



KANDIYOHI COUNTY
RESTORATIVE JUSTICE DIVERSION PROGRAM

A Division of the Kandiyohi County Attorney's Office
Shane D. Baker, Kandiyohi County Attorney



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Jeff Shorba
State Court Administrator
Minnesota Judicial Center, Suite #135
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Elizabeth Lincoln, Director
Legislative Reference Library
645 State Office Building
100 Martin Luther King Blvd.
St. Paul, MN 55155

RE: Biennial Pre-Trial Diversion Report 2021-2022

Dear Mr. Shorba and Ms. Lincoln:

Enclosed is Kandiyohi County's Biennial Pre-Trial Diversion Report 2021 and 2022.

If you have any questions, please feel free to contact me.

Sincerely,

Shane D. Baker
Kandiyohi County Attorney

Enclosure

KANDIYOHI COUNTY ATTORNEY
KANDIYOHI COUNTY RESTORATIVE JUSTICE DIVERSION PROGRAM
BIENNIAL PRE-TRIAL DIVERSION REPORT
2021 AND 2022

Purpose of Report

This report is made pursuant to Minnesota Statute Section 401.065 which requires each county attorney to report biennially to the state court administrator and the legislature on the operation of its mandated pre-trial diversion program.

Pre-charge Program

The Kandiyohi County Restorative Justice Diversion Program is based on the philosophy that views harm and crime as violations of people and relationships. It is a holistic process that addresses the repercussions and obligations created by harm, with a view to putting things as right as possible.

This program includes those harmed by crime/negative behavior, those who commit the crime, and the community to determine the most effective response to a crime or a social problem that will promote healing and safety for everyone. The program develops support for those harmed by crime/negative behavior, creates a plan for those who commit a crime, supports them in fulfilling the obligations of the plan, and works towards strengthening the community to prevent future crime/negative behavior.

Through our program we offer education through on-line classes offered by 3rd Millennium Classrooms, we utilize volunteer work/hours, we collect restitution, and we offer support to the victims, as well as the offenders.

For those who successfully complete the program, they have higher resiliency factors than those that do not. They have more supports and less ACES.

The program saves the criminal justice system in Kandiyohi County time and money. By working with individuals in our program, there are a few less cases filed with the court, saving time for Court Administration, Judges, prosecutors and defense counsel. It is also beneficial to the offenders. Our program is a pre-charge program. If a person successfully completes, their criminal history is not affected which benefits the offender in the future when applying to colleges, for jobs, loans, etc.

We work hard in insuring the victims of crime are made whole. At this time, 91% of the restitution that has been requested has been paid out to the victims.

We have two separate processes under our program for juvenile offenders, the Conference Process and the Circle Process.

The Conference Process is a meeting with the juvenile and his/her parent(s) or guardian(s). We talk about the incident—what happened, who has been harmed or what relationships have been harmed, how do you think you can repair that harm, and what can you do. We agree to goals with each based on the offense involved. We then monitor the completion of those goals with phone calls to the parent(s) or guardians. If the goals are successfully completed, then the charge is diverted and the file is closed. It is the goal that this process be completed within 90 days. However, this 90-day period may be extended due to date-specific classes or if restitution has not been paid in full. This process is used for those youth that have a number of supports in their lives.

The Circle Process is a process where everyone is equal and we come to decision by consensus. We talk about our values and share our stories. Each Circle is held at night. We meet and share a meal before we enter into Circle. Circle is a process where we open the Circle with a reading, meditation or activity, use a talking piece so everyone has the equal right to be speak, as well as be heard without interruption, and we close the space with a reading, meditation or activity so that everyone knows what was said in Circle, stays in the Circle until we meet again.

The Circle Process is used for those juveniles that have less supports and are really struggling. When someone is in Circle, we meet twice a month with the youth and his/her support people (parent, guardian, friend, relative). We utilize community volunteers in the process who have been trained in Restorative Practices. We come together to build relationships, build trust, talk about what happened, and attempt to determine long-term goals and complete a restorative plan with the youth based on the offense involved and what is happening in the youth's life. The plan is fluid and may have additions or modifications as the Circle becomes more familiar with the youth. Once the youth has completed the components of the plan and consensus is reached by the Circle that the youth is ready to conclude the process, a Celebration Circle is held, the file is closed and the charge(s) is diverted.

Both processes under our program are voluntary. A youth can decided not to participate or can opt out at any time. In that event, the charges will be referred to the traditional justice system.

Under both processes, victims, if they choose, are involved and given an opportunity to meet with the offender or participate in a Healing Circle.

DATA
2021

ADULTS:

CONFERENCE PROGRAM

38 adults were offered RJ
22 successfully completed the program (58%)
1 failed to complete and was filed with court (3%)
15 failed to accept RJ and cases were filed with court (39%)

Gender

18 male offenders (50%)
18 female offender (50%)

Age

18-74 (100%)

Offense

11 Theft (29%)
18 Underage Consumption (47%)
9 Possession of Marijuana/Possession of Drug Paraphernalia (24%)

JUVENILES:

CONFERENCE PROGRAM

127 juveniles were offered RJ
102 successfully completed the program (80%)
1 failed to complete and was filed with court (1%)
20 failed to accept RJ and cases were filed with court (16%)
4 cases declined prosecution after further review (3%)

Gender

82 male offenders (65%)
45 female offender (35%)

Age

11-17 (100%)

Offense

9 Criminal Damage to Property
9 Theft

2 Receiving Stolen Property
2 Motor Vehicle Tampering
1 Trespass
1 Terroristic Threats
1 Domestic Assault
5 Assault
4 Disorderly Conduct
1 Fleeing a Police Officer on Foot
1 False Name to Police Officer
1 Possession of a Dangerous Weapon on School Property
1 Transport of a Loaded Firearm
3 Curfew Violation
4 5th Degree Possession of Controlled Substance (THC Vape)
11 Possession of Small Amount of Marijuana/Possession of Drug Paraphernalia
21 Possession/use of Tobacco/Tobacco Related Product on School Property
11 Underage Consumption
17 Instruction Permit Violation
18 Driving without a License
1 Provisional License Violations
2 No Proof of Insurance
9 School Bus Stop Arm Violations
2 Operating a Vehicle with Expired Registration
2 Hit and Run – vehicle unattended
1 Failure to Drive with Due Care
1 Failure to Yield – Accident
3 Reckless Driving
2 Wireless Communication while driving violations
1 Speed
1 Operating a Personal Watercraft without a Boat Operator's Certificate
1 Watercraft-Life Jacket Violation

CIRCLE PROGRAM

13 juveniles offered RJ

11 Successfully completed the program (85%)

2 failed to complete and cases were filed with court. (15%)

Gender

7 male offenders (54%)

6 female offenders (46%)

Age

13-17 (100%)

Offense

1 Arson

3 Theft

3 Criminal Damage to Property

1 Domestic Assault

2 Assault

1 Interfere with 911 call

5 Disorderly Conduct

2 5th Degree Possession of Controlled Substance (THC Vape)

2 Possession of Small Amount of Marijuana/Possession of Drug Paraphernalia

1 Possession/Use of Toba

2022

ADULTS:

CONFERENCE PROGRAM

46 adults were offered RJ

30 successfully completed the program (65%)

16 failed to accept the program and the cases were filed with court (35%)

Gender

25 Males (54%)

21 Females (46%)

Ages

18-67

Offense

11 Theft
1 Criminal Damage to Property
1 Disorderly Conduct
21 Underage Consumption
4 Selling Alcohol to a Minor
1 Underage Drinking and Driving
8 Possession of Small Amount of Marijuana/Possession of Drug Paraphernalia

JUVENILES:

CONFERENCE PROGRAM

120 juveniles were offered RJ
92 successfully completed the program (77%)
20 failed to accept the program and cases were filed with court (17%)
8 cases are still open in the program (6%)

Gender

81 Males (68%)
39 Female (32%)

Age

12-17 (100%)

Offense

4 Burglary
7 Theft
11 Criminal Damage to Property
4 Trespass
9 Disorderly Conduct
1 Possession of Dangerous Weapon on School Grounds
5 Underage Consumption
10 5th Degree Possession of Controlled Substance (THC Vape)
6 Possession of Small Amount of Marijuana/Drug Paraphernalia
31 Use/Possession of Nicotine/Electronic Nicotine Delivery Device (Vape)
1 Fleeing a Police Officer on Foot
1 Giving False Name to a Police Officer
7 School Bus Stop Arm Violation
17 Instruction Permit Violation
1 Provisional License Violation
14 Driving without a License

- 1 Fail to Yield at Entrance of Through Highway after Having Stopped
- 3 Failure to Stop
- 1 Failure to Stop for Collision
- 1 Collision with Unattended Vehicle
- 1 Reckless Driving
- 2 Exhibition Driving
- 1 Failure to Drive with Due Care
- 4 Speed
- 1 Expired registration
- 3 No Proof of Insurance
- 1 Use of Cell Phone While Driving
- 1 Windshield Prohibitions
- 2 Curfew Violation
- 1 Discharge of Firearm on Public Highway
- 1 Transport untagged deer

CIRCLE PROGRAM

- 13 juveniles were offered RJ
- 9 successfully completed the program (69%)
- 4 cases are still open in the program (31%)

Gender

- 7 Male (54%)
- 6 Female (46%)

Age

- 12-17 (100%)

Offense

- 2 Burglary
- 2 Criminal Damage to Property
- 1 Arson
- 1 Domestic Assault
- 2 Assault
- 2 Disorderly Conduct
- 2 5th Degree Possession of Controlled Substance (THC Vape)
- 2 Possession/Use of Nicotine/Nicotine Delivery Device on School Property
- 1 Unlawful Smoking where Signs Prohibit
- 1 Hit and Run-Property Damage
- 1 Reckless Driving
- 1 Instruction Permit Violation
- 1 Speed