

**CLAY COUNTY COLLABORATIVE GRANT  
Program Report**

**Project/program:** Restorative Justice **Host agency:** Clay County Attorney's Office

**Work group:** Restorative Justice **Today's Date:** 1/13/2011

**Person preparing this report:** Charles Kaspari **Dates of Report:** October 1, 2010 – December 31, 2010

**Factor(s) Being Addressed:** Participation in illegal activities

**PART I: DEMOGRAPHIC INFORMATION OF CHILDREN SERVED**

Gender by Quarter		Gender Year-to-Date (unduplicated)	
Male	30	Male	50
Female	16	Female	21
<b>TOTAL</b>	<b>46</b>	<b>TOTAL</b>	<b>71</b>

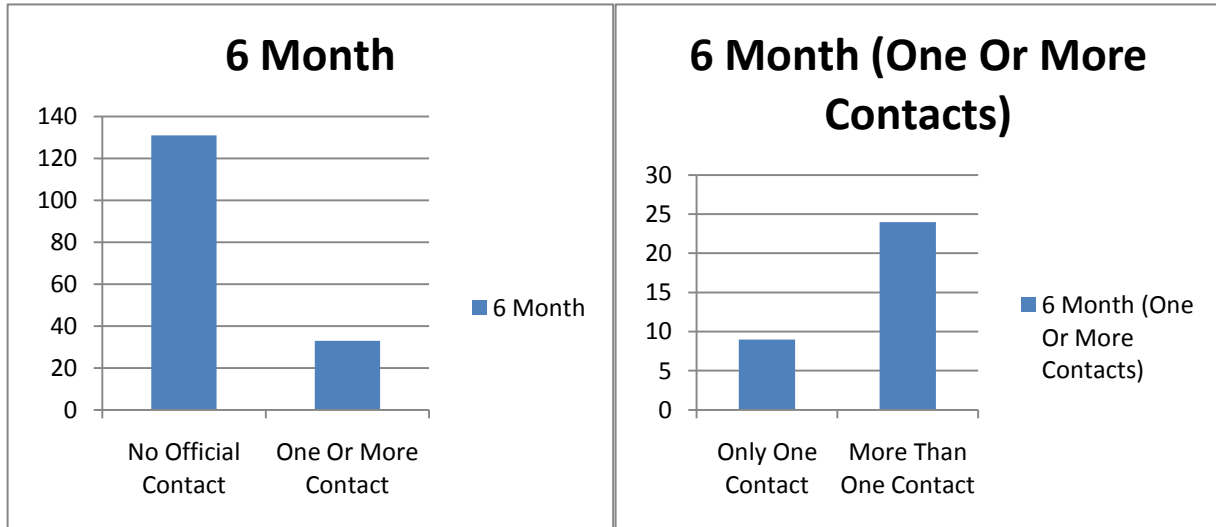
Race by Quarter		Race Year-to-Date (unduplicated)	
Native American	0	Native American	2
Asian	0	Asian	0
Hispanic	7	Hispanic	11
Black	4	Black	5
White	27	White	41
Other	8	Other	12
Missing	0	Missing	0
<b>TOTAL</b>	<b>46</b>	<b>TOTAL</b>	<b>71</b>

Age by Quarter		Age Year-to-Date (unduplicated)	
8-9	4	8-9	5
10	2	10	4
11	1	11	1
12	2	12	3
13	6	13	6
14	2	14	6
15	7	15	12
16	8	16	14
17	12	17	17
18	2	18	3
<b>TOTAL</b>	<b>46</b>	<b>TOTAL</b>	<b>71</b>

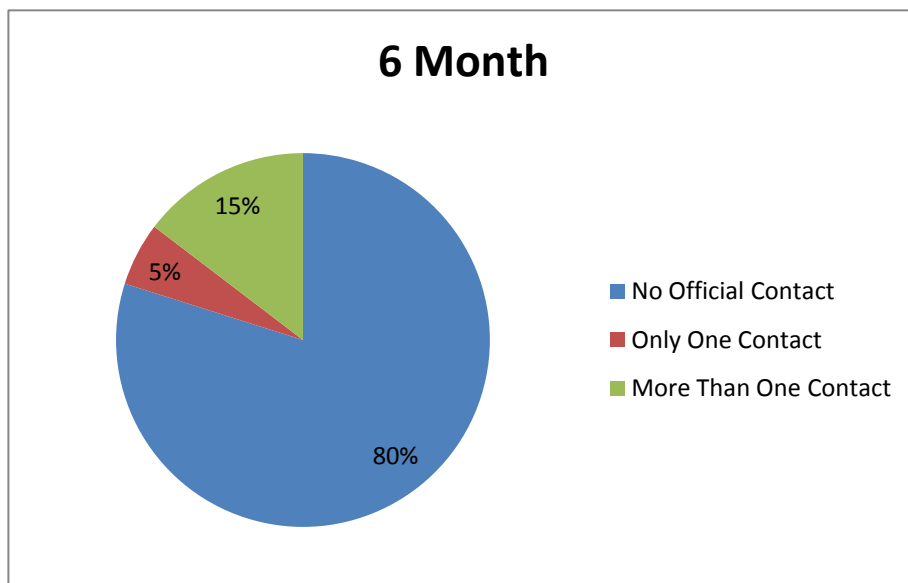
ZIP Codes by Quarter		ZIP Codes Year-to-Date (unduplicated)	
56514 (Barnesville)	0	56514 (Barnesville)	0
56525 (Comstock)	0	56525 (Comstock)	0
56529 (Dilworth)	1	56529 (Dilworth)	2
56536 (Felton)	1	56536 (Felton)	2
56547 (Glyndon)	1	56547 (Glyndon)	2
56546 (Georgetown)	0	56546 (Georgetown)	0
56549 (Hawley, Rollag)	1	56549 (Hawley, Rollag)	2
56552 (Hitterdal)	0	56552 (Hitterdal)	0
56560 (Moorhead)	42	56560 (Moorhead)	59
56580 (Sabin)	0	56580 (Sabin)	0
56585 (Ulen)	0	56585 (Ulen)	0
Other	0	Other	4
<b>TOTAL</b>	<b>46</b>	<b>TOTAL</b>	<b>71</b>

**PART II: OUTCOMES**  
**2008 - 2010 Recidivism Data**

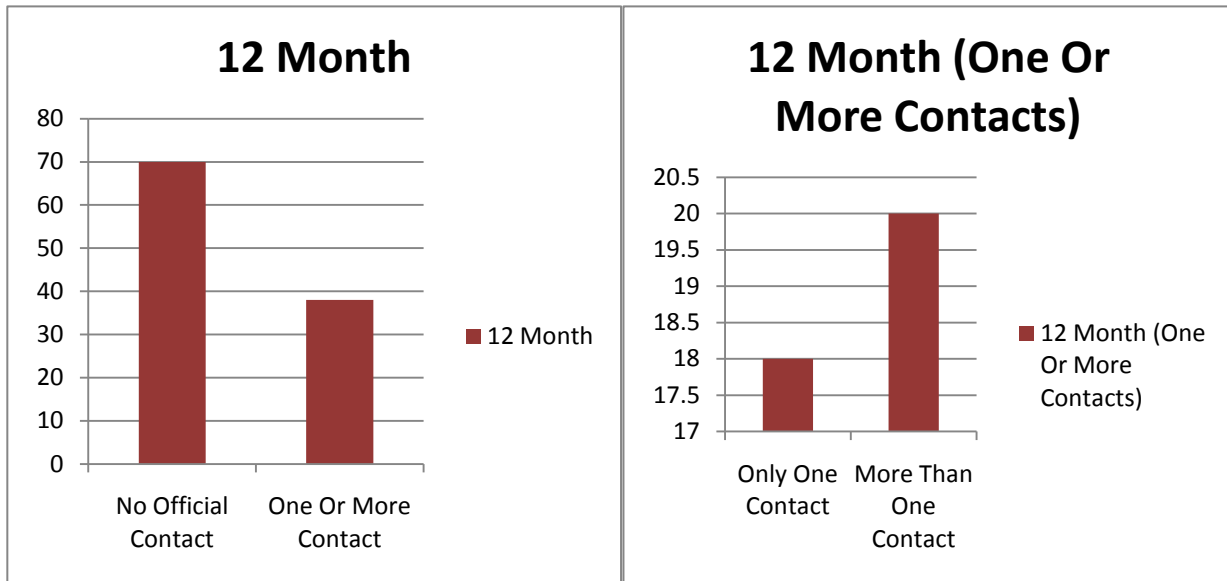
The following data includes the participants from 2008 to 2010. Only those individuals who have reached their 6 month and 12 month anniversary of program completion are considered in this data. Contact, or official contact, is defined as conviction within the criminal justice system.



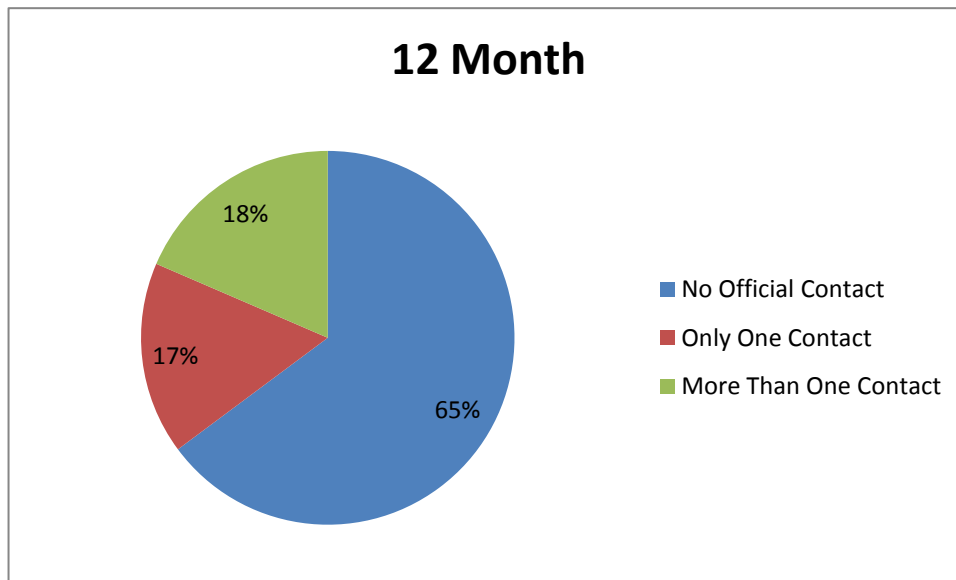
164 cases have reached their 6 month anniversary. 131 have not had any additional official contact with the criminal justice system. 9 had only one official contact after 6 months and 24 had more than one official contact after 6 months for a total of 33 cases with one or more official contact.



This graph shows the totals for those individual who have reached their 6 month anniversary. 80% had no official contact with the criminal justice system. 5% had only one contact and 15% had more than one contact.



108 cases have reached their 12 month anniversary. 70 have remained free of official contact after 12 months of completing the program. 18 had only one official contact after 12 months and 20 had more than one official contact after 12 months for a total of 38 cases with one or more official contact.



This graph shows the totals for those individual who have reached their 12 month anniversary. 65% had no official contact with the criminal justice system. 17% had only one contact and 18% had more than one contact.

# Restorative Justice Program Report

Quarter 2, Fiscal Year 2011  
 October 1, 2010 to December 31, 2010

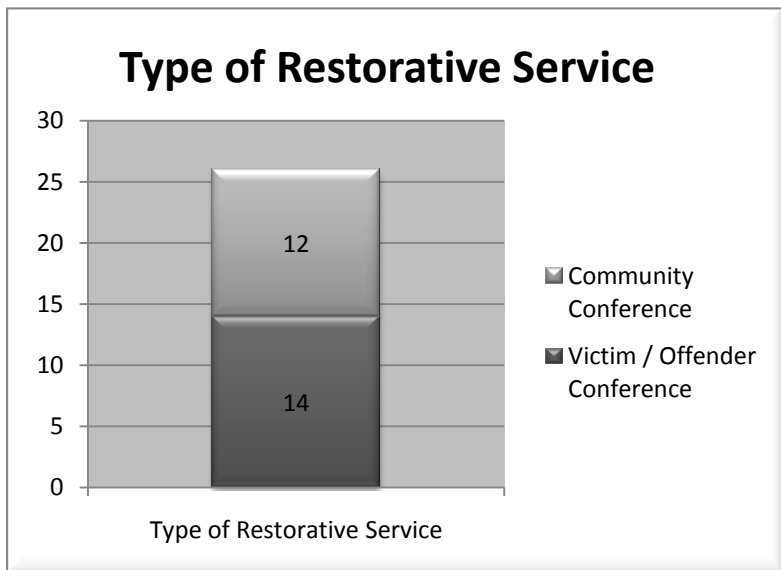
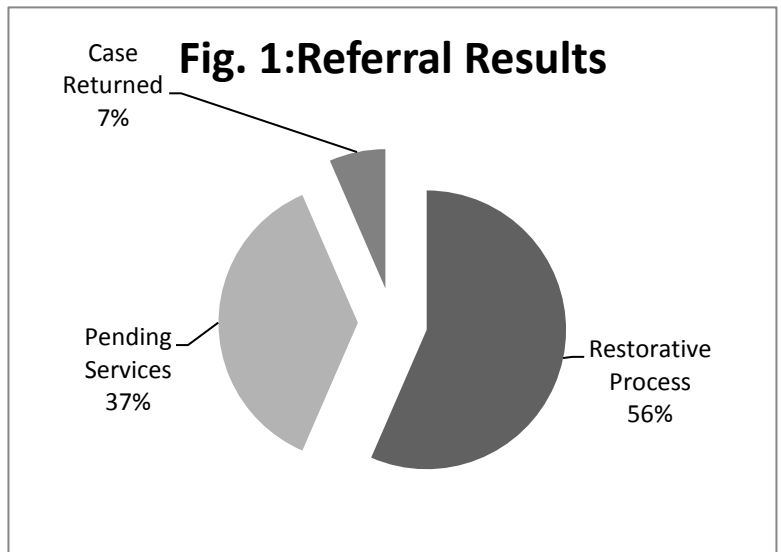
During this quarter the Restorative Justice Program served **46 Juvenile Cases**. Currently, 24 cases are open and 22 are closed. A total of **170 Client Contacts** were served including offenders (46), offender supporters (40), victims (30), victim supporters (16), community volunteers (35), and agency representatives (3).

The majority of juvenile clients were **Male (65%)** and **White (59%)**. The Restorative Justice program also worked with clients of Hispanic/Latino (15%), Immigrant: Middle East (13%), Black (9%), and other (4%). The mean age of juvenile clients was **14.13 Years**.

Referred offenses were primarily **Petty Misdemeanors (76%)**. The majority of incidents occurred in **Moorhead (86%)**. Referred offenses also occurred in Dilworth (2%), Glyndon (2%), Felton (2%), Hawley (2%), and other (6%).

The majority of victims were identified as **Individuals (62%)**. Other victims were identified as Self/Community (12%), School (8%), or Business (18%).

Referrals to the program were primarily **Diversion (56%)**. Several referrals resulted in a **Restorative Process (86%)** in which the juvenile met face-to-face with the affected victims and/or community members and came to a formal agreement on how to repair the harm caused by the incident. **Cases Returned (6%)** were sent back to the referring source because the offender was not appropriate for the program, made no attempt to contact the program, the victim was not willing to participate, or the offender did not complete. **See Figure 1.**



**Figure 2** describes the type of restorative services provided. Several cases were processed using the **Victim / Offender Conferencing (54%)** model. The **Community Conferencing (46%)** model was used with the remaining cases.

A total of **170 participants** were involved in a restorative process this quarter. **Figure 3** outlines the breakdown of process participants.

Restorative Justice Agreements that **have been completed** or are **in the process of completion** are at **84%**.

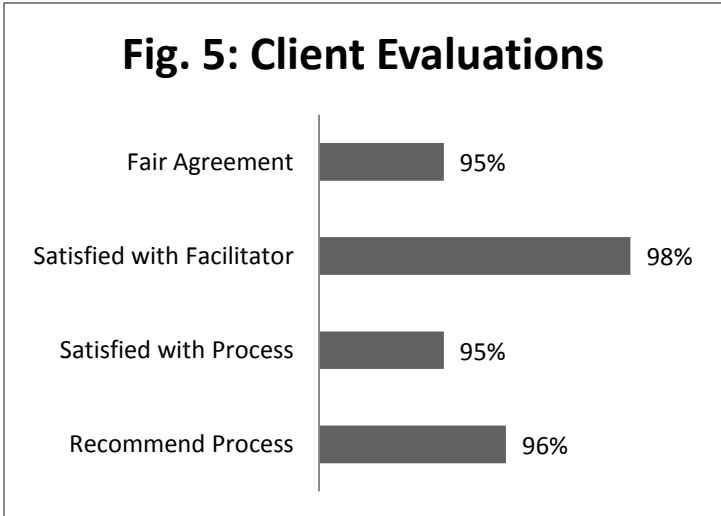
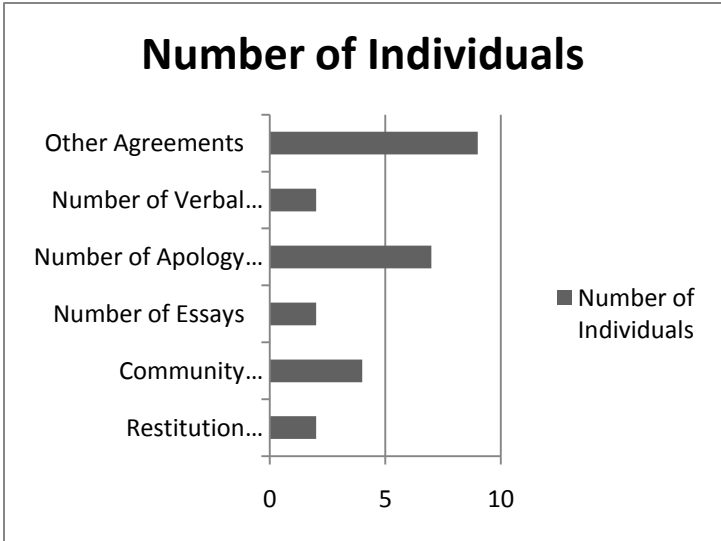
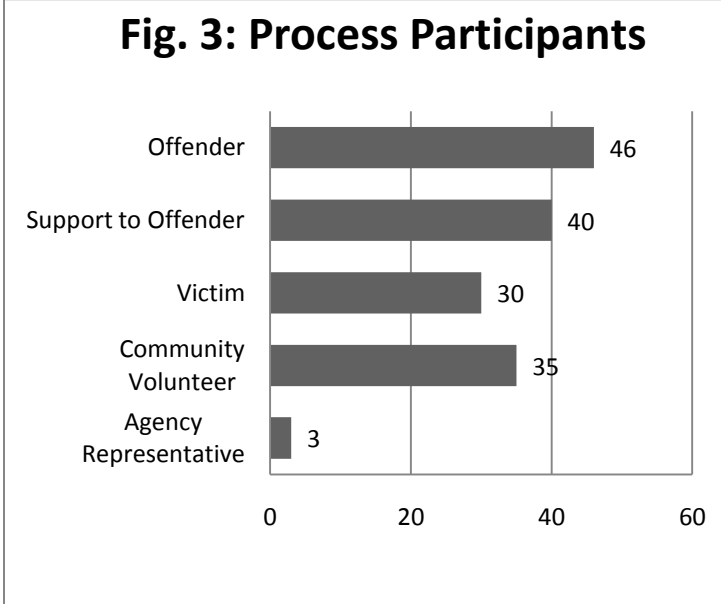
**Figure 4** describes the agreement conditions that were fulfilled this quarter.

**Figure 5** shows participant feedback regarding the restorative justice process.

**Victim/Offender Conferencing** – involves direct victims coming together with juvenile offenders to discuss how people have been harmed by an incident and how that harm might be repaired.

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**Community Conferencing** – brings together a panel of community volunteers and agency representatives to hold juvenile offenders accountable for harms caused to the community.



## **NARRATIVE**

In all cases the Clay County Restorative Justice Program brings juvenile offenders together, face-to-face, with those that they harmed. The intentions of these meetings are to create agreements that repair the harm caused by an incident of crime and work to prevent another incident from happening. To this end, each agreement is intended to be unique to both the offense and the individual offender.

We will look at some of the cases the Restorative Justice Program has been involved with during this last quarter. The first two cases will offer insight into how the restorative justice program provides an opportunity for victims and offenders to look at underline causes of crime and work together to address them. The last case we will share is unique, in that, the Restorative Justice Program was asked to provide support for a circle process at a recovery school to address concerns of students who were interfering with the schools safe and sober policy.

Our first case was referred to the Restorative Justice Program as a diversion by an Assistant County Attorney. One afternoon a group of juveniles were skateboarding in the street of a rural town in Clay County. A police officer was closely observing as these juveniles repeatedly skated into and out of the street. At one point, the juvenile who was eventually cited, sat down on his skateboard in the middle of the street and blocked traffic, forcing it to go around him. After observing this, and the juvenile's failure to remove his self from the street, the officer approached and began to speak with the juveniles. As the officer spoke with the skateboarders the individual who had been in the street shrugged his shoulders and told the officer it was no big deal. After explaining to the juveniles that it was a big deal and the city has instituted an ordinance against skateboarding in the street, he issued a citation to the juvenile.

The prosecutor's office received the ticket and spoke with the Program about possibly diverting the case before it entered the court system. The Restorative Justice Program agreed and contacted the juvenile to setup the initial pre-meeting. During the pre-meeting, program staff went over the case with the juvenile and his mother. The juvenile admitted that he acted inappropriate and explained that, at the time, he did not think it was a big deal. He went on to explain that after thinking about it and speaking with his parents he realized that he could have been injured or caused an accident. The program facilitator informed the juvenile in this case that he would be attending a community conference. At this conference he would meet with volunteers from the community to discuss the harm, who was affected, and what needs to be done to repair the harm from this incident. Additionally, with this case, the offender would also meet with a police officer from the rural town. The juvenile agreed to participate in the program.

As the meeting began the juvenile proceeded to inform the community members and the police officer of what happened during the incident. The community members proceeded to asked several questions. One question that stood out was "are there any places to skateboard safely in your town?" The juvenile said that their really were no good places to legally

skateboard and since it was a rural town there were very few sidewalks. The police officer spoke next and explained that at one point a group of people had tried to work with the city to start a skate park. The reason they never succeeded, explained the officer, was that they were very demanding and did not work to compromise with some of the cities concerns. The police officer felt that there is support for a skate park in the town, but in order to get it done, all of the groups involved need to work for a compromise.

The police offer suggested that the juvenile agree to contact the park board and speak with them again about the possibility of creating a skate park. It just so happened that the police officer's brother-in-law was a park board member and the officer agreed to help arraign the meeting if the juvenile would agree to speak. The juvenile agreed and believed that it was a good idea. The community members helped the juvenile come up with possible ways to approach the park board and its members while the agreement was written.

At the time of writing this report the juvenile has had several meetings with the park board. While there is still no answer to if a skate park will be built, both the officer and the juvenile have been working together to speak with the members of the park board and raise support. This type of outcome demonstrates what is center to the goal of restorative justice. Together, individuals in the community this juvenile lives in, have started to build relationships that will hopefully find a way to provide a solution to a growing problem. Similarly, this outcome strengthens the juvenile's ties to those individuals and hopefully a new found respect for community and law enforcement can be created.

The second case we will examine involves a night of heavy drinking, drug use, and burglary. The following case came to the program through a court order. One night the juvenile had been staying with a friend. Sometime in the early morning, the juvenile left the house with the intentions of burglarizing the neighbor's garages. He went from garage to garage, kicked in doors, and took whatever items he thought he could pawn for money. Intoxicated from the alcohol he had consumed, he stumbled back and forth through the snow, bringing each item back to his friend's car. At some point during the early morning one of the neighbors woke to the sound of his garage door being kicked in and called the police. Shortly after making the call the police found the juvenile as he was walking back to his friend's house. They handcuffed him and brought him to juvenile detention.

The juvenile appeared in court and was given his sentence. As part of the sentence, he was to participate in the Restorative Justice Program. The Restorative Justice Program contacted the juvenile and his parents to schedule a pre-meeting. During the pre-meeting the juvenile explained what happened that night and disclosed his struggle with chemical addiction. The juvenile disclosed that he mainly used alcohol but often smoked marijuana. The juvenile explained that he has been taking steps since the incident to address his chemical dependency and as part of his court order was following through with it. The program then explained that the juvenile would meet with the owners of the property he had burglarized. The juvenile was hesitant at first, fearing that they would hate him, be angry at him, and possibly yell at him.

After continuing to speak with the facilitator the juvenile agreed that meeting with the victims was what needed to be done for them, and for himself.

The Restorative Justice Program then reached out to the property owners. While not all of the property owners were interested in participating, four individuals agreed to meet with the juvenile and discuss the incident. Each of the property owners was deemed appropriate for the process and the meeting was scheduled.

The participants arrived and were seated for the meeting. The juvenile, who was accompanied by his mother, step-father, and a trusted family friend, began to tell the story of what happened that night. After the juvenile spoke, each of the victims took their turn to speak. The first was a young mother; she informed the juvenile that she came to this meeting because of her daughter. She wanted to meet with the offender and let him know that her daughter was very scared when she found out what happened and to this day, her daughter still wonders about her safety in their home and often asks her mother about the night the bad person came to their home. During this explanation the juvenile began to tear up. The mother went on to explain how her family has struggled with addiction and her father and brother are both alcoholics. She offered her advice and reassured the juvenile that he was a good person because of the way he was reacting to what she said and that he will have struggles but she believes it will get better for him.

The next individual to speak is the man who woke and called the police first. He began by explaining how he woke to the sound of his garage door being smashed in but did not catch a glimpse of the juvenile. He commented that he knew the juvenile was a big person because he kicked his well hung door in so easily. He then asked if the juvenile played sports, to which the juvenile responded, by telling him he was on the football team at Moorhead High School. The man explained that he was happy to hear that the juvenile admitted to having a problem with chemicals, he also explained that he is an alcoholic and has been sober for 18 years. He told the juvenile that it is a constant struggle and you can never use alcohol the way others do, but you will be able to deal with it if you are committed.

The final individuals to speak were a couple, they spoke about how they woke the next morning to find their cars had been torn apart, the husband's golf clubs had been taken, and a pair of prescription sunglasses were missing. They explained that they have had to take hours of time to replace and repair the damage that the juvenile caused in just a few moments. They told the juvenile that they are glad it didn't get any worse and that he could have been seriously injured, if not killed, if someone confronted him with a firearm. The couple informed the offender that most of the things taken have been replaced and they are satisfied that the juvenile understands what he did. The couple asked the offender to pay his restitution so that they can all put it behind them and move on.

After the discussion the group began to work on the agreement. The first thing that was discussed was the restitution. The court already ordered restitution in the case, so that was settled, but the offender did not have a job. The group decided that the juvenile should fill out

applications for employment. The group came to the final conclusion that the offender would fill out six applications over the course of the next month and hand them in to each respective employer. The juvenile agreed to this.

The next item was repairing the door of the man who called the police. The man suggested that the juvenile, because of his size and strength, come to his house and help him hang the door one evening. The juvenile agreed to this as well. Finally, the group decided that the juvenile needed to seek support for his chemical dependency issues. The group decided that the juvenile should attend alcohol anonymous classes for a period of at least two months. The group also asked the juvenile to speak with his school counselor about the schools addition support group. The juvenile agreed to both of these items.

The meeting had come to an end, but before it did, the juvenile said that he wanted to show he wasn't such a bad person and was sorry the mother's daughter was so scared of him. The mother asked for his phone number and said that she would call him and he could come visit some time to meet her daughter. She said that she knows he is a good person and thinks her daughter would feel better knowing who he is. This exchange did not go into the written agreement but everyone agreed that it was a good idea.

The juvenile has since completed his agreement and is working to sustain his sobriety. His mother explained later that she is seeing improvements in her son every day but he has a long way to go before he is health. The previous case is an example of what happens when you bring individuals together to discuss the causes of crime, the affects of crime, and the need to respond to crime in a positive manor. The victims in this case had a lot to be angry about but none of them were. The offender in this case had reason to be afraid but he wasn't. None of the victims had to share their personal stories with the offender but they did. The offender did not have to apologize but he did. With Restorative Justice we seek to repair relationships. Property was damaged, things were taking, and time was lost. These are all things we can quantify and make an offender pay for in restitution and community service. This meeting shows that relationships were also damaged, people were hurt. These people were empowered through the process to quantify those things and explain to the offender what it would take to repair that type of damage.

Finally, the last case we will examine came to the Restorative Justice Program as a plea for help. An individual with the local recovery school contacted the Restorative Justice Program. For those of you who are not familiar with a recovery school, it is a place where students who have identified they have an issue with substance abuse can participate in a school setting that helps support their sobriety and learning. The reason the Restorative Justice Program was contacted was because students had begun to feel that others in the school were no longer respecting the therapeutic and sober atmosphere.

A teacher with the YES recover school contacted the Restorative Justice Program and informed the staff that they have experienced several issues with students that feel uncomfortable in the school. These students were starting to get frustrated with staff because they felt nothing was

getting accomplished. The teacher asked if the Program would be willing to come and perform a circle that would include students and teachers to discuss the issues. The teacher hoped to get an outside agency to perform the circle because the students also had an issue with school staff, and thus, The Restorative Justice Program was contacted and agreed to do the circle.

Together, Restorative Justice Staff and the teachers with YES discussed what the topics were and who they believe should be invited to participate. The teachers agreed that the topics could be fairly open but the focus of the circle should be centered on the issue of the students who continue to use and violate the therapeutic atmosphere of the school. The teachers also agreed to extend invitation to students in various classes and, in particular, to the students who they felt were most upset about the lack of action. Finally, the circle would be left open to any student who wanted to participate and would not exclude anyone.

The day came for the circle to begin. The Restorative Justice Staff, or circle keeper, explained the process to those involved and described the talking piece. This particular talking piece was given to the keeper by one of the teachers and had significance to the school. After those explanations, and a brief round of introductions, the talking piece began its journey around the circle. Each individual had a chance to speak about the topic of discussion but they also had the opportunity to speak about whatever they felt was important. During a circle, only the individual with the talking piece is allowed to speak and they can keep the piece as long as they want or pass it on without saying a thing. Each student spoke about their frustration with the fellow students. They spoke about how they felt let down by the teachers because nothing was being done. The teachers explained to the students their limitations. They explained that they would like to remove these students from class if they could catch them. Many of the teachers expressed frustration in not being able to identify when someone was high or using prior to class.

The discussion continued for several passes until the group decided to end the session. In total the students and teachers participated in the circle for two hours, each individual, taking time to listen to the other and share their feelings safely. To end the meeting each individual thanked the circle for meeting and spoke some final words of peace in their own way.

The circle process melds with the goal of restorative justice to improve relationships through mutual understanding. Individuals expressed a better understanding of the situation and offered each other support in dealing with the issues at hand. Restorative justice, as a philosophy, believes that building ties in a community is an important step to preventing future problems. While these individuals were not directly harming one another, coming together and discussing the issues that affected them helped each of them empathize with one another to better understand the complications of dealing with the issue. In the end, it is the hope of the teachers that these individuals will be allies to support the teachers in making their school a place where everyone can be safe.

It is our hope that sharing these cases with you will help expose the everyday accomplishments the juveniles in our program are making. Each of the juveniles in these cases took responsibility

for their actions and pledged to make a change and improve their situation. While it may not feel like it for many of the juveniles, participation in the program is voluntary for everyone. The program goes to great lengths to explain this idea to the juveniles who are referred to the program. All of these juveniles have made a choice to participate in the process whether court ordered or diverted. The success of the program would not be possible if participants could not choose to take control of their situation and work to change it.

### **PART III: COLLABORATION**

The Restorative Justice Program continues to collaborate with agency partners to provide services. The following agency representatives participated in a restorative process at some point during this quarter, or referred a client to the Restorative Justice Program:

- Moorhead Police Department
- Dilworth Police Department
- Glyndon Police Department
- Hawley Police Department
- Clay County Sheriff's Office
- Moorhead High School
- Horizon Middle School
- Robert Asp Elementary
- Clay County Attorney's Office
- Minnesota Department of Corrections

Volunteers contributed 47 hours to the Restorative Justice Program this quarter. According to the industry standard (\$18.77/hour), these hours can be equated to a \$882.19 in-kind donation.

### **PART IV: ADDITIONAL COMMENTS**

The Restorative Justice Program is happy to report the continued involvement of several area businesses in sending representatives to participate on behalf of their respective stores as the victims in several shoplifting cases. These businesses are:

- Wal-Mart
- Herberger's Department Store

This is exceptionally good news as it is often difficult to get these businesses to take time to address juvenile crime in our community. Hopefully the Restorative Justice Program can continue to solicit their participation as their presence in these processes is important in holding juvenile offenders accountable for their actions.

### **PART V: FINANCIAL REPORT**

Please see the attached "Restorative Justice Quarterly Financial Report" for a detailed financial report of this quarter.