



To: Chair Margie MacDonald, Law & Justice Interim Committee & Committee Members  
Fr: Brooke Marshall, Executive Director Montana Board of Crime Control  
Re: Law & Justice Committee Required Annual Report/Restorative Justice Programs

During the 2013 Legislature, Representative Margie MacDonald sponsored HB 71 proposing to create a general funded restorative justice grant program. After several amendments it was determined that Montana Board of Crime Control's role would be, actively pursuing and reporting back to this Committee about federal restorative justice grant programs. As a result, HB71 passed and the changes codified at 2-15-2012 through 2-15-2013.

#### **2-15-2012. Intent.**

The legislature recognizes that incarcerating offenders carries an extremely high cost and may not be the most effective strategy for restoring victims, reforming offenders, and reducing recidivism. It is the intent of [2-15-2013](#) to **have the board of crime control apply for grants** that will provide funds to state and local entities that establish restorative justice programs to divert from incarceration appropriate offenders who are at low risk for violence. It is also the intent that **restorative justice programs be supported by federal, state, and local funds.**

#### **2-15-2013. Restorative justice grants.**

- (1) The **purposes of the restorative justice** grant programs are to:
  - (a) promote the **use of restorative justice practices** throughout the state; and
  - (b) provide **technical assistance** to local and state jurisdictions and organizations interested in implementing the principles of restorative justice.
  
- (2) For the purposes of [2-15-2012](#), [2-15-2014](#), and this section, the term "restorative justice" means criminal justice practices that elevate the role of crime victims and community members in the criminal justice process, hold offenders directly accountable to the people and communities they have harmed, restore emotional and material losses, and provide a range of opportunities for victim, offender, and community dialogue, negotiation, and problem solving to bring about a greater sense of justice, repair harm, provide restitution, reduce incarceration and recidivism rates, and increase public safety.
  
- (3) A restorative justice program eligible for grant funding pursuant to this section shall use evidence-based practices, which may include but are not limited to facilitated victim-offender meetings, family group conferencing, sentencing circles, victim impact panels, offender accountability letters, restitution programs, constructive community service, victim awareness education, victim empathy programs, school expulsion alternatives, peer mediation, diversion programs, and community panels.

(4) (a) The board of crime control shall actively seek federal grant money that may be used for the purposes of this section.

(b) The board shall produce a biennial report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients.

(c) The board shall report annually to the law and justice interim committee regarding the status and performance of the restorative justice grant programs established in this section.

- To apply for restorative justice grants per 2-15-2012 and 2-15-2012(4)(a):

*With the significant decline in funding at the federal level and the uncertainty created by sequestration and the federal government shutdown during late 2013 and early 2014, it has been difficult to determine what funding will be available at the federal level for restorative justice programs. MBCC has been actively seeking funding for restorative justice programs at the federal level as well as with foundations and other funding sources.*

*Currently, the Board administers three restorative justice programs that are funded through the USDOJ, Office of Juvenile Justice and Delinquency Prevention. These are not new grants; they are part of block grants the Board receives from USDOJ (Title II and Juvenile Accountability).*

**13-J11-91555 - Center for Restorative Youth Justice (CRYJ), Kalispell = \$42, 968 funding for 6 years**

*CRYJ offers 6 alternative accountability programs. This program seeks to build on the programs' successes by promoting increased collaboration among community agencies, training new volunteers and program leaders from other communities, and providing restorative programming options to 30 new referrals each quarter. OJJDP model programs and best practice approaches are used to expand training opportunities and provide community based diversion programs. CRYJ is refining its tracking systems, performance measures, and evaluation procedures in order to provide the 11<sup>th</sup> Judicial District with a way to demonstrate the accountability and recidivism reduction they are experiencing.*

**13-A15-91346 – MT Supreme Court 11<sup>th</sup> Judicial District, Kalispell = \$38,390 funding for 5 years**

*The 11<sup>th</sup> Judicial District contracts with CRYJ to provide the Youth Connections program to approximately 40 Youth Court Services youth per quarter. Program youth are held accountable for their actions by fulfilling service obligations while working alongside adults in a mentoring model that provides the youth with opportunities to develop competencies that will last a lifetime. These include gender-specific programming, out-of-school time opportunities, conflict resolution/interpersonal skills, leadership and youth development, vocational skills training, academic support, and inter-generational mentoring.*

**13-A14-91344 – Supreme Court – 1<sup>st</sup> Judicial District, Helena = \$19,288 funding 5 years**

*The 1<sup>st</sup> Judicial District implements a restorative justice program that incorporates conferencing among the offender, victims and their families, as well as any additional persons affected by an incident. The program has served 90 youth since 2009; only 4 did not complete their agreements, and only 20 re-offended. The program is exploring the addition of Victim Offender Mediation and Victim Impact Panels to address shoplifting and other misdemeanor crimes.*

**Future Funding Note:**

*A negative note to report regarding potential funding for restorative justice programs in Montana is the decision at the federal level to eliminate funding for the Juvenile Accountability Block Grant program. The Board of Crime Control has applied and received JABG funding annually for a number of years. It is extremely unfortunate that this program was eliminated from the appropriations for FY2014. The Board will continue to review and apply for juvenile justice funding and hopes that there will be new opportunities and programs released by OJJDP and other sources that recognize evidence-based models such some of the restorative justice programs funded by the Board in Montana.*

- Per 2-15-2013(4)(b), to produce a biennial report summarizing:
  - what grants were provided
  - how the grant funds were spent and
  - the program data reported by the subrecipients

*MBCC has not yet received any new restorative justice funding. The Board produces a biennial report and would be happy to provide this to the Chair and members of this Committee when the report is published during fall 2014.*

- To report annually to the law and justice committee regarding the status and performance of the restorative grant programs established by this section per 2-15-2013(4)(c):

*The purpose of this report is to fulfill the requirements of MCA 2-15-2013(4)(c).*