
REACTION ESSAY

THE VALUE OF CITIZEN PARTICIPATION IN RESTORATIVE/COMMUNITY JUSTICE: LESSONS FROM VERMONT

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The Vermont Reparative Probation board program is one of the earliest and most extensive statewide restorative initiatives in the United States. There is, therefore, a great deal to learn from such a bold experiment. Yet the “quaintness” of the State seems to place limitations on its utility as a model for other jurisdictions across the country. As a near neighbor to Vermont, I have encountered scathing skepticism at the suggestion that Vermont criminal justice policy is relevant to the city neighborhoods of Boston, Springfield, Lowell, or New Bedford. The image of Vermont as predominantly rural, homogenous, and relatively crime-free is largely accurate. Vermont *is* different, and it certainly is quaint. What other state is *itself* listed as endangered by the National Trust for Historic Preservation? But dismissing Vermont’s policies because of its uniqueness is specious and does not bear on the question of the relevance of the model to other communities. In reality, every state (and community) has its own unique characteristics and set of players, and no innovative program is ever simply “replicated” elsewhere, least of all, restorative justice programs, which are philosophically committed to local control. The question is, what is to be learned from the Vermont experiment, and how does it inform public policies that might support the development of restorative community-based programs?

My remarks focus on the role of citizen participation through volunteering. In addition to the direct participation of victims and offenders, restorative justice prioritizes active involvement of the community, both because communities are seen to be (direct and indirect) victims of crime and because communities are viewed as responsible stakeholders in the maintenance of social norms within the community. From the citizen perspective, participation in restorative justice is a uniquely valuable form of civic participation. If we believe (as I do) that crime is a community responsibility as well as an individual responsibility, then it is necessary for citizens to see “crime” up close and personal. Most restorative forums provide an opportunity to humanize the offender, and in a democracy, I believe it is important for citizens who do not commit crime to meet and get to know those who do, in order to understand their

civic responsibilities in the prevention and reduction of future crime. The most ambitious expectation for this kind of civic participation is a “bubbling up” of this deliberative dialogue to the broader political arena (Braithewaite, 2002).

At a more modest level, however, the benefits of volunteer participation in restorative justice forums increases the accountability and professionalism of the criminal justice system. The number of volunteers within the Vermont system speaks volumes about the orientation of the Vermont correctional system to view the public as its client. Letting your clients see your work up close is a progressive move on the part of systems whose inclination is to seal themselves off from public scrutiny. For decades, the informal motto of the Massachusetts Department of Corrections was, “No escapes, no riots, no deaths and no news.” Keeping the public at bay was an essential part of a policy that has only recently been revamped in the wake of a scandalous inmate murder. Citizen access to the system as volunteers forces a higher level of accountability and professionalism that is beneficial in its impact on the system.

The engagement of volunteers in the Vermont reparative program is impressive. According to Karp and Drakulich, the number of citizens willing to dedicate hours to reparative boards has grown steadily over time as has the number of hours citizens devote to boards. Boston skeptics argue that this willingness to participate is a function of a small town spirit “unique” to Vermont. In a way they are right. According to Robert Putman (2001), the state ranks among the highest in levels of civic participation and social capital. But to my mind, this means Vermont is doing something right, which makes it is even more worthwhile to try and figure out what that is.

I can think of three lessons about the role of volunteers that originate from the Vermont experience and may be helpful to those seeking to “replicate” this model elsewhere. The first lesson is that meaningful and substantial citizen participation in restorative justice requires correctional policies that support volunteer participation. The State of Vermont has a long history of volunteer participation in the correctional system. At one time, I was told, the number of volunteers in the correctional system outnumbered paid staff. Although this fact may be apocryphal, it calls attention to a long-standing policy of the Department of Corrections to recruit and support a significant volunteer presence within the system. Participation by volunteers in the criminal justice system is not simply a function of free-floating civic pride of citizens, but the result of a deliberate set of policy decisions by the criminal justice system.

In Massachusetts, by comparison, volunteers within criminal justice programming have substantially declined in recent decades because of correctional policies designed to limit outside involvement in the

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correctional system. Citizens who want to offer their time as volunteers routinely meet with flat rejection or endless obstacles. In recent months, a newly appointed Commissioner of Corrections has changed this policy, making it part of a reform agenda to increase volunteers. This represents a major shift in policy within the state and will likely have a positive impact on the level of participation of citizens.

Not only does criminal justice policy make a difference in creating opportunities for volunteers, it also plays a direct role in supporting volunteer participation. Barry Stuart long ago warned of the burnout of “super-volunteers” in early circle programs in Canada. When restorative programs are totally dependent on the unpaid energy of the dedicated few, there is tremendous difficulty sustaining a program over time. As Karp and Drakulich note, Vermont does not use volunteers to do the work of probation officers. Instead paid reparative probation staff support the unpaid work of citizens.

The supportive relationship between paid probation staff and volunteers is essential if citizens are to do meaningful work as unpaid volunteers. Everything from the provision of training, to paperwork, to the coordination of community service sites, is done by paid staff. Because correctional staff perform time-consuming administration and coordination, citizens are able to donate a few precious hours a week to meaningful decision-making without being burdened by the need to attend to countless organizational tasks.

The second lesson about citizen participation concerns the delicate and extremely consequential issue of who serves as volunteers. In Vermont, volunteers tend to be older, well-educated citizens from diverse political, religious, and economic backgrounds, with men and women appearing to participate at roughly equal rates. There is always a danger that reparative boards can become “preachy,” especially if there is significant social distance between the offender and board members, and I am relieved to see that the boards have abandoned an early common practice of asking offenders to leave the room while they deliberated on the sanctioning decision. But Karp and Drakulich worry that in communities more diverse than Vermont, the prevalence of older, wealthier, white, and well-educated volunteers will be highly unrepresentative of the typical demographic of offenders and victims.

This is an obvious concern. In my view, one of the most valuable policy criteria of the Vermont experiment is the recruitment of board members from the community where the crime was committed. Within the urban context, this is imperative given significant residential segregation by race, class, and ethnicity. Keeping participation as local as possible sets the stage for more accurate representation of the voice of the community as victim. When volunteers live and work in the locality where the crime was

committed, their engagement with the offender carries an authenticity that is generally lost when social distance becomes too great.

In Springfield, Massachusetts, for instance, community accountability boards meet with offenders returning from a local correctional facility. Volunteers are drawn locally and are therefore often residents of the same city streets where offenders sold drugs or committed larceny. Volunteers will also be their neighbors when they return to the community. As one of the goals of restorative justice is to have offenders become aware of the impact of their actions on the community, this task is best accomplished by people who are genuinely, not abstractly, affected by the offender's behavior.

Another important policy consideration for board composition concerns participation of ex-offenders, especially those who have themselves previously come through the restorative process. Some programs permit participation after a period of time, typically one year without any additional convictions or arrests. In Vermont, ex-offenders are eligible for participation as volunteers one year after successful completion of their sentence and on recommendation by the local coordinator of volunteer services.

It is unclear to me the extent to which ex-offenders are actively recruited to participate on boards in Vermont, but other restorative programs do actively seek out volunteers who have histories of criminal involvement or drug addiction and have successfully changed their lives. These programs also routinely invite those who successfully complete the restorative process to return as volunteers. This seems to me to be an extremely important form of diversity for the composition of boards. Ex-offenders have valuable and constructive information to impart within the restorative process, and their participation sends a clear message that reintegration is not lip service. Their presence is often pivotal in breaking through patterns of denial, offering a role model for the offender and a unique source of on-going support.

The final lesson from Vermont originates from what I see as a shortcoming in the structure of the Vermont reparative program. There is an important distinction between those who volunteer as regular members of a board and those who come forward to volunteer as a participants in support of a particular offender or victim. In the Vermont model, we think of "volunteers" as those who serve on the boards on a regular basis. This role somewhat mimics the work of the criminal justice professionals who deal with many offenders and victims on a regular basis for paid employment. Yet the individual who is willing to attend a particular board meeting to support a specific offender or victim is also a volunteer freely giving of their time to support someone in the community.

Conferencing and circle restorative models create much more

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substantive roles for this kind of citizen participation than reparative boards do, and Vermont, to its credit, has added conferencing to its repertoire of restorative programming. The absence of this kind of volunteer participation in the reparative model hampers the capacity of boards to build long-term social bonds with offenders and to support victims over time. Participation by neighbors, teachers, friends, or relatives willing to dedicate their time to help a specific victim or offender through a healing or accountability process is a critical ingredient for the restorative goals of building social capital, repairing relationships, and increasing offender attachment to the community.

In my view, there should be specific attention paid to the cultivation of both kinds of volunteers: those who are willing to serve on a regular basis and those who are recruited to come forward to help a person they know deal with the aftermath of crime. And, of course, both forms of citizen participation need to be adequately supported by the resources of the formal system. With the support of paid staff, there is the possibility for long-term restorative programs operating within the community to sustain citizen participation, with the capacity to make a difference in the lives of individuals and to contribute to a strengthening of the overall community capacity for self-regulation and democratic dialogue.

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