

## Listening and justice for all: Program promotes justice

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When Dwayne and Steve met on a Duluth Transit Authority bus, Dwayne wrapped a belt around his fist to punch Steve. Then he kicked him in the face.

Dwayne, 16, is confronting Steve, 17, again. This time Dwayne sits politely as Steve, DTA bus driver Dar DeGrio and others get to tell him what they think of his actions.

"I wholeheartedly hope, Dwayne, that you learned something out of this and that you don't do it again," DeGrio says in a scolding voice. She hesitates and her voice softens. "I feel bad for Steve. No one will ever see and experience what we saw; it was terrible."

Dwayne sits in a circle of chairs, about six feet away from the boy he assaulted. He listens as his victim, victim's advocate, corrections counselors and other vent their emotions.

They want to know why he did it. He said he was showing off his toughness to his sister and friend. How did it make him feel? Stupid, he said. But he doesn't say he's sorry until challenged by the victim's advocate and a corrections counselor.

Dwayne admits his guilt and apologizes. He looks ashamed. Only he knows if he really is.

Welcome to the world of restorative justice and family conferencing.

Restorative justice promotes maximum involvement of the victim, offender, and the community in the justice process. It empowers victims in their search for closure, lets offenders know the human impact of their behavior, and promotes healing and restitution to victims.

This conference was ordered by 6th Judicial District Judge Gerald Martin, but ideally supporters of the program hope the conferencing can be held before a case ever gets to court.

As a victim, Steve was satisfied with the results of this conference. "I thought it was pretty cool; it worked out pretty good," Steve said. "I just want to be able to get along with him on the bus."

Steve suffered a bloody nose from

Dwayne's attack, and his new Michigan Starter jacket was ripped when Dwayne's foot got caught in his pocket.

Steve now has a say in how Dwayne can restore the loss. As part of his conferencing agreement, Dwayne agreed to get a job and pay \$100 restitution to Steve for the jacket. He also promised to get along with Steve in the future and to make sure none of his friends harass Steve.

Did Steve think Dwayne offered a sincere apology? "You can't really tell, but I thought it was pretty good," he said.

Family group conferencing is believed to have originated in New Zealand in 1989. Among the first family group conferences in North America were those run by the Anoka, Minn., police department in 1994.

Family conferencing and police accountability conferencing are components of restorative justice.

"The current system of criminal justice views crime as an offense against the state, and the state has the responsibility to repair the harm done by the offender," said Sgt. H. -Allen Campbell, juvenile unit commander of the Anoka police department.

"Restorative justice views crime as an offense against the victim and the community, and believes the offender has a responsibility to repair the harm done by his or her actions."

The conference isn't used to determine guilt or innocence. The perpetrator first has to plead guilty to a law officer to enter the diversionary program. Campbell said he's handled 100 juveniles by conferencing and so far only one has committed a subsequent offense. The program is popular with victims, he said.

"I have one department store owner in Anoka, and he's gone through three of them," Campbell said. "He doesn't want juveniles to go to Court anymore. He wants to come across to them and tell them how this affects his business. He gets great satisfaction out of this. Most of the offenders don't like it and don't want to go through it again."

Nancy Marotta, Family Group Conferencing facilitator for Arrowhead Regional Corrections, said the program

will be effective here, too, because it puts a face on the victim.

"Too many times these kids have been left off the hook without realizing they have hurt a real person and not just ripped off an insurance company," she said. Our kids don't even want to look at the part where they are hurting people. These kids don't look at their crime as a crime against the individual."

Marotta expects this program to change that. When a crime is committed, victims may experience personal as well as financial losses. They often have feelings of fear and anger, and their questions sometimes can only be answered by those that committed the crime.

"Victims want to know the perpetrator so they can decide whether it was impulsive or planned," said Kathy Trihey, director of the Arrowhead Juvenile Center. "That's at the top of the list way before financial retribution."

Bob Grytdahl, deputy chief of investigations for the Duluth police department, likes the program because it allows the victim and perpetrator to come face to face and have an emotional exchange.

"Say they break a window and now a senior citizen is terribly afraid of young kids," Grytdahl said. "The kid at the conference hears the anger and fear from the victim. Then they agree to fix the windows, maybe shovel walks, cut grass. The senior citizen gets to see he's just the kid down the block doing something stupid, not the kid from hell. The positive for the perpetrator is that he does the work and doesn't have to walk around in shame."

Grytdahl said the police juvenile bureau is looking for property crime first-time offenders appropriate youth to place in the diversionary program.

Campbell and Grytdahl agree that it's important to put juveniles in the program early and keep them out of the court system. "The sicker you are the more medicine it takes," Grytdahl said.

"It's better to use more preventative medicine at the first sign of a sniffle rather than when the kid is terminal."