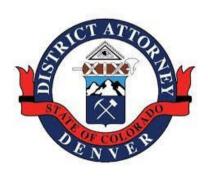
# RESTORATIVE DENVER ANNUAL REPORT 2023







## INTRODUCTION

This past year, a young man with a history of addiction and time spent in rehab went out drinking with a friend. When it was clear both were too drunk to drive home, the young man waited, trying to sober up before driving his even more intoxicated friend home. He ultimately made the decision to drive before he was sober, and when he was pulled over, he was charged with a DUI (driving under the influence).

Because of his history, he knew driving under the influence was wrong. He was quick to take responsibility for his actions and opened up about his fear of having messed up his future after working so hard to address his addiction issues.

Restorative Denver facilitators and community members worked with the young man to empathize, share perspectives and create a healing agreement—for both him and the community. The young man shared how much he learned throughout the process. Specifically, for one of the healing agreement items he chose to attend Alcohol Anonymous meetings and was able to embrace the support and camaraderie of those with similar struggles, which he found useful. He felt safe exploring all of his emotions in that environment, especially owning up to the choices he had made in the past, which then allowed him to open up to his mother in his apology letter to her. Ultimately through the process, in his own words, he gained a strong "perspective of not taking even the smallest risks when it comes to drinking and driving."

With his case dismissed and sealed by completing the Restorative Denver process, this participant is now enrolled in aviation mechanics school and is very excited for and committed to his future success.

This story is just one example of how restorative justice can be used in the criminal justice system to promote accountability, repair and reintegration, while avoiding the collateral consequences of a conviction. This story is one of many similar outcomes for participants in Restorative Denver.

## OVERVIEW: WHAT IS RESTORATIVE DENVER?

Restorative Denver addresses crime, harm and public safety through a victim-centered, community-based restorative justice program. 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 to repair the harm they caused to the greatest extent possible.

RESTORATIVE JUSTICE IS A RESPONSE
TO CRIME THAT FOCUSES ON
ADDRESSING AND REPAIRING THE HARM
CAUSED BY A CRIMINAL OFFENSE.

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.

Restorative Denver, which began in October of 2019, is a partnership between the Denver District Attorney's Office and the community-based nonprofit organization, The Conflict Center. Eligible cases are screened by the DA's Office and referred to The Conflict Center to be handled through a community-based restorative justice process. The model of restorative justice used by Restorative Denver is called Community Group Conferencing.

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.

## How does the process work?

#### **Preparation:**

Eligible cases are screened by the Denver District Attorney's Office and referred to our community partner, The Conflict Center, to begin the RJ process.

Trained facilitators conduct separate meetings with the victim (or their surrogate) and with the defendant to prepare them to speak with each other. Victims may bring a support person with them during each part of the process. All aspects of the restorative justice process are voluntary and confidential.

#### Dialogue:

Once the parties are ready, facilitators bring everyone together in a safe and supportive environment for an open, honest, and guided conversation about what happened, the resulting harm, and how the harm can be repaired.

During the conference, victims have an opportunity to ask questions and let the person who caused the harm know how they were affected by what happened.

Victims may participate in person or virtually, have a surrogate participate on their behalf, write a letter to be read during the conference, or choose not to participate at all.

### **Understanding & Repair:**

At the end of the conversation, participants develop a written agreement of what the defendant can do to repair the harm.

Victims offer ideas of how the person who caused the harm can make amends or repairs.

Defendants who fulfill their agreements will successfully complete the program and have their case dismissed and sealed.

## SUMMARY: RESTORATIVE DENVER STATISTICS

Year 4 Statistics:	Overall Statistics Since Restorative Denver Began in October 2019:
115 case referrals	388 case referrals
111 successful completions	317 successful completions
2 people withdrew prior to starting programming	11 people withdrew prior to starting programming
2 people were unsuccessful	7 people were unsuccessful

## **RESTORATIVE DENVER CASE TYPES:**

Types of Case Referrals:

- 77% Misdemeanors
- 23% Felonies

Most Commonly Referred Charges in 2023:

- Misdemeanor gun possession
- Third-degree assault
- Misdemeanor child abuse
- Felony menacing

In year four, Restorative Denver saw a significant increase in the number of felony cases referred to the program. While 115 cases were referred to the program in both years three and four; in year three, 14% of case referrals were felonies and in year four that number increased by almost 10% so 23% of all case referrals were felonies. The increase speaks to a willingness of prosecutors to resolve more serious criminal offenses through restorative justice.



## **DATA SUMMARY**

This annual report summarizes the data gathered from participants during the fourth year of the program (January to December 2023), which includes 111 successfully completed cases. **The number of successfully completed cases has steadily grown each year** as illustrated in the chart below.

	2020 Restorative Denver	<b>2021</b> Restorative Denver	2022 Restorative Denver	2023 Restorative Denver	2022 Misdemeanors Charged in Denver
Total Cases	40	86	115	115	6941
Gender	62% Male 38% Female	63% Male 37% Female	66% Male 33% Female	65% Male 34% Female 1% Non-Binary	73% Male 26% Female 1% Unknown
Race*	45% White 25% Latinx 23% Black 4% Asian 3% Other	46% White 33% Latinx 17% Black 3% Asian 1% Other	33% White 39% Latinx 17% Black 6% Asian 3% Other	29% White 37% Latinx 28% Black 3% Asian 3% Other	71% White 3% Latinx 21% Black 2% Asian 3% Unknown
Age	35% 13-24 27% 25-39 22% 40-55 6% 56 & over	37% 13-24 41% 25-39 14% 40-55 9% 56 & over	41% 13-24 36% 25-39 15% 40-55 7% 56 & over	50% 13-24 50% 25-39 8% 40-55 6% 56 & over	20% 13-24 51% 25-39 23% 40-55 6% 56 & over

<sup>\*</sup> Misdemeanor data does not disaggregate ethnicity and race so the white/Latinx data is skewed.

The table below provides a brief description and breakdown of respondents by stakeholder group, where "N" is the total number of responses.

Person Who Caused Harm	Person Harmed	Facilitator	Community Member
<ul> <li>Defendant or the person charged with committing a crime.</li> <li>Feedback was gathered via pre-process survey (N = 111) and post-process survey (N = 102).</li> </ul>	Victim of the crime  Feedback was gathered via pre-process survey (N = 3) and post-process survey (N = 5).	<ul> <li>Two people facilitate each Restorative Denver case.</li> <li>Facilitators participate in a 16-hour training and ongoing professional development.</li> <li>Feedback was gathered via post-process survey (N = 206).</li> </ul>	<ul> <li>Volunteers who represent the greater Denver community.</li> <li>Community members participate in a 2.5-hour training and ongoing professional development.</li> <li>Feedback was gathered via post-process survey (N = 178).</li> </ul>

### PERSONS WHO CAUSED HARM

#### Additional Demographic Data, Person Who Caused Harm

Education Level Completed		Employment Status		Attorney Type	•
Primary School	24%	• Full-Time	40%	Public Defender	62%
• GED	7%	Part-Time	16%	Private Counsel	26%
High School	54%	Unemployed	28%	• Pro se	12%
<ul> <li>Associates</li> </ul>	3%	Student	10%		
Bachelors	10%	Disability	4%		
Graduate	2%	Retired	2%		

Persons who caused harm (PCHs) were referred to Restorative Denver on a variety of charges including assault, carrying a concealed weapon, child abuse, driving under the influence (DUI), felony menacing, prohibited use of weapon and careless driving causing injury or death. Before beginning Restorative Denver, PCHs shared a range of hopes they had from participating in the program which included: self-improvement, reconciliation (with the victim and community), learning (about the impact of their actions on the community and how to make reparations) and rehabilitation.

A unique observation from this year's responses was the increase in cases where the PCH expressed a desire to gain practical skills (i.e., parenting or caregiver learning, and responsible gun ownership practices) through the restorative process to avoid future criminal charges. The two PCH responses that showed the greatest growth comparing before and after participating in Restorative Denver were:

- 1. My offense harmed the community. (1 = Not at All, 7 = Very Badly)
- 2. Right now, how do you feel about yourself? (1 = Awful, 7 = Happy with who I am)

The average PCH response to how much their offense harmed the community increased significantly from 3.93 (pre-process) to 4.76 (post-process), suggesting that participation in restorative justice led to a deeper understanding of the ripple effect of a criminal offense and its impact beyond a direct victim. The average PCH response to how they feel about themselves also increased significantly from 4.86 (pre-process) to 5.77 (post-process). This increase reflects the positive impact of participating in a supportive and strength-based RJ process that focuses on repair and healing rather than punishment. Finally, almost all PCHs (96%) indicated they were somewhat or very satisfied with the overall restorative justice process.

#### Highest Averages from the PCH Post-Conference Survey Responses (Range: 1-7):

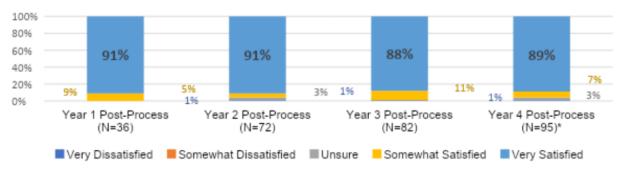
•	The Restorative justice program is treating me with respect	(M=6.80, SD=0.75)
•	Others in the room listened when I spoke	(M=6.76, SD=0.66)
•	Others in the room were looking out for my best interest	(M=6.72, SD=0.72)
•	The agreement we came to will help repair the harm that has been caused	(M=6.63, SD=0.87)

"M" is the average, and "SD" is the standard deviation or measurement of the variation in a set of responses. The higher the SD, the greater the variation or range in responses.

#### Person Caused Harm Pre- and Post-Process Survey Responses

Response Range (1-7): 1 = Not At All, 4= Somewhat, 7 = Very Badly	Pre-Process M (SD) (N = 111)	Post-Process M (SD) (N = 102)
My offense harmed the victim	<b>4.88</b> (1.75)	<b>5.02</b> (1.79)
My offense harmed the community	<b>3.93</b> (1.89)	<b>4.76</b> (1.96)
My offense harmed my family	<b>4.75</b> (1.97)	<b>5.20</b> (1.88)
My offense harmed me	<b>5.71</b> (1.50)	<b>5.71</b> (1.53)
Response Range (1-7): 1 = Awful, 4= Neutral, 7 = Happy With Who I Am	Pre-Process M (SD) (N = 111)	Post-Process M (SD) (N = 102)
Right now, how do you feel about yourself?	<b>4.86</b> (1.76)	<b>5.77</b> (1.32)
Post-Conference Only Response Range (1-7): 1 = Not at All, 4 = Somewhat, 7 = 6	Completely	
The Restorative Justice Program is treating me with respect	NA	<b>6.80</b> (0.75)
I felt prepared, ready	NA	<b>5.96</b> (1.15)
I felt the process was fair	NA	<b>6.57</b> (0.94)
I felt comfortable expressing my true feelings during the process	NA	<b>6.52</b> (0.85)
Others in the room listened when I spoke	NA	<b>6.76</b> (0.66)
Others in the room were looking out for my best interests	NA	<b>6.72</b> (0.72)
The agreement we came to will help repair the harm that has been caused	NA	<b>6.63</b> (0.87)

#### PCH Post-Process Satisfaction (Years 1-4)



<sup>\*</sup>Note: Only 95 of the 111 participants responded to the question "How satisfied were you with the overall process?"

PCH Self-Reported Themes After Participating in Restorative Justice

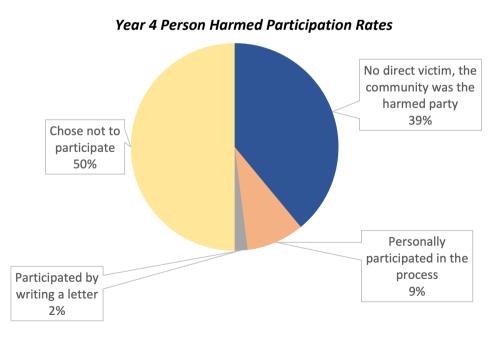
Increased Awareness of the Impact of their Actions & Sense of Responsibility	"I am more aware of my impact, & I have a way to make it right."  "[The process has] impacted my mind set and made me understand different points of view"  "[I now have a] greater understanding of my culpability."
Learned Skills to Support Self-Improvement	"I've taken the initiative to take my mental health more seriously."  "I am making better choices and want to be a resource to anyone who is in or ha[s] been in the same situation."  "I do not participate in alcohol consumption anymore."
Understanding of How to Repair Harm Caused to the Victim and Community	"It has truly helped my perspective, knowing that there are people out there who really care & could help mentor me through some of the things that I could do to try to make this right to everyone that was a part of it. This process has helped restore my faith in so many things, my love of others & myself."  "I now have a marked road towards being a better community member, rather than a convoluted jungle trail."
Stronger Feelings of Connection and Accountability to the Community	"I can barely express with words how grateful & meaningful this process & opportunity were & are for my life. I have a new lease on life, thanks to Restorative Denver. I will always remember & utilize community, therapy, discussion to move through conflict & drama effectivelyIt will be a continual reflection in my meditations as I perform amends, rebuild relations, & grow into an even greater version of myself & helping others to do the same."

## **PERSONS HARMED**

During the fourth year of programming, a total of 12 harmed parties participated in Restorative Denver (personally or via letter-writing); however, only a small portion completed the pre-process survey (3 people) and post-process survey (5 people). While obtaining evaluations from all participants is an ongoing challenge, Restorative Denver successfully increased victim participation over the fourth year of the program. The percentage of cases where either the victim personally participated or the community was the harmed party increased from 34% to 50% over the past two years. In year two, 66% of PHs chose not to participate; in year three, 52% chose not to participate; and in year four 50% chose not to participate. So while the number choosing not to participate is still higher than the goal, each year more harmed parties are choosing to participate in the process.

The reasons persons harmed choose not to participate vary; often they simply want to put the incident behind them. Persons harmed are given a variety of options for participation and some choose to send a letter or contract item suggestion rather than participate in person. It should be noted that a victim must agree to have their case referred to Restorative Denver, regardless of whether they choose to participate in the process.

All persons harmed who completed post-process surveys reported they were very satisfied with the process and completely agreed their cases were handled fairly (all participants gave "7" on 7-point scale). PHs also completely agreed that the contracts developed through the process would help to repair harms, noting the agreements written during the CGC were developed through a collaborative process. When asked what, if anything, had changed for them as result of their participation, participants reported they had increased understanding and confidence in the restorative justice process. In addition, persons harmed indicated that they felt supported and heard during the restorative process and were confident the contracts developed would help to repair the harm.



### Person Harmed Pre- and Post-Process Survey Responses

Response Range (1-7): 1 = Not At all, 4 = Somewhat, 7 = Very Much	Pre-Process M (SD) (N = 3)	Post-Process M (SD) (N = 5)
The offense harmed me	<b>5.33</b> (1.53)	<b>4.40</b> (2.79)
The offense harmed the community	3.33	2.62
·	(1.53) <b>5.33</b>	(1.82) <b>3.00</b>
The offense harmed my family	(1.53)	(1.41)
I feel angry	<b>4.67</b> (2.08)	2.20 (1.64)
I feel like my community cares about me	4.00	5.40
rieer like my community cares about me	(1.73)	(2.30)
My case is being handled fairly	<b>7.00</b> (0.00)	<b>7.00</b> (0.00)
Post-Conference Only Response Range (1-7): 1 = Not at All, 4 = Somewhat, 7 = Completely	Pre-Process	Post-Process M (SD) (N = 5)
The Restorative Justice Program is treating me with respect	NA	<b>7.00</b> (0.00)
I felt prepared and ready	NA	<b>6.40</b> (0.89)
I felt the process was fair	NA	<b>6.80</b> (0.45)
I felt comfortable expressing my true feelings during the process	NA	<b>7.00</b> (0.00)
Others in the conference listened when I spoke	NA	<b>7.00</b> (0.00)
The agreement we came to will help repair the harm that has been caused	NA	<b>7.00</b> (0.00)
Post-Conference Only  Response Range (1-5): 1 = Very Dissatisfied, 3 = Unsure, 5 = Very Satisfied	Pre-Process	Post-Process M (SD) (N = 5)
How satisfied were you with the overall process?	NA	<b>7.00</b> (0.00)

## **COMMUNITY MEMBERS**

Generally, two community member volunteers participated in each community group conference. Community member volunteers represent the greater Denver community and speak to the impact that the criminal offense had on the community and how the harm can be repaired. A total of 178 community members participated in Restorative Denver in year four, continuing the trend of increased participation when compared to the 159 that participated in year three and the 145 that participated in year two.

89% of community members reported they were completely or somewhat satisfied with the restorative justice process. When asked whether the agreement developed during the CGC would help repair the harm caused, 93% gave a "6" or "7" rating on a 7-point scale.

#### **Year 4 Community Member Survey Results**

Post-Conference Only (N = 159)* Response Range (1-5): 1 = Very Dissatisfied, 2 = Somewhat Dissatisfied, 3 = Unsure, 4 = Somewhat Satisfied, 5 = Very Satisfied	M (SD)
How satisfied were you with the overall process?	<b>4.53</b> (1.05)
Post-Conference Only (N = 178) Response Range (1-7): 1 = Not at All, 4 = Somewhat, 7 = Completely	M (SD)
I felt the process was fair	<b>6.68</b> (0.86)
The agreement we came to will help repair the harm that has been caused	<b>6.65</b> (0.71)
The case is being handled fairly	<b>6.76</b> (0.73)

<sup>\*</sup>Note: Only 159 of the 178 participants responded to the question "How satisfied were you with the overall process?"

COMMUNITY MEMBERS REPORTED INCREASED APPRECIATION AND KNOWLEDGE OF RESTORATIVE JUSTICE, COMMUNITY RESOURCES, AND EMPATHY FOR OTHERS AS RESULT OF THEIR PARTICIPATION IN RESTORATIVE DENVER.



I feel a sense of hope for giving back to the community. I can contribute to real conversations, get/give feedback, ask questions specific to my understanding and have the freedom to do that and gain more clarity of the situation as a whole.

- Community Member

## **FACILITATORS**

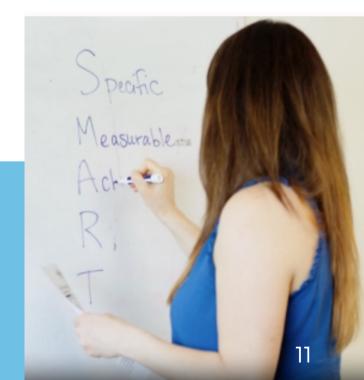
In most community group conferences, two facilitators are assigned to protect against facilitator bias and to support facilitator transfer of learning. In year four, 206 facilitators filled out post-process evaluations (compared to last year's 164), and 96% of facilitators indicated they were somewhat or very satisfied with the overall restorative justice process (gave 4 or 5 rating on a 1-5 scale). Most facilitators (77%) reported that the agreement created during the community group conference was developed through a collaborative process and that all stakeholders had an equal say.

[THE FACILITATORS] DID EVERYTHING PERFECTLY.
- PERSON HARMED

THEY LISTENED; THEY TRULY HEARD
ME AS WELL. THEY BROUGHT UP POINTS
OF VIEW THAT WERE DIFFERENT AND
VERY HELPFUL. THEY HAD GOOD IDEAS
FOR THE CONTRACT.
- PERSON WHO CAUSED HARM

Across the different stakeholder groups. participants shared that they felt prepared. supported and actively included while participating in Restorative Denver. Persons harmed felt the facilitators helped keep the process "organized and timely" and helped frame the expectations for the process. Community members highlighted that the facilitators displayed intentional listening, asked "meaningful questions with care" and provided a supportive and comfortable space for the community group conferences. Persons who caused harm valued how the facilitators prepared them for the process, exemplified "nonjudgmental" listening during the discussion and offered reflective questions and advice during the discussions and contract development.

THE FACILITATOR EXPLAINED EVERYTHING IN GOOD DETAIL. THEY MADE SURE WE KNEW ALL THE STEPS OF THE PROCESS. THEY ALWAYS MADE SPACE FOR THE PCH TO SPEAK. THEY KEPT THE PROCESS MOVING. THEY REMAINED NEUTRAL AND ASKED GOOD PROBING QUESTIONS. – COMMUNITY MEMBER



## SUCCESS & RECIDIVISM

Over the past four years, 377 people have been referred to 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 December 1, 2023, 305 people had successfully completed Restorative Denver. Of these successful participants, only 11 people reoffended over the past four years – a recidivism rate of 3.6%.

Notably, in each of the cases where the defendant reoffended, either the victim chose not to participate in the RJ process, or there was no direct victim and the community was the party harmed. 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.

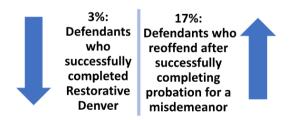
While it is difficult to estimate the recidivism rate for those who go through the traditional criminal justice system, for comparison purposes, defendants whose probation sentence terminated in January 2019 had a recidivism rate of 17% over the following year. This rate of recidivism includes defendants sentenced to probation on felony, misdemeanor, and

municipal charges, and was provided by a Denver County Court data analyst. Significantly, probation only reports recidivism for one year, compared to Restorative Denver which tracks for five years. Even with this difference in time span, Restorative Denver's recidivism rate is drastically lower.

#### 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.



## **FUNDING & COSTS**

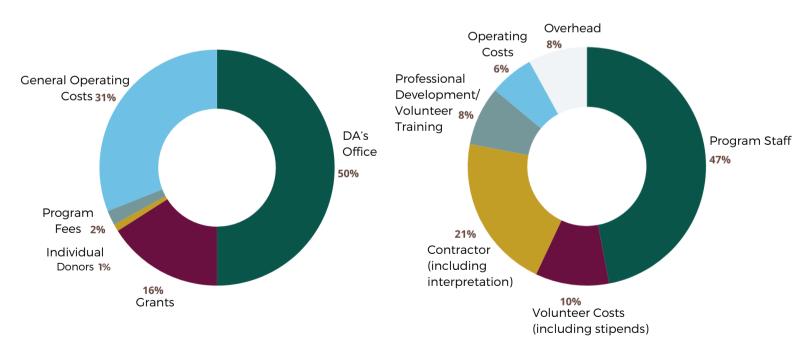
Restorative Denver's funding comes from a variety of sources including, the Denver District Attorney's Office, grants, individual donations and The Conflict Center general operating funds.

Restorative Denver is free for indigent defendants (persons 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 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.

### Financial Overview

#### Restorative Denver Revenue

### Restorative Denver Expenses



## PROGRAM EXPANSION & LOOKING FORWARD

In year four, Restorative Denver continued to serve 10 cases a month in its community group conference program. In addition, The Conflict Center expanded staffing to include a Restorative Denver Case Manager and a Restorative Denver Intake Coordinator, streamlining the intake process for referrals, bolstering outreach to persons harmed and creating capacity for two new processes.

In the spring of 2023, The Conflict Center debuted a new Restorative Denver Overview video featuring DA McCann and participants in the program. The video is available at conflictcenter.org/programs/restorative-denver-program/ and screen shots from the video are featured in the interior pages of this report. In addition, a new Contract Resources Directory was launched to support facilitators and community members in easily searching for agencies, ideas and resources to include in reparative contracts.

In the fall of 2023, The Conflict Center implemented a Spanish-language process which allows participants who speak Spanish to engage in the entire process in Spanish without an interpreter, creating a more equitable and accessible experience. Based on previous years, Restorative Denver anticipates an average of one Spanish-language process per month. Participants who speak a language other than English or Spanish will continue to have access to the program via simultaneous translation.

In December, Restorative Denver began a new thematic restorative justice process, Restoring Responsible Gun Use, for specific misdemeanor gun charges. The purpose of the new process is threefold: (1) to increase equity in referrals to Restorative Denver by ensuring that cases that meet eligibility criteria will be automatically referred to RJ, (2) to increase the capacity of Restorative Denver and also to lessen the number of volunteers needed on each case, and (3) to create a specialized RJ process for gun possession offenses that will be more impactful for persons who caused harm, because it will include parties who have been specifically impacted by gun violence. Restorative Denver anticipates serving between three to six cases a month in the thematic RJ process and has already had five cases referred to the program in 2024. The directory, Spanish language process and thematic program were developed with seed funding from a Colorado RJ Coordinating Council Micro-grant awarded through the State of Colorado.



### DATA ANALYSIS

All data analysis and summary reporting was prepared by Katie Golieb, MSW, with Colorado State University. Questions and comments about the quantitative and qualitative data analysis and thematic writing can be directed to her at Katie.Golieb@colostate.edu.

## QUESTIONS & ADDITIONAL INFORMATION

For questions about Restorative Denver, please contact Chris Brown-Haugen who runs Restorative Denver at the Denver District Attorney's Office at christina.brown@denverda.org or Beth Yohe, the executive director of The Conflict Center at beth.yohe@conflictcenter.org.



