

**CLAY COUNTY COLLABORATIVE GRANT  
Program Report**

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

**Work group:** Restorative Justice **Today's Date:** 7/25/2011

**Person preparing this report:** Charles Kaspari **Dates of Report:** April 1, 2011 – June 30, 2011

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

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

Gender by Quarter		Gender Year-to-Date (unduplicated)	
Male	17	Male	91
Female	4	Female	47
<b>TOTAL</b>	<b>21</b>	<b>TOTAL</b>	<b>138</b>

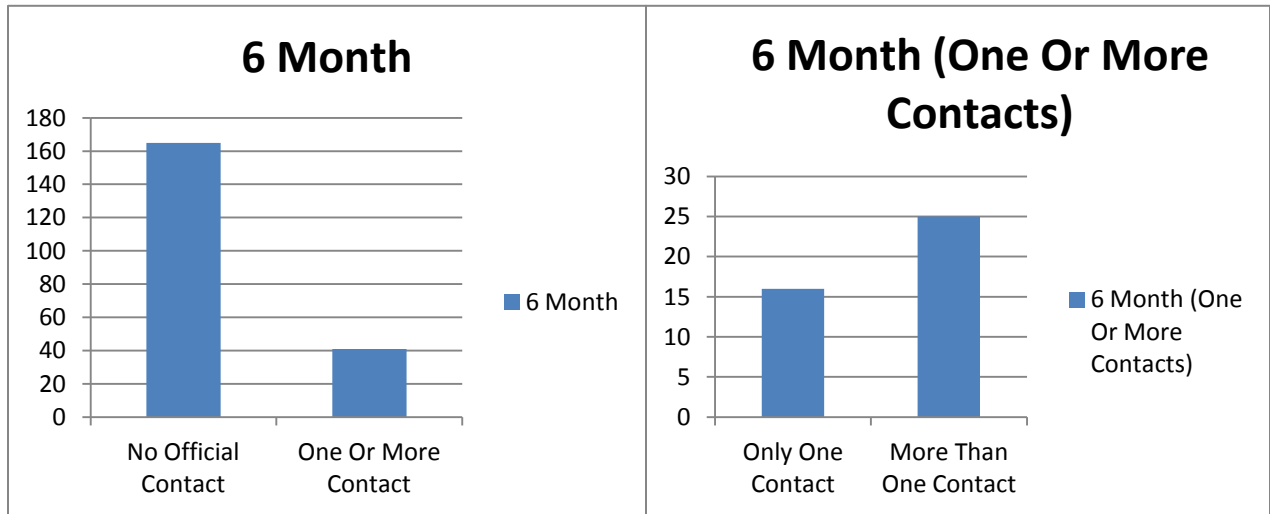
Race by Quarter		Race Year-to-Date (unduplicated)	
Native American	0	Native American	2
Asian	0	Asian	0
Hispanic	4	Hispanic	20
Black	1	Black	9
White	14	White	91
Other	2	Other	16
Missing	0	Missing	0
<b>TOTAL</b>	<b>21</b>	<b>TOTAL</b>	<b>138</b>

Age by Quarter		Age Year-to-Date (unduplicated)	
8-9	3	8-9	9
10	1	10	6
11	4	11	10
12	1	12	7
13	3	13	18
14	3	14	12
15	2	15	19
16	2	16	24
17	2	17	29
18	0	18	4
<b>TOTAL</b>	<b>21</b>	<b>TOTAL</b>	<b>138</b>

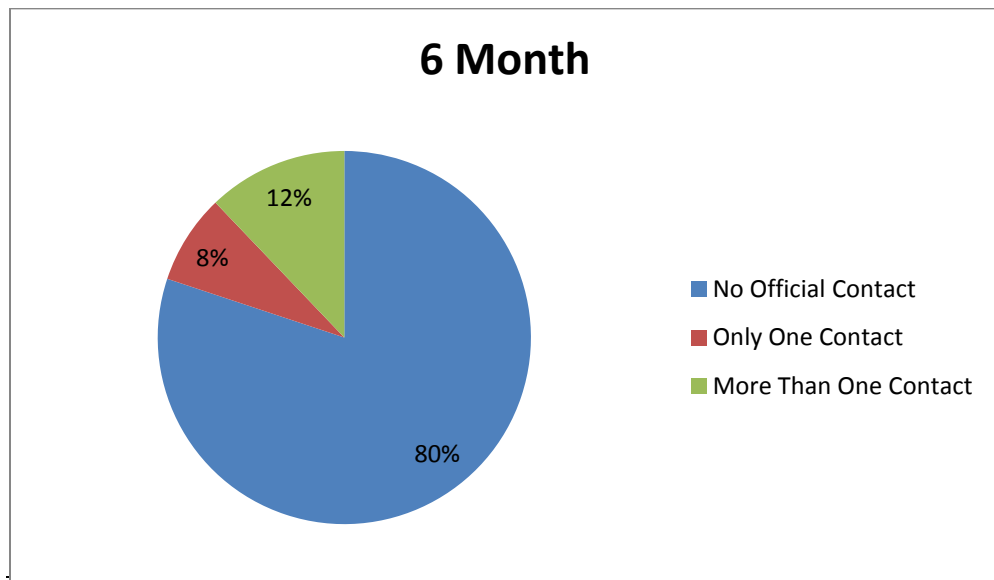
ZIP Codes by Quarter		ZIP Codes Year-to-Date (unduplicated)	
56514 (Barnesville)	2	56514 (Barnesville)	4
56525 (Comstock)	0	56525 (Comstock)	0
56529 (Dilworth)	2	56529 (Dilworth)	7
56536 (Felton)	0	56536 (Felton)	2
56547 (Glyndon)	0	56547 (Glyndon)	5
56546 (Georgetown)	0	56546 (Georgetown)	0
56549 (Hawley, Rollag)	0	56549 (Hawley, Rollag)	3
56552 (Hitterdal)	0	56552 (Hitterdal)	0
56560 (Moorhead)	16	56560 (Moorhead)	110
56580 (Sabin)	0	56580 (Sabin)	0
56585 (Ulen)	0	56585 (Ulen)	0
Other	1	Other	7
<b>TOTAL</b>	<b>21</b>	<b>TOTAL</b>	<b>138</b>

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

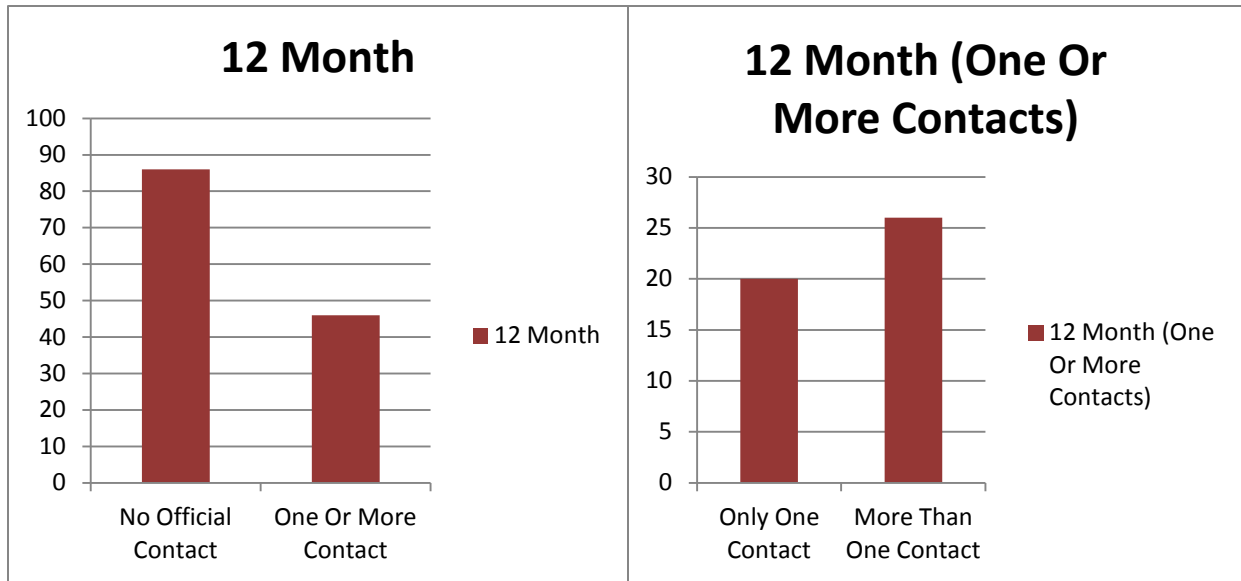
The following data includes the participants from 2008 to 2010 and is a continuance of the information provided in previous reports. Only those individuals who have reached their 6 month and 12 month anniversary of program completion are considered in this data. Contact, or official contact, is defined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



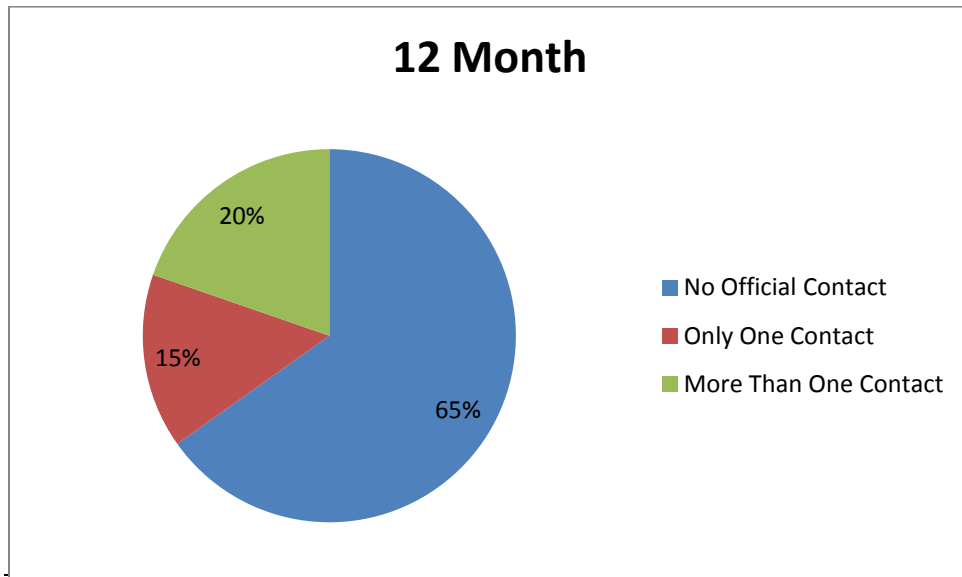
Currently, 206 cases have reached their 6 month anniversary. 165 have not had any additional official contact with the criminal justice system. 16 had only one official contact after 6 months and 25 had more than one official contact after 6 months for a total of 36 cases with one or more official contact.



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. 8% had only one contact and 12% had more than one contact.



132 cases have reached their 12 month anniversary. 86 have remained free of official contact after 12 months of completing the program. 20 had only one official contact after 12 months and 26 had more than one official contact after 12 months for a total of 46 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. 15% had only one contact and 20% had more than one contact.

# Restorative Justice Program Report

April 1, 2011 to June 30, 2011

During this quarter the Restorative Justice Program served **49 Juvenile Cases**. Currently, 24 cases are open and 25 are closed. A total of **196 Client Contacts** were served including offenders (49), offender supporters (56), victims (15), victim supporters (7), community volunteers (62), and agency representatives (7).

Over half of the juvenile clients were **Male (59%)** and **White (69%)**. The Restorative Justice program also worked with clients of Hispanic/Latino (14%), Black (6%), and other (11%). The mean age of juvenile clients was **13.88 Years**.

Referred offenses were primarily **Petty Misdemeanors (53%)**. The majority of incidents occurred in **Moorhead (82%)**. Referred offenses also occurred in Dilworth (8%), Glyndon (4%), Barnesville (4%), and other (2%).

The majority of victims were identified as **Individuals (61%)**. Other victims were identified as Self/Community (20%), School (7%), or Business (12%).

Referrals to the program were primarily **Diversion (67%)**. Several referrals resulted in a **Restorative Process (92%)** 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 (10%)** 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.**

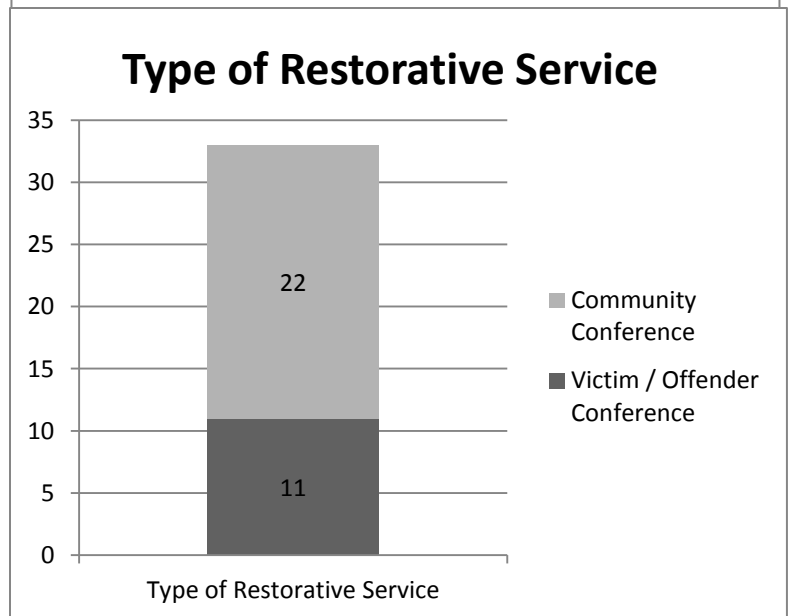
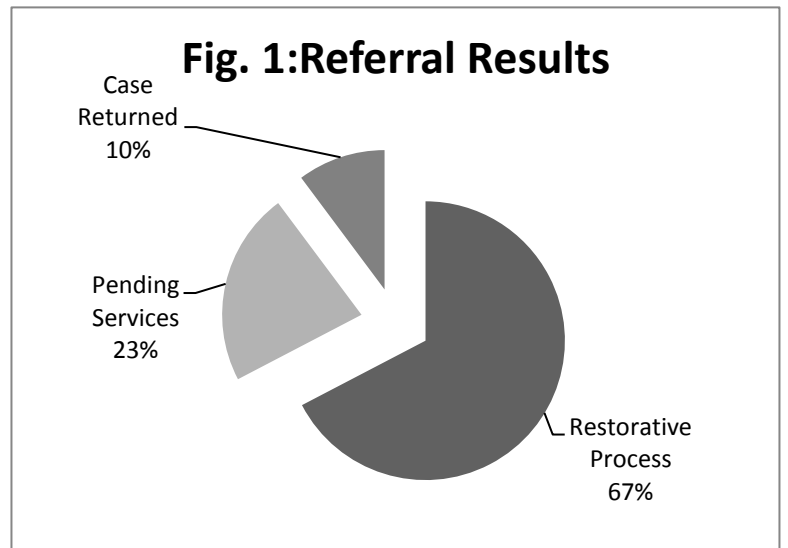


Figure 2 describes the type of restorative services provided. Several cases were processed using the **Community Conferencing (67%)** model. The **Victim / Offender Conferencing (33%)** model was used with the remaining cases.

A total of **196 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 **90%**.

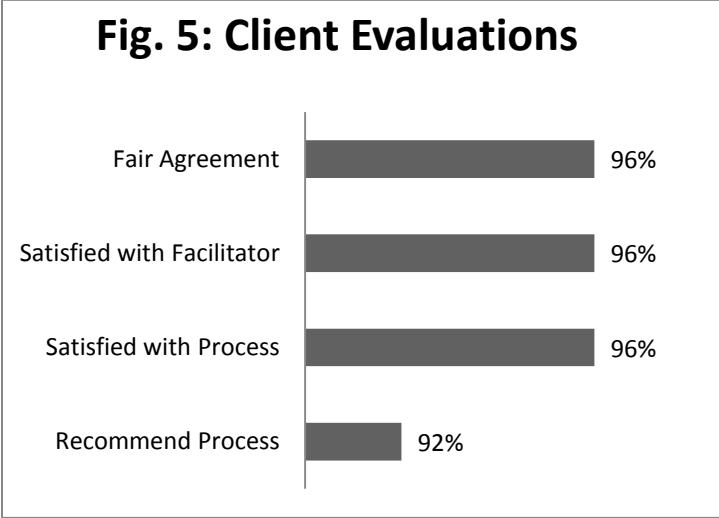
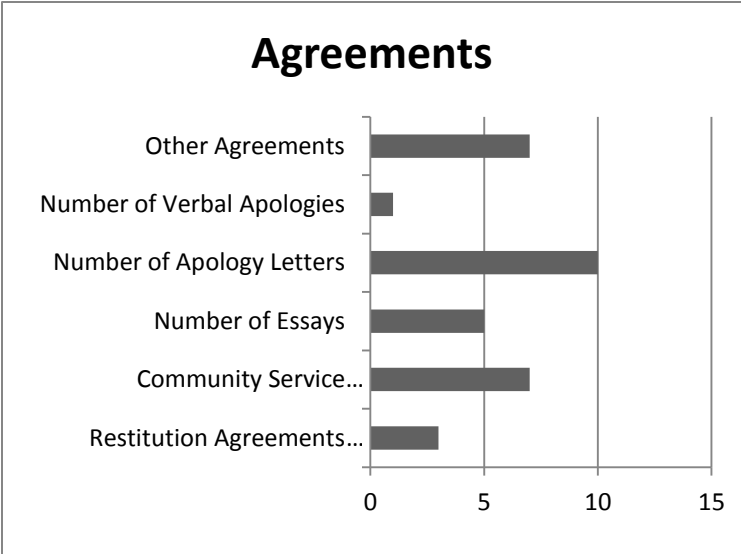
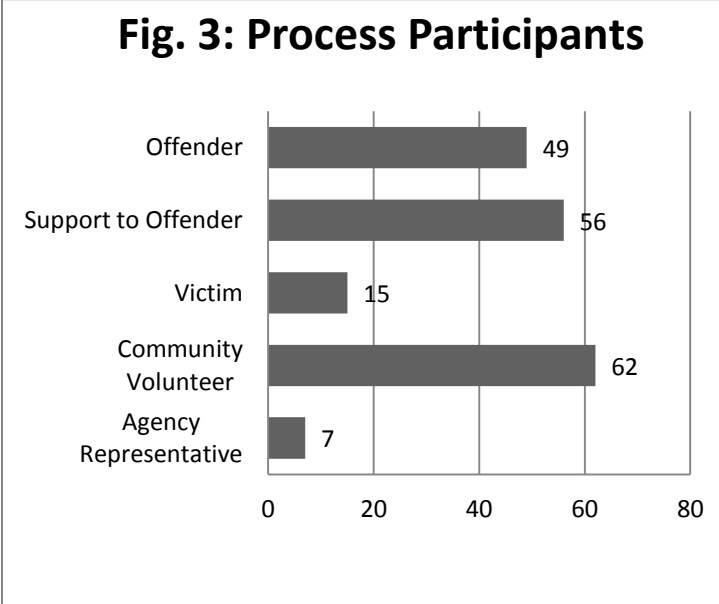
Figure 4 describes the agreement conditions that were fulfilled this quarter.

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 have 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 a case the Restorative Justice Program has been involved with during this quarter. This case serves as an example of how Restorative Justice attempts to create agreements that are unique to each individual. The end goal of the process is to insure the harm caused by the actions of the offender is repaired in a manner that is fair to all individuals involved with each one participating in the process.

The case we will look at was processed using the Victim-Offender conferencing model. The case ultimately ended up being resolved in two separate meetings. The reason for proceeding in this manner was to insure all participants felt comfortable during the process and involved in the outcome. While exploring this case we will see how the Restorative Justice process is molded to fit each case as they develop. For the purpose of protecting the each individual's identity the names have been changed.

Approximately two years ago a Moorhead Police School Resource Officer (SRO), took a report of criminal damage to property involving a vehicle owned by Alex, the son of another Moorhead Police Officer named Jim. While parked at in the High School parking lot, the victim discovered that his car would not start. Only after having it towed and inspected by a mechanic did they realize that someone had put sugar in the gas tank. The SRO interviewed individuals at the school, but was unable to find out who was responsible for the incident.

Almost two years later, more information came to SRO's attention. The SRO called a new suspect, named Kevin, down to his office to interview and asked him questions about the newly acquired information. After speaking with the SRO, Kevin admitted he had placed sugar in the gas tank of Alex's car in order to "get back" at him for calling him names and bullying him.

The SRO then spoke to Jim, the father of Alex, and Jim indicated he would like to resolve the issue without having to subject Kevin and his family to court. Kevin was well known to Alex and his family and Jim did not want to put Kevin's family through that process if necessary. The SRO recommended the Restorative Justice Program (RJ Program) as a possible solution and Jim agreed it would be the best outcome, if possible.

After finding out what the victim wanted as a possible resolution, the SRO contacted the RJ Program to discuss a possible diversion. The RJ Program Facilitator reviewed the information and determined the case would be appropriate. The Facilitator then contacted Kevin and his father and they agreed to meet and discuss the process.

The Facilitator listened to Kevin explain what happened that day almost two years ago. If you were to look at Kevin now, he would not appear to be the stereotypical victim of bullying. Kevin is tall, athletic and is a pretty good football player. The untrained observer may think anyone who would try and bully Kevin would be quickly threatened physically, but those who have worked with bullying victims are all too aware that physical strength is not a deterrent to bullying.

Kevin explained that two years ago he was much heavier and had a problem with his weight. He explained Alex was a good friend in the past, and he still considered Alex within his circle of friends. Kevin went on to explain that Alex started to hang-out with a different group of people and started to talk down to him; he didn't necessarily physically bully him, but would often make fun of him or say mean things about him behind his back. Kevin explained how he felt there wasn't anything he could do about it. He had spoken to Alex and told him how he felt, but Alex would continue to give him a hard time and would minimize his concerns by saying he was just kidding.

Kevin thought, at the time his other option could be to confront him physically, but doing so would just mean Kevin would get in trouble for fighting as he would look like the bully for being physically bigger than Alex. The bullying went on until one day Kevin had had enough. Kevin explained how after hearing Alex cut him down for not having as nice a car he decided to pour sugar in the Alex's gas tank. Kevin explained he had heard about it being done in the past as a joke and assumed it would only have a temporary affect on the vehicle.

Kevin explained he prepared a bottle of water and poured sugar in the car one morning before class. Kevin said he didn't think anything more about it and only told a select few people who felt the same way about Alex. It wasn't until a few days later he discovered that Alex's car had been damaged much more than he had originally thought. At the time he didn't say anything to anyone and when confronted by Alex, he denied knowing anything about it. Almost two years went by and finally, after speaking with the SRO a second time, Kevin admitted to having been the one who poured in the sugar.

The Facilitator asked Kevin if there was anyone else involved who felt the same way about Alex. The Facilitator explained it was not his job to get anyone else in trouble, but he wanted to know everything that happened. Kevin stated again, that he acted alone. His father questioned Kevin a second time and Kevin stuck with his story that he acted alone.

The Facilitator continued and asked Kevin and his father if there was anyone that they would want to bring to the meeting for support. Kevin mentioned that he would like to include his friend Ryan, who had also been a victim of Alex's bullying. Ryan also mentioned the SRO who would help answer questions about what happened for everyone involved. The Facilitator informed Kevin to speak to these individuals and let them know the Facilitator would be contacting them to include them in the process. Kevin and his father agreed to this and the meeting was ended.

The RJ Facilitator reached out to Ryan and his mother to include them in the process. During the meeting with Ryan and his mother, the Facilitator explained the process, what their role as supporters would entail, how they would be there to speak on Kevin's behalf, and be there to help him talk about the events and come up with a fair agreement. The Facilitator then explained what was happening with the case. He informed Ryan that Kevin was taking full responsibility for what happened. Ryan explained that he knew what happened that day and knew that Kevin was responsible for what happened. The meeting ended with Ryan and his mother agreeing to attend to support Kevin. The Facilitator's next step was to meet with Alex and his father Jim, but before that could happen he received a call from Kevin's father.

Kevin's father explained he believed Ryan also played a role in the incident. He indicated he spoke with Kevin and after that conversation, he believed Ryan and Kevin had worked together to plan and pour sugar in Alex's gas tank. The Facilitator informed Kevin's father that, at the time, Kevin was the only one who would be charged for the crime if he was to go to court, Ryan would need to come forward and admit he played a part in the incident before the program could hold him accountable for the incident.

The next day, Ryan contacted the Facilitator to tell him he had talked about the incident with his mother and that he did, in fact, play a role in the incident. Ryan was bothered when he heard about what Kevin was facing and did not want Kevin to stand alone. The Facilitator explained Ryan could continue with the program and participate along with Kevin as a diversion to court if he wished. Ryan agreed.

After Ryan came forward, the Facilitator met with Alex and his father Jim. Jim explained Alex had received the car as a gift from his grandfather. The family had it towed to a mechanic who was able to determine the damage was caused by sugar in the gas tank. The vehicle required extensive work and many parts had to be cleaned or replaced. After the first repair and cleaning, Jim explained the car was still having issues and never ran quite right afterwards. Jim brought it in to have it checked again and the mechanic cleaned out the engine once more discovering there was still sugar residue within the fuel system. The process was time consuming and they paid a good deal of money out-of-pocket to cover the repairs. Alex explained the situation was an inconvenience. With one car out of commission and both his parents working, the family had to make special arrangements.

Alex explained he was not aware he had been bullying Kevin and Ryan. He explained if he did he was sorry it came off that way and had not meant to upset them. Jim explained he wanted to go ahead with the Restorative Justice Program because he felt it was a better way of handling the situation. Jim and his family know Kevin and Ryan's parents and didn't want to have anything further divide the relationships of the three families. Jim still wanted to be made whole, and he wanted his insurance company to be repaid, but he knew it had been a mistake and the juveniles had most likely learned from the incident.

The Facilitator spoke with Ryan and Kevin's parents once more. The Facilitator

informed them of the general nature of what Alex, Jim, and their family would be asking for in order to repair the harm. Kevin and Ryan were at first reluctant to meet with the insurance company, but the Facilitator explained it was important to the process that all individuals who were harmed be included. Normally insurance companies are not contacted, but Jim had requested it and the Facilitator had to honor that request. The Facilitator suggested the process continue in two separate meetings - one with Alex, Jim, and their family and another with the insurance representative. The purpose would be to keep the matters surrounding the bullying between the families and deal with the insurance representative issues separate. All parties agreed this was the best course of action and the Facilitator proceeded to contact the insurance company for a pre-meeting.

The Facilitator spoke with a representative for the insurance company who agreed their interests could be served by attending the Restorative Justice meeting. The Representative informed the Facilitator she would need to get approval, but did not see a reason why they would not participate. Shortly after, the Representative informed the Facilitator their company would participate in the process and she would represent the company at the meeting.

After these initial meetings were completed, Kevin, Ryan, Alex and their parents met with the SRO in a Restorative Justice Conference. Kevin began the meeting and apologized to Alex and his family. Kevin explained how he felt when Alex was bullying him and said it was because of this that he made the choice to put sugar in the gas tank. Kevin explained he didn't realize how much damage it would cause and he thought it would only make it sputter for a short time.

Kevin told Alex he was sorry for what he did and it was not the right way to handle the situation. Next, Ryan explained he too felt targeted by Alex's bullying. He said they were all friends at one time and didn't feel Alex was treating him with respect. Ryan told the group he had spoken with Kevin and together they decided to put the sugar in the gas tank as a prank to get back at Alex. Ryan explained he was the one who prepared the sugar water and then he gave it to Kevin who put it in the gas tank.

The next person to speak was Alex. Alex explained the impact the incident had on him. Alex no longer owned the car, which had been a gift from his grandfather. His Grandfather was upset the car he bought for Alex had been ruined and he was hurt knowing his Grandfather was so upset. Not long after the incident Alex explained the family decided to sell the car for parts as it never ran right after that day. Alex went on to apologize for how he treated Kevin and Ryan. Alex explained he did not know he had been acting like that and he would try to make sure he treated them both better in the future.

Jim was the next to speak. Jim explained his father, Alex's Grandfather, bought the car for Alex as a gift. Jim explained Alex and his father were close and his father was especially hurt when he found out someone damaged the vehicle. Jim informed the group of the difficulties they had discovering what the problem was and how they had to

bring the car in for repairs on several occasions. In all it was several days worth of time in the repair shop and a total of \$4,163.63 worth of damages. Jim informed the group this was over the course of two years and in the end he was forced to pay on his deductible twice for a total of \$697.37 in out-of-pocket expenses while his insurance covered the rest.

The discussion continued with each parent apologizing and giving their input. Finally, the SRO spoke to the group. The SRO was familiar with all three of the boys. He knew Alex had been giving Kevin and Ryan a hard time and told all three of them that he hoped they learned from the incident. He emphasized they should treat each other with respect, especially now this was over and in the past. The SRO continued to explain he didn't see the same kids that caused the damage anymore and he explained he had watched Kevin and Ryan mature since. He also stated believed they were good kids. The SRO explained part of maturing was admitting to one's mistakes. Since this had occurred, it showed the SRO how they had changed. The SRO continued by thanking Ryan for stepping forward and not allowing Kevin to take all of the blame himself. Finally, the SRO stated he hoped after this meeting if any of them needed to talk about anything they could come to him and he would make sure he was available for them.

The group discussed the agreement and it was decided Kevin and Ryan would each pay \$348.68 to Jim and his family for their out-of-pocket expenses. The group decided everyone one had learned from this incident and nothing further was needed as each one had apologized. The first meeting was over.

The second meeting followed shortly after the first. During this meeting Kevin, Ryan, and their parents met with Cathy, the representative from the insurance agency. The meeting began with Kevin and Ryan explaining what happened. Each one explained why they did what they did and how they felt about it now. Both apologized to Cathy for their poor decision and explained they realize now, there are better ways to deal with being the victim of bullying than taking revenge.

After the boys finished with their explanations, Cathy began to explain the affect acts like these has on an insurance company. Cathy explained the financial impact to her customers and their company. Cathy went on to explain her company works hard to follow through with cases like these to recover anything they can to help protect their customers. Typically her insurance company will sue in order to recover money lost because of crime and it was not an uncommon practice to take individuals to court. She explained that going to court often results in substantial financial obligation to the offender, but also damages their credit and is a permanent mark on other important records. She stated she was glad they would be able to avoid those consequences by meeting with her.

Cathy continued to say she sympathized with the boys. She stated she understood how it must have felt and that she made mistakes when she was younger. She stated she hoped both boys would learn from this mistake, make it right, and make an effort to insure they would not make this kind of mistake again.

The discussion continued and finally turned toward discussing the Agreement. Kevin and Ryan offered to pay the company back if they were given enough time. Cathy agreed they would need to pay for the damages they caused. Cathy suggested each one pay \$100 a month for an entire year, for a total of \$1,200 a piece. This amount, she concluded, was less than the total loss, but was a fair amount considering the means the boys had to pay the company back. Both Juveniles and their parents agreed this was fair. The meeting ended with Cathy thanking the boys for taking responsibility and Kevin and Ryan thanking Cathy for being so fair.

This case illustrates how each Restorative Justice process is uniquely processed to provide and accommodate for the needs of each participant. In this case bullying was part of the cause of the behavior that led to the actions that caused harm. It is central to the process to identify the causes of behavior in the Restorative Justice program so that responsibility can be identified; this is not to be confused with blame. A careful Facilitator will be sure to define blame, cause, choice, and behavior. In Restorative Justice it is best to consider the definitions as: (1) Blame - the idea of taking no responsibility for your actions because of a lack of choice; (2) Cause - the events or things that lead to a choice; (3) Choice - doing one thing or another based on a thought process; and (4) Behavior - the actions as a result of a choice. While the program did not directly confront the bullying, and as much as the program would like to, it is not designed to do so. The bullying was discussed and each participant was able to address it in a way that was appropriate for the purpose of the meeting - without blame and acknowledging a poor choice that was made because of it.

Furthermore, the program accommodated the situation by dividing the meetings in order to approach the cause of the behavior within a meeting between the families and excluding the insurance company who would benefit less from that back and forth dialog. In the second meeting the insurance company was still made aware of the cause of the behavior, but was not part of the integral discussion as it was in the first meeting.

In the end, we see in these cases how the victim decides what is appropriate to repair the harm to them and it is not a decision that is arbitrated or ordered by a third party. The insurance company was able to weigh the situation and abilities of the offender themselves and make an offer that they believed was appropriate to meet their needs. That is not to say a court would not consider these things either, but that the victim has the final say regardless. If the victim was not satisfied, the meeting would not proceed. This serves to fulfill the goal of Restorative Justice - repair harm and involve all participants to become stakeholders in the outcome.

### **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
- Minnesota Department of Natural Resources

Volunteers contributed 52.5 hours to the Restorative Justice Program this quarter. According to the industry standard (\$18.77/hour), these hours can be equated to a \$985.43 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
- Walgreens
- American Family Insurance

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.