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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/08

SPONSOR Martinez LAST UPDATED HB 568

SHORT TITLE 6th Judicial District Restorative Justice Services SB

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|-------|-------------------------|------------------|
| FY08 | FY09 | | |
| | \$270 | Recurring | General Fund |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, SB 254

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY08 | FY09 | FY10 | 3 Year Total Cost | Recurring or Non- Rec | Fund Affected |
|--------------|------|------|----------------|-------------------------|-----------------------------|------------------|
| Total | | | Indeterminable | | | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Corrections (DOC)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

This Courts, Corrections and Justice Committee-sponsored bill would appropriate \$270,000 from the General Fund to the 6th Judicial District court for expenditure in FY 2009 to provide juvenile and adult offender restorative justice services in the 6th Judicial District, including mediation,

community conferencing and justice circles. Any unexpended or unencumbered balance remaining at the end of FY 2009 shall revert to the General Fund.

FISCAL IMPLICATIONS

The appropriation of \$270,000 is to hire an employee (.5 FTE) to support this project. The remaining funds (contractual) will be used for the design and implementation of restorative justice practices and research and evaluation to incorporate best practices and monitor and demonstrate effectiveness. Community volunteers and donations will provide additional support.

The total amount of \$270,000 is recurring expenses and increases the budget of the 6th Judicial District court.

A portion of the funding will be used to evaluate the program, incorporate best practices and monitor and demonstrate the effectiveness of the program.

SIGNIFICANT ISSUES

According to the AOC, the 6th Judicial District was successful in securing funding from the Juvenile Justice Advisory Council (JJAC) to implement a Restorative Justice Program in Grant County in 2004. The Grant County Restorative Justice Program has been successful, with positive results for the local judiciary, schools, and law enforcement. This appropriation would allow for the expansion of the model, and make it possible to offer the services of restorative justice district-wide. It will provide restorative justice services that repair the harm done in crime, provide closure for victims, hold offenders accountable, contribute to public safety, and build a stronger sense of community.

Restorative justice is a theory of justice that is based on the common values and principles of accountability, reparation, reintegration, inclusion and effective communication. Restorative justice focuses on crime as an act against another individual or community rather than the state. The victim plays a major role in the process and may receive some type of restitution from the offender. Currently, restorative justice is a broad term which encompasses a growing social movement to institutionalize peaceful approaches to harm, problem-solving and violations of legal and human rights. This ranges from international peacemaking tribunals such as the South Africa Truth and Reconciliation Commission to innovation within the criminal justice system, schools, social services and communities. Restorative resolutions engage those who are harmed, wrongdoers and their affected communities in search of solutions that promote repair, reconciliation and the rebuilding of relationships. Restorative justice seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within our communities. Restorative approaches seek a balanced approach to the need of the victim, wrongdoer and community through processes that preserve the safety and dignity of all (Restorative Justice, ND).

Crime increases fear, reduces quality of life and causes injury to victims, survivors and communities, and while the criminal justice system prosecutes and punishes offenders, the emotional and physical damage to people and communities may often go unresolved. Restorative justice programs seek to repair the harm caused by crime through a comprehensive and cooperative process that enables the victim, the offender and affected members of the community to be directly involved in responding to the crime. These programs promote healing for the victim by allowing the victim to voluntarily meet the offender, to express the impacts of

the crime and to encourage the offender to take responsibility for the resulting harm. Restorative justice rehabilitates offenders and reintegrates them into the community by providing an opportunity for the victim, the offender and community members to develop a plan to address the harm together. The shared responsibility in finding constructive resolutions to crime gives communities a meaningful voice in the cause and effect of crime in their communities. The community-centered approach of restorative justice programs can contribute to reductions in recidivism, increased compliance with restitution agreements and victim satisfaction.

PERFORMANCE IMPLICATIONS

According to the AOC, the restorative justice provides the following benefits:

- Victims are provided an opportunity to face the offender, ask questions only the offender can answer, and express the impact of the crime on themselves and their family.
- The community has a meaningful voice in the cause and effect of crime in their neighborhoods.
- Studies consistently show a reduction in repeat offenses by offenders after participating in restorative justice. Offenders realize that it is about more than just breaking the law, and that they have affected others. They are in turn supported in repairing the harm in a meaningful way.
- Participants indicate high satisfaction for the process.

ADMINISTRATIVE IMPLICATIONS

The bill may give the corrections department another tool that they can use to help rehabilitate offenders on their caseloads in the sixth district.

DUPLICATION,

SB 254

OTHER SUBSTANTIVE ISSUES

HB 568 could positively impact measures that relate to the Governor's Truancy and Dropout Prevention initiative. The juvenile and adult restorative justice activities may enhance school attendance, graduation rates and student performance, and may have an impact on abuse, neglect, juvenile delinquency substance abuse and other related matters.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Juvenile and adult offender restorative justice services may not be initiated in the Sixth Judicial District.

CS/nt