



# THMS students find accountability inside a circle

## *How do offenders rebuild trust of parents, school community?*

By Jay Davis

BELFAST — Five of the six students expelled last month from Troy Howard Middle School for buying and selling drugs have opted for a court-supervised program that will likely result in criminal charges being dropped.

The students have already begun the series of meetings centered on their behavior that will lead to a signed agreement for the court to review. If the students, who are 13-14 years old and male, meet the conditions of the agreements, experience indicates the charges will be dismissed.

Because all the students are juveniles, their names and the specifics of the charges against them are not made public. All were allegedly involved in drug transactions that occurred on school grounds. News of the charges sparked concerns among students and parents that the middle school might not be a safe place to get an education.

Those reactions are behind the court-approved "circles" and "conferences" that are led by the Restorative Justice Project of Midcoast Maine.

Director Margaret Micolichek told VillageSoup, "The victim in these cases is the school and other students."

By talking about what actually happened and how it made everyone feel, healing can begin. For the talk to be real and meaningful, all those affected are invited to participate — the students who were charged, their parents, other students, teachers and administrators and community members.

In fact, after the police investigation

was concluded, the administration communicated with students through circles in most Troy Howard classrooms.

Most of the students and staff at Troy Howard are familiar with restorative justice programs. Students who are given detention have the option of requesting a circle during which they can discuss their issues and those affected can respond.

Micolichek said the circles, which are voluntary, have reduced the number of THMS students on detention from 14 or so a day to between three and six.

Restorative justice principles and the circles are based on tribal understandings of the nature of humanity and community.

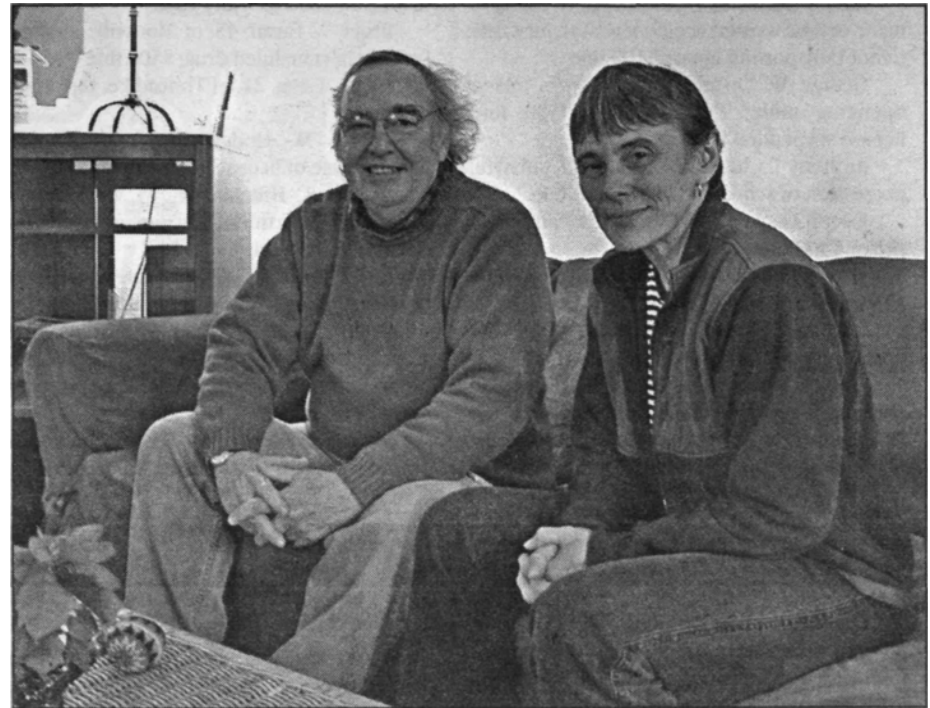
Basically, "The Little Book of Restorative Justice" by Howard Zehr says, "The problem of crime, in this world view, is that it represents a wound in the community, a tear in the web of relationships. Crime represents damaged relationships. In fact, damaged relationships are both a cause and an effect of crime."

Following a crime, the priority of restorative justice is to make things right, first to the victim and those affected by the action, then to the offender.

Micolichek said about 5 percent of those in jail belong there. The rest of the time, the practices of restorative justice are enough to begin a healing process, she said.

In a circle, everyone has an equal voice.

Often, a "talking stick" is passed



Charlie Diviney and Margaret Micolichek in the Restorative Justice Project office above Main Street in Belfast. PHOTO BY JAY DAVIS

around the circle to be held by the person who wishes to speak. And usually, both the victim and the perpetrator are involved, along with others.

Zehr says, "A meeting allows a victim and an offender to put a face to each other, to ask questions of each other directly, to negotiate together how to put things right. It provides an opportunity for victims to tell offenders directly the impact of the offense, or to ask questions. It offers possibilities for acceptance of responsibility and

apology. Many victims as well as offenders have found such a meeting to be a powerful and positive experience."

When offenders are offered restorative justice as an alternative to court and punishment, 95 percent choose it, Micolichek said. Often, she said, it becomes a "life lesson."

VillageSoup recently participated in a circle, or "conference," with one of the Troy Howard offenders. Because the boy involved is a juvenile and because the circle, in this instance, was a private event, no details of the boy's criminal activity or his statements about it will be

disclosed. But the opportunity provided insights into a process that is becoming a significant option in many local venues.

The boy, who we will call Michael, sat in a circle of chairs in a meeting room at the Unitarian Universalist Church on Miller Street. His parents flanked him. Around the circle were Micolichek, Charles Diviney and Jasper Montgomery of the Restorative Justice Project of Midcoast Maine, an administrator and teacher from Troy Howard, a local businessman who will be Michael's mentor as he works toward fulfilling the agreement, and a reporter.

Ground rules were established: The person with the talking stick has the power to speak, and others "will listen very carefully with our heads and our hearts." If Michael decides at any time he wants to end the conference, it will be terminated. "We can't do this without you," he is told.

Michael is asked, nicely, to explain what happened at the school. In short, heartfelt statements, sometimes urged on by those in the circle, he tells his story. The questions are direct, and they elicit details that a defense lawyer would certainly have objected to.

By describing his transgression in detail, Michael is taking responsibility for his actions. Then others in the circle tell him how what he did has affected them.

Much of the talk focuses on choices, both good and bad. At one point, Michael is told, "Don't be cautious," for that would restrict his growth into a productive citizen. "But be wiser," he is advised.

After more than an hour of sometimes- emotional discussion, a break is called. Jerry Kiesman, assistant principal at Troy Howard, said he is impressed with the restorative justice approach. "It's a lot more effective than traditional" responses to criminal

activity, he said, and is especially appropriate for middle school students.

"There are few truly bad people," he said. "You know, you get to be stupid in middle school. And when you make a stupid decision and get called on it, the question is what do you do about that." The restorative justice approach takes more time than letting the courts handle offenses, "but it's worth spending that time," he said.

Micolichek said basically the same thing in an interview: "Adolescents don't get the consequences part" of life. "From 11 to 17, they're like in a toddler phase; they don't see beyond the moment. Their brain is not connected to make judgment calls. That makes it more relevant that we teach them to do it."

Michael has been expelled from school, which means he cannot apply for reinstatement for at least 30 days. The school board will determine when, or if, he is allowed back.

As it is likely he will be a student again, he is asked frequently how he sees his new role. There is talk about reporting to his family when he hears about illegal activities at school.

Micolichek said earlier, "No one wants to be a rat; there's a lot of peer pressure involved" in establishing behavior norms in schools. "But to see your responsibility to a community isn't rratting, and it disrupts the safety of a community to have drug deals going on."

A purpose of the conference is to craft an agreement that Michael can follow in an effort to win reinstatement. Micolichek said the agreement will address "how (offenders) will rebuild the trust of their parents and the school community. It's a way to ease their transition back to school. We don't want them to come back as a wounded heroes."

It is likely that a component of the agreement will be community service. "We won't say they have to pick up trash for 20 hours," Micolichek said. "We'll look for something interesting for them to do."

Past offenders have spent time at local service agencies. One, who was assigned to the Tanglewood 4-H Camp in Lincolnville, did such a good job he was invited back as a counselor to help younger children, she said.

But the best indication of the program's success may be an encounter Micolichek had with a Troy Howard student last year. "He was a seventh-grader, and he came into the room crying," she said. "He said, 'T need a circle. I'm always getting into trouble.' So we set one up, and he explained what he needed to do."

"Some cases this doesn't work for," she said. "It takes some people longer to get it. But I'd say it's like the people in jail — 5 percent need to be there and 95 percent of the time this is enough."

## Restorative Justice Project of the Midcoast



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## Different worlds

### Criminal Justice

- Crime is a violation of the law and the state.
- Violations create guilt.
- Justice requires the state to determine blame (guilt) and impose pain (punishment)
- Central focus: Offenders getting what they deserve.

### Restorative Justice

- Crime is a violation of people and relationships.
- Violations create obligations.
- Justice involves victims, offenders and community members in an effort to put things right.
- Central focus: Victims needs and offenders responsibility for repairing harm. - *"The Little Book of Restorative Justice"* by H. Zehr