

Colorado's Juvenile Diversion Restorative Justice Grant

August 2020



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Submitted to:

Colorado Restorative Justice Coordinating Council,
Colorado State Court Administrator's Office
August 2020

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Executive Summary

Colorado Restorative Justice in Juvenile Diversion

Since 2014, the Colorado Restorative Justice Coordinating Council (RJ Council) has overseen the development and implementation of a statewide juvenile restorative justice program funded by House Bill 13-1254. The program began as a pilot focused on programs serving youth in pre-file juvenile diversion and transitioned to a grant program in July 2016 to fund additional restorative programs to serve youth in diversion.

OMNI Institute (OMNI) led the evaluation of the juvenile restorative justice program since its inception and focused on services provided to youth in the diversion program and youth referred as a result of a school-based offense that could otherwise have resulted in a charge. Data in the full report reflects data collected from 2014 through May of 2020, including information on youth background and demographics; short-term psychosocial outcomes, satisfaction of victims, offending youth and community members, and recidivism rates. Highlighted here are key findings and recommendations as they relate to the outcomes prioritized in the legislation.

Key Findings

 1,226 youth were referred to RJ from juvenile diversion.

99% of youth reached an agreement during their RJ process.

91% completed their RJ agreement.

 Participation in RJ was reported as having improved participants' experience with the justice system.

Youth, Victims, and Community Members reported high levels of satisfaction with RJ.



Of youth who successfully completed RJ, only **8.6%** recidivated with **91.4%** staying out of the justice system.



Theft and offenses against a person made up nearly two-thirds of referrals to RJ.

Youth completing the evaluation demonstrated improvement on all measured short-term outcomes; connection to family and non-family adults, sense of accountability, remorse, locus of control and empathy.

Key Recommendations

- ✓ As referral sources and priorities within the justice system shift, the RJ Council may seek new opportunities to advocate for restorative justice and practices among educators, law enforcement, judges, and others who work with justice system-involved youth.
- ✓ Standard eligibility, suitability and acceptance criteria should be established to ensure equitable access to restorative justice programming among youth involved in the juvenile justice system. To understand if the youth referred to restorative justice are demographically reflective of the justice involved youth in the communities in which the programs are working, deeper examination of the referral process and overall diversion referral data is recommended. The RJ Council should work with the State Court Administrator's Office and the Division of Criminal Justice to identify whether an appropriate comparison dataset can be accessed.
- ✓ Discussions with grantees have indicated variability in how they define common restorative processes such as "circles" and "conferences." The identification and adoption of standard definitions of restorative processes are needed to encourage consistency across practitioners and ensure messaging and implementation are comparable across programs. Such consistency and continued evaluation of data can assist the restorative justice field identify best practices with confidence.

Restorative Justice in Juvenile Diversion

Relationship • Responsibility • Respect • Repair of Harm • Reintegration

Over the past six years, the Colorado Restorative Justice Coordinating Council (RJ Council) has overseen the development and implementation of a statewide juvenile restorative justice program funded by House Bill 13-1254. The program was originally launched as a pilot focused on programs that served youth enrolled in pre-file juvenile diversion.

The pilot program transitioned to a grant program in July 2016 to fund additional restorative programs to serve youth participating in juvenile diversion, and some school-based prevention programming.

OMNI Institute (OMNI) led the evaluation of the juvenile restorative justice program since the start of the pilot program in 2014. Evaluation efforts have focused on services provided to youth in the diversion program and youth referred as a result of a school-based offense that could otherwise have resulted in a charge. This report reflects data from the start of the pilot program and includes information on youth background and demographics, short-term psychosocial outcomes, recidivism rates, and satisfaction of victims, offending youth, and community members. Data were collected on all youth that were eligible for diversion, suitable for and accepted into the restorative justice program from the start of the pilot program in 2014 through May of 2020.

RJ Participation and Completion



Out of 1,450 diversion youth referred to RJ, **1,323 youth participated in a restorative process.**

Of the 1,323 youth who participated in a restorative process, **1,226 diversion youth exited diversion** and are reflected in this report.¹



Of the **1,226** diversion youth who participated in an RJ process and exited diversion:



100 youth were referred to RJ for School Rule Violations²



99% of youth reached an agreement.



91% of youth successfully completed their RJ agreement.

817 victims participated in an RJ process
2,399 community members participated in an RJ process

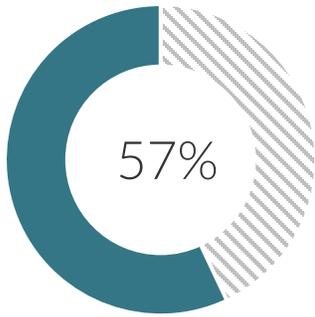
¹ Youth who had not completed their agreement at the time of analysis continued to be served, but are not reflected in the evaluation report.

² A few programs also served youth who violated school rules that would not have resulted in a charge. Information pertaining to youth with school rule violations are examined separately and results can be obtained from the RJ Council upon request.

Demographics of Diversion Youth

Youth in Restorative Justice were on average

15.1 years old



identified as Male

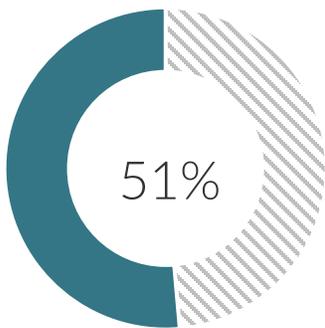
From 2014-2020, the proportion of females decreased while males increased



2014-2016

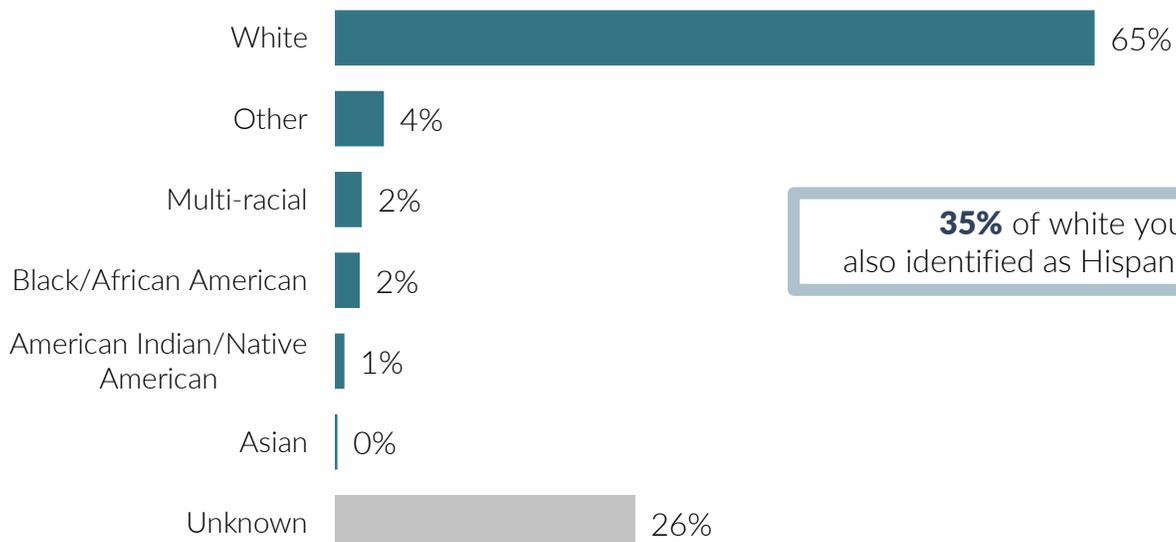
2016-2018

2018-2020



identified as Hispanic/
Latinx.

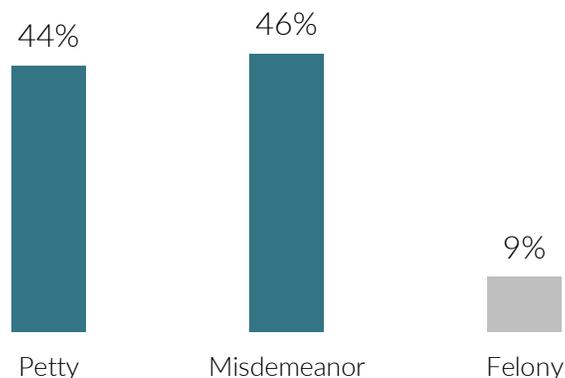
The majority of participating youth identified as white.



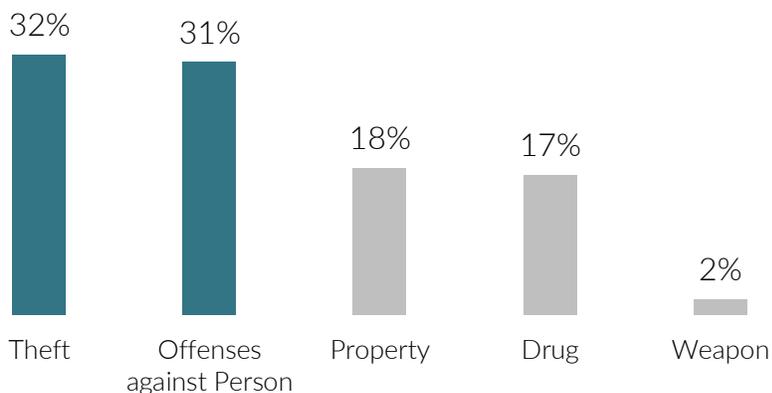
35% of white youth also identified as Hispanic/Latinx).

Diversion Offense Information

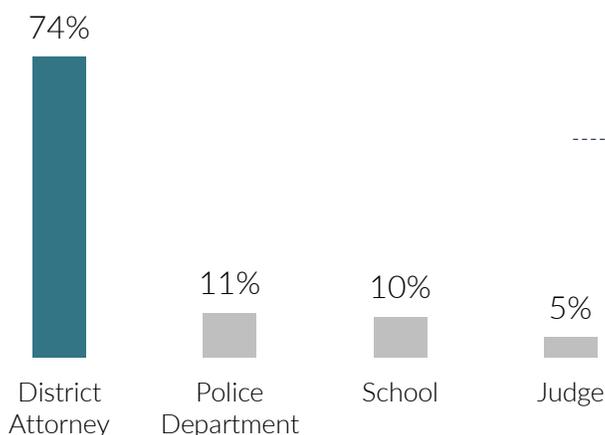
Most youth were referred for **petty** and **misdemeanor** level charges.



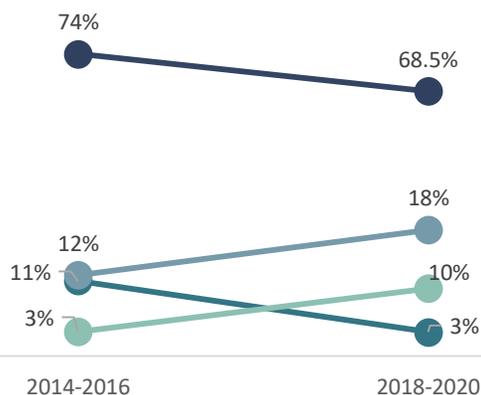
Over half of youth referred to RJ had committed a **theft** or **offense against a person**.



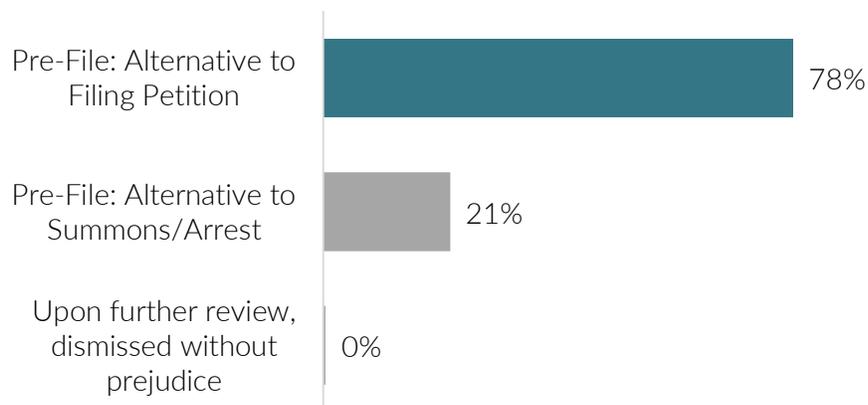
Nearly three-fourths of RJ referrals came from a **District Attorney's Office**.



While the majority of referrals were from the District Attorney, direct referrals from **schools** and **judges** increased over time and **police** referrals decreased.



Most referrals are made at **Pre-file: Alternative to Filing Petition**.



Victims and Community Members

Victims and community members are central to the restorative justice process. Offending youth must work with those they have harmed, even when there is no clear primary victim³ to collaboratively create a plan to repair the harm as much as is possible. Overall, 817 victims participated in a restorative justice process. Victims have reported their level of satisfaction with the process since the beginning of the evaluation, and in October of 2018, were given the opportunity to provide demographic information. Community members (2,399) have also provided information regarding their role in the process over the past six years.

Victim Demographics



Over two thirds of participating victims were primary victims⁴ (n=529) while the others were surrogate victims.

Out of the 817 victims who participated in an RJ process, 480 provided satisfaction data and 63 provided demographic information.



44

Minimum Age 12 years
average age (in years)
Maximum Age 81 years

52%

identified as Female

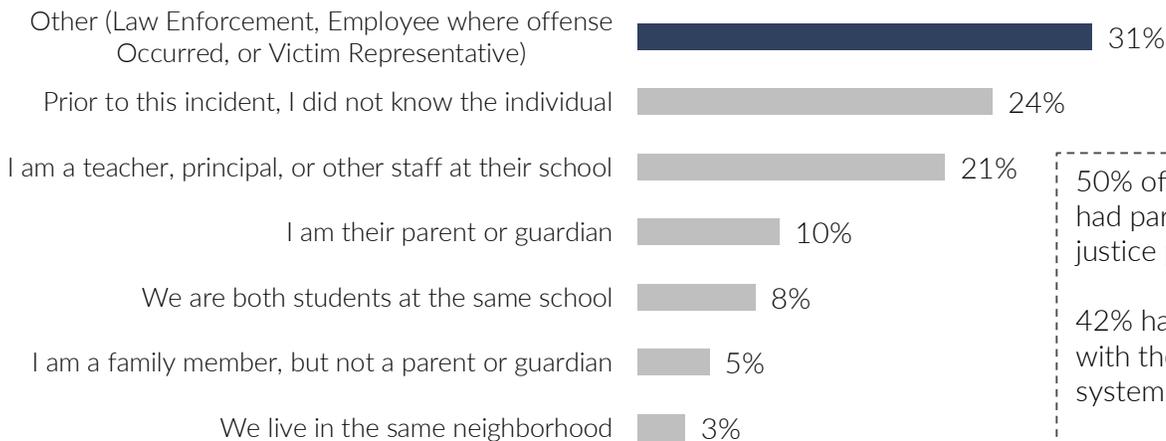
14%

identified as Hispanic/Latinx

88%

identified as White

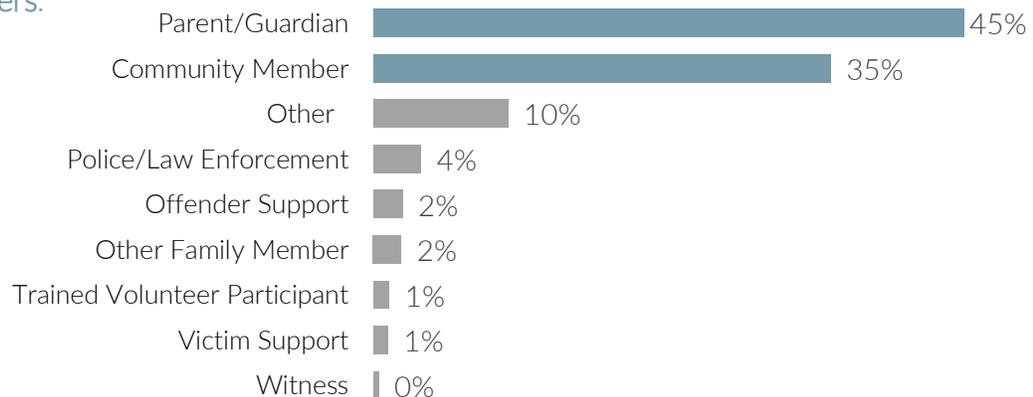
Most victims and surrogate victims indicated “Other” as their role in the restorative justice process, and typically indicated they were a **law enforcement officer, an employee where the offense occurred or a victim representative.**



50% of responding victims had participated in restorative justice previously.

42% had prior experience with the criminal justice system or law enforcement

Participants who were not direct or surrogate victims primarily identified themselves as **parents/guardians and community members.**

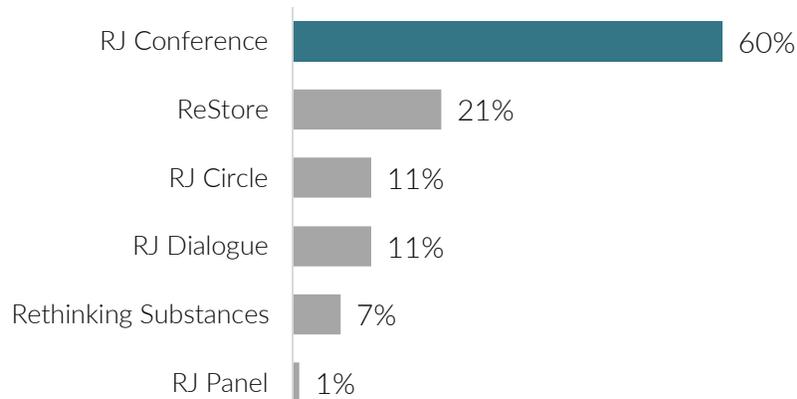


³ Some offenses are not considered to have an obvious primary victim, such as a drug charge. In the RJ processes for these types of cases, family members are often considered the victims.

⁴This report uses the term 'primary' victim to note when a victim participates that is not a surrogate. However, the data are not available to determine whether a victim participating is the primary victim or another individual impacted by the offense.

Restorative Process Participation

Over half of diversion youth participated in a **restorative justice conference**

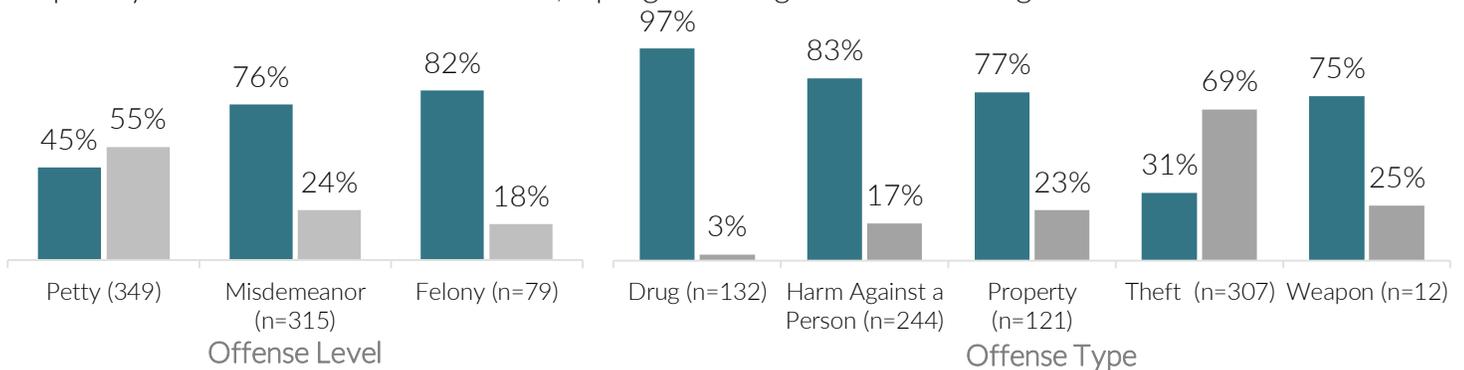


Occasionally, multiple processes were required to fully address the harms caused in a case. Thus, percentages may add up to more than 100%.

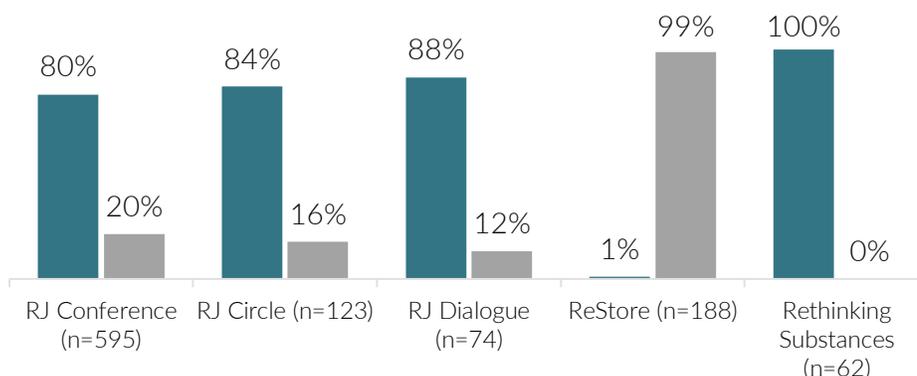
Victim Participation

Victims may choose whether or not to participate in a restorative justice process. As appropriate, victim-identified or volunteer surrogate victims may take the place of primary victims. It is helpful to understand patterns of participation by primary and surrogate victims among restorative justice cases.

For most levels and types of offenses referred to restorative justice, **primary victims** participated more frequently than surrogate victims. Surrogate victims most often participated in petty offenses which were frequently theft and referred to ReStore, a program designed to use surrogate victims.



Primary victims were more likely to participate than surrogate victims regardless of the process, except when cases were referred to ReStore.



Restorative Justice Impact

Are there positive short-term outcomes for offending youth?

Since the evaluation began in 2014, participating youth have been asked to complete a survey intended to measure a number of short-term psychosocial outcomes at intake into the program and after the restorative justice process. In the summer of 2018, data collection protocols were changed to include a third survey administered when the youth completed their restorative justice contract. The third survey was designed to measure the impact of the full restorative justice experience that included the post-process period where a youth was engaged in the activities required to complete their agreement or contract with the victim. To understand how each phase of the restorative program affected short-term outcomes reported by youth, surveys were analyzed separately based on when the survey was completed. When post-surveys were completed immediately after the restorative justice process, they were considered post-**process** surveys. When post-surveys were completed on/near the date the youth exited diversion, they were considered post-**contract** surveys or after the agreement was completed. The average number of days between completion of the pre-survey and post-process survey was 49 days and the average number of days between completion of the pre-survey and post-contract survey was 87 days.



Five of the six short-term outcomes were measured on a four-point scale, and one on a five-point scale with the highest number being the most desired response.

In addition to significance testing, effect sizes were calculated to determine the **magnitude** of the result. An effect size indicates how "big" a difference between two groups is, or how "small" a relationship between two variables is. Youth in juvenile diversion who are referred to restorative justice services tend to be low risk, and report relatively high scores on all psychosocial measures. Significant shifts from intake to exit, with small and medium effect sizes, highlighted in this report, are meaningful as they demonstrate improvement on youth outcomes even though youth are starting the program with high scores, and the program duration is brief.

Youth reported increased* Connection to Non-Family Adults, Remorse, and Sense of Accountability from **Intake to Post-Process**.



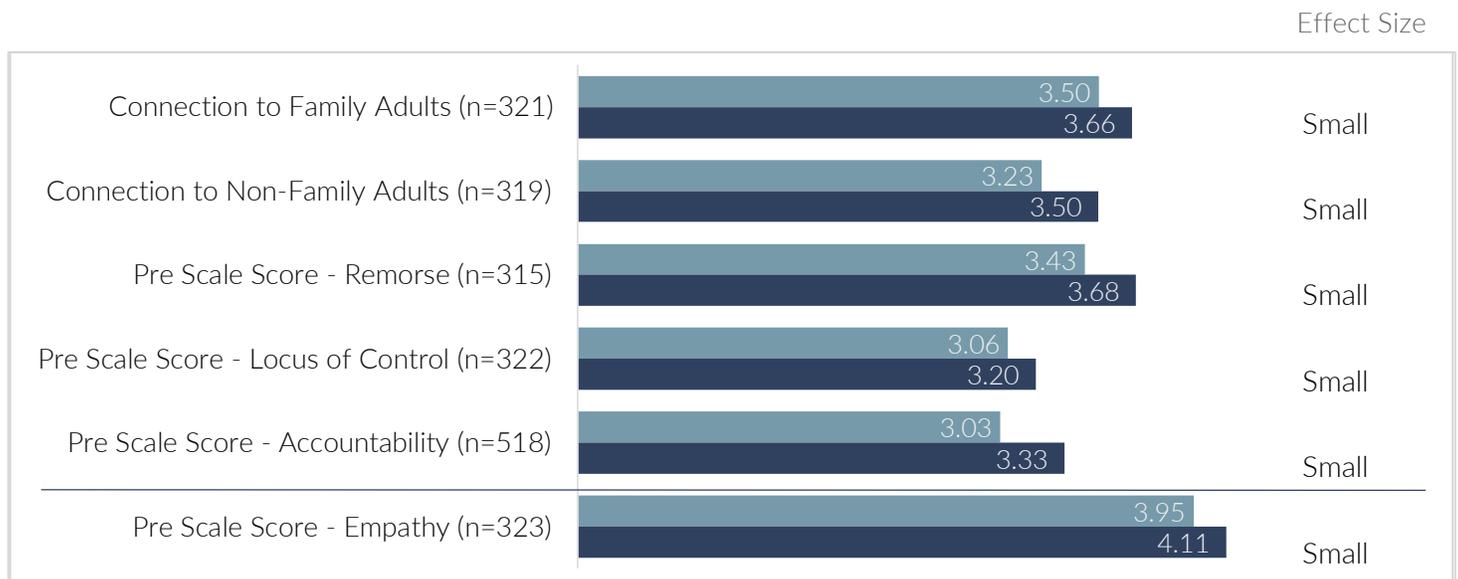
*p-value < 0.01

** An effect size of 0.2 or less is considered small, 0.5 is moderate, and 0.8 or greater is considered a large effect.

Restorative Justice Impact

Statistically significant change was observed for all short-term outcomes including locus of control which, in previous pre- to post-process analyses, had not demonstrated significant change.

Youth reported improvement on all outcomes from **Intake** to **Exit** from Diversion.



Examination of the short-term outcomes by level of charge and type of charge for which the youth was referred by the type of process in which they participated provides additional nuance to the pre- to post-contract findings. The sample sizes for each group vary greatly and results should be considered preliminary, especially for smaller groups.

Youth referred for Petty offenses reported improvement on all outcomes.

Small Effect Moderate Effect

	Connection to Family Adults	Connection to Non-Family Adults	Empathy	Locus of Control	Remorse	Sense of Accountability
Petty Offenses (n=288)						
Misdemeanor Offenses (n=190)						
Felony Offenses (n=40)						

Youth referred for Theft offenses reported improvement on all outcomes with small to moderate effects.

Small Effect  Moderate Effect 

	Connection to Family Adults	Connection to Non-Family Adults	Empathy	Locus of Control	Remorse	Sense of Accountability
Theft Offenses (n=215)						
Drug Offenses (n=79)						
Offenses against a Person (n=139)						
Property Offenses (n=74)						

Youth who participated in a Restorative Justice Conference reported improvement on all outcomes with small to moderate effects.⁵

Small Effect  Moderate Effect 

	Connection to Family Adults	Connection to Non-Family Adults	Empathy	Locus of Control	Remorse	Sense of Accountability
Restorative Justice Conference (n=241)						
Restorative Justice Circle (n=61)						
Rethinking Drinking/Drugs (n=53)						
ReStore (n=165)						

⁵While 74 youth participated in an RJ Dialogue, insufficient numbers of youth participated in the pre-post evaluation to be included in these analyses.

Satisfaction with Restorative Justice

All participants in the restorative justice process (offending youth, victims, and other participating community members) were asked to complete a satisfaction survey in order to understand their experience and to assess whether their goals for the process were met. Responses to the satisfaction questions were measured on a four-point scale, with 1 indicating 'Strongly disagree' and 4 indicating 'Strongly agree.'

Youth, Victims, and **Community Members** all reported very high levels of satisfaction after participating in the RJ Process.



Participants also responded to a few questions that were unique to their specific role (offending youth, victim, community member). Not all questions were asked of all participants.

Youth, Victims, and **Community Members** all reported high levels of satisfaction with their role in the process, regardless of offense or participant's role.



Recidivism

Recidivism data were available for all youth who were referred for an offense and exited from a restorative justice juvenile diversion program for a full year or more, a total of 1,080 youth. The definition of recidivism that was established by the Division of Criminal Justice (DCJ) for diversion, *any offense and filing for a criminal, misdemeanor or juvenile delinquency offense that occurred during a youth's time in restorative justice and up to one year after exiting a restorative justice program*⁶ was used to calculate the recidivism rate.

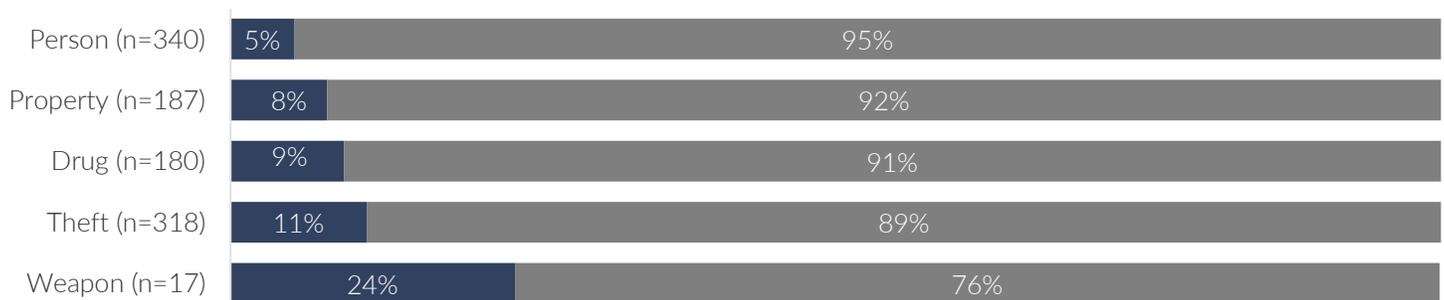
- Since the inception of the restorative justice pilot, **8.6% of youth who successfully completed restorative justice recidivated during or in the one year after programming.**

While recidivism rates for youth who successfully completed RJ are less than 10%, a few differences in recidivism rates were observed when examining the data by gender, type of charge, and type of process.

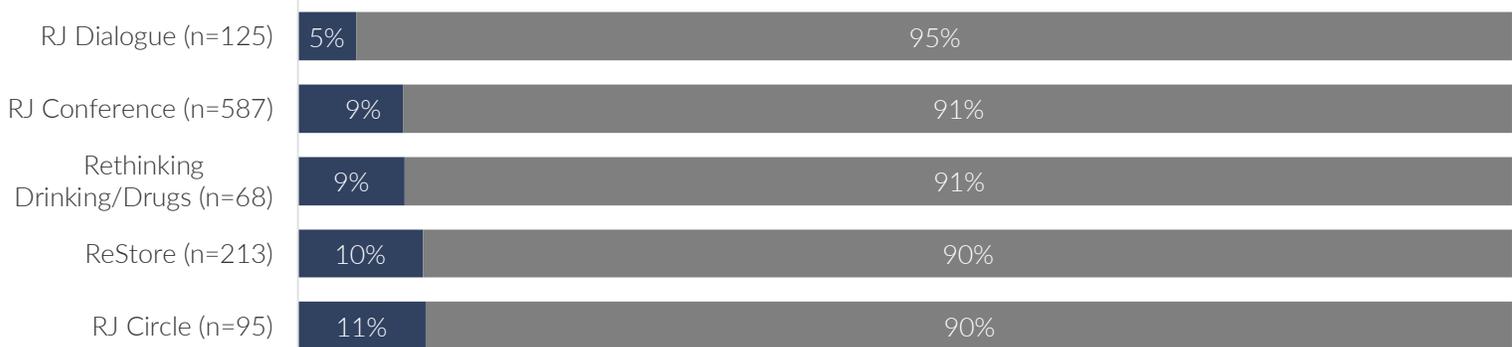
Of youth who successfully completed RJ, females had a lower **rate of recidivism** than males.



Youth referred for a person charge had the lowest **rate of recidivism** after successfully completing RJ compared to all other types of charges.



Youth who successfully completed their agreements as part of an RJ Dialogue had the lowest **rate of recidivism** compared to other types of processes.



9.2% of youth recidivated after a process with a primary victim (n=368).



10.5% of youth recidivated after a process with a surrogate victim (n=294).

⁶ In the spring of 2020, a new definition of recidivism to be used in future efforts was agreed upon for juvenile diversion, probation, and youth in the Division of Youth Services (DYS): *Pre-release recidivism is defined as a new deferred agreement, adjudication or conviction during program participation. Post-release recidivism is defined as a new deferred agreement, adjudication or conviction one, two, and three years post-release from diversion, probation, or the Division of Youth Services.* This report utilized the original recidivism definition as used by juvenile diversion. Any future efforts should reflect the new recidivism definition.

Summary

Since the launch of the Restorative Justice Pilot in 2014, restorative justice programs funded by the RJ Council have demonstrated a positive impact on the youth and harmed parties who participate in their programs. **Offending youth, harmed parties, and community members, have all reported feelings of safety, respect, and belief that the needs of all participants in restorative justice processes were met.** Youth have demonstrated improvement on psychosocial short-term outcomes, and low rates of recidivism. Participants have also consistently reported high levels of satisfaction with their restorative justice experience.

Victims and community members are central to the restorative justice process. Primary victims were more often involved in the restorative process than surrogate victims which provided youth with the opportunity to address the harm directly with the harmed party. Nearly all restorative justice processes resulted in a mutually agreed upon agreement that detailed how the youth would repair the harm they caused. **91% of youth completed the requirements of their agreements successfully.**

Youth reported significant positive changes on all short-term outcomes from referral to exit from diversion; connection to adults (family and non-family), empathy, locus of control, remorse, and sense of accountability. These findings highlight how youth continue to benefit after the completion of the restorative process as they work through the terms of their agreement. **Youth were particularly likely to increase their sense of accountability, remorse, and connection to adults,** though the degree of improvement depended on the level and type of offense, and type of restorative process.

More youth who had committed petty offenses demonstrated positive changes on these outcomes than youth referred for other offenses. However, youth referred for felony charges experienced the greatest *magnitude* of change on sense of accountability. This finding, preliminary because of the small sample size, provides support to restorative justice programs who have sought to apply their programming to youth with higher level offenses. Youth who participated specifically in a restorative justice conference improved on all short-term outcomes. Participation in a restorative justice conference or ReStore, the two most frequently offered services, was associated with the strongest results, overall, on the short-term outcomes.

The demographics of the youth who were ultimately referred to restorative justice programs have been examined over the past six years. One notable change over the past six years has been the decrease in female referrals. Additionally, it has been observed that there is a possible over- and under-representation of certain demographic groups referred to restorative justice. Diversion, and specifically participation in a restorative justice process as a form of intervention, is considered a positive outcome for youth as they are being diverted out of the juvenile justice system and provided beneficial services. However, to ensure equitable access to restorative justice programming further examination will be necessary to understand if the youth referred to restorative justice are demographically reflective of the justice involved youth in the communities in which the programs are working.

Recommendations

- As referral sources and priorities within the justice system shift, the RJ Council may seek new opportunities to advocate for restorative justice and practices among educators, law enforcement, judges, and others who work with justice system-involved youth.
- Standard eligibility, suitability, and acceptance criteria should be established to ensure equitable access to restorative justice programming among youth involved in the juvenile justice system. To understand if the youth referred to restorative justice are demographically reflective of the justice involved youth in the communities in which the programs are working, deeper examination of the referral process and overall diversion referral data is recommended. The RJ Council should work with the State Court Administrator's Office and DCJ to identify whether an appropriate comparison dataset can be accessed.
- Over the course of the past six years, discussions with grantees have indicated variability in how they define common restorative processes such as "circles" and "conferences." The identification and adoption of standard definitions of restorative processes are needed to encourage consistency across practitioners and ensure messaging and implementation are comparable across programs. Such consistency and continued evaluation of data can assist the restorative justice field identify best practices with confidence.
- Participation in a restorative justice conference or ReStore, the two most frequently offered services, was associated with the strongest overall short-term outcome results. However, perhaps due to small sample sizes, not all types of processes demonstrated these positive findings. Identification of the key elements of restorative justice and practices that consistently improve youth's overall outcomes is required to confidently establish best practices within the field.
- Though programs have worked to inform harmed parties about their opportunities to participate, participation of harmed parties has been relatively low. Among those who do participate, satisfaction ratings were high, but it is important to note only 59% of participating harmed parties completed the satisfaction survey. Further exploration is needed to learn how best to integrate harmed parties into the process and ensure their needs are fully met.