Community boards are one of several nonadversarial decision-making innovations inspired by restorative and community justice philosophies. Others include victim-offender mediation, family group conferencing, and circle sentencing (Bazemore, 1998). The overarching goals of all of these program models are: (1) to better include community members in the justice process; (2) to identify and rectify harm caused by criminal offenses, and/or (3) to successfully reintegrate offenders into community life. Community boards are exemplified by the Vermont model, in which citizen volunteers serve on local boards that negotiate reparative agreements with offenders. In 1999, the Vermont Department of Corrections (VDOC) received the prestigious Ford Foundation Innovations in Government Award for its development of the reparative boards. As of August 1999, there were 46 boards operating in 24 townships, with a pool of 315 board members. These boards have processed more than 4,000 cases since their inception in November 1995.

The mission of the community board model is to enhance social control at the local level by involving citizens in the justice process. Community members, with their high stake in the quality of their neighborhoods, work with local offenders to resolve problems caused by the offenses. Cases are sent to community boards by judges. Thus, it is not the task of the boards to determine guilt. Rather, it is to negotiate a course of action that will rectify the harm caused by the offense.
Under the current sentencing guidelines available to Vermont judges, community boards are an option for offenders convicted of minor offenses who would have otherwise received more traditional probation or short-term jail sentences. Offenders who appear before the boards negotiate a “reparative contract” that might include such tasks as letters of apology, community service, or alcohol screenings. Offenders have 90 days to complete the contract.

This chapter describes the Vermont Reparative Probation Program, locates it within the framework of a community justice model, and presents some preliminary evaluation data that examine the program’s effectiveness. These data are drawn from two sources. First, qualitative data are based on Karp’s ongoing research project that involves content analysis of videotaped board meetings. Second, quantitative data are drawn from Walther’s in-house outcome report of the reparative program for Fiscal Year 1998 (July 1997–June 1998). Other descriptions of the Vermont reparative program may be found in Dooley (1996), Karp (2000; forthcoming), Perry and Gorczyk (1997), and Walther and Perry (1997). Vermont serves as a case study for the examination of the board process, primarily because it is a well-known program and represents, currently, the only statewide institutionalization of restorative justice in the United States.

Vermont Reparative Board Process

In this section, we provide a systematic description of how the boards function. The process begins with a judge who sentences an offender to “reparative probation.” Immediately after sentencing, a corrections staff person working in the probation unit conducts an intake meeting with the offender, explaining the board process and gathering background information. This information, along with the police report, is provided to board members for review before a case is seen. Before a meeting is scheduled, the staff board coordinator or volunteer victim coordinator will contact the victim, encouraging him or her to attend. Any information from the victim is also provided to the board members before the case is seen.

Board meetings are open to the public and it is not uncommon, given the program’s publicity, for one or two observers to be present in addition to the board members. Boards vary in size, but typically three to seven board members are present for a given meeting.

Board meetings begin with personal introductions and a review of the mission of the program and goals for the meeting. Specifically, the boards work with the offender so that he or she can:

1. learn about the impact of the crime on victim(s) and the community;
2. restore and make whole the victim(s) of the crime;
3. make amends to the community; and
4. learn ways to avoid reoffending in the future.

The sequence proceeds from a discussion of the offense and its impact on victims and the community to a discussion of strategies for reparation and reintegration, and finally to the creation of a contract that is signed by the offender and the board. This is important, as it stresses to the offender that he or she is making a compact with community members, with victim input. Often, the discussion begins with a recounting of the circumstances of the offense by the offender (and the victim, if present). In this open-ended discussion, board members often ascertain: (1) whether the offender takes full responsibility for the harm done, (2) the extent of the harm, (3) problems in the offender’s life that may lead to future offending, and (4) the willingness of the offender to make reparations and commit to law-abiding behavior. With this knowledge, the group proceeds to identify strategies for reparation and offender reintegration. Reparative strategies typically include letters of apology and community service, while reintegrative strategies often involve written statements or short papers by the offender that describe the impact of the crime, appearances before victim-impact panels, or participation in some form of competency or personal development such as GED classes or driver safety courses. Boards often require a drug and alcohol screening in which the offender is assessed by a professional.

After the initial meeting, most boards will require offenders to reappear after 45 days (half of the probationary period) in order to review their progress. Boards also ask offenders to appear for a closure meeting to offer congratulations for their successful completion of the contract. Victims and other affected parties are invited to all subsequent meetings.

Offenders who violate the terms of reparative contracts are returned to court. Sometimes they may go back to the board to renegotiate their contract. Several boards have review processes that help prevent violations by providing advice and encouragement to offenders that are getting off schedule. Offenders may always choose traditional sentencing in lieu of reparative probation. Sometimes they will choose monetary burdens, such as a fine, from a judge rather than face the challenge of appearing before community peers who make extensive use of “reintegrative shaming” (Braithwaite, 1989).

Although it varies from one board to the next, most boards meet once a week for two hours. In this time, they will often hear two new cases, and conduct two or three reviews and/or closure meetings. The
latter are generally brief (perhaps five to 15 minutes), while new cases generally range from 20 to 60 minutes.

**Board Structure, Training and Recruitment**

The VDOC employs specially trained probation staff to manage reparative caseloads and work closely with community volunteers in the various court jurisdictions, primarily as board liaisons. When the program was new, a “reparative coordinator” position was created. Now that the number of cases has increased, a generic but reparative probation officer role exists. Training standards for this position have been developed with a focus on victim needs, alternative dispute resolution, and working with community members. In many sites, this staff handles both reparative and traditional cases.

Other staff members belong to the reparative team. The supervisor of the Court and Reparative Services Unit (CRSU) manages the personnel, marketing to the court, caseload distribution, and general operations of both reparative probation and traditional probation. Four regional “community resource coordinators” devote their time to recruiting and training board members and support volunteers, developing community capacity, and running victim-impact programs.

When reparative probation is assigned to a case from a district court, it is forwarded to the local CRSU. The reparative team (which also includes community volunteers, in roles such as victim liaison and community service opportunities developer) is responsible for managing the reparative caseload of the local boards. Responsibilities include: (1) conducting an intake interview with offenders that orient them to the program, (2) processing paperwork and acting as liaison to the court, attorneys, other interested parties, and community justice centers, (3) scheduling the offender to appear before the board, (4) identifying and contacting victims or other parties who may wish to attend the reparative board meeting, (5) recruiting and coordinating training of volunteers for board membership and other volunteer roles associated with the program, (6) developing reparative resources, such as community service opportunities, family group conferencing, victim-impact panels, and other activities relevant to reparative contracts, and (7) monitoring offender compliance with the reparative agreement.

All Vermont residents who live within the particular jurisdiction of a community board are eligible to serve on it (except current offenders and youths under age 18). Board bylaws define terms locally, but a volunteer is expected to serve at least one year. Many board members have served continuously since the program’s inception in 1995. No mechanism is in place that ensures broad representation in the community (except a corrections directive), so it appears that board members are disproportionately middle-class and well-educated. Boards are almost equally represented by men and women. Some internal discussion has taken place regarding the board composition, and several board members and VDOC staff members have encouraged the recruitment of people who share characteristics with many of the offenders who appear before the board. In Vermont, this primarily means recruiting younger, working-class board members. Some offenders who have successfully completed reparative probation have been recruited to serve on the boards. Another discussion pertains to members of the criminal justice community, such as state troopers or local police, and whether (as residents of the community) they are eligible to serve. Several are board members now, and, upon occasion, appear in uniform.

Community resource coordinators, other reparative staff, and board members recruit new board members by word of mouth and through a departmental volunteer recruitment plan. Initially, however, a leader nomination process was used. For example, in Brattleboro, VDOC staff identified 30 community leaders and sent letters to each explaining the program and asking them to nominate other members of the community (or themselves) who they believed would participate in the program. Thirty residents were nominated, and 15 were recruited for participation.

Prospective board members are expected to observe some board meetings before completing their three-to-four hour pre-service orientation. When they do become board members, they must participate in several more hours of training within the first year. This training includes an introduction to restorative justice principles and various restorative models such as victim-offender mediation, circle sentencing, and family group conferencing. Board members participate in role-playing exercises and other activities designed to develop good communication skills in their interactions with offenders, victims, and other board members. In addition, ongoing board members are encouraged to participate in seven hours of in-service trainings each year. These include conferences, local workshops, corrections staff training, and other development opportunities.

The role of the boards complements, rather than conflicts with, that of the judge. Boards do not retry a case, nor can they overturn a judge’s determination of guilt. Sometimes, however, board members reach a different conclusion about a case than is indicated by the verdict or the police affidavit. That is inevitable given the different mechanisms used by these parties to gather information as well as the idiosyncrasies of the legal process (such as plea bargaining) that may cause an offender to be convicted of one offense when he or she has, in fact, committed another. For example, in one case, board members were convinced by the offender that he was justly provoked in a case
of simple assault. Personally, they felt that the conviction was not warranted. Their task, however, was not to determine guilt or innocence; instead, it was to recommend a sanction. They proceeded to do so, but in this case, they emphasized reintegrative activities rather than reparative ones.

**What are Boards Trying to Accomplish?**

Board authority is not arbitrary. They cannot, for example, create a contract that continues beyond the 90-day probationary period (although they can negotiate an extension if need be). They cannot stipulate any formal terms of supervision or incarceration. Each jurisdiction has established specific parameters for boards, primarily limiting the total number of community service hours and the number of different types of activities that can be assigned. In addition, the court can establish the terms of restitution (and the court that it assess the offender’s ability to pay). Thus, the boards typically provide oversight for the court’s terms of restitution (such as when the court neglects to include such terms or if they are insufficient) and for assessing other aspects of the harm to victims and community. Despite these parameters, they do have substantial latitude in negotiating a contract that is tailored to the specifics of the case and offender. Because of this, similar offenses may yield dissimilar reparative contracts. One offender might get a writing assignment, another might be asked to take an adult education course, and a third might be assigned community service. They do try to fit activities to the actual crime, especially when victim input is available. For instance, the department measures how much of community work service hours are done in the town where the crime is committed.

**Community Justice and Community Boards**

Community boards are organized under a community justice model (Clear and Karp, 1999). Most generally, the goals of community justice are to improve a community’s capacity to resolve local problems and to realize common goals, thus leading to greater satisfaction in the quality of community life. Toward these ends, the model prescribes parallel processes of community building through problem identification/resolution and social participation/integration. As Clear and Karp (1998:13-14) define it,

Community justice refers to all variants of crime prevention and justice activities that explicitly include the community in their processes and set the enhancement of community qual-

ity of life as an explicit goal. Community justice is rooted in the actions that citizens, community organizations, and the criminal justice system can take to control crime and social disorder. Its central focus is community-level outcomes, shifting the emphasis from individual incidents to systemic patterns, from individual conscience to social mores, and from individual goods to the common good.

One of the central components of the community justice model is the development of a community’s capacity to address local problems. With capacity must come autonomy, and with autonomy must come variation. VDOC has purposefully (and rather uncharacteristically for a state power) relinquished some of its authority to the boards. As such, all boards must conform to the same mandate but can fulfill it in a variety of ways. For example, some boards ask offenders to leave for a period of deliberation during the meeting, while other boards keep the offender involved in all discussions of the contract. It is clear, too, that some boards place a greater emphasis on reparation while others emphasize reintegration. Some boards are quite formal in how the meeting proceeds, carefully following a predetermined script. Others are informal, focusing more on spontaneity and interpersonal connection. Some boards are more lenient. Some are more philosophical. Some are more argumentative. This variation can be heightened when the actual board for a given case has different volunteers from one time to another, due to scheduling difficulties, the addition of new board members, and so on. It is the responsibility of VDOC staff, however, to ensure that no board or board member contradicts the restorative justice mission of the program.

Community boards seek several goals in keeping with restorative and community justice ideals. Boards seek to realize these ideals in terms of concrete outcomes but also by embodying principles of practice that distinguish board meetings from traditional criminal justice encounters with offenders, which are primarily adversarial, impersonal, disempowering, and stigmatizing. In particular, boards seek the active participation of victims and other parties in the decision-making process. This serves not only to gather useful information about the harmfulness of the crime and how it might be repaired but also to engage victims in a process that will be healing and empowering. Boards also seek the active engagement of offenders so they might articulate and demonstrate remorse, become more committed to making amends, and enact positive social behaviors, such as through community service or acquiring a GED, that will revalidate their membership in the community. Finally, boards seek to fulfill a “communitarian” conception of community in which citizens are actively engaged in resolving local problems and that enhances social institutions that provide for the quality of community life.
In the community justice model, four characteristics distinguish community justice programs: (1) citizen accessibility to the justice process, (2) citizen participation in justice decisionmaking, (3) restorative justice activities, and (4) social reintegration of victims and offenders (Karp and Clear, in press). Such programs, or processes, characteristics are designed to accomplish restorative and reintegration goals, which, in turn, lead to a greater quality of community life—enhanced community capacity to resolve local problems and greater satisfaction of residents with community life (see Figure 9.1).

Figure 9.1
Community Justice Logic Model

Accessibility

The first characteristic, accessibility, refers to the decentralization of justice activities so that local communities can play a greater role in the process. This would include the creation of community courts, neighborhood police and probation offices, and community justice centers that offer victim services, conflict mediation, and space for justice-related community organizing. Accessibility also refers to a program’s flexibility in meeting local needs and an informality in social interactions that reduces the social distance between justice professionals, citizens, and affected parties (e.g., victims, offenders, onlookers). In Vermont, accessibility is realized by the creation of local boards. As the program has grown, boards serving relatively large geographic areas or population sizes have divided to serve smaller areas. Thus, new boards form wherever there are enough cases to process and sufficient staff capacity and local volunteers willing to serve. While each board has a clear mandate, it is also free to craft reparative agreements to suit local concerns and the specific context of the case. Because board members are volunteers, they meet with offenders in informal settings (often a conference room in the local library, town hall, or probation office) and sit in a circle around a small table symbolizing the democratic and egalitarian nature of the process.

Accessibility is demonstrated not only in the decentralization of formal justice processes but also in the dynamic interplay between formal and informal social control. This is made possible by the interaction between board members and offenders (victims or affected parties, when possible) who share membership in the local community. Consider, for example, the following conversation between one board member and an offender:

Board Member: How do you get to work?
Offender: My friend, we both work up at Middlebury.
Board Member: Who are you working for up in Middlebury?
Offender: [Name of contractor] They’re out of Boston.
Board Member: Yeah, what are you doing up there?
Offender: Slate roofing.
Board Member: Which building do you work on now?
Offender: On the college. It’s a huge building.
Board Member: Yeah, I’m working on the same building.
Offender: You are?!
Board Member: Yeah. The science building.
Offender: Yup! That’s where it is.
Board Member: I thought I’d seen you before.

Reparative boards see a wide variety of cases, but not all offenders can gain “access” to this justice model. Boards do not work with violent or domestic cases or with sex offenders. Occasionally, however, simple assault cases are heard. Boards can elect not to see cases referred by a judge if it does not fall into the targeted list of offenses. Cases typically referred include drunk driving, possession of minor drugs, furnishing alcohol to minors, theft, vandalism, and fraud, among others.

Determination of the target offender population is based on a risk management protocol, described by VDOC as “the 42-box model.”
This refers to a 6 x 7 table that sorts offenders by the severity of the offense and the risk for reoffense. Severe offenses, even if first-time offenses, do not qualify for reparative probation. In general, low-severity, nonviolent offenses are targeted for reparative probation. Sometimes judges will send to the boards cases that fall outside the target population but, in general, the boards handle relatively minor cases. In Fiscal Year 1998, 1,234 of the 1,320 cases (93%) consisted of offenders who met the eligibility criteria for the program, and 86 cases were referred to the board even though the offenders were identified as in need of greater supervision than the program provides.

While most cases that are referred to reparative probation qualify for the program, it is not yet the case that all cases that do qualify get referred. Although many cases fall within the eligibility target, it is assumed that judges will exercise discretion with regard to supervision needs, sentencing offenders with a standard probation order (with higher supervision requirements) rather than to reparative probation. Thus, the program's goal is to achieve a 60 percent referral rate of all eligible cases. In July 1998, for example, 39 percent of all qualified cases were referred to the program. Other eligible cases received traditional probation. This figure, however, represents a steady increase in referrals since the program's inception, and a 288 percent increase in referrals from Fiscal Year 1997.

It is also likely that many cases are not referred to reparative probation for reasons other than concern about supervision needs. It may be that the program, being new, is not sufficiently known or trusted by the court community. It may also be that some judges, prosecutors, and public defenders dislike the program and try to avoid placing offenders in the program. Some do not believe community volunteers should play a role in the decision-making process. Others (particularly public defenders, for example) are uncomfortable with the program because they do not know what the boards will require of the offender. All of these problems speak to the difficulties of accessibility—creating partnerships between criminal justice professionals and local communities.

**Citizen Participation**

The second feature of the community justice model is citizen participation. This refers specifically to the participation of key stakeholders—not only community volunteers but also victims, offenders, and other members of the community affected by the crime, such as parents, spouses, employers, or friends. Citizen participation in the justice process is defined by extensiveness—the variety of parties brought to the table, and intensiveness—the degree to which each participates and has a voice in the decision-making process. Community boards illustrate this idea by their large numbers of citizen volunteers and their authority to negotiate reparative contracts independently of judges, prosecutors, and correctional officials. Offenders, too, have an unusual opportunity to share in the decision-making process. Victims are always invited to attend, and their attendance is strictly voluntary. When victims and other relevant parties, such as a parent or friend, attend board meetings, they are encouraged to participate freely in the discussion. When victims do not attend, which is common, they will sometimes provide a statement to be read at the meeting.

Citizens are elemental to the community justice model because their participation represents a dramatic institutional change in the locus of responsibility for resolving local problems from the state to the community—from formal to informal social control. They represent the "social capital" that undergirds healthy and organized communities (Sampson et al., 1997). Research commissioned by the Vermont Department of Corrections demonstrates the intensity with which citizens in Vermont desire participation in the criminal sanctioning process (John Doble Research Associates and J. Greene, 1999; Perry and Gorczyk, 1997). In the Doble survey, 91 percent of the respondents supported the use of reparative boards while only 8 percent were opposed. Eighty-seven percent reported that they would attend the board meeting if they were a crime victim. In general, the public is highly critical of traditional criminal justice practice and supportive of alternatives that provide higher levels of engagement by victims, offenders, and community members.

Board members often try to make it clear to offenders that the boards are an unusual entity in the justice system, and that their role as volunteers should highlight for the offender that they are sincere in their concern for the offender's and the community's welfare. In one case, for example, a board member begins the meeting with the following statement:

> We usually start with having you give us an overview of why you are here, what happened, what led up to the events bringing you here. As you know this isn't a trial; you've already been through that process. We are only volunteers, we don't represent anything but people in the community. We are here to listen and help you, so why don't you help yourself by giving us a little bit of the background.

Such a statement by a board member frames the meeting as one of the community and for the community rather than as one of the state against an individual. This framing may reduce the formality and power differentials of the process (though it certainly does not eliminate them) while also implying that there is something unique and important about the voluntary participation of the local citizen.
Board Volunteering: The Vermont Reparative Probation Program depends upon local citizens to volunteer. These citizen volunteers work closely with correctional staff but otherwise manage a number of important responsibilities. They must commit to initial and ongoing training; they are expected to serve for at least one year; and many often see cases on a weekly basis, often commuting some distance in rural areas. In addition, new roles for volunteers have been created such as victim liaison, community work service development, and board assistant, which are indispensable to the operation of the program. The VDOC estimates that the 75 volunteers serving in these auxiliary roles alone donated 7,281 hours statewide during Fiscal Year 1998. To staff the reparative program, a pool of 334 volunteers (259 board members plus 75 auxiliaries) served in that year.

In October 1998, a loosely knit group of board members from around the state formed a "reparative board association." These individuals felt the need to compare notes, share information about process and cases, provide feedback to the VDOC, and develop some autonomy as community members. Distinct from corrections, this group is growing, and provides support to volunteers in the state. Recently, they have begun inviting VDOC program staff to portions of their meetings and worked with them to develop new board member training standards.

A more profound consequence of the Reparative Probation Program has been the development of Community Justice Centers (CJCs), which the State Agency of Human Services has seeded with start-up funds. Aimed at "encouraging and supporting justice services for victims and communities, providing methods for citizens to resolve disputes in community level, and working with justice agencies to address crime in their communities" (Spinelli and Perry, 1997), the first Justice Center opened in October 1998 in Burlington—Vermont's largest municipality (pop. 40,000). These CJCs host a variety of justice-related activities such as educational forums, community mediation, family group conferencing, victim services, and faith community initiatives. To receive seed money, the centers must handle local reparative probation cases using the reparative board model. Burlington's CJC has chosen the name "reparative justice panels" for their boards, because they also handle youth cases and noncriminal quality-of-life disputes. Another mandate of the state grants is that the majority of services are provided by volunteer community members. This partnership represents further accessibility for community members and offers a unique opportunity for both crime prevention and ownership of community conflict resolution.

Victim Participation: Victims are actively encouraged to participate in the board process. The VDOC has a required volunteer role of victim liaison for each board site, and if that is not filled, staff perform that role. When victims do attend, they are encouraged to participate in reconstructing the circumstances of the offense, how the offense impacted them, and what reparative terms they would prefer. Nonetheless, victim participation has been infrequent and inconsistent.

For Fiscal Year 1998, 424 victims were identified for contact in the 702 reparative cases that terminated that year. Therefore, 60 percent of cases heard by the boards involve offenses with direct victims. Often, however, they will hear "victimless" offenses such as drunk driving or underage drinking. Commercial establishments are included among those identified as victims; for example, a store owner or manager may be contacted in the case of retail theft. Program personnel contacted 378 (89%) of the victims either by letter or by telephone. Despite this high rate of victim contact, victim participation in reparative meetings was quite low; only 62 (15%) victims attended a board meeting.

Several reasons may account for this low participation level. Because of the novelty of the approach, victims may not understand the potential benefits of participation. Alternatively, for many of these minor offenses, victims would rather put the event behind them than "belabor" it. Also, often in minor cases, victims are primarily concerned with receiving restitution (in Vermont, restitution is court-ordered and boards primarily provide oversight). Thus, victim needs might be sufficiently addressed before the board meeting is convened. Another reason might be that board staff and volunteers are not sufficiently attendant to victims' emotional needs, and victims are "put off" rather than welcomed by the process. Currently, VDOC is attempting to increase victim participation.

Restorative Justice Decisionmaking: In community justice, a third feature of the model is restorative justice decisionmaking. In this justice philosophy, the goal of the sanctioning process is not punishment. Instead, offender accountability is defined as the obligation to make amends to the victim and the community for any damage caused by the offense. Perhaps the centerpiece of the discussion during a board meeting is the identification of harms wrought by the offense and the delineation of strategies to rectify them. The restorative focus provides a stark contrast to the punitive model that characterizes the traditional justice system. In addition, it can be distinguished from rehabilitative models that fail to consider the offender's obligations to the victim and the community.

For Fiscal Year 1998, 592 (52%) offenders successfully completed the terms of the probation, which includes all reparative tasks to victims and the community. Of the 592 offenders, 374 (63%) were assigned community service work. This group contributed 11,886 hours of service to Vermont communities.
In one case, an offender, while taking an Aikido class, stole a wallet from another student at the studio. He subsequently used the victim's credit card to make fraudulent purchases. Present for the meeting were board members, the offender, the offender's parents, the victim, the Aikido instructor, and a representative of the bank that issued the credit card. In their discussion, the theft was identified as harm to the victim and the consequences of the theft were enumerated. These ranged from the tangible (e.g., the victim lost a discount card for travel in Europe that he was unable to replace before his trip) to the intangible (e.g., the theft compromised the atmosphere of trust and respect at the Aikido studio).

Aikido Instructor: Apparently what happened is that [the offender] came over to do a make-up, saw a coat hanging in the hallway, and took a wallet. And it was his wallet (pointing to victim) . . . The breach of trust was where I was hurt.

Board Member: Can you tell us a little more about that, about how it affects you?

Aikido Instructor: At our Dojo, we are learning cooperative spirit and to have one apple turn it around is kind of bad and it affects everybody.

The challenge of the boards is to elicit the various impacts of the offense and devise specifically tailored strategies to remedy them. The burden for reparation, of course, falls to the offenders, but a part of community capacity building includes the creation of reparative opportunities and providing assistance to offenders to facilitate their completion of tasks.

Reintegrative Decisionmaking A final feature of the community justice model is reintegration. Offending and victimization are considered to be experiences that shred the fabric of community life. Offenders and victims are marginalized by the event in different ways, and a central goal of community justice is to foster both parties' reintegration back into conventional life. This may include services to victims that provide help in ways that do not involve the offender (e.g., legal or mental health services). For offenders, several steps are necessary. First, terms must be specified for offender supervision in order to ensure public safety. Second, because the offender has violated basic normative standards, a process is needed that clarifies expectations for behavior and elicits commitments from the offender to abide by them. Third, strategies for enhancing conventional social ties must be explored. Fourth, competency development may be necessary to ensure that the offender is capable of successfully pursuing conventional opportunities.

In Vermont, all cases are screened for appropriate referral to the boards. Only those cases that judges and correctional officials believe do not require strict supervision qualify. Therefore, boards do not concern themselves with questions of risk assessment and management. They do, however, explicitly discuss local normative standards and offenders' social ties to the community, and typically negotiate terms for competency development, such as a driver safety course for a reckless driver.

The norm affirmation process is illuminated in the following example. The offender had been arrested for driving without a license. The license had been suspended because the driver had failed to pay his registration fees.

Board Member: Do you understand why—this on the surface seems like a pretty innocuous or minor type of an offense—I mean we’re taking your time and our time and the Department of Corrections’ time to deal with this thing, which is something you could have taken care of two or three years ago by paying simply what you owed and making right what you’d done. Do you understand why we’re making such an issue out of this?

Offender: Probably because it’s been a repetitive sort of thing. I can understand where I ignored my fines—I did. I’m more than happy to pay them now.

Board Member: I mean you wouldn’t come into my house and steal something and break the law doing that would you?

Offender: No.

Board Member: Yet you’re willfully breaking the laws here. I mean a law appeals to me and you whether you like it or not and whether I like it or not and I think that’s the point we need to get across with you today. You can’t just selectively say, “Oh, the heck with it, I’m not gonna pay the fine, or I don’t have time, or I didn’t think about it.” You gotta pay attention to this stuff cause you’re a member of the community and that’s your responsibility.

Offender: Yup, I understand that—now. Now that I’m older and I’ve got a daughter and everything.

First, the board member establishes that the offender shares the same moral universe by inquiring about his willingness to engage in more significant criminal activity (“you wouldn’t come into my house and steal something?”). Clearly, this is a rhetorical question, but he did wait for the offender to reply in order to gain that reassurance. Second, he reminds the offender of his responsibilities as a member of the community—responsibilities that are equally shared by all members. To underscore this point, as part of the contract with the offender, he was asked to write a three-page essay on “why I should obey the laws of my
community.” It is through such conversational tactics that offenders and boards negotiate a place for the offender in the community.

The standard criterion for evaluating offender reintegration is the recidivism rate. At present, the VDOC has completed only one recidivism study of reparative offenders (a second is currently underway). These data are based on a sample of 157 offenders who completed reparative probation in 1996. The study found the recidivism rate (conviction for any new crime in the six-month period following probationary termination) to be 8.2 percent compared with an 11.6 percent rate for comparable probationers who were not referred to the reparative program. Because this population represents low-risk offenders, recidivism rates are likely to be low under any circumstances. More importantly, recidivism is a poor indicator of reintegration. Under a community justice model, integration is evidenced by prosocial community behavior, such as continued community service beyond those hours required by the reparative contract, in addition to the absence of antisocial behavior.

Conclusion

Community reparative boards are part of a new justice decision-making model that seeks to fulfill both the restorative and reintegrative goals of community justice. Boards operate at the local level, addressing problems within their own communities by including victims, offenders, and neighbors in a decision-making process that repairs harm and promotes greater social integration and community capacity.

Reparative probation has become fully institutionalized in the state of Vermont, and represents the largest-scale reparative justice initiative in the United States. While boards have been enthusiastically received among practitioners and community members in Vermont, external observers have been critical of several features of the model. For example, critics have argued that boards have an imbalance of power between older, middle-class, well-educated board members and more youthful, working-class, less-educated offenders. As a result, they are concerned about whether offenders are truly empowered by this process and if their contributions to the decision-making process are meaningful. Board members may not be sufficiently trained to follow restorative principles and treat offenders disrespectfully or violate their individual rights. The fact that victims do not often appear at board meetings undermines the possibility of reconciliation and a clear articulation of harm and identification of appropriate strategies of repair. Other restorative initiatives, such as victim-offender mediation and family group conferencing, differ from boards in that they are moderated by a professionally trained mediator. In contrast, community volunteers involved in the boards often appear amateurish, undiplomatic, and less knowledgeable about restorative principles than trained mediators.

These criticisms, voiced from within the restorative justice movement, represent an important dilemma as restorative justice initiatives move from experimental pilots to full-scale projects. Should projects be small but very closely approximate an ideal, or should they be large but often flawed in delivery? Both victim-offender mediation and conferencing are difficult to implement on a large scale because organizing each session is time-consuming and difficult. In part, this may be because of the greater level of emotional intensity associated with these processes and the correspondant level of care necessary to ensure that the process is helpful and not harmful. In contrast, boards are able to manage higher caseloads. In addition, a large number of board cases have no direct victims, thereby making this process applicable to cases that cannot be handled by the other models.

A community justice initiative can be only as good as the community that sponsors it. Critique of the boards is wise, as is tolerance of an evolving experiment. The right questions to ask are: What goals do community board participants embrace and to what degree do they succeed in achieving them? The Vermont boards need careful evaluation that assesses their effectiveness in contrast to traditional court procedures and in light of other restorative models that highlight variation in how a progressive justice idea can be realized in practice.

Discussion Questions

1. What are the goals of community reparative boards? At what point in the system are they invoked? How do they interact with the judge? Are boards free to determine any contract they choose or are they limited? Are there limits appropriate?

2. What processes does the board follow? What are some examples of this? Is this typical? Why or why not?

3. What are the four characteristics that distinguish community justice programs and how do reparative boards exemplify these (or not)? Give some examples.


Endnotes

1 Formally, boards subdivide into other “boards” when geographic territory is differentiated and into “panels” when they continue to serve the same area but that area has more cases than one group can handle.

2 Quotations are drawn from video transcriptions of 33 reparative case hearings, which are part of Karp’s ongoing research on the Vermont reparative boards. A description of this project is found in Karp (2000).

3 Two others have opened since, one in St. Johnsbury, another in Bennington. Each has developed a unique mission and programming objectives. Bennington’s CJC has a website at www.justicevermont.org/Pagone.htm. Burlington’s website is www.communityjusticeburlvt.org

4 Community and restorative justice are not antithetical to rehabilitation, but they emphasize that the purpose of rehabilitation is reintegration (a community-level outcome rather than an individual outcome).

References


