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Does Community Justice Work?

BY DAVID R. KARP, PH.D

Reparative Probation in Vermont

COMMUNITY JUSTICE has become a popular term in the probation world. Indeed, the authors of one recent *Perspectives* article argued that we ought to drop the term "probation" altogether, and replace it with community justice (Maloney, Bazemore and Hudson 2001). APPA has taken a clear position in favor of community justice:

Community justice principles of crime prevention plus victim and community reparation offer greater hope of securing genuine peace and justice and of gaining community satisfaction with its justice system. APPA therefore resolves that the principles of community justice will guide the work of the organization in keeping with its proclaimed motto of "Community Justice and Safety for All" (APPA 2002).

While no one knows if community justice is the future of probation, what everyone needs to know today is this: Does it work? Do community justice programs achieve the goals set out by proponents of community justice? And what, exactly, are those goals, anyway?

One of the most well-known community justice programs is Vermont's Reparative Probation program, which combines the community justice focus on neighborhood-based programming, citizen involvement and offender reintegration with the restorative justice focus on repairing harm to victims and communities. Reparative Probation remains unique in the United States as being the only statewide implementation of community justice principles for adult probationers. This article reports on the effectiveness of Reparative Probation in realizing identified program goals (see Table 1). For the full evaluation report, see Karp, Sprayregen and Drakulich (2002).

The Vermont Department of Corrections Reparative Probation Program began in 1995. In 1999, the program received the Ford Foundation's Innovations in Government Award. Since its inception literally hundreds of community board programs have been launched across the country (Bazemore, Schiff and Erbe 2001), including boards for juvenile

offenders administered by the Vermont Department of Social and Rehabilitation Services.

Reparative probation can be summarized as follows: Upon conviction of a minor offense, burglary or drunk driving for example, the judge will sentence the offender to probation with the condition that he or she appears before a local reparative board. A board, composed of trained citizen volunteers, meets with the offender and attempts to work out a solution to the problem created by the offense. Victims and other affected parties (such as family members of the offender) are invited to attend. Board meetings vary in length, but average between 35-40 minutes. 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. 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.

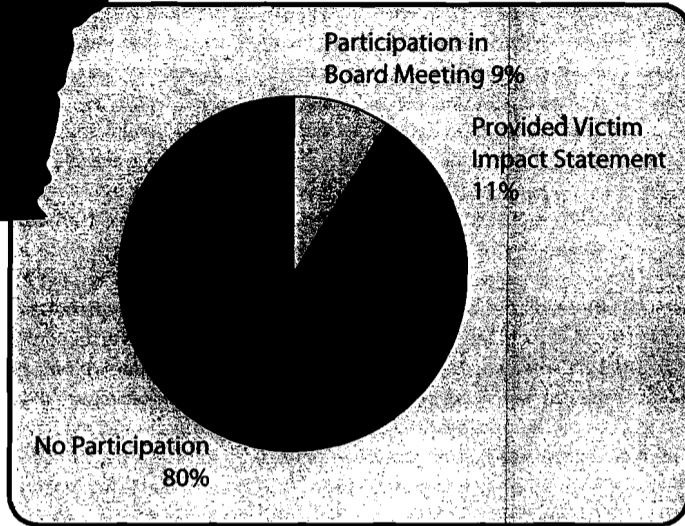
The board members seek to accomplish four goals with the offender. First, they wish to engage the offender in tasks that will help him or her better understand the harmful consequences of the crime on victims and the community. This may entail asking the offender to listen to the victim's account or to the reactions of victims of similar offenses. 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. Letters of apology, restitution and community service are typical sanctions. Fourth, the board works with the offender to find a strategy to reduce the likelihood of re-offending. This might include a wide variety of educational and counseling opportunities.

The typical board meeting is held in an informal conference room in a town hall, public library or probation office. Boards vary in their formality, but all are much less formal than the courtroom setting. Meetings begin with introductions, proceed through a general review of the incident, and

TABLE 1. RECIDIVISM OFFENSES

Communities are Involved	Victims' Needs are Addressed	Communities are Restored	Offenders are Responsible
Community has authority in decision making	Victims' needs are addressed adequately by the reparative process	Community harm is repaired	Offenders understand impact
Community Volunteers participate		Community is satisfied	Offenders build social ties
Victims participate		Victims participate	Offenders are law-abiding

FIGURE 1. VICTIM PARTICIPATION



become task-oriented as they strategize over terms of the agreement. Some boards ask the offender to leave the meeting so that board members can have a short period of private deliberation.

Based on the goals set out in Table 1 above, my colleagues and I looked at a sample of reparative cases for the year 2000.¹ We collected data by examining case files, retrieving automated data, and conducting surveys of victims and community service agencies. Here's what we found.

Are Communities Involved?

Under the community justice model, a partnership is formed between the justice system and the local community. The citizen role in reparative probation is unique among probation volunteer programs because of their authority in setting probation conditions. Volunteer participation is a central feature of reparative probation. In fact, in 2000, there were 320 volunteers that served on 49 boards serving 11 Vermont communities. Over the course of the year they contributed over 23,000 hours to the program.

Although less than half of all reparative cases had direct victims, it has always been a goal of the program to invite them to participate in the program, either by submitting a victim impact statement or attending the board meeting. Unfortunately, the program has not been very successful with victim participation. Of cases with victims, 9 percent participated in the board meetings. An additional 11 percent gave a statement to be presented at the meeting (see Figure 1). While we did not study the causes of low participation, our data revealed two partial explanations. First, many victims

were simply not contacted. Second, many are commercial victims of shoplifting and have little interest in participation. The second is understandable; the first requires remediation.

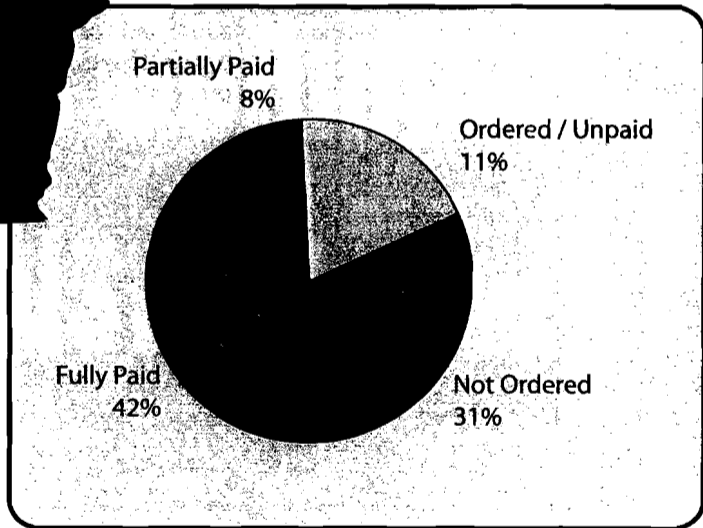
When we surveyed victims who attended board meetings, we found that 82 percent were satisfied with their participation. When they were dissatisfied, it was primarily because of the behavior of the offender during the meeting, such as him or her "not getting it" or "just giving lip service." When asked about the support given to the victim by the board, 99 percent were satisfied. Thus, although it is quite rare for victims to participate in board meetings, when they do, the experience appears to be favorable, and they nearly universally develop a positive rapport with the board, often referring to board members as "great" and "wonderful."

Are Victims' Needs Addressed?

Although victims rarely actively participate, we examined whether or not their needs were met by having offenders complete their reparative contracts. First, in 67 percent of cases with victims, apology letters were required. Our survey results reveal that victims are often pleased to receive an apology, but quite frustrated when they expect one and do not get it or when they receive an insincere apology. Second, restitution was ordered in 69 percent of reparative cases where material harm was outstanding at the time of the meeting. Restitution orders ranged from \$37 to \$2500, with a mean of \$381. Figure 2 illustrates that 42 percent received full restitution, and another 8 percent received partial payment. Fifty percent received no payment either because the offender failed to comply with the restitution order (19 percent) or because restitution was never ordered (31 percent).

Our survey of victims showed that they were largely happy with

FIGURE 2. RESTITUTION COMPLETION



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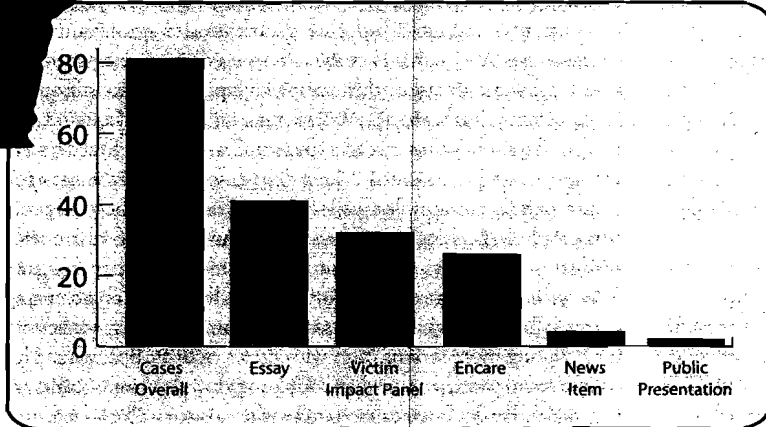
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FIGURE 3. CONTRACT TASKS TO UNDERSTAND HARM



Victims share how they were harmed when they attend or through victim impact statements. When victim information is unavailable, boards rely on police reports and dialogue with the offender. Of those victims who attended the board hearing, 96 percent were satisfied that the offender understood how the crime had affected them. Boards frequently negotiate contract tasks designed to educate the offender about harm. Seventy-three percent of cases had contract tasks specifically designed for offender understanding of harm (see Figure 3). Of these, the most frequently assigned task was an essay or research paper. Such essays might ask offender 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 offender to present such material publicly either as a letter to a newspaper or through public speaking. Thirty-seven percent of contracts required offenders to attend victim impact panels, and 28

percent made use of a program called Encare, a drunk driving education program offered by emergency room nurses. reparative probation. Seventy-two percent report being satisfied by the outcome generated in the reparative contract, and 87 percent reported that the program helped them to feel better about the crime. Ninety-two percent recommended that VDOC continue to offer the program, 8 percent were unsure, and no one suggested that it be discontinued. Interestingly, satisfaction was equally high among those victims that did not participate as with those who attended board meetings.

percent made use of a program called Encare, a drunk driving education program offered by emergency room nurses.

Reparative contracts include tasks designed to help the offender learn not to re-offend. This focus on reintegration specifies that board members consider offender needs. Though not trained in assessment or treatment, board members try to find ways that offenders can better connect with the conventional community. We found that 67 percent had tasks to develop offender competencies (see Figure 4). The most common competency assignment was driver safety, such as placement in a program called CRASH designed for DWI offenders. Twenty-three percent were referred to counseling for substance abuse or mental health. Seventeen percent were referred to alcohol or substance abuse screening. Twelve percent of the

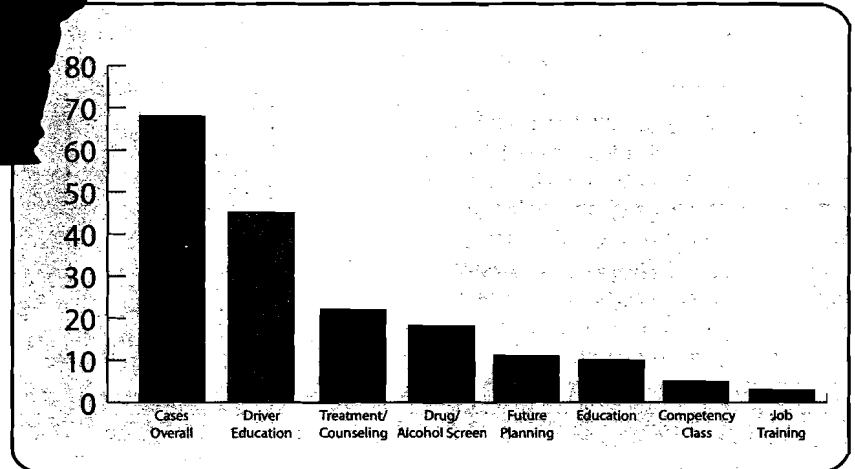
Are Communities Restored?

In community justice programs, community harm is addressed through community service. Vermont is no exception. Sixty-five percent of offenders were assigned community service as part of their reparative contracts. Of these, 91 percent completed their service requirement. Our survey of community service sites indicated widespread satisfaction with probationer service. Ninety-four percent of the respondents said they were satisfied with offender service, 100 percent believed probationers' service was beneficial to the community, 92 percent believed the work was beneficial to the offender, and 100 percent of the sites wanted to receive more probationers for service. Some agencies reported hiring or wanting to hire offenders that volunteered for them.

Are Offenders Responsible? What Have They Learned?

Board members discuss the harm of the offense during the board meeting.

FIGURE 4. CONTRACT TASKS TO BUILD SOCIAL TIES



offenders were asked to engage in some form of future planning, such as writing a five-year-plan, and 11 percent were required to seek further education, such as getting a GED. Six percent were assigned to a specific competency class, such as anger management or decision-making, and 4 percent were referred to job training.

Offender success was measured by program completion, probation violations and recidivism. A total of 81 percent of offenders successfully completed reparative probation. Twenty-six percent committed probation violations, 19 percent of which led to program failure and termination. These individuals were returned to court.

We used the following definition of recidivism. A recidivist is any probationer that committed a crime (that led to a conviction) within one year of their reparative board meeting. Our study reveals that 31 percent of reparative probationers were rearrested within one year of their board meeting. Just as drinking, driving or both are the most common reasons why offenders appear before the board, they are also what they most often repeat (see Figure 5). Of all the offenders in our sample, only 1.5 percent were rearrested for violent offenses.

Conclusion

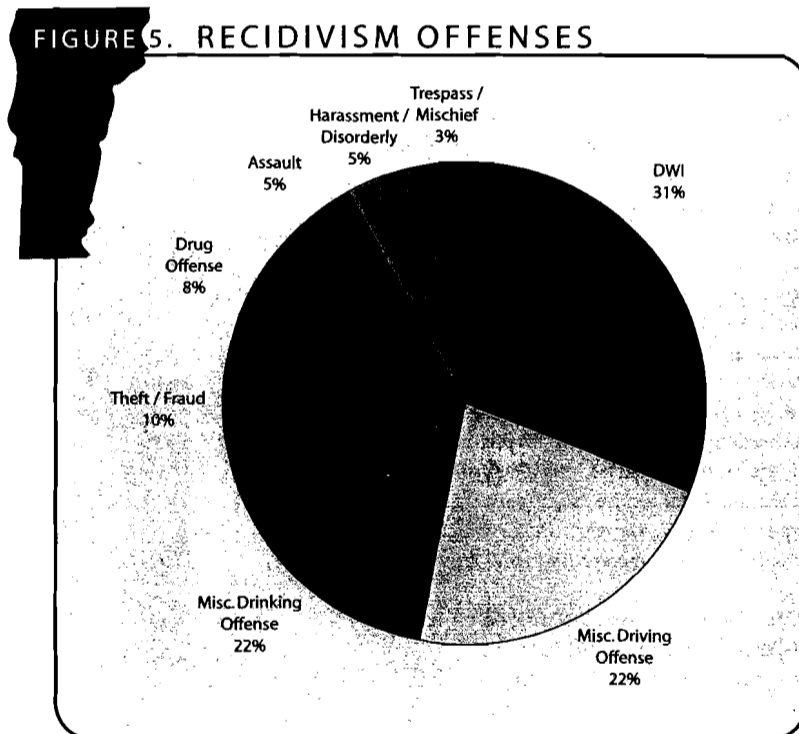
This is an exciting time for community justice proponents. New programs are appearing in every state. Existing programs, like Vermont's, are expanding. Although our study identifies some problems in implementation, overall, these results should encourage greater commitment to community justice. Based on this evaluation, three issues stand out.

First, Vermont has a strong and successful program. Reparative probation is a realization of community justice because of the prominent role of community volunteers, its commitment to repairing harm to victims and the community and to addressing offender risk factors. Moreover, it is a program that has evolved since its inception, with program staff being responsive to victims' needs, volunteer input and evaluation data. In this evaluation, the most glaring problem is low victim participation. Vermont Department of Corrections is trying to overcome this in several ways. They are providing increased training and better guidelines for soliciting victim participation. They are expanding the kinds of cases that get referred to boards, in order to increase the number of cases with victims. They are seeking to implement restorative sentencing where courts may refer cases to boards before sentencing, when victims are most likely to participate. Finally, they are providing training in restorative conferencing to interested staff and volunteers, a process that may be suited to some victims.

Second, this study shows that not only is Vermont generally successful, but because of its adherence to basic community justice principles, the model may be adopted by other probation departments and other communities. Although we have already seen a dramatic increase in the use of boards in juvenile justice, their use for adult probationers is still quite rare. Since Vermont has been successful in processing several thousand cases to date, we have some assurance that unwanted surprises — feared by all new programs — will be limited. Many departments across the nation have committed to community justice, but are uncertain how to proceed, particularly in choosing between restorative models such as victim offender mediation, conferencing, circles and boards. Here is one person's opinion: The distinctions between victim offender mediation and conferencing are currently blurring, which is a good thing. Combined, they are best suited for handling more serious cases with direct victims. But, when victims choose not to participate or when addressing victimless cases, boards are the best choice. Finally, I recommend circles when a case involves a large number of people, or when a case is particularly symptomatic and symbolic of a community wide problem.

Finally, this study reaffirms the value of theory-driven outcome

FIGURE 5. RECIDIVISM OFFENSES



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evaluation. Working collaboratively with evaluators at every stage, from inception to maturity, helps program staff — all too often overwhelmed by program management issues — clarify short and long term goals of the program, and monitor the degree to which implementation is on target. All of Vermont's goals are consistent with community justice, and it has done a laudatory job of involving the community and seeking to repair harm and reduce risk. With evaluation results in hand, it is seeking to better recruit victims to participate, increase contract completion rates, and reduce program recidivism rates. In other words, evaluation helps provide and maintain strategic focus. For Vermont and other community justice-oriented agencies, rethinking correctional practices to better serve victims and the community is a high priority (Perry and Gorczyk 1997). The results here show that they have done much more than simply think about correctional innovation.

Endnotes

In 2000, 1,902 reparative cases were terminated and we evaluated 245 of these cases.

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David R. Karp, Ph.D. is with the Department of Sociology at Skidmore College in Saratoga Springs, New York.

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