

## **SUBJECT**

First Reading of Ordinance No. 091, 2012, Appropriating Unanticipated Grant Revenues in the General Fund for the Restorative Justice Services and Appropriating Funds from the Police Operating Budget.

## **EXECUTIVE SUMMARY**

A grant in the amount of \$45,000 has been received from the Colorado Division of Criminal Justice (DCJ) Juvenile Diversion fund the continued operation of Restorative Justice Services, which includes the RESTORE program for shoplifting offenses, and the Restorative Justice Conferencing Program (RJCP) for all other offenses. Restorative Justice is an alternative method of holding a young offender accountable by facilitating a meeting with the offender, the victim/victim representative and members of the community to determine the harm done by the crime, and how to repair the harm. By identifying and repairing the harm caused by the crime, Criminal Justice Officials are optimistic that repeat offenses by these youth will be reduced and the needs and concerns of the victims and affected community will be addressed. A \$7,440 cash match is required and will be met by appropriating funds from the 2012 Police operating budget designated for Restorative Justice Services. The total required match is 25%, so an additional \$7,560 in-kind match is designated from the Eighth Judicial Probation Department.

## **BACKGROUND / DISCUSSION**

Restorative Justice Services (RJS) has been grant funded since its inception in 2000. The Council yearly accepts grant funds from Colorado Division of Criminal Justice and other grant funding agencies to support Restorative Justice Services. The RJS programs are supported by two grants and some funds from the City. Since it began, Restorative Justice Services has provided a restorative justice alternative to more than 2,000 young people who committed chargeable offenses in the community.

The objective of the RJS programs is to educate young people who have committed offenses about how others are impacted by their actions, words and behaviors. The intention is that young people, who understand how they, their families, friends and community are harmed by their actions, and who have been held accountable for the harm they caused, will make better future decisions and not commit the same or similar crime again. Reducing future criminal behavior and keeping young people out of the justice system contribute positively to a safer and healthier community.

Without grant funding and the support of the City, Restorative Justice Services would not be a service available to young people and their families, the courts, law enforcement and the community. The Eighth Judicial District Probation Department donates administrative staff time (its restorative justice specialist) to help coordinate the RESTORE Program, the RJS shoplifting component.

Restorative Justice Services is in the midst of gaining approval for an organizational move with Restorative Justice Services moving from Police Services to Community Development and Neighborhood Services. Once approved, this move will take place in the remainder of 2012 with coordinators working to merge and cross-train their respective volunteer teams. The grant is being appropriated to Restorative Justice Services because it is not yet determined which department will house RJS. The required match will be appropriated from the police department's 2012 operating budget with funds designated for Restorative Justice Services. The grant funding agency is aware of this possible organizational move.

## **FINANCIAL / ECONOMIC IMPACTS**

The additional grant money in the amount of \$45,000 from Division of Criminal Justice, Juvenile Diversion Grants, provides funding for the continuation of Restorative Justice Services. The match requirement will be met by appropriating \$7,440 from the police operating budget, designated for restorative justice and a \$7,560 in-kind match designated from the Eighth Judicial Probation Department. The grant period is from July 1, 2012 to June 30, 2013. This is the second year in a 3-year cycle for the Juvenile Diversion grant.

Diverting youth and young adults from the justice system relieves pressure on Fort Collins Municipal Court and the 8th Judicial District Court and saves courts personnel time and money. Reducing future shoplifting, theft and other criminal behavior by young people who have participated in the RJS programs will have a long-term positive impacts on the economic health of our community by keeping young people out of the justice system, thereby improving their future employment options and encouraging young people to not shoplift or participate in other criminal behavior.

### **ENVIRONMENTAL IMPACTS**

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In RESTORE, education about the impact of shoplifting on the environment (excess packaging to prevent theft that ends up in our landfill) is part of the program, so there may be some future positive impact on the environment if fewer youth continue to shoplift. Occasionally there may be a positive impact on the environment when young people are educated about when and how their actions have an environmental impact. The programs have no known negative impact on the environment.

### **STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on First Reading.

### **ATTACHMENTS**

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1. RESTORE Program Information Sheet
2. The RJCP Information Sheet

# RESTORE

*A Restorative Justice Program for Merchants, Community and Young Shoplifters*

## WHAT IS IT?

The RESTORE Program provides a voluntary opportunity for youth who have shoplifted to deal with their charge in a way that is meaningful to themselves and the community.

## HOW DOES IT WORK?

The Fort Collins Municipal Court or Larimer County District Attorney's Office have referred you to our program. You will attend an arraignment and meet with our staff and/or volunteers, who will explain the RESTORE program to you and your parent/guardian. If you decide to participate in the program, you will complete a RESTORE intake form and sign up for Session #1. You will also be asked to take a survey, which is anonymous and used for grant funding purposes. Your parent/guardian must attend the sessions with you.

**RESTORE Session #1** has three parts and will take approximately 3 hours.

Part 1- You and your parent/guardian will listen to speakers discuss the impact of shoplifting on the merchant community, law enforcement, the court system, families, and the larger community. You will also hear other youth speak about how shoplifting has affected them, their peers, and their families.

Part 2 – You and your parent/guardian then will meet with a small group to talk about the shoplifting incident you were involved in and how you have been affected by this incident. This group will also include other juvenile shoplifters, their parents, a community member, a peer representative, and a merchant representative, and will be facilitated by RESTORE volunteers.

Part 3 - When the small group is complete, you and your parent/guardian will review a contract and select from a list ways you can repair the harm to the victim, the community, your family and yourself. The contract includes eight hours community service. You will also sign up for a time to return to Session #2.

**RESTORE Session #2** will take approximately one hour.

About one month after Session #1, you will return to the RESTORE Program with all of your completed contract items. You will meet with a small group of volunteers who will review your contract and verification of items completed. You will also complete the survey taken in the original meeting.

**Not guilty:** If you believe you are not guilty, you do not belong in the RESTORE Program. To participate, you must admit your part in the incident.

**Young adults:** You are not required to bring a parent. However, we recommend you bring a person who cares about you and will support you through the process.

## BY PARTICIPATING IN THE RESTORE PROGRAM, YOU CAN:

- learn more about shoplifting and how it affects merchants and the community
- repair the harm done by the incident in a meaningful way
- make choices about the consequences of your actions
- have your theft charge dismissed upon successful completion of the program

**FEE:** Cost is \$50 (cash or money order made out to City of Fort Collins-RJ). A reduced fee is available for families who qualify. A \$25 administrative fee is added for rescheduling a session.

**ATTENDANCE AT BOTH SESSIONS IS MANDATORY. IF YOU DO NOT ATTEND YOUR SCHEDULED SESSIONS, YOU WILL BE EXPELLED FROM THE PROGRAM AND REFERRED BACK TO COURT.**

**FOR MORE INFORMATION** about the RESTORE Program, contact:

Bernadette Martinez (Probation Department)

970-498-5844

Perrie McMillen (RESTORE Program)

970-566-8160



*Repairing the harm of crime for victims, young offenders and community*

### **WHAT IS IT?**

The Restorative Justice Conferencing Program (RJCP) provides a voluntary opportunity for young people (age 10-20) who have committed misdemeanor offenses to deal with their charge in a way that is meaningful to them and the community.

### **HOW DOES IT WORK?**

The Fort Collins Municipal Court or Larimer County District Attorney's Office has referred you. You will attend a court arraignment and meet with RJCP staff, who will explain the RJCP program. If you decide to participate, you will complete preliminary forms and sign up for the program. You will also be asked to take a survey, which is confidential and used for grant purposes. If you are under 18 years of age, your parent/guardian must attend the arraignment and the RJCP meetings with you.

### **Restorative Justice Conferencing Program (RJCP)**

RJCP consists of three meetings, totaling 4-6 hours, and contract obligations to fulfill in between.

Meeting #1 – (1-1.5 hours) You and your parent/guardian will meet with RJCP facilitators for a preconference meeting. At this meeting you will learn more about the RJCP process and will prepare for the upcoming RJ circle. You will discuss the incident and explore your thoughts and feelings about the incident and who has been impacted by it. Your parent will also discuss how the incident has impacted the family. You will have homework to develop ideas on how to repair the harm caused by the incident.

Meeting #2 – (2-3 hours) You and your parent/guardian will meet with the victim/victim representative, other offenders (if there are any), community representatives and the RJCP facilitators in a face-to-face meeting. The discussion will focus on who has been harmed by the incident, how they have been harmed, and what can be done to repair the harm. The circle will develop a contract to address repairing the harm caused by the incident. The contract will include a minimum of 20 restorative hours for you to fulfill.

Meeting #3 – (1 hour) You and your parent/guardian will return for a follow-up interview with RJCP staff and/or volunteers when your contract obligations are complete (usually about a month). You must bring written verification of all contract items to this interview. You will review your understanding of the harm done by the incident, and any experiences you have had or things you have learned through the process. Other participants from the circle will be invited to attend the interview, and may or may not be present. You will also complete the survey taken at the court arraignment. If all contract items are complete and verified, you will have completed the program.

### **BY PARTICIPATING IN THE RJCP PROGRAM, YOU CAN:**

- learn more about your offense and how it affected the victim, community, your family, yourself
- repair the harm done by the incident in a meaningful way
- make choices about the consequences of your actions
- have your charge dismissed upon successful completion of the program

**FEE:** Cost is \$50 (cash or money order to: City of Fort Collins – RJ). We do NOT accept checks. A reduced fee is available for families who qualify.

**FOR MORE INFORMATION** about the RJCP Program, contact:

Mary-Claire Geiss or Perrie McMillen

(970) 416-2290

ORDINANCE NO. 091, 2012  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED GRANT REVENUES IN THE  
GENERAL FUND FOR THE RESTORATIVE JUSTICE SERVICES  
AND APPROPRIATING FUNDS FROM THE POLICE OPERATING BUDGET

WHEREAS, the Colorado Division of Criminal Justice has awarded the City of Fort Collins Police Services a grant in the amount of \$45,000 for operating expenses associated with the operation of the Restorative Justice Services for the 2012-13 grant cycle; and

WHEREAS, the Restorative Justice Service is an alternative to the traditional criminal justice system and the program seeks to hold young offenders accountable by facilitating a meeting with the offender, the victim and members of the community to determine the harm done by the crime, and how to repair the harm; and

WHEREAS, the grant provides 75% of the total project cost in the amount of \$60,000 and requires a match of 25% (\$15,000), \$7,440 of which can be funded from funds available in the General Fund Police Services operating budget, and the remaining \$7,560 of which can be funded by an in-kind match from the Eighth Judicial District Probation Department; and

WHEREAS, Article V, Section 9, of the City Charter permits the City Council to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, City staff has determined that the appropriation of the Restorative Justice Services grant funds as described herein will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during the fiscal year; and

WHEREAS, Article V, Section 10, of the City Charter authorizes the City Council to transfer by ordinance any unexpected and unencumbered amount or portion thereof from one project to another project, provided that the purpose for which the transferred funds are to be expended remains unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That there is hereby appropriated from unanticipated revenue in the General Fund the sum of FORTY FIVE THOUSAND DOLLARS (\$45,000) for expenditure in the General Fund to the Police Services grant project for Restorative Justice Services.

Section 2. That the unexpended appropriated amount of SEVEN THOUSAND FOUR HUNDRED FORTY DOLLARS (\$7,440) is hereby authorized for transfer from the Police Services

operating budget in the General Fund to the Police Services grant project for Restorative Justice Services and appropriated therein.

Introduced, considered favorably on first reading, and ordered published this 4th day of September, A.D. 2012, and to be presented for final passage on the 18th day of September, A.D. 2012.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 18th day of September, A.D. 2012.

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Mayor

ATTEST:

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City Clerk