

Getting Beyond the Crime

A growing movement brings victim and offender together—for healing, resolution and peace

BY JAN GOODWIN FROM O. THE OPRAH MAGAZINE

It was 8 p.m. by the time Jan Brown returned home from work. Exhausted from the long day, she ignored the ringing phone at first. Then she heard her ex-husband on the answering machine telling her that their daughter, Kandy, was missing. "The police," Brown says, "suspected foul play."

Nine-year-old Kandy had been living with her father and his new wife in Bryan, Texas, about 100 miles from Brown's home near Houston. "I wanted to jump in my car and drive over there, convinced in my panic that

the moment I did, Kandy would materialize. But Joe said no, I should stay home to answer the phone in case she called. She never called. I sat there alone."

The smart, lively kid whom everyone loved, and who sang in her church choir, was discovered two weeks later on an empty lot, shot in the head at close range with her hands tied behind her.

"When the authorities called me, I got up from the couch, walked into the bedroom, and screamed and

ILLUSTRATION: © GUY BILLOUT

screamed," says Brown. "I couldn't stop. Having your child brutally murdered—the effect on your life can't be described."

On the same day that Kandy was found, 44-year-old junk dealer James Otto Earhart—a loner who still lived with his mother—was arrested in connection with her murder.

"We never knew if my daughter had been sexually abused," says Brown. "I was spared that knowledge. Her body was too decomposed in the Texas heat."

Brown couldn't get the image of Kandy's remains out of her head, and a couple months later checked herself into a hospital, unable to function. "I didn't know where to put my pain," she says. "I thought about killing myself all the time."

Earhart, who admitted to picking up Kandy and driving her around, denied he had killed her, but traces of her blood were found in his car. He was sentenced to die and spent the next 11 years on death row.

"I was imprisoned all those years too," says Jan Brown. "For a long time, I was in bed under the covers."

Haunted by visions of what her daughter's last minutes had been like, she wrote to Earhart and tried to see him, to no avail. "I couldn't talk to the guy who killed my daughter," says Brown.

"Yet there was a connection between Earhart and me. It's not what you know that kills you. It's what you don't know, because then you have to imagine it."

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SUCH FEELINGS and frustrations are common among the millions of Americans who are directly affected by the murder of a family member or close friend. Today, a growing movement called restorative justice (RJ) offers family members and victims of various crimes—violent as well as non-violent—the opportunity to sit down with their offenders in order to gain real information, begin healing and move on. The free programs (funded variously by government and private nonprofit groups) started cropping up in this country about 30 years ago. Now they operate in almost every state.

To assure a positive outcome, the meetings—which usually last several hours, sometimes over a period of days—are monitored by trained facilitators and follow an extensive preparation that can take up to a year. During this time, the facilitator works with both victim and inmate individually, asking each to describe what happened and why, and their goals for the session, then passing the answers to the other party.

The perpetrators are required to accept responsibility for the crime, whether it's embezzlement or rape. "If they don't do this, or minimize what they did, there is the potential for the victim to be revictimized," says Ann Warner Roberts, outreach director of the Center for Restorative Justice & Peacemaking at the University of Minnesota. Inmates are also informed that their involvement will have no impact on the possibility of parole.

Research on restorative justice shows that after going through the program, victims are often better able to stop demonizing the offender and regain a sense of power.

The offenders also benefit. Ninety to 95 percent of them find the process meaningful, according to Betty Vos, co-author of the book *Facing Violence: The Path of Restorative Justice and Dialogue*.

Most noticeably, there is evidence that restorative justice helps keep ex-cons from returning to crime. An analysis of the Resolve to Stop the Violence Project (RSVP), an RJ program run by the San Francisco Sheriff's Department, showed that inmate participants had a 72 to 81 percent lower violent crime re-arrest rate—saving

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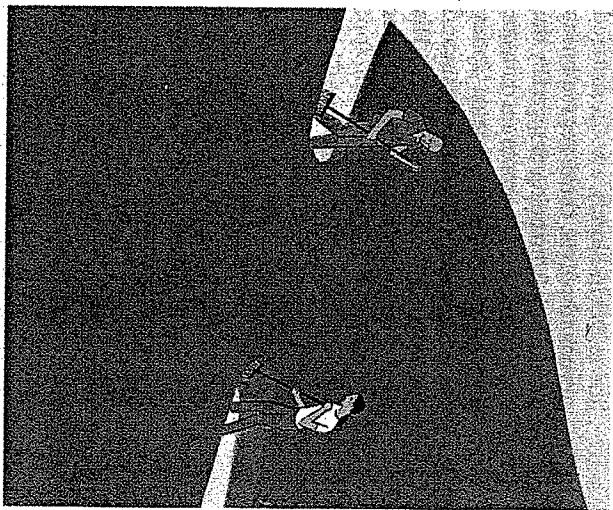
the community some \$4 for every \$1 spent on the program.

Attorney Sunny Schwartz, who heads up RSVP, says there is another profound benefit: "RJ findings suggest that violence is learned, and in many cases can be unlearned."

She explains, "Until offenders face their victims, they have zero sense of accountability. Most offenders will tell you, 'I'm the victim—I'm in jail.' Or they'll say, 'I'm a victim too. I was beat up as a child.' We ask, 'But what about

the person you harmed? She didn't hurt anyone, and look what happened to her.' After they listen to someone describe what he or she went through, their response is often very different. Over and over again we hear, 'My God, what did I do?'

In August 2001, "Misha," a 15-year-old Minnesota teenager who asks to use a pseudonym, aimed the SUV, which he was driving illegally, at a boy he didn't know and mowed him



down. Devin Blundy, also 15, suffered a crushed pelvis, third-degree burns on his back from being dragged by the vehicle, and permanent brain damage; he was in a coma for weeks. Today Devin tires easily, is often in pain and has short-term memory problems. His twin brother, Dan, is a daily reminder of how life could be.

Devastated, Devin's mother, Cindy, wanted to meet the attacker to understand why he did what he did, and why he chose her son. "All we knew was that as Devin put his hands on the vehicle to stop it, Misha accelerated and drove right over him."

A Russian immigrant and high school dropout with a growing rap sheet, Misha was sentenced to 18 months and probation until he turns 21. If he breaks the law before then, he will have to serve seven years in an adult facility.

At an RJ meeting between the two families held in the spring of 2002, Blundy showed Misha photographs of her son in intensive care and told him about the family's massive medical bills—more than \$300,000 so far.

Misha told the family that at the time, he'd been hanging with a tough, older crowd, and that he was high on drugs and booze.

"To face Devin's family was the scariest thing I've ever done," says Misha, now 18. "But I wanted them to know I prayed for months for Devin to live. I wanted to face them and show that I wasn't just cold-blooded, that I made a mistake. Doing the conference was the best thing I ever did. It taught

me somebody's life is not a game."

Misha is back in school. He works nights in a nursing home and has paid the Blundy family the restitution they asked for—\$2,000 toward expenses their health insurance didn't cover. (A University of Minnesota study of 167 nonviolent juvenile offenders shows that only 58 percent of court-ordered restitutions are carried out, whereas as many as 81 percent of RJ obligations are met. In a second study of 160, there was a 33 percent reduction in recidivism compared to similar juvenile offenders who did not participate.)

"It was good to learn what really happened that night," says Blundy. "And that Misha really wanted to change. We hear from his probation officer that he's doing well."

JAN BROWN was never able to meet her daughter's murderer. Earhart was executed in August 1999. But in June 2001, 14 years after her daughter was killed, Brown was offered the chance to undergo a surrogate RJ session.

In a small room at the Wynne Unit correctional facility in Huntsville, Texas, she spent eight hours talking to 27-year-old Lenox Watson. He is serving a life sentence for the car-jacking murder of a teenage girl, a crime he committed when he was 17.

Until he started preparing for this RJ session, he explains, "I never thought about what I'd done, that I'm in here because I took somebody's life."

Brown tells him about being in such misery after Kandy's death that no one close to her could bear her pain. "I lost all my friends but one. I don't want you to feel sorry for me. Just understand the consequence of the actions you took."

Watson begins to tremble. He holds his head in his hands as tears run freely down his face. "I killed someone. I can't change that."

And then Brown says something surprising. "Murder is what you did on one day of your life. It is not the essence of who you are. You can still make something of your life. Even in here."

Shortly after the raw and compelling meeting with Brown, Watson tells the RJ facilitator, "I feel as if a load has been lifted off me. As I walked back to my cellblock, I noticed the birds and flowers on the other side of the fence. I listened to a dude behind me on the food line, and I could hear him breathing. I don't do that kind of stuff."

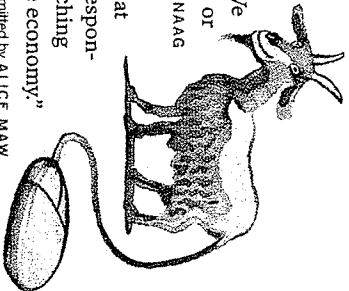
Watson's awareness of the world around him may not seem remarkable, but like so many inmates serving lengthy sentences, he had been completely closed down emotionally since being incarcerated—the only way to survive prison conditions. Now he found he was able to feel again. "I keep looking at my hands, knowing I've killed someone with them," he says. "But there's more to me than this crime. Or there can be."

BROWN WAS EXHAUSTED afterward but says the session was cathartic. She is now able to feel some semblance of peace for the first time since her daughter died. In 2002 she became a volunteer mediator through the Victim Services Division of the Texas Department of Criminal Justice, the same organization that handled her RJ meeting. "I learned a lot because of my own experience with restorative justice," she says. "I'd like to pass some of that on."

I'M ONLY GOING TO SAY THIS ONCE

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Submitted by ALICE MAW