

REPORT OF

THE RESTORATIVE JUSTICE PROCESS

IN COLLABORATION WITH THE RAMSEY
COUNTY ATTORNEY'S OFFICE IN RESPONSE TO
STATE OF MINNESOTA v. MICHAEL ANTHONY
FORCIA

December 2020


PREPARED ON BEHALF OF THE PARTICIPANTS BY

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I. TABLE OF CONTENTS	2
II. EXECUTIVE SUMMARY	3
III. INTRODUCTION AND BACKGROUND	4
IV. THE RESTORATIVE JUSTICE PROCESS	5
a. Background and Role	5
b. Detailed Process Chronology	6
c. Participants' Values	7
V. KEY FINDINGS FROM RESTORATIVE JUSTICE PROCESS	8
VI. WAYS FORWARD: IDEAS AND COMMITMENTS	10

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

II. EXECUTIVE SUMMARY

On June 10, 2020, a large group gathered, and two individuals climbed up on the Christopher Columbus statue at the Minnesota State Capitol grounds, tied a rope around it and pulled it to the ground. Captain Eric Roeske observed the preparations and attempted to dissuade the organizer, Michael Anthony Forcia, from taking this action, but they proceeded anyway. Mr. Forcia acknowledged that he would likely be held accountable for his actions in organizing the protest that led to the statue being pulled down by protesters.

After careful review of an extensive investigation by the Minnesota Bureau of Criminal Apprehension (BCA), the Ramsey County Attorney's Office charged Mr. Forcia with one count of felony Criminal Damage to Property in connection with the leveling of the Christopher Columbus statue. It was clear from the information revealed in the more than 13,000-page investigative file that Mr. Forcia was the primary organizer, leader, and executor of the incident.

The leveling of the statue occurred at a time of civil unrest in the wake of the George Floyd killing in Minneapolis and, as such, impacted residents across Minnesota and engendered divisive reactions in communities and in the state legislature. Given this, Ramsey County Attorney John Choi decided that administering justice in this case required the active engagement and participation of the community. He reached out to two experienced circle practitioners, Dr. Raj Sethuraju, an experienced facilitator and criminal justice professor, and Beverly Bushyhead, a native community member who adapts indigenous cultural practices to advance healing and conflict resolution. Together with Ramsey County Attorney's Office staff, these leaders developed a restorative process to give voice to those divergent opinions and bring people together to determine how best to hold Mr. Forcia accountable while healing the community from the harm that was caused.

"Employing restorative principles in a way that allows all voices and perspectives to be respectfully heard provides a greater opportunity to achieve true justice for our community, to respond more meaningfully and in due time, rather than waiting more than a year for an adversarial trial that would not provide adequate closure for our community and likely create additional division," said County Attorney Choi, "The pursuit of justice should always seek to unite a community rather than divide it."

Beverly Bushyhead and Dr. Raj Sethuraju facilitated two circles, online and in person, along with a third joint circle that all the participants of the first two circles were invited to. This report details the restorative process, thoughts, feelings and suggestions of the circle participants. In keeping with the goal of positive change, the participants felt it was essential to provide this report on the process to the broader community. We will share what they learned in the hope it may benefit us in building safer and more inclusive communities in the future. In addition, there is a hope that this type of process will be a resource for communities to explore restorative justice processes as models to reform the criminal justice system.

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

The first two circle conversations were productive and thoughtful, with participants surfacing a variety of harms caused by this incident, including the fact that multiple factors contributed to how people experienced this event, including:

- ❖ **timing** - it came at a time of civil unrest, added to the fear, feelings of lawlessness, things being out of control;
- ❖ **complexities involved** - this is not as simple as right and wrong; need to understand the context and have a resolution that addresses the contributing factors;
- ❖ **historical and present context** - longstanding, harmful history between indigenous people and US government and ongoing oppression, erasure and denial of human dignity indigenous people experience; and
- ❖ **civil disobedience** - such an act requires restoration and healing within the community.

In the final circle, participants discussed a variety of ideas and suggestions about how to restore the community and prevent such an incident from happening again, including recognizing that while Mr. Forcia is responsible for his actions, public systems were also complicit in failing to act when this issue had been raised in the past; that this should be treated as an act of civil disobedience; and jail time would serve no purpose, rather Mr. Forcia should be held accountable to the community to restore the harm he had caused to the community.

It was remarkable to observe participants' growing alignment and the steps they took toward each other in understanding and support. This report will outline the restorative process and share design ideas and recommendations.

III. INTRODUCTION AND BACKGROUND

On June 10, 2020, a large group gathered, and two individuals climbed up on the Christopher Columbus statue at the Minnesota State Capitol grounds, tied a rope around it and pulled it to the ground. Captain Eric Roeske observed the preparations and attempted to dissuade the organizer, Michael Anthony Forcia, from taking this action, but they proceeded anyway. Mr. Forcia acknowledged that he would likely be held accountable for his actions in organizing the protest that led to the statue being pulled down by protesters.

After careful review of an extensive investigation by the Minnesota Bureau of Criminal Apprehension (BCA), the Ramsey County Attorney's Office charged Mr. Forcia with one count of felony Criminal Damage to Property in connection with the leveling of the Christopher Columbus statue. It was clear from the information revealed in the more than 13,000-page investigative file that Mr. Forcia was the primary organizer, leader, and executor of the incident. Interviews with national American Indian Movement leaders revealed that they did not sanction the protest nor was Mr. Forcia affiliated with their organization. The estimated cost to repair the damage was \$154,553.

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

A restorative justice process was initiated in order to explore the underlying reasons for and the impact of the actions that led to the charges in this matter, and to bring forth value-driven recommendations from the community about what would be the most meaningful way to restore harms resulting from these actions. The process began with two separate circles, each made up of a diverse group of people representing several perspectives gained from lived experiences and vocational experiences, and culminated in a joint circle. Participants had vocational experience serving on state and local legislative bodies, in law enforcement, in philanthropy, higher education, community organizing, faith organizations, public media, and social services. Participants included Native people raised in different parts of Minnesota, residents of the Metro area as well as outstate Minnesota, and people who grew up outside of Minnesota.

This report gives an account of the restorative justice process, including:

- ❖ **A timeline of the restorative process, highlighting actions and outcomes from June 10, 2020 to October 12, 2020.**
- ❖ **An account of the investigation and the court actions in regard to Mr. Michael Forcia, including the investigation's inclusion in the restorative justice process.**
- ❖ **An examination of the role of the Capitol Area Architectural and Planning Board.**
- ❖ **Ideas and values that have emerged from the restorative justice process aimed at creating a historically educational grounding, respect for conflicting values, and a more inclusive environment for all histories and cultures.**

This report also addresses the challenges participants and facilitators faced in working together in a restorative process, including limited time for relationship-building that supports trust and deeper understanding. In addition, while including some familiar with the restorative justice process, this group also included those without an informed understanding of what such a process entails. The increased public scrutiny and ideation of representative groups and affiliations, as a contentious Presidential election approached, compounded the group's stressors and underlying distractions.

IV. RESTORATIVE JUSTICE PROCESS

BACKGROUND AND ROLE - It was determined that three restorative justice circles would be planned for three different dates in sessions that lasted 2.5 hours each session. It was important to include divergent ideas on this issue to best represent all community perspectives.

In electing to participate in a restorative justice process, the participants committed to actively contributing to a discussion about the toppling of the Christopher Columbus statue on the Minnesota State Capitol grounds. Participants focused on understanding what happened and

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

why (based on a statement from Mr. Michael Forcia on October 12th circle) in order to address the harms caused, and determine what changes are necessary to prevent similar harms in the future and to improve the culture and response to community requests for addressing trauma-related conflicts restoratively. This process could not, of course, offer final or comprehensive solutions to these issues. No single process could. It did, however, discover important facts and insights about the current situation and ways to address it going forward. It also modeled ways in which the ongoing work of building respectful and inclusive relationships, as the foundation for a healthier culture and climate, may be approached.

The restorative justice process was conducted by engaging a broad range of participants and stakeholders who all agreed to keep the conversations confidential in order to create a space that was safe and conducive for open and honest engagement by all. The knowledge and insights gained within the process were always intended for all participants to be able to use and share in their efforts to address community situations, promote and communicate throughout the community and improve things for the future.

DETAILED PROCESS CHRONOLOGY - Each circle began with land acknowledgement, statement about the history of the circle and introduction of the participants.

Circle 1 was scheduled for September 23, 2020, from 6 pm – 8:30 pm. Circle 1 centered on the perspective that toppling the statue harmed the community and must be rectified. The purpose was to:

- **Provide a space to be heard about their hurt,**
- **Encourage learning about the depth of the pain,**
- **Explore pathways for repair of the harm that was done as a result of the action.**

Each participant was asked in turn to introduce themselves and to name the value they felt was most important to this issue and for community. Their response to the question about how the toppling of the statue resulted in harm for them and their community. The group discussed what their understanding of Native history was and where it was acquired.

Circle 2 was scheduled for September 30, 2020, from 6 pm – 8:30 pm. Circle 2 centered on the perspective that toppling the statue was justified because its presence was harmful and emblematic of a longstanding, hurtful history. The purpose was to:

- **Provide a space to be heard and understood,**
- **Encourage learning about the depth of the pain and harm caused by statues and names,**

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

- **Explore pathways for repair of the harm that was perpetrated over the years and the harm they caused by their action**

Each participant was asked in turn to introduce themselves and to name the value they felt was essential to this issue and for the community. The group discussed how the statue harmed the community and to elaborate on that harm.

Circle 3 was scheduled for October 12, 2020, from 6 pm – 8:30 pm. All participants of the first two circles were invited to Circle 3. The purpose of the combined circle was to bring people who had wrestled with the two perspectives together to discuss the nuances and complexities of the impact on the greater community, reflect on the history and shared values, and generate ideas about how to make it right and heal the community. The purpose was to:

- **Provide a safe and brave space for vulnerable conversations and healing journey,**
- **Encourage the formation of a community response that holds space for the complexity,**
- **Explore pathways for ongoing restorative circles around significant concerns that are not driven by urgencies and emergencies.**

A summary of the values that emerged and alignment of them from Circle 1 and Circle 2 was sent to the group as a pre-reading. At the dinner hour, questions were communicated to the group to help them discuss and process how the values that emerged from Circle 1 and Circle 2 could be integrated into this restorative justice process and how the community could benefit from applying their values in relation to this issue within the community. Then, a discussion about aligning the values was moderated for the group, in person by Dr. Raj Setharaju and online by Beverly Bushyhead.

PARTICIPANTS' VALUES - Participants together outlined key areas that reflect the values necessary to community restoration and values-driven justice:

Integrity – related to the values the community relies upon; honest with self and others, righting wrongs, consistency of who you are, no assumptions about others, encompasses courage, authenticity, candor, true to his own, truth, justice, own mistakes, learn from it and move forward.

Compassion and Truth – non-judgmental; listening to their stories, promote understanding for all God's creation; straightforward and impactful, accountable for actions, accuracy, and credibility.

Dignity, Empathy, Social Justice and Respect - dignity in speaking, teaching and interacting with others, and representing ourselves to each other. Solidarity, sharing struggles, learning, and

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

empathy to see both sides of issues. Committed to change. Respect for all people, appreciate differences for self and others, integrity to make the right choices.

Logistics

Due to the Covid-19 viral outbreak, some individuals felt more comfortable attending via Zoom virtual meeting. This option was offered for all Circle sessions. The hybrid approach allowed the use of large conference rooms combined to make one meeting space, to socially distance in compliance with safety measures to accommodate Covid-19 social gathering best practices.

Meals for in person attendees were provided in an outside courtyard that accommodated social distancing. Meals were individually wrapped and boxed. Personal protection measures included every attendee receiving temperature checks and ample supplies of hand sanitizer and latex gloves.

During the sessions, technology enhanced safety measures to include audio and video access. Audio was delivered via a large screen to project Zoom attendees. Two-way cameras allowed viewing of the Zoom attendees, and Zoom attendees could see the in-person attendees. Video was delivered via technology and use of adjusted camera placement, moveable camera that rotated within the circle and in-kind donation of time for technical assistance and audio/video producer.

Subsequent Engagement Following the Circle Process

All circle participants were offered the opportunity to have further conversations with the County Attorney's Office after they'd had a chance to reflect on the circle process, to share their thoughts about charting a path forward. Many participants engaged in those conversations and they helped inform the suggested resolution. In addition, some participants offered to help connect Mr. Forcia to opportunities to serve the community and expressed an interest in continuing this conversation with the greater community by bringing people with different viewpoints together for more dialogue.

V. KEY FINDINGS FROM RESTORATIVE JUSTICE PROCESS

Throughout the restorative process, several things became clear. The participants wanted to ensure that specific goals were met for the community and to include measures to prevent such an incident from happening again.

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

Thoughts that surfaced about the harm that was caused, symbolism of statues and naming:

- ❖ Came at a time of civil unrest in the wake of the murder of George Floyd in Minneapolis, which added to the fear, feelings of lawlessness, things being out of control; some people also feared losing power, being wrong, things changing too quickly
- ❖ Concern for the precedent set by someone taking unilateral actions because they didn't like something; the next time someone decides they don't like something, can they do this too? Where does it stop?
- ❖ This act is not as simple as right and wrong. We need to understand the context and complexities and have a resolution that addresses those complexities.
- ❖ Have to acknowledge the longstanding, harmful history between indigenous people and the U.S. government
- ❖ Have to unlearn much of what we've been taught about history
- ❖ Perceived as an act of civil disobedience; requires restoration and healing within the community
- ❖ Power of names, naming; dominant culture has taken names for granted; language used as a tool of white supremacy
- ❖ Symbols have a time and place, can help us belong. Civil disobedience has made us a better country. Look at Rosa Parks. Whatever the statue meant when it was erected, times have changed and it's time for an act of civil disobedience to make us better.
- ❖ Democracy and our entire way of life has been based in violence, exploitation and oppression of Indigenous & Black and Brown people for centuries; people have been denied their humanity; how long are people supposed to wait to have their humanity acknowledged before acting on their self-interest?
- ❖ From an American Indian perspective, has seen many attempts at justice over the years, but never got there. American Indians have lived parallel to America, have had to study America, but America hasn't been forced to understand American Indians as a people.
- ❖ Columbus didn't discover America, but perpetrated harms and genocide on American Indians. It's time for a better symbol.
- ❖ Believe in laws, but sometimes norms aren't just. Harmful practices, racialized oppression, disrespecting indigenous people through sports team mascots, use of title, 'chief,' and claiming euro-centric names continues to this day.
- ❖ Lots of representation of BIPOC (Black, Indigenous, People of Color) pain, dehumanization, memorializing death and grieving in America.
- ❖ Justice has meant compliance; should be love and commitment to bettering people's lives.
- ❖ All want healthy places for our families, in general the same things. Our public sphere has gotten so out of control, confrontational; there isn't a safe space to get the right answer right now.

REPORT OF RESTORATIVE JUSTICE PROCESS – DECEMBER 2020

Themes that emerged, suggesting ideal solutions would:

- ❖ restore healing in the community;
- ❖ address, restore, and repair community harm to all;
- ❖ prevent something like this from happening again;
- ❖ not include jail time, as it would serve no purpose;
- ❖ acknowledge this as an act of civil disobedience – and thus respond in a restorative way by rectifying the representation of all ethnicities and cultures in Minnesota through knowledge of shared histories provided by community voices;
- ❖ recognize that this was also a failure of public systems to respond to repeated requests to address it, so the solution should require restoration from systems too;
- ❖ inform policy support that addresses and informs the CAAPB; and
- ❖ demonstrate ethical, moral, equitable, inclusive and visionary values.

VI. WAYS FORWARD: IDEAS AND COMMITMENTS

After in-depth listening and careful consideration of the ideas that emerged during the restorative process, the following recommendations are suggested to restore the community and prevent this from happening again:

- A. Mr. Mike Forcia writes a public letter acknowledging the harms caused by his actions and his commitment to create healing to repair the harm caused to the community.
- B. Mr. Mike Forcia provides service and restitution to the community as an ambassador/educator and speaker of historical perspectives, including sharing an analysis of how this happened, how to prevent it from happening again and expanding Native American perspectives in Minnesota.
- C. Community leaders create an educational kiosk at the State of Minnesota Capitol grounds that presents all Minnesota cultures and ethnicities' historical narratives through storytelling, delivered by culturally-specific speakers, educators, and presenters from those communities. This is to create a State of Minnesota Capitol environment where all Minnesota residents are represented, find belonging, and hear their stories and languages publicly presented sustainably and permanently.
- D. Use this process, goals, and recommendations to Inform the Capitol Area Architectural and Planning Board (CAAPB) toward Minnesota legislative policy response and procedure.