

ABSTRACT

Title of thesis: COMMUNITY TOLERANCE OF COMMUNITY-BASED REPARATIVE BOARDS IN VERMONT: A CLOSER LOOK AT COMMUNITY MEMBERS' TOLLERANCE OF OFFENSE TYPES

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Many people support harsh punishments for convicted offenders. Similarly there are large amounts of political resistance to any criminal justice policies that appear to be soft on crime. On the surface this is a self perpetuating circle, but when community views are probed it becomes clear they are much more complex. This article looks at respondents views on community-based reparative boards in Vermont. In particular, this study assesses their views on which offenders should go to such boards and the effects individual characteristics and victimization can have these opinions. Views were measured through a combination of frequency charts and ordinary least squares regressions. They show that people have widely varied views on which offenders should be referred to reparative boards. Consistent with previous research, victimization status does not appear to effect respondent's support for reparative boards.

COMMUNITY TOLLERANCE OF COMMUNITY-BASED REPARATIVE BOARDS
IN VERMONT: A CLOSER LOOK AT COMMUNITY MEMBERS' TOLLERANCE
OF OFFENSE TYPES

by

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Thesis submitted to the Faculty of the Graduate School of the
University of Maryland, College Park in partial fulfillment
of the requirements for the degree of
Master of Arts
2009

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Community Tolerance of Community-Based Reparative Boards in Vermont:
A Closer Look at Community Members' Tolerance of Offense Types

The current criminal justice system in the United States of America is alive with growth and renewal. Over the past few decades criminological research has exploded and the criminal justice system has begun to accept and demand programs that deliver (Hay, 2001). As such, now is the perfect time for restorative justice practices, spearheaded by theories like Braithwaite's (1989) Reintegrative Shaming Theory, to take charge of the implementation of community-based programs as a way to supplement the traditional criminal justice system. Reintegrative Shaming not only offers an effective diversion to over crowded courts and correctional institutions, but also offers a way to improve society in a broader sense through increased satisfaction and reduced cost.

The essence of Restorative Justice is to restore some of the harm done to communities and victims through the offender. Taking this one step further, Braithwaite's (1989) Reintegrative Shaming Theory states that face to face interviews that seek to shame and reintegrate confessed offenders with willing victims will have many collateral benefits, including reducing recidivism. Although this theory's process is both reasonable and shows great promise, it has yet to gain unilateral support or find consistency among its many components. The current study takes a step back to look at community stakeholders and ask which types of crimes they believe can and should be dealt with by and in the community. In particular this study takes individuals' characteristics, overall opinions about community-based reparative boards, and their victimization history into account while addressing their support for the use of such reparative boards.

Unfortunately, the idea of restorative justice is a very broad construct and researchers have yet to even effectively operationalize and test Reintegrative Shaming Theory. There have been many conceptions of the theory and several testable applications, but there has yet to be a standard argument on how the theory should be designed and implemented. As long as this is the case, studies will continue to find partial support and disagree with one another as to the true effects of the theory. Because of such issues with specific programs this study is taking a step back to look at a broader conception of reparative boards. This is not to say that Reintegrative Shaming Theory is perfect and not in need of adjustment, but in the mean time there are practical aspects of the theory and reintegrative practices that can be looked at and tied down.

This study seeks to shed light on the decisions people make regarding which crimes are appropriately dealt with in the criminal justice system and which could be dealt within the community. Such research acts as a metric for the practical implementation of restorative justice and even Reintegrative Shaming Theory. It may be difficult to determine the effectiveness of restorative justice on a whole to date, but implementing a community based program for a study with no concept of what the community is willing to tolerate is a flawed concept at its very core, and ignores community members as a stakeholder in the process. As such, blindly implementing programs, like the Reintegrative Shaming Experiment, is bound to lead to mixed results and leave them more susceptible to failure. Therefore, this research seeks to find some solid ground on which to base future restorative justice and reintegrative shaming programs and research.

Literature Review

Restorative Justice and Braithwaite's (1989) Reintegrative Shaming Theory

Braithwaite's (1989) Reintegrative Shaming Theory is a natural extension of restorative justice. According to Gwen Robinson and Joanna Shepland (2008), Reintegrative Shaming Theory is the best and most clear attempt by researchers to explain the effects of restorative justice. Restorative justice in this sense seeks to lower future recidivism by accessing social and psychological mechanisms that are not generally activated in the traditional courtroom process (Tyler, Sherman, Strang, Barnes, and Woods, 2007). The end result should be the offender taking responsibility for their own actions in some form. The practice of restorative justice is not limited to specially-designed interpersonal conferences, but is more likely to occur in such settings. The most important thing is the process and the proper implementation of social and psychological techniques, rather than the setting in which they occur (Braithwaite and Mugford, 1994; Hay, 2001; Tyler, Sherman, Strang, Barnes, and Woods, 2007).

As suggested by the name, restorative justice programs seek to repair the damages done to society by the offender and to operate through the offender in order to prevent future crimes. Along with this restoration of damages by the offender, through any number of types of punishments, conferences should also produce a sense of finality for the victim. All too often victims, if they are not completely ignored, are swept along with offenders in the traditional court system to an end that does not offer any closure. Such an end with no attempt to restore any sense of normality can leave victims feeling as if they need to learn to live with crime as a way of life, and not just a singular act.

Even if, as suggested by Joye Frost (2009), victims can only be partially repaired and never fully restored, the damage done to victims must be addressed by the system in

order to provide a more complete justice. Restorative Justice, through reintegrative shaming programs, may be the best way to access that justice. For instance, Lawrence W. Sherman (2009) finds that face to face Restorative Justice conferences between victims and their offenders can lead to as much as a 40% reduction in feelings of post traumatic stress for victims compared to those who did not participate in conferences (Braithwaite, 2007; Sherman, 2009). He also finds a large decrease in victims' feelings of revenge and violence after they participate in Restorative Justice Conferences (Braithwaite, 2007)¹. Both of these issues are of paramount importance when considering the limiting effects they can have on fear of crime and feelings of vengeance held by individuals and the greater community. Therefore, putting a face on the offender for the victim, in many ways, is just as important as putting a face on the victim for the offender.

These underlying concepts have manifested themselves in many ways. One of the most interesting and important of these is Braithwaite's (1989) Reintegrative Shaming Theory. Braithwaite's (1989) theory takes important components directly from the community and builds them into a cohesive structure designed to both explain criminality and to reduce crime. The four most important components of the theory are interdependency, communitarianism, shaming, and criminal subcultures. Braithwaite (1989) has worked these ideas into a formal test of his theory in Australia and has also recognized the existence of these components in certain cultures, such as many East Asian cultures.

In Braithwaite's (1989) theory, interdependency is essentially communitarianism on an individual level. In other words, interdependency is defined as the individual's

¹ Using the Canberra RISE data Sherman and Strang (2007) find that 45% of victims who were involved in formal courtroom trials wished to harm their offenders. However, only 9% of victims who were involved in Restorative Justice Conferences shared these feeling of vengeance.

level of participation in social networks and the overall community. Communitarianism, as the macro level version of interdependency, is characterized by community members who believe that the group's wellbeing supersedes their own. Braithwaite (1989) directly ties high levels of communitarianism to the Japanese use of *amaeru* and *amayakasu*, in which the community moves beyond dependency as a weakness and sees the use of shaming as one in the same with community support. Shaming, however, takes two forms: reintegrative and stigmatic, which result in either the shamed individual being brought back into the community as a functioning member of society, or risking being labeled and ostracized. Lastly, criminal subcultures consist of groups that support the development of criminal behavior through facilitation of the delinquent label and presentation of more opportunities to be criminal (Braithwaite, 1989).

Shaming warrants special consideration as it is the cornerstone of Braithwaite's (1989) theory. Reintegrative shaming places emphasis on bringing an offender back into the community and moving past their delinquent status. However, the terms "reintegration" and "shaming" are not one in the same but rather are two parts of a sequential process in which the offender is shamed and then is brought back into the folds of the community (Braithwaite, 1989). Braithwaite (1989) identifies several key points that make reintegrative shaming successful. First, the reintegration process must take place before the delinquent label becomes the individual's master status. Second, there must be a finite period of time in which the individual is characterized as deviant and is shamed for it, sometimes very severely; but that period must have an end and that end needs to be marked by some ceremony or type of forgiveness. Third, bonds to the community need to be maintained during the period in which the individual is being

punished for their deeds. Lastly, alternative pro social behavior must be rewarded to maintain and compliment the punishment of the individual's negative behaviors (Braithwaite, 1989; Braithwaite and Mugford, 1994; Makkai and Braithwaite, 1994). Stigmatic shaming essentially lacks all of the above mentioned points for the reintegration process and leaves the individual to develop their deviant master status. As a deviant offender becomes an outcast in the community he or she not only has less reasons to not commit deviant acts but rather sees such acts as normative and expected of them (Braithwaite, 1989). Again, it is not that the shaming practice necessarily differs between reintegrative and stigmatic shaming, but rather that the reintegration process is not implemented in the stigmatic form of shaming.

Collateral Benefits of Reintegrative Shaming and Restorative Justice

A lot of research on criminological theories focuses on the reduction of recidivism as a metric to determine the positive or negative impact of a theory. For Reintegrative Shaming Theory and Restorative Justice, however, reductions in recidivism are only one of many equally, if not more, important benefits. This is especially true since the key components of restorative justice are centered on healing the individual and community rather than simply punishing the offender to prevent future crimes. In essence, restorative justice looks at bringing a semblance of normalcy back to the community and to not do so would ignore the larger picture of criminal justice. This in turn leads to a core principal of society in doing justice, or in this case providing community stakeholders with an increased sense that justice has truly been carried out (Braithwaite, 1989; Braithwaite, 2007; and Sherman, 2009).

If, for the moment, recidivism is considered as a given, or at least not the sole reason for pursuing restorative justice, it is possible to identify at least six collateral benefits of such programs. These include an improvement in victims' psychological health, an increase in offenders' desistance from crime, a reduction in overall monetary costs to society, increases in victims' and offenders' sense of fairness with the process, increases in victims' and offenders' satisfaction with the process and outcomes, and an increase in quality of justice served. These are by no means the only possible benefits of restorative justice. As Braithwaite (2007) suggests, there may even be an increase in certainty of punishment since offenders have a higher stake in fulfilling their contractual obligation to the conference through personal social pressures. The idea of increased certainty warrants more research, but the six aforementioned collateral benefits are those that have been most closely looked at and discussed.

Improving victims' psychological health after undergoing the trauma of being personally victimized is important for two main reasons. First, dealing with such trauma at its root cause is likely to have a greater effect than therapy that simply discusses that individual's issues². This can be seen with Sherman's (2009) research showing up to a 40% reduction in post traumatic stress responses of individuals who participated in face to face restorative justice conferences, as compared to similarly-situated individuals who did not. Similarly, individuals who attended conferences also were 36% less likely to want vengeance on their offender (Sherman and Strang, 2007). Not only does this

² This is not to discount the importance of therapy for some individuals who undergo traumatic experience. Rather, conferences are a direct, quick, and likely cheaper way to address the root causes of the trauma. This is based on the comparison of one hour long conferences as compared to regular therapy with a licensed psychologist.

demonstrate an improvement in victims' quality of life, but it also is likely to save money through a decreased need for psychological treatment.

Offenders' desistance from crime, or a decrease in the frequency at which they commit crimes, is another good way to measure the success of restorative justice programs, even if it does not mean that there will be a reduction in the overall number of crimes committed. A decrease in the number of crimes committed by an individual will have a similar effect on crime rates as reductions in overall recidivism³. Each crime not committed, magnified by the number of offenders who go through such community-based programs, can be translated into reductions in cost and an improvement in the quality of life for community members (Sherman, 2009).

The benefits of social theories can be boiled down into two categories: improving community members' quality of life and saving the community money. Reintegrative Shaming Theory offers a better way of reducing costs by addressing many different ways of saving money. Reduced administrative costs, decreased victim treatment costs, reduced expenditures on new crimes, and reductions in legal fees are all ways that Reintegrative Shaming Theory can save communities money (Braithwaite, 1989; Braithwaite, 2007; Makkai and Braithwaite, 1994; Sherman, 2009). These characteristics are why Sherman (2009), based on his Campbell Collaboration review of 11 restorative justice conference programs, concluded that Reintegrative Shaming Theory leads to at least modest overall savings⁴.

³ Based on Reintegrative Shaming Theory, deviant acts that are not addressed or properly handled will lead to more deviance. If, however, the process is interrupted by some type of community based program the deviants will commit less criminal acts and the community will be more active in those individual's lives to help guide them.

⁴ These modest savings, as an estimated eight dollars saved for every one dollar spent, are magnified by the effect that restorative justice conferences appear to have the strongest effect on the most prolific offenders.

The last three benefits: victims' and offenders' sense of fairness with the process, increased levels of satisfaction with the process and outcomes, and a better quality of justice being served, can really be discussed as an overall assessment of the quality of justice. The first two are relatively obvious. Both parties feel the process and outcomes are fairer, which leads to a greater sense that justice has been served. This is likely due to the increased feelings of control victims and offenders feel they have over the process (Braithwaite, 2007; Sherman, 2009). For victims this could be simply due to the fact they are actually being included rather than forgotten, ignored, or used as a silent partner in the process. Similarly, the less formal conferences allow offenders to tell their story as best they can and respond with their input as they see fit. The overall quality of justice served improves as restorative justice conferences are used as a diversionary tactic. Diverting cases from the formal criminal justice system to the community allows the courts to spend more time and resources on the most serious and disputed cases⁵. Similar to the cost benefit analysis, however, this collateral benefit is likely to be masked until the system reaches a tipping point and enough cases are diverted to the community before we could begin to see a real difference (Wallenstein, 2009).

Due to researchers like Braithwaite and Sherman, there are some large scale criminal justice systems opening up to wide spread use of restorative justice tactics. Australia is the perfect example of a country that has pushed for the large scale use of Restorative Justice and Reintegrative Shaming Theory. Similar programs have recently begun to emerge in the United States, as with Vermont's community-based reparative

⁵ Since most offenders plea guilty anyway it would not take a large stretch of the imagination to see many cases, especially the most minor cases, being diverted from the traditional justice system. Some such success can already be seen in the diversion of drug offenders to drug courts (Belenko, 1998; Gottfredson et al, 2003; Gottfredson et al, 2005; Wilson et al, 2006)

boards, but still have a long way to go. In order to better understand how Australia acts as a guiding force and, most importantly, how much programs like those in Vermont have to contribute to the research, it is first necessary to briefly look at the current state of practically based Reintegrative Shaming Theory programs in Australia and the United States of America.

Australian Judicial Methods and Restorative Justice

Braithwaite's (1989) Reintegrative Shaming Theory has been taken to heart by the Australian criminal justice system, especially with regards to the processing of juvenile delinquents. As of the beginning of this decade, all but two Australian provinces have instituted legislation for the use of reintegrative-based conferences for many youth crimes in place of the traditional court system (Daly and Hayes, 2001). These conferences are generally led by a non-police facilitator and involve offenders who have confessed to their crime, the victims of the crimes, supporters on both sides, and the cases' police officers. The resulting outcomes are just as legally binding as if the case had been processed in the traditional courtroom setting (Daly and Hayes, 2001).

These juvenile conferences put the focus on the negativity of the act rather than on the malady of the individual. Facilitators then extend this to stress empathy among all parties involved before ending with rituals of reintegration for the offender to signify that they are no longer a deviant (Braithwaite and Mugford, 1994). If the conferences fail then they are simply repeated until they are successful. According to John Braithwaite and Stephen Mugford (1994) this repetition is one of the most important factors of successful reintegration. The willingness of those who are in charge to proceed, even in the face of strong disagreement and resentment, demonstrates to all parties involved the

true strength of the community and their resolve to reabsorb the offender rather than reject them. To give up on an offender and resort to sending them to the formal system flies in the face of the core values of the theory. As such, the Australian juvenile justice system has become a living example of Braithwaite's and other reintegrative shaming theorists' work.

Reintegrative Shaming and the United States

One of the biggest issues for instituting restorative justice and reintegrative shaming programs in the United States lies in altering current cultural perceptions. More specifically, this means changing cultural perceptions of what it means to find justice in both the process and punishment of crimes (Daly and Hayes, 2001). There is currently a cynical climate in the United States toward such programs due to their stark contrast with the formal system and the public's perceptions of what works (Braithwaite and Mugford, 1994). Braithwaite and Mugford (1994) note the common belief that such programs only work for intact families who reside in well-structured communities. Such a criticism, however, is hard to support when looking at the Australian juvenile justice system, which has become structured around reintegrative shaming practices. Australian youth aid workers found poor family backgrounds and weak social supports as a reason for juvenile cases to be referred to such conferences. In fact, Braithwaite and Mugford (1994) note that at least 14 percent of one sample of juveniles did not even live with their families. These findings fly in the face of those who believe that such programs would flounder in areas of concentrated disadvantage, like some poverty stricken urban communities in American. Furthermore, there is no basis to believe that restorative justice conferences are any more limited to Australia and New Zealand than middle class suburbia.

Sherman's current meta-analysis supports Braithwaite's Reintegrative Shaming Theory and shows that it appears to work even better for more prolific offenders (Braithwaite, 2007; Sherman, 2009).

The United States does have some experience with reintegrative shaming in recent history. American drug courts are purportedly designed to reintegrate drug offenders back into society through the use of shaming and criticism along with the backing of other drug offenders, the court, and intensive treatment (Meithe, Lu, and Reese, 2000). Unfortunately, despite the similar construction of United States drug courts to reintegrative shaming conferences in Australia, many have not remained true to Braithwaite's (1989) Reintegrative Shaming Theory or the doctrine of restorative justice. Such programs have been poorly implemented in that despite their diversion from the traditional justice system, they have acted to stigmatize rather than reintegrate offenders (Meithe, Lu, and Reese, 2000). They simply do not follow what Braithwaite and Mugford (1994), Hay (2001), Tyler et al. (2007), and many other researchers see as one of the most important factors of reintegrating offender into society: the process. This may be yet another contributing factor to why some Americans, especially policy makers, see such alternatives to traditional courts as an unattainable dream or, worse yet, an inevitable failure. Despite these issues, however, drug courts have increased in popularity and, hopefully, in integrity. Overall drug courts do appear to have a beneficial effect on the recidivism of offenders and have proven to be effective even when such treatment is not voluntary (Belenko, 1998; Gottfredson et al, 2003; Gottfredson et al, 2005; Wilson et al, 2006). The question remains, however, whether or not properly run drug courts can provide many of the collateral benefits promised by Reintegrative

Shaming Theory. In the mean time there is no question that drug offenders are a prime target population to be placed in the care of diversionary practices.

The Reintegrative Shaming Experiment

The Reintegrative Shaming Experiment (RISE) led to the development of the premier data set for research into Reintegrative Shaming Theory and has left a wealth of data for researchers to analyze. The RISE data set looks at drunk drivers, juvenile property offenders with personal victims, juvenile shoplifters detected by a security guard, and youth violent offenders under the age of 30⁶. The main goals of reintegrative-based conferences in this study were to decrease recidivism, increase victim satisfaction, increase the victim's and offender's feelings of fairness in the process, and cost no more or less for reintegrative conferences over the traditional courtroom process (Strang, Barnes, Braithwaite, and Sherman, 1999; Sherman, Braithwaite, Strang, and Barnes, 2000; Tyler, Sherman, Strang, Barnes, and Woods, 2007).

RISE conferences involve offenders who have confessed to a crime, their victims, police officers serving as facilitators, and a trained RISE observer. Conferences last an average of 90 minutes and are structured around developing a collective understanding of the deviant act, acceptance of the deviant act, an apology to the victims, and forgiveness by the victims toward the offender. The end result is either an agreed-upon sanction for the offender or subsequent conferences to eventually reach an agreement. In the event that an agreement cannot be reached, the case is remanded to the traditional courtroom process for arbitration (Strang, Barnes, Braithwaite, and Sherman, 1999; Sherman,

⁶ Youth violent crime in Braithwaite's RISE study looks at such a broad age range due to sampling limitations in this category. This is not an unusual issue when taking into account the large amounts of red tape in diverting certain categories of offenders from the traditional system. This issue is especially salient with experimentation in the United States with restorative justice and follows the progress of juvenile offenders as they become adults.

Braithwaite, Strang, and Barnes, 2000; Tyler, Sherman, Strang, Barnes, and Woods, 2007). Researchers then look at police reports, RISE experimenter observations, and posttest interviews to determine the effects of reintegrative conferences on the goals in comparison to the effects of similarly situated offenders undergoing the traditional criminal justice process.

The RISE data set was compiled from 1994 to 1999 and was accompanied by yearly report cards from Heather Strang, Geoffrey C. Barnes, John Braithwaite, and Lawrence W. Sherman (1999) to assess each year's results and the longitudinal progress of the study. These report cards show minimal change in the quality of the study's data collection, the process, and some of their findings from year to year. Furthermore, preliminary findings seem to moderately support the hypothesis that victims and offenders find the process of reintegrative conferences to be fairer than similarly-situated offenders who are processed in the traditional courtroom setting. However, due to the two year lag in follow up for data on recidivism and the annual nature of fiscal data, the RISE report cards do not review the preliminary effects of conferences on recidivism or cost (Strang, Barnes, Braithwaite, Sherman, 1999).

Due to the size and complexity of the data set, such findings not covered in the RISE report cards have been left for both participating and outside researchers to work on after the completion of the project. This has led to the release of several subsequent reports on the RISE data set. Sherman (2009), along with the Campbell Collaboration, has begun a systematic review and meta-analysis of 11 such programs in an attempt to find some unifying results. Lastly, several researchers have collected data to address questions, like those of white collar crime, that are addressed in Braithwaite's (1989)

theory but data were not collected in the RISE data set. These studies seek to not only test the structure of Reintegrative Shaming Theory, but also its breadth.

Subsequent Reports on RISE and other Reintegrative Shaming Studies

There is a good deal of theoretical research looking at the merits of Reintegrative Shaming Theory and restorative justice. Unfortunately, there are only a few studies that have yet to work with the RISE or some other data set to provide answers for these theoretical assessments. Although these studies are few in number, current reintegrative shaming and restorative justice research is well-constructed. It is understandable that researchers would only have been able to scratch the surface of this burgeoning and complex theory and only now is it possible to look at several studies in any systematic manner (Sherman, 2009). In the current political climate, studies of reintegrative shaming and restorative justice, like those by Tyler et al. (2007), Makkai and Braithwaite (1994) and Murphy and Harris (2007), are the perfect compliment to the revitalized community-based context.

Within the RISE data set, Sherman, Strang, and Woods (2000) have found there to be a decrease in violent recidivism rates, a negligible increase in drunk driving rates, and no differences in juvenile property offender rates of recidivism for those who participated in restorative conferences. This preliminary analysis of recidivism data only includes a little more than half of the sample due to the two year follow up period, and is by no means complete. Tyler, Sherman, Strang, Barnes and Woods (2007) conducted a more in depth analysis of drunk drivers' recidivism rates several years later using the full data set. In their analysis they found no significant difference in drunk drivers' future rates of reoffending between conferences and courts. These findings led them to

conclude that both courts and conferences lead to an increase in support for the law and thus lower rates of future reoffending. As such, it appears to be the sanctioning process rather than the venue in which sanctions are carried out that affect reoffending rates. The only real difference is that conferences, like those carried out in the RISE study, are more likely to be reintegrative since it is inherent in their design (Tyler, Sherman, Strang, Barnes, and Woods, 2007).

Makkai and Braithwaite (1994), Losoncz and Tyson (2007), Murphy and Harris (2007), and Hay (2001) have conducted several studies independent from the RISE data that are very important to the study of restorative justice and, specifically, reintegrative shaming. Toni Makkai and John Braithwaite (1994) explored the interaction between nursing home inspectors and the regulatory compliance of nursing home staff. In particular, Makkai and Braithwaite (1994) were looking at the different effects of stigmatic versus reintegrative inspection teams. In their analysis they came across two particularly important findings. First, when both sides had high levels of interdependence the reintegrative process had more of a positive effect on compliance. Second, it was not necessary for inspection teams to be soft in sanctioning the nursing homes for the reintegrative process to work; rather, it was more important to actively get the nursing home to comply rather than sanction them and walk away (Makkai and Braithwaite, 1994). This last finding is particularly interesting from a political point of view. Since the severity of sanctions does not appear to be a limiting factor for the proper functioning of Reintegrative Shaming Theory, politicians do not have to be seen as soft on crime in order to endorse restorative justice programs.

Carter Hay (2001) and Ibolya Losoncz and Graham Tyson (2007) further broke down Reintegrative Shaming Theory and examined various predictors for shaming on delinquency. Losoncz and Tyson focused on Braithwaite's (1989) claims that women are more interdependent and thus show higher levels of reintegration. Their findings did not support this claim, but they did find a significant positive effect of stigmatization on delinquency and a significant negative effect of reintegration on delinquency. In looking at predictors of delinquency, however, they found that peers were the strongest predictor of an individual's delinquency. This is not unexpected considering Braithwaite's (1989) inclusion of criminal subcultures in Reintegrative Shaming Theory. Surprisingly, they did not find parental shaming to have a significant effect on delinquency. In fact, they found their model to be better without it (Losoncz and Tyson, 2007). At the same time, Hay's (2001) analysis found there to be a significant correlation between the level of interdependency and parental use of reintegrative or stigmatic shaming. It is possible that parental shaming has an indirect rather than a direct effect, but this is also the perfect example of how studies can disagree due to a lack of conformity in definition and structure.

Lastly, Kristina Harris and Nathan Murphy (2007) extended reintegrative shaming research to the white-collar crime context. In their study they looked at 652 tax offenders to determine their self-reported feelings of shame, stigmatization, and reintegration. The resulting data show that programs who reported processes similar to reintegrative shaming were less likely to recidivate two years later. Harris and Murphy (2007) concluded that emotions and shaming play an important role on future criminality, even in crimes where emotions are considered less important since the offender and victim are

seemingly detached. Most researchers consider the positive effects of reintegrative shaming, but it is also important, as Harris and Murphy (2007) point out, to consider an individual's emotional response to stigmatization. In essence, stigmatization can lead to shame and humiliation, which, left unchecked, can in turn lead to anger, rage, and future offending. Furthermore, these preliminary findings on white-collar crime may be a bridge to other ostensibly victimless crimes, such as prostitution and drug crimes.

The bottom line for all of this research is that it shows a positive trend for the overall benefit of Reintegrative Shaming Theory and restorative justice practices. More than anything, studies seem to disagree on what the effective aspects of the theory and practically based programs are. In other words, researchers have generally found some aspects of the theory to significantly function as expected while others have no effect. When other researchers then replicate these studies, they find different positive effects or null effects, rather than results that counter the previous research. These differences likely come about due to different definitions used, the structures of programs, and limited sample sizes. The most important thing is the vast trend toward positive results in Reintegrative Shaming Theory.

Community Views on the Use of Imprisonment and Effects of Victimization

For the purpose of this research it is also important to consider two other factors that influence an individual's actions and opinions. These factors are people's views on imprisonment and the effects of victimization. The first factor, people's views on imprisonment, includes when it should be used, who it should be used for, and some of the major influences on these decisions. The second factor, the effects of victimization, includes direct and indirect victimization as well as community versus media influence

on individual's perceptions. Both of these factors come into play as individuals form views on the use of community-based restorative justice conferences. Therefore it is important to develop a basis for each of these prior to assessing respondents' views of such programs.

As with many questions in life, the way that questions about the use of imprisonment are contextualized or framed directly effect how they will be answered. As such, research findings that demonstrate support for the use of harsh punishments by the public only begin to scratch the surface of people's larger views on the subject. In reality there can be any number of reasons for such a broad outcome. Three such differences can be seen in Tom R. Tyler and Robert J. Boeckmann's (1997) study on the use of harsh punishments, Brandon K. Applegate, Francis T. Cullen and Bonnie S. Fisher's (2002) study on the gender gap of views on imprisonment, and Jane B. Sprott's (1996) study on people's views when presented with media depictions versus court documents of cases. These invariably lead to a discussion about the role of victimization in views of imprisonment and some findings on other effects of victimization.

Tyler and Boeckmann (1997) find that the public is willing to support the use of harsh punishments, even at the cost of some procedural protections, when sanctioning criminals. Their findings are similar to those of Alfred Blumstein and Jacqueline Cohen (1980), but they build on previous research to clarify that people do not support harsh punishments for traditional reasons like concern about high crime rates and impotency of the courts. Rather, people in their study support the use of harsh punishments due to their views on the current state of social conditions. Social conditions here refer to a view that there is a pervasive decline in morality and the ability of the family to effectively

discipline its members. Interestingly, Tyler and Boeckmann (1997) also linked punitive attitudes to increases in community diversity.

These punitive attitudes are important when considering the use of community-based restorative justice conferences. First of all, broad views on the use of harsh punishments directly affect community support for programs that may appear to be ineffective or soft on offenders. Second, with all things being equal, these findings suggest that respondents in the current study will support imprisonment over community-based punishments for offenders. This, however, is only one part of a larger picture that makes up individual's views on the use of imprisonment. In this case Tyler and Boeckmann (1997) conclude that people's main reasons for punishing are to protect social cohesion and reaffirm collective attitudes toward deviant activity. This is not so different from the core values of restorative justice and Reintegrative Shaming Theory. Furthermore, this view has yet to take individual characteristics and perceptions into account.

Applegate, Cullen, and Fisher (2002) look at views of correctional policies and the use of imprisonment from the aspect of gender. Their study provides information on how important it is to take individual characteristics into account and, in particular, on a modest gender gap between men and women's views on punishment. Overall, Applegate, Cullen and Fisher (2002) find that a higher percentage of women support treatment over punishment than men, and that men show more significant support than women for the use of harsh punishments, such as capital punishment⁷. Results, however, are mixed

⁷ Applegate, Cullen and Fisher (2002) find that 63.9% of women support the use of capital punishment for murder while 81.9% of men in their study are in support of capital punishment in cases of murder. Men and women also differ significantly with respect to their views on what the main emphasis for prison

depending on which aspects of imprisonment are being addressed. The weight of *fear of crime* research leans towards higher rates of fear of crime being associated with more punitive attitudes (Applegate, Cullen and Fisher, 2002). This finding is counterintuitive in light of research that shows women having higher rates of fear of crime but also, as in Applegate, Cullen and Fisher's (2002) study, demonstrating statistically significant lower support for punitive punishments than men.

Conclusions become even more muddled as other factors such as age, education, employment, and race are added to the analysis. Blumstein and Cohen (1980) address some of these factors and find that age, education, employment, gender, location, race, religion, and socio-economic status all have some effect on an individual's views for how long offenders should be imprisoned. Interestingly, Blumstein and Cohen (1980) find there to be a high degree of consistency between demographic groups regarding who should be imprisoned based on crime type. The differences arise when looking at how long offenders should be imprisoned. Specifically, they agree with Applegate, Cullen and Fisher (2002) on gender while also finding that younger, urban, black and higher educated groups of individuals tend to be more lenient with sentences. For Blumstein and Cohen (1980) the bottom line is that demographic views on imprisonment differ more as a result of knowledge and perception and are less a result of an individual group's values.

Taking Blumstein and Cohen's (1980) final observation on knowledge and perception a step further, Sprott (1996) shows how individual perceptions are directly affected by the type of information that respondents are presented with. Specifically, the

should be. In their study 3.6% more men believed the main focus of prison should be punishment while 12.2% more women believed the main focus of prison should be rehabilitation.

difference between individual's views on the severity of punishment for particular cases is based on whether they receive information on a case from the mass media or from legal briefs of the case⁸. From this, Sprott (1996) concludes that public opinion varies widely based on the type of offense that respondents are referring to when surveyed. One example is whether an individual's reference offender is a nonviolent juvenile offender or a violent adult offender. As more information was provided on each case respondent's views became increasingly diverse and only in the most severe cases did respondents still view case outcomes as too lenient⁹.

These findings lend further support to the use of community-based restorative justice conferences in that increased community involvement, especially with regard to the victim, will lead to a more informed community and thus more supported outcomes. Even if the outcome is no different between a traditional court ruling and the ruling from a restorative justice conference, the conference will lead to greater feelings of satisfaction through increased participation and understanding of all parties involved. Furthermore, as will be shown by Tom R. Tyler (1980), even though the media can still present biased reports of conferences, it is actually the community that has more of an effect on individual's views than the mass media when it comes to forming crime-related opinions.

Tying feelings on imprisonment to victimization is a two fold process. First, Devon Johnson (2009) conducted a study using a random national sample from the

⁸ Demographically, 22% of the cases looked at involved violence, 50% were property crimes, and about 18% were code offenses. In this study however, 94% of the news reports on cases chose to focus almost exclusively on the serious violent crimes. Furthermore, news reports tended to focus on the facts of the case and left out much of the information on the offenders or the judicial rationale for case outcomes, information that was included in the legal reports (Sprott, 1996).

⁹ According to Sprott (1996) these conclusions for juveniles are mirrored by previous research with similar outcomes for adult offenders. Interestingly, Jennifer Tufts and Julian V. Roberts (2002) also find that Juvenile sentences tend to be more in line with public views of severity than public views of adult sentences.

United States of America that connected individual's feelings of anger and fear of crime to their punitive attitudes. Johnson (2009) did this using the 2001 *Race, Crime, and Public Opinion Study* and found both her anger and fear of crime indices to be highly significantly related to punitive attitudes¹⁰. These findings tie directly into Sherman and Strang's (2007) research showing up to a 36% decrease in victim's feelings of aggression toward their offenders after going through a reintegrative shaming conference. In particular, this shows that properly run conferences have the ability to reduce feelings of anger and aggression towards offenders and thus their punitive attitudes. This then paves the way for the use of alternative punishments. On a similar note, fear of crime is also significantly associated with punitive attitudes (Johnson, 2009). Reintegrative conferences also show up to a 40% reduction in feelings of post traumatic stress for victims who participated (Sherman, 2009).

Tyler's (1980) research helps to explain the second part of the connection between imprisonment and victimization. His analysis looks at the direct and indirect impacts of victimization on crime-related judgments, such as personal-vulnerability, as well as crime rate and crime prevention behavior. His study has two important findings for this current research. First, Tyler (1980) finds that, contrary to what one would expect, indirect experience with criminal events shows a greater impact on individual's crime related judgments than direct experience. Furthermore, indirect community experience, such as hearing about the direct criminal experience of a neighbor, has more

¹⁰ Johnson's (2009) anger about crime index yielded a beta coefficient of 0.257 and was significant at the $p < 0.001$ level. Her fear of crime index yielded a beta coefficient of 0.196 and was significant at the $p < 0.01$ level. The final models sample size was 1195 out of 1988 from the original data set.

of an impact on individual's judgments than hearing about crimes through the media¹¹. Second, in support of Applegate, Cullen and Fisher (2002) and Spratt (1996), Tyler (1980) finds that individual characteristics like gender and how well individuals are informed are important mediators in crime-related judgments. This leads Tyler (1980) to describe the impact of victimization as an interaction between the level of judgment being made (such as personal safety versus safety of the community), the type of victimization (direct or indirect), and people's individual characteristics.

Tyler's (1980) findings are not out of line with other researchers who have found no direct effect of their respondent's victimization history on their results. Applegate, Cullen and Fisher (2002), Blumstein and Cohen (1980), and Tufts and Roberts (2002) all found no apparent effect of victimization in their studies. Unfortunately, as with the current study, it is difficult to untangle the effects of victimization from any number of other factors. As proposed by Tyler (1980), if perception of victimization is the most influential aspect then there may be no difference between those who report victimization and those who do not since their perceptions vary similarly within the groups.

These studies are important because they show the complexity of people's feelings on imprisonment and how victimization can affect them. At the same time these studies also shed light on how respondents may act in the current study and why. Furthermore, these studies accent the impact that community-based restorative justice conferences can have on an offender's and a victim's lives. First, they affect a victim's

¹¹ Tyler's (1980) study looks at two samples; one from Los Angeles, California using in-person interviews and the other in Philadelphia, Pennsylvania, Chicago, Illinois and San Francisco, California using telephone interviews. Although the two samples do not match up perfectly in the results, there is a clear trend in the beta coefficient for indirect community experience across the three crime-related judgments. For instance, personal experience in the second study, which was more focused and had a much larger sample size, showed beta coefficient of 0.10 at a $p < 0.01$ significance level, 0.07 and 0.04 while indirect community experience yielded beta coefficient of 0.24 at a $p < 0.001$ level, 0.11 at a $p < 0.01$ level and 0.13 at a $p < 0.001$ level for feelings on personal vulnerability, crime rate, and crime prevention behavior respectively.

psychological health through decreased feelings of aggression and post traumatic stress. Second, as a result, victims have decreased levels of punitive attitudes, which will directly impact the lives of offenders and hopefully open the door to a gamut of other community-based punishments.

The Current Study

Restorative justice is based on bringing victims back into the deliberation process by including them directly or having the offender attempt to heal past wrongs. Reintegrative shaming processes on the other hand use social psychological processes that reintegrate an offender into the community in order to prevent future recidivism and help the victim in the process. Consequently, even though there may be no difference in recidivism rates between traditional courts and community based programs when reintegrative processes are followed, community based programs are still more likely to access the mechanisms of reintegrative shaming and procedural justice (Tyler, Sherman, Strang, Barnes, and Woods, 2007). The current study seeks to provide a basis upon which community based programs and Reintegrative Shaming Theory can be built. Put simply, how can any program or research involving the community expect to succeed if it is not first based on what community stakeholders are willing to tolerate and work with? Specifically, this study seeks to identify which crimes people are and are not willing to deal with in the community, and to shed light on factors that influence crimes that fall into a gray area.

This study will seek to test two main hypotheses:

H₁: An individual's support for which crimes should be handled within the community versus the formal court system will vary depending upon the severity of the crime.

Thus, more severe crimes will lead the respondents to be *less likely* to support community programs that would try such offenders.

H₂: Prior victimization will directly affect respondents' level of support for community-based reparative boards.

H_{2a}: Those who have been victimized will be more likely to respond that more crimes should be dealt with by the formal criminal justice system than those who have not been victimized.

H_{2b}: Those who have been victimized will be more likely to respond that minor crimes should be dealt with by the formal criminal justice system than those who have not been victimized.

H_{2c}: Violent victimization will act to further erode support for community-based reparative boards when compared to those who have been victimized alone.

Method¹²

Sample Selection

Data for this study comes from a random sample of adult residents in Vermont selected as part of a larger study to show residents' views on the current condition of crime in the state. This survey also included a subset of questions to gauge respondents' feeling on community-based reparative boards. Overall, 601 residents were selected using random digit dialing with up to three call backs. The sample was chosen and interviews were conducted by Gazelle International of New York City under the supervision of Doble Research. Interviews were conducted from March 15th through March 21st 1999 and calls were made from 5:30 to 9:30 in the evening. After selection

¹² All information in the method section, unless otherwise stated, should be attributed to Doble and Greene's (2001) study.

the 601 respondents completed an, on average, 25-minute telephone survey. This questionnaire was carefully constructed based on background interviews and focus groups. It was then pre-tested twice in order to ensure clarity and quality of the survey (See Table 1 for demographics of the sample).

The larger data collection efforts attempted to gather multiple sources of information on individual perceptions of community-based reintegrative programs, including interviews with residents, prosecutors, police officers, and judges. This qualitative data was collected to accent the quantitative data gathered from the much broader telephone surveys. Furthermore, data collected in the 1999 telephone study used here was originally meant to show public opinion trends about crime from a previous study conducted in 1994. This study does not look at the above mentioned trend changes due to a different set of variables, not of interest in this analysis, being asked to respondents.

Measures of Variables

To test the relationships between prior victimization and individual perceptions of reintegrative programs, the primary dependent variable in this study is: overall support for community-based reparative boards. The Greene and Doble (2000) study uses this variable to look at residents' views on trends of crime in Vermont and their assessments of community-based reparative boards. Greene and Doble's (2000) study, however, did not focus on which types of crimes residents would find to be suitable for community based programs or their reasons for these opinions. Furthermore, their Department of Justice review of the data only looks at the frequencies of variables and does not test for significant correlations in any direction (Greene and Doble, 2000).

Respondents' views in this study are based on their answers to a subset of questions in the telephone survey. As can be seen in Appendix A, these questions presented respondents with a broad series of criminal scenarios in which they are asked to determine whether a 30-day jail sentence or a 30-day community based punishment is more appropriate. They are then asked a series of questions, reproduced in Appendix B and Appendix C, about the quality of reparative boards in comparison to imprisonment¹³.

The present study is looking to test the tolerance of various crime types by respondents because these views can help inform which types of crimes should receive community based punishments. Beyond the crime types, respondents' tolerance will also help to inform policy makers and researchers about which types of community based programs are likely to be well received and succeed. The primary dependent variable, support for community-based reparative boards, is utilized to gauge respondents' tolerance of various crime types and the context under which those crimes occurred. One such contextual variation can be seen between questions 50 and 54 in the survey. The first question asks respondents if a family man who shop lifts as his third conviction in five years should be sentenced to prison or by a community based reparative board. The second question is nearly identical except that the man caught shop lifting in this case is doing so to support his drug habit. The crimes in these two scenarios are identical, but

¹³ Question 50 from the first set of variables states; "A man caught shoplifting. He has a steady job and a family to support but it's his third conviction in five years" and provides three answer choices; "Prison, Community-based Reparative Board, or Not sure/don't know." Question 58 from the second set of variables states; "Which statement comes closer to your own views? A. We should use community-based Reparative Boards because sentencing offenders to community punishments is much less costly to taxpayers than prison which costs the state about \$19,000/year. OR B. Saving money should be a very low priority when it comes to deciding what to do about lawbreakers" and provides three choices; "A is closer, B is closer, or Not sure/don't know" (Doble and Greene, 2001, pages 27 and 28).

Table 1: Coding and Descriptive Statistics for the Dependent Variables

Variable	Mean	Coded	Victimization Percentages		
			Not Victimized	Victimized	Violently Victimized*
Independent Variables					
Male	0.50	1 = yes	87.3	12.7	2.7 (21.1)
Employment					
Full Time	0.58	1 = yes	84.5	15.5	4.9 (31.5)
Other	0.41	1 = yes	90.4	9.6	3.6 (37.5)
Don't know/Refuse	0.01	missing	100.0	0.0	0.0 (0.0)
Education					
Less than sixth grade	0.002	1 = yes	100.0	0.0	0.0 (0.0)
Sixth-eighth grade	0.02	2 = yes	90.9	9.1	9.1 (100.0)
Some high school	0.05	3 = yes	87.1	12.9	6.5 (50.0)
High school graduate	0.36	4 = yes	87.4	12.6	4.2 (33.3)
Some college	0.20	5 = yes	87.0	13.0	3.3 (25.0)
College graduate	0.24	6 = yes	88.9	11.1	5.6 (50.0)
Post graduate	0.12	7 = yes	82.2	17.8	1.4 (7.7)
Refused	0.01	missing	75.0	25.0	25.0 (100.0)
Race					
White	0.95	1 = yes	87.6	12.4	4.2 (33.8)
Other	0.05	1 = yes	76.7	23.3	6.7 (28.6)
Age					
18 to 29	0.18	1 = yes	87.6	12.4	3.8 (30.8)
30 to 50	0.51	2 = yes	83.6	16.4	5.3 (32.0)
51 to 64	0.19	3 = yes	89.7	10.3	4.3 (41.7)
> 65	0.12	4 = yes	95.9	4.1	1.4 (33.3)
Refused	0.00	missing	100.0	0.0	0.0 (0.0)
Victimization					
Victimized	0.13	1 = yes	86.9	13.1	4.3 (33.3)
Violently Victimized**	0.04	1 = yes			
N = 601					

*violent victimizations show proportion of total violently victimized then proportion of victims violently victimized

**4.3 percent of the sample was violently victimized while 33.3 percent of those victimized were violently victimized

they have a stark contextual difference. In the first the offender has no discernable motive for the crime. In the second, however, the offender is committing the crime because he is supporting his drug habit, which has a different and negative connotation. This difference is very telling when it comes to the many contexts under which crimes can occur and speaks to the complexity of community opinions toward offenders. These opinions can also be tied to what Tyler and Boeckmann (1997) point out as punishing to

protect social cohesion and reaffirm collective attitudes toward delinquency, in the case of the second offender shoplifting and drug use.

Dependent Variables

The primary dependent variable, support for community-based reparative boards, is measured through the use of a composite index. Seventeen variables on the use of reparative boards are taken from the original data collection instrument. Respondents are asked, as with the example in the previous paragraph, whether a purposed offender should be sent to a community-based reparative board, prison, or if they are unsure. Offenders' crimes ranged from very minor (eg: shoplifting) to very severe (eg: rape) crimes. Each of these items is rescored into an index from -1 to 1 with -1 in a response for the use of prison, 0 in a response for unsure and 1 where a response is for the use of reparative boards. These responses are then summed for each individual and result in a score between -17 and 17. Although these are the absolute ranges of the composite index, respondents only scored from -17 to 14 on the scale and had a summed index average of 1.01 (See Table 2 for statistical description of these variables). The primary dependent variable is then matched with respondent's victimization history and several other control variables, such as age, education, employment, and gender¹⁴.

Independent Variables

The primary independent variable for this study is based on respondents' prior victimization history. Victimization addresses whether or not the respondent or anyone

¹⁴ Data on respondents' self-reported race was included in the Doble and Greene (2001) data set and the initial analysis here, but was removed from further analysis due to a lack of variability. The lack of variability on the sample is not surprising and should not generate concern about the integrity of the data set due to its similarity to Vermont's overall racial composition. For instance, 95% of the sample self-reported as White while 96.5% of those in Vermont in 2007 were reported as White by the state's census (US Census Bureau, 2009). This loss of information is unfortunate in light of large differences in racial victimization rates that may have an effect in another area (Lauritsen and White, 2001).

Table 2: Descriptive Statistics of Selected Crime Scenario Index Variables*

Scenario	Variable	Mean	Standard Deviation
Big-time drug dealer	51	0.53	0.82
Robber, wounds store clerk	45	0.58	0.79
Violent rape with permanent injury	43	-0.91	0.40
Armed break-in to unoccupied store	48	0.81	0.57
Small-time drug dealer	52	-0.92	0.38
Shoplifting to support drug habit, family man	54	0.21	0.97
Drunk driver, second conviction	55	0.27	0.95
College student selling pot	53	-0.22	0.97
Public flasher, third offense	46	0.31	0.95
Fifth conviction, non-violent property crimes	47	0.52	0.84
Drunk driver, second conviction, family man	56	-0.96	0.26
Unarmed break-in to unoccupied store	49	-0.21	0.97
Drunk domestic abuse with no serious injury	57	0.14	0.99
Drunk driver, first offense	41	0.04	0.99
Shoplifting family man	50	0.13	0.99
Shoplifting, drug user	42	0.27	0.96
Teen steals car, first offense	44	0.41	0.90
Summed index mean**	41-57	1.01	6.77

*See Appendix A for full scenario questions

**Index ranges from -17 to 14 with a possible range of -17 to 17

in their household has been victimized over the past three years and, if so, whether or not the victimization was violent. Victimization data in this survey is household rather than individually based. This is an issue since there is likely to be a difference in opinion between someone who was directly victimized and someone with a family member who was victimized. This variable would then be further complicated by the relationship of the respondent to the victim and the proximity of the respondent to the actual event. However, as Tyler (1980) points out, indirect experience with victimization has a greater impact on interviewee's crime-related judgments than direct experience with criminal events. Any limitations with the victimization variable provide a great platform for future research. As such, for this study prior victimization is considered a major factor in influencing people's views on community based programs and harshness of punishment.

The term “prior victimization” in this study refers to whether or not the respondent has been directly or indirectly victimized. This should be true with all such crime scenarios, but will be particularly true with regards to respondents’ answers to violent crime types when they or someone in their household has been violently victimized.

Along with the primary independent variable there are several control variables. These are demographic variables including age, education, employment, gender, and race. These variables are included in the current analysis not only because there is information about them from the original data set, but also because previous research has shown these demographic groups to vary due to life style and opportunity factors (Lauritsen and White, 2001). As was previously demonstrated, each of these groups displays a variety of differences in their reasoning for punishment and the severity of the punishment. These groups also show a variety in the effects of perception of victimization. (Blumstein and Cohen, 1980; Lauritsen and White, 2001; Tufts and Roberts, 2002).

As shown in Table 1, several of the variables were recoded as dummy variables while others were left in their ordinal. Age was left as an ordinal variable with four possible responses; 18 to 29, 30 to 50, 51 to 64 and 65 or over. Those who refused to respond were recoded as missing and dropped from the analysis. Education was left as ordinal with seven possible responses; Less than sixth grade, Sixth through eighth grade, Some high school, High school graduate, Some college, College graduate, and Post graduate. Respondents who refused to respond were recoded as missing and dropped from the analysis. Employment was recoded into two sets of dummy variables; Full-time employment and Other¹⁵. Individuals who refused to respond were recoded as missing;

¹⁵ Although there were a total of eight types of employment all respondents who did not report being employed full time were collapsed into one group. This was done for two reasons, sample size and rates of

dropping them from the analysis, and the Full-time employment group, as the largest, was used as the reference category. Gender was recoded to one dummy variable; male, with female as the reference group. Lastly, race was recoded into two dummy variables; White and Other before being removed from the model due to a lack of variability.

This study is broken down into two types of analyses. First, frequencies of the crime scenarios are looked at in order to assess respondents' views on the order of severity for the various crime scenarios. Second, the study constructs two models to explore the descriptive statistics and victimization to account for respondent's aggregate support for community-based reparative boards. To do this, ordinary least squares regressions (OLS) are used to look at the effects of the four control variables and then the effect of victimization on overall support for community-based reparative boards.

These variables are a good measure for the hypotheses set forth in the current study due to their direct relation to individuals' experience with victimization and, subsequently, violent victimization. Although this is a limited assessment using part of a previously constructed data set, there has yet to be another study looking at these specific questions. As such, these variables help to set up a basis for a larger practical and theoretical understanding of restorative justice and reintegrative shaming.

Due to the nature of the data set it is important to point out and understand some of its larger limitations. Beyond the standard limitations of survey research, such as sampling bias and telescoping¹⁶, there was also a quota imposed on the telephone survey

victimization. Some of the groups had far too few observations to be used on their own and the victimization frequencies for each employment category closely matched the frequencies of the category in the population.

¹⁶ Telescoping is not as much an issue here due to the three year window being used, but there is clearly a chance that some respondents are also remembering incidents that occurred before the time frame. This is especially realistic since an event that occurred three years prior is likely to be far hazier than an event that occurred three months prior.

portion of Greene and Doble's (2000) study. The purpose of this quota was to ensure an even representation of males and females in the data. Fortunately, this decision in the data collection process should not directly affect the dependent variables being looked at in the current study and is not drastically different from Vermont's census data (US Census Bureau, 2009).

Results

As noted earlier, this study is focused on assessing the relationship between support for community-based reparative boards and individuals' victimization history. Specifically, this study was designed to look at differing levels of support for community-based reparative boards and whether or not an individual was victimized. Of particular interest was whether or not violent victimization would have a further effect on the aforementioned support.

It is useful to start by presenting a correlation matrix of key variables used in the study (see Table 3 for a correlation matrix of the variables). As shown in Table 3, none of the variables in this study are so highly correlated as to warrant concern for multicollinearity. Furthermore, prior to generating the aggregate crime scenario variable a standardized reliability coefficient was calculated. The standardized reliability coefficient, also known as Cronbach's alpha, was 0.785¹⁷. Although these variables may

¹⁷ A factor analysis was run while constructing the aggregate support scale to ensure the integrity of variables being placed in the scale. In removing two of the variables with the most unique values and retesting Chronbach's alpha it became apparent that there was less than one percent of difference from the alpha level with all of the variables reported above. As such, including these crime scenarios was deemed more important for the study.

Variable	1	2	3	4	5	6	7
1. Support for Rep. Board	1.0000						
2. Victimized	-0.0465	1.0000					
3. Violently Victimized	-0.0515	0.5431	1.0000				
4. Gender	-0.0231	-0.0044	-0.0752	1.0000			
5. Emp: Full Time	-0.0047	-0.0502	-0.0201	-0.1792	1.0000		
6. Edu: Less than HS	0.2075	0.0292	-0.0342	0.0827	-0.1239	1.0000	
7. Age: 65 or over	-0.0573	-0.0808	-0.0244	0.0157	0.0535	-0.0493	1.0000

not be objectively ideal for the study of community support for the use of reparative boards, the alpha level presented here suggests the 17 crime scenarios fit well together in an aggregate index.

Support for Community-Based Reparative Boards by Crime Type

In order to assess respondent's support for the use of community-based reparative boards a frequency chart was created to review the sample's responses to the 17 crime scenario variables (see Table 4 for disaggregated responses by crime type). The resulting table shows a clear hierarchy between crimes respondents feel can be dealt with by and in the community and crimes they feel need to result in formal incarceration. The resulting hierarchy directly supports Hypothesis 1: that an individual's support for which crimes should be handled within the community versus the formal court system will vary depending upon the severity of the crime. As shown in Table 4, support varies from very low, 1.5% supporting the use of a community-based reparative board for a big-time drug dealer, to very high, 90.2% for a teen that steals a car as his first offense. At either end of the spectrum are crime scenarios that respondents feel clearly warrant formal or community based justice while toward the center of the spectrum there are many crimes that fall into a gray area.

The spectrum created by the frequency chart in Table 4 shows a clear direction with severe crimes, like major drug dealing and rape, at one end and minor crimes, like

Table 4: Sample's Responses to Crime Scenarios and Proportions by Response*

Scenario	Variable	Rep. Board	Incarceration	Unsure
Big-time drug dealer	51	9 (1.5%)	587 (97.7%)	5 (0.8%)
Robber, wounds store clerk	45	21 (3.5%)	575 (95.7%)	5 (0.8%)
Violent rape with permanent injury	43	24 (4.0%)	570 (94.8%)	7 (1.2%)
Armed break-in to unoccupied store	48	232 (38.6%)	362 (60.2%)	7 (1.2%)
Small-time drug dealer	52	233 (38.8%)	361 (60.1%)	7 (1.2%)
Shoplifting to support drug habit, family man	54	307 (51.1%)	281 (46.8%)	13 (2.2%)
Drunk driver, second conviction	55	335 (55.7%)	259 (43.1%)	7 (1.2%)
College student selling pot	53	338 (56.2%)	256 (42.6%)	7 (1.2%)
Public flasher, third offense	46	356 (59.2%)	230 (38.3%)	15 (2.5%)
Fifth conviction, non-violent property crimes	47	377 (62.7%)	212 (35.3%)	12 (2.0%)
Drunk driver, second conviction, family man	56	380 (63.2%)	216 (35.9%)	5 (0.8%)
Unarmed break-in to unoccupied store	49	391 (65.1%)	204 (33.9%)	6 (1.0%)
Drunk domestic abuse with no serious injury	57	420 (69.9%)	171 (28.5%)	10 (1.7%)
Drunk driver, first offense	41	447 (74.4%)	126 (21.0%)	28 (4.7%)
Shoplifting family man	50	448 (74.5%)	137 (22.8%)	16 (2.7%)
Shoplifting, drug user	42	464 (77.2%)	116 (19.3%)	21 (3.5%)
Teen steals car, first offense	44	542 (90.2%)	53 (8.8%)	6 (1.0%)

*See Appendix A for full scenario questions

shoplifting and minor first time offenses, at the other. The most interesting aspects of this table, however, are the crime types that fall toward the center. Many of these crime scenarios are very similar but for minor changes in the context under which the crime occurs. One such variation can be seen between a family man with a job who is caught shoplifting and an identical offender who is caught shop lifting to support his drug habit.

In the first case a large portion of the sample, 74.5%, feel that the offender should be tried in a reparative board. In the second case, which only varies by adding a motive, only 51.1% of the sample feels that the offender should receive a sentence through a community-based reparative board. Implications of such variations will be presented in the discussion section of this study.

While exploring variations in support due to differing crime scenarios, this study also looks at variations in some opinion variables from the original study (see Table 5 and Table 6 for frequencies by functional factors of reparative boards)¹⁸. As can be seen in these tables, respondents' opinions of the various aspects and overall opinions of reparative boards are remarkably high with the exception of the cost of reparative boards as compared to prison¹⁹. For instance, 87.7% of respondents feel reparative boards could be fair with proper guidance, 71.4% feel that reparative board sentences would be more difficult than a jail sentence, and, of those who had previous knowledge of reparative boards in Vermont, 76.6% had an overall positive opinion. Although these findings do not further the hypotheses on community support for reparative boards by crime type, they do speak to the community's feelings on the use of such boards and, likely, their willingness to give properly run programs a real chance in the future.

¹⁸ Although these variables are interesting to look at by frequency they were not able to be taken to the next level of analysis through OLS regression in this study. This is for two reasons. First, the alpha level for combining these variables into an index was relatively low at 0.496, especially when considering the alpha level for the crime scenario index. Second, although these variables could potentially be used as another measure of support for community-based reparative boards they could not be used as a second measure in conjunction with the crime scenario index due to a high level of interdependency.

¹⁹ While only 35.1% of the sample feel that reparative boards cost less than prisons and 60.6% of the sample feel that cost should be of low importance, these are really two questions put into one that ideally should be split. The first question compares reparative boards to prisons while the second question assesses the overall importance of cost in sentencing an offender. This issue is likely more complicated given that only 10.7% of the sample had even heard of reparative boards prior to the study, limiting the samples ability to actually compare such programs.

Table 5: Sample's Responses to Opinions on Reparative Board Capability and Proportion by Response*

Opinions	Variable A		Variable B	
Reparative boards unfair/fair with proper guidance	62	58 (9.7%)	527 (87.7%)	16 (2.7%)
Average person not qualified to sentence/qualified with training	60	79 (13.1%)	509 (84.7%)	13 (2.2%)
Reparative boards too lenient/sentences are more difficult than jail	59	114 (19%)	429 (71.4%)	58 (9.7%)
Reparative boards can be fooled/can tell if offender is sincere	61	142 (23.6%)	420 (69.89%)	39 (6.5%)
Should use because cost less than prison/cost should be low priority	58	211 (35.1%)	364 (60.6%)	26 (4.3%)

*See Appendix B for full opinion questions

Table 6: Sample's Responses to General Questions About Reparative Boards*

Heard of community-based reparative boards	Variable	Yes	No	Unsure		
	26	64 (10.7%)	525 (87.4%)	12 (2.0%)		
Overall opinion of reparative boards**	Variable	Positive	Negative	Unsure		
	27	49 (8.2%)	7 (1.2%)	8 (1.3%)		
Likelihood to attend if non-violently victimized	Variable	Likely	Somewhat Likely	Not Likely	Unsure	
	63	308 (51.3%)	219 (36.4%)	68 (11.3%)	6 (1.0%)	
Feelings about sending first time offender to reparative board	Variable	Strongly Favor	Somewhat Favor	Somewhat Oppose	Strongly Oppose	Unsure
	29	284 (47.3%)	265 (44.1%)	30 (5.0%)	16 (2.7%)	6 (1.0%)

*See Appendix C for full opinion questions

**Left blank if answered "No" on having heard about community-based reparative boards

Prior Victimization on Support for Community-Based Reparative Boards

The effect of respondents' victimization history on their likelihood to support community-based reparative boards in this study is assessed in two ways. First, a frequency chart was constructed to show the percent of respondents that feel that the offender in each crime scenario should be incarcerated. Second, an ordinary least squared regression was run to assess the effect victimization would have on overall support for the use of community-based reparative boards when added to the model. As can be seen in Table 7, in 12 of the 17 crime scenarios a higher percentage of those who reported victimization support incarceration than those who had not reported victimization in their household. These findings show support for Hypothesis 2a and Hypothesis 2b: that those who have been victimized will support incarceration for more crime types and that this support will extend to support for incarceration in what are considered more minor crimes. However, this finding is not very strong in light of the fact that many of the percentages are very close and only vary by an average of 7.66% between victims and non-victims across the 17 crime scenarios. Furthermore, there were few significant differences between victimization and non-victimization averages when T-tests were conducted.

A similarly constructed frequency table was designed to show support for the use of incarceration by crime scenario between those respondents who reported victimization and, of those, who reported a violent victimization (shown in Table 8). In 13 of the 17 crime scenarios a higher percentage of those who reported a violent victimization supported incarceration than those who reported a non-violent victimization. These frequencies show that those who report a violent victimization show greater support for

Table 7: Support for Use of Incarceration in Crime Scenarios Based on Respondents' Victimization Status

Scenario	Variable	Victim	Non-victim
Drunk driver, first offense	41	0.45	0.55
Shoplifting, drug user	42	0.60	0.58
Violent rape with permanent injury [‡]	43	-0.99	-0.90
Teen steals car, first offense	44	0.74	0.82
Robber, wounds store clerk*	45	-0.96	-0.92
Public flasher, third offense	46	0.13	0.22
Fifth conviction, non-violent property crimes	47	0.35	0.27
Armed break-in to unoccupied store	48	-0.32	-0.20
Unarmed break-in to unoccupied store	49	0.29	0.31
Shoplifting family man	50	0.45	0.53
Big-time drug dealer	51	-0.95	-0.96
Small-time drug dealer	52	-0.18	-0.22
College student selling pot	53	0.04	0.15
Shoplifting to support drug habit, family man	54	-0.11	0.06
Drunk driver, second conviction	55	-0.02	0.15
Drunk driver, second conviction, family man*	56	0.07	0.30
Drunk domestic abuse with no serious injury	57	0.43	0.41

NOTE: See Appendix A for full scenario questions

Means range from -1 to 1 with -1 indicating support for incarceration

[‡]p<.10. *p<.05. **p<.01.

incarceration in one more variable than those who report a non-violent victimization as compared to non-victims. This, in turn, shows support for Hypothesis 2c: that those who report a violent victimization will support incarceration in more crime scenarios than those who report a non-violent victimization and no victimization. Again, these findings are relatively weak in light of a small average variation and having few significant variables when run through a T-test.

The effect of respondents' victimization history on their likelihood to rate community-based reparative boards positively in this study can be assessed in a similar way to the first analysis with the individual crime scenarios. A frequency chart was constructed to show the percent of respondents that felt aspects of reparative boards, such as cost, leniency and fairness, performed well. As can be seen in Table 9, in 6 of the 9

Table 8: Support for Use of Incarceration in Crime Scenarios Based on Respondents' Violent Victimization Status

Scenario	Variable	Violent	Non-violent
Drunk driver, first offense	41	0.38	0.54
Shoplifting, drug user	42	0.54	0.58
Violent rape with permanent injury	43	-0.96	-0.91
Teen steals car, first offense [‡]	44	0.62	0.82
Robber, wounds store clerk	45	-0.96	-0.92
Public flasher, third offense	46	0.08	0.22
Fifth conviction, non-violent property crimes	47	0.42	0.27
Armed break-in to unoccupied store	48	0.00	-0.23
Unarmed break-in to unoccupied store	49	0.27	0.31
Shoplifting family man	50	0.39	0.52
Big-time drug dealer	51	-0.92	-0.96
Small-time drug dealer [‡]	52	-0.54	-0.20
College student selling pot ^{**}	53	-0.38	0.16
Shoplifting to support drug habit, family man [‡]	54	-0.31	0.06
Drunk driver, second conviction	55	-0.12	0.14
Drunk driver, second conviction, family man	56	0.00	0.29
Drunk domestic abuse with no serious injury	57	0.42	0.41

NOTE: See Appendix A for full scenario questions

Means range from -1 to 1 with -1 indicating support for incarceration

[‡]p<.10. *p<.05. **p<.01.

Table 9: Positive Responses on Capability of Reparative Boards Based on Respondents' Victimization Status

Scenario	Variable	Victim	Non-victim
Heard of community-based reparative boards [*]	26	0.17	0.10
Overall opinion of reparative boards	27	0.79	0.76
Feelings about sending first time offender to reparative board	29	0.87	0.83
Should use because cost less/cost should be low priority	58	-0.30	-0.24
Reparative boards too lenient/sentences are more difficult than jail	59	0.48	0.54
Average person not qualified to sentence/qualified with training	60	0.67	0.72
Reparative boards can be fooled/can tell if offender is sincere	61	0.40	0.47
Reparative boards unfair/fair with proper guidance	62	0.77	0.78
Likelihood to attend if non-violently victimized	63	0.76	0.77

NOTE: See Appendix B and Appendix C for full opinion questions

Means range from -1 to 1 with -1 indicating support for incarceration

^{*}p<.10. *p<.05. **p<.01.

opinion variables a lower percentage of those who reported victimization report positive feelings on the capability of reparative boards than those who had not reported victimization in their household. Furthermore, a similarly constructed frequency table was designed to show opinions on the capability of reparative boards for those

respondents who reported victimization and, of those, who reported a violent victimization (shown in Table 10). In 7 of the 9 opinion variables a lower percentage of those who reported a violent victimization report positive feelings on the capability of reparative boards than those who reported a non-violent victimization in their household. These frequencies show that those who reported a violent victimization hold less positive opinions on the capability of community-based reparative boards in one more variable than those who reported a non-violent victimization as compared to non-victims. However, as with the crime scenarios, this finding is not very strong in light of the fact that many of the percentages are very close and only vary by an average of 4.40% between victims and non-victims across the nine opinion variables.

In order to test the respondents' overall support for the use of reparative boards two models were created using an ordinary least squares (OLS) regression (see Table 11 for OLS regression on overall support for community-based reparative boards). The regression was first run with overall support as the dependent variable along with the descriptive variables as the independent variables. From this the second model was generated by adding the victimization variable. As can be seen in Table 11, the victimization variable adds little to the model in terms of explained variance (an increase in R^2 of 0.0033 from the previous model) and the victimization variable was not statistically significant at the 0.05 level. As such, it is not possible to support the overarching construct for Hypothesis 2 in this study: that prior victimization will directly affect respondents' support for community-based reparative boards. Even though the overall hypothesis cannot be supported here, Table 11 shows that education has a highly

Table 10: Positive Responses on Capability of Reparative Boards Based on Respondents' Violent Victimization Status

Scenario	Variable	Violent	Non-violent
Heard of community-based reparative boards	26	0.12	0.11
Overall opinion of reparative boards	27	0.67	0.77
Feelings about sending first time offender to reparative board	29	0.92	0.83
Should use because cost less/cost should be low priority	58	-0.50	-0.24
Reparative boards too lenient/sentences are more difficult than jail	59	0.35	0.53
Average person not qualified to sentence/qualified with training	60	0.58	0.72
Reparative boards can be fooled/can tell if offender is sincere	61	0.27	0.47
Reparative boards unfair/fair with proper guidance	62	0.77	0.78
Likelihood to attend if non-violently victimized	63	0.65	0.77

NOTE: See Appendix B and Appendix C for full opinion questions

Means range from -1 to 1 with -1 indicating support for incarceration

†p<.10. *p<.05. **p<.01.

Table 11: Multiple Regressions of Aggregate Crime Scenarios on Support for Reparative Boards

Independent Variables	Aggregate Crime Scenarios			
	I		II	
	β	t-Ratio	β	t-Ratio
Victimization	-	-	-1.13	-1.39
Gender	-0.50	-0.88	-0.50	-0.88
Employment	0.23	0.37	0.17	0.28
Education	1.17	5.16**	1.17	5.18**
Age	-0.38	-1.17	-0.42	-1.28
R ²	0.047		0.05	
N	595			

NOTE: β =standardized regression coefficient

*p<.05. **p<.01.

significant positive effect on the overall support variable with a beta coefficient of 1.17 at the p<0.01 significance level.

Discussion

This study argues that in order for restorative justice and reintegrative shaming initiatives to operate in the United States of America they must first have consent from the community. This concept is tested here by looking at community-based reparative boards. If subsequent programs are based on a solid foundation of broad community support for reparative boards they are not only likely to yield better research results, but will also show greater returns on the theorized benefits. Using data from a telephone

survey on crime trends in Vermont this study has constructed a primary measure based on overall support of community-based reparative boards. These variables were then used to examine the effects of individual characteristics and victimization history on overall support for reparative boards. Based on the two main hypotheses, results in this study were mixed and only provide support to some aspects of the analysis as they were operationalized and tested in this study.

All of the frequency charts show some promise with regards to the hypotheses tested in this study. The victimization variables, on the other hand, do not support the hypotheses in the regression tables. First, the summarized index mean in Table 2 shows a small (1.01) but positive lean in the sample toward the use of reparative boards across the crime scenarios. Second, there is a clear hierarchy by which the most severe crimes receive the least support and the most minor crimes receive the most support for the use of community-based reparative boards. As discussed in the results, there is a gray area in the middle of the hierarchy of crime scenarios. These scenarios vary significantly based on the context under which they occur and likely will also vary based on the community being studied. Different communities have different focal concerns and where one community might be concerned with and support harsher punishments for underage drinking, another could have the same feelings toward teen drug use, drunk driving, or any other type of crime. These variations can be interpreted in various ways, as differing views on the severity of crimes will also lead to different punishments being handed out by local reparative boards. Although differing punishments for similar crimes by the community may seem unfair at face value, the ability of Reintegrative Shaming Theory and reparative boards of all types to be tailored to a community's needs is one of its most

appealing aspects. Furthermore, if, as 87.7% of the sample feels, proper training can ensure fairness then variations in punishment should not be of great concern²⁰.

Third, victimization negatively affects the number of crime scenarios respondents are willing to see dealt with by reparative boards. This is further exacerbated by violent victimization. These findings show that individuals' victimization characteristics can have a negative effect on their support for community-based reparative boards depending on the crime scenario. These results support the corresponding hypothesis as expected; however, the results were not as strong as anticipated, but are interesting for exploratory purposes. More importantly, these results show that more attention needs to be given to the direct and indirect effects of victimization on individuals' support for such community based programs. Furthermore, it would also be interesting to look at the effects that reparative boards have on individuals' support when they participate in such programs after being victimized.

Fourth, victimization does not have a statistically significant correlation with overall support for community-based reparative boards in this study. Furthermore, adding the victimization variable to the model contributed very little to the overall explained variance of the final model. As such, victimization in this study did not appear to explain overall support for reparative boards as anticipated in this study. This could be

²⁰ The opinion variables also show broad positive conceptions about the ability of reparative boards to operate. The findings reported in Table 5 and Table 6 show a willingness on the part of respondents to experiment with reparative boards. In particular, the high percentage of positive support for reparative boards shows that the community stakeholders believe that community-based reparative boards can function properly when they are well constructed. The one exception to this finding is with the cost of reparative boards versus prisons and whether or not cost should be considered important. However, due to the complexity of this particular variable it is difficult to tell what exactly respondents are meant to have an opinion about. This variable would be much more effective if it were broken down into at least two questions where respondents are first asked to compare the cost of prisons and reparative boards and then to rate the importance of cost in the decision making process. Furthermore, only a small percentage of the sample reported any prior knowledge of reparative boards. It is possible that responses would differ if the sample had more information comparing the costs and benefits of various sentencing and correctional programs.

due to a lack of an actual victimization effect, but due to the limitations of the data set it is not possible to say whether or not this is the case. Rather, the effects of victimization on support for reparative boards needs to be explicitly reviewed in future studies. This is a very complex variable and a lot of information is lost by boiling it down to simply whether or not an individual has been victimized. As with Tyler's (1980) research, there may be many differing effects based on direct versus indirect, type, and temporal proximity of victimization just to name a few. Also, problems in this measure may have been further exacerbated by the low number of respondents who were victimized, 78, and even lower number for those who were violently victimized, 26.

At the same time the education variable was both highly significant and positive in both models. This indicates that as an individual's level of education increases their overall support for community-based reparative boards also increases. Based on previous research with Blumstein and Cohen (1980) and Sprott (1996), this effect may be due to a connection between higher levels of education and increased knowledge of larger criminal justice issues. One way to further assess this question would be to look at differences in level of education and people's knowledge about various criminal justice programs and the state of criminal justice in the United States of America. At this point it is not possible to tell if the correlation between education and support for reparative boards is in fact due to level of education or a combination of factors inherent in the group of people who have a higher education.

Fifth, victimization negatively affects the number of positive feelings about the capability of reparative boards and this negative effect is further exacerbated by violent victimization. Similar to the effects of victimizations on overall support, this finding

shows preliminary evidence on the effects that victimization can have on individuals' general opinions of reparative boards. Victimization may further exacerbate this effect if community stakeholders who have been victimized are unwilling to see past the incident and are overly fearful or desire revenge. Both Braithwaite's (2007) and Sherman's (2009) research show that face-to-face conferences can help mediate feelings of post traumatic stress and anger, but bringing victimized individuals to the conference in the first place is of paramount importance. This is especially true given the importance placed on voluntary participation by all parties involved.

The next step is to see whether or not subsequent samples have the same effect when actually presented with real or mock trials and believe that their decisions will have a direct effect on other people's lives. These results also need to be corroborated with studies designed to look at individuals' views on restorative justice and the effects such views have on subsequent support for community-based reparative boards. Furthermore, the measures of support must be consistently and explicitly designed to measure what they are intended to measure. This study looked at part of a preexisting data set and, as such, was not explicitly designed to look at reintegrative shaming and restorative justice. Variables were not always measured on a consistent scale, or asked in a similar underlying manner. The large number of limitations in this study should not be seen as a failure for this study, but rather as numerous opportunities for future research. This is especially true given that no other studies looking at overall support of community stakeholders for community-based reparative boards were come across during the research for this study.

Conclusion

The overall results of this exploratory analysis can be summarized as showing partial support for restorative justice practices through the use of Vermont's community-based reparative boards. More importantly, however, this study finds strong views on the part of community stakeholders for which crimes should be dealt with by and in the community and which should result in incarceration. Overall support of these reparative boards is only one metric, however, and other variables such as the opinion variables in this study may be another way to assess communities' views.

Of the various measures in this study, the effects of victimization did not produce the expected results. The regression analyses for victimization on support for reparative boards was not significant and added little to the model. However, the frequency charts did show some promise for an effect of victimization on the number and severity of crime scenarios that respondents would support. Similarly, the frequency charts for the disaggregated opinion variables showed vast positive support for the capability of reparative boards, meaning that not only did respondents have positive opinions on reparative boards, but individuals also showed high levels of support for the use of reparative boards.

As with any good study this research has provided fertile ground for future research by uncovering and putting forth many questions that have yet to be answered. Furthermore, this analysis has uncovered some of the most troubling limitations of reintegrative shaming and restorative justice research. As such, future studies not only have many questions to answer, but need to cut through red tape to gather larger samples²¹, have longer follow up periods²², and, lastly, to assess the many contexts under

²¹ Political and privacy research issues with regards to conducting reintegrative shaming and restorative justice research were not covered in this study, but are a very real problem, especially when trying to

which reparative boards can operate²³. All such research is important in paving the way for a criminal justice system that seeks to repair damage done to individuals and the larger society instead of focusing on punishing the offender alone.

follow long term effects on juveniles that cross into the adult system and gather sample sizes large enough to show if there are, in fact, effects.

²² Long term effects like generational community acceptance of community based programs, community and individual desistance and recidivism, and see if there truly is a tipping point with regards to collateral and cost benefits.

²³ Program contexts are a difficult subject that was only alluded to in this study. This specifically refers to issues like diversionary versus additive reparative boards, professional versus volunteer facilitators, and forced versus volunteer participation of offenders in conferences. Some of these contexts directly challenge Braithwaite's (1989) theory, but may be viable outlets or alternatives for the larger criminal justice system in the United States of America.

Appendix A: Scenario Based Questions²⁴

41. Would you rather see a drunk driver spend 30 days in jail or do 30 days of unpaid community service-work such as cutting brush or picking up litter and successfully complete an alcohol rehabilitation program?

Do 30 days in jail

Do 30 days of community service and rehab

Not sure/don't know

42. Would you rather see an illegal drug user caught shoplifting spend 30 days in jail or do 30 days of unpaid community-service work such as cutting brush or picking up litter and successfully complete a drug treatment program?

Do 30 days in jail

Do 30 days of community service and rehab

Not sure/don't know

For each of the following cases, you be the judge. Tell me if each offender – let's assume he's a man – should be sent to prison or go before a community-based Reparative Board where he might be sentenced to some, or all, of the following: up to 50 hours of unpaid community service such as cutting brush; restitution or paying back the victim; writing a letter of apology to the victim; attending mandatory courses in, say, anger management, if appropriate; taking random drug or alcohol tests and completing mandatory treatment, if appropriate; and writing an essay on how his offense harmed the community.

43. A rapist who stalks, violently rapes, and permanently injures a young woman he's never met – should he go to prison or have to do unpaid work and other activities as determined by a community-based Reparative Board?

Prison

Community-based Reparative Board

Not sure/don't know

44. A 19-year-old who steals a car. It is his first offense. Should he go to prison or have to do unpaid work and other activities as determined by a community-based Reparative Board?

Prison

Community-based Reparative Board

Not sure/don't know

45. A man who shoots and seriously wounds a clerk while robbing a liquor store. Should he go to prison or have to do unpaid work and other activities as determined by a community-based Reparative Board?

²⁴ All text in this appendix comes from John Doble and Judith Greene's (2001) ICPSR data set codebook, pages 33-35 (pages 7-9 of the actual survey). These questions were copied word for word due to quality issues with the original scanned questionnaire. The only differences presented here are in formatting and notations that were written directly onto the original document.

Prison
 Community-based Reparative Board
 Not sure/don't know

46. A flasher, a middle-aged man who exposes himself in public. It's his third offense in ten years. Should he go to prison or have to do unpaid work and other activities as determined by a community-based Reparative Board and also successfully complete a three-month counseling and treatment program for sex offenders run by a professional therapist?

Prison
 Community-based Reparative Board
 Not sure/don't know

47. A man who, over a six-year period, is convicted of five *nonviolent* property crimes such as writing bad checks and shoplifting.

Prison
 Community-based Reparative Board
 Not sure/don't know

48. An *armed* man convicted of breaking into an unoccupied store at night and steals some stereo equipment. It's his second offense but his last conviction was five years ago.

Prison
 Community-based Reparative Board
 Not sure/don't know

49. An *unarmed* man convicted of breaking into an unoccupied store at night and steals some stereo equipment. It's his second offense but his last conviction was five years ago.

Prison
 Community-based Reparative Board
 Not sure/don't know

50. A man caught shoplifting. He has a steady job and a family to support but it's his third conviction in five years.

Prison
 Community-based Reparative Board
 Not sure/don't know

51. A big-time drug dealer caught selling \$200,000 worth of heroin. It's his third offense.

Prison
 Community-based Reparative Board
 Not sure/don't know

52. A small-time drug dealer who is caught selling \$50 worth of marijuana to an undercover police officer. It's his third offense.

- Prison
- Community-based Reparative Board
- Not sure/don't know

53. A 22-year-old college student who sells \$10 worth of marijuana to an undercover police officer. It's his third offense.

- Prison
- Community-based Reparative Board
- Not sure/don't know

54. A drug user caught shoplifting to pay for his habit. He has a steady job and a family to support but it's his third conviction in five years.

- Prison
- Community-based Reparative Board
- Not sure/don't know

55. A man convicted of drunk driving for the second time. His last conviction was four years ago.

- Prison
- Community-based Reparative Board
- Not sure/don't know

56. A man with a steady job and a family to support who is convicted of drunk driving for the second time. His last conviction was four years ago.

- Prison
- Community-based Reparative Board
- Not sure/don't know

57. A man who, after drinking heavily, beats his wife who sustains no permanent injury, first offense – prison, or a community-based Reparative Board plus mandatory anger management therapy?

- Prison
- Community-based Reparative Board
- Not sure/don't know

Appendix B: Opinion Based Questions²⁵

58. Which statement comes closer to your own view?

²⁵ All text in this appendix comes from John Doble and Judith Greene's (2001) ICPSR data set codebook, page 36 (page 10 of the actual survey). These questions were copied word for word due to quality issues with the original scanned questionnaire. The only differences presented here are in formatting and notations that were written directly onto the original document.

We should use community-based Reparative Boards because sentencing offenders to community punishments is much less costly to taxpayers than prison which costs the state about \$19,000/year

OR

Saving money should be a very low priority when it comes to deciding what to do about lawbreakers

A is closer

B is closer

Not sure/don't know

59. Which statement comes closer to your own view?

Community-based Reparative Boards are too lenient, even nonviolent offenders should be sent to prison

OR

The sentence handed down by a community-based Reparative Board are more difficult than a brief stay in jail or prison

A is closer

B is closer

Not sure/don't know

60. Which statement comes closer to your own view?

The average person is not qualified to determine the sentence for anyone

OR

With proper training, the average person is fully qualified to determine the sentence for nonviolent offenders

A is closer

B is closer

Not sure/don't know

61. Which statement comes closer to your own view?

The people on a community-based Reparative Board will be fooled by con artists who have no intention of changing

OR

The people on a community-based Reparative Board will be able to tell if an offender is sincere or not

A is closer

B is closer

Not sure/don't know

62. Which statement comes closer to your own view?

Community-based Reparative Boards in different communities may unfairly give offenders who committed similar offenses very differently sentences

OR

With proper guidance about what is fair, community-based Reparative Boards will make the punishment fit the crime

A is closer

B is closer
Not sure/don't know

Appendix C: General Reparative Board Questions²⁶

26. Have you ever heard of the community-based Reparative Boards?

Yes
No
Not sure/don't know

27. IF YES: Is your over/all opinion of community-based Reparative Boards positive or negative?

Positive
Negative
Not sure/don't know

29. (ASK EVERYONE) Community-based Reparative Boards are made up of citizen-volunteers who work with a judge to determine and oversee the sentence of *nonviolent* offenders. Instead of going to prison, offenders must complete a sentence that includes some, or all, of the following: up to 50 hours of unpaid community service such as cutting brush; restitution or paying back the victim; writing a letter of apology; attending mandatory courses in, say, anger management, if appropriate; taking random drug or alcohol tests and completing mandatory treatment, if appropriate; and writing an essay on how the offense harmed the community. How do you feel about using community-based Reparative Boards made up of average people to determine and supervise the unpaid work and other activities of *carefully selected, nonviolent* offenders instead of sending them to prison.

Strongly favor
Somewhat favor
Somewhat oppose
Strongly oppose
Not sure/Don't know

63. When a nonviolent offender goes before a community-based Reparative Board, his victim is encouraged to attend to tell the offender about the impact of his offense. If you were the victim of a nonviolent offense, how likely would you be to come to such a session?

Very likely
Somewhat likely
Not at all likely
Not sure/don't know

²⁶ All text in this appendix comes from John Doble and Judith Greene's (2001) ICPSR data set codebook, pages 32 and 37 (pages 6 and 11 of the actual survey). These questions were copied word for word due to quality issues with the original scanned questionnaire. The only differences presented here are in formatting and notations that were written directly onto the original document.

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