

## MINOR CRIME IN A QUAIN T SETTING: PRACTICES, OUTCOMES, AND LIMITS OF VERMONT REPARATIVE PROBATION BOARDS

DAVID R. KARP

Skidmore College

KEVIN M. DRAKULICH

University of Washington

### **Research Summary:**

*We performed the first outcome evaluation of Vermont's Reparative Probation Program by studying a sample of reparative cases terminated in the 2000 calendar year through a content analysis of case files and surveys of victims and community service sites. The evaluation was performed along four goals of the program: that communities are involved, victims' needs are addressed, communities are restored, and offenders behave responsibly.*

### **Policy Implications:**

*The program has been largely successful in meeting its program goals. Community involvement in probation programs with a focus on repairing harm and offender reintegration is growing. The evaluation shows that Vermont Reparative Probation was able to recruit and maintain a large volunteer pool, and involve these volunteers in sanctioning decisions. Whether this can be achieved in other settings, and whether volunteers can effectively work with more serious offenders are important questions for policy. While most cases processed in this program dealt with victimless crimes (such as drunk driving and underage drinking), victims did not participate as much as predicted, replicating results from other board evaluations. Because victim involvement is low, this practice may be less "restorative" for victims than other restorative justice models. Community service was a common sanction, offenders tended to comply with service obligations, and service sites were satisfied by their work. Despite a focus on offender reintegration, regular inclusion of reintegrative tasks, and reasonably high completion rates, this program made little use of effective correctional treatments or tasks that would develop strong attachments to the community.*

KEYWORDS: Community Justice, Restorative Justice, Reparative Probation, Victims, Citizen Involvement

When Americans think of crime-ridden places, Vermont is not the first location that comes to mind. It is not in such “quaint settings” that we expect to find important criminal justice innovation. Yet criminologists, practitioners, and policy makers have taken notice of Vermont’s Reparative Probation. This is despite the fact that this program focuses on minor offenders in a state with relatively little crime.<sup>1</sup> In 1999, the program received the Ford Foundation’s Innovations in Government Award. Since its inception in 1995, criminal justice agencies have launched literally hundreds of “community board” programs across the United States. Most have adopted the Reparative Probation model. Schiff et al. (2001) estimate that the United States had 227 board programs serving juvenile offenders in 2001. Their survey did not seek information about programs for adult offenders or those outside the United States.

Although several evaluations of U.S. and international community and restorative justice programs have been published (see Braithwaite, 2002 for a review), we report on the first formal independent evaluation of outcomes of a probation-based community board model and of Vermont Reparative Probation in particular. This article draws on the technical evaluation (Karp et al., 2002), funded by a grant from Vermont’s Department of Corrections (VDOC), from which we highlight the major findings and focus on their policy implications.

Reparative probation may be seen as an alternative probation model, designed to offset the public’s dissatisfaction with traditional probation. “As a brand name, probation is unfortunately irretrievably associated in the public consciousness with a lack of accountability and a reactive agenda” (Maloney et al., 2001:29). Rather than focus on enforcement of restrictive conditions, the program described here invites participating decision makers to seek outcomes that provide concrete benefits to victims, offenders, and the communities in which they live.

The reparative board model is similar to other restorative practices because it invites dialogue between key stakeholders to negotiate restorative agreements. It differs in that it most often hears cases that are victimless (such as drunk driving and underage drinking) or those where victims choose not to participate. It also differs by including a standing pool of citizen volunteers that would not typically participate in other conferencing models.

Interest in the philosophy of community justice, especially as an alternative to the traditional adversarial model, has grown quickly in the past decade, generating a variety of programs that stress victim and community involvement (Clear and Karp, 1999; Karp and Clear, 2002). Karp and

---

1. Vermont ranks forty-second of the 50 states in the 2000 Crime Index (Federal Bureau of Investigation, 2003)

## VERMONT REPARATIVE PROBATION BOARDS 303

Clear (2000) argue that through system accessibility, community involvement, and reparative and reintegrative processes, criminal justice systems can achieve restoration, social integration, community capacity, and community satisfaction. Although McCold (2004) finds community justice and restorative justice to be competing philosophies, with the former concerned less with addressing victims' needs and incorporating healing dialogue than restorative justice (but see Karp, 2004 and others in the same journal issue for rejoinders), Reparative Probation may be considered to be a community justice and restorative justice program implementing restorative principles by focusing on dialogue between key stakeholders (victims, offenders, affected members of the community) and reparation of individual and community harm. It also emphasizes community justice principles such as citizen volunteer involvement, decentralized, community-level decision making, and offender reintegration.

### VERMONT'S REPARATIVE PROBATION PROGRAM

Although Vermont's reparative boards exemplify community and restorative justice philosophies, it should be noted that Vermont's program was developed independently of these academic traditions by policy makers within VDOC in response to rapid increases in incarceration that were overwhelming the system (Perry and Gorczyk, 1997). Their use of the term "reparative" was not an attempt to distinguish themselves from restorative practices; rather it was conceived before staff were aware of restorative justice principles and programs. Despite this independent development, Reparative Probation is consistent with both community and restorative justice. According to VDOC, their goals include "providing public safety, offender accountability, and victim reparation," all compatible with the ideas of restorative justice, as well as "building healthy communities, empowered to control their own justice processes and dispute resolution strategies," which is compatible with the larger community justice philosophy (Perry and Gorczyk, 1997:30).

Michael Dooley (1996:32), a member of the Reparative Probation development team at VDOC, notes that "the central feature of the program is the offender's face-to-face public meeting with representatives of the community." John Gorczyk, Commissioner of VDOC, and John Perry, Director of Planning, at the time of the program's inception argued that the primary customer of their services is not the offender, as corrections officials might typically claim. Instead, they argued it was the public, and its members ought to be included in correctional planning and programming (Perry and Gorczyk, 1997). After extensive "market research" to evaluate their "customers' needs," they shifted their management goals:

We began to recognize that we are not simply in the prison business,

and we are not simply in the probation business. We are in the business of providing public safety, offender accountability, and victim reparation. We are also in the business of building healthy communities, empowered to control their own justice processes and dispute resolution strategies. Perry and Gorczyk (1997:30.)

As part of their research, VDOC examined Vermont public support for the creation of reparative boards and found it “overwhelmingly endorsed the concept of Community Boards participating in sentencing. The questions dealing with this idea got responses of 92 percent, 93 percent, 95 percent positive ratings” (Perry and Gorczyk, 1997:29). Karp et al. (2004) argue that stakeholder (offender, victim, community volunteer) participation in the justice system enhances the decision-making process, leading to greater satisfaction among the stakeholders and better outcomes for each. Ultimately, this community involvement builds community capacity.

Vermont’s reparative boards may be classified as one variation of restorative justice programming and are often contrasted with victim offender mediation, conferencing, and circle programs (Bazemore and Umbreit, 2001; Roche, 2003). Board programs have been variously titled Community Reparative Boards in Vermont, Neighborhood Accountability Boards in California, Youth Aid Panels in Pennsylvania, Community Justice Councils in Michigan, Community Councils in Toronto, Youth Offender Panels in England and Wales, and Community Panels in New Zealand. Roche (2003) notes that board models vary significantly: Some are youth only, some serve as a pretrial diversion, some have no authority to enforce agreements, and so on.

Under the community justice model, a partnership is formed between the justice system and the local community. “The justice system follows community leadership while monitoring community process” (Pranis, 1998:42). Thus, citizens are actively involved in core decision making. The citizen role in Reparative Probation is unique among probation volunteer programs. Typically, volunteers serve as one-to-one mentors, but they have no authority over sanctions (Shields et al., 1983). In Vermont, volunteers have parameters, just as judges have sentencing guidelines, but their decisions about the sanctions are not merely recommendations to the court and are put into effect without judicial review.<sup>2</sup>

In addition to the authority of board members in negotiating reparative contracts, an indirect measure of their decision-making authority is the variety of ways volunteers serve the program. The primary role for board

---

2. In one area, restitution, the court is mandated by statute to define the amount. Thus, restitution orders come to the board predetermined. However, boards can make changes to the order, subject to judicial review. It is also the case that offenders may contest decisions made by the board, returning the sanctioning decision to the court.

## VERMONT REPARATIVE PROBATION BOARDS 305

members is to sit on boards, meeting with offenders and victims, and negotiating contracts. Most volunteers serve in this capacity. In addition, we find several other programmatic roles for volunteers. They serve as victim liaisons, in charge of contacting victims and ushering them through the process. They also serve as victim impact panel coordinators, community service coordinators, intake assistants, and caseworker assistants.

Reparative Probation can be summarized as follows. Upon conviction of a minor nonviolent offense, larceny or drunk driving, for example, the judge has the option to sentence the offender to probation with the condition that he or she appears before a local reparative board, although this stipulation is entirely at the judge's discretion. VDOC has established criteria for program eligibility based on offense severity and offense history. Essentially, these criteria eliminate the very minor probation cases, in which judges place offenders, but ask nothing of them except to be law-abiding. They also eliminate more serious probation cases that require greater supervision by probation officers, risk assessment, and formalized treatment protocols. Offenders are adults, although the program accepts individuals as young as age 16. Thus, there is some overlap with a similar board program administered by a separate state agency for juveniles. The latter program accepts offenders through age 18 (O'Brien et al., 2002).

A board composed of trained citizen volunteers convenes with the offender to discuss the impact of the offense and find a restorative resolution. Victims (when applicable) and other affected parties, such as the offender's family, are invited to participate by providing impact statements and attending reparative board meetings with offenders. Boards meet with offenders whether or not victims choose to participate, and most victims, as will be reported below, do not participate. Board meetings vary in length, but average between 35 and 40 minutes (Karp, 2001). The outcome of the meeting is a negotiated agreement, signed by the offender, specifying a set of tasks to be accomplished during a 90-day probationary period. All participants in the meeting, especially offenders and victims, are encouraged to actively contribute to the decision-making process, and the contract is arrived at by consensus.<sup>3</sup> Typically, offenders will return to the board for a mid-term review and a final closure meeting before discharge. Offenders who fail to comply are in violation of probation and returned to the court.

The board members receive training and try to accomplish four goals in each case. First, they wish to engage the offender in tasks that will help

---

3. Consensus is defined here loosely. Sanctioning decisions are arrived at without excluding any participant and without voting. It does not mean, however, that power imbalances do not exist, and some members, e.g., offenders may not feel pressured to accept terms they disagree with (Karp, 2002).

him or her better understand the harmful consequences of the crime to victims and the community. This may entail asking the offender to listen to the victim's account. It may mean asking the offender to write an essay describing the harm that was done. Second, the board seeks to identify ways the offender can repair the harm to victims. Third, they try to engage the offender in making amends to the community. Restitution to the victim, community service, and letters of apology may be negotiated. Fourth, the board works with the offender to find a strategy to reduce the likelihood of reoffending. This might include a wide variety of educational and counseling opportunities.

Board meetings are held on a weekly basis, with a board typically hearing two new cases, with some additional follow-up and closure meetings. They are typically held in an informal conference room in a town hall, public library, or probation office. Attention is given to the seating of victims and offenders prior to the meeting such as having victims wait in a separate room or office. Boards vary in their formality, but all are much less formal than the courtroom setting. Boards usually consist of four or five members of the community where the crime was committed. Meetings begin with introductions, proceed through a general review of the incident, and become task-oriented as they strategize over terms of the agreement. Boards can ask nonmembers, such as offenders, to leave the meeting for a period of private deliberation. Although this was a common practice at the program's inception, it has now been largely abandoned, and decision making is conducted as openly and collectively as possible.

VDOC probation officers serve as case managers who are responsible for paperwork as well as preparation and follow-up work with probationers as they complete reparative tasks. Some VDOC staff are specifically charged with developing community resources, such as community service opportunities for offenders. Staff, and in some places, board volunteers, receive specialized training to become victim liaisons, learning how to contact victims, collect victim impact statements, and prepare them for participation in board meetings. VDOC staff are responsible for providing oversight, ensuring that boards operate within their mandate, and operate equivalently across the state (Karp and Walther, 2001).

Board members are volunteers recruited through advertisements and word-of-mouth. They must observe a board before committing to membership, and they receive ongoing training as members. A survey of board members found that 74% had served for longer than one year, 40% having served for more than two years (Karp et al., 2004). Members are diverse in age, but they tend to be older (86% are over age 40); roughly equally divided between men and women (45% male); overwhelmingly white (97% white), as is the state and correctional populations; diverse economically, but disproportionately well educated (73% with college or graduate

## VERMONT REPARATIVE PROBATION BOARDS 307

degrees); diverse religiously with equal proportions religious and nonreligious; and diverse politically (38% liberal, 38% moderate, 21% conservative).

In qualitative analyses of 58 videotaped board meetings, Karp (2001; 2002) found that Vermont boards attempt to establish common ground with offenders to facilitate honest dialogue, typically discuss the obligations of community membership, seek to have offenders acknowledge responsibility for the harm caused, and engage in open debate about the best strategies for repair and reintegration. Karp's (2001) qualitative analysis found that most, but not all, cases result in agreements that include tasks to repair harms identified and discussed during the meeting. When boards fail to identify such harms, their decision-making process tends to become more arbitrary, sometimes resorting to punitive outcomes that conflict with the overarching philosophy of the program.

Although numerous evaluations of restorative justice programs have been conducted, other than the aforementioned studies of Vermont reparative boards, we have found evaluations of only two other board programs. Crawford and Newburn (2003) and Newburn et al. (2002) assess Youth Offender Panels in England and Wales and Maxwell and Morris (2001), and Maxwell et al. (1999) assess Community Panel Adult Pre-Trial Diversion in New Zealand. Although there are differences between each of these board models, e.g., adult vs. juvenile, diversion vs. postadjudication, they may be classified together as one branch of the restorative justice movement. In our discussion section, we compare our results specifically with those found in these two programs.

## METHODOLOGY

### OBJECTIVE

This study evaluates the effectiveness of Reparative Probation in realizing identified program goals. This study does *not* provide comparative results between program participants and a control group, such as cases in a traditional probation program. Wherever possible, results are compared with those found in other restorative justice programs.

### IDENTIFYING PROGRAM GOALS

Working closely with VDOC staff, the evaluation team developed a list of theoretical outcomes that program staff believed to be central goals of the program. This process of outcome identification is in keeping with the philosophy of participant-driven evaluation (Bazemore and Stinchcomb, 2000).

In this study, four outcomes are evaluated. Table 1 identifies the four

program goals and evaluation indicators. From these, our research team developed specific measures.

TABLE 1. VERMONT REPARATIVE PROBATION GOALS AND INDICATORS

| Program Goals                | Outcome Indicators   |
|------------------------------|--|
| Communities are involved     | <ul style="list-style-type: none"> <li>• Offenders and supporters participate</li> <li>• Victims and supporters participate</li> <li>• Community volunteers participate</li> </ul>   |
| Victims' needs are addressed | <ul style="list-style-type: none"> <li>• Victims' needs are addressed adequately by the reparative process</li> </ul>  |
| Communities are restored     | <ul style="list-style-type: none"> <li>• Community harm is repaired</li> <li>• Community is satisfied</li> </ul>   |
| Offenders are responsible    | <ul style="list-style-type: none"> <li>• Offenders understand impact</li> <li>• Offenders acknowledge responsibility</li> <li>• Offenders make amends</li> <li>• Offenders build social ties</li> <li>• Offenders are law-abiding</li> </ul> |

#### SAMPLE

We evaluate a sample of reparative cases that terminated in the year 2000. Termination may occur because the offender has successfully completed probation or committed a violation that returns him or her to court. These cases may have begun earlier, i.e., in 1999, but they must have finished by the end of 2000. As VDOC data collection procedures have evolved and improved since the beginning of the program, as have training procedures for board members, we focused attention on a recent set of cases. Focusing on year 2000 cases also enabled us to examine recidivism data for one year after termination.

In 2000, 1,902 cases were terminated. Of these, 379 cases involved "deferred sentences" where all paperwork was destroyed after termination. All deferred cases were eliminated from our study (thus reducing the N to 1523), and we make no inferences about the deferred subgroup of reparative probationers. As this program and restorative justice more generally is concerned with victim participation, we included all 43 cases in which VDOC records indicated that victims had attended the board hearing.<sup>4</sup> Then, based on an estimate for adequate statistical power, we extracted a random sample of 205 cases for study. One of these cases, on close analysis, was discovered to have been misclassified as a reparative case and was deleted from the sample. In two other pairs of cases, the same offender was listed twice, so they were combined, yielding a sample

4. These are later verified for accuracy by a telephone survey of victims.



## VERMONT REPARATIVE PROBATION BOARDS 309

of 202 cases.<sup>5</sup> The final sample is composed of 245 cases after adding the victim participation cases.<sup>6</sup>

### DATA COLLECTION

Data collection involved four separate efforts: data retrieval from administrative databases and administrative personnel interviews, a content analysis of case files, a victim survey, and a community service site survey. Occasionally, we cite data from other studies of Vermont Reparative Probation to inform key outcomes dimensions.

#### Administrative Databases, Personnel Interviews and Case Files

A review of administrative databases supplemented by personnel interviews provided some of the most general information about the program, including the numbers of boards and volunteers over time, as well as general descriptions of the reparative and regular probation populations. The case files were collected and coded for each case in our sample. Case file analysis helped correct inaccuracies in VDOC databases, such as correcting for cases designated as having victims when there were none, and those designated as victimless, but they were not.

#### Victim Survey

Victims were interviewed by telephone. The victim survey was designed to collect simple, critical information rather than an in-depth study of the victim experience with reparative probation. Of the 89 cases with direct victims, 40 completed the victim survey (45%). Of these, 20 attended the reparative board meeting and 20 did not attend. Although the evaluation team attempted to retrieve missing information wherever possible, many victims could not be contacted because case files were incomplete, inaccurate, or outdated.<sup>7</sup> Although this response rate is not high, our refusal rate was low, with a few explaining that they did not have the time to participate, the crime happened too long ago to recall details, or it was an insignificant event. Although using the termination date allows the selection of a group of cases known to be completed, this does result, in some cases, in a few years between the crime, the meeting, and the interview with the victim. The victims were interviewed in the summer of 2001, and a few of

---

5. On both occasions, the offender had committed two separate offenses prior to the board meeting, and the board addressed both at one meeting.

6. Technically, this sample is a disproportionate stratified sample composed of two subgroups: a complete representation of cases with participating victims and a random sample (13%) of all other cases.

7. We discovered many of the files had incomplete victim information and had to gather data by using telephone books, directory assistance, and online telephone directories.

the offenders were sentenced as early as 1997, with some meetings occurring as early as 1998.

#### Community Service Site Survey

For each offender assigned community service, we identified information about their placement and conducted a telephone survey of service sites. We were able to complete 82 service surveys for the 158 offenders who completed or partially completed community service (52%). This low response rate is primarily a result of inadequate service site information. The most common problem faced by the evaluators was that service hours were recorded, but the placements were not identified in the case files. Fifteen sites could not be contacted despite several attempts by telephone. Finally, contacts at a few sites listed were unaware of the program and claimed not to have put probationers to work.

#### DATA LIMITATIONS

The primary limitation of these data is that they provide no control group against which comparisons are made. It was not feasible to conduct a study using an experimental design because this would require that probationers be randomly assigned (by judges) to reparative probation or to an alternative probationary sanction that serves as the control group. Another study is underway to study reparative probation using Vermont traditional probation, New Hampshire traditional probationers, and Maine traditional probationers as comparison groups (Humphrey and Burford, 2001). Our data, therefore, can best be understood as a baseline description of programmatic outcomes. They may be compared with results for other years, as well as to other programs. Where possible, we summarize findings from other programs with similar goals, but because these studies were conducted independently, any direct comparisons should be interpreted cautiously.

#### FINDINGS

Before reporting the evaluation results, we compare the Vermont Reparative Probation population with other Vermont probationers (see Table 2). First, reparative probationers represent about 20% of all Vermont probationers. Reparative probationers are more likely to be younger and less well educated (because many are still high school aged). Both probationer populations are overwhelmingly white, and this is representative of Vermont as a whole. Both groups are disproportionately male, but there are comparatively more females in the reparative population. Both groups are also disproportionately misdemeanants, with reparative probationers more likely to have committed lesser offenses.

VERMONT REPARATIVE PROBATION BOARDS 311

TABLE 2. REPARATIVE OFFENDER INFORMATION COMPARED WITH VERMONT POPULATION

|  | <i>VT Reparative Probationers (percent)</i> | <i>VT Nonreparative Probationers (percent)</i> |
|--|---|--|
| Population Count, June 1, 2000*          | 19 (N = 1722)                               | 81 (N = 7547)                                  |
| Age                                      |   |  |
| 16-19                                    | 28  | 8  |
| 20-29                                    | 42  | 36   |
| 30-39                                    | 16  | 30   |
| 40-49                                    | 10  | 18   |
| 50>                                      | 4   | 8  |
| Sex                                      |   |  |
| Male                                     | 71  | 80   |
| Female                                   | 29  | 20   |
| Race                                     |   |  |
| White                                    | 99  | 96   |
| Asian, African-American, Native American | 1   | 4  |
| Education                                |   |  |
| < High school                            | 42  | 34   |
| High school                              | 40  | 47   |
| Some higher education                    | 18  | 19   |
| Offense**                                |   |  |
| <i>Felony</i>                            | <i>11</i>                                   | <i>30</i>                                      |
| Serious violent Person                   | —   | 6  |
| Property                                 | —   | 5  |
| Drug                                     | 9   | 14   |
| Motor vehicle                            | 1   | 2  |
| Other                                    | —   | 2  |
| <i>Misdemeanor</i>                       | <i>89</i>                                   | <i>70</i>                                      |
| Person                                   | 7   | 21   |
| Property                                 | 21  | 11   |
| Drug                                     | 4   | 3  |
| Motor vehicle                            | 32  | 27   |
| Other                                    | 25  | 8  |

\*Population count refers to the probation population on a single day in 2000. This may be distinguished from the probation population that was discharged in 2000.

\*\*Reports most serious offense only in cases with multiple charges.

OUTCOME #1—COMMUNITY INVOLVEMENT

Community Volunteer Participation

Board member participation is a central feature of reparative probation. Although program record-keeping in this area was often incomplete, Table 3 presents data on volunteer participation. The numbers suggest

increases in all categories, including more board members and other volunteers, and more hours volunteered by board members and others. As the program gains more referrals, and as volunteer participation increases, boards subdivide to handle cases in more localized settings. Over the course of 2000, 11 more boards were formed, serving ten more communities.

TABLE 3. COMMUNITY VOLUNTEER PARTICIPATION

|                   | 1999<br>(Ns) | 2000<br>(Ns) | Percent<br>Increase |
|-------------------|--------------|--------------|---------------------|
| Boards            | 38           | 49           | 29                  |
| Board members     | 219          | 293          | 34                  |
| Hours volunteered | 18,345       | 23,628       | 29                  |

#### Victim Participation

Many cases can be considered victimless, such as underage drinking or drunk driving (without an accident involving others). In our analysis, we include theft and fraud as crimes with victims—even if it was shoplifting a CD from WalMart—as long as we could identify an individual who could participate in the program as a harmed party, such as a store manager. Our review of police reports indicates that 89 of the 245 cases had victims. Of these, 40 participated in the board meeting. Because we included in our sample all known cases with victim participation, in order to estimate victim participation rates for the entire Year 2000 case population, we relied on VDOC estimates for the number of total cases with direct victims. Of the 1523 cases in the total population, 391 cases (26%) had direct victims.<sup>8</sup> Our finding that 40 victims participated in all Year 2000 board meetings, therefore, yields a participation rate of 10%.

This evaluation was not designed to analyze why victims participate or fail to participate in the program. However, that 90% of victims fail to participate is a troubling finding. Our data offer some insight into only two of several possible explanations. First, many were simply not contacted by VDOC. Second, many were commercial victims of shoplifting and have little interest in participation. The second is understandable; the first requires remediation. VDOC administrative records indicate that 26% of Year 2000 cases had victims, whereas our own analysis of police

8. This is likely to be an inaccurate estimate. Another measure provided in VDOC records distinguishes direct victims from “affected parties.” Using this measure, only 216 direct victims are identified, thus dramatically undercounting them compared with the first measure. We suspect both measures undercount the total number of cases with victims, but they employ the former as the “lesser of two evils.”

## VERMONT REPARATIVE PROBATION BOARDS 313

reports discovered more cases with victims than those designated by VDOC. Among those victims we surveyed, several indicated that they had not heard of the program and would have participated had they been invited.

## OUTCOME #2—VICTIMS' NEEDS

Meeting the needs of victims is central to the mission of restorative justice programs. We consider both emotional and material needs of victims, considering objective data relevant to victims and subjective reports by victims about their experience with the program. Due to the small number of victims overall and our difficulties locating contact information for many of them, our victim survey sample size is small. We were able to speak with 20 of the 40 victims who participated in a board meeting and 20 of the 49 victims who did not. However, given the importance of victims in this program, we present the following findings, but caution against generalizing. Table 4 summarizes these data.

A first victim concern regards their *participation* in the process. The survey data reveal a number of comments by victims indicating that they would have participated in the board meeting, but they were never informed about it. Of the 20 who did participate, no one was dissatisfied by their level of participation or by the support they received by the board. Four victims were very dissatisfied, however, because they believed the offender did not come to understand how the crime affected them and failed to accept responsibility for the offense. Comments associated with dissatisfaction referred to the behavior of the offender during the meeting, such as him or her “not getting it,” “just giving lip service,” or “the offender wasn’t sorry.” Although it is rare for victims to participate in board meetings, when they do, the experience appears to be favorable for the majority of them.

Although some participating and nonparticipating victims were dissatisfied by the reparative contract, most were either satisfied or very satisfied. Only three nonparticipating victims believed the “reparative board process as a whole” was not helpful to them. Otherwise, both groups believed it to be either somewhat or very helpful. Only one person (a nonparticipating victim), in fact, thought the program should be discontinued. Interestingly, we did not find any statistically significant differences in satisfaction levels of victims who participated and those who did not participate in board meetings. This finding, when considered alongside the dissatisfaction of several victims who were not contacted to participate, might suggest that the option of participation is more important to victims than actual participation.

Whether or not victims attend the board meeting, having offenders

314

KARP &amp; DRAKULICH

TABLE 4. VICTIMS' NEEDS

|   | Participating<br>Victims<br>(N = 20)* | Nonparticipating<br>Victims<br>(N = 20) |
|---|---------------------------------------|---|
| How satisfied were you with your level of participation at the board meeting?                         |                                       |   |
| Very satisfied  | 11                                    |   |
| Somewhat satisfied  | 8                                     |   |
| Neither satisfied nor dissatisfied  | 0                                     |   |
| Somewhat dissatisfied   | 0                                     |   |
| Very dissatisfied   | 0                                     |   |
| How satisfied were you with the kind of support offered to you by board members during the meeting?   |                                       |   |
| Very satisfied  | 13                                    |   |
| Somewhat satisfied  | 5                                     |   |
| Neither satisfied nor dissatisfied  | 1                                     |   |
| Somewhat dissatisfied   | 0                                     |   |
| Very dissatisfied   | 0                                     |   |
| How satisfied were you that the offender understood how the crime affected you?                       |                                       |   |
| Very satisfied  | 7                                     |   |
| Somewhat satisfied  | 6                                     |   |
| Neither satisfied nor dissatisfied  | 2                                     |   |
| Somewhat dissatisfied   | 0                                     |   |
| Very dissatisfied   | 4                                     |   |
| How much to you feel like the offender accepted responsibility for the offense?                       |                                       |   |
| Very much accepted responsibility   | 9                                     |   |
| Somewhat accepted responsibility  | 4                                     |   |
| Neither denied nor accepted   | 2                                     |   |
| Somewhat denied responsibility  | 2                                     |   |
| Strongly denied responsibility  | 2                                     |   |
| How satisfied were you with the reparative contract?  |                                       |   |
| Very satisfied  | 8                                     | 4                                       |
| Somewhat satisfied  | 4                                     | 11                                      |
| Neither satisfied nor dissatisfied  | 3                                     | 1                                       |
| Somewhat dissatisfied   | 3                                     | 2                                       |
| Very dissatisfied   | 2                                     | 2                                       |
| Did you feel like the reparative board process as a whole was helpful to feel better about the event? |                                       |   |
| Very helpful  | 13                                    | 8                                       |
| Somewhat helpful  | 5                                     | 8                                       |
| Not at all helpful  | 0                                     | 3                                       |
| Not sure  | 2                                     | 1                                       |
| Would you recommend VDOC continue this program?   |                                       |   |
| Yes   | 19                                    | 17                                      |
| No  | 0                                     | 1                                       |
| Not sure  | 1                                     | 2                                       |

\*Where Ns do not add to 20, victims provided no answer.

## VERMONT REPARATIVE PROBATION BOARDS 315

apologize to them is a common reparative task. Our analysis of reparative contracts reveals that 46 (52%) of the 89 cases with direct crime victims included apology letters. We did not find a difference in the likelihood of receiving an apology between those victims who participated in the board meeting and those who did not participate. Qualitative comments from our victim survey indicate that some victims received a verbal apology during the meeting. Some others, however, noted frustration that they did not receive one or received one that they believed to be insincere.

Another victim concern is *restitution* for material losses such as stolen or damaged property. Our analysis of administrative data and our victim survey produced mixed results on restitution. The data indicate that restitution was ordered by the board in 32 of the 40 (80%) reparative cases where material harm was identified and outstanding at the time of the board meeting.<sup>9</sup> It is notable that victims participated in four of the eight meetings where such restitution was not included. Looking at restitution completion 8–20 months after termination, 19 of the victims had received full restitution (see Table 5). Although boards are reasonably responsive to victims' material needs, many offenders do not pay their financial obligations. In our victim survey, we expected to find a correlation between offender payment and victim satisfaction that their material needs were addressed. However, six victims indicated that these needs were not well addressed despite full payment by the offender. We also found that victim participation in the board meeting did not increase either satisfaction with material outcomes or the likelihood of payment by the offender.

TABLE 5. RESTITUTION OF MATERIAL HARM

| Victims  | N  |
|--|----|
| Victims with material harm                               | 52 |
| Victims with outstanding material harm at board meeting* | 40 |
| Restitution for victims with outstanding material harm   |    |
| Restitution not ordered                                  | 8  |
| Restitution ordered, not paid                            | 8  |
| Restitution ordered, partially paid                      | 5  |
| Restitution ordered, paid                                | 19 |

\*Twelve victims received payment for material harm before the board meeting, either from the offender or by insurance coverage.

9. Material harm was identified by examination of the police report. Outstanding material harm is defined by cases where monetary losses were not recovered by the victim prior to the board meeting. We exclude cases where the losses had been recovered prior to the board meeting.

## OUTCOME #3—COMMUNITY RESTORATION

Table 6 summarizes the findings on community restoration. Here, we examine attempts made to ameliorate the community consequences of crime through community service and community satisfaction with these efforts. The table provides data for the total number of cases that included community service tasks, and for subgroups of cases that are victimless, cases where victims participated, and cases where victims did not participate.

## Community Harm

More than half of offenders were assigned community service as part of their reparative contracts, and most of these completed their service requirement. Some probationers were assigned service by the court prior to their appearance before the board even though this conflicts with program design, but boards had the latitude to alter these assignments. In addition to service, we also found evidence that boards negotiate donations to charities. Although rare, donations may be viewed as community restitution analogous to victim restitution.

Our community service site survey finds that almost all activities involve unskilled manual labor, such as yard work, cleaning, photocopying, or sorting food or clothes. Twelve percent of the service activities called on some social skills, and these primarily had to do with organizing youth recreational activities, such as at a Boys and Girls Club. Both the supervision of offenders while they conducted their service and whether offenders worked with nonprobation volunteers varied greatly. We did not find satisfaction (see Table 7) to be related to either level of supervision or service with nonprobationer volunteers, as agencies appeared satisfied with the service program whatever their arrangement.

In the restorative model, this service does not serve as punishment for the offender; rather it is a way for the offender to restore the community. In light of this goal, the service might be more meaningful to both the offender and the community when it is linked to the offense, which can happen in a variety of ways (Karp, 2001). The most direct link is when the service repairs harm caused by the offense, such as when the offender cleans graffiti that he or she painted on public property. A direct link is also made when the service addresses problems associated with the offense, such as when a drunk driver gives a public presentation to a school driver education class. This was found in very few of the service assignments. Less direct, but still linked, is service that is selected by the victim, but we were not able to measure this. A weak and indirect link to the offense is that the offender completes the service in the town where the offense occurred, which usually was the case.



VERMONT REPARATIVE PROBATION BOARDS 317

TABLE 6. COMMUNITY SERVICE

|   | Total Cases** |      | Victimless Cases |      | Victim did not Attend Meeting |      | Victim Attended Meeting |       |
|---|---------------|------|------------------|------|-------------------------------|------|-------------------------|-------|
|   | N             | (%)  | N                | (%)  | N                             | (%)  | N                       | (%)   |
| Assigned community service*                           | 158           | (64) | 96               | (62) | 36                            | (73) | 26                      | (65)  |
| Offenders completed service hours                     | 128           | (91) | 82               | (96) | 26                            | (79) | 20                      | (87)  |
| Offenders partially completed                         | 2             | (2)  | 0                |      | 2                             | (6)  | 0                       |       |
| Offenders did not complete                            | 11            | (7)  | 3                | (4)  | 5                             | (15) | 3                       | (13)  |
| Service requires social skills                        | 12            | (14) | 8                | (14) | 3                             | (14) | 1                       | (5)   |
| Service is mostly unsupervised                        | 49            | (59) | 27               | (59) | 11                            | (61) | 11                      | (61)  |
| Offenders mostly work with non-probationer volunteers | 43            | (52) | 22               | (48) | 11                            | (61) | 10                      | (56)  |
| Service is related to harm caused                     | 6             | (8)  | 5                | (9)  | 1                             | (5)  | 0                       |       |
| Service is completed in town of offense               | 120           | (92) | 74               | (90) | 28                            | (97) | 18                      | (100) |
| Community service hours                               |               |      |                  |      |                               |      |                         |       |
| Mean hours  |               | 33   |                  | 30   |                               | 39   |                         | 33    |
| Median hours  |               | 30   |                  | 30   |                               | 38   |                         | 25    |

\*Except for the first row, which refers to the percentage of the cases in the sample, percentages refer to the percent of the total number of cases with service assignments, excluding cases with missing data for that item.

\*\*The percents for the "total cases" column are weighted to take into account the sampling structure that over-represents cases with victims who participated in meetings; however, comparison with the unweighted reveals no number that differs by more than 2%.

TABLE 7. COMMUNITY SATISFACTION

| Service site satisfaction*              | Percent |
|---|---------|
| Very satisfied                          | 56      |
| Somewhat satisfied                      | 36      |
| Neither satisfied nor dissatisfied      | 2       |
| Dissatisfied                            | 6       |
| Board members**                         |         |
| Satisfied with own participation        | 92      |
| Increased sense of community membership | 78      |
| Vermont residents***                    |         |
| Aware of program                        | 11      |
| Favor use of boards                     | 91      |

\* N = 82.

\*\* From Karp et al. (2004).

\*\*\* From John Doble Research Associates and Greene (2000).

### Community Satisfaction

Community satisfaction can be measured in a number of ways. In addition to Vermonters in general, board members and community work service sites both symbolically represent the community in the board process. The board members serve as representatives of the community, whereas service sites present the opportunity for offenders to repair community harms. For this reason, their satisfaction with the process can also be thought of as a measure of community satisfaction with the process.

The survey of community service sites indicates widespread satisfaction with probationer service.<sup>10</sup> Most were somewhat or very satisfied with offender service in general, and all of the sites would like to continue receiving probationers for service. Only 60% of the sites remembered the particular offender in our sample, but of them, all were somewhat or very satisfied by the work of the specific offender. In general, all of the respondents believed probationers' service was somewhat or highly beneficial to the community. Almost all believed the work was also somewhat or highly beneficial to the offender. No one type of service was found to be significantly more beneficial to the offender or the community than the others.

Agency comments generally reflected the satisfaction statistics. Respondents thought reparative probation "was a great program." Some agencies reported hiring or wanting to hire offenders who volunteered for them.

10. Technically, our sample structure over-represents cases with victims who attended board meetings, but a weighted analysis of the service site surveys did not reveal substantive differences, so, because of relatively small Ns, we present unweighted results.

## VERMONT REPARATIVE PROBATION BOARDS 319

The few negative comments revealed that agencies sometimes have difficulty with offenders failing to show up for assigned service, not working very hard, or causing friction with nonprobationer volunteers (in one case, a sexual harassment complaint was filed). In addition, agencies would like to see more communication with VDOC.

Karp et al. (2004) reported that board members were also satisfied with their participation in the program, and they largely reported that it increased their sense of membership in the community. A survey of Vermont residents found that very few were aware that the program existed, but upon having it explained to them, almost all favored its use (John Doble Research Associates and Greene, 2000).

### OUTCOME #4—OFFENDER RESPONSIBILITY

#### Offenders Understanding of the Impact of their Offenses

Boards frequently negotiate contract tasks designed to educate the offender about harm. We identified these tasks by examining contracts. Tasks that are primarily designed to benefit others (such as apology letters to victims) were not included, but it could be argued that they might also help the offender gain understanding about the harm. Most cases had contract tasks specifically designed for offender understanding of harm (see Table 8). Of these, the most frequently assigned task was an essay or research paper, followed by attending a victim impact panel. The essays might ask offenders to reflect on the harm, on why the law they broke exists, or to gather data, such as the total medical costs of drunk-driving accidents for the state. A small fraction of cases asked an offender to present such material publicly either as a letter to a newspaper or through public speaking. Many boards made use of a program called ENCARE, a national volunteer program offered by emergency room nurses to educate the public about trauma prevention (with a particular focus on drunk driving). Occasionally, boards will ask offenders to engage in other activities, such as victim-offender mediation, to watch a particular video or discuss the crime with a family member or respected community member.

#### Making Amends

In this study, we use several measures to determine if victim and community restoration took place, as reported above. As a global measure, although indirect, we report here the extent to which offenders completed their contracts. We find that 81% of offenders successfully completed reparative probation. Undoubtedly, some contracts were modified over the probation period, but as a rule, offenders cannot be successfully terminated unless they have abided by contract terms. The only exception to

TABLE 8. OFFENDER RESPONSIBILITY

|                                      | Total Cases* |      | Victimless Cases |      | Victim did not Attend Meeting |      | Victim Attended Meeting |      |
|--------------------------------------|--------------|------|------------------|------|-------------------------------|------|-------------------------|------|
|                                      | N            | (%)  | N                | (%)  | N                             | (%)  | N                       | (%)  |
| <b>LEARNING TASKS</b>                |              |      |                  |      |                               |      |                         |      |
| Cases with record of contract        | 223          | (92) | 144              | (92) | 44                            | (90) | 35                      | (88) |
| Contracts with learning tasks        | 155          | (73) | 111              | (77) | 27                            | (61) | 17                      | (49) |
| Tasks assigned**                     |              |      |                  |      |                               |      |                         |      |
| Essay                                | 92           | (43) | 58               | (40) | 23                            | (52) | 11                      | (31) |
| Victim impact panel                  | 70           | (37) | 63               | (44) | 5                             | (11) | 2                       | (6)  |
| ENCARE                               | 54           | (28) | 46               | (32) | 5                             | (11) | 3                       | (9)  |
| News item                            | 12           | (4)  | 5                | (4)  | 2                             | (5)  | 5                       | (14) |
| Public presentation                  | 6            | (2)  | 3                | (2)  | 2                             | (5)  | 1                       | (3)  |
| Victim offender mediation            | 3            | (1)  | 1                | (1)  | 1                             | (2)  | 1                       | (3)  |
| <b>COMPETENCY TASKS</b>              |              |      |                  |      |                               |      |                         |      |
| Cases with record of contract        | 222          | (91) | 143              | (92) | 44                            | (90) | 35                      | (88) |
| Contracts with competency tasks      | 142          | (67) | 95               | (66) | 29                            | (66) | 18                      | (51) |
| Tasks assigned**                     |              |      |                  |      |                               |      |                         |      |
| Driver education                     | 54           | (29) | 49               | (34) | 4                             | (9)  | 1                       | (3)  |
| Treatment/counseling                 | 43           | (18) | 26               | (18) | 9                             | (20) | 8                       | (23) |
| Drug/alcohol screening               | 24           | (13) | 22               | (15) | 2                             | (5)  | 0                       | (0)  |
| Education                            | 23           | (8)  | 10               | (7)  | 7                             | (16) | 6                       | (17) |
| Future planning                      | 19           | (9)  | 11               | (8)  | 4                             | (9)  | 4                       | (11) |
| Prison tour                          | 11           | (4)  | 6                | (4)  | 3                             | (7)  | 2                       | (6)  |
| Competency class                     | 10           | (4)  | 3                | (2)  | 5                             | (11) | 2                       | (6)  |
| Job training                         | 9            | (3)  | 4                | (3)  | 3                             | (7)  | 2                       | (6)  |
| <b>RECIDIVISM</b>                    |              |      |                  |      |                               |      |                         |      |
| Rearrests within one year of meeting | 75           | (31) | 50               | (32) | 13                            | (27) | 12                      | (30) |

VERMONT REPARATIVE PROBATION BOARDS 321

|                            | Total Cases* |     | Victimless Cases |     | Victim did not Attend Meeting |      | Victim Attended Meeting |      |
|----------------------------|--------------|-----|------------------|-----|-------------------------------|------|-------------------------|------|
|                            | N            | (%) | N                | (%) | N                             | (%)  | N                       | (%)  |
| Rearrest offenses          |              |     |                  |     |                               |      |                         |      |
| DWI                        | 19           | (9) | 14               | (9) | 5                             | (10) | 0                       |      |
| Misc. driving offense      | 16           | (7) | 11               | (7) | 3                             | (6)  | 2                       | (5)  |
| Misc. drinking offense     | 11           | (5) | 10               | (6) | 0                             |      | 1                       | (3)  |
| Theft/fraud                | 9            | (3) | 3                | (2) | 2                             | (4)  | 4                       | (10) |
| Drug offense               | 8            | (3) | 5                | (3) | 1                             | (2)  | 2                       | (5)  |
| Assault                    | 4            | (2) | 1                | (1) | 2                             | (4)  | 1                       | (3)  |
| Harassment/disorderly      | 4            | (2) | 3                | (2) | 0                             |      | 1                       | (3)  |
| Unlawful trespass/mischief | 2            | (1) | 2                | (1) | 0                             |      | 1                       | 0    |
| Other                      | 2            | (1) | 1                | (1) | 0                             |      | 1                       | (3)  |

\*The percents for the "total cases" column are weighted to take into account the sampling structure that over-represents cases with victims who participated in meetings; however, comparison with the unweighted reveals no number that differs by more than 5%.

\*\* Multiple tasks assigned per offender, percentages refer to the total number of cases with a record of the contract.

this is restitution. Because the program was designed as a 90-day program, and many offenders do not have the means to pay restitution within that time period, offenders are successfully terminated when they complete all other contract tasks. They are then placed on “administrative probation” until restitution is completed.

#### Building Social Ties

Reparative contracts include tasks designed to help the offender “learn not to reoffend.” This focus on reintegration specifies that board members consider offender needs. Although not trained in assessment or treatment, board members try to find ways that offenders can better connect with the conventional community. Tasks were categorized as competency tasks when they had no discernable benefits to anyone other than the offender. We provide no evaluation here of the quality of these tasks in relation to “what works” in correctional rehabilitation (Cullen and Gendreau, 2000), and informal interviews with VDOC staff suggest they do not regard these tasks as a significant component of the program and have chosen to dedicate their correctional treatment resources to more serious offenders. Finally, we exclude community service as a competency task even while we believe it may be a vital means of reintegration (Bazemore and Karp, 2004).

Our analysis of contracts finds that most had tasks to develop competencies. We found only one case in this sample where a service assignment was specifically designed to help the offender become better integrated, and not to serve as a response to community harm. In this case, the offender was asked to organize a neighborhood block party. The most common competency assignment was driver safety, such as placement in a program called CRASH designed for DWI offenders. Many were referred to counseling for substance abuse or mental health. Some were referred to alcohol or substance abuse screening, which is merely an assessment, with no requirement for follow through if a problem is identified. A small number of the offenders were asked to engage in some form of future planning, such as writing a 5-year-plan, or were required to seek further education, such as getting a GED. A few were assigned to a specific competency class, such as anger management or decision making, or referred to job training. One task was hard to classify—indeed, we think it contradicts the restorative philosophy—but we include it here as competency development through deterrence. A few offenders were required to tour a prison, presumably so they can be “scared straight.”

In some categories, we have no measure for assessing offender need relative to the tasks assigned; thus, we cannot evaluate whether the program is effectively addressing all offender needs. With regard to education, among the offenders who did not have a high school degree (38% of

## VERMONT REPARATIVE PROBATION BOARDS 323

the sample), only 25% of them were assigned education-related tasks such as obtaining a GED.<sup>11</sup> With regard to alcohol/substance abuse, 49% of cases were alcohol or drug-related, such as drunk driving, underage drinking, or drug possession. Seventy-five percent of these cases were assigned relevant competency tasks, such as screening, treatment, or driver safety.

### Recidivism

Although restorative justice programs have not been designed to specifically reduce recidivism, any program concerned with offender reintegration must naturally be concerned with this dimension. Restorative programs should not increase recidivism over traditional alternatives. However, Latimer et al.'s (2001) meta-analysis suggests that restorative programs do have a statistically significant effect on recidivism—reducing it over traditional sentencing options. Unfortunately, this study cannot compare reparative probation recidivism rates with traditional probation rates.

As recidivism is often defined in a variety of ways, we chose a definition that best describes offender reoffense within the time period allowable in this study. We used the following definition of recidivism. A recidivist is any probationer who committed a crime within one year of their reparative board meeting. In cases where the board meeting date was missing, we used the date the offender was sentenced to reparative probation (ten cases). A crime is defined by a conviction or plea of guilt; thus, we include only those rearrests that led to a conviction. We used the rearrest date to define the time of offense commission.

Our study reveals that about one third of reparative probationers were rearrested within one year of their board meeting (with no substantive differences across the three subgroups), although very few were rearrested for violent offenses. Of those rearrested, most were for DWI and various other driving offenses. Typically, these were for driving with a suspended license—licenses that were suspended most likely for a prior DWI. Other rearrests were for drinking infractions, such as underage drinking.

## PROGRAM COMPARISONS & POLICY IMPLICATIONS

We turn now to consider the policy implications of our findings, comparing them to research on boards in the United Kingdom and New Zealand.

---

11. We cannot say that all of these offenders needed such contract assignments. For example, it is likely that a portion of them were in high school at the time of the board meeting.

We also draw conclusions about the effectiveness of restorative community justice, reparative boards as a restorative practice, and the problems and promise of implementing such a program in other settings, such as the “big city.”

Although VDOC staff identified program goals independently of the community and restorative justice literatures, Reparative Probation seeks to implement many of the values and principles of those justice philosophies (Bazemore, 2000; Braithwaite, 2002; Clear and Karp, 1999). Many of these goals are shared by other correctional agencies, such as the Colorado Division of Probation Services, for example. Such program goals may represent the future of probation in the United States and are consistent with the platform of the American Probation and Parole Association (APPA, 2003). However, most agencies currently remain offender-focused, little concerned about the impact of their programming on victims or the community. Others have implemented change, but they are not collecting data that will measure the impact. Because the community and restorative agendas are new, data collection and reporting are themselves an indication of policy shift.

The question, of course, is whether these data present a positive picture. We will briefly discuss the results along the dimensions of community involvement, victims’ needs, community restoration, and offender responsibility. Where possible, we have made comparisons with other relevant studies.

This report finds substantial *community involvement* and limited *victim involvement* in the program. Rarely do probation programs offer volunteers the opportunity to determine sanctions like they do when serving on reparative boards. Although most volunteers serve as board members, some specialize by working with victims, assisting caseworkers, and coordinating with various community organizations to develop community service opportunities. Recruitment of volunteers increased over the study period, as did the number of hours contributed by volunteers. The number of boards also increased, in order to serve more communities. Vermont Reparative Probation is clearly an affirmation that volunteers can be recruited to serve in core programmatic roles, including those that involve substantial decision-making authority.

That said, there are still important questions to ask about the increased involvement of volunteers in the criminal justice system. Vermont does not use volunteers as a substitute for probation officers, and it is not likely that volunteers can ever be as well trained or accountable as paid, professional probation staff. This raises the second potential problem with boards of volunteer citizens: composition. Reparative probation is, of course, not the only way members of the local community are included in the justice process. Composition and cross-sectional representation have



## VERMONT REPARATIVE PROBATION BOARDS 325

long been debated with regard to juries (for example, see Vanderzell, 1966). Reparative boards, consisting only of volunteers, are likely to be less representative and more homogenous than juries. More importantly, offenders have the ability to contest the inclusion of jury members, and they have no similar rights with regard to the boards.

Even if composition is less important in the relatively homogenous state of Vermont, this may be a larger issue in other locations. Crawford and Newburn (2003:90) note that for Youth Offender Panels in England and Wales, "Local areas experienced difficulty in recruiting a representative body of community panel members." In the United States, those brought before the justice system are disproportionately young, poor, and ethnic and racial minorities. In a more diverse setting, we would be very concerned if board members were predominantly, for example, older, wealthy, and white. Most importantly, board members need to represent the local community in which offenders reside, operating at a neighborhood level, rather than by municipal, county, or jurisdiction levels.

In New Zealand, Maxwell et al. (1999) describe a board model that operates in two communities, one serving offenders of primarily European descent with primarily European board members, and the other with Maori offenders and board members.<sup>12</sup> In the United States, Albany County (NY) Probation Department's Accountability Board sees offenders from one neighborhood and relies on a pool of members from the same neighborhood (Arbor Hill). In contrast to Vermont boards, this is an urban, predominantly African-American board, representing a low-income community. Research will need to focus on the effects of composition on board decisions and outcomes for offenders in diverse settings.

Probably the most problematic results we found in this evaluation have to do with victim participation. It is here where programmatic intent diverges substantially from practice. Although a majority of reparative cases are victimless, when cases with direct victims are heard, they participated by attending a board meeting only 10% of the time. Further inquiry is necessary to better determine the causes for such low participation rates, but reasons may include the failure to identify and contact victims, and victim disinterest due to time delays, the low severity of cases, and unfamiliarity with the process.

Although considered a restorative justice model, boards tend to be much more offender driven than other restorative practices, and recruitment of victims is less of a programmatic necessity. Maxwell et al. (1999:58) note that, "in a fully restorative process, decisions would be made by the people who are most directly affected by the offending rather

---

12. The New Zealand program is different from Vermont's primarily because the boards are diversionary, thus not administered by a probation agency.

than by nominated representatives of the community or state.” They found that the New Zealand boards had victim participation rates of 58% (European) and 2% (Maori). In the Youth Offender Panels in Great Britain, Newburn et al. (2002) found that only 13% of victims attended board meetings, which is notably similar to the Vermont outcome. However, they note that victim participation varied by jurisdiction and identify several strategies for increasing participation.

VDOC has taken several steps to address this issue. First, VDOC has provided increased training and guidelines for soliciting victim participation. Second, they are seeking to implement “restorative sentencing.” Here, the courts may refer cases to a restorative process before sentencing, so that the process can help determine the sentence. This differs from the current practice of receiving cases only after adjudication and may increase victim participation by having board meetings more quickly follow arrest and enhance victims’ interest in the outcome. Third, VDOC is working closely with Community Justice Centers to increase the number of cases sent to boards through court diversion, bypassing the courts entirely, again reducing time delays. Finally, VDOC has provided training in conferencing to both staff and volunteers. This restorative model is likely to be better suited to eliciting victim participation. Several cases have been conferenced successfully as an alternative to board referral, but there is no systematic effort to replace boards with conferencing or to delineate which cases would go to boards and which would go to a conference. Follow-up research on these practices will help determine their potential roles in increasing victim participation.

In terms of *addressing victims’ needs*, the results are mixed. Although limited contact information prevented us from contacting many victims, we spoke with victims who did and did not participate in the program. Most victims who did participate were satisfied by their participation, felt supported by the board, and believed the offender accepted at least some responsibility for the offense. More generally, we did not find significant differences in attitudes or outcomes for those who did and did not participate. Most victims received apology letters. And victims with material harm still outstanding at the time of the board meeting were likely to get restitution included in the reparative contract. Victims tended to like the reparative contracts, felt the program was helpful to them, and believed the program should continue.

Like other restorative programs, reparative boards focus on repairing harm to victims. The findings here are consistent with those found in New Zealand and Great Britain (Maxwell et al., 1999; Newburn et al., 2002). Many victims want the opportunity to confront offenders about the harm they caused and would like to receive recompense. Those who participate tend to be satisfied by the experience, and those who receive apologies

## VERMONT REPARATIVE PROBATION BOARDS 327

and restitution welcome it, especially when they perceive the apologies to be sincere and the restitution is paid in full. Frustration surfaces most often when victims are not given the opportunity to participate and when they believe offenders lack remorse.

A common strategy of *community restoration* is community service. Sixty-five percent of offenders were assigned community service as part of their contracts, and most of these offenders fully completed their assigned hours. A survey of service sites revealed that almost all were satisfied with the work performed and all of them wanted to continue receiving offenders from the program. The biggest problem with the community service assignments is the lack of a strong link between the offense and the service. Although the service is symbolically linked to the community by largely occurring in the town where the offense occurred, this is not a strong or obvious link, and the result may be a task that offenders might experience as more punitive than restorative. Through the process of the meeting, boards have the opportunity to assign community service with different meanings attached than courts are usually able to do, but if the only link is the town, then the boards have failed to capitalize on this opportunity.

Both the New Zealand boards and Great Britain boards made similarly high use of community service, but Newburn et al. (2002:29) also note that, "trying to tailor the reparation to the offence. . .[was] regarded as extremely difficult." Neither board study surveyed agencies that received offenders for service, but one study of community service work by offenders in Scotland (McIvor, 1993) reports similarly high levels of satisfaction among agencies. McIvor also found that when problems occurred, they most often had to do with poor attendance, lack of motivation, and antisocial behavior. Almost all of the Scottish agencies were willing to continue offering placements, just as was found in Vermont.

In terms of *offender accountability and responsibility*, Reparative Probation seeks to ensure that offenders are accountable for their actions by repairing harm and seeks to educate offenders about their responsibilities as community members. Offender responsibility is defined by their understanding of the harm they caused, gaining skills/competencies that will help them be productive citizens, successfully completing the contract, and law-abiding behavior. In general, most offenders are successful and law-abiding.

Most offenders are assigned tasks in their contracts to help them gain a better understanding of the harm. Typically, these include writing essays, attending victim impact panels, or a drunk-driving impact course. Offenders are also frequently assigned competency-building tasks. These tend to include driver education, treatment/counseling, or a drug or alcohol screening. Such activities are also commonly employed in other board

programs (Maxwell et al., 1999; Newburn et al., 2002). Most offenders successfully complete these tasks.

Competency building is one of the most theoretically exciting but practically disappointing parts of the program. In theory, community members may have more diverse social networks than probation officers that could facilitate offender reintegration. Yet the tasks typically assigned in contracts are relatively superficial, poorly linked to effective correctional treatment programs that identify and address offender needs, and are not likely to foster attachments between offenders and board members or between offenders and positive role models in the community. Levrant et al. (1999) sensibly propose a marriage of restorative practices with effective offender treatment programming. In principle, the two are not incompatible, but in Vermont, limited resources have precluded the Department of Corrections from providing extensive services to minor offenders. Board members may effectively serve as mentors to probationers. For example, they may rotate responsibility for in-depth mentoring even if this meant hearing fewer cases or recruiting more volunteers.

Most offenders (81%) successfully completed the program, and this is similar to completion rates in other board programs (Maxwell et al., 1999; Newburn et al., 2002). With regard to recidivism, 31% of offenders were rearrested within one year of the board meeting. The majority of rearrests were for DWI or other driving offenses. Very few were rearrested for violent crimes. Maxwell et al.'s (1999) study of New Zealand boards found recidivism rates (reconviction at one year) of 14% for one program and 30% for a second. Newburn et al. (2002) found a rate of 22%. These rates may be lowered by pairing restorative decision making with effective correctional treatment. One example of this comes from Winnipeg's Restorative Resolutions program, which does not include victim or community participation, but it emphasizes offender contracts that repair harm and reduce risk. Bonta et al. (1998) found a 5% reconviction rate at one year.

#### CONCLUDING SPECULATIONS

The focus of Reparative Probation in Vermont has been on relatively minor crimes. A key question for policy is whether the Vermont model can be generalized. We conclude by considering the potential application of reparative boards beyond low-level offenses and beyond quaint settings.

At face value, focusing on restoration and reintegration is appropriate for more serious offenses and offenders. Braithwaite (2002) argues, for example, that restorative justice may be effective in more serious cases, and the evidence from the Australian conferencing research supports this (Strang et al., 1999) as does Umbreit's (2003) research on victim offender mediation in cases of serious violence. However, more serious offenders

## VERMONT REPARATIVE PROBATION BOARDS 329

will typically require correctional interventions that board members are little trained to assess or recommend, and given the low rate of victim participation, we hesitate to recommend the participation of victims of more serious offenses without more careful assessment of boards' effectiveness in working with such victims. Perhaps the most conducive niche for restorative boards in more serious cases is with reentry. Here, both victims and community members have an abiding interest in the behavior of the offender. VDOC has recently begun to implement a similar board model for such cases. "Offender reentry panels" will seek input from victims, correctional staff, and treatment providers, and they will meet with offenders to craft contracts that offenders must complete while incarcerated and during the supervised release period (Vermont Department of Corrections, 2003).

The 2000 Census indicates that Vermont has 0.2% of the U.S. population and none of the 100 largest cities. Vermont has far fewer racial and ethnic minorities and immigrants than the rest of the United States. Vermont has more high school and college graduates, more homeowners, and greater residential stability. Although the income level in Vermont is comparable with the rest of the country, the poverty rate is much lower. All these census characteristics appear throughout criminological, community, and urban studies literatures as positive factors. Because Vermont may be the ideal setting for reparative boards, we must wonder if they work as well in the other settings in which they operate. The most difficult arena would be the most crime-prone areas: urban areas with concentrated poverty. The simple answer is that without an increase in other social services notoriously deficient or absent in these areas, it is not likely to work as well as in Vermont. It may also be distinctly more difficult to recruit a volunteer pool, engage the participation of victims, and find necessary opportunities for offender integration. But this criticism presumes that the reparative board model can only thrive in areas of well-developed social capital. It is also possible that reparative boards are one viable mechanism for building that capital.

## REFERENCES

- American Probation and Parole Association  
2003 Community Justice Position Statement. Lexington, Ky.: APPA.
- Bazemore, Gordon  
2000 Community justice and a vision of collective efficacy: The case of restorative conferencing. In Julie Horney (ed.), *Policies, Processes, and Decisions of the Criminal Justice System*. Washington, D.C.: National Institute of Justice.
- Bazemore, Gordon and David R. Karp  
2004 Community service and offender reintegration. *Justice Policy Journal*. In press.

330

## KARP &amp; DRAKULICH

Bazemore, Gordon and Jeanne B. Stinchcomb

- 2000 Restorative conferencing and theory-based evaluation. In Gale Burford, and Joe Hudson (eds.), *Family Group Conferencing: New Directions in Community-Centered Child and Family Practice*. New York: Aldine de Gruyter.

Bazemore, Gordon and Mark S. Umbreit

- 2001 A Comparison of Four Restorative Conferencing Models. 20. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

Bonta, James, Suzanne Wallace-Capretta, and Jennifer Rooney

- 1998 *Restorative Justice: An Evaluation of the Restorative Resolutions Project*. Ottawa, Ontario, Canada: Department of the Solicitor General Canada.

Braithwaite, John

- 2002 *Restorative Justice and Responsive Regulation*. New York: Oxford University Press.

Clear, Todd R. and David R. Karp

- 1999 *The Community Justice Ideal*. New York: Westview.

Crawford, Adam and Tim Newburn

- 2003 *Youth Offending and Restorative Justice*. Portland, Ore.: Willan.

Cullen, Francis T. and Paul Gendreau

- 2000 Assessing correctional rehabilitation: Policy, practice, and prospects. In Julie Horney (ed.), *Policies, Processes and Decisions in the Criminal Justice System*. Washington, D.C.: U.S. Department of Justice.

Dooley, Michael

- 1996 Restorative justice in Vermont: A work in progress. In *Community Justice: Striving for Safe, Secure, and Just Communities*. Washington, D.C.: National Institute of Corrections.

Federal Bureau of Investigation

- 2003 *Uniform Crime Reports*. Washington, D.C.

Humphrey, John and Gale Burford

- 2001 *Reparative vs. Traditional Probation: A Tri-State Analysis*. Washington, D.C.: National Institute of Justice.

John Doble Research Associates and Judith Greene

- 2000 *Attitudes Towards Crime and Punishment in Vermont: Public Opinion About an Experiment with Restorative Justice*. Englewood Cliffs, N.J.: John Doble Research Associates.

Karp, David R.

- 2001 Harm and repair: Observing restorative justice in Vermont. *Justice Quarterly* 18:727-757.
- 2002 The offender/community encounter: Stakeholder involvement in the Vermont Reparative Boards. In David R. Karp and Todd R. Clear (eds.), *What is Community Justice? Case Studies of Restorative Justice and Community Supervision*. Thousand Oaks, Calif.: Sage.
- 2004 Birds of a Feather: A Response to McCold. *Contemporary Justice Review* 7:59-68.

## VERMONT REPARATIVE PROBATION BOARDS 331

Karp, David R. and Todd R. Clear

- 2000 Community justice: A conceptual framework. In Charles M. Friel (ed.), *Boundaries Changes in Criminal Justice Organizations*. Washington, D.C.: National Institute of Justice.

Karp, David R. and Todd R. Clear (eds.)

- 2002 *What is Community Justice? Case Studies of Restorative Justice and Community Supervision*. Thousand Oaks, Calif.: Sage.

Karp, David R. and Lynne Walther

- 2001 Community reparative boards in Vermont. In Gordon Bazemore and Mara Schiff (eds.), *Restorative Community Justice: Repairing Harm and Transforming Communities*. Cincinnati, Ohio: Anderson.

Karp, David R., Gordon Bazemore, and J. D. Chesire

- 2004 The role and attitudes of restorative board members: A case study of volunteers in community justice. *Crime & Delinquency*. In press.

Karp, David R., Mary Sprayregen, and Kevin Drakulich

- 2002 *Vermont Reparative Probation Year 2000 Outcome Evaluation Final Report*. Waterbury, Vt.: Vermont Department of Corrections.

Latimer, Jeff, Craig Dowden, and Danielle Muise

- 2001 *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*. Ottawa, Canada: Department of Justice Canada.

Levrant, Sharon, Francis T. Cullen, Betsy Fulton, and John F. Wozniak

- 1999 Reconsidering restorative justice: The corruption of benevolence. *Crime and Delinquency* 45:3–27.

Maloney, Dennis, Gordon Bazemore, and Joe Hudson

- 2001 The end of probation and the beginning of community justice. *Perspectives* 25:22–30.

Maxwell, Gabrielle and Allison Morris

- 2001 Putting restorative justice into practice for adult offenders. *The Howard Journal* 40:55–69.

Maxwell, Gabrielle, Allison Morris, and Tracy Anderson

- 1999 *Community Panel Adult Pre-Trial Diversion: Supplementary Evaluation*. Wellington, New Zealand: Institute of Criminology, Victoria University of Wellington.

McCold, Paul

- 2004 Paradigm muddle: The threat to restorative justice posed by the merger with community justice. *Contemporary Justice Review* 7:13–36.

McIvor, Gill

- 1993 Community service by offenders: Agency experiences and attitudes. *Research on Social Work Practice* 3:66–83.

Newburn, Tim, Adam Crawford, Rod Earle, Shelagh Goldie, Chris Hale, Angela Hallam, Guy Masters, Ann Netten, Robin Saunders, Karen Sharpe, and Steve Uglow

- 2002 *The Introduction of Referral Orders into the Youth Justice System: Final Report*. London: Home Office.

- O'Brien, Sandra, David R. Karp, Gordon Bazemore, and Leslie Leip  
2002. Who We Are Serving and How We Are Doing: Third Evaluation Report on BARJ Programs in Vermont. Department of Social and Rehabilitation Services, Waterbury, Vt.
- Perry, John G. and John F. Gorczyk  
1997 Restructuring corrections: Using market research in Vermont. *Corrections Management Quarterly* 1:26-35.
- Pranis, Kay  
1998 Promising Practices in Community Justice: Restorative Justice. In *American Probation and Parole Association* (ed.), *Community Justice: Concepts and Strategies*. Lexington, Ky.: American Probation and Parole Association.
- Roche, Declan  
2003 *Accountability in Restorative Justice*. New York: Oxford University Press.
- Schiff, Mara, Gordon Bazemore, and Carsten Erbe  
2001 Tracking Restorative Justice Decisionmaking in the Response to Youth Crime: The Prevalence of Youth Conferencing in the United States. Ft. Lauderdale: The Community Justice Institute, Florida Atlantic University.
- Shields, Patricia M., Charles W. Chapman, and David R. Wingard  
1983 Using volunteers in adult probation. *Federal Probation* 47:57-64.
- Strang, Heather, Geoffrey C. Barnes, John Braithwaite, and Lawrence W. Sherman  
1999 *Experiments in Restorative Policing: A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE)*. Canberra, Australia: Australian National University.
- Umbreit, Mark S.  
2003 *Facing Violence : The Path of Restorative Justice and Dialogue*. Monsey, N.Y.: Criminal Justice Press.
- Vanderzell, John H.  
1966 The Jury as a Community Cross-Section. *The Western Political Quarterly*. 19:136-49.
- Vermont Department of Corrections  
2003 *A Job and A Place to Live*. Waterbury, Vt.

David R. Karp is Associate Professor of Sociology at Skidmore College in Saratoga Springs, New York, where he teaches courses in criminology and criminal justice. He conducts research on community-based responses to crime and has given workshops on restorative justice and community justice nationally. He has published more than 50 articles and four books, including *The Community Justice Ideal* and *Restorative Justice on the College Campus*.

Kevin M. Drakulich is a Graduate Research Assistant in the Department of Sociology at the University of Washington in Seattle. He graduated from Skidmore College in 2001. His interests are in deviance, crime, and law; neighborhood and community processes; and methods. His current research focuses on crime rates in urban communities; to this end, he is currently involved in a study of crime and neighborhoods in Seattle.