

Spring 2017

Freedom and Unity: Examining the Individualized, Community-based Process of Restorative Justice in Vermont and What it Can Teach Other States, Through a Trainer's Lens

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FREEDOM AND UNITY:
EXAMINING THE INDIVIDUALIZED, COMMUNITY-BASED PROCESS OF
RESTORATIVE JUSTICE IN VERMONT AND WHAT IT CAN TEACH OTHER STATES,
THROUGH A TRAINER'S LENS

Megan Grove

PIM 75

A Course-Linked Capstone submitted in partial fulfillment of the requirements for a
Master of Arts in Peacebuilding and Conflict Transformation
at SIT Graduate Institute in Brattleboro, Vermont, USA

May 22, 2017

Advisor: Ryland White

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Student Name: Megan Grove

Date: May 22, 2017

DEDICATION

In dedication and gratitude to indigenous communities around the world who have embodied and
utilized restorative processes for thousands of years;
and in recognition of the sacred land of the Abenaki Tribe on which I did my research and on
which the town of Brattleboro, Vermont now stands.

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ABSTRACT

How can communities and law enforcement embrace a cultural shift to address conflict in a way that restores relationships and makes amends instead of one that punishes and criminalizes certain behaviors and individuals? How can we create spaces where those who commit harm, those who are impacted by harm, and other affected parties can come together with equal voice, have their needs met, and communicate in healthy ways? This Course-Linked Capstone in Training, situated in Brattleboro, Vermont, looks at the power of restorative justice and restorative processes to heal relationships and empower communities to care for one another and address the impacts of harm together. The paper begins the practitioner's own journey to and through SIT by focusing on the connection between the fields of peacebuilding and social justice training and revisiting key competencies and learnings from training courses. Through an introduction to the philosophy of restorative justice, a brief history of restorative justice in Vermont, an overview of the work of one community justice center in Brattleboro, Vermont, and findings from interviews with restorative justice practitioners from Vermont community justice centers and Vermont Department of Corrections, this paper examines the benefits and challenges of restorative justice, both on a larger level and within Vermont, and what Vermont can teach other states and communities about implementing restorative practices. This paper concludes with a final analysis through a trainer's lens that connects the fields of restorative justice, peacebuilding, and social justice training.

Introduction: My Journey to Peacebuilding, Training, and SIT

During my education and practicum at the School for International Training (SIT Graduate Institute), I endeavored to connect peacebuilding/conflict transformation and social justice training. Thus, my Master of Arts (MA) will be in Peacebuilding and Conflict Transformation with a self-defined concentration in social justice training. Working at the Brattleboro Community Justice Center during my practicum phase allowed me to connect the two fields outside of the classroom. I chose to complete a Course-Linked Capstone in Training due to my desire to root my peacebuilding work in the values of social justice training and explore those values in my practicum experience.

Growing up in the Mennonite faith tradition, peace and nonviolent resistance played a formative role in my life. Mennonites are a historic peace church of the Anabaptist, Protestant, Christian faith that values simplicity, peace and nonviolence (Mennonites are perhaps best known for being conscientious objectors to war), and living out Jesus' social justice call to clothe the naked, feed the hungry, care for the poor, and heal the sick. One of the Mennonite Church's greatest contributions to the peacebuilding world is Mennonite Central Committee (MCC), an international non-profit working for relief, development, and peace. MCC builds relationships with local partners and organizations to ensure projects meet local needs and contexts. The organization also works with local partners to distribute disaster-response resources in ways that minimize conflict; it also advocates for policies that advance peace in the world (*About MCC*, n.d.). This Mennonite foundation of working with people to meet their needs in the way they desire ("power-with", not "power-over") and building peace through non-violent action and social justice shaped what would eventually become my life's work.

When I started college at Eastern Mennonite University, I had no clear career path or direction. I dabbled in many different courses until, by chance, I took a restorative justice course

and knew immediately that peacebuilding would become my focus. The more I delved into the peacebuilding and development world, the more I found my voice, skills, and passions. Where I began college as a deeply insecure, self-absorbed, lost teenager, I left college a more self-assured, socially-conscious, passionate adult.

I soon discovered, however, that simply having a bachelor's degree did not have much value without experience in the field. I had absorbed a lot of knowledge at college but did not yet have the work experience to prove what I knew. I struggled to find ways to pay student loan debts and bills while living on my own and pursuing my peacebuilding career so I ended up working in mostly administrative positions.

These unfulfilling and frustrating administrative jobs reminded me that I needed work where I engaged with people regularly and did not spend most of my time behind a computer screen. To supplement my paid work with my passion work, I sought ways to continue honing my peacebuilding skills outside my jobs. I became heavily involved in West Philadelphia Mennonite Fellowship (WPMF) and Philadelphians Organized to Witness, Empower, and Rebuild (POWER). Leading worship services, facilitating conversations on race and power, engaging with Philadelphians of different faiths and socio-economic backgrounds, and receiving positive feedback about my facilitation and dialogue skills, I realized I wanted more than what I was doing. I wanted my passion work to become my paid work.

I enrolled in a two-day training-of-trainers workshop which opened the door for me to audit a course at the University of Pennsylvania (UPenn) called Experiential Learning Design for Intercultural Communication. The course instructor, an SIT alum, modeled the course after SIT's Training Design for Experiential Learning course. During the semester, I gravitated to bell hook's writings in *Teaching to Transgress: Education as the Practice of Freedom* about the

classroom as a communal place and Paolo Freire's writings in *Pedagogy of the Oppressed* about all classroom participants as teachers and learners. It dawned on me that I enjoyed facilitating dialogue because I loved seeing that "lightbulb moment" when people came to new conclusions, realized their capacities, and named their truths. Training, I discovered, encompassed the engagement and passion I required with the skills I had acquired; it was the missing link in my education and professional path.

With the assistance of the Experiential Learning Design professor, I applied to SIT and began the next phase of my educational and professional life. I had difficulty deciding whether to attend graduate school or not, mainly due to the increased student loan debt it would require, but it felt like the best way to gain the knowledge and skills I needed to do the work I wanted. I chose SIT for multiple reasons: 1) the focus on experiential learning and participatory education; 2) the secular nature of the school (previously, I received all my peacebuilding knowledge and education from religious institutions and I wanted to broaden my scope); 3) the fact that I could marry the fields of peacebuilding and social justice training in my studies; 4) the professors were also active practitioners in their fields; and 5) the strong focus on praxis, as demonstrated by the one-year on campus term combined with a six-month practicum.

I chose to pursue an MA in Peacebuilding and Conflict Transformation while taking all the training courses SIT offered. For me, peacebuilding begins with individuals and branches out to our communities and beyond. Therefore, I see my life's work revolving around interpersonal and communal conflict transformation through dialogue across differences, restorative practices, and trauma healing. I use the term "conflict transformation" instead of "conflict resolution" because I believe all conflict can be transformed in one way or another but not all conflict can be resolved.

Conflict is a natural, inevitable part of life and relationships and learning how to deal with it in healthy, holistic ways is a critical part of the human experience. Combining the hard and soft skills I learned in the peacebuilding world (mediation, conflict mapping, utilizing needs-based and identity-based models, examining the interplay between direct, structural, and cultural violence) with the hard and soft skills I learned in the social justice training world (needs assessments, co-creating equitable learning spaces, facilitation, examining trainer power and identity) allowed me to develop the skills, theories, and foundations I needed to do the work I wanted to do in the world.

The SIT course Training for Social Action (TSA) focused on deep listening through engaging in class discussions, conducting Listening Projects, and experimenting with a Strategic Questioning model. One of my core, grounding values as a facilitator, trainer, and practitioner is that people have their own answers within them and this course pushed me on that. If I truly believe people have their own answers, how does that impact my training and facilitating? What judgements do I make when I listen and why? What value do I ascribe to those judgments? When I associate directness with honesty, what does it mean when someone is indirect? What happens when I don't agree with someone's assessment of themselves? As I wrestled with these questions, I gravitated to excerpts from Fran Peavey's (2000) book, *Heart Politics*, "*The interviewer [or, in my case, facilitator/trainer] sits at the feet of the people who are obviously experts on their own life and experience* [italics added for emphasis]." If I truly see people as experts on their own life and experience, how do I facilitate in a way that conveys that?

I continued to grapple with these questions during my practicum placement at the Brattleboro Community Justice Center. I participated in and observed many Reparative Panels with clients from court who, with several community volunteers, examined the impacts of their

behavior including who was affected by their behavior and how, what amends could be made and how, and how the client could avoid another similar incident in the future. The justice center trains panelists to guide the process and assist the client in deciding what amends to make instead of telling the client what to do or how to make amends. This can be difficult, particularly since the restorative justice paradigm is new for many folks. Often, in our desire to help, “we create resistance by pushing people toward our own point of view, thus showing a lack of respect for the other person’s ability to find her own way” (Peavey, 2000, p. 296).

Many well-meaning restorative justice practitioners, social justice trainers, and facilitators unwittingly slip into pushing our agendas and points of view, particularly if we share a similar life experience with a client or participant. As Julie Glover (1996) describes, “in our zeal to help others, we may increase the distance between the other person and our own consciousness, as we find ourselves primarily in our own thoughts and therefore not *with* the other person” (Glover, 1996, p. 6). Listening begins with letting go of our own thoughts and assumptions and *being with* the speaker, in body, mind, and spirit. Again, if we, as practitioners and social justice trainers, believe each person is an expert on their own life and experience, how do we enable people to find their own way?

Restorative justice, like peacebuilding and my Mennonite roots of non-violent resistance, taught me that in the midst of what people often see as a binary choice, exists a third or fourth or tenth way. Uncovering such non-binary alternatives can take creativity, collaboration, and out-of-the-box thinking. I love Fran Peavey’s (2000) illustration of this point: *“Some think of the glass as half-full, and some think of it as half-empty. I ask myself what I can do to get some more clean water in the glass [italics added for emphasis].”* (Peavey, 2000, p. 306). My work as a restorative justice practitioner and social justice trainer is to find ways to get more clean water in

the glass, to push back against binary thinking and notions of right and wrong, good and bad. Life, and people, are complex and we live in complexities every day. In her paper, “Is Serving Others Self-Serving?” Julie Glover (1996) explains, “*We tend to think in terms of the helpers or the wounded, the unselfish or the selfish. We love neat little categories but the reality is that most of us are both. We all have our pain and we all have our strengths* [italics added for emphasis].” (Glover, 1996, p. 3).” I would add that we are both helpers and wounded and more.

My experiences both inside and outside the classroom at SIT taught me that the biggest obstacle in achieving my personal and professional goals is fear. I hold deep-seated fears of failing, not being able to attain the jobs I desire, not knowing what I’m doing, and others thinking I don’t know what I’m doing. The deepest of these is the fear that I’m not good enough, skilled enough, or aware enough to do the work I want to do in the world. These fears often immobilize me and cause me to engage in projects that are safe, attainable, and well within my reach instead of projects that push and stretch me. At my practicum placement, when my fears would rise within me, I glanced at a note I taped to my desk which read, “Who am I to do this? Answer: Who am I not to?”

Wrestling with deep ethical, personal, and professional questions and engaging in intense soul searching through my training courses at SIT, I peeled back many layers which revealed that, at the center of my fears and insecurities, was me. I am my own biggest obstacle and I have been for quite some time. To quote Fran Peavey (2000) once more,

I assume that each of us has within us the will to make the world a better place, as well as a longing for stability. We live in the tension between these two drives. But we tend to have many more obstacles to acting on the improvement impulse than to resting in

inertia. So in my thinking, I've shifted from the question "what makes people change?" to "what keeps people from changing?" [italics added for emphasis] (Peavey, 2000, p. 292)

If I know that fear keeps me from changing, then the question moving forward in my life and career is how do I take the competencies, knowledge, awareness, and skills I gained at SIT and forge ahead with boldness, acknowledging my fears but not letting them take the reins? How do I, as a practitioner, live into my vulnerabilities and lead with authenticity and clarity? And, above all, how do I, as a social justice trainer and facilitator, co-create the type of learning environment that allows participants to be vulnerable, name their fears, engage authentically, and lead the way to their own truth?

I found some answers to the questions posed above in bell hooks' (1994) *Teaching to Transgress: Education as the Practice of Freedom*, a course book for Training of Trainers: Ethics. hooks describes the concept of engaged pedagogy, which emphasizes that educators must be "actively committed to a process of self-actualization that promotes their own well-being if they are to teach in a manner that empowers students" (hooks, 1994, p. 15). Educators rooted in engaged pedagogy value participant expression, are well-grounded, and see connections between life practices, habits of being, and roles of educators.

Engaged pedagogy does not simply seek to empower students. Any classroom that employs a holistic model of learning will also be a place where teachers grow, and are empowered by the process. That empowerment cannot happen if we refuse to be vulnerable while encouraging students to take risks [italics added for emphasis] (hooks, 1994, p. 21).

Embracing and embodying this type of engaged pedagogy means, to me, that the acknowledgement of my fears and weaknesses and the display of my vulnerability in a training

setting allows and emboldens participants to bring their fears, weaknesses, and vulnerabilities into the room. To be my most authentic self as a practitioner, peacebuilder, trainer, and facilitator means skillfully bringing my whole self to my work and welcoming others to do the same. My practicum experience, and resulting capstone project, demonstrate my attempts to connect myself to my work, and, in doing so, connect the fields of peacebuilding and social justice training.

Introduction to Capstone Project

This Course-Linked-Capstone in Training examines the use of restorative justice and restorative processes in the state of Vermont as a model for restorative justice in other states and communities. The restorative justice course I took during my undergraduate studies impacted me so greatly I changed my major from Communications to Peacebuilding and Development. Over the years, I studied restorative justice off and on but, until now, had never worked at a restorative justice organization so I see my practicum at the Brattleboro Community Justice Center and my capstone project on restorative justice in Vermont as bringing me full circle, so to speak.

The field of restorative justice in the United States is relatively new (it began as a discipline in the 1970s) and, in my view, remains largely underutilized and misunderstood. Therefore, it surprised me to discover that not only does Vermont have twenty restorative justice centers throughout the state and a state-wide Community Justice Network, but restorative justice is written into state law and has been funded and instituted by the Department of Corrections for the last twenty years. As a pioneer in the field, I believe the state of Vermont has many things to teach other states seeking to implement restorative justice practices at a state level.

At the same time, I am aware of the importance of context and Vermont has some unique characteristics that need further exploration regarding its adoption of restorative justice state-wide: the small size of the state, its mostly rural population, and its progressive leanings.

Through this capstone research examining restorative justice in the state of Vermont, I hope to present a clear case for how restorative processes, when implemented in ways that fit with a state's or community's unique particularities, can provide a powerful cultural shift in how communities address harm and conflict. I also aim to demonstrate a connection between the fields of peacebuilding/conflict transformation and social justice training.

Through my studies and degree focus at SIT Graduate Institute, I seek to draw a connection between peacebuilding/conflict transformation and training. My Master of Arts (MA) will be in Peacebuilding and Conflict Transformation while my capstone research will be linked to my training courses. I want to bring conflict transformation skills out of the knowledge-based realm and into hands-on, practical applications for training and practice. Through this research, I hope to put a road map and resource guide for restorative justice implementation into the hands of practitioners and trainers to implement in their own contexts.

As more people begin to recognize the problems inherent in the current U.S. criminal justice system, the importance of alternative, non-punitive approaches to crime grows, particularly as the United States continues to incarcerate large numbers of its population, including a disproportionate number of black and brown men. As communities and relationships continue to fracture, particularly during the 2016 election season and current presidency, building strong relationships in communities is especially pertinent, and, indeed, critical.

Restorative justice provides tools for communities to: address harm and crime in a holistic way that can benefit all members of the community; reconsider how we look at harm and wrongdoing; examine how a person's actions impact others and themselves; explore root causes of crime and harm, not just the crime or harm in and of itself; develop empathy and creative problem solving skills; and build strong community relationships. Now, more than ever, the

United States needs an alternative model to its approach to crime and wrongdoing and productive ways to build and repair broken relationships.

By examining restorative justice in the context of Vermont and Brattleboro, I aim to provide a solid foundation and case for the benefits and potential of restorative practices to strengthen and heal communities and relationships when implemented in ways that fit the context of those communities. Throughout this paper, I will use the term restorative practices to reference the myriad of tools and programs influenced by the philosophy of restorative justice and the term restorative justice as specific tools and programs related to the criminal justice system. I will also use the terms together in some instances.

Background

Restorative Justice: A Foundation

What causes someone to commit a crime? Where are victim's voices in the criminal justice system? What alternatives exist to punitive responses to crime? How can communities be accountable to and support one another after a crime is committed? The field of restorative justice seeks to answer these questions. As a victim-driven, community-based, relationship-centered process, restorative justice is an approach to harm and wrong-doing that focuses on who was harmed, how they were affected, and how reparations can be made.

At their core, restorative processes involve stakeholders sitting in circle to engage in truthful, accountability-based, heart to heart conversation about harm, the impacts of harm, and how the community and the offender respond to that harm. According to Howard Zehr, a founder of the restorative justice movement, "Restorative justice expands the circle of stakeholders [...] beyond just the government and the offending party to include those who have been directly victimized as well as community members" (Zehr, 2015, p. 21). Restorative justice scholar,

author, and professor John Braithwaite compares restorative justice to criminal justice in this way:

“Restorative justice is a relational form of justice for selecting problem-prevention strategies. It empowers stakeholders affected by putting the problem in the center of a circle of deliberation, rather than putting the person alleged to be responsible in the dock” (Braithwaite, 2014, p. 18).

The restorative justice movement began in the United States in the 1970s “as an effort to correct some of the weakness of the Western legal system while building on its strengths” (Zehr, 2015, p. 93). Founders of the movement held two main concerns with the legal system at the time: first, the lack of attention paid to the victim and their needs in a system that focused solely on how to punish the offender; and, second, the lack of accountability for the offender in recognizing and, if possible, repairing the harm committed. In contrast, “restorative justice encourages outcomes that promote responsibility, reparation, and healing for all” (Zehr, 2015, p. 42). In fact, some restorative justice scholars assert that restorative justice helps and empowers victims in greater ways than offenders. Braithwaite (2014) writes:

Restorative justice reduces victim fear, post-traumatic stress symptoms, victim anger, vengeance, feelings of personal safety, victim beliefs that victim rights have been violated, and their belief that justice has been done (Braithwaite, 2014, p. 21).

The grounding values of restorative justice can be summed up in three words: respect, responsibility, and relationship (Zehr, 2015, p. 79). Another way to look at restorative justice is as a wheel (Figure 1) with “putting right” wrongs and harms in the center and respect for all surrounding the wheel. The four inner quadrants describe how wrongs or harms will be put right:

“by focusing on harms and needs, by using inclusive, collaborative processes, by involving stakeholders, and by addressing obligations” (Zehr, 2015, p. 35).

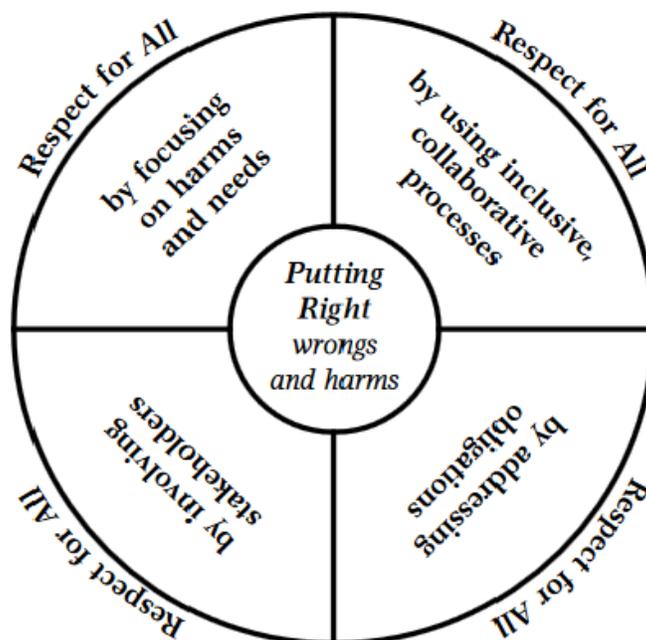


Figure 1

When looking at the traditional punitive criminal justice system and restorative justice principals side by side, the contrast is stark. In criminal justice, crime is a violation against the law and the state but in restorative justice crime is a violation of people and relationships. Criminal justice responses, then, are guilt-based and justice demands that the state determines blame and hands down a punishment. Restorative justice, on the other hand, is obligation-based and justice requires input from victims, offenders, and community members to make things right, to the extent possible. Thus, criminal justice is punishment-focused and restorative justice is relationship and reparation-focused (Reparative Training Manual, November 2016, p. 3).

But the impact and scope of restorative justice and restorative processes go beyond the justice system, as Braithwaite (2003) explains:

Restorative justice is not simply a way of reforming the criminal justice system; it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. Its vision is of a holistic change in the way we do justice in the world [italics added for emphasis] (Braithwaite, 2003, p. 1).

With ideals of inclusion, responsibility, and accountability, restorative justice provides hope and an alternative approach to dealing with harm and its impact on individuals and the larger community whether that community is a school, a workplace, or a town. Restorative justice and restorative processes may begin with an act of harm but that is only the pebble that initiates the ripples of a much larger conversation examining and seeking to repair intrapersonal, interpersonal, and communal relationships in a way that meets the needs of all involved.

Restorative justice is a framework grounded in community relationships and repairing tears in social fabric. By focusing on who was harmed, how they were harmed, and how amends can be made, restorative justice addresses both the effects and causes of crime. As a victim-driven process, restorative justice provides opportunities for victims of crime to participate in the process if they wish and asks the victim what they need from the process. Restorative justice practitioners ground themselves in the principles of respect, responsibility and relationship. While a similar set of principles and questions guide practitioners across the restorative justice world, my practicum and research taught me that, in practice, restorative processes can look different from community to community and program to program.

A History of Restorative Justice in Vermont

From the beginning, Vermont approached the implementation of restorative justice in a restorative, community-based way. In the 1980s and early 1990s, incarceration rates in the United States rose, due, in part, to the War on Drugs. Laws tightened and judges became tougher

on crime, criminalizing more behaviors, handing out more prison sentences, and lengthening those sentences. On the back end, prisons became more conservative on releasing parolees. In 1991, with growing prison population as a backdrop, Vermont, led by Commissioner of Vermont Department of Corrections (DOC), John F. Gorczyk, took a private-sector approach to remedying the problem (Gorczyk, J. & Perry, J., 1997, p. 1).

Vermont DOC (VDOC) saw its two main “products” as prisons and probations. It had new product ideas, such as home confinement, work crews, and community boards, to pilot and implement but, with the overcrowded prison crisis, it didn’t have time to test each one. So, moving forward with the private-sector approach, VDOC hired consultant John Doble to conduct market research in 1994. Doble Research, “a nonpartisan, public interest research firm that specializes in exploring the public’s thinking about complex policy issues before and after people learn more about them” (Green, J. & Doble, J., 2000, p. 2), randomly selected Vermonters from around the state to participate in focus groups. They followed up these groups with formal, twenty-minute phone interviews with more than 400 Vermonters (Gorczyk, J. & Perry, J., 1997, pp. 1-2). The results, according to Gorczyk and Perry (1997), “were promising, if a bit depressing” (Gorczyk, J. & Perry, J., 1997, p. 2): seventy-five percent of Vermonters thought the entire criminal justice system needed to be reformed and VDOC received an approval rating of thirty-seven percent (Gorczyk, J. & Perry, J., 1997, p. 2). Gorczyk and Perry (1997) admitted,

...after we got over our initial defensive response, we were able to see the encouraging response to the new products. It was by approaching the data in this way that we were able to obtain insight into how we might restructure the business of corrections (Gorczyk, J. & Perry, J., 1997, p. 2).

VDOC divided the research results into three categories of unmet needs: those of the offenders, those of the criminal justice system, and those of the Department of Corrections. They discovered some key things the public wanted: a reinstated social contract where the offender apologizes and makes amends; a restorative rather than retributive approach to justice where victim and community needs are attended to and the offender has opportunities to put their life on a better track; education and treatment for offenders through rehabilitative services; accountability and responsibility from offenders; truthfulness for the VDOC; more alternatives to prison; and, most surprising of all to the Department of Corrections, more public participation in the justice system (Gorczyk, J. & Perry, J., 1997, pp. 3-4). Gorczyk and Perry (1997) concluded:

These findings have driven our policy and planning. We have recognized that the company that is corrections exists within a market, and that this market has expectations for us, for our products and for the outcomes of our process. If we listen to the market, and focus on the market, we will discover that these expectations are not unreasonable; in fact, they are eminently reasonable, and make a lot of sense [italics added for emphasis] (Gorczyk, J. & Perry, J., 1997, p. 4).

VDOC implemented its biggest change through the creation of community reparative boards. Composed of trained community volunteers, reparative boards addressed low level crimes and had the power and authority to make decisions about punishment and supervision. Offenders who pled guilty met with the reparative boards to discuss how their crime affected the community, accept responsibility, and act to make things right. By May 1999, forty-four boards composed of over 300 Vermonters were up and running in the state (Green, J. & Doble, J., 2000, p. 2).

In March 2000, Vermont passed a state law under Title 28 VSA § 2a (Appendix A) designating that the criminal justice system incorporates restorative justice principles when responding to crime and those who commit crimes. The guiding principles of Vermont Department of Correction's Reparative Probation program are:

- (1) Crime is an offense against human relationships;
 - (2) Victims and the community are central to justice processes;
 - (3) The first priority of justice processes is to assist victims;
 - (4) The second priority is to restore the community, to the degree possible;
 - (5) The offender has personal responsibility to victims and to the community for crimes committed;
 - (6) Stakeholders share responsibilities for restorative justice through partnerships for action;
 - (7) The offender will develop improved competency and understanding as a result of the restorative justice experience
- (Dembinski, 2004, p. 1)

Five years after VDOC implemented the changes, it issued a follow-up study to assess how Vermonters felt about the new reparative board program as well as two other programs: diversion, where first time offenders could meet with a community-based board to have their record expunged, and furlough, where people returning to the community from prison enter a supervision period during the transition. While overall satisfaction with the justice system remained mixed, Vermonters' confidence in VDOC rose. The percentage of those who thought judges were doing a good job increased seven percentage points, as did the approval ratings for jails and prisons and probation and parole (Green, J. & Doble, J., 2000, p. 2). Vermont Department of Corrections had listened to its "customers", adjusted its products accordingly, and, thus, saw its customer ratings rise.

Restorative Justice at the Brattleboro Community Justice Center

One organization that takes the principles of restorative justice and puts them into practice is the Brattleboro Community Justice Center in southeastern Vermont. The Brattleboro Community Justice Center (BCJC), which opened its doors in 2001, is:

a community organization where citizens can work together to find ways to resolve conflict constructively, using primarily restorative principles and practices. The justice center supports this work by providing structured opportunities to victims, offenders, and other individuals or groups affected by harm or wrong-doing in the community to meet and communicate (Brattleboro Community Justice Center, 2016, p.1).

The BCJC, which is funded by a Vermont Agency of Human Services grant and the town of Brattleboro, works in partnership with the Vermont Department of Corrections to offer various alternatives to criminal or retributive justice including: Reparative Probation Panels, Prisoner Reentry/Circles of Support and Accountability (COSAs), Justice Alternatives (a pre-charge program), and mediation.

These programs fall on a restorative justice continuum and can take place before someone enters the criminal justice system, after they've been released from the criminal justice system, and at various points in between (Appendix B). The justice center is a member of the Community Justice Network of Vermont (CJNVT) along with nineteen other justice centers in the state. The CJNVT focuses on best practices, supporting member organizations, and providing opportunities for members to learn from one another "through education, outreach, legislative advocacy, data collection, program development, training, and technical assistance" (*Promoting a restorative approach*, 2016, p.1).

I worked at the Brattleboro Community Justice Center as a restorative justice intern for my practicum experience. Both my supervisor and the executive director made it clear that they

wanted to co-create the position with me in way where the justice center and I could both meet our needs. From the beginning of my practicum placement, the justice center staff expressed the importance of giving me freedom to work on projects that I desired and implement my ideas as well as do the work they needed me to do. This collaborative approach speaks to the nature of the BCJC's mission where people work together to co-create strategies, accountability, and solutions that meet the needs of all involved. The approach also speaks to values I espouse as a social justice trainer including equity, participatory collaboration, co-creating learning environments, and creative problem-solving that seeks to meet everyone's needs.

I am most familiar and worked most closely with the Reparative Probation Panel at the BCJC. The Reparative Panel "is a sentence from the court in which offenders meet with a panel of volunteers to discuss the impact of their crime and ways in which they can make fair and reasonable amends" (Reparative Probation, 2016, p. 1). Since restorative justice is rooted in responsibility and accountability, only those offenders who plead guilty to their charges in court can participate in the Reparative Panel. The process hinges on clients making amends for their actions and without the ability to admit those actions the process cannot be successful. However, this does not mean the client accepts full responsibility for the entire crime, only their part in it. Whereas the criminal justice system sees crime as cut and dry, restorative justice sees the complexities and recognizes that people can be offenders and victims and bystanders at the same time.

Each panel consists of four to six community members who have been trained in restorative justice and meet with the client four times over a ninety-day period, or, once a month for four months. The panel and client create a reparative contract (Appendix C) together to address who has been harmed, how they've been harmed, what needs to happen to repair the

harm, and how can the client keep themselves from re-offending in the future (Reparative Probation, 2016, p. 1).

Since the Reparative Panel process is victim-driven, the justice center reaches out to victims upon receiving a new referral. Victim participation is always optional and victims are invited to participate in a myriad of ways, including: asking questions of the offender, letting the offender know how they were affected, adding input to the reparative contract the offender creates with the panel, attending panel meetings, meeting directly with the offender, writing down what they would like to receive from the offender, or not participating at all (Reparative Probation, 2016, 1). If victims do participate, they will often do so by providing feedback with a BCJC staff member over the phone. The few times victims do come to a panel process and meet with the offender, the power and potential for healing are palpable.

The Reparative Panel, however, does not rely on the victim's participation and will continue regardless. Often, offenders will write symbolic letters to their victims, few of which the victims themselves receive unless the victim clearly states their openness and desire to receive a letter (see Appendix D for more examples of how offenders can make amends). Panelists find that the process of writing letters, even those with no receiver, enables offenders to reflect more deeply on the harm they committed and articulate what the offender thinks is important for the victim to know. These letters often include an apology (Appendix E) and promise to do better in the future.

Many of the BCJC's Reparative Probation Panel clients are lower income or homeless folks and often choose the Reparative Panel program to avoid court fines. This begs the question: are the panels only reaching a certain segment of the population, particularly those folks who have lower economic opportunities, when they could and should reach all people in the

community? To add to this issue, many of the panelists are highly educated, middle to upper middle income folks. These differences in identity and opportunity can cause discomfort between panelists and clients, particularly in an already uncomfortable situation of discussing a wrong the client committed to a room of strangers. Overall, panelists notice and try to work through the differences. For example, it is common among middle class people to ask what another person does for work yet some BCJC clients do not have jobs. Panelists recognized this difference and, instead of asking clients what they do for work, began asking what they enjoy doing or how they spend their time.

The BCJC also runs the Restorative Reentry Program, or Circles of Support and Accountability (COSA), which “works with individuals referred by the Department of Corrections, who have been convicted of a felony, and are serving at least a six-month sentence” (Prisoner Reentry/COSA, 2016, p.1). To participate in a COSA, a core member must “be returning to the Brattleboro area on Conditional Release, (furlough), be 18 years or older and agree to explore and acknowledge the impact of their past behavior on family, community, victim(s) and themselves” (Prisoner Reentry/COSA, 2016, p.1). Once accepted to the program, the core member creates a Reentry Plan with the director of the BCJC and their parole officer to address barriers to reentry, victim needs and safety, and expectations surrounding responsibility and accountability. The core member then meets with three to five trained community members weekly for up to a year to “support successful integration into the community, enhance community safety, hold the core members accountable for fulfilling the Reentry Plan, support core members to understand and address who has been affected by past criminal behavior and how” (Prisoner Reentry/COSA, 2016, p.1).

The Justice Alternatives Program “is a restorative justice program that takes place before any court process” (Justice Alternatives, 2016, p. 1) which is why BCJC staff often refer to it as the Pre-Charge program. Since the program intends to keep people out of the criminal justice system, it is only offered to people who have no previous convictions. The program processes various misdemeanor offenses including noise violations, disorderly conduct, petty larceny, home and neighborhood conflicts, and unlawful trespasses that do not involve residences. Using a community conferencing model led by a trained facilitator (at the BCJC it is usually the program coordinator), Justice Alternatives helps the individual “fully understand the harm resulting from the offense and to create an agreement to repair the harm” (Justice Alternatives, 2016, p. 1). Referrals can be made to the program directly or to the police by the State’s Attorney, police officers, families, agencies, business owners, churches, civic groups, and others (Justice Alternatives, 2016, p. 1).

Most of the BCJC’s programs depend on trained volunteers from the surrounding community to run them. Time and again, both the executive director and the program coordinator at the BCJC point to the over thirty-five volunteers as the ones who keep the organization going. These volunteers currently serve on seven different Reparative Panels every month and five different COSAs every week.

Even among the BCJC’s panels and circles, the methods differ. “There’s the ideal of what something is and then there’s the practice and that’s where we are,” says Jackie Trepanier, Program Coordinator at the Brattleboro Community Justice Center. The work is not always clear cut and each panel session, intake, circle process, or mediation provides an opportunity for creativity and collaboration, part of the beauty and the complexity of restorative processes. Where the criminal justice system delineates certain behaviors or decisions as right or wrong, or

good or bad, restorative processes recognize the gray area encompassing so much of what we do and who we are. Yes, there are the key questions which provide a recipe to follow but the needs and responses of each individual, each case, and each community depend on context and may look different given a different situation.

A process is restorative when grounded in the founding principles of restorative justice: respect, responsibility, and relationship. Again, there is no clear line here either. As Howard Zehr points out, a process can include both restorative and punitive measures at the same time. In fact, Zehr places responses to crime on a continuum, with fully restorative measures on one end and pseudo- or non-restorative on the other (Zehr, 2015, p. 70). Overall, restorative justice provides an alternative to the punitive justice system and an opportunity for communities to hold one another accountable and heal together and this is the messy and human work of the Brattleboro Community Justice Center.

Lessons from Restorative Justice Practitioners in Vermont

I learned a lot about restorative justice and restorative processes while working at the Brattleboro Community Justice Center and I want to hold up what I saw, experienced, and thought to what practitioners in the field see, experience, and think. During the month of January 2017, I interviewed seven restorative justice practitioners in Vermont: three from community justice centers (CJCs) and four from the Vermont Department of Corrections (VDOC). I conducted these interviews in-person, via Skype, or through a phone conversation. I chose interviewees based on the diversity of their roles at various levels within the CJCs and VDOC, previous in-person interactions, however brief, during my practicum at BCJC, and their location in or near southeastern Vermont. In other words, I chose interviewees based on established rapport, varied perspectives, and relative proximity and I recognize the subjectivity in those

choices. Each interviewee consented to me recording the interview and identifying them only by the organization for which they worked. I wanted to ensure respondents could speak freely without fear of identification or retribution. I transcribed and edited interviews for clarity and conciseness while doing my best to maintain the integrity and intention of the respondent and their words.

Due to the qualitative nature of this capstone research and the limited number of interviews conducted, this study is not meant to be representative but, rather, a snapshot of the work happening in Vermont's CJs and VDOC through the experiences, opinions, beliefs, and visions of practitioners within these organizations. In keeping with the values of listening to and trusting the experience of participants, I include many direct quotes from respondents, some of which I italicized for emphasis.

The respondents, who, combined, represent nearly 100 years working in restorative justice-related jobs in Vermont, entered the field through a variety of ways: mediation, working with at-risk youth, religion studies, social work, job training programs, social justice, teaching in Vermont prisons, alternative dispute resolution, community service, alternatives to incarceration work, and volunteering on reparative panels. In each interview, I asked respondents the following questions:

1. How did you become involved in the work that you do and restorative justice?
2. How do you define restorative justice?
3. What are the benefits and challenges of restorative justice?
4. What does Vermont do well in regards to restorative justice? What could it improve?
5. What particularities of Vermont allow restorative justice to work here?

6. What roles, if any, do Vermont's context, population, political climate, and/or geography play in the success or failures of restorative justice in the state?
7. What can the state of Vermont teach other states in regard to implementing state-wide, or large scale, restorative justice programs?
8. Given the current climate of criminal justice in the United States, what can restorative justice provide?

Defining Restorative Justice, the Benefits and Challenges:

Respondents defined restorative justice (RJ) as a relational, community-based process that hinges on taking responsibility, providing accountability, and making amends with those most affected in the center of the process. Some practitioners defined restorative justice as a set of principles, others as a set of programs, and others, such as Respondent D, "as a philosophy as well as a specific set of approaches informed by that philosophy." This community-based approach consists of looking at the positive gifts, the potential for growth, that conflict can bring and how the reparation of harm can strengthen communities. Respondents recognized the complexities restorative justice can surface in a punitive culture where we tend to look at things as either good or bad, right or wrong. Respondent D explained:

A lot of restorative justice gets down to multiple truths that, in a lot of these actual stories and situations, there's more than one story at play and there's more than one truth and one truth doesn't obviate the other. So, on a deeper level, restorative justice requires the ability to hold multiple narratives and not have to actually say, 'This is the truth and this is what has to happen but all these things are real. And it's real that you committed this offense and hurt this person and it's also real that all these other things are going on in

your life and that the community has responsibilities in general to you that maybe we need to [address].'

Respondents identified many potential benefits of restorative justice, including: giving both offenders and victims a voice, addressing conflict in a deeper and more meaningful way, setting community standards, transforming lives and relationships, allowing individuals to have efficacy, providing tools for healthy communication, shifting the focus onto people and their capacities, and connecting folks with functional people in the community who can help them. In a practical sense, restorative justice saves the state money, eases dockets and caseloads, deflects people from the traditional system, frees up the time of the judge, prosecuting attorney, and defense attorney, and can operate in conjunction with the criminal justice system. Restorative justice works because, as Respondent F described,

RJ is an individualized approach to justice [... that] allows resolution to come back to the people who have either caused the harm or been victimized so it takes it out of sort of a cookie cutter approach to justice and allows those most affected or impacted to be involved in the resolution.

However, restorative justice does not exist without its challenges. Respondents discussed the mindset shift restorative justice requires. In the broader U.S. culture, people are often disempowered to address conflict themselves, counting on the judge or the principal or the police to handle it for them, so they may not see the value of participating in a restorative process. This lack of involvement includes both offenders who may be reluctant to own their behavior as well as victims who may not see the value of participating and adding their critical voice. Respondent G named the challenge of people perceiving restorative justice as soft on crime and the considerable amount of trust traditional stakeholders in the system must put in outside parties,

particularly volunteers. Respondent D questioned the voluntary nature of restorative processes, stating that:

the prevailing thinking and practice within restorative justice is that it's predicated on a voluntary willingness to have victims and/or offenders or people responsible for harm participate [...] The very thing that gives restorative processes their transformational strength and capacity when we see it at work, also create exclusionary criteria to what situations are deemed appropriate for restorative justice [...] In some respects, a challenge for restorative justice is that it, in its desire to not do further harm, it may cut short some of its own potential.

Respondents overall, however, recognized the need for challenges as opportunities for growth and reevaluation.

Restorative Justice in Vermont: What Works, What Doesn't

Restorative justice works in Vermont because, as Respondent A stated, it's "embedded in the Department of Corrections so it's not this outside force coming in; [...] it's from within. [...] DOC has had some amazing people that know RJ and are RJ; they haven't been sold something." The DOC puts its money where its mouth is, prioritizing funding community justice centers in the state. Several respondents lauded Vermont's trailblazing efforts in restorative justice, dating back to the mid-1990s; Vermont is a national leader in the field. At the same time, Respondent C addressed the need for innovation: "*[Restorative justice has] been happening for a significant enough amount of time now that I think it's getting a little bit stale. We have to reevaluate what we're doing and how we're doing it and where we want to see it go because it can be applied to a lot more situations.*" Respondents listed other pieces Vermont does well: deflecting people out of the criminal justice system, helping people transition back into the community from prison,

dealing with lower level offenses relatively quickly and inexpensively, engaging volunteers and every day citizens in the process, and creating a larger umbrella organization, the Community Justice Network of Vermont, that sets standards and shares best practices.

Several respondents delved into the tension between the justice centers operating independently from one another and the Department of Corrections setting standards across the board. On one hand, giving justice centers the freedom to set their own models and standards allows them to creatively meet the needs of people in their town in ways that fit best. On the other hand, restorative justice programs can look vastly different from one justice center to the next without clear minimum standards in place. Respondents appreciated the freedom justice centers have but recognized the cost of that freedom and the need for some level of conformity in the state: “[*There needs to be the] ability for centers to exercise passion and creativity and freedom while maintaining continuity and clear best practices throughout,*” explained Respondent C. This tension reminded me of conversations in my Training of Trainers: Ethics course in which we discussed whether trainers should be certified or not, who gets to dictate standards for certification, and whether certification would dilute or negatively impact the work of social justice training by setting a one-size-fits all standard.

Practitioners named other areas of improvement for restorative justice in Vermont, including: marketing and spreading the word about restorative justice; using restorative practices more broadly and frequently such as applying it to more violent interpersonal crimes; allocating more time and resources for monitoring and evaluation; providing Circles of Support and Accountability for everyone who needs one; increasing victim services; addressing other problems clients face including homelessness, addiction, mental health, and poverty; spending more of the “after-the-fact” dollars on early education and social services; addressing conflict

within the justice centers and justice center network in restorative ways; and involving more employers and shopkeepers in the restorative process.

Restorative Justice in Vermont: Why it Works, Why it Doesn't

Time and again, respondents named the people of Vermont as a key to why restorative justice works in the state. Vermonters tend to be open to new ideas, which some respondents attributed to the more liberal leanings of the state, including Respondent C who explained that, “Being liberal and progressive and open to new ideas is something that is very Vermont-esque.” Respondent A described Vermont as a “rebel state” with a strong history of activism. Respondent F named the commitment to community and civic engagement in Vermont and Respondent D noted Vermonters’ willingness to engage and give their time through volunteering. Vermonters tend to be interconnected with a strong sense of community; they see themselves as part of a social contract and leverage their small degrees of separation.

In part, this communal nature derives itself from the state’s size: “*We're a small state, we've got small towns, we play to the strengths of our geography and the preexisting levels of connectedness within our communities,*” explained Respondent D. The small scale of the state and its government allows Vermont to implement state-wide programs with a relatively modest budget; the economy of scale enables Vermont to do things at a state level that other states could only do at a county or town level. The government, legislature, and agency heads willingly invest in restorative justice through both their time and money.

Politically, “*Vermont is an interesting mix and blend of liberal and conservative, not ubiquitous in any way,*” stated Respondent A. Several respondents recognized the uniqueness of Vermont electing a Republican governor and a Democratic majority in the state House and Senate. As Respondent G described, “*We just elected a Republican governor who is very vocal*

about his displeasure of the new president. And we elected him at the same time that we elected a very liberal Democrat as the lieutenant governor; those were both intentional things.” It is not uncommon in Vermont for one party to control the governorship and the other party the House and Senate and for both parties to work across party lines.

Respondents recognized that some of Vermont’s particularities that allow restorative justice to work well in the state can also inhibit it. The small state contains lots of rural communities and the lack of good public transportation makes it difficult for folks to make it to their Reparative Panel meetings, especially if they are living in poverty. The justice centers see many clients who cannot afford to pay the fine in court: “That’s one of the worst things we’re doing is that we are putting only people who are living in poverty through this process,” explained Respondent C. Which is another issue respondents noted, the large wealth disparity in Vermont. Several respondents wished the state had the resources and budget to fund a community justice center, or at least a Reparative Panel, in every town to counter the transportation issues. Another issue with the rural nature of the state is balancing the desire to be local with the reality of what the state can provide. Respondent F explained:

There’s a desire to deliver services locally but an entire county or service area as defined might be a very large geographic region. So how do you reach all those locales? Because if one of the desires is to keep RJ local, where do you draw those lines? When is it still local?

Several respondents noted the older, white population in Vermont as a potential inhibitor and raised several questions: how can Vermont retain more young people? How will Vermont address a potential oncoming race struggle as the state becomes more diverse? Do younger, lower income panelists feel like our mostly older, retired volunteers are their peers? Respondents

did not have answers to these questions but recognized the importance of wrestling with them. Respondents also named the challenge that the future of restorative justice in Vermont hinges on whether State's Attorneys and other key stakeholders within the criminal justice system will continue using it and whether those in government and legislature will continue to fund it.

Looking Back: Lessons from Vermont to Other States and Communities

Most respondents stressed the importance of buy-in from key stakeholders, such as judges and State's Attorneys, for restorative justice to work. "We can teach prosecutors that prosecutors can survive doing this. Our prosecutors are elected, they're not at any great risk of losing their positions because of doing this 'liberal nonsense,'" expressed Respondent G. Along with buy-in, respondents reiterated that restorative justice must start small, from the bottom up, not implemented from the top down. As Respondent F said, "*You have to start really small and [in places] where there is already good relationships and trust. [...] Look where the natural relationships and strong programs and services are. [...] You can't just buy these programs pre-packaged and implement them.*" In other words, the process needs to come from the community and be restorative from the beginning.

Several respondents stressed the need for consistent, quality trainings that set good standards and procedures and prepare volunteers for any situation they may face with clients. Respondent B identified the need for restorative processes in classrooms, starting in pre-school, so people are familiar with the model and the culture can begin to shift its thinking. While some respondents expressed discomfort with creating buy-in by showing restorative justice can save money, they recognized that saving money can be the entry point for some stakeholders.

Looking Forward: What Restorative Justice Can Provide

Originally, I asked practitioners what restorative justice can provide in the current criminal justice climate but the question morphed over time to what restorative justice can provide in the current national climate given the divisiveness of the recent presidential election. Several respondents noted that the criminal justice climate is changing as more news coverage shows the problems with high incarceration rates, the prison industrial complex where private prisons make money by keeping beds filled, and school to prison pipeline where problem students are funneled out of schools and into the criminal justice system. People are learning that, “*generally, caging people will turn them into animals when they weren't to start with,*” expressed Respondent B. In contrast to the current system and culture, Respondent F concluded:

Restorative justice has the chance to empower more individuals to take responsibility and empowers individuals to support others who are struggling in a way that's not just punitive. Which is, in some ways, not the way the predominant culture operates. [...] A really popular way of dealing with things now [is] blame, shame, lock up and move on and it's all done. But RJ requires you to dig in and do all the work. And really trust that people have value and can move on from bad things they've done if they want to, if they're supported, if they're connected.

On a broader level, respondents recognized and reiterated that restorative justice can provide a framework for having difficult conversations and model something different than what's going on nationally. Respondent E noted that restorative justice in general allow people to “find links to what we have in common instead of what we have separating us and give us the ability to talk to each other about that and in a humane and respectful way.” Other practitioners agreed that restorative processes can help people find and focus on their commonalities instead of the things that separate them, stop seeing people as the “other”, and engage in civil discourse

in a humane and respectful way. Indeed, when it comes to civil discourse, “restorative practices may be the best way to weather the storm we are in,” Respondent B noted. Respondent D agreed:

There has been no better time for restorative justice in the United States than right now because, at their heart, what restorative processes do is they require people to engage, they set up spaces where we can no longer ‘other’ people because they're there in the room and we have to take whatever pre-conceived notions and pre-held prejudices and biases and narratives and we have to now have them confronted by our actual, real experience of an individual who we ascribe to those larger stereotypes and beliefs. And that's peacebuilding. [...] The amazing thing about conflict is that that's what it does, it brings people into contact that they would have otherwise chosen not to have, probably. But in doing so it allows people to sort of see some new truths in all directions.

And Respondent C added:

Once you start thinking about one thing from an RJ lens, you start thinking about all the things in your life through an RJ lens. It's really, it's a set of principles that you adopt; it's not a program...I think the more we can just help people think about how to live with compassion and unconditional love that's what it's about. The more people who are just aware that there are choices in who we get to be and how we get to be in the world.

In summary, according to practitioners in the field, restorative justice is best implemented and sustained when it starts at a local level, with buy-in from various stakeholders in the justice system and community. In Vermont, restorative justice works because people are invested and active in their communities. However, the rural nature of the state, combined with poor public transportation and pockets of poverty, can inhibit the scope and potential of restorative

processes. Practitioners in the field of restorative justice in Vermont see restorative processes as perhaps the best hope for the United States given the current divisive climate.

My Reflections as a Social Justice Trainer

The more interviews I conducted, the more excited and invigorated I became about the potential of restorative justice and restorative practices to strengthen and build relationships, bridge divides, and create respectful, vibrant communities. I had many “Aha!” moments when something a respondent said connected directly with my experience at the Brattleboro Community Justice Center or my personal beliefs about restorative justice. Through this capstone process, I further solidified my passion for and hope in restorative justice and found myself deeply connecting to Vermont and its people.

Restorative justice, to me, is a process rooted in respect and shared humanity where community members join in circle to support one another, listen to one another, hold each other responsible, and work to create a more healed community together. Restorative processes change the way we think about harm and wrongdoing by focusing on the affected relationships, the underlying needs of all involved, and the responsibility we have to one another as members of the same community. Through restorative justice and restorative practices, people who committed harm become emboldened to take ownership of their lives and their behaviors and people affected by harm feel heard and supported and realize they could be in the same situation as the next person given a different set of circumstances.

While my lived experience in Vermont is limited to Brattleboro and my professional experience in restorative justice in Vermont is limited to the Brattleboro Community Justice Center, I resonated with many practitioner responses about why restorative justice works or doesn't work in Vermont. Perhaps most important, in my view, is Vermont's size. Due to its

smallness, Vermont can implement state-wide programs more easily and with less financial and human resources than other states. The size also enables directors from each of the twenty restorative justice centers to meet in person once a month, a feat that could only happen a few times a year in larger states. Vermont and its communities play to the strengths of its size and take pride in it, another strength of Vermont. Vermonters tend to care about their communities and their state and are generally proud to be rebels in trying new initiatives and breaking new ground. I like to characterize it as being “unapologetically Vermont.”

Vermont’s political landscape also lends itself to growing and nurturing restorative justice. For all its progressive leanings, Vermont’s legislature tends to be politically mixed. After the 2016 election, Vermonters elected a Republican governor with a Democratic majority in the House and Senate. This speaks to the fact that Vermonters can hold multiple positions and truths at once, an important tenant of restorative justice. Vermonters also realize the importance of local elections and involve themselves in local politics to create the kind of state they envision and desire.

Yet with all the benefits Vermont’s smallness affords it, there are also challenges. Vermont is a rural state whose largest town, Burlington, boasts less than 50,000 residents. Many towns have less than 10,000 residents, some of whom live off dirt roads and cannot easily walk into town. This remoteness makes it difficult for folks to attend restorative justice meetings, especially if they are also looking for work or a place to live and do not have access to a car. Thankfully, certain places in Vermont, like Brattleboro, have town buses but even those do not run as frequently or as far as some people need. I noticed the difficulties with public transit and other issues that come with living in a rural state and was encouraged to see that restorative justice practitioners noticed them too and yearned to do something about them.

Overall, I commend Vermont on its trailblazing efforts in establishing restorative justice programs at a state level and, at the same time, I agree with practitioners who say that is not enough. Vermonters proudly tout their state's efforts in implementing restorative justice and that is something to be proud of but there is still so much room for growth and innovation and the practitioners I interviewed recognize that. The challenge now for Vermont lies in how restorative justice practitioners address key issues and keep blazing new trails in their efforts to truly make Vermont an RJ state. Vermont is at the crux of remaining stagnant or breaking new ground in true Vermont fashion.

Connecting the Dots: Lessons from a Trainer's Lens

As mentioned in the introduction to this capstone paper, I focused my practicum and capstone project on the connections between the fields of peacebuilding and social justice training. One way to connect the two fields is to situate my training and peacebuilding work within a social justice framework, as discussed in the SIT course, Training of Trainers: Ethics. The course focused on ethical implications of power dynamics in learning environments and how cultural assumptions, biases, and norms shape and impact both trainers and learners. In a social justice framework:

[...] social justice is both a process and a goal. The goal of social justice is full and equal participation of all groups in a society that is mutually shaped to meet their needs. Social justice includes a vision of society in which the distribution of resources is equitable and all members are physically and psychologically safe and secure. [...] Social justice involves social actors who have a sense of their own agency as well as a sense of social responsibility toward and with others, their society, and the broader world in which they live [italics added for emphasis] (Bell, 2007, p. 2).

The key tenants of a social justice framework are: *power with* (not “power-over”), democracy, full participation, inclusivity, affirmations, mutual understanding, shared responsibility, and inclusive decision-making (Bell, 2007, p. 2). Therefore, applying a social justice framework to a community-based, restorative process that seeks to repair harm and relationships through meeting the needs of the most affected, sharing understanding, providing a safe and secure place where the client can develop their own agency, and creating a sense of responsibility to one another and the community makes sense to me.

Restorative processes, particularly the Reparative Panels run by the Brattleboro Community Justice Center in Vermont, place value on clients and community members coming to the table as equal members of the community. The community members are not there to provide the answers or to “fix” the client but to help the client come to their own conclusions and solutions in a supported, facilitated space. Many clients assume the restorative justice process operates out of the same “power-over” model in which the traditional criminal justice system operates. Some come to the first panel meeting saying, “Tell me what I have to do,” or asking, “Where should I do my community service?” A power differential marks the space from the beginning: the volunteers chose to participate while the client is required to participate either as a condition of probation or a court consequence. The fact that the panelists, to a large degree, get to decide whether the client successfully completes or fails the program adds to the complexities of this power dynamic. And, as interview respondents noted, there are other power differentials at play such as race, poverty, mental health, addiction, and socio-economic status.

In such a contested, complex environment, how can panelists create an equitable space where the voices of the client (offender), the victim, and the community have equal power and merit and the client is empowered and trusted to create their solutions and own their learning?

And how can panelists address the power differentials in four meetings with one client, especially when the main task of the panel is to address one incident (crime) in a person's life? How are panelists enabling clients to have a sense of agency? How can we use a social justice framework in a space with clear imposed and covert power differentials? These are deep questions and I do not suggest that panelists need to, or even can, address them all thoroughly but incorporating a social justice framework can inform the work and keep these important questions at the front of people's minds.

As a trainer, I am guided by the importance of recognizing context and ensuring that the work I do fits within the context in which I am doing it. To me, a training that is not context-specific and context-driven is not only inappropriate, it is borderline unethical. I recall a training I developed during my Training of Trainers: Ethics course in which I focused on the context of community leaders in West Philadelphia. It did not strike me until presenting my hour-long defense of the training in front of my peers that my training design imposed my values, desires, and privilege on a community that I had only lived in several years.

For my training to be ethical, appropriate, and well-received, I needed to develop it in conjunction with local trainers who were more familiar with the context and culture of West Philadelphia than myself. I also had to consider the possibility that I should not even be part of planning such a training at all. Likewise, communities and states interested in establishing restorative justice programs can look to the state of Vermont for lessons, ideas, and inspiration but, in the end, the push must begin from stakeholders within the community who understand the context and particularities and, therefore, can procure the buy-in needed and ensure the programs' longevity.

Conclusion and Recommendation

If I continue to work in the field of restorative justice (particularly at a community justice center in Vermont) as a social justice trainer, I would broaden the scope of the work. Most of the Brattleboro Community Justice Center's funding goes to running the Reparative Panels and the Circles of Support and Accountability but I would like to see more community mediation, more circle process in the community around community issues, more trainings for volunteers and community members, and more opportunities for the community to experience the hope and power of restorative processes. Certainly, broadening the scope requires more time, energy, and commitment from staff and volunteers but, in the case of the Brattleboro Community Justice Center, which has a newly restructured, active board and many committed volunteers, the work is definitely possible.

Throughout my time at the Brattleboro Community Justice Center and during my interviews, people told me their vision for the future of restorative justice and BCJC is to create a community where everyone knows about restorative justice. As one volunteer said at a recent meeting, "My dream is to no longer have to explain what restorative justice is." I echo that desire. As I move forward in the fields of peacebuilding and training, I envision communities where restorative processes are the norm, community members are invested in one another, and children grow up addressing harm and hurt in restorative ways from pre-school on. I envision communities strengthened and empowered by the hope and power of restorative processes to address conflicts in healthy, open ways, and engage in the difficult communication and vulnerability work restorative processes require.

Revisiting and Reflecting on Guiding Principles

After completing this capstone project, I reflected on the guiding principles that ground my work as a trainer and a peacebuilder:

- Conflict is a natural, inevitable part of life and can lead to profound personal growth and stronger relationships;
- Every individual has value and autonomy and can generate their own solutions to problems;
- Humanity, at its essence, is about connection and relationship—with other humans and non-human nature. Healing broken connections and relationships is at the heart of peacebuilding—the stronger and healthier our communities and relationships, the stronger and healthier we are as human beings;
- Not all conflict can be resolved but all conflict can be transformed;
- Approach training from a social justice perspective where experiential learning and co-creating learning environments are the foundation.

Revisiting these guiding principles after completing my practicum and capstone project in restorative justice, I find the principles to be even more salient and grounding. In fact, it seems as if I wrote them after this practicum experience, not before. My practicum and capstone project further solidified and affirmed the principles that guide me and embolden me to continue in this field. It is clearer to me now that the heart of peacebuilding and social justice is about connection, relationship, and healing brokenness which is the root of restorative justice work.

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Appendix A

Vermont Statutes

Title 28 : Public Institutions And Corrections

Chapter 001 : Purposes, Construction, And General Definitions

(Cite as: 28 V.S.A. § 2a)

§ 2a. Restorative justice

(a) State policy. It is the policy of this State that principles of restorative justice be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses, and how the State responds to persons who are in contempt of child support orders. The policy goal is a community response to a person's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing. Policy objectives are to:

- (1) Resolve conflicts and disputes by means of a nonadversarial community process.
- (2) Repair damage caused by criminal acts to communities in which they occur, and to address wrongs inflicted on individual victims.
- (3) Reduce the risk of an offender committing a more serious crime in the future, that would require a more intensive and more costly sanction, such as incarceration.

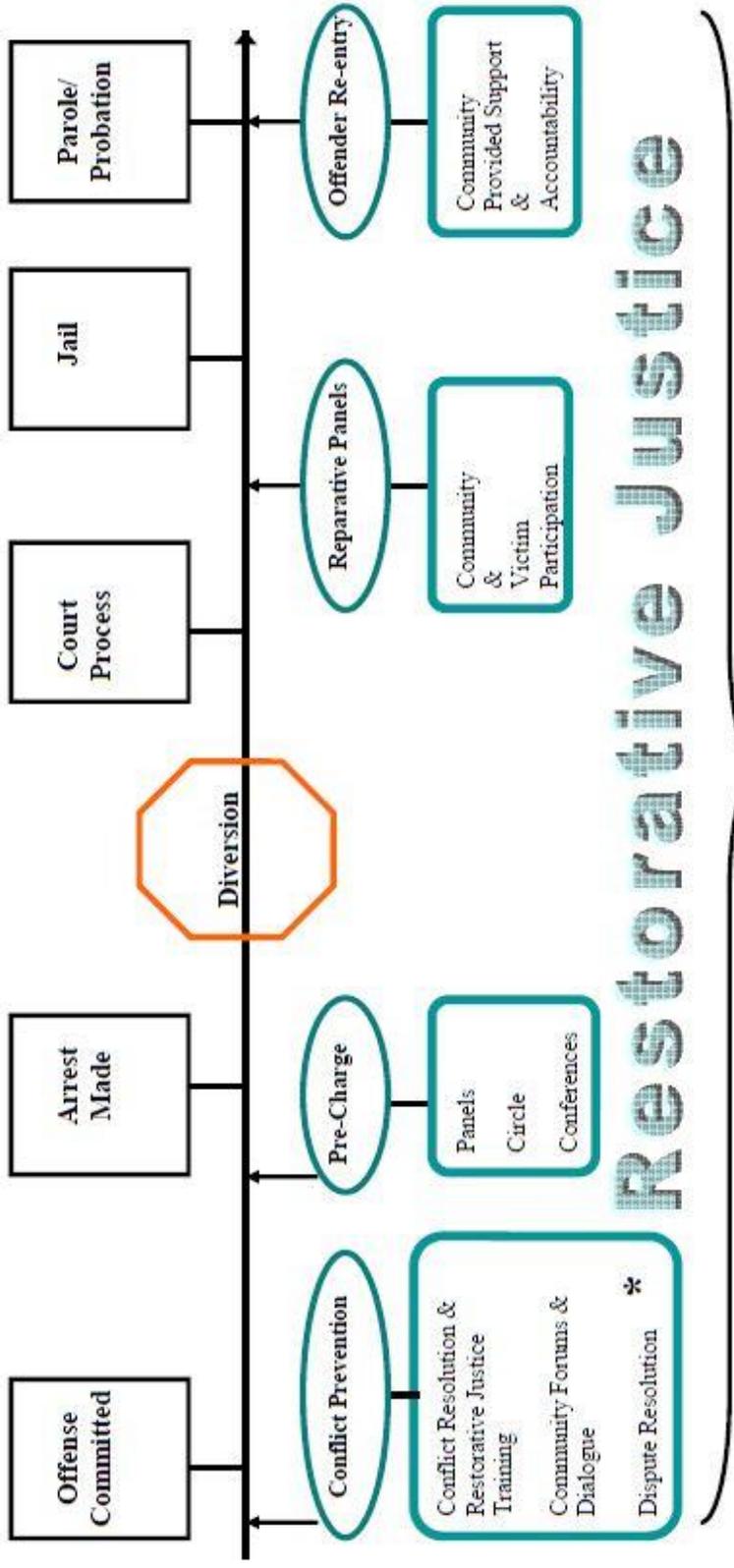
(b) Implementation. It is the intent of the General Assembly that law enforcement officials develop and employ restorative justice approaches whenever feasible and responsive to specific criminal acts, pursuant to 3 V.S.A. §§ 163 and 164, concerning court diversion, 13 V.S.A. chapter 221, concerning sentencing, and the provisions of this title, concerning persons in the custody of the Commissioner of Corrections. It is the further intent of the General Assembly that such restorative justice programs be designed to encourage participation by local community members, including victims, when they so choose, as well as public officials, in holding offenders accountable for damage caused to communities and victims, and in restoring offenders to the law-abiding community, through activities:

- (1) Which require offenders to:
 - (A) acknowledge wrongdoing and apologize to victims;
 - (B) make restitution for damage to the victims, consistent with provisions of 13 V.S.A. chapter 221 and of this title;
 - (C) make reparation for damage to the community by fulfilling a community service; and
 - (D) when relevant, successfully complete treatment addressing the offense or other underlying problematic behavior, or undertake academic or vocational training or other self-improving activity.
- (2) Which aid in the recovery of victims, recognizing that victims, particularly of violent crime, often suffer lifelong effects and, accordingly, must feel safe and involved in any program offered to assist them.
- (3) Which help in identifying the causes of crime and ways community members and municipal and State government can reduce or prevent crime in the future. (Added 1999, No. 148 (Adj. Sess.), § 62, eff. May 24, 2000; amended 2011, No. 119 (Adj. Sess.), § 8.)

Appendix B

Vermont Community Restorative Justice Continuum

Criminal Justice



* Throughout Continuum

Appendix C

Reparative Board Agreement

On _____, I _____ met with the Brattleboro Reparative Panel. I understand that I am participating in this reparative process to satisfy court imposed probation conditions for the offense of _____.

I understand that the panel expects me to think about and act on the following topics:

1. Who was affected/harmed by my actions?
2. What do I need to do to find out how they were impacted?
3. What needs do they have as a result of my actions?
4. What can I do to make amends?
5. What can I do to avoid re-offending?

In consideration of these expectations, I will complete the following activities:

Initial Meeting _____ (date) _____ Responsible Party _____ Rep
Panelist

2nd Meeting _____ (date) _____ Responsible Party
_____ Rep Panelist

3rd Meeting _____ (date) _____ Responsible Party _____
Rep Panelist

I know that completing the activities in this contract and attending panels are required. I understand that non-completion of this agreement will result in the Reparative Panel notifying my probation officer and may lead to a violation of probation charge. I know that completion of this contract may not satisfy all probation conditions and that other conditions ordered by the court, such as payment of fines, will be monitored by my probation officer.

I understand and agree with the activities and conditions in this agreement.

Responsible Party date Reparative Panel Representative Date

Affected Party date Affected Party Date

Who Harmed/Impacted	How Harmed/Impacted	How to Make Amends

Appendix D

Sample Agreement Activities for Reparative Panels Brattleboro Community Justice Center

*Assume that you would also specify that the offender would either bring **written** letters/notes/documentation/etc. to the following meeting; **OR** be **prepared to discuss** activity/thoughts/etc. at the following meeting or some such **specificity***

'Reflective/Cerebral' Activities:

- **Answer Rubric Questions:** who affected, how affected, how to make amends
- **Write letters** to affected parties (explain, apologize, why it won't happen again)
- **Ask** parent/partner/other **how** they were affected - report back to panel
- **Ask** if parent/partner has **suggestions** for (making things right, reestablishing trust, sharing information, communicating better)
- **Write** your own obituary
- **Track and summarize** Police **Roundup**
- **Brainstorm and list** ways to (manage anger/etc.)
- Document/write down **motivations** (other than probation) to not get in trouble
- **Research laws** around (i.e. sex offender registry laws, gun laws)
- **Letter to self** (of x months ago) - what you would do differently
- **Itemize all costs** of x offense (put in writing)
- Write a **letter of appreciation**
- **Write your thoughts** (on how going to jail impacted your life)
- Write a **letter to the editor**
- **Brainstorm** ways the reparative panel process can most benefit you (for people charged with offenses that may not necessarily be fair; or for offenders who have done a lot of personal work between the time of the crime and seeing the panel)
- **Write** about where you would like to see yourself **6 months and a year from now**
- **Research** a (local) **organization that has a mission** you believe in or that you would be interested in volunteering for
- **List 10 things you do well** (can be categories of personal and/or professionally); may post it at home/work; read each day (boosts confidence and pride; unblocks old patterns)
- **Fill out a Safe Driving Plan** (used in the Safe Driving class)

'DOING' Activities:

- **Interview** someone at Rescue Inc.
- **Pick up trash** (in commuter parking lot each week, other)
- **Find** an activity and join/do (dance, bingo, book club, genealogy club, etc.)
- **Meet with a job counselor**
- **Attend DUI Victim Impact Panel**
- **Contact** your child's Guidance Counselor/Teacher
- **Be responsible:** call BCJC with updated, reliable contact info, be on time
- **Community Service** hours at a place of your (i.e. **Mom's**) **choice**
- Put your "promise not to lash out/relapse/drink & drive" **on the fridge**
- **Cook a meal** (for food pantry, etc.)

- **Rent video** *Moment in time* and takes notes on what you learned from it
- **Read** (a book/article, etc.)
- **Offer to do chores/** yard work (for parent/neighbor/spouse)
- **Volunteer time** at an organization related to your crime (ie: the Humane Society for someone with an animal cruelty charge)
- Do a **ride along with a police officer**

Substance Abuse

- **Attend Safe Driving Program**
- After **attending Safe Driving Program** continue adding to who/how affected column and add any thought/impressions from SDP that will help you to not drink and drive
- **Make a list** of the benefits of not drinking OR list how not drinking has affected relevant others
- Come up with a solid **Personal Safety Plan/Relapse Prevention Plan** (to explain how you will avoid drinking in the future)
- **Create** business style cards to give friends whom you would offer a free ride when they need a designated driver
- **Clip DWI articles from newspaper** for one month and write a summary of your impressions
- **Write down alternatives** to drinking and driving
- **List** what's **most challenging** about *not drinking*

Appendix E

Anatomy of an Apology

5 things to think about when making an effective apology

This is a suggested GUIDELINE – not a required form to follow. You should write only what is meaningful and accurate to you.

1. Describe the harm, so that the person receiving the letter knows you understand how much they were hurt by your action.
2. Take responsibility for the action and its consequences.
3. Explain why the incident happened- what were you thinking at that moment and why?
4. When you explain why the incident happened, follow up with why it won't happen again. What will you do differently?
5. Offer remorse, and reparation. What can you do to make the person feel better?