

Putting out the fire

Bill and Diane Pretasky and son Jim in their new home

After arsonists burned down our house, we were haunted by questions. Who would want to kill us? And why? Then we got a chance to confront the criminals. **by Diane Pretasky as told to Jan Goodwin**

It was the middle of the night when my dog, Frosty, jumped on my chest and started howling like crazy. Outside, there were five inches of snow on the ground, and it was all I could do to get out of the warm bed where my husband, Bill, was still sleeping. I saw a glow at the end of the hallway, and at first, I thought Bill had left the Christmas lights on. Then it hit me: This was a fire. The entire rear of the house and the kitchen were engulfed in flames.

Suddenly in overdrive, I rushed to the phone and called the fire department. Before I could hang up, the line went dead; the wires had burned up in the wall. I ran back to the bedroom and shook Bill hard to wake him. Stopping only to grab the dog, we fled in pajamas

and bare feet to the front door. When we opened it, there was a terrible roar behind us: The draft had caused a fireball to explode into the dining room, and the flames were spreading to the rest of the house. With Frosty in my arms, I stood with Bill on the snowy street and watched everything we owned burn to the ground.

At the time—December 2000—Bill worked for the county in LaCrosse, Wisconsin, where we live, and I ran a day-care center in our home. I lost \$6,400 worth of equipment for my business that night—money the insurance company never repaid. But we lost far more than that: furniture, clothes, all our family photographs and treasures, the keepsakes we'd been saving for our two children. We'd spent 11 years remodeling our house so ►

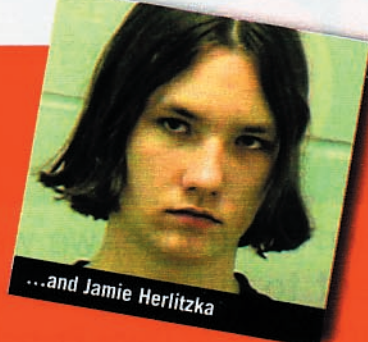
Family

that it was exactly the way we wanted. Now it was all gone. As we stood outside shivering, our neighbors brought us clothes. Someone gave me a pair of tennis shoes.

Within minutes, the fire department found an empty gasoline can and a can of barbecue lighter fluid out back, near where the fire had started. The police and the fire marshal asked us if the cans were ours, but we said no, we'd never seen them before. Then they gave us some startling news: The fire had been set deliberately. It was arson. And, judging from their questions, they suspected we'd started it ourselves to collect the insurance money. We soon learned that as long as the crime was unsolved and a cloud hung over us, our insurance company wouldn't pay even one penny to cover what we'd lost.



Mug shots: Benjamin Szymanski...



...and Jamie Herlitzka

What happened to the culprits

Taking part in a Restorative Justice program does not affect sentencing. In addition to the time he had already served, Ben Szymanski received a ten-year suspended sentence (the charges were reduced to reckless endangerment and arson), 25 years of probation (during which he is forbidden to possess or consume any alcohol or controlled substances), two years of electronic monitoring, and 50 hours of community service each year of

his probation. He was also required to pay restitution to the Pretaskys (he's now paid more than a third).

Jamie Herlitzka had mostly been along for the ride, so his punishment was lighter: a five-year suspended sentence, 15 years of probation (during which he may not possess or consume any alcohol or controlled substances), and 50 hours of community service each year of probation. He also had to pay restitution, which he has done.

The end of peace of mind

Even after the danger was over, we lived in fear. In a condo we'd rented and furnished with hand-me-downs from friends, we slept with the lights

because they'd wanted to play a prank. The boys said they'd gotten high, then set the fire and sat in their car to watch our house burn. At first, we didn't believe it—why would a kid do

At school, two kids were bragging about starting the blaze, saying they'd wanted to play a prank.

on every night, terrified that something else would happen.

Fortunately, neither of our kids had been home the night of the fire—Sarah, then 19, was away at college, and Jim, then 16, was over at a friend's. But Jim, a fullback on the football team, had started hearing rumors at school: Two kids were bragging that they'd started the blaze

that? But for three weeks, Jim kept hearing that a boy named Ben was responsible. Jim pestered us repeatedly: Why hadn't Ben been arrested?

Finally, Bill called the police and talked to a friend of ours. Things started to happen quickly: The police pulled Benjamin Szymanski and another boy—Jamie Herlitzka—out of class the next day, and the two confessed immediately. They were put in custody in an adult jail and charged with attempted homicide (because both Bill and I could easily have died) and felony arson. Both boys were only 15, a year younger than Jim.

Still no closure

Even knowing who had set the fire didn't ease our minds. Bill and I were deeply depressed, and I couldn't stop crying. We felt stuck, with no good idea of how to move on. That's when the Restorative Justice program came into our lives. We were approached by Sue Wiese, a local facilitator with the program who had heard about our case. Sue explained that Restorative Justice would allow us to sit down with the boys and ask the questions that were eating us up.

I said no immediately—to me, these boys were major criminals, and I was scared to death to talk to them. So Bill met with Sue alone. To my surprise, he came away impressed. ►

Family

And he was able to convince me that the program could help us put what had happened behind us. Over the next two months, we had four meetings with Sue. She explained that Restorative Justice is about healing the harm done to victims by criminals. We would meet the boys in a safe, controlled environment, she said, and we could tell them what they had done to our lives, as well as hit them with questions we wouldn't be able to ask in the courtroom.

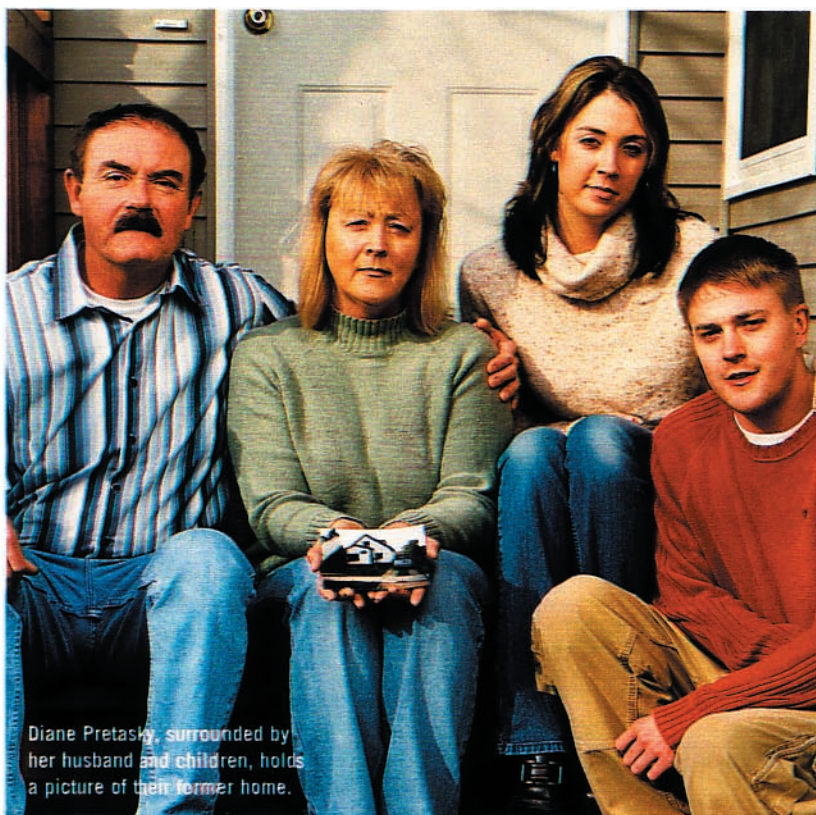
During our meetings with Sue, she did 98 percent of the listening. It felt so good to finally meet someone who knew what we were going through! Our relatives meant well, but we were tired of hearing them say "Don't let the boys off the hook. Let them be prosecuted to the max." Our friends and family were open about their own feelings, but they really didn't understand ours.

The program that changes lives

Restorative Justice started in Canada in 1974. Brought to the United States in 1978, the program now operates in almost every state. The facts:

- **RE-OFFENDER RATES** drop dramatically for adult and juvenile criminals who participate. The numbers for juveniles are especially impressive: A seven-year study showed that more than 80 percent of juveniles who went through the program did not commit another crime.

- **VICTIMS** are also helped by participating: In a 2000 study, more than 90 percent of people who went through the program reported satisfaction with how their cases were handled, compared with 68 percent of victims in a control sample.



Diane Pretasky, surrounded by her husband and children, holds a picture of their former home.

About two weeks before the court case was scheduled to begin, we decided we were ready. So on March 22, 2001, with Sue as the facilitator, we met Ben and his mother at a county office. Ben was very respectful and very scared. At first, he did not make eye contact with us or say anything. He just sat there shaking, with his head down.

Bill asked him why he wanted to hurt us, whether someone in our family had done something to deserve it. Ben said it was nothing like that, nothing personal: He and Jamie had just been looking for something to do. We explained how scared we were after the fire, how everything we had worked so hard for all these years had literally gone up in smoke. I told him about my nightmares, about being unable to forget the sound of the flames, the smell of smoke. And I told him how much I missed the memories from our house: We'd moved there when our son was only four, and now his growing-up years were gone. Ben cried for

much of the session, and Bill and I felt as though, for the first time, he understood what a terrible thing he had done.

Before the meeting, I saw Ben and the other boy as monsters who'd taken over our lives. But when we talked to Ben, we understood that both boys were just dumb, scared teenagers. We'll never completely get over our loss; it will always haunt us. But the meeting let us make a fresh start.

Not long after, things took an unexpected turn: Bill felt so good about Restorative Justice that he changed jobs, accepting a position with the organization as director of a community service program for adult offenders. After Ben and Jamie were sentenced (see "What Happened to the Culprits," page 100), Bill had a Restorative Justice session with Jamie, similar to the one we'd both had with Ben. A year and a half after the fire, Jamie started coming in to see Bill, wanting to know how we were all doing. When Jamie applied to college to be an electrician, he asked my husband for a reference—and Bill was pleased to give him one. ■