by **Brian Van Brunt** on December 20, 2011 · 4 comments

in **A Safer Place**

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**Spirit Horse and the Principles of Restorative Justice**

Skidmore College is located in Saratoga Springs, New York, a small upstate city that is known for its high-brow thoroughbred racetrack. The population triples in the summertime, and the downtown streets are as bustling and lively as Greenwich Village. A few years ago, the Saratoga County Arts Council launched a project that decorated the town with life-size fiberglass horses painted by local artists. One of the more interesting horses, called Spirit Horse, appeared to be passing through the large plate-glass window of an antique shop. The statue, cut in half front to back, stood regally on the sidewalk, with its rear end on the other side of the glass inside the store. The horse had two glowing green eyes that lit up at night, adding to the spectral mystique.

Late one Thursday night, one of our students was returning from the Caroline Street bars and decided he wanted Spirit Horse for his very own. Able to wrench the front half from its pedestal on the main thoroughfare, he was easily observed by a taxi driver and other witnesses. Police arrived while he was still sweaty and out of breath from hauling it to his second story walk up; it was not the crime of the century. Though this was a minor incident along the continuum of crimes, college administrators were not pleased to read the front page headline, “Skidmore student is charged in theft of decorative horse.” They were rightly concerned this would reinforce a community perception of our students as immature, over-privileged, and a nuisance.

As a restorative justice facilitator for this case, I was able to host a conference with the key stakeholders including the student, the artist, the antique shop owner who paid for the horse, and the Arts Council director. As is typical, we worked through the case as a campus disciplinary matter before it was handled in the criminal court, where he had been charged with third degree grand larceny and possession of burglary tools—a wrench and pliers.

The beginning of a conference includes storytelling by the offender and each of the harmed parties. The Arts Council director was surprised to learn, for example, that the student had worked for his hometown’s arts council the summer before. With a mixture of remorse and embarrassment, he revealed that one of his drunken motives in taking the horse was his appreciation for the project and his desire to have a souvenir from it. He quickly added his recognition that this was not the best way to support the arts. When the circle heard from the
artist, it was the student’s turn to be surprised. The artist described how he had been alerted quite early in the morning after the crime and quickly went downtown to inspect the damage. Of course, he said, he was upset about the theft and damage to his artwork, but what really angered him was the two live wires that had been ripped from the glowing eyes and left exposed on the sidewalk. He wondered aloud what would have happened had he not been there to remove them. Soon the street would have been filled with toddlers and dog-walkers. Had the student considered that, he asked.

The storytelling in restorative justice is designed to reveal the harm caused by an offense. In this case, there was property damage and loss, but also the risk created by the electrical wires, the community-wide disappointment and anger about vandalism to a public art display, and spoiling the reputation of the college. Once harms are listed, the group works toward solutions that can repair the damage and restore community trust. An agreement was reached in this conference that met everyone’s concerns:

- Make restitution to the artist for costs associated with repairing and reinstalling the horse.
- Make restitution to the storeowner based on the cost of sponsoring the horse and the time period the horse was not on display.
- Complete community service at the Saratoga County Arts Council.
- Provide a daily cleaning and inspection of the repaired “Spirit Horse” for the duration of the exhibit.
- Write a letter to students moving off campus about being a responsible neighbor (to be included in the Skidmore Student Off-Campus Housing Guide).
- Complete an alcohol evaluation.
- Organize an alcohol-free social event on campus.

Impressed by the agreement reached at Skidmore, the Saratoga District Attorney negotiated a sentence called “Adjournment in Contemplation of Dismissal,” which meant that the student would admit guilt, but as long as he complied with the restorative agreement and stayed out of trouble for six months, his conviction would be sealed and he would have no permanent criminal record.

In restorative justice, we seek to rebuild relationships between distrusting parties not because it is the touchy-feely solution, but because it is necessary for stable community. Because an offender has abrogated community trust, it is part of his or her obligation to renew it. Because trust is not quickly regained, the conference fosters dialogue and mutual understanding and then articulates tasks and benchmarks that build confidence in the community as they are achieved. In Saratoga, the harmed parties were naturally wary of the horse thief’s behavior and they questioned him closely about his drinking. To help restore their confidence in him, the student agreed to participate in an alcohol screening and follow any recommendations from it. It was a notable moment during the Spirit Horse case when the Arts Council director invited the student to do community service in her office. Rather than moving in the direction of suspension, the conferencing dialogue enabled her to see the student as a multidimensional person—flawed in some areas, but having strengths in others. With this nuanced perception, she saw how he could make a genuine contribution to her public arts projects, repairing the harm, but also building positive relationships in the community.

The Spirit Horse case was transformative for the participants and illustrates restorative justice can provide healing, reparation, reassurance, and accountability. The process offered the key stakeholders in the incident an opportunity for meaningful participation in the decision-making
process. The sanctions were substantive and tailored to the specific concerns of the victims and
the harms caused by the offense. As a facilitator, it was a deeply satisfying experience to help
bring about a solution that everyone believed in and found to be just.

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