

Restorative Denver Third Annual Report 2022

A 19-year-old woman had just filled up her car and was exiting the gas station. She failed to look both ways as she pulled onto the road and hit a bicyclist who was riding on the sidewalk. A bystander called 911 and soon the paramedics arrived to assist the cyclist who had obvious head and body injuries. The driver showed immediate remorse. She was sobbing and begging for information about the cyclist's condition. The cyclist was taken to the hospital and the woman never received an update on her condition.

For months the woman feared the worst and convinced herself that the cyclist was now greatly impaired. She was traumatized by the incident. She suffered from depression, had trouble concentrating, and was forced to quit her job and stop attending school. When the case got referred to Restorative Denver, the woman finally had a chance to repair the harm and receive healing for herself as well.

The cyclist and her husband participated in the community group conference, along with a community member who was also a cyclist and familiar with bike safety. When the conference began, the woman broke down because she was finally about to meet the cyclist and learn that after a lengthy recovery, her life was getting back to normal. Her worst nightmare was over. The woman spoke with her and apologized with sincerity. The cyclist and her husband had tremendous empathy for the woman and as part of the contract to repair the harm, they decided to volunteer together with Bicycle Colorado to create a bike safety video. Through Restorative Denver, the woman was able to accept responsibility for her actions and learn how the incident impacted the cyclist and her husband. The cyclist accepted the woman's apology, supported her while she took accountability, and also urged her to continue her education and have a successful life. Both parties were able to heal and decided to stay in contact after the case was closed.

Overview:

This story is just one example of how restorative justice can be used in the criminal justice system to promote accountability, repair, and reintegration. Restorative Denver addresses crime, harm, and public safety through a victim-centered, community-based restorative justice program. Restorative justice is a response to crime that focuses on addressing and repairing the harm caused by a criminal offense. Restorative justice, which traces its beginnings to Indigenous cultures, helps crime victims (people harmed) feel supported and empowered and allows defendants (people who caused harm) to understand the impact of their actions and repair the harm they caused to the greatest extent possible. Restorative justice focuses on making things right for the victim and reintegrating defendants back into the community with the skills and awareness to prevent future crime.

The model of restorative justice used by Restorative Denver is called Community Group Conferencing. After preparation, trained facilitators bring together the person harmed, person who caused harm, community members, and support people to discuss what happened, the resulting harm, who was impacted, and how the defendant can repair the harm.

Restorative Denver uses both victim/defendant and person harmed/person who caused harm language in this report recognizing that while victim and defendant are the common terminology in the criminal justice system, restorative justice seeks to move away from those traditional labels and instead refer to the parties in terms of their relationship to the harm caused or experienced.

Cases Referred to Restorative Denver:

Restorative Denver is a partnership between the Denver District Attorney’s Office and a community-based nonprofit organization, The Conflict Center. Eligible cases are screened by the DA’s Office and then referred to The Conflict Center to be handled through a community-based, restorative justice process (community group conference model). Restorative Denver strives to ensure that all defendants receive an equitable opportunity to participate in the program.

To be eligible for Restorative Denver, defendants must be willing to take accountability for their actions and agree to work on repairing the harm caused; and victims must be open to having their cases handled through restorative justice, whether or not they decide to participate. Additionally, the assigned district attorney must agree to refer the case to Restorative Denver.

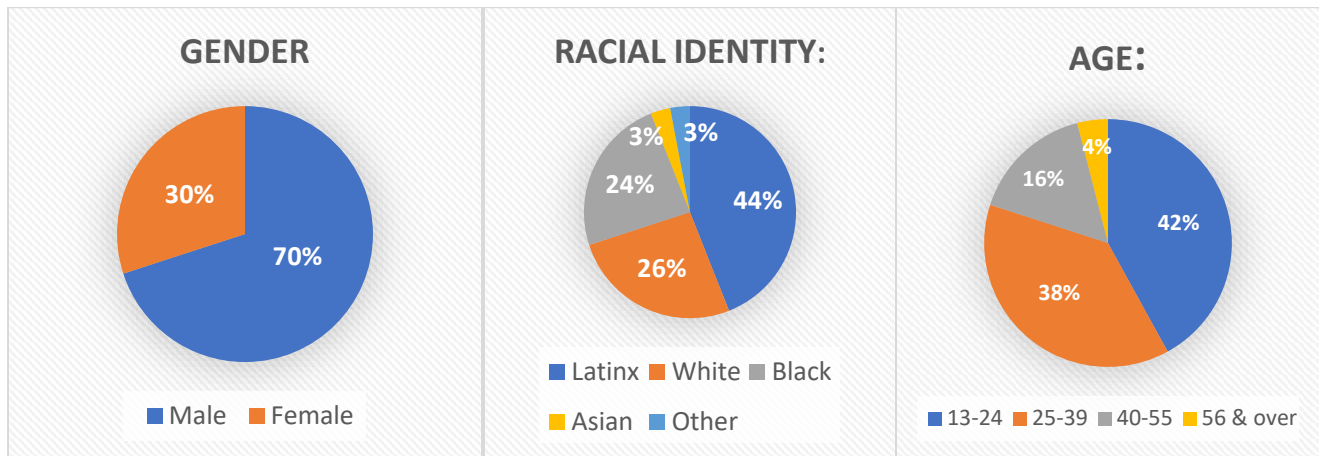
Restorative Denver Statistics

Year 3 Statistics:	Overall Statistics Since Restorative Denver Began in October 2019:
<ul style="list-style-type: none"> • 115: Case referrals • 99: Successful completions • 1: Person withdrew prior to starting RJ programming • 4: People were unsuccessful 	<ul style="list-style-type: none"> • 273: Case referrals • 206: Successful completions • 9: People withdrew prior to starting RJ programming • 6: People were unsuccessful

In year three, Restorative Denver increased its capacity and began accepting 10 cases a month. Demand for the program from the District Attorney’s Office continues to increase and now the office easily refers 10 cases each month. As interest continues growing, Restorative Denver is working to develop a thematic group process which would allow the program to serve more cases within a particular charge, reducing the number of resources needed per case.

Defendants/Persons Who Caused Harm:

Demographics of the 115 people referred to Restorative Denver in Year 3



Education Level Completed:	
•Primary:	24%
•GED:	9%
•High School:	52%
•Associates:	5%
•Bachelors:	7%
•Graduate:	3%

Employment Status:	
• Student:	8%
• Part-time:	8%
• Full-time:	63%
• Unemployed:	16%
• Retired:	3%
• Disability:	2%

Attorney Status:	
•Public Defender:	58%
•Private Counsel:	31%
•Pro se:	11%

“I was wary about participating, but very glad I did, not just to fix my legal issue, but to restore the relationship between myself and my neighbor.”

“My eyes are more open to the steps I need to take to make myself and others better in the future.”

“I am more aware of my surroundings along with more conscious of the harm my actions can cause. I am grateful that I had the opportunity to participate.”

“I realized how I could be a better person through exploring the harm I’ve done from different perspectives.”

Case Types:

Types of Case Referrals:

- 86% Misdemeanors
- 14% Felonies

Most Commonly Referred Charges:

- 3rd-degree assault
- Careless driving causing injury
- Misdemeanor child abuse
- DUI - when driver is under 21

Victims/Harmed Parties:

Of the 99 cases that successfully completed Restorative Denver in 2022, victim participation was as follows:

- **16%** Personally participated in the process
- **2%** Participated by writing a letter
- **30%** No direct victim, the community was the party harmed
- **51%** Chose not to participate

While the participation numbers for the victim/person harmed are still lower than ideal, participation did increase substantially during year three - increasing from 34% of cases in year two where either the victim personally participated or the community was the harmed party, to 49% of cases in year three.

Similar to previous years there are a few reasons why in 51% of cases, the victim or person harmed chose not to participate. First, as a victim-centered program, harmed parties are given the option, but not required or pressured, to participate. To participate in Restorative Denver, the person harmed has to commit 3-5 hours of time to the process and in low-level misdemeanors, many victims choose not to spend any further time on the case. Second, some of the cases were against large corporations such as Walmart or King Soopers, who largely do not respond to our requests to have a victim representative participate in the process. And finally, many of the cases were against police officers or paramedics, who also generally chose not to participate. In cases where a police officer is the harmed party, there is a police officer who volunteers with Restorative Denver to represent the police officer perspective in many of these cases.

“The facilitator was great. She explained the process, guided everyone through the steps, made suggestions, and kept us on track.”

“They made me feel safe and comfortable enough to listen to the other side of the story and gain a better understanding of the situation.”

“It was amazing. Even though my family is separated, we can now heal and still be a family.”

FUNDING & COSTS:

Restorative Denver's funding comes from a variety of sources including, the Denver District Attorney's Office, grants, individual donations, and general operating funds. Restorative Denver also raised \$21,597 at its 3rd Annual Fundraiser that was held in person for the first time at Hogshead Brewery in November.

Restorative Denver is free for indigent defendants or person who caused harm, provided at a reduced rate to those who are on some form of government assistance, and requires a \$250 program fee for defendants who do not fall into either category. However, about 60% of defendants referred to the program are indigent, so Restorative Denver does not profit much from participant fees, instead this money helps to offset some of the additional costs incurred when an interpreter is used. Restorative Denver is also one of a few programs in the state that offers a volunteer stipend for facilitators. This recognition of the hard costs of volunteering also provides an increased opportunity for people to volunteer.

SUCCESS & RECIDIVISM:

In 2022, 99 people successfully completed Restorative Denver and had their cases dismissed and sealed. Over the same time period, 4 people were unsuccessful, and 1 person withdrew prior to starting any programming. This occurred because the Conflict Center was never able to establish contact with him to start the program after the case was referred.

Overall, in the first three years of Restorative Denver, 95% of participants successfully completed the program, 3% withdrew before starting programming, and 2% were unsuccessful.

Restorative Denver runs statewide reports on recidivism twice a year – in the spring and fall. As of November 1, 2022, 189 people had successfully completed Restorative Denver. Of these successful participants, 4 people reoffended – **a recidivism rate of 2%**.

Notably, in each of the cases where the defendant reoffended, the victim in the Restorative Denver case was open to the case being handled through restorative justice but chose not to participate in the program. This is significant because we expect to find even lower rates of recidivism in cases where the victim participates in the process and speaks to the defendant directly about the impact of his or her actions.

While it is difficult to estimate the recidivism rate for those who go through the traditional criminal justice system, for comparison purposes, defendants who successfully completed probation in January 2019, had recidivism rate of 17% compared to 2% in Restorative Denver. This rate of recidivism includes defendants sentenced to probation on felony, misdemeanor, and municipal charges and was provided by a data analyst in Denver County Court.

Recidivism Methodology:

Restorative Denver collects data on recidivism in Colorado by searching two databases: Colorado State Courts – Data Access, which identifies if a person has a felony or misdemeanor case throughout the state of Colorado, and CourtNet, which identifies if a person has a misdemeanor case in Denver.

For Restorative Denver, a person has recidivated if they successfully completed Restorative Denver and then received a new misdemeanor or felony criminal conviction for a case with a date of offense after they completed the program.

Recidivism Rates:



**2%:
Defendants
who
successfully
completed
Restorative
Denver**

**17%: Defendants
who reoffend after
successfully
completing
probation for a
misdemeanor**



SUCCESS STORY:

A Denver public school teacher had her license plate stolen and then received several toll bills in the mail. The defendant, a young man in his early 20s, was her neighbor. After, the case was referred to Restorative Denver, the teacher expressed her frustration about the months-long process she went through to get new plates and track down late bills. She was also very concerned that her neighbor was the person who did this. Conversely, the young man talked about how this incident was not who he really was and how he really wanted to repair the harm he caused to his neighbor.

Although both parties had things they wanted to say to each other, because the court process does not allow for such dialogue, they never spoke to each other. When they met face-to-face during their community group conference, they were both able to finally express how they had been feeling. The young man took responsibility for his actions and also shared his thoughts on how the neighborhood had changed over the years. They both talked about how they did not know any of their neighbors which made it easier for the young man to depersonalize his actions and steal the license plate.

During the conference, they created a contract to repair the harm which included writing an apology letter and cleaning up an alley in the neighborhood. The day before the clean-up, the parties decided to spend the afternoon together introducing themselves to their neighbors and telling them about the alley clean-up project. Through Restorative Denver, they were able to not only repair the harm, but also to work towards creating community in their neighborhood.

Questions:

If you have any questions or comments about Restorative Denver, please contact Chris Brown-Haugen, Deputy DA for Restorative Justice & Diversion at christina.brown@denverda.org or Beth Yohe, Executive Director of The Conflict Center at beth.yohe@conflictcenter.org.