

# Kaleidoscope

# JUSTICE

## Highlighting Restorative Juvenile Justice

A publication of the Balanced and Restorative Justice Project  
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“Everything is beautiful, is sacred. It takes caring to bring out beauty, to make someone realize they are sacred, and to make us realize they are sacred.”<sup>1</sup> So said an Elder of a First Nations tribe during a peacemaking Circle. That is what restorative justice seeks to do, bring together a community of

people who are willing to care enough to find the beauty, the sacred in each person. Through deep sharing of their own stories, the community is able to

**Finding the sacred, the beautiful**

find beauty in a broken life and move it toward wholeness.

The articles in this issue of *Kaleidoscope of Justice* tell the stories of how people are working toward this goal of beauty and wholeness. Illinois is developing a system to undergrid their restorative justice work, and even as they consider the systemic issues they acknowledge that the foundation is “strong relationships based on trust and respect.”

Through Victim Offender Dialogues, victims of the most serious crimes are brought together with their offenders. The work is difficult because if it is to truly lead to healing they must “process that which is below and deep within their hearts.” Staying on the surface and in the head will not bring about transformation.

Vermont continues to find ways to expand restorative justice principles throughout the criminal justice process. The Vermont Department of Corrections is moving to the end of the process - reentry into the community. Once again, community members

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are called upon to hold offenders accountable while supporting them in their efforts to make a new life outside of prison. And they are very aware that the basic component of their work is relationship building.

Without the commitment of those involved in finding beauty and the sacred, restorative justice would be simply another institutionalized program. Instead, it is becoming even more alive and transformational as communities gain a deeper understanding of what restorative justice is truly about.

<sup>1</sup> From Peacemaking Circles: From Crime to Community by Kay Pranis, Barry Stuart and Mark Wedge. (Living Justice Press. 2003)

### Balanced and Restorative Justice Project

As a model of “community justice,” BARJ seeks to involve and meet the needs of three co-participants in the justice process—victims, offenders, and communities. In doing so, the BARJ model guides juvenile justice systems toward “balance” in meeting the sanctioning, public safety, and rehabilitative needs of communities. The aspects of the balanced approach are: values, clients, decision-making processes, performance outcomes, program priorities, and new roles for juvenile justice professionals. The BARJ project focuses on the way jurisdictions are addressing the reintegrative (competency development), sanctioning (accountability), and public safety goals of the Balanced Approach mission and restorative justice principles.





*Spotlight on*

# The Future of BARJ Reform for Illinois: A Vision for the Future

The following article is excerpted from *Implementing Balanced and Restorative Justice: The Illinois Experience* by Jessica Ashley, Peter Newman, Sharon Covey, and Donyelle L. Gray, an article written for the Loyola Law Journal.

In 1899, Illinois, led by the principles of Jane Addams, created the first juvenile court. Once again, Illinois is seeking to reform the juvenile justice system. Illinois adopted BARJ in its Juvenile Court Act due to concerns that the juvenile justice system failed to meet the needs of victims and communities affected by juvenile crime. Since the legislation changes in 1999, the Illinois juvenile justice system has not only acknowledged the need for change, but has taken steps to continue this new reform.

The Illinois BARJ Initiative has provided a framework and structure that will aid in the understanding and use of BARJ in communities. The Illinois BARJ Initiative gleaned some insightful inspiration from Pennsylvania's system approach and Colorado's grassroots approach. The Illinois initiative has chosen to incorporate concepts from each, with the goal of developing both a "top-down," or system run, and "bottom-up" or community driven, approach. In good faith, stakeholders with any involvement in juvenile crime are participants. It continues to be the initiative's goal to receive input from all stakeholders in order to provide a balanced and collaborative effort in all statewide BARJ efforts.

As the Illinois BARJ Initiative continues to develop and unfold, it is critical to keep sustainability in mind. Essentially, we are talking about changing the way people think and act in the juvenile justice system. Change is difficult for most people; changing a system and culture is even more difficult. Therefore, it is important that our efforts are both deep and broad. Although the statewide BARJ Initiative has come a long way, there is still much more to think about and consider.

## **Key aspect: inclusion**

One of the most successful aspects of the efforts to date is the inclusion of all interested parties. This is a key aspect of sustainability and in impacting more communities and their members in many aspects of their lives. There are many systems that make up the community providing a healthy, productive, meaningful life for all community members past, present, and future. The Illinois BARJ initiative must remain committed to its inclusive nature in order to remain true to its values and principles. This is most important as the initiative begins to look at the aspects of structure and organizational

framework.

Successful initiatives that impact crime have clear mission, and continue to evolve over time. Sustainable initiatives focus on long-term organizational cultural change that is outcome oriented. They maintain a clear mission while at the same time have the ability to be highly flexible. It is important to clarify an initiative's mission and values. As the Illinois BARJ initiative moves forward in its planning and development it will be looking at several options for organizational structure. As an expert in the field of restorative justice, Mark Carey, Deputy Commissioner of the Minnesota Department of Corrections and former Director of Dakota County (MN) Community Corrections, suggests that in order to determine what is most appropriate, certain values must be clarified. He suggests that there are some questions that must be asked of the collaborative group:

- What kind of community involvement is desired?
- How are decisions going to be made?
- How will continued input be provided?
- How important is the process of determining services versus the delivery of those services?

These and other questions need to be addressed in order to secure long-term organizational cultural change.

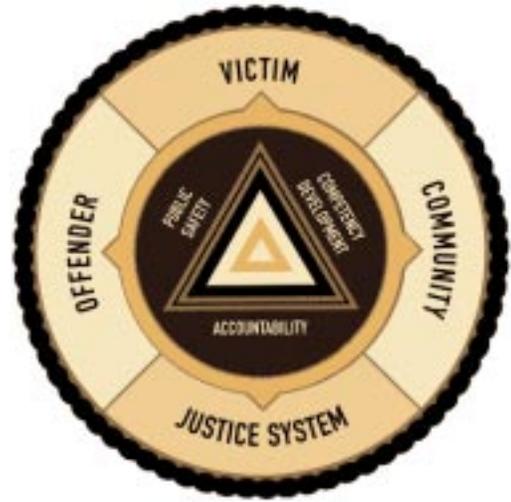
Successful initiatives operate in settings that encourage stakeholders to build strong relationships based on trust and respect. Lisbeth Schorr, an expert in the field of sustainable development, states that it is the quality of the relationships that most profoundly differentiate effective from ineffective initiatives and institutions. In researching successful developmental initiatives that create change, a common element always occurs—special kinds of relationships exist at the core of the initiatives. The Illinois BARJ Initiative certainly possesses that quality.

Successful initiatives are not tightly run machines, but they need to have the balance of structure and strong relationships. Clearly defined rules and roles are the backdrop for predictability. At the same time combining those with trusting relationships provides the elements for sustainability. The task of launching a sustainable community initiative cannot be taken lightly. In reality, implementing a developmental project

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# Balanced and Restorative Justice Project Update:

## *Restorative Justice, Youth and Community: theory, policy and practice* by Gordon Bazemore and Mara Schiff



During the 1990's restorative justice emerged as an international movement for criminal justice reform, and a number of countries adopted policies encouraging or requiring the use of restorative justice practices as an alternative or in addition to adversarial court proceedings. In the United States, by 1998 over 20 states have changed their juvenile justice codes to incorporate the language of restorative justice, and a dozen states were experimenting actively with restorative justice decision-making or conferencing. By 2001 almost every state in the United States had begun to experiment with such practices.

This book, based on a large scale research project funded by the National Institute of Justice and the Robert Wood Johnson Foundation, provides an overview of the restorative conferencing programs currently in operation in the United States, paying particular attention to the qualitative dimensions of this, based on interviews, focus groups and ethnographic observation. It provides an unrivalled view of restorative justice conferencing in

practice, and what the people involved felt and thought about it.

The book looks at four structural variations in the face to face form of restorative decision making: family group conferences, victim-offender mediation/dialogue, neighborhood accountability boards, and peacemaking circles. An overriding concern of the book is to build and improve theory, guide future research, and to inform policy and practice in restorative justice decision making. In doing so it addresses two issues that have received limited research emphasis in restorative justice: the lack of clear and consistent standards that can be used to gauge both the strength and consistency of restorative intervention, and the absence of the testable theories of intervention that reflect what has become a rather diverse practice. In response to this the authors conclude the book with a proposed structure for principle-based evaluation designed to test emerging theories of restorative decision making.

*The book is scheduled to come out in November 2004 from Willan Publishing.*

### Illinois - continued from page 2

involves asking people and communities to change. As human beings it is our inherent nature to resist change, even if it means a better way of life for us. It must be understood that change is a process, not an event. Failure to acknowledge change will surely be an obstacle to a particular change effort. It is also important to note that change is a very personal experience for everyone. All individuals have different concerns; therefore, they will react differently to the changes taking place.

Within the juvenile justice system, trust and confidence

have been missing for many years. Although courts, probation departments, defense attorneys and prosecutors have become increasingly modernized, they still fail to meet the needs of the justice system's primary consumer: the neighborhoods that experience crime and live with the consequences every day.

*Sharon Covey, who wrote this section of the article, is the executive director of Bloom Township Youth and Family Services, and the co-founder/director of the Bloom Township Neighborhood Restorative Justice Mediation Program. She is also a National trainer and consultant with the Community Justice Institute, for the Balanced and Restorative Justice Project at Florida Atlantic University.*

# Victim Offender Dialogue

## Healing on a Deeper Level



By David Doerfler

**L**oss hurts; feelings of anger, frustration, helplessness, despair, fear... hurts. The gnawing emptiness experienced by a family member at the murder of a loved one hurts beyond comprehension, beyond what can be captured and described with words; the sense of violation you feel when sexually assaulted hurts to the core of your being; the resentment of losing your livelihood and the ability to fulfill ordinary hopes and dreams because of the reckless, irresponsible driving of a drunk person or the senseless misguided behavior of another hurts. Any loss or threat to human life and human potential that disrupts and destroys what is perceived as “normal daily life” hurts, and if it is pain that is the result of a violent crime, it is a pain like no other; real, live, often debilitating pain, the kind of pain that buckles your knees leaving you numb and disconnected.

### Facing the cold darkness

“I’m not so afraid of the cold and darkness around me as I am afraid of the cold and darkness inside of me.”

Victim Offender Dialogue is a process that was created to empower a victim and offender to face the “cold and darkness inside” themselves in order that their own personal journey of healing could begin or continue. Victim Offender Dialogue in crimes of severe violence, when it is facilitated with depth and sensitivity, is a process that is capable of addressing that deep debilitating hurt. Victim Offender Dialogue was intended to help victims face those fearful, painful agonizing issues that would otherwise go unrealized, unacknowledged, unprocessed. Unfortunately, it is possible to facilitate this process on an external immediate plane without allowing such depth and introspection. In so doing deep healing and transformation can be curtailed and victims and offenders can

be robbed of the opportunity to experience the full power of the process.

### Processing from the heart

The process begins by addressing immediately-expressed needs of the victim—needs that at times are articulated with simple, succinct clarity and at other times qualified with the ambivalent words “I really want to meet with (my offender), but I’m just not sure why.” Some victims will speak of their need to have questions answered that only the offender can provide; or the need to express the full impact the crime has had upon themselves and those around them; or the need to regain control and stability in their lives; or to see the offender take responsibility and be accountable; or to understand the offender and what brought him/her to this present destructive scenario; or the need to make sense of their tragedy and create something helpful and beneficial for others.

Any or all of these needs may be expressed by victims and can in some way be fulfilled within the dialogue process. When the principles of constructive dialogue between a victim and offender are appropriately applied, positive results can and in most instances will be experienced. *But if we take the impact of trauma from extreme violence seriously, and acknowledge the depth of feelings experienced, and recognize to the fullest extent the multi-layered/multi-dimensional nature of healing, then we will understand that nothing is simply what it appears to be. Victims—and offenders for that matter—need further opportunity to process that which is below and deep within their hearts, not just what is immediate and from the head; and unless we honestly acknowledge and open ourselves as facilitators to that reality and support and encourage such deep processing, we dis-empower victims and offenders in the name of immediate, “positive” outcomes.*

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The fact is most victims need more; more than just the immediate; more than what they can devise on their own; more than the criminal justice system's response in the form of a contest between lawyers rather than attention to the emotional needs of victims and the accountability needs of offenders. There are many victims who have "holes in their hearts" that therapy, theology, self-talk and behavior modification alone are unable to fill. They have the desire and the need for release and healing from the torture of unspeakable pain and unresolved issues, but they have found themselves "stuck" and unable to move forward. And so the process begins with attention to those immediate needs, such as getting answers to questions that have lingered for too long (information, details, "head things" that are related to that which is so much deeper!), but there is a need for so much more.

There is the need for more because trauma cuts deeper than what I can express immediately. I cannot think my way out of trauma. Trauma from violation does not and can not make sense and try as I may, I cannot change the past. I need much more, both immediate and longer-term. And so it is essential that victims are "allowed" to move through deeper layers of their feelings and questions—to work with the inherent and deeper contradictions that cannot be resolved through meeting just those "immediate" goals, needs and expectations.

It is my conviction that unless we as facilitators are willing to experience the process for ourselves on a deeper level, unless we are genuinely, congruently, authentically processing the deeper layers of our own lives, we can not fully facilitate that process for others.

"I'm not so afraid of the cold and darkness around me as I am afraid of the cold and darkness inside of me." That is a description of our own reality as facilitators as well. And unless we are willing to go within ourselves, and face our own feelings, our own demons and issues related to our everyday lives, we cannot be that bridge for the feelings of others.

### Holding the heat

The task of the facilitator is to become a crucible, that vessel within which a substance is transformed by applying extreme heat. The facilitator is not the heat. The heat is provided by the personal journeys of the victim and offender and their own personal work. The facilitator is the vessel that holds the heat so that transformation can take place. Unless the facilitator can be that crucible, that container, a loving trusting receptacle for all the horror and pain and shame and fear and mistrust and rage and hate, as well as all the seemingly contradictory and opposing realities of compassion, empathy, and understanding and respect and concern that are also inherent within the victim and offender, the opportunity to access healing and transformative change beyond those immediate needs will be lost. *In truth, the victim and offender*

*will only go as far and as deep and as wide as the facilitator allows them to go. As facilitators, if we are afraid of the cold and darkness inside ourselves, we will inadvertently discourage the victim and offender from taking that inside journey themselves. If we as facilitators are afraid of the cold and darkness within ourselves, we stagnate the opportunity for healing in others.*

This is why extensive preparation of both victim and offender which emphasizes creation of a safe place, tools for self-awareness and time for processing those deep-seated feelings and issues is so important if the deeper needs of victims are to be met. *This is also why it is so important that the training of facilitators mirrors that emotional/affective journey of victims and offenders. Facilitators need training experiences which support and draw out from within themselves their own emotional struggles.*

**H**ealing is sloppy work, and unless we acknowledge that within ourselves by our own experience we will not respect that sloppy, complex struggle of the victims and offenders with whom we are seeking to facilitate the process. What do I do when I can not make sense of what has happened, when the violation is so raw and deep that everything is changed? And what do you do, when that past cannot be changed, no matter how much you hope and pray and try and try and try to make it change? When you cannot



make sense you seek to make meaning and when the past cannot be changed, you grieve. And making meaning and grieving are not immediate destinations. They are intimate excruciating journeys which need to be embodied in a process that respects such intimacy and encourages such processing. It takes an extraordinary amount of emotional safety, it takes tools and opportunities to look deeper than simply what may be externally present. It takes time to face the underlying issues that engender so much fear. It requires feeling feelings, over and over and over again until somehow one receives new perspective, renewed courage, and resurrected hope to see the

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past, present and future in a new light.

If we are going to facilitate, receive, hold, honor, and validate the best and worst of what the victim and offender have experienced, it is imperative that we make that connection within our own life's journey. It's a connection that is difficult at best, a life-long, uphill walk, but the gift you give is the gift you receive: a pathway of healing for yourself and others.

My wise and lovely wife Cindy recently pointed me to an apocryphal story of a dog in the 16<sup>th</sup> century who had been adopted by a grieving human mother whose baby had died at childbirth. This woman treated the dog just as if it was a human child, even to the point to teaching the dog to talk. The dog became more than a faithful companion. No one doubted that in fact the dog became the mother's child. When the woman grew ill and lay on her deathbed, the dog never left her side. On the night the woman closed her eyes for the last time the dog was also heard to utter what became his last words: "Without your ear, I have no tongue." (The Dogs of Babel by Carolyn Parkhurst)

"Without your ear, I have no tongue." I liken the Victim Offender Dialogue process to the commitment between that mother and her extraordinary dog, an investment of love and

deep listening which gave a tongue to one who before could not speak. In dialogue, victims are given tongues to speak as others give ears to listen and absorb what has not been heard. Such "ears" allow those who are hurting, those who are afraid of the cold and darkness deep inside to make known what has been lost, discover what remains and become open to the potential transformative opportunities beyond what could ever be imagined. As facilitators of that process, what better purpose could any of us ever have.

*David Doerfler began, developed and directed the Victim Offender Mediation/Dialogue program for the Texas Department of Criminal Justice Victim Services Division (1993-2001). He is now Founder and Facilitator of Concentric Journeys: Common ground alternatives toward Healing and Justice, a training and consultant service through which he develops programs and therapeutic alternatives in other states and countries. With his colleague Jon Wilson they provide training on a national and international basis in "Facilitating Victim-centered/Offender-sensitive Dialogue in Crimes of severe violence." David also facilitates "On Becoming a Wounded Healer," a specialized self-awareness opportunity for spiritual leaders and other professional/lay caregivers to experience the embodiment of healing dialogue within themselves and others. For further information contact David Doerfler by email at [david@concentricjourneys.com](mailto:david@concentricjourneys.com) or call (800) 260-7442, access code 74 or (512) 263-7442. See websites: [www.sanctuarytexas.org](http://www.sanctuarytexas.org) and [www.concentricjourneys.com](http://www.concentricjourneys.com).*

## Restorative Justice Center Opens in Maine

The opening of the Restorative Justice Center of Maine on September 13 2004, marked another milestone for the Maine Council of Churches' (MCC) vision of making the practice of restorative justice a viable option in Maine.

The Council's involvement in criminal and juvenile justice issues spans twenty years during which its search for alternative and effective policies brought about an exploration of restorative justice and an ever stronger advocacy for restorative justice principles.

The Criminal Justice Committee, then staffed by Evelyn Hanneman and chaired by Dr. Craig McEwen of Bowdoin College, worked with Maine's Department of Correction and celebrated, in 1997, the implementation of restorative justice as an organizing principle, declaring: "Restorative Justice challenges us to design and administer a system which places the needs of the victim and the harm of the offending behavior at the center of the process by which we sanction and hold the offender accountable."

The Restorative Justice Center of Maine is believed to be the first Center in the US outside a university setting

dedicated exclusively to promoting restorative justice. Activities will include education and training, technical assistance and resourcing, and monitoring and evaluation of current restorative approaches, in the justice systems and the schools.

Suzanne Rudalevige, MCC staff and director of the new Center, currently serves on a number of policy boards under the Department of Corrections. She works closely with the DOC's Victim Services and the victim advocate community. In addition, Eileen McCue, an Americorps VISTA volunteer, has begun the work of carrying restorative discipline into the schools.

In order to provide a higher public profile for restorative process and to provide a place focused on creating a more strategic and structured advocacy, the Council decided to open the new Center and begin living the vision.

The Center is located at 40 Water St, Hallowell, ME 04347; phone is 207-623-0500. Sue Rudalevige can be reached at: [srudalevige@rjcmaine.org](mailto:srudalevige@rjcmaine.org) Funding came from the River Rock Foundation as well as individual donors.

# Vermont's Restorative Reentry Program

## *A Pilot in Burlington's Old North End*

*By Samantha Anderson and David Karp*

**W**ith recent national attention directed toward offender reentry, it is no surprise that one of the nation's pioneers of restorative justice, the Vermont Department of Corrections (VDOC), has applied restorative principles to their reentry program. In general, VDOC is modifying their "reparative board" model to galvanize community volunteers into action. In partnership with the Burlington Community Justice Center, VDOC is currently piloting a program in Burlington's Old North End, the state's highest crime district and frequent destination for released inmates.

The "restorative justice panel" consists of community volunteers who meet with returning offenders to offer advice and support. As VDOC further develops the program, it envisions the formation of panels that include both community volunteers and relevant professionals (depending on offenders' needs, these may include treatment providers, education, housing, and employment specialists, for example). They also envision a parallel wrap-around support process to address victims' needs and concerns. Panels will eventually meet with offenders upon entry into prison, drafting a plan of responsibilities that offenders must complete before and after release. Such "offender responsibility plans" will include tasks that will help offenders understand and repair the harm they caused to victims and the community, as well as tasks to assist their successful reintegration.

### **Support and guidance**

In the Old North End of Burlington, VDOC and the Burlington Community Justice Center have created the first reentry panel. Upon release from prison, designated offenders returning to this community have the option to meet with

the panel. As part of our ongoing evaluation work with VDOC, we recently had a chance to observe the panel in action and converse with panel members. One panelist explained they are "not there to judge [offenders] but are there to offer support and guidance." The panel members also suggest ideas for how the offender can restore the damage their crime has caused the community. A VDOC staff person explains that panelists "welcome people into the community and they are a support as long as people are committed to what they need to do. They understand [offenders] have harmed the community somehow but they also understand that people go to jail and they come out and they support them in changing their life. It's basically community

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members saying welcome back and we want you to do well.”

On the evening we observed the panel, they met with an individual whom they had seen once before. The panel members remembered this individual’s case very well and had had high hopes that he would succeed. Unfortunately, since their last meeting, the offender got into a dispute with his living partner, and she claimed he had been verbally abusive and drunk. The following day, the offender met with his parole officer and was remanded to jail for a week because of the dispute. The offender explained to the panel that his living partner was not of stable mind at the time and was making false claims, although he acknowledged that in most cases both parties share culpability. Authorities at the scene confirmed the claim that she was behaving as if she, herself, had lost control. He told his story clearly without making excuses and appeared genuine. The panel members explained to him that when they had heard that he had returned to prison, they were very disappointed. It was clear by the offender’s expression that he was also disappointed. The panel explained to him that they felt that way because they had such faith in him after their first meeting. He understood and expressed appreciation for their support.

The panel asked him various questions about his current living situation and employment status. He explained that he had a new companion whom he lived with and that he had a steady job. The offender spoke about the difficulties that he was experiencing as well as the things that were working out for him. Panelists sought assurance that he had resources available to him and that he was truly staying on the right track. He also described a custody battle that he was struggling with and panel members offered him some advice as well as applauded him for dealing with it through the legal system rather than taking matters into his own hands. The panel members were satisfied with his answers and that he was working hard to succeed.

### Looking to repair the harm

The offender also expressed his desire to work with youth as a way to repair harm. He had been involved in a gang in the past and wanted to educate youth about the choices that

lie before them, to help prevent them from entering into a criminal lifestyle. The panel members were very pleased with his desire to educate and they offered a lot of encouragement. A staff member at the VDOC told the offender that he would help arrange an appropriate service opportunity.

The meeting closed with the panel members inviting the offender to return in three months. The offender was very willing to do so and the members expressed their wish that he would still be making progress. The offender thanked them for their help and investment in him; the members wished him good luck as he exited.

### Developing relationships

Afterwards, the panelists all felt this individual had it in him to do well—“he’s got it,” stated one panel member. The support in the room was impressive; each member was confident in this man despite his initial setback. Although they may be overly optimistic about this offender—time will tell—our conversation with panel members suggested that they are not naïve, and think hard about how to talk to offenders productively and, more generally, how to improve the program. They particularly look forward to the implementation of the program at the point of prison entry. They want offenders to meet and become acquainted with the panel before their release. They strongly believe that if a relationship was developed earlier on, then the offender is more likely to look to them as a source of support.

Ultimately, we were most impressed by how much the panel members seem invested in these individuals. They want them to have a successful reentry and to live as productive citizens. Panelists also believe that this success is contingent on offenders understanding the harm they caused and taking concrete steps to repair it. In a country where returning offenders typically try to hide their past because they fear the community will only create new obstacles in front of them, it is refreshing to meet a group of volunteers committed to offering support. More importantly, it is encouraging to observe a correctional agency attempting to institutionalize this good will.

*For more information about the Old North End Project, contact David Karp at [dkarp@skidmore.edu](mailto:dkarp@skidmore.edu) or Cara Gleason, Director of the Burlington Community Justice Center, at [cgleason@ci.burlington.vt](mailto:cgleason@ci.burlington.vt).*

