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Colorado Children's Code Authorizes Restorative Justice Conferences for Adjudicated Youth (Part 2 of 2)

BY JOSHUA WACHTEL

It's no accident that Colorado is the first U.S. state to mandate that judges advise adjudicated youth of the possibility of participating in restorative justice (RJ) conferences or other programs if they become involved in the criminal justice system. (See Part 1 of this article to learn more about Colorado House Bill 08-1117, which legislated this mandate: www.iirp.org/realjustice/library/CO_RJ.html.) For more than 10 years, Colorado communities, schools, non-profits, RJ advocates, probation, police and human service departments, courts, youth rehabilitation facilities, universities and governments have been promoting restorative justice and restorative practices (RP).

At Lookout Mountain Youth Service Center, in Golden, Colorado, the state's oldest and largest rehabilitation facility for male youth offenders, RJ and RP have had a huge effect. "The outcome was exponentially greater than anything I could have expected," said Carel Leaf, associate director of the Division of Youth Corrections (DYC), former Lookout Mountain director. "We started calling ourselves a community. That language gives such a different impact. We started asking youth, 'How do you live in a community? What are your personal responsibilities and accountability?'"

"We wanted to create an environment that would really allow youth to practice positive behaviors and be successful," said Leaf. When a youth breaks a rule or commits an offense against another person or property, instead of seeing it as an individual act, it's put into a community context. "We said, 'What do we

need to do to repair the harm and hold the juvenile accountable?' The staff moved away from the guard mentality to a mentor mentality, and this shifted the kids' response."

Leaf said when youth speak to each other about their actions, as they do in circles and conferences, this has the biggest impact. "Restoring came to mean building on successes and celebrating when things go right, when norms are



Youth participate in a restorative circle at Lookout Mountain Youth Services Center, in Golden, Colorado, U.S.A.

upheld and when people are made to feel safe in their environment," she said. "More than externally controlling kids, which is easy in an institution, we wanted to translate that to internal control — in the community, in the family — learning to act a certain way because it is the right thing to do."

All staff at Lookout Mountain — from counselors and teachers to cooks and janitors — are trained in restorative principles and practices. Leaf concluded, "All 11 DYC facilities have embraced the RJ philosophy, and you can see the practices and principles in all DYC state-operated programs statewide."

Anne Rogers, executive director of Jefferson County Community Restorative Justice, has been a part of the RJ movement since the mid-1990s and was

trained early on in the use of the Real Justice conferencing script (see www.realjustice.org/Pages/script.html). Rogers was director of the Forum on Restorative Community Justice, which has run annual statewide conferences, provides trainings and helps communities implement RJ programs.

"Any part of the system or community in Jefferson County, the fastest growing county in the state, can refer cases or situations," said Rogers. Referrals come from courts, social services, schools and diversionary programs, where police or probation might refer a drug-possession case or a first-time offender to a conference rather than court. "It's so collaborative in JeffCo, we all end up working together in a lot of different areas," she said. For example, youth from Lookout Mountain, as part of a transition plan, sit in on community conferences as representatives of the broader community of victims.

"The RJ movement in Colorado is a top-down effort and a bottom-up effort, and they meet in the middle," said Rogers. "The goal has been to get people to really understand and embrace the values." She ascribed the diversity of Colorado's programming to people "hanging onto those values and making them be the guide, rather than the programs being the guide."

Don Wills, executive director of Gunnison Valley Alliance for Community Restorative Justice, an independent nonprofit relying on state and federal grant funding, administers programs for youth and adults in Gunnison County. In addition to a diversion program for

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minors accused of drug possession, the probation department has begun asking Wills's organization to write presentence reports on the suitability of RJ for both youth and adults.

Community conferences are held to resolve cases involving things like barking dogs and property-line and backyard trash disputes. When a case involves both minor and young adult offenders, the DA has begun to refer cases to conference rather than prosecuting the adults involved but diverting the minors. Family group decision-making (FGDM) conferences are also held to help young adults with small children resolve problems with raising their families. (FGDM, a restorative approach to problem-solving, involves children, young people and adults in families in making their own decisions. See www.familypower.org.)

Said Wills, "The law [HB-08-1117] has opened the door to the schools. The school board is aware of the statute." Elementary school teachers are being trained in RP and RJ and will begin implementing peacemaking circles in classes in the fall. Added Wills, "My dream is that a visitor could spend a day in a school and observe the change in school culture."

Denver Public Schools has employed RJ coordinators in seven schools. Ben Cairns, RJ coordinator at Denver North High School, said that of the school's 1200 students, 75 percent receive free or reduced lunch; 90 percent are members of "minority" groups; 50 percent graduate and 10 percent achieve proficiency on state exams. The school ran 110 formal conferences and mediations during the past school year, he said, plus many informal restorative processes.

"Increasingly, I am doing a lot more preventive mediation," added Cairns. "Kids come to me for help." A student who was confronted in the bathroom by another student about crossing out his gang's graffiti informed Cairn, who ar-

anged a mediation between the two boys. The victimized boy said to the other, "Look, I'm not in a gang. I'm not crossing out your graffiti." They wrote up an agreement where the aggressive boy accepted that the other wasn't in a gang, and he talked to his friends about leaving the boy alone. As a result, the parents of the harassed boy decided not to get a restraining order against the aggressor.

In Boulder Valley School District, Kappy Hall, a retired assistant principal who now works with the school district as an RJ advisor and advocate, has turned over the facilitation of restorative conferences to trained student facilitators. "RJ is a scripted process," said Hall. "Many different kinds of students can be good at it. They don't have to be that articulate. Some are shy or withdrawn. The skills they need are analytical: to know how the conference is going to come together, how it's going to work and what voices they will need to include."

Hall's student team now facilitates conferences at district middle schools and co-facilitates community conferences outside school. Hall also trains teachers in the district's 55 schools in the use of RP in the classroom.

Alice Price, executive director of the Center for Restorative Programs in the San Luis Valley, describes the town of Alamosa and environs as an "extreme rural area," with just 50,000 residents in 8,000 square miles. The organization offers victim-offender mediation, conferences and a growing range of programs for schools and the community. Programs include "Girl Circles," dialogue-based support groups for adolescent girls, which aim to address behavioral aggression between girls and strengthen relationships, and "Summer Circles," which give children at risk of being expelled an opportunity to

avoid expulsion and return to school in the fall.

Kim Wille, executive director of RESTORE/Rocky Mountain Restorative Justice, has facilitated over 100 county court-referred conferences for adults and youth in the last nine years. In cases where offenders were diverted from the courts and did not face legal sanction, Wille involved these offenders in RJ circles to face the victims of their crimes. These cases included embezzlement, check fraud and accidental homicide. About the last example, Wille said, "The victims and offenders knew each other; they were friends. These were purely accidents that resulted in a horrific beastly thing. They [circles] are so healing for victims and offenders."

Lynn Lee is coordinator of the Manitou Springs Restorative Justice Council, where the city attorney has referred many youth and adult cases for restorative conferences. Lee said the courts there ask only if the diverted cases end in successful completion of the program. "It really opens things up," said Lee. "You can resolve the thing right there."

"Some of the agreements they come up with are really wonderful," added Lee. "Manitou is a tourist town. One woman was screaming racial epithets to someone in a turban. At the conference, a policeman assigned her to a local mosque to do community service." Children skateboarding illegally in a local park did community service work that involved helping an artist make a mosaic there. Lee said, "They loved it and continued to work with him to do some other projects. It always turns into a positive experience for everyone involved, including the victims."

Colorado's wide range of activity has given it a pioneering role in the restorative practices and restorative justice movement. ☉