

A Kid, A Burglary, An Old Man and Finding Justice
(Adapted from a scenario presented by the National Institute of Corrections, Sept. 2001)

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Jeff walked home after school every afternoon. Each day he walked by a house owned by an old man.

On some days he saw the old man working in the yard or shoveling snow from the sidewalk. When the garage door was open, he saw that there was no room for a car.

The old man's blue Buick was almost always parked in the drive way. One warm sunny day on the way home school the car was not in the driveway.

Jeff walked around to the back of the house. The backdoor was locked. He then tried a window. It slid open easily. Jeff used a hose storage box to stand on and climbed in the window.

He accidentally knocked a paper weight off a shelf as he climbed in. It hit the floor with a loud "THUD". No one came to see what had fallen. He was alone.

The room was a home office with a computer. There were some old framed military photos on a book shelf, lots of books, and a Rotary Club plaque for recognizing "John H. Miller" for community service.

In the bed room, the bed was unmade. There was a folding frame with wedding photos on the bureau. The photos were old and the smiling couple appeared to be in their 20's.

There was a recliner in the living room with a TV tray next to it. There was also small digital TV. It looked new.

Jeff was nervous and decided to take something and leave. He unplugged and disconnected the TV because "It seemed like it might fit through the window."

A neighbor saw him walking down the street with the TV. He had seen Jeff before, but not with a TV. He called the police and reported what he saw.

The police responded quickly and spotted Jeff with the TV. When Jeff saw them he ran. After a few steps he threw the TV. It smashed on the ground. He was arrested.

Later that evening he was released to the custody of his parents.

When Jeff appeared in juvenile court with his parents the judge suggested that he and his parents consider a new restorative justice diversion program. It was voluntary. After discussing this option with the judge and his parents, he volunteered for the program. It depended on whether the victims would participate.

Mr. Miller ignored the first letter he received, but he showed the second letter to Angie, his daughter. She thought it would be a good idea. He called the program coordinator and volunteered for the program. A preparation meeting was set for him and Angie.

The program coordinator contacted Jeff and his parents to let them know that the Mr. Miller and his daughter had volunteered for the program. The following day the mediator met for the first preparation meeting. A second meeting was held a few days later.

At the initial preparation meeting Mr. Miller and Angie asked if some of their neighbors could be come as supporters. The mediator responded, "Yes, but they must to come to a preparation meeting." Three neighbors attended the next meeting.

A similar preparation meeting was also held with Jeff and his parents to be sure they understood how it would work and that Jeff was prepared to acknowledge his responsibility and was able to speak honestly about the burglary of Mr. Miller's house.

The encounter occurred in the evening. The mediator asked them to sit around a conference table. Mr. Miller, Julie and his neighbors sat together. Jeff and his parents sat together.

The mediator called the conference into session by noting that the meeting concerned Jeff's burglary of Mr. Miller's home, the theft and destruction of a television set. The goal was to find healing justice for Mr. Miller, his daughter and neighbors.

He then read a short poem about conflict and making peace; and, then introduced the talking piece. He reminded them of its purpose and significance and quickly reviewed the guidelines for family group conferences.

The mediator asked everyone to introduce themselves. The talking piece went to Mr. Miller and then Angie. It ended up with Jeff's father.

After the introductions, the mediator asked everyone to tell their story about the burglary and its impact. Mr. Miller did not want to talk and passed the talking piece to his daughter.

Angie was angry: "You broke into my dad's house – you took something. That's disrespectful, it is not right. When I first heard about it, it scared me a lot – my dad is 86. He is an Army veteran from WWII and Korea. If he had been home he would have tried to stop you. Would you have pushed him down, beat him up – that might have killed him?"

The talking piece went to the neighbors. One talked about how the neighborhood had always felt safe but now with the new high school she was afraid of the kids. Every little sound made her fearful – "Is it burglar?" Another mentioned that he and his wife were thinking of moving and asked "Will you break into our houses next?"

The third neighbor was retired, on a fixed income and thinking that he might have to put burglar bars on his house. The house was paid for and he did not want to leave it. But could not afford the burglar bars.

Jeff told of being curious about Mr. Miller and what he had in the house. When he saw the car was not in the driveway, it was a "spur of the moment, thing." After looking around he decided to take something – the TV looked like it would fit through the window.

He said, didn't intend to hurt anyone and would not have hurt Mr. Miller. He didn't mean to "bust up the TV". He just couldn't run with it. "Besides, you have insurance to cover it, so you didn't lose anything." People shook their heads. Mr. Miller and Angie stared at him in angrily.

Jeff's mother said, "You make me ashamed to be your mom when you say stuff like that. You were in

their house, you took their stuff and you broke their TV. If they have insurance the deductible is probably more than the cost of the TV. What if somebody stole the nice guitar Grandpa gave you?"

Jeff's father said simply, "You have embarrassed me, your mom and grandfather. You know he was once the town mayor. You have shamed our whole family."

Mr. Miller still did not want to talk but Angie did, "Yes, we have insurance but it won't cover the TV because of the deductible. What you don't know is that I bought that TV as a gift for my dad. The TV he had did not work well. He couldn't watch his sports. The new one was smaller but it worked great, you stole and smashed it."

Jeff started to tear up as he understood the harms he had caused and their meaning. "I am so sorry, I didn't think. What can I do?"

Angie wanted him to repay for the cost of the TV. Jeff said he had about \$50 a month and could pay \$25 a month. Angie agreed, noting that she did not want him to be broke. The neighbors wanted hand written apologies written specifically for each family with reassurances that it won't happen again.

Finally, Mr. Miller spoke. "I am old and cannot cut my grass any more. I need a young man to do it. I would want you cut my grass every week for 18 months." Jeff, agreed and voluntarily made the agreement for 24 months.

A reparation agreement was written and signed by all participants and the juvenile court judge. Over the next 24 months Jeff repaid the Millers for the TV, he wrote separate apology letters to the neighbors and to the Millers, and cut Mr. Miller's grass.

During the summers, when Jeff cut the grass on Saturdays Mr. Miller had a jar of ice-cold sun-tea on the porch where he sat reading the paper. When Jeff, took breaks they drank tea and talked. They became friends.

Was justice served?