When Ed and David Broke into Mildred’s House and Took Things

A Story about RJ City’s Response to Crime, Victims and Offenders

One afternoon two young men broke into a house, ransacked it and took small valuables they could easily sell.

This is the story of those two men, the woman who lived in the house, and how RJ City responded to all of them. RJ CitySM is creating a system that will allow it to respond as restoratively as possible to all crimes, all victims and all offenders.

In the course of this story you will meet family members and friends of all three. You will see how the crime had effects that went beyond the harm to the immediate victim.

And you will observe how RJ City’sSM response is different from contemporary criminal justice.

Features

Some of the unique features that you will notice in this Case Study include:

- Restorative processes such as circles are routinely used.
- Victim support is offered from the moment a crime takes place.
- When cases go to Adversarial Court, victims have the right to have lawyers present evidence and to make arguments during proceedings.

Notes

1. This story has happy endings. This is not because that always happens in restorative processes, although there are more happy endings than in contemporary criminal justice. This story has happy endings because RJ Citysm does not give up on people. The story is never considered complete until the ending is satisfying, if not happy.

2. This story is fictional and not based on any particular crime or people. However, it reflects only one set of facts and individuals. Other scenarios for use in simulations are available for classroom and other use. These encourage creative application of restorative principles to difficult issues. You can find those, and other RJ Citysm materials, at www.rjcity.org.

3. RJ Citysm is a work in progress, which means that this Case Study is as well. For more information about the features of RJ City’ssm response to crime that are reflected in this example, please refer to RJ Citysm: Phase 1 Final Report [http://rjcity.org/the-project/1_Final]. If you have comments, criticisms or suggestions, please offer them. As we learn more, we may modify this story.

4. This is the October 2009 version.
The Break-In

One afternoon, two young men knocked on the door of a home. Getting no answer, they broke in. They moved quickly through the house, looking for small items they could carry easily.

They found what they were looking for in the back bedroom. They ransacked the room, grabbing things they could fence.

“Let’s get out of here,” one of them said, stuffing the last of the loot in his pocket.

“All right,” said the other, pulling a watch out of a drawer. They hurried out of the house and ran down the street.

They never thought about who lived in the house, or how those people would feel when they got back home.

Mildred owns the house and has lived alone for two years since her husband died. The day of the burglary she was visiting her daughter, Betty. When Betty drove her home, they saw the door was broken and called 911.

Mildred Returns Home

While Officer Randy was in the house, John, the Victim Support Coordinator for Mildred’s neighborhood, arrived.

He gave Mildred and Betty a booklet with information about how RJ City responds to crime. It included these provisions:

- To protect you.
- To keep you informed.
- To include you, if you wish.
- To allow you to not participate, if you prefer.
- To help you find assistance.
- To help you get restitution.
- To treat you with respect.

We are very sorry this happened.

Our commitment to you:

- Treat others with respect.
- Do not retaliate.
- Allow others to participate.

Victims are central in our response to crime.

We will work with you to make it less likely that this will happen again to you or to anyone.

Officer Randy, who works for the Investigating Magistrate, arrived soon. He went through the house to make sure no one was still inside.
When Officer Randy was sure no one was inside, Mildred, Betty, John and he went through the house together.

Mildred was horrified when she saw her bedroom. Someone had emptied every drawer and ransacked the place.

Just as she had feared, the anniversary watch was missing, along with jewelry and some money.

“Who can help me clean up,” Mildred worried. “My door is kicked in; I won’t be safe.”

Victim Support for Mildred

John told her about a group of volunteers from a nearby church that helps with crime scene clean-up and repair.

Mildred asked him to contact the group, and two hours later Jo and Bill arrived to help straighten up and to repair the door.

Betty insisted that Mildred stay with her for a few nights. She, her husband, and their two children live in RJ City, too.

John told Mildred that a volunteer from his office would call her at Betty’s house that night to see how she was doing.

Sure enough, Helen called later that evening. Mildred told her she was worried about returning home.

“Who can help me clean up,” Mildred worried. “My door is kicked in; I won’t be safe.”

Helen told her that a community group called Caring Neighbors could bring meals for a week or so once she returned home. Mildred liked that idea.

These volunteers help people facing tough times. They are trained to be good listeners, so Mildred found it easy to talk with them.

Helen agreed to visit Mildred each evening to see how she was doing. Each night she and Mildred went through the house to make sure it was secure.

After a couple of weeks, Mildred felt safe enough that it was enough for Helen to just call.
So this is Mildred’s support team: her daughter Betty, Victim Support Coordinator John, and Helen the volunteer.

Two weeks later the police received a tip about who had done the burglary, and both young men were arrested.

This is Ed. He has a previous conviction for burglary. He was 19 years old when arrested and not employed or going to school. Ed denied having anything to do with the break-in, or even being with David.

This is David. He’s never been in trouble before. He was 18 and in his final year of high school. After an initial denial, David soon broke down and confessed. He was ashamed, and worried about how his folks would respond.

He told the police where some of the stolen property was, but some of it had already been sold, including the anniversary watch.

Officer Randy gave both Ed and David a brochure with information about the justice process in RJ City. It included these provisions:

- We are sorry that this crime took place in RJ City. We believe that you were responsible.
- You may require us to prove our charges against you in court.
- You may accept responsibility.
- If you were responsible, you have an obligation to help make things right.
- Crime is what a person does; it does not define who they are unless they let it.

Our commitment to you:
- To include you.
- To help you make amends and to return to the community.
- To help you meet with the victims (if they wish) to decide how to do this.
- To treat you with respect.

What we ask from you:
- Treat others with respect.
- Do not retaliate.
- Allow others to participate.

Ed continued to deny he had done anything wrong, so his case was sent to Adversarial Court.

David, on the other hand, wanted to know what the brochure meant when it said “help make things right.”

Both were allowed to meet with attorneys who reviewed their options with them.
David wanted to “make things right,” so he met with Brenda, an Offender Support officer. She told him about making amends in RJ City: he would apologize to Mildred, answer her questions, pay restitution and/or do any community service they agreed on.

David wanted to know how he could do that. “There are two options,” Brenda said. “Which one we take depends on what you and Mildred want.”

“Soon Judge Veronica, the Investigating Magistrate will be issuing a report about the burglary. This will include a recommended amount of restitution,” Brenda continued. “If you and Mildred agree with the report, the Magistrate will enter an order requiring you to pay restitution. You can also send Mildred a written apology, if you wish.”

“The alternative is to meet with Mildred, answer questions she may have, and together decide what needs to be done to make amends.”

Brenda made sure that David had the opportunity to talk with Santiago, a lawyer, about these choices. After learning more about restorative circles, David decided that he would like to participate in one, if he could bring his parents and some other supporters. Brenda said that she would find out whether Mildred was also interested in participating in a circle.

Ed told the police that he had nothing to do with the burglary. He was given the opportunity to talk with Priscilla, a lawyer, about the options available to him.
Cases go to Adversarial Court if the suspect denies responsibility or denies legal guilt. Suspects have the right to counsel in an Adversarial Court proceeding. Victims also have the right to appear with a lawyer concerning the charge, restitution and protection, if necessary. So there could be three attorneys in these trials.

Suspects are also told about cooperative processes, such as restorative circles. These are used only when the suspect admits responsibility. John kept Mildred informed about the progress of the investigation, including the arrests of David and Ed. Once it was clear that David accepted responsibility but Ed didn’t, John explained the alternatives before Mildred.

Victims also have the right to appear with a lawyer concerning the charge, restitution and protection, if necessary. So there could be three attorneys in these trials.

Mildred and the Justice System

She could ask the Investigating Magistrate to order David to pay restitution.

John described how restorative circles worked, and explained that David was willing to participate in one. Mildred decided that she wanted to as well, as long as Betty and John could be there, too.

Ed’s situation was different. Because Ed denied he was involved, his case would go to Adversarial Court for trial.

The prosecution would try to prove that Ed was guilty. Mildred could have a lawyer, if she wished, to protect her interests in the charge, in reparation, and in protection.

Mildred was given the chance to talk with Miriam, a Victim Advocate. These lawyers or para-legals advise victims about their options, including hiring a lawyer for the Adversarial Court trial. Mildred chose not to do that.

The Circle
Mildred and David agreed to hold the circle at the Community Centre because it had a room large enough to hold everyone who would come, and because its central location made it easy for people to get there.

Mildred invited Betty and her husband to come.

She also asked John and Officer Randy to participate.

David’s parents attended.

So did his uncle, with whom he got along well in part because of their mutual interest in fishing.

Brenda attended as well.

Barbara, one of the people who recently moved into Mildred’s neighborhood, heard about the circle and decided to come to present concerns about the effects of crime on community members’ lives.

Because of the nature of the crime, two people facilitated the meeting. Tamara is an experienced facilitator and works for RJ City.

George is a volunteer with skills in facilitating multi-cultural, multi-racial circles. Tamara is thinking about inviting him to become a contract facilitator.

David began with an apology. Mildred asked why he had broken into her house and what had happened to the property.

David said they had sold some of it, including the watch. The rest he had turned over to the police.

Mildred explained to David how the burglary had affected her. She was afraid. She had lost important mementos of her marriage — particularly the watch. She felt like a stranger in her neighborhood. She worried about how much time Betty had to give to her since the burglary.

Betty and her husband spoke about the increased demands this placed on them at a time they were especially busy with their kids. Her husband was involved in Little League and both children had other activities as well. This had already meant a lot of driving for Betty. Now they wanted to support Mildred as well, and that required taking extra trips across town.
David’s coach said he was surprised David invited him to the circle. He had recently kicked David off the baseball team after he started a fight with a teammate. David was a good player, but had recently become disruptive and angry. He wouldn’t talk about what was going on, and after the fight the coach felt he had to remove him from the team.

David’s parents disclosed that his Dad had lost his job six months ago. The financial anxiety had strained everyone’s relationships. His Dad had recently gotten a job, but his shift was at night, which meant he slept in the afternoon. He and David had gotten into arguments about how much noise David made when he came home from school.

David’s Mom said that David seemed to be angry all the time, and that he had started spending time with young men like Ed whom they were worried would get him in trouble.

David’s uncle said that he and David shared a love for fishing. This had often given them a chance to talk, and they seemed to get along well. Lately he hadn’t been around as much because his brother, David’s Dad, was out of work and stressed out. They always got into pointless arguments, so the uncle just stayed away.

Barbara told the group how worried the neighbors were. Most have recently moved into the area, and many families are either single-parent or dual-income. They feel particularly vulnerable during the days when no one is home. They had called a public meeting to talk with RJ City officials about how to improve safety.

She said that her young son had asked her the other day if the bad people were going to come to their house and take his toys. Much because his brother, David’s Dad, was out of work and stressed out. They always got into pointless arguments, so the uncle just stayed away.

Once again David apologized, saying he had no idea the number of people affected by the break-in. He wished he could undo things. Since he couldn’t, he hoped there was some way he could help repair some of the damage he had caused.

Mildred said it had been very helpful to hear from David and his parents and supporters. She thought David had done a bad thing, but was not a bad person. She accepted his apology and said she hoped he would learn from this.

The discussion then moved to what kinds of things might help make things right. First, David agreed to pay restitution for half the value of the stolen property that was not recovered.

This led to a discussion about how David could make payments without a job. The coach offered to help David get work at a batting cage near school, and said he would stop by regularly to make sure David didn’t lose his good swing.

Third, David’s parents were interested to learn that the local community college offers courses on communicating with teenagers. They decided that they would attend.

In addition, David’s uncle agreed to get together with David every other weekend to do some fishing. That would give them a chance to talk about things David might not feel comfortable raising with his parents.
The coach said that David could rejoin the baseball team as long as he was current in completing his part of the agreement.

David agreed to come to the neighborhood meeting Barbara was organizing, if Barbara introduced him by describing the circle. David’s Mom said she would come, too. Mildred said she would also attend so she could meet her neighbors and say how satisfied she was that David had taken responsibility.

Barbara assured Mildred that she would make sure that people in the community kept an eye on her house. She invited Mildred to visit her and her son at their home. Mildred accepted the invitation gratefully and said that she loved children and perhaps could care for Barbara’s son from time to time.

So this is David’s support team: his uncle, Offender Support officer Brenda, and his baseball coach.

Because Ed denied having anything to do with the burglary, his matter was sent to the Adversarial Court for trial. He was told, however, that at any point in the process he could still request that the matter be returned for cooperative resolution.

When cases go to Adversarial Court, the victim has the right to hire an attorney to offer evidence and make arguments on three issues: first, the charges against the suspect; second, any decision that could affect the victim’s likelihood of receiving restitution; and third, any decision that could affect the victim’s safety.

Mildred decided that she did not want to do that, but she did want to file a victim impact statement and submit a claim for restitution. Helen helped her prepare the statement in the form required by the courts.

Ed was represented by Priscilla. The trial focused on the issues of whether a crime had occurred and whether Ed had been involved in the crime. Mildred was called to testify; Helen attended court with her that day. David was also called as a witness. During his testimony he spoke about his agreement.

At the conclusion of the trial, Ed was found guilty. Judge Bernard ordered a pre-sentence investigation into Ed’s background, the impact of the crime on Mildred, and the impact on the community.

At the sentencing hearing, the prosecutor, defense attorney (and victim’s lawyer, had there been one) were invited to present evidence and make arguments.

When it comes to sentencing, the law requires a judge to consider two key factors: first, the harm done to the victim (to determine the amount of restitution), and second, the risk the offender poses to the community or victim (to determine incapacitative or reintegrative measures).
Thomas, the Offender Support officer assigned to Ed, prepared the pre-sentence report. It showed Ed’s prior burglary conviction, that he had lived with a girlfriend for the past nine months, that he had no job, used marijuana regularly and also abused alcohol.

Ed had dropped out of school when he turned 16. Frank, his woodshop teacher, told Thomas that it was unfortunate that Ed had not developed his interest in woodworking. That was something he had excelled in, and when he quit school it was to take a job as a carpenter. But he had gotten into an argument with his supervisor and was fired.

Ed’s sentence had three parts: First, he was ordered to pay restitution for half the value of the stolen property that was not recovered.

Second, he was assigned to live for 12 months in a closed workshop that manufactures furniture. “Closed” meant that he would be confined there.

Third, he was ordered to follow a reintegration plan that included substance abuse treatment, anger management, and participation in a victim empathy program. If his behavior was good, he could start graduated release after eight months.

This is Ed’s support team: Offender Support officer Thomas; Delbert, director of the closed workshop; and Frank, his former teacher.

How Things Worked Out for Mildred

Barbara made sure that her neighbors who attended the public meeting were introduced to Mildred.

She also invited Mildred to her house where Mildred met Barbara’s young son, Aklilu. Mildred began doing occasional childcare for Aklilu.

Several years later, as Mildred’s health began to deteriorate, she moved to a nursing home. Barbara, Aklilu, and several other neighbors visited her on a regular basis.

Mildred’s fear was significantly reduced after the restorative circle with David.

Over time, Betty noticed that Mildred was less depressed and dependent than she had been even before the burglary.
How Things Worked Out for David

He entered RJ City Community College and began to coach Little League. Sometimes his team played Betty’s husband’s team (David’s team usually won).

About a year after the circle, David noticed an anniversary clock in the front window of an antique shop. It was in good working order, and he bought it.

David asked Barbara to arrange for him to visit Mildred to talk about how their lives were.

David told Mildred that he continued to be sorry about her husband’s watch. He hoped that she would accept the anniversary clock as a gift, even though it could not replace the watch.

Mildred appreciated the gift and displayed the clock on her mantle.

How Things Worked Out for Ed

Eventually, David became a restorative circles facilitator. He was an excellent volunteer recruiter for the program.

Ed did reasonably well while he was in the closed workshop. He was a very good carpenter.

In fact, he surprised Delbert, the director of the workshop, by designing a new piece of furniture that ended up being a top seller.

Ed had noticed that wall-mounted flat screen TVs looked great when they were on, but unattractive when turned off.

So he designed framed mirrors that covered the screen. He used a special glass for the mirror that allowed the screen to be visible when the TV was turned on, but invisible behind a normal-looking mirror when it was off.
During one burglary, he was stunned to see that the owners had covered their flat screen TV with one of his mirrors. This happened shortly after his girlfriend had told him she was pregnant, and he began to think about what was happening in his life. He got in touch with Frank for advice. Frank challenged him to deal with his substance abuse problem and promised that if he did, Frank would be there when he was released from treatment.

However, when he was released he fell in with old friends and began to abuse substances again. He got his money by breaking into houses (but now, after David’s testimony against him, he only worked alone).

Frank helped him find a part-time job with a cabinetry maker. The owner was impressed with Ed’s work and after six months made the position full time. For outpatient treatment, Ed joined a twelve step programme. After awhile, he began thinking about how he could make amends to those he had harmed during his burglaries.

He visited Community Restorative Services, a public agency offering conflict resolution services. They contacted the people he had robbed. Most victims were not interested in meeting, but did submit claims for restitution. He met with several victims in restorative circles, and sent messages of apology to several others who were willing to receive them.

Judge Veronica, the Investigating Magistrate determined that there was evidence to charge Ed with 6 more counts of burglary, but agreed that they would not have been solved without Ed’s coming forward. So she consolidated the charges and sentenced Ed to probation.

The conditions of probation included completing the restitution agreements he had reached with his victims, and continuing his twelve step program.

Ed settled down, married his girlfriend and raised several children. He continued to improve as a woodworker and volunteered at the closed workshop from time to time.