

Community Boards and Juvenile Justice in Vermont  
for the Office of Juvenile Justice and Delinquency Prevention  
Balanced and Restorative Justice Project

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Community reparative boards are one of several alternative decision-making innovations inspired by restorative and community justice philosophies. Others include victim-offender mediation, family group conferencing, and circle sentencing (Bazemore 1998; Office of Juvenile Justice and Delinquency Prevention [OJJDP] Forthcoming). The overarching goals of all of these non-adversarial processes are to (a) better include community members in the justice process, (b) to identify and rectify harm caused by criminal offenses, and (c) to successfully reintegrate offenders into community life.

Community boards are exemplified by the Vermont model, in which citizen volunteers serve on local reparative boards that negotiate reparative agreements with adult offenders. In 1999, 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 4000 cases since their inception in November 1995. Although primarily focused on adult offenders in Vermont, numerous juvenile boards have been in existence in other states including California, Arizona, Colorado, and Pennsylvania for some time. Such boards are known by a variety of names such as neighborhood accountability boards, community conferencing boards, and diversion panels. While these boards were not necessarily informed by restorative justice, many now emphasize repairing the harm caused by criminal offenses, making them similar to the Vermont community boards.

The purpose 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 greater 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” which might include such tasks as letters of apology, community service, or alcohol screenings. Offenders have 90 days to complete the contract.

While the program continues to expand in a number of directions, one important innovation is the development of reparative boards for juvenile offenders. This report discusses the idea of community boards, its implementation in Vermont, and implications for their use with juvenile offenders. Vermont serves as a case study for the examination of the board process, primarily because it is a well-known program and, currently, the only statewide institutionalization of restorative justice.

### Community Justice and Community Boards

Community boards have been discussed as a means of implementing restorative justice and as a variant of restorative conferencing (OJJDP Forthcoming). In this paper, I will concentrate on the community justice dimensions of the 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 com-

munity building through problem identification/resolution and social participation/integration. As Todd Clear and I 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 quality 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. Clear and Karp (1998)

In this model, four characteristics distinguish community justice programs: (1) citizen accessibility to the justice process; (2) citizen participation in justice decision-making; (3) restorative justice activities; and (4) social reintegration of victims and offenders (Karp and Clear In Press).

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, as well as community justice centers that offer victim services, conflict mediation, and space for justice-related community organizing. Accessibility also refers to flexibility in programs to meet local needs and informality in social interactions that reduce the social distance between justice professionals, citizen volunteers, and affected parties (victims, offenders, onlookers). Such flexibility might also mean more variation in job descriptions and work hours. In Vermont, accessibility is primarily realized through the creation of local boards.

As the program has grown, boards serving relative large geographic areas or population sizes have divided to serve smaller areas. Thus new boards form wherever there are enough cases to process and local volunteers willing to serve. While each board has a clear mandate, they are also free to craft reparative agreements to suit local concerns and the specific context of the case. Since 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 who share membership in the local community. Consider, for example, the following conversation between one board member and an offender.<sup>1</sup> The conversation not only reflects the overlapping social ties between these people, but also the potential for on-going informal social control as a complement to the formal justice process.

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.

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<sup>1</sup> Quotations are drawn from video transcriptions of 50 reparative case meetings, which are part of Karp's ongoing research on the Vermont reparative boards.

The second feature of the community justice model is citizen participation, and this refers specifically to the participation of key stakeholders—not only community volunteers, but 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 in 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 do not attend, which is common, they will sometimes provide a statement to be read at the meeting. When victims and other relevant parties, such as a parent or friend, do attend, they are encouraged to freely participate in the discussion.

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 welfare and for that of the community. In one case, for example, a board member begins the meeting with the following statement:

Board Member: 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 try 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, for the community, rather than as one of the state against an individual. This framing thus reduces the formality and power differentials of the process (though certainly does not eliminate them), while also implying that there is something unique and important about the voluntary participation of the local citizen.

In community justice, a third feature of the model is restorative justice decision-making. In this justice philosophy, the goal of the sanctioning process is not punishment. Instead, offender accountability is defined by 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. But it also can be distinguished from rehabilitative models that fail to consider the offender's obligations to the victim and the community.<sup>2</sup>

For example, 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, his parents, the victim, the Aikido instructor, and a representative of the bank that issued the credit card. In their discussion, not only was the theft identified as harm to the victim, but 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

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<sup>2</sup> Community justice (and restorative justice) are not antithetical to rehabilitation, but emphasize that the purpose of rehabilitation is reintegration (and community-level outcome rather than an individual outcome). Reparative boards, for example, may require counseling as a brief intervention if they believe it to be necessary, however, they do not stipulate long-term therapeutic involvements.

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 offender, but a part of community capacity building includes the creation of reparative opportunities and providing assistance to the offender to facilitate their completion of tasks.

A final feature of the community justice model is reintegration. It is assumed that offending and victimization are experiences that shred the fabric of community life. Offenders and victims are, in different ways, marginalized by the event 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 an offender cannot assist (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, since 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. And fourth, competency development may be necessary to ensure that offender is capable of successfully pursuing conventional opportunities.

The norm affirmation process, for example, is illuminated in the following exchange during one reparative meeting. The offender had been arrested for driving without a license, which had been suspended because he 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 takin’ 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 makin’ 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 applies 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.

## Frequently Asked Questions About Community Boards

What is the structure of the board meeting?

Immediately after sentencing, a reparative coordinator or probation officer conducts an intake with the offender, explaining the board process and gathering background information. This information, along with the police report, is provided to board members to review before a case is heard. 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 3-7 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 re-offending in the future.

The sequence proceeds from a discussion of the offense and hearing from the offender that he or she accepts responsibility for it, to a discussion of strategies for repara-

tion 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 (a) whether the offender takes full responsibility for the harm done; (b) problems in the offender's life that may lead to future offending, and (c) the willingness of the offender to make reparations and commit to law-abidingness. With this knowledge, the group proceeds to identify strategies for reparation and for 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 describing the impact of the crime, appearances before victim impact panels, or participation in some form of competency development such as GED classes and driver safety courses. Boards are not authorized to order counseling, but they can require a drug and alcohol screening where 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.

How long is a board meeting?

Although this varies from one board to the next, most 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 5-15 minutes), while new cases range from 20-60 minutes.

What kinds of cases appear before the boards?

Reparative boards see a wide variety of cases. They 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. VDOC manages boards only for adult offenders. 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 6x7 table used to rank an offender according to supervision needs based on the severity of the offense and the risk for re-offense. Severe offenses, even if a first time, do not qualify for reparative probation. In general, low severity, nonviolent offenses are targeted for Reparative Probation. Sometimes judges will send cases to the boards that fall outside the target population, but in general, the boards handle relatively minor cases and do not see more serious offenders.

What happens if an offender violates the terms of the contract?

Offenders who violate the terms of reparative contracts are returned to court. Sometimes, they may go back to the board to negotiate a new contract. Several boards have

review processes that help to prevent violations by providing advice and encouragement to offenders that are getting off schedule. Offenders can 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 and being asked to write an apology letter or participate in community service.

Who are reparative coordinators and what is their role?

VDOC employs specially trained probation staff to manage reparative caseloads and work closely with community volunteers in the various court jurisdictions, primarily as a board liaison. When the program was new, a Reparative Coordinator position was created. Now that the number of cases has increased, as planned, a generic, but restorative, 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, these staff handle both reparative and traditional cases.

Other staff belong to this 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 (formerly Volunteer Coordinators working within the institutions and with community-sentenced high risk offender programs) devote their time to recruiting and training board members and support volunteers, developing community capacity, and running victim impact programs.

When a case is assigned Reparative Probation from a district court, it is forwarded to

the local CRSU. The reparative team (which includes both correctional staff and community volunteers, in roles such as a victim liaison and a community service opportunities developer) is responsible for managing the reparative caseload of the local boards. Responsibilities include: (a) conducting an intake interview with offenders that orients them to the program, (b) processing paperwork and acting as liaison to the court, attorneys, other interested parties, and community justice centers, (c) scheduling the offender to appear before the board, (d) identifying and contacting victims or other parties who may wish to attend the reparative board meeting, (e) recruiting and coordinating training of volunteers for board membership and other volunteer roles associated with the program, (f) developing reparative resources, such as community service opportunities, family group conferencing, victim impact panels, and other activities relevant to reparative contracts, and (g) monitoring offender compliance with the reparative agreement.

Who serves on community boards and for how long do they serve?

All Vermont residents who live within the particular jurisdiction of a community board are eligible to serve on it (except current offenders and youth under age 18). Board by-laws define terms, 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 as well as VDOC staff have encouraged the recruitment of people who share common char-

acteristics as many of the offenders that 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.

How are board members recruited?

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 fifty community leaders and sent letters to each explaining the program and asking each to nominate other members of the community (or themselves) who they believed would participate in the program. Thirty residents were nominated, and fifteen were recruited for participation.

How are board members trained?

Prospective board members are expected to observe some board meetings before completing their 4-6 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 de-

velop good communication skills in their interactions with offenders, victims, and other board members. In addition, on-going board members are encouraged to participate in 7 hours of in-service trainings each year. These include conferences, local workshops, corrections staff training, and other development opportunities.

What are the parameters of the boards' authority?

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 by the police affidavit. That is inevitable given the different mechanisms used by these parties to gather information, and the idiosyncrasies of the legal process (such as plea bargaining) that causes an offender to be convicted of one offense when they had, in fact, committed another. For example, in one case, board members were convinced by the offender that he was justly provoked in case of simple assault. They, personally, felt the conviction was not warranted. Their task, however, was not to determine guilt or innocence, instead it was to recommend a sanction (which they proceeded to do, but in this case, they emphasized reintegrative activities rather than reparative).

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, it is only the court that can establish the terms of restitution (and it is required of 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 to assess 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, 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 is measuring how much of community work service hours are done in the town where the crime is committed.

Do victims attend board meetings?

Victims are actively encouraged to participate in the board process. 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 was infrequent initially. There may be several reasons for this. One might have been the novelty of the approach, and that victims do not understand the potential benefits of participation. A second might be that for many of these minor offenses, victims would rather put the event behind them than "belabor" it. Third, for minor cases, often victims are primarily con-

cerned with receiving restitution, and, in Vermont, restitution is court-ordered and boards primarily provide oversight. Thus, victims needs might be sufficiently addressed before the board meeting is convened. Fourth, board staff and volunteers might not be sufficiently attendant to victims' emotional needs, and victims are "put off" rather than welcomed by the process. Nevertheless, victim participation has increased dramatically since the program's inception, indicating that initial reluctance can be overcome.

How much do local boards vary from one to the next?

One of the central components of the community justice model is the development of community 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 pre-determined 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, new board members, etc. It is the responsibility of VDOC staff, however, to ensure that no board, or board member, contradicts the restorative justice mission of the program.

## Juvenile Justice and Reparative Boards

This section considers some general issues about community reparative boards in light of Vermont's current implementation of juvenile boards. Although administered by the Department of Social and Rehabilitation Services rather than the Department of Corrections, Vermont's juvenile reparative boards, officially called "Juvenile Restorative Panels," are largely modeled on the adult program and the broader restorative justice perspective, as is true with several other juvenile programs around the country. Thus, they share the same basic features:

- Community volunteers serve on the localized boards and facilitate reparative contracts with offenders.
- Reparative contracts are designed to enable reparation to victims and communities, and reintegration for offenders (by understanding and acknowledging the consequences of their offenses and through competency development).

One issue with juveniles is the proper role of parents in the reparative process. Should they attend the board meeting? If so, should attendance be mandatory or voluntary? Should reparative tasks depend upon parental participation, e.g., driving a kid to a community service site or monitoring the completion of schoolwork? If so, then how should the board respond to the juvenile when the parent fails to assist? Such questions reflect the interdependence of the family. In Vermont, parents are strongly encouraged to participate, but would rarely impose a court order to ensure it. Board members are expected to keep social workers informed about parental participation.

A second issue is the need for risk assessment. In the juvenile program, a comprehen-

sive family history and needs-based assessment is made before a case goes to the board. In the adult program, offenders only participate in a brief intake prior to the meeting. Safety risks are enumerated in the juvenile assessment regarding the welfare of the juvenile (e.g., parental abuse) and any danger the offender might pose to others. Greater attentiveness to safety and supervision is natural to juvenile cases because we assume they are not fully socialized into the society. Nevertheless, there is a risk that restorative juvenile justice initiatives might become distracted by rehabilitative and treatment concerns. The extent to which the boards want to recommend treatment and emphasize rehabilitation is a real issue because it may take away from the reparative mission of the boards. This may be especially problematic since boards are not equipped to act as mental health professionals, ultimately serving neither rehabilitative nor restorative interests. The juvenile boards in Vermont are expected to focus on restorative justice, leaving a treatment plan to be developed by the assigned social worker.

A third issue with juveniles has to do with maturity, self-control, and other developmental factors. Board members, for example, need to be trained in effective communication strategies, so that kids can hear their message. This social distance between offender and board may quickly lead to counterproductive outcomes such as offender confusion, mistrust, and disengagement. Given the dominant “just deserts” ethos of this country in the delivery of criminal justice sanctions, for example, it is difficult for young offenders to understand that punishment is not the objective of the boards. Reparative conditions, particular community service hours, are easily misunderstood as retribution. Indeed, a written report on why a particular offense is harmful to the community may seem an ideal learning exercise, but quite painful in practice for a quasi-literate juvenile offender. It is

vital that tasks are appropriately defined and carefully suited to the offender, first so that offenders are more likely to complete them and, second, that they will not feel resentment toward the tasks or identify themselves as victims of an unfair justice system.

### Balanced and Restorative Justice in Vermont

Community boards can play a key role in the BARJ model. Vermont's Juvenile Justice Plan seems to do just this. In the summer of 1999, the Department of Social and Rehabilitation Services in the state Division of Social Services began implementation of juvenile reparative boards. This program is one of several inter-related juvenile justice programs designed to provide a comprehensive approach to juvenile delinquency in the state. Because the juvenile reparative program operates within this larger framework, it is important to outline the structure and philosophy of Vermont's new Juvenile Justice Plan.

"Vermont's developing Juvenile Justice System represents a shift in thinking that moves from a 'retributive' to a 'restorative' form of justice" (Vermont Juvenile Justice System Plan 1998). To understand the Vermont Juvenile Justice Plan's relationship to the BARJ model, it is necessary to identify the interrelationship of sanctions and programs. First, the Juvenile Justice Plan provides for a "progressive probation" system for juveniles. Rather than calling for graduated sanctions that increase punishment in concert with offense severity, this model depends on the assessment of offender risk and needs to determine the appropriate system response. "We do not want to appear as a system that is crime driven. But criminal activity is often the first thing that we know about a kid. We immediately do an assessment. Really, it is risk driven" (Barbara Martin, Vermont Juvenile Justice Specialist). Consistent with the view that delinquency is one indication of a

child's unmet needs, the Juvenile Justice Plan calls for requisite responsiveness and service delivery rather than proportional punishment.

The interventions are categorized by three levels. In Level One, the offender is determined to be a minimal public safety risk (both to the community and to self), and emphasis is placed on accountability and competency development. In Level Two, the offender is viewed as a moderate safety risk, and supervision is increased to provide community safety and to assure the youth's success. In Level Three, the safety risk is high and supervision and structure are intensified, potentially including residential care, foster care, or detention. Even while supervision is increased, the BARJ model continues to advance the goals of accountability and competency development.

Juvenile offenders may come into contact with an array of inter-related programs. These programs may be organized by sequence or by the seriousness and frequency of criminal activity, and by the components of the BARJ model.

1. "Just Youth." Minor offenders are likely to be referred to a pre-charge program that may include consultation with a social worker and family group conferencing. Conferencing is a restorative justice intervention in which a meeting is convened with a victim and offender as well as supporters of each (such as family members, ministers, teachers, etc.) and a restorative contract is negotiated with the help of a trained restorative justice mediator.
2. Diversion Boards. Vermont's diversion program provides an intervention while avoiding court adjudication and the possibility of a criminal record. Participation in diversion is for first time offenders who are willing to admit to their offenses. Similar to the reparative boards, the diversion program is defined by community volunteers

3. Restorative Panels. Repeat minor offenders or slightly more serious offenders will be adjudicated in the Vermont juvenile courts. Youth are placed on probation, and at disposition, they are ordered to attend a Restorative Panel (reparative board) meeting where community volunteers negotiate with the offender a reparative agreement.
4. “Detention and Placement.” Low risk offenders may receive some form of short-term detention for violations of probation, and higher risk offenders may be placed in a secure, locked facility for a longer stay. The short-term local detention also provides an opportunity for community and family intervention and the development of a restorative justice plan.

The BARJ model calls for programming in public safety, competency development, and accountability. Detention is one strategy for ensuring public safety, but Vermont is introducing structured supervision in the community. “Street Checkers” will monitor the whereabouts and activities of youth on probation in collaboration with parents, school, and community. BARJ also calls for competency development. Under the Juvenile Justice Plan, Vermont is developing “Competency Classes” to assist in the development of life skills, social skills, avoidance of drug or alcohol abuse, and an understanding of the impact of their behavior on victims and the community. Treatment remains an important complement to competency development, and treatment is facilitated by social workers in

conjunction with any level of court intervention from pre-charge to detention. Finally, BARJ prioritizes accountability. The Juvenile Justice Plan's "Restitution Pilot Project" provides assistance and supervision to probationers so they may successfully comply with the terms of reparative contracts. Thus, they may assist with the arrangement of payments to victims or participation in community service projects.

## Conclusion

While we tend to draw distinct boundaries between adult and juvenile crime, clearly they are blurred—the crimes committed and the personal problems offenders face are often similar for both adults and juveniles. The juvenile justice context, however, provides a reminder that individual behavior is strongly determined by the world around them—from parents, from peers, and so on—and we see this most clearly with young people. Adults, too, are influenced by their environment, but we typically ascribe greater personal responsibility for criminal transgressions. With young people, we look more closely at external influences and the socialization process. My point is that adaptations of the adult community board model to juveniles is guided largely by our differing views of adult and children's capacity for responsibility, but that, in fact, adaptations of the model for juveniles may apply equally well to the adult boards. Thus, the implementation of the juvenile program might provide a useful point of reference for evaluating the adult program and community justice processes more generally.

Above I described three issues that are important to consider when implementing juvenile boards: (1) the role of parents in the board process; (2) the need for risk and safety assessment, supervision, and/or treatment and help; and (3) consideration of developmen-

tal issues and board members' ability to communicate effectively with juveniles.

Consider first the role of parents, but broaden this concern to role of other family members, work associates, friends, or neighbors. Adults, too, have a variety of social ties to the community, and better defining their role in the board process is important, in part, because of the ramifications of reparative agreements for these others, and, in part, because of their role in social support. Effective community justice initiatives make communal inter-relationships explicit and capitalize on them to enhance informal social control (so that formal controls can be minimized). Encouraging broader community participation is a fundamental objective of community justice.

Second, while the adult boards in Vermont target offenders with the lowest risk for re-offense, such offenders are still quite often operating on the margins of conventional society. A community justice process must still attend to issues of supervision and treatment when it becomes clear that offenders have identifiable risk factors. Third, while board members must work hard to reach across generational divides, often adult offenders are as socially distant from board members as the youth. Typically, they lack the linguistic agility of highly educated board members, and struggle to understand the deliberative process and to effectively articulate their perspective.

To summarize the distinction between juvenile and adult reparative boards is to recognize the greater emphasis placed on reintegration of juveniles. My thesis is that this heightened emphasis is equally desirable for adult offenders. Community justice is only fully realized when reparative and reintegrative processes are undertaken with equal dedication. The best community justice practices seamlessly combine the two. For example, community service may perform both functions when the service opportunity is care-

fully selected. For reparation to the community, the task must be clearly linked to the offense. For reintegration, the service experience must draw upon or develop offenders' personal abilities, expose them to positive role models, and provide an opportunity for the offender to take pride in contributing positively to the community.

#### Final Note

When the Ford Foundation presented its Innovations in Government Award to the Vermont Department of Corrections at a “Community Justice Day” celebration in February, 1999, Ford representative William Parent described some of the preconceptions that the foundation needed to overcome before selecting the program as a winner. One preconception he described as the “Vermont Factor.” This idea implied that community justice was possible in a low-crime, non-urban, homogenous, and community-oriented state like Vermont, but that it is less likely to be realized elsewhere. If indeed this were the case, then the foundation and the nation would be significantly less interested in the community board model. The “Vermont Factor” certainly does exist, but I would argue that it explains only why the program began there—it is a state with a small and flexible bureaucracy and a civically-committed populace as well as visionary leadership in the Agency of Human Services and Corrections. Such locations are ideal for innovation and experimentation. There is no reason, however, to believe the program cannot be replicated elsewhere, relying on the expertise garnered through trial and error in Vermont. Indeed, there are already similar efforts underway in diverse community settings in Arizona, Oregon, Pennsylvania, Virginia, Missouri, and elsewhere. The United States is a nation of communities, even its major cities are comprised of neighborhoods—“urban villages” with residents who express great concern and investment in their community’s

stability and vitality. When crime is defined by its detrimental impacts to the quality of community life, it is not hard to find members of the community willing to participate in community justice programs designed specifically to respond to local needs and concerns.

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