may pay a fine or go to jail for a few months, requiring the community to pay for them to be housed in the detention center. Restorative justice requires them to pay for everything and do all the work. K. McGoey added that many skeptics convert because the offender has to take responsibility and contributes to change in behavior. CM

Gardner encourages anyone that is able to attend one of the LCJP orientations if they have the opportunity or interest.

CM Lawson asked how important it is to have the parent involved with juvenile participants. K. McGoey explained the Colorado Children's Code and understanding the required support should be the reference point. They don't want access to restorative justice to be limited if the juveniles don't have the support. It's a requirement that they can't move forward without a responsible adult present. This person could be a mentor or another community member trained to fill this role. Some parents do request that tickets be given because they have given up so other services and education can be provided to support the parent.

City Attorney Julie Heckman asked if there are instances where the offender or victim agrees to participate and then backs out during the conference and how are those handled. K. McGoey explained that has rarely happened. In her 8 years, she had one conference that was ended and one that almost ended. The process includes multiple screenings prior to the conference. They do not want to risk harming the victim further during the conference. The one conference that ended was referred back to the officer and a ticket was issued. J. Heckman asked that if at any point during the screening it is decided not to move forward that the case would be referred back to the officer. K. McGoey confirmed the case would be referred back to staff for review and possible referral back to the officer. J. Heckman asked if a victim is not comfortable participating in the conference, that a community member can stand in for them. K. McGoey noted that she is okay with the case moving forward this way and would either ask them to write an impact statement and/or have a surrogate victim represent them.

Juvenile Court Program Assistant Sonya Beauman added that there has been a para-dynamic change in social justice. She asked if this program would be socially responsive and are the facilitators going to look like the community so the kids can identify with them. K. McGoey noted that restorative justice is generally movement-led. She notes that it is crucial to recruit individuals that represent the community they will be serving.

Police Chief Vanessa Wilson thanked the Committee for bringing this for discussion. She added that she has done a lot of research since talking to Council members and is interested in learning more about this program. She has reached out to address Sonya's question. There is a group in the metro area called Colorado Circles for Change. They are culturally diverse and knowledgeable in dealing with juveniles involved in gangs or living in a gang environment. If this is implemented in Aurora, she believes officers will be willing to get something out of it and feel like they are giving back to the community.

CM Hiltz added this would be the first of many conversations. She would like to discuss who to serve, what to implement, and the format to do that moving forward. She appreciates everyone's time for the presentation.

Outcome

Information Only

Follow-up Action

None.

MISCELLANEOUS ITEMS FOR CONSIDERATION

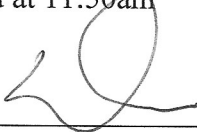
There is a webinar at 12pm today for Firefighter wellness and cancer screenings.

NEXT MEETING AGENDA ITEMS

January meeting not confirmed and to be determined when Committee assignments are determined.

Meeting adjourned at 11:50am

APPROVED:



Dave Gruber, Chair

