Case Summary:

A lesson in accountability

DARJ is the in-house restorative justice program of the Center for Prevention and Restorative Justice in the 20th Judicial District Attorney’s Office. DARJ provides high-quality restorative services for juvenile and adult diversion participants including Community Group Conferencing, Victim Offender Dialogue, and Drug and Alcohol Accountability Support Circles (DAASC) for substance-related charges, and also partners with community-based RJ providers. Victims and harmed individuals, family members and supports, law enforcement, school personnel, and other community members are empowered to participate in a facilitated restorative justice process that supports the person who committed the crime to understand the impact of their actions, take meaningful responsibility, and repair the harm to the extent possible.

Meghan was referred to DARJ for restorative justice by her Diversion Coordinator. Her case involved drug charges as well as first degree criminal trespass. During our preconference with Meghan and her parents, she expressed deep regret for what had happened. She said she had entered the patio of her friend’s apartment while they were away on vacation with the intention to smoke marijuana on the property. According to Meghan, she looked inside and saw the family’s cat, but did not enter the apartment, and then she went around the corner in the courtyard to smoke. At this point, police officers entered the courtyard and asked her to get on the ground. Meghan shared that it was a terrifying situation for her. As we talked with her about what the circle with the victim, Carin, might be like, Meghan expressed that she wanted to meet her and apologize for the harm she caused. Carin is a neighbor of hers and the mother of her good friend, and Meghan wanted to do everything she could to make sure the relationship was restored. We also let her know that the neighbor who called the police that night would be at the circle, and Meghan said she was interested in also apologizing to them.

During our preconference with Charles, the neighbor who had called the police, we learned that he lives directly across the courtyard from Carin and had been watching the home for her while she was out of town. Charles experienced something different than Meghan’s account of the story; he said that he had walked through the courtyard to the apartment that night to feed the family’s cat, and when he came around to the sliding glass door at the back of the apartment, he saw someone inside the house, looking around with a flashlight. Thinking that this person was robbing the house and may have been armed, Charles rushed back to his home, called the police, and then watched as they came to apprehend the intruder.

As facilitators, we had a dilemma: Meghan had denied being inside the apartment, but seeing someone in the home is what had had such a large impact on Charles. After much consideration, we decided to ask Meghan’s permission to share with the neighbor that her account was different than theirs. Meghan knew from reading the police report that the neighbor thought she had been in the apartment, although in the preconference she had insisted that he must have seen a reflection. Despite this, Meghan had spoken with empathy and understanding about how scary it must have been for Charles to think there was someone in the apartment. After gaining Meghan’s permission, we spoke with both Charles and
Carin and asked how they would feel if, during the circle, Meghan did not admit to being in the apartment. They both said they were okay with that and still wanted to participate in the circle in order to let Meghan know how the incident affected them.

Carin, Charles, Meghan, and her mom were present for the circle. After introductions, Meghan shared her version of the story, never saying that she was in the apartment. She spoke well of the impacts of her actions and apologized to both Carin and Charles. When Charles spoke about his experience, he declared that he was 99% positive that Meghan had been inside the apartment when he went into the courtyard. He told the rest of his story and explained how scared he had been that someone was robbing the house, and he spoke about the lasting impacts the incident had on him.

When we asked Meghan for her response to the impacts that had been shared, she looked at Charles and Carin, was silent for a few moments, and then said to Charles, “I was in the apartment. You’re right. I was scared to say I was inside because I thought I’d get in more trouble. But I was in the apartment.” She then apologized to Carin and Charles for not admitting this to them sooner. Charles stood up, walked across the circle, held out his hand to Meghan and said, “That’s all I needed to hear. Thank you.”

The agreement contained only good faith items including continuing Meghan’s progress on Diversion and helping Carin the next time she needs someone to take care of her cat and plants. The circle was satisfied with how Meghan took responsibility during the conference and with her sincere and thoughtful expressions of remorse.

Our biggest learnings from this circle were to allow the victim and harmed parties to lead based on what they needed. We had initially been reluctant to proceed with a circle given that Meghan was not taking responsibility for being in the apartment. But by asking Charles and Carin what it would be like for them if she didn’t admit it and giving them a choice and time to think it over, we were able to proceed with a process in which Meghan ultimately did take full responsibility. We feel she did this because we were able to tell her, based on our confidentiality practices and policy, that she could be honest about what happened during the incident. Released from fear of further punishment, Meghan was able to admit her wrongdoing, take full and meaningful responsibility for its impact on her neighbors, and make amends with them during the circle.