

**An Evaluation:**

Restorative Justice Programs

***Milwaukee and Outagamie Counties***

**June 2004**

# Report Highlights ■

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***Participation in restorative justice programs increased from 2002 to 2003.***

***Milwaukee County participants have a lower recidivism rate than nonparticipants.***

***At least 11 additional Wisconsin counties have restorative justice programs.***

Restorative justice programs involve the victim, the offender, and the community in determining how to repair the harm caused by crime. 2001 Wisconsin Act 16, the 2001-03 Biennial Budget Act, created appropriations and authorized 2.0 full-time equivalent (FTE) assistant district attorney positions to serve as the coordinators of restorative justice programs in Milwaukee and another county to be selected by the Department of Corrections, which chose Outagamie County. The two coordinators are supported by federal and state funds, which are provided through the Office of Justice Assistance (OJA) and the State Prosecutors Office and are scheduled to end with fiscal year (FY) 2004-05. In FY 2002-03, \$100,600 was spent on salaries and fringe benefits through the appropriations.

Act 16 requires us to evaluate the success of these restorative justice programs in serving victims, offenders, and the community. Therefore, we analyzed:

- program expenditures through April 2004;
- each county's compliance with statutory reporting requirements;
- oversight by OJA and the State Prosecutors Office, which administer the programs' state and federal funding; and
- 11 restorative justice programs in other Wisconsin counties, which are similar to the Milwaukee and Outagamie County programs but are operated by nonprofit organizations or county agencies.

## **Program Participants**

Restorative justice programs typically deal with nonviolent crimes and involve diverse approaches, such as:

## Key Facts and Findings

*In FY 2002-03, restorative justice coordinator expenditures totaled \$100,600. The Legislature may wish to consider the future of the two restorative justice coordinators after FY 2004-05.*

*Milwaukee County operates two restorative justice programs, while Outagamie County operates five programs.*

*The two counties' programs achieved modest success through 2003.*

*The information that Outagamie County reported about its programs could be improved.*

*The Legislature may wish to consider the future of the two restorative justice coordinators after FY 2004-05.*

victim-offender conferences, which are led by trained facilitators and allow an individual victim to meet the offender and discuss both the crime and how the offender will make amends; and

- victim impact panels, which allow victims and perpetrators of certain similar offenses to meet in groups and understand the effects of the crimes.

Participation by offenders may be voluntary or mandatory and may occur before or after formal sentencing. If offenders comply with a program's provisions, the charges against them may be reduced or dismissed.

Milwaukee County	
Community Conferencing	Victims, offenders, and community members discuss crimes and decide how offenders will make amends
Neighborhood Initiative	Community members discuss public safety issues
Outagamie County	
Drunk Driving Impact Panel	Second-time offenders learn from victims the effects of their crimes
Domestic Violence Fast Track	Expedited court process allows first-time offenders to enter treatment
Drug Fast Track	Expedited court process allows first-time offenders to enter treatment
Community Court	Offenders and community members discuss crimes and decide how offenders will make amends
Victim-Offender Conferencing	Victims and offenders discuss crimes and decide how offenders will make amends

From 2002 to 2003, the number of offenders in Milwaukee County's Community Conferencing program increased modestly, from 46 to 49. The number of victims served by that program increased from 51 to 55. Milwaukee County does not track the number of participants in its Neighborhood Initiative program, which does not focus on specific offenses.

The number of offenders in Outagamie County's five programs increased from 415 in 2002 to 471 in 2003. Outagamie County reported that its Community Court and Victim-Offender Conferencing programs each served four victims in 2003, and its Domestic Violence Fast Track program served approximately 168. Its other two programs do not typically involve victims of the participants.

## Recidivism Rates

Early results for some of the programs are encouraging. For example, by

early-February 2004, 4.3 percent of 47 offenders who participated in Milwaukee County's Community Conferencing program from August 2002 through July 2003 were charged with another crime, compared to 13.5 percent of 52 nonparticipating offenders.

We independently calculated recidivism rates for offenders who participated in the Community Conferencing program in 2002. We found that 8.8 percent of participating offenders with no prior convictions were rearrested for or charged with another criminal offense within one year of participation, compared to 27.6 percent of nonparticipating offenders in our control group.

Outagamie County calculated recidivism rates for two of its restorative justice programs. It reported that 8.5 percent of offenders who had participated in its Domestic Violence Fast Track program in 2002, and 24.1 percent of its 2002 Drug Fast Track program participants, were charged with another offense by mid-January 2004. In comparison, 32.8 percent of nonparticipating offenders were charged with another offense.

While Outagamie County's results are positive, we identified problems with the control group used for comparison purposes.

First, the county did not identify a separate control group for each program. Second, the combined control group included offenders from both 2002 and 2003. In contrast, the program participant group consisted of 2002 offenders only.

Because of these problems, it is likely that Outagamie County's recidivism rates do not accurately reflect program results. We did not independently calculate recidivism rates for the two fast track programs because Outagamie County did not provide a comprehensive list of participants until late in the audit process, and it did not identify an appropriate control group.

Outagamie County has not reported recidivism rates for its Drunk Driving Impact Panel program, which served 250 offenders in 2002 and 242 offenders in 2003. We include a recommendation that this be done. Outagamie County's Community Court and Victim-Offender Conferencing programs served too few offenders for statistically meaningful rates to be calculated.

Offenders' compliance with the agreements they sign as a condition of program participation is another indicator of program success. Milwaukee County data indicate that 62.2 percent of offenders who participated in its Community Conferencing program in 2002 complied with their agreements. Offenders who comply can receive reduced charges or sentences, or the charges against them can be dismissed. We did not conduct a similar analysis for Outagamie County's two fast track programs.

## **Other Counties' Programs**

We contacted 11 other Wisconsin counties that have their own restorative justice programs. Many of these counties' programs are similar to the Milwaukee and Outagamie County programs.

Nonprofit organizations operate restorative justice programs in eight counties, while county agencies operate them in the remaining three. None of the other counties' programs involve oversight by the district attorney's office. The other counties' programs are funded primarily with county funds that may be supplemented by private grants, participant fees, and state funds. Most program budgets are small. The counties also reported that most of their programs have been successful.

## Future Considerations

Statutes require the Milwaukee and Outagamie County restorative justice coordinators to report annually on the number of victims and offenders served, the types of offenses addressed, recidivism rates for program participants and nonparticipants, and the amount of time spent operating their programs. Reports are submitted to the State Prosecutors Office, which forwards them to OJA.

2001 Wisconsin Act 16, which created the four-year pilot program, stipulated that funding for the two restorative justice coordinator positions will end with FY 2004-05. Our report includes options related to future program funding that the Legislature may wish to consider as part of its 2005-07 biennial budget deliberations.

## Recommendations

Our recommendations address the need for:

- Outagamie County to calculate and compare recidivism rates for participants in its Drunk Driving Impact Panel program and a valid control group (*p. 23*); and
- Milwaukee and Outagamie counties to use a consistent methodology to calculate recidivism rates, comply with statutory reporting requirements, and submit copies of their 2004 annual reports to the Joint Legislative Audit Committee (*pp. 30-31*);

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