

Reparative versus Standard Probation: Community Justice Outcomes

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EXECUTIVE SUMMARY

The purpose of this investigation is to assess the relative merits of reparative versus standard probation for the reduction in criminal re-offending. Data provided by the Vermont Department of Corrections, which included information from all fourteen Vermont District Courts, formed the basis for the analysis. All court convictions (n=34,471 dockets) for misdemeanor charges sentenced and remanded to the Vermont Department of Corrections for probation supervision for the years 1998-2005 were initially analyzed. To examine differential outcomes of standard versus reparative probation over a five-year period, the analysis utilizes complete data for 9,078 offenders sentenced for misdemeanor crimes to either standard or reparative probation during the years 1998-2000. This cohort of probationers was tracked for five years from the point of placement on probation to determine the probability of a new conviction either during or following the probationary period.

The findings show that:

- Age, gender, prior record, current offense (property and other misdemeanor violations), and length of probationary period are significantly related to recidivism.
- Being placed on reparative versus standard probation significantly decreases the likelihood of a new conviction both while on probation and after the completion of a probationary sentence. More specifically, being placed on reparative probation versus standard probation decreases the odds of a new conviction during probation (relative to no new conviction) by 23%.
- The odds of a new conviction after probation (relative to no new conviction) are reduced by 12% for reparative versus standard probationers.
- Reparative probationers (compared to standard probationers) are significantly less likely to commit a new offense while on probation and during the five-year period following the imposition of the original probationary sentence holding constant the effects of the probationer's age, gender, prior record, type of offense (property, drug, motor vehicle and other), and length of probationary period.
- That is, probationers who are younger, male, property offenders, recidivists, and those serving longer probationary sentences are significantly more likely to commit a new offense while on probation and following the end of their probation period. However, offenders with these risk factors who are placed on reparative versus standard probation are significantly less likely either to commit a new offense while on probation or during the five year period following the imposition of the original probationary sentence.

INTRODUCTION

The purpose of this investigation is to assess the efficacy of reparative probation as implemented in the State of Vermont for the reduction of recidivism compared to standard probation strategies. In 1998, Vermont's was one of ten national recipients of the Innovation in American Government award sponsored by the Ford Foundation in collaboration with Harvard University's Kennedy School of Government and the Council for Excellence in Government for instituting its reparative probationary program. Reparative probation, founded on the principles of restorative justice, holds that when criminal offenders are required to make direct amends to the community and to their victims for their harmful acts, they are less likely to re-offend. As a result of the reparative probation approach, the ideal is that the community has been restored; victims have been compensated; and the offenders have realized the far-reaching consequences of their criminal behavior.

From the inception of its reparative probation program, the Vermont Department of Corrections began gathering detailed data on all offenders who either were placed on reparative probation or supervised in more traditional standard probation programs. The present study provides analyses of the outcomes of reparative versus standard probation cases remanded to the Vermont Department of Corrections for probation supervision for the three-year period, 1998-2000. Because complete data were available through the calendar year 2005, we were able to analyze recidivism during two time frames:

1) during the period the offender was on probation, and 2) over five years from the point of the offender's placement on probation.

Advocates of restorative justice have offered compelling arguments for its adoption as a viable alternative to traditional criminal justice approaches to community justice. However, little empirical evidence is available to buttress the theoretical arguments for reparative probation. The present study provides clear empirical support for the efficacy of Vermont's reparative probation initiative.

Probation in Vermont

Probation in Vermont is the suspension by the court of the imposition of a sentence, contingent on the offender abiding by conditions of behavior, to “ensure that the offender will lead a law abiding life or assist him to do so.”¹ These conditions must include the possibility of probation revocation following the commission of another crime. There are 15 other standard conditions in the statute that may be added. These conditions range from “work faithfully at a suitable employment” to “refrain from purchasing or owning a firearm” to “undergo available medical or psychiatric treatment.” The Vermont General Assembly in 2000 added a standard condition “participate in the restorative justice program operated by a community reparative board.” District Courts in Vermont have added another dozen conditions to the menu including prohibiting the use of alcohol, not being in the presence of minors, participating in specific treatment programs, and the like. In addition, the judge may impose specific other conditions deemed appropriate.

Probation, then, is not strictly a sentence, but rather, a contract between the court and the offender. In return for agreeing to abide by the conditions, the court suspends the

¹ Vermont Statutes, Annotated, Title 28, Section 252, Conditions of Probation.

sentence. The underlying sentence itself can be of any length prescribed by law for the crime, and is held in abeyance contingent upon the compliance with conditions.

The sentence can be suspended in all or in part, with part to serve, followed by probation (a “split” sentence). The term of probation can be indefinite, at the pleasure of the court, or at the petition for termination by the probation officer. Recently, the Vermont General Assembly has required the court to set a specific term of probation for misdemeanor convictions and for non-violent felony convictions, absent a finding of need for indefinite supervision.

The supervision of the offender’s compliance with the conditions varies with the risk presented by the offender and the level of complexity of the conditions. In practice, there are three forms of probation in Vermont. The first, and by population the largest, is standard probation. In general this is a fully suspended sentence, with the probation warrant containing the “standard” conditions. The second, in caseload size, is risk management probation, containing sex offenders, domestic violence offenders, or offenders with multiple convictions, risk factors, or management issues. Third is reparative probation, generally with minimal conditions other than compliance with the contract reached with the community board.

Of course, most offenders in the caseload are not convicted of only one charge. Nearly all are the result of plea agreements on multiple charges, which result in convictions each of which has a different sentence. It is entirely possible for an offender to have a reparative sentence for a bad check charge, traditional probation for a retail theft, and a split term of 60 days in jail followed by a 1-year term of probation for a domestic assault.

PRIOR RESEARCH

Studies of criminal justice outcome typically find that age, gender, earlier criminal record, current offense, marginal employment status, low income and being unmarried are among the most predictive variables for re-offending (MacKenzie et al., 1999; MacKenzie, 2000; Morgan, 1996; Robinson, 2001; Sims & Jones, 1997).

Conversely, being married, employed, a high school graduate or above, and length and quality of supervision are associated with successful probation outcomes (Morgan, 1995).

Analyses of probation outcomes with adults and young offenders in the United States point to variable recidivism rates ranging from estimates as high as 65% (Petersilia et al., 1985) to a low of 18% (Vito, 1986). In Michigan, researchers (Maxwell, Gray, & Bynum, 1999) report that recidivism rates vary considerably across jurisdictions in the state. Overall, about a quarter of the probationers in this study had no violations during a 30-month follow-up study. Most of the violations for the remaining 75% are for “minor” reasons that “typically did not involve a formal sanction such as a revocation hearing” (p. 9). A majority of the violations are for failure to report to the probation officer or non-participation in mandatory treatment. Only 13% of the violations are for committing a new crime. The findings prompt the researchers to warn that analyses of recidivism should take into account the capacity of probationers to successfully meet the conditions of probation. In particular, they note that 40% of those revoked in the study were for failure to report for drug and alcohol screens. They speculate that an order to get regular screens creates difficulties for probationers who have low or no incomes and that ethnicity probably masked many of these types of hardships in their study. The study

underscores the need for plans to be customized or rationalized around the individual case and to have flexible decision-making processes in place to review incidents and progress.

Another large study of felony probationers in Illinois (Adams et al., 2002), reports that just under 15% of probationers had their sentence revoked due to either a new crime or technical violation. However, more than half of the revocations resulted in the imposition of a prison sentence. The study further shows marked interrelationships among successful engagement in treatment, payment of ordered financial conditions and either finding or maintaining employment. Over half the probationers in this study had previous experience with the criminal justice system.

Vermont's Reparative Boards

Vermont first implemented the reparative probation condition option in 1995, with a view to involving communities in the justice process while at the same time addressing the needs of crime victims, restoring communities, and encouraging offenders to take responsibility for their behavior (Karp & Drakulich, 2004). Boyes-Watson (2004) points out that the Vermont program “is one of the earliest and most extensive statewide restorative initiatives in the United States” (p. 687). The design and motivation for the program emerged largely in response to escalating uses of incarceration in the state (Perry & Gorczyk, 1997) and only later was characterized as an example of restorative justice. The commitment to developing collaborative practices between professionals and partnerships with community and consumer groups has a long history in the Vermont (Comerford & Burford, 2002). The emergence of reparative boards was consistent with other community-centered developments that were emerging in the state in the late 1980s

and early 1990s in partnerships between the state government's Agency of Human Services—of which the Department of Corrections is a part—and local communities (Hogan, 1999; Mitchell, 2001; Perry, 1999). The program has enjoyed bi-partisan and senior government support through transitions in governors, Secretaries of the Agency of Human Services and Commissioners of Corrections. The somewhat unusual role of the Department of Corrections in spearheading the changes is noted as unique in the country. The use of volunteer community boards has been widely recognized as an innovative example of restorative justice and has drawn considerable attention of researchers, policy makers and public and community interest groups (De Pommereau, 1997; Dooley, 1996; Boyes-Watson, 2004; Goodenough, 1997; Immarigeon, 1997; Perry, 1997, undated; Reno, 1997; Scott, 1996). In 1998, the Ford Foundation's Innovations in Government Award was awarded to the state in recognition of its work on reparative probation. Numerous board programs serving young offenders have been set up across the United States using community boards (Schiff et al., 2001) and many of these cite Vermont's innovative program and leadership.

The reparative probation program provided that upon conviction of a minor, nonviolent crime, offenders may be sentenced to probation with the condition that they appear before a reparative board composed of trained citizen volunteers. The board, the offender and the victim, should they choose to attend, and other invited persons who have been affected by the crime, meet and, when successful, negotiate an agreement in which the offender agrees to complete a number of tasks during the probationary period. These agreements include tasks intended to help the offender better understand the harmful consequences of their behavior, repair the harm done to the victim and restore

the community to its pre-crime state. The agreements are intended to be developed around a strategy aimed at reducing re-offending.

Tasks in the agreements frequently include letters of apology to the victim, restitution, community service and activities aimed at developing needed competencies (Karp & Drakulich, 2004). If an offender fails to meet the terms of the agreement, he or she is in violation of their probation and will return to the court (Karp, Sprayregen, & Drakulich, 2002). More detailed descriptions of program features can be found in Dembenki (2003, 2004); Dooley (1996); Karp (2002); Karp & Walther (2001); Perry & Gorczyk (1997); and Walther & Perry (1997).

Studies of Vermont's reparative probation boards have shed positive light on the practice that well fits the demographics and other characteristics of the state. Karp and Drakulich (2004) studied a sample of reparative cases that terminated in the year 2000 (n=245). Using a content analysis of case files and surveys of victims and community service sites to provide what they termed as a "Baseline of Programmatic Outcomes" they rated the boards highly in achieving their program goals. They report considerable success for board's efforts to recruit and maintain large volunteer pools and in actively involving these volunteers in the processes that result in sanctioning decisions. Furthermore, their examination of the sanctions utilized reveals that offenders tend to comply with the obligations stated in the contracts, that is, they fulfill the requirements (81% successfully completed reparative probation), and report satisfaction with their own involvement in the process. This latter point is, according to Braithwaite (2002), a crucial feature leading to the success of restorative justice programs. Additionally, as another indication of both community involvement and support, representatives from sites where

the offenders carried out their service obligations report high levels of satisfaction with the program and support its continuation.

The Karp and Drakulich study does raise questions about the reluctance of victims to participate in the Reparative Probation program (e.g., about 1 in 10 victims are directly involved) and in the reporting of weak links to effective correctional programming. On the first point, the findings need further study to determine the extent to which increased victim involvement could be expected to impact the process or the outcomes. Based solely on the low involvement of victims in the process, the Boards would appear to be failing in their goal of addressing victims' needs. However, most cases dealt with by the boards are so-called 'victimless' crimes (e.g., drunk-driving, under-age drinking). Of the little data available for comparison, it would appear that some other 'board' models have relatively low victim involvement as well (Karp and Drakulich, 2004).

Interestingly, in Vermont the researchers find no statistically significant differences between the satisfaction levels of victims who participated in the meeting of the board addressing the crime against them and those who did not. They did, however, report that victims who, for whatever reasons, had not been asked if they wanted to be involved, were more dissatisfied than others including those who had been invited but chose not to attend the meeting. This combination of findings led the researchers to speculate that the option to participate is as important to victims, or perhaps more important, than whether they actually attend the meeting. When victims reported frustration, and it was in a small number of cases that they did so, it tended to be about having either not received an apology when they expected one or having received what they perceived to be an insincere apology. For some victims, this was more important

than whether they received material reparation and tends to confirm Braithwaite's (2002) finding that symbolic repair accomplished through the reconciliation of emotions and healing is at least as important as material restitution for harm done. Karp and Drakulich estimated that about one-third of reparative probationers were rearrested within one year of their board meeting with most of those rearrested being for Driving While Intoxicated and various other driving offenses (e.g., suspended license which was associated with a prior DWI) and other drinking infractions including underage drinking. Perhaps the level of victim involvement, with the exceptions noted having to do with ensuring that all victims are given the opportunity to participate, well fits the design of the model in Vermont and greater involvement of victims would not make a difference.

Other research certainly provokes interest in exploring further the ways that the repair of harm to victims and their inclusion could be fostered. The research by Maxwell et al., (2004) on the results of the use of family group conferences with young offenders in New Zealand shows that when the victim is present at the conference the plan for the offender is more likely to be reparative (e.g., doing something to repair the harm done) than prescriptive (e.g., a curfew). McCold's research (2003) and arguments (2004) provoke further interest in involving victims.

The second point, having to do with few probationers being referred to treatment services, raises questions about the limitations of "board" models. Karp and Drakulich (2004) note that reparative boards are less concerned with referring probationers to treatment programs, in fact, board members did not regard this as a significant component of the program. Board members are typically not trained to assess the treatment needs of offenders, nor do they have the time to explore therapeutic options.

In another study of Vermont's reparative boards, Karp (2001, 2002), provides a qualitative analysis of 58 videotapes of reparative board meetings. He reports that for the most part, the boards successfully carrying out their work, including the assignment to service work sites, with the offender feeling respected in the process. There is a general sense that the process is not punitive. Again, this is associated with successful outcomes in restorative justice programs even where the very process is geared to engage the offender in the creation of a plan designed to monitor their own compliance (Braithwaite, 2002).

While most meetings result in a contract specifying tasks to be carried out relative to the repair of harm, a minority are the result of the board laying on expectations in the absence of agreement and "resorting to punitive outcomes that conflict with the overarching philosophy of the program" (p. 661). Roche (2003) raised concerns about the propensity of some boards to take on a vigilante character and Boyes-Watson (2004) raised concerns about some boards or members becoming 'preachy' but this would seem to be a minority of boards or individuals. Roche (2003) argues for specific kinds of accountability to be built into restorative justice programs to counterbalance these and other types of potential abuses.

Other research carried out in Vermont tends to support the idea that people in the state tend to identify strongly with the values behind the conceptualization of the reparative boards (Gorczyk & Perry, 1997). This widespread support facilitates the efforts to recruit and sustain volunteers to serve on boards and to locate sites where offenders can work.

Restorative Justice: Results

Whether we call responses to criminal matters rehabilitation, restoration, or diversion, we are inevitably led back to the question of whether the offenders commit further crimes. Any consideration of recidivism must be set alongside the usual considerations of re-arrest, recharging, reconviction and re-sentencing. Restorative justice proponents have raised consciousness of the limitations of over focusing on these admittedly complex dimensions and argued for the added considerations of reducing court involvement, increasing community involvement in responding to crime, the value to society of healing for crime victims and the promotion of safety, finding alternatives to incarceration especially ones that are less costly, promoting competencies in offenders that will increase their access to pro-social networks of relationships whether or not these deficiencies (e.g., education, leisure and recreational pursuits) can be clearly associated with the causes of their criminal behavior, and access to needed and specific evidence-based treatments that are associated with reducing future offending behavior (c.f. Cullen & Gendreau, 2000). At a minimum, restorative justice programs must demonstrate that they do not increase recidivism over other choices.

Latimer, Dowden & Muise (2005) carried out a meta-analytic review of studies on the effectiveness of restorative justice practices. They report statistically significant effects on recidivism in favor of restorative justice programs over traditional sentencing options. Research in New Zealand with adults and juveniles (Maxwell & Morris, 2006, 2001; Maxwell, Kingi, Robertson, & Morris, 2004; Maxwell, Morris, & Anderson, 1999) on the use of board and family group conferences offers convincing evidence for the continued development of these approaches and some of the richest evidence and

descriptions of the ingredients of successful meetings including the perception of repair on the part of victims. The evidence that many victims want to participate in such meetings and that satisfaction rates are high for participating victims has been demonstrated in these and other studies (McCold, 2003; Newburn et al., 2002).

METHODS

Data provided by the Vermont Department of Corrections, which included information from all fourteen Vermont District Courts, formed the basis for this analysis of reparative versus standard probation. All court convictions (n=34,471 dockets) for misdemeanor charges sentenced and remanded to the Vermont Department of Corrections for probation supervision for the years 1998-2005 were initially analyzed. Individual probationers, identified by a unique probationer identification number, were represented in multiple dockets either for multiple charges on the same probation sentence or for multiple probation sentences during the time frame. This multi-layered data file was restructured (i.e., duplicate probationer identification numbers were combined into one case) by sentence year resulting in a set of fixed and time-varying covariates (i.e., sentence, closed, and new conviction dates) for each unique probationer sentenced to probation between 1998 and 2005 (n=20,280).

To examine differential outcomes of standard versus reparative probation over a five-year period, this analysis utilizes complete data for 9,078 misdemeanor offenders sentenced to either standard or reparative probation during the years 1998-2000. This cohort of probationers was tracked for five years from the point of placement on probation to determine the probability of a new conviction either during or following the

probationary period. In order to best isolate the effects of probation type—reparative or standard—on recidivism, probationers sentenced to both standard and reparative probation at some point during the time frame were not included in the analysis. Additional information on this group of probationers can be found in Appendix A.

Measures

The dependent variable for this analysis is a three-category variable based on whether the probationer is convicted of a new offense and whether this new offense is committed during the course of probation or after probation completion. Thus, the dependent variable is constructed as follows: 1) no new offense, 2) new offense during the probationary period, and 3) new offense following the probationary period. This particular variable allows for the simultaneous comparison of probation outcome (i.e., success/failure) and recidivism for standard probationers and those sent to a reparative board. Dates of probation closure and next conviction were used to construct this variable. Probationers whose next conviction date was prior to their probation closure date were categorized as “new conviction during probation.” In contrast, probationers whose next conviction date was after their probation close date were considered “new conviction after probation.” The three categories comprising the dependent variable include: probationers with no new conviction (reference category), probationers with a new conviction during probation, and probationers with a new conviction after probation.

Central to this analysis is the effect of probation type (standard versus reparative) on probation outcomes. Probation type is represented by a dichotomous variable (reparative probationers=1). In addition to probation type, two important demographic variables, consistently identified in the research literature as predictive of crime and

recidivism, are controlled for in the analysis. These include two demographic variables—age (years) and gender male=1—a dichotomous variable indicating a record of prior misdemeanor convictions, and type of current offense (drug, property, motor vehicle, and other²). Selection for participation in reparative probation may well be influenced by age and gender, prior criminality, and current offense; therefore, it is important to control their effects in the analysis. Because the dependent variable encompasses new convictions during the probation sentence, it is also necessary to control for length of probation stay (days). Probationers with longer lengths of stay would have a greater opportunity for re-offending during this time.

Analytic Strategy

The multiple responses of the dependent variable lend itself to multinomial logistic regression. Multinomial logistic regression is similar to logistic regression for binary outcomes. In multinomial regression, binary logits (i.e., odds, odds ratios) are simultaneously computed for all comparisons among the categories of the dependent variable. Using the conventional J-1 comparisons, the following comparisons are made: no new convictions versus new conviction during probation, and no new convictions versus new conviction after probation. Regressions were estimated using the Stata 8.2 software package. Results from the fully specified regression model are presented and discussed below.

² Includes: Disorderly conduct, Prohibited acts, Disturbing the Peace, Violations of Conditions, Alcohol Possession, Negligent Operation, and similar misdemeanor violations

RESULTS

Table 1 shows descriptive statistics for the 9,078 probationers sentenced to either standard or reparative conditions. Reparative probationers represented approximately a quarter of probationers (26.4%) sentenced during the time frame. The mean age of probationers at the time of sentencing was 30 years. Reparative probationers were significantly younger than standard probationers (27.9 versus 31.3 years; $p < .001$). In addition, probationers were predominately male (78%), and nearly half (49.9%) possessed a record of prior misdemeanor convictions. Reparative probationers were significantly less likely to have prior record than standard probationers (39.2% versus 53.8%; $p < .001$). Over half of probationers' current offenses consisted of motor vehicle violations (52.4%), followed by the category other (25.6%), property offenses (17.1%), and drug offenses (4.9%). Reparative probationers were over-represented among property offenders and those sentenced for other offenses, and under-represented among drug and motor vehicle offenses. Overall, probationers in Vermont spent an average of 568 days on probation. Length of stay for the average reparative probationer was 438 days, significantly less than the average 614 days for standard probationers ($p < .001$).

A little over half of the probationers (50.3%) had no new conviction. A significantly greater percentage of reparative probationers fell into this outcome category as compared to standard probations (54.1% versus 49.0%; $p < .001$). Nearly a quarter of the probationers were convicted of new offenses prior to completing probation (24.9%). A similar percentage of probationers were convicted of a new offense following probation (24.8%). Reparative probationers were significantly less likely to have new conviction during probation than standard probationers (19.8% versus 26.7%; $p < .001$).

At the bivariate level of analysis, no significant differences were found for new convictions after probation among standard probationers and those who appeared before a reparative board.

Table 2 presents the results of the multinomial logistic regression analysis. In the first comparison (no new offense versus new offense during probation), nearly all the independent predictors are significant. Age, gender, prior record, current offense (property and other), and length of stay are significant. Most importantly, however, probation type has a negative and highly significant effect on outcome. Reparative probationers are significantly less likely to commit a new offense while on probation than standard probationers ($p < .001$). Being placed on Reparative Probation versus Standard Probation decreases the odds of a new conviction during probation (relative to no new conviction) by 23%.

In the second comparison (no new offense versus new offense after probation), once more nearly all the independent predictors are significant. Age, gender, prior record, current offense (property), and length of stay are again all significant. Similarly, the relationship between probation type and outcome is negative and significant. Reparative probationers are significantly less likely to have a new conviction following probation closure than standard probationers ($p < .05$). The odds of a new conviction after probation (relative to no new conviction) are reduced by 12% for reparative versus standard probationers.

The effect of probation type on probation outcomes is further explored in Table 3. Holding other variables at their means, the predicted probability of a new conviction both during and after probation for the average probationer is approximately .23. As shown in

Table 3, for reparative probationers the probability of a new conviction decreases to .198 during probation and to .227 after probation. Similar decreases are not found among standard probationers. These predicted probabilities provide additional evidence that being placed on reparative probation does indeed positively affect probation outcome.

CONCLUSIONS AND POLICY IMPLICATIONS

Reparative probation, as implemented in Vermont, is found to significantly reduce the likelihood of subsequent criminal offending compared to more traditional standard probation practices. Offenders who are assigned exclusively to a reparative probation program are significantly less apt to commit another offense during the five-year period following their initial placement in the program. The odds of reparative probationers committing another criminal offense during their probationary period are significantly less than for standard probationers. In addition, reparative probationers are significantly less likely to engage in further criminal behavior following the termination of their probation. This marked disparity in recidivism between reparative and standard probation is maintained when holding constant the well-documented risk factors of age, gender, prior record, current offense, and length of probationary period.

The findings provide clear support for the efficacy of reparative probation as a viable alternative to correctional strategies based on retributive or rigorously supervisory models of offender management. Vermont's reparative probation program is designed to involve the offender in the process of restoring to the victim and community at large that which has been taken away by their criminal actions. The offenders' realization of the

impact of their offending on their victims and the larger community serves to personalize their actions and, as a consequence, deter them from further criminal behavior.

Evidence-based criminal justice policies and practices are widely recognized as the ideal for policy-makers and planners. The present study provides substantial support for the development of correctional policies and practices based on the principles of restorative justice. Vermont's reparative probation program, intended for low-risk, first time, non-violent offenders, is a model for criminal justice professionals interested in developing, implementing, and maintaining restorative justice-based policies and practices governing the increasing volume of minor offenders who do not constitute a public safety risk. A reassessment of the merits of the retributive approach for the reduction in recidivism among low-risk offenders under the supervision of the criminal justice system and thereafter seems warranted. A promising strategy for the reduction in recidivism among low-risk offenders is to integrate, as closely as possible, the principles of restorative justice into community justice policies and practices.

Table 1: Descriptive Statistics
Vermont Department of Corrections 1998-2000 Probation Cohorts

	Standard Probation (n=6682)	Reparative Board (n=2396)	Total (n=9078)	Sig.
<i>All probationers</i>	73.6%	26.4%	100.0%	
<i>Demographics</i>				
Age at sentence date (years)	31.3	27.9	30.4	<i>p <.001</i>
% Male	80.7%	73.3%	78.0%	<i>p <.001</i>
<i>Prior Criminality</i>				
Prior Misdemeanor Convictions	53.8%	39.2%	49.9%	<i>p <.001</i>
<i>Current Offense Type</i>				
Drug	5.3%	3.7%	4.9%	<i>p <.01</i>
Property	16.3%	19.3%	17.1%	<i>p <.001</i>
Motor Vehicle	55.4%	44.1%	52.4%	<i>p <.001</i>
Other	23.0%	32.9%	25.6%	<i>p <.001</i>
Length of Stay (days)	614.7	438.3	568.1	<i>p <.001</i>
<i>Probation Outcome</i>				
Recidivism: New Conviction				
None	49.0%	54.1%	50.3%	<i>p <.001</i>
During Probation	26.7%	19.8%	24.9%	<i>p <.001</i>
After Probation	24.4%	26.1%	24.8%	<i>N.S.</i>

Table 2: Multinomial Logistic Regression Results Predicting Recidivism (n=9078)

	New Offense During Probation ^a (n=2257)		New Offense After Probation ^a (n=2254)	
	<i>b</i> (SE)	<i>Odds Ratio</i>	<i>b</i> (SE)	<i>Odds Ratio</i>
Age (years)	-.046*** (.003)	.96	-.027*** (.003)	.97
Male	.459*** (.07)	1.58	.331*** (.07)	1.39
Prior Record	1.252*** (.06)	3.50	.950*** (.06)	2.59
<i>Current Offense^b</i>				
Property Offense	.456*** (.08)	1.58	.233** (.08)	1.26
Drug Offense	.135 (.13)	1.15	-.042 (.13)	.96
Other Offense	.191** (.07)	1.21	.024 (.07)	1.03
Length of Stay (days)	.001*** (.000)	1.00	-.001*** (.000)	.99
<i>Probation Type</i>				
Reparative Board	-.260*** (.07)	.77	-.127* (.06)	.88
Intercept		-2.041***		-.862***
-2Log Likelihood		16674.60 (df=16)***		
McFadden's R ²		.11		

^aNo New Offense is the Reference Category.

^bMotor Vehicle Offense is the Reference Category

*p <.05; **p <.01; ***p <.001 (two-tailed test)

Table 3: Predicted Probabilities of New Conviction for Standard and Reparative Probationers*

	Predicted Probability	
	<u>Standard Probation</u>	<u>Reparative Board</u>
<i>New Conviction:</i>		
None	.528	.575
During Probationary Period	.236	.198
After Probationary Period	.237	.227

*holding constant age, gender, prior record, current offense, and length of stay

APPENDIX A

APPENDIX A: Supplemental Analysis of Excluded Probationers

The present analysis includes 9,078 misdemeanor probationers sentenced to either standard or reparative probation between the years 1998-2000. Because of the confounding effects of mixed probationary experiences, probationers sentenced to both reparative and standard probation (n=294) during this time frame were not included in the analysis. By focusing on the probationers who were either solely on reparative or standard probation, we were able to isolate the effects of probation type on the probability of a new conviction. The results of the analysis indicated that being placed on reparative rather than standard probation significantly decreases the likelihood of a new conviction while on probation and following the completion of a probation sentence.

Descriptive statistics for offenders with mixed probationary experiences are presented in Table 4. A comparison of excluded and included probationers evidences two important differences. First, excluded probationers are significantly younger than those included in the analysis (mean age 24 versus 30 years; $p < .001$). Second, nearly all the probationers excluded from the analysis (99%) had a prior misdemeanor record. In comparison, about half as many probationers included in the analysis had prior records (49.9%).

Overall, these comparisons suggest that chronic offenders who have had multiple probation sentences represent a high risk group for community supervision. Reparative probation was not originally intended for chronic offenders, but for first time, low risk, misdemeanants. However, the dampening effect of reparative probation on the further criminality of certain chronic offenders is an area for further research.

Table 4:
Descriptive Statistics: Vermont Department of Corrections 1998, 1999, and 2000 Probation Cohorts
Probationers Excluded from Analysis (n=294) versus Probationers Included in Analysis (n=9078)

	Standard Probation (n=98)	Reparative Board (n=196)	Total Excluded (n=294)	Standard Probation (n=6682)	Reparative Board (n=2396)	Total Included (n=9078)	<i>Sig.</i>
<i>Excluded & Included Probationers</i>	33.3%	66.7%	100.0%	73.6%	26.4%	100.0%	
<i>Demographics</i>							
Age at sentence date (years)	25.9	24.0	24.7	31.3	27.9	30.4	*
% Male	82.0%	75.0%	77.0%	80.7%	73.3%	78.0%	
<i>Prior Criminality</i>							
Prior Misdemeanor Convictions	99.0%	99.0%	99.0%	53.8%	39.2%	49.9%	*
<i>Current Offense Type</i>							
Drug	7.1%	3.6%	4.8%	5.3%	3.7%	4.9%	
Property	20.4%	23.1%	22.5%	16.3%	19.3%	17.1%	
Motor Vehicle	39.8%	36.4%	37.4%	55.4%	44.1%	52.4%	*
Other	32.7%	36.9%	35.4%	23.0%	32.9%	25.6%	
Length of Stay (days)	665.2	527.5	570.2	614.7	438.3	568.1	
<i>Probation Outcome</i>							
Recidivism: New Conviction							
None	5.1%	4.1%	4.1%	49.0%	54.1%	50.3%	*
During Probation	64.3%	61.2%	62.5%	26.7%	19.8%	24.9%	*
After Probation	30.6%	34.7%	33.4%	24.4%	26.1%	24.8%	*

REFERENCES

- Adams, S. B., Olson, D. E., & Adkins, R. (2002, March). Results from the 2000 Illinois adult probation outcome study. Last Retrieved on September 3, 2006:
<http://www.icjia.state.il.us/public/pdf/ResearchReports/2000Probation%20Outcome%20Study.pdf>
- Boyes-Watson, C. (2004). The value of citizen participation in restorative/community justice: Lessons from Vermont. Criminology and Public Policy, 3, 687-692.
- Braithwaite, J. (2002). Restorative justice and responsive regulation. New York: Oxford.
- Comerford, S., & Burford, G. (2002, March). Community by community: Strengthening Vermont's youth justice system through collaboration. Burlington, VT: University of Vermont, Department of Social Work.
- Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. In J. Horney (Ed.), Policies, processes and decisions in the criminal justice system. Washington, DC: National Institute of Corrections.
- Dembenski, J. P. (2003/04). Restorative justice: Vermont State Policy. The Vermont Bar Journal, Winter, 39-45.
- Dembenski, J. P. (2004, Spring). Restorative justice in Vermont: Part II. The Vermont Bar Journal, 49-53.
- De Pommereau, I. (1997, Summer). In the heart of a community. Vermont Life, 60 – 63.
- Dooley, M., (1996). Restorative justice in Vermont: A work in progress. In E. Barajas (Ed.), Community justice: Striving for safe, secure, and just communities (pp. 31-36). Washington, D.C.: National Institute of Corrections.
- Goodenough, O. (1997, April 12). Biology, behavior, and criminal law. Vermont Law School. 4.
- Gorczyk, J. F., & Perry, J. G. (1997, December). What the public wants: Market research finds support for restorative justice. Corrections Today, 78-83.
- Hogan, C. (1999). Vermont Communities Count: Using results to Strengthen Services for Families and Children. The Annie E. Casey Foundation.
<http://www.aecf.org/publications/vermont.pdf>

Immarigeon, R. (1997, Sept/Oct). Probation and domestic violence: New parameters, model practices. Community Corrections Report on Law and Corrections Practice, 4(6), 91-94.

Karp, D. (2001). Harm and repair: Observing restorative justice in Vermont. Justice Quarterly, 18, 727-757.

Karp, D. R. (2002). The offender/community encounter: Stakeholder involvement in the Vermont community reparative boards. In D. R. Karp & T. R. Clear (Eds.), What is community justice? Case studies of restorative justice and community supervision (pp. 61-86). Thousand Oaks, CA: Sage Publications

Karp, D. R., & Drakulich, K. M. (2004). Minor crime in a quaint setting: Practices, outcomes, and limits of Vermont reparative probation boards. Criminology & Public Policy, 3(4), 655-686.

Karp, D. R., Sprayregen, M., & Drakulich, K. M. (2002, May). Vermont reparative probation year 2000 outcome evaluation final report. Last Retrieved September 3, 2006 http://www.skidmore.edu/~dkarp/Karp%20Vitae_files/VT%20Reparative%20Evaluation.pdf#search=%22david%20karp%20vermont%20reparative%20board%22

Karp, D. R., & Walther, L. (2001). Community reparative boards in Vermont. In G. Bazemore & M. Schiff (Eds.), Restorative community justice: Repairing harm and transforming communities (pp. 199-218). Cincinnati, OH: Anderson.

Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of restorative justice practices: A meta-analysis. The Prison Journal, 85, 127-144.

MacKenzie, D. (2000, Oct). Evidence-based corrections: Identifying what works. Crime and Delinquency, 46(4),457-471.

MacKenzie, D. L. Browning, K., Skroban, S. B., & Smith, D. A. (1999). The impact of probation on the criminal activities of offenders. Journal of Research in Crime and Delinquency, 36, 423-454.

Maxwell, G., & Morris, A. (2006). Youth justice in New Zealand: Restorative justice in practice? Journal of Social Issues, 62(2), 239-258.

Maxwell, G., Kingi, V., Robertson, J., & Morris, A. (2004). Achieving effective outcomes in youth justice: Final report to the Ministry of Social Development. Wellington, NZ: Ministry of Social Development.

Maxwell, G., Morris, A., & Anderson, T. (1999). Community panel adult pre-trial diversion: Supplementary evaluation. Wellington, NZ: Institute of Criminology, Victoria University of Wellington.

Maxwell, S. R., Gray, M. K., & Bynum, T. (1999, August). Probationer recidivism in Michigan: A collaborative study between the school of criminal justice and the Michigan department of corrections. School of Criminal Justice, Michigan State University. Last Retrieved on September 3, 2006: <http://www.ippsr.msu.edu/Publications/ARMaxwell.pdf>

McCold, P. (2004). Paradigm muddle: The threat to restorative justice posed by its merger with community justice. Contemporary Justice Review, 7(1): 13-35.

McCold, P. (2003). An experiment in police-based restorative justice: The Bethlehem (PA) project. Policy, Practice and Research, 4(4), 379-390

Mitchell, C. (2001). Outcome-based planning: State partner and local communities working together to improve the well-being of all Vermonters. State Team for Children, Families and Individuals. Waterbury, VT: State of Vermont, Agency of Human Services.

Morgan, K.D. (1995). Variables associated with successful probation completion. Journal of Offender Rehabilitation, 22(3/4), 141–53.

Morgan, K.D. (1996). Factors influencing probation outcome: A review of the Literature. In T. Ellsworth (Ed.), Contemporary community corrections (pp. 327–40). Prospect Heights, IL: Waveland Press.

Newburn, T. Crawford, A., Earle, R. Goldie, S., Hale, C., Masters, G., Netten, A., Saunders, R., Hallam, A., Sharpe, K., & Uglow, S. (2002). The introduction of referral orders into the youth justice system: Final report. London: Home Office.

Perry, J. (1997). Reciprocity, and criminal justice using epigenetics rules to design a program. Vermont Law Review, 22, 407 – 423.

Perry, J. G. (1999). Corrections. In M. Sherman (Ed), Vermont State Government since 1965 (pp. 273-296). Burlington, VT: Center for Research on Vermont, University of Vermont & The Snelling Center

Perry, J. (undated). Community-tailored sentences: Creative penalties for non-violent offenders. Governing: Innovations in American Government. Author.

Perry, J. G., & Gorczyk, J. F., (1997). Restructuring corrections: Using market research in Vermont. Corrections Management Quarterly, 1, 26-35.

Petersilia, J., & Turner, S. Kahan, J. Petersen, J. (1985). Granting felons probation: Public risks and alternatives. R-3186-NIJ The Rand Corporation.

Reno, J. (1997, August). Regaining public confidence. State Government News, Publication of the Council of State Governments, 16-19.

Robinson, G. (2001, August). Power, knowledge, and 'what works' in probation. The Howard Journal, 40(3), 235-254.

Roche, Declan. *Accountability in Restorative Justice*. Oxford University Press, 2003.

Schiff, M., Bazemore, G., & Erbe, C. (2001). Tracking restorative justice decisionmaking in the response to youth crime: The prevalence of youth conferencing in the United States. Ft. Lauderdale: The Community Justice Institute, Florida Atlantic University.

Scott, M. J. (1996, October). Righting wrongs. State Government News, Publication of the Council of State Governments October, 17-21.

Sims, B., & Jones, M. (1997). Predicting success or failure on probation: Factors associated with felony probation outcome. Crime & Delinquency, 43(3), 314-327.

Sontheimer, H., & Goodstein, L. (1993). Evaluation of juvenile intensive aftercare probation: Aftercare versus system response effects. Justice Quarterly, 10(2), 197-227.

Vito, G. F. (1986). Felony probation and recidivism: Replication and response. Federal Probation, 50, 17-25.

Walther, L., & Perry, J. (1997). The Vermont reparative probation program. ICCA Journal on Community Corrections, 8, 26-34.