

Conference Report

Critical Issues in Restorative Justice: Aotearoa New Zealand

by Shirley Jülich

A series of *hui* (palavers) in November of 2002, convened at the Center for Justice and Peace Development, Massey University, Albany, New Zealand, brought together a broad range of restorative justice practitioners, justice professionals, community groups and academics. The aims of the *hui* were to identify and discuss critical issues for Aotearoa New Zealand and to bring together a group of people who might not ordinarily have such opportunities to dialogue with each other.

Each of the sessions were introduced by Howard Zehr of the Conflict Transformation Program at the Eastern Mennonite University, which has an informal relationship with the Center for Justice and Peace Development and was also joint sponsor of the *hui* series. Zehr's introductions included his understandings of the critical issues that were relevant to the theme of the specific *hui*. He defined critical issues as those issues that threaten the integrity of restorative justice and his interpretations served to set the scene for discussion. This article highlights these conversations.

Ownership, Leadership and Accountability (full day session)

In a process that is not open to public scrutiny it is critical that restorative justice ensures that systems are in place to minimize abuse of practice and ensure that outcomes are being met. Mechanisms that enable listening and dialogue with various stakeholder groups are essential for the ongoing development of restorative justice. It is impractical for the State to negotiate with multiple provider groups and stakeholder groups. It would be advantageous, indeed desirable, if the State could dialogue with a "partner," an association or body that was representative of all provider groups or practitioners and which could provide leadership to the restorative justice movement. It was apparent from the discussions in this *hui* that the potential exists for a restorative justice

Aotearoa New Zealand
continues on page 4.

Research

Victim Offender Dialogue in Violent Cases: The Texas and Ohio Experience

by Mark S. Umbreit, Betty Vos, Robert B. Coates, and Kathy Brown

Introduction

From its beginnings in Kitchener, Ontario in the mid 1970's, victim offender mediation has been used largely in situations of minor crime and often in cases involving juvenile delinquents. As victims of more serious crime such as felony assault, murder, manslaughter and vehicular homicide began to request similar meetings with the offenders who had harmed them or their loved ones, local and state programs in a number of jurisdictions around the United States began to explore the possibility of offering a similar service for victims of violent and serious crimes. In 1997, the Center for Restorative Justice & Peacemaking at the University of Minnesota, in collaboration with the National Organization for Victim Assistance, received funding to undertake an in-depth study of victim-offender dialogue in violent and serious crimes in the first two states to develop such a program as part of their state-wide Victim Services offices: Texas (1993) and Ohio (1996).

Because the application of VOM in such crimes was still quite new, the study was largely qualitative in nature. In addition to review of program materials and documents, it included extensive interviews with program staff and volunteers as well as with 40 victims and 39 offenders in cases of violent and serious crime who participated in mediated dialogue. Data collection began in 1997 and continued through early 2001; analysis of the data was completed late in 2002.

The present article opens with brief descriptions of the two participating programs, summarizes the major findings from the participant interviews, and offers program and policy recommendations arising from these findings.

Overview of Participating Programs

The Texas Victim Offender Mediation/Dialogue program (VOM/D) is housed in the Victim Services Division of the Texas Department of Criminal Justice. Its purpose is "to provide victims of violent crime the opportunity to have a structured face-to-face meeting with their offender(s) in a secure, safe environment in order to facilitate a healing recovery process." The program was begun in December 1993. Referrals come from victims. Offenders are invited to participate and must do so voluntarily.

The process is intense and extensive. The actual face-to-face meeting is regarded as only one important point along a "continuum of care" from the point of referral, through preparation, to meeting, and through post-mediation follow-up. During preparation, participants are offered a series of questionnaires and protocols designed to facilitate coming to grips with their fears and their grief and to help them move along in the process of healing and recovery. Mediators work with very detailed protocols that guide their preparatory work with victims and offenders. Mediators continually assess the victim's readiness to meet with the offender and vice versa. The process of individual preparation in Texas averaged 16 months and ranged from two months to 35 months.

Mediators have a detailed checklist to follow for the meeting, but the emphasis is on providing a minimal presence, allowing the dialogue between

The Texas and Ohio Experience
continues on page 12.

In This Issue

Critical Issues in Restorative Justice: Aotearoa New Zealand.....	1
Victim Offender Dialogue in Violent Cases	1
The Use of Restorative Justice to Address Structural Oppression	3
Listening to Prisoners	5
VOMA Co-Chairs' Corner	6
Resources	7
Book Review: RJ: Theoretical Foundations and RJ and the Law	9
The Beginning of a Partnership	11

VOMA Connections

VOMA Connections is published four times a year by the International Victim Offender Mediation Association.

The Mission of VOMA is Promoting and enhancing restorative justice dialogue, principles, and practices. Our mission will be achieved only with a commitment to full diversity and equality of participation for all people. VOMA holds this commitment as central in its work.

.....

VOMA welcomes contributions, including short articles, literature reviews, case studies, program news, and other interesting information. Photos and graphics are also welcome.

Please send submissions to Editor Russ Immarigeon 563 Route 21, Hillsdale, NY, 12529 Phone: 518/325-5925 E-mail: russimmarigeon@taconic.net

.....

VOMA Connections

Russ Immarigeon, Editor

Publications Workgroup

Jan Bellard, Bobbie Boland, Thomas W. Olson, Barbara Raye, Ann Warner Roberts, Duane Ruth-Heffelbower (Webmaster)

Views expressed within *VOMA Connections* are those of the authors and not necessarily those of VOMA.

.....

Publishing Schedule

Issue	Submissions Deadline
#15 September, 2003	August 15
#16 December 2003	November 15
#17 March, 2004	February 15

.....

Victim Offender Mediation Association c/o Center for Policy, Planning, and Performance

Administrators:

Barbara Raye (braye@effective.org) and **Claire Harris** (voma@voma.org)
2344 Nicollet Avenue South, Suite 330
Minneapolis, MN 55404 USA
612/874-0570 Fax 612/874-0253

voma@voma.org
www.voma.org

2003 VOMA Board of Directors

Karren Baird-Olson, Ph.D.

American Indian Studies Program & Department of Sociology CSUN
1811 Nordhoff Street
Northridge, CA 91330 USA
818/677-3920 Fax: 818/677-2059
karen.bairdolson@csun.edu

Jan Bellard, Secretary

PO Box 5
Wentworth, NC 27375 USA
336/951-3048
jbellard@vnet.net

Bobbie Boland, Treasurer

270 Indian Meal Line
Torbay, Newfoundland, Canada A1K 1B4
709/437-5760
bboland@roadrunner.nf.net

Hans Boserup

Sekretariat, Dansk Forligsaevn
Sundmarkvej 20
6400 Sonderborg, Denmark
74 42 36 05 Fax 74 43 44 42
hb@bhc.dk

Dave Doerfler

Concentric Journeys
106 South Lake Hills Drive
Austin, TX 78733 USA
512/263-7442 or 800/260-7442; code 74
safeplace49@aol.com

Harley Eagle

Mennonite Central Committee -
Oglala Lakota Nation Unit
P.O. Box 120
Porcupine, SD 57772 USA
605/867-5016 Fax 605/867-2293
mcc@rapidnet.com

Bruce Kittle

Iowa Peace Institute
1846 Willow Boulevard
Lockridge, IA 52635-8009 USA
641/990-4899 Fax 319/696-2023
bakittle@lisco.com

Dale Landry, Program

CEO, Village Architects, Inc.
1940 Nanticoke Circle
Tallahassee, FL 32303 USA
850/553-4393
drlandry11@earthlink.net

Welcome to New Members

Individual

Kwabena Asante, Accra, Ghana
Mardy Burgess, Annapolis, MD
Clemmie Cooper, Spokane, WA
Yasantha Kodagoda, London, England
Kinisha Nixon-Rice, New Orleans, LA
Don Summers, Round Rock, TX

Agency

Trip Barthel, *Neighborhood Mediation Center*, Reno, NV
Loren Bennesch, *Goodwill Industries of North Central Wisconsin, Inc.*, Eau Claire, WI
Lisa Givonetti, *Community Mediation Center*, Knoxville, TN
Brendan McAllister, *Mediation Northern Ireland*, Belfast, Northern Ireland
Julie Tabler, *Center for Community Justice*, Milford, DE
Rosemary Vanecar, *Mid Michigan Dispute Resolution Center*, Saginaw, MI

Library

Napier Public Library, Napier Hawke's Bay, New Zealand

Martin McAnallen

Probation Board for Northern Ireland
26 Fort Road, Ballylesson
Belfast, BT8 8LX Northern Ireland
+28 90 826678 Fax +28 91 818905
martin.tookie@btinternet.com

Ada Pecos Melton

American Indian Development Association
2401 12th Street NW Suite 212
Albuquerque, NM 87104 USA
505/842-1122 Fax 505/842-9652
aidainc@flash.net

Shadell Permanand, Membership

Conflict Mediation Services of Downsview
95 Eddystone Avenue, 2nd Floor
Toronto, Ontario, Canada M3N 1H6
416/740-2522 ext 24 Fax 416/740-6892
spermanand@cmsd.org

Jane Riese

Family - Child Resources, Inc.
3995 East Market Street
York, PA 17402-2621
717/757-1227 Fax 717/757-1353
jriese@f-cr.com

Ann Warner Roberts, Co-Chair

Center for Restorative Justice & Peacemaking
1406 Palace Avenue
St. Paul, MN 55105 USA
651/699-4532 Fax 651/699-5998
aroberts@umn.edu

Walter Drew Smith, Co-Chair

565 Rutherford Avenue
Trenton, NJ 08618 USA
732/521-4429
smitwds@aol.com

Leslie Young

Sergeant, Loveland Police Department
810 East 10th Street
Loveland, CO 80537 USA
970/962-2693 Fax 970/962-2916
youngl@ci.loveland.co.us

Administrators

Barbara Raye and **Claire Harris**
c/o Center for Policy, Planning, and Performance
2344 Nicollet Avenue South Suite 330
Minneapolis, MN 55404 USA
612/874-0570 Fax 612/874-0253
voma@voma.org

A Special Request for Donations

- To VOMA Members & Friends -

In its continuing effort to generate revenue, VOMA is planning a SILENT AUCTION for the upcoming Conference in November. Your tax-deductible donation of goods and/or services would be most welcome!

For additional information, please contact conference site committee volunteer Jean Garrett at teragj@yahoo.com

Thank you!

The Use of Restorative Practices to Address Structural Oppression: Is Art a Start?

by Isla Roona

David Dyk recently warned, "Current (restorative justice) practice focuses too much on the interpersonal dimension of crime while largely ignoring the deeper roots of the trouble as found in class, race/ethnicity, and gender-based conflict." [*Contemporary Justice Review*, 3(3): 239-265, 2000]

In Albany, New York, the work of the Restorative Community Justice (RCJ) initiative supports this analysis. RCJ is a grass-roots initiative that seeks to repair harm using restorative philosophy and practices at the individual, group, community and societal levels. RCJ uses restorative conferencing to resolve criminal and other incidents of wrong-doing, taking referrals from courts, schools, police, and community members; provides urban grief and bereavement services; conducts healing circles and provides critical incident stress management services in the aftermath of violent crimes, including homicides; and works to end oppression, tackling racism, homophobia, and gender discrimination in all its work.

Our work would not be as effective if we simply resolved conflicts identified by the courts. We try to heal the wounds created by structural oppression.

The bulk of our work takes place in Arbor Hill, a predominantly African-American neighborhood that borders city and state government buildings in downtown Albany. Arbor Hill has been a victim of social disinvestment for decades. Victories come for the neighborhood often only through legal battles against municipal and other governments, from winning garbage pick up in the 1960's to the recent successful class-action law suit to stop wholesale demolition of historic buildings, along with the sale of the land by the City Council for the price of \$1 to a for-profit developer to construct massive numbers of low-income housing units.

Residents of this neighborhood tell us that they have been written off. They suffer

from crime, underachievement, poor job prospects, drug abuse, AIDS, and psychological turmoil. Although crime is certainly an important concern, handling crime in a restorative manner is also critical to them. As one resident recently said to me, "They just can't wait to put one more black man in prison. I wish I had never called the police."

The Relationship Between Art and Restorative Justice

Just as the achievement, skills, and thoughts of over 10,000 Arbor Hill residents remain largely unacknowledged, the skills and achievements of black artists also remain unrecognized. This is a problem of national significance, not just of local concern. Michael M. Kaiser, President of the John F. Kennedy Center for the Performing Arts in Washington, D.C., recently reported in *The Albany*

and into creative pursuits. Art can change attitudes, build self-esteem and redirect the path of the wayward. Art can prevent despair. By giving young people alternatives to destructive behavior, the arts can channel energy into positive quests for better education, stronger family life and rich community. Give a child a paintbrush or a pen, and he's less likely to pick up a needle or a gun."

Critical Issues

If restorative justice is going to make a difference in our society and in the world, it must be cognizant, at the very least, of larger structural issues, one of which is art's potential to help heal individuals and communities. In some communities, we are putting a Band-Aid on a war wound when we should be addressing structural issues, such as the severe lack of positive developmental opportunities and the unused resources offered by Black artists.

We must also be wary of paternalistic tendencies. Ownership of developmental opportunities is critical and restorative justice brings ownership back to those individuals most directly affected by criminal wrongdoing. We must strive for the same level of ownership of solutions to structural harm. As applied to the arts, Black artists must have leadership in art institutions that serve primarily Black communities such as Arbor Hill.

The mural project we undertook in the summer of 2002 is an excellent example of using art restoratively. The Social Capital Development Corporation (SCDC), a not-for-profit agency that runs RCJ, commissioned African-American artist Yacob Williams to complete the murals on North Swan Street, a site of social decay and violent conflict, including several homicides.

Yacob Williams was recognized as a talented and gifted student by the first



Photo Credit: John Whipple

Times-Union, "The arts world is close to becoming a virtual cartel of a few large mainstream organizations. That would be catastrophic. A healthy arts ecology demands that we have large and small organizations, mainstream and edgy, of all ethnic backgrounds." (emphasis added)

Similarly, Jane Alexander, the former Director of the National Endowment for the Arts, also observes, "Art can save lives. It can help turn around a troubled child, help a young person kick drugs, get young men off the streets

Aotearoa New Zealand

continued from page 1.

association of some sort. Such a body offers the possibility of peer review of values, principles and practices. It should be values-based, self-transforming and have the ability to validate competence of practitioners and processes. Given that leadership occurs within a context of cultural diversity and legal pluralism, definitions of accountability must be culturally specific and diverse, and restorative processes must be flexible in terms of values, principles and practices.

Practitioner Related Issues

(full day session)

Funding of restorative justice was a central theme through all conversations in this *hui*. The lack of funding was seen both as a form of gate keeping and as an impediment to the ongoing development of the restorative justice movement and its practitioners. The development of a national restorative justice association could minimize the negative effects of differing philosophical perspectives and provide some oversight to the training of practitioners. It could provide and facilitate forums, such as conferences and seminars, which would bring practitioners together for the purposes of constructive debate and ongoing professional development or training. A professional body could develop national practice guidelines or standards and provide oversight to practitioners as restorative justice professionals. However, this must include a process for recognizing the diversity of the various provider groups. Given the limited availability of funding, there is an ever-present danger that a professional body could be co-opted by State agendas. Although this might only be short term, a New Zealand council for restorative justice, with broad based representation, could provide oversight to the development of restorative justice in New Zealand and negotiate policy issues at a government level. Irrespective of the paradigm, practitioners need to be valued, they need to be paid for their time, and they need access to funding, education and training.

Spirituality and Indigenous Issues

(morning session)

There are many dimensions to the Maori worldview. Therefore, when we talk about values we need to incorporate those that are specific to the indigenous group or subgroup. Values important to Maori are *tika* (honesty), *ponu* (integrity) and *aroha* (unconditional love). It was suggested that another value that should be included is *whanaungatanga* (inter-connectedness), which resonates with the sense that what happens to one of us, happens to all of us. The involvement of *whanau* (family) is imperative, and central to the process must be the enhancing of *mana* (power or prestige). Processes based on these values will foster respectful dialogue, an integral concept, if we embrace the notion that

crime is "recycled" disrespect. Although the values discussed here are specific to Maori, they transcend the boundaries of ethnicity, and are evident in other cultures. Despite the different perceptions and understandings of justice between diverse cultural groups, an indigenous viewpoint with its critical perspective has the potential to take us beyond colonialism. So too does a feminist viewpoint. It would seem essential that restorative justice develop its commitment to the underpinning principles of feminist and indigenous perspectives.

Restorative Justice in Schools

(afternoon session)

Restorative justice needs to be skillfully marketed to educators and managers in such a way that they can understand that restorative justice would add value to a discipline system. Language needs to be adapted so that "justice" is de-emphasized and refocused on restorative practices, processes or conferencing. At the same time the behaviorist language of traditional approaches to discipline should be challenged and substituted with approaches that focus on the

...restorative justice has the potential to facilitate dialogue: to facilitate the telling of stories, the lamenting of wrong, and the construction of rituals to facilitate healing and moving forward.

emotional aspects of relationships. This could be achieved by broader challenges that might encourage a rethinking of the role of schooling in which relationship development and the pastoral care of students would be perceived as central, superseding traditional instrumentalist goals. Advocates for restorative justice could lobby lawmakers for legislation that would make the use of restorative justice principles and processes in schools mandatory and ensure that a restorative philosophy is included in school charters. Academics can legitimate the use of restorative justice schools by writing on this topic and encouraging research and debate in academic forums.

Victim Related Issues (morning session)

Victims are justifiably skeptical about the ability of restorative justice to address and meet their needs. The concept of community is central to restorative justice, yet many victims have little reason to trust the community, particularly those communities which for a variety of reasons were unable to avoid the criminal behavior in the first

instance. Those participants representing the perspective of victims questioned why victims should contribute to the rehabilitation of offenders when they do not have access to such services for support in their recovery process. Participants concluded that victims need assistance to prepare for restorative processes. They need to be informed of their rights, be provided with information, options and choices. They also need time for reflection and decision-making. Victims need to be supported through this process, in particular participants identified that the pre-conference preparation was vital to ensure that expectations of victims regarding restorative justice as a process are realistic.

Offender Related Issues

(afternoon session)

Avoiding victims is the soft option, not the restorative process as is often suggested. Some participants supported more coercion of the offender to attend restorative conferences; others remained committed to the philosophy of voluntary participation. It was suggested that the use of incentives and education might provide a better leverage for participation. Very often it is those offenders who are reluctant to attend restorative conferences that are also those offenders who are conscientious and feel remorseful about what they have done. Participants concluded that offenders need sufficient information regarding restorative justice to enable them to make informed decisions regarding their participation and at the very least they should be given some encouragement to participate in restorative conferences.

Human Rights Abuses and**Restorative Justice** (morning session)

It was suggested that any justice system should be tested against agreed values to determine its acceptability. It was also suggested that good practice is principle driven and that practice should be measured against those principles. Of particular relevance to the measurement of any justice system are the human rights conventions. In relation to gross abuses of human rights, participants agreed that restorative justice has the potential to facilitate dialogue: to facilitate the telling of stories, the lamenting of wrong, and the construction of rituals to facilitate healing and moving forward. Restorative justice provides a universal entitlement to speak and be heard and as such, potentially, it has much to offer international mediation. Restorative justice can create or find bases of common humanity but at the same time it can challenge dehumanizing practices such as the denial of emotional expression and it can address specific, identifiable harms.

Offenders & Restorative Justice

Listening to Prisoners Raises Issues About Prison-Based Restorative Justice

by Barb Toews

"It is part of the human drive to want to make things right and to build peace."

"It connects with what is in our hearts about our crimes and what we would like to do to make amends."

These statements, spoken by incarcerated men and women, may surprise some people, but they communicate a desire for opportunities to respond, in a meaningful way, to the harm they caused through their crimes.

Many prisoners have spoken with us at the Pennsylvania Prison Society, a non-profit agency serving individuals and families in crisis due to incarceration, about their desires to make amends and the lack of resources dedicated to assisting them in that process. These conversations prompted the Prison Society to form the Restorative Justice Program with goals of providing avenues for inmates to engage with victims and community members about their crime, inviting the community to accompany inmates in restorative and reintegration processes and challenging the values and culture of the prison environment toward a restorative ideal.

Current initiatives include offering prison-based seminars on the philosophy of restorative justice, resourcing inmate-initiated projects that are based on restorative justice principles, supporting offenders who have been approached for mediation with their victim and exploring the relationship between restorative justice and existing programs such as the Alternatives to Violence Project, a prison-based conflict resolution training. Through these initiatives, we have been exploring the meaning and application of restorative justice principles in prison with offenders at four state prisons. The commitment to actively involving offenders prior to and during program development is central to our work. Offenders take leadership in identifying their needs and obligations and considering how to meet those needs and fulfill those obligations while in prison.

Entering our second year of conversation and listening, we are only beginning to understand the challenges of conceptualizing the application of restorative justice in prison.

Many of the men and women we work with want to communicate, directly or indirectly, with their victim. After years of reflection, they have discovered that their

incarceration has limited their ability to deal with what they did and to take the necessary steps to address the damage they caused. They find few avenues through which they can apologize, express remorse or make amends, even though such actions are often expected for parole or sentence reduction.

Offenders are not permitted to contact their victims. Aware that victim-initiated mediation is available, however, some offenders wait with anticipation, hoping that the victim will contact them. These men and women, unable to be proactive in their lives and in their journey of responsibility, often feel helpless and hopeless. They may be unable to see symbolic and practical opportunities that are available to them for being accountable—paying restitution, participating in classes on victim issues or even writing letters without sending them. Yet, they long for the meaningful accountability

...they long for the meaningful accountability that comes from having formal and legitimate avenues for expressing their desire to make amends to the victim.

that comes from having formal and legitimate avenues for expressing their desire to make amends to the victim, for instance a registry through which offenders can express their openness to victim initiated communication.

Offenders can experience hope as well as anxiety from discussions of the restorative justice philosophy and from the prospect of communication with the victims of their crimes. Their hope comes from the opportunity to apologize after so many years, to offer to make amends, and to talk about fears of retaliation. Many prisoners hope that they will be released once they take active responsibility for their crimes, a not so outrageous hope after inadequately explained parole hits, many years in confinement, and visions of dying behind prison bars.

I share the hope that prisoners see in restorative justice. Yet, I find it disheartening to hear and see the des-

peration that they have for restorative processes, especially when I suspect they are not likely to receive all that they long for. I struggle with the role of release in restorative processes, as well as with my own questions about the motivations of prisoners who raise the issue of release. I am in a constant struggle to keep inmates hopeful and realistic at the same time, not wanting to add to an already desperate and hopeless situation.

Offenders also experience anxiety. Many incarcerated men and women, and their families, have experiences with victims during court, sentencing, and parole proceedings that leave them with fears of retaliation and violence and questions about their individual and familial safety. The offender may hear messages of vengeance in the victim's anger and offender families may feel threatened in interactions with victims in the halls of the court room. Prisoners may hear rumors that the victim is going to come after them when they return home. They may be uncertain about what the victim will expect from them, should they have interaction with each other, and whether they can meet such expectations. They may have little trust and substantial doubt in processes that involve victims and their advocates, fearful that their needs as offenders will not be acknowledged or addressed. Offenders experiencing this tension between hope and anxiety can find it challenging to be fully supportive of aspects of restorative justice.

This anxiety can add challenges to discussions about restorative justice and the obligations that result from crime. While doing educational forums, a colleague, Lorraine Stutzman Amstutz, and I have used metaphor to facilitate dialogue on restorative justice in an attempt to identify and transform this anxiety. In one such situation, we compared the traditional justice system with the sport of boxing, examining the similar values, goals and experiences that result from each. We then created a restorative justice metaphor, a "do no harm room" in which the problem of crime could be dealt with safely. Through discussion of this room, its values and goals and the resulting experiences, we could illustrate how the restorative justice system, while involving victims, would result in different experiences.

Is Art a Start?

continued from page 3.

grade and is grateful to have had a professional artist mentor by age 10. As a young man, he received many awards and scholarships for his artwork, which culminated in a bachelor's degree in African American studies and visual arts and a master's degree in painting. After graduate school, Yacob traveled to Dakar, Senegal and participated in an International Conference of Artists meeting. His dream for Arbor Hill has been to promote professional Black artists in the Capital Region to reach out to children who have the potential to become great artists and to provide arts-based services to those of all ages and talents.

The mural project asked young people to submit designs about peace and justice. Neighborhood residents voted to select four designs to become murals. Youth whose designs were selected received educational scholarships. Residents celebrated the murals at a block party, the first time in a decade youth had gathered on North Swan Street in safety.

As can be seen through John Whipple's photograph that accompanies this article (see page 3), the murals not only call for peace, but also use culturally relevant images that are underscored by themes from African proverbs.

This effort prompted the development of the Kuumba Arts Center on North Swan Street. Kuumba (a Swahili word for Creativity) draws on Chicago's radical arts' traditions, Philadelphia's mural projects, the Harlem Renaissance, and other efforts that demonstrate that art creates jobs, spurs business development, and increases civic participation. Kuumba also draws on developing work in psychology, including art therapy, and builds on research demonstrating that arts education promotes academic achievement and life long learning.

The murals demonstrate art's willingness to bring light to the darkness of our society's power structure. As restorative justice practitioners, we must

not only work where the light is good, but also fumble through the darkness. This is hard work. Still, our murals, like restorative practices, are really very simple. They elicit strong emotional responses. Their beauty brings joy, their social commentary sorrow and a call to action. They remind us of the talents human beings possess and encourage us to strive for the divine.

Isla Roona is a rape and incest survivor who threw herself into dance as a young woman to promote her own healing. She danced as an understudy to Alvin Ailey's company in New York City. She is of Native American and Quaker Dutch descent and strives to link the communal and artistic traditions of her ancestors to similar African tribal traditions for mutual benefit. For more information about the agencies and projects in this article, contact Isla Roona, SCDC, 196 Jefferson St., Albany, NY 12210, (518) 433-1755, (e-mail) iroona@social-capital.org.

VOMA Co-Chairs' Corner**Is the Glass Half Full or Half Empty?**

The question of the future of Restorative Justice programs and practices seems to be *the* topic of discussion within the circle of RJ practitioners and organizations. The conversation and concerns are very relevant with the current state of funding that is offered by government and private organizations. VOMA clearly understands that agencies and organizations are preoccupied with survival issues given the current fiscal climate. VOMA also faces some of those same issues. When times seem tough it time for the tough to rise to the occasion. The people who work in the field of restorative justice and the people we serve are tough people. We must be tough to work and survive with what we must face on a daily basis. This is why we must see the glass as half filled.

VOMA's mission promotes restorative justice principles, values, and practices, while still holding on to the belief that honest dialogue has been the underlying theme that has held this organization together for twenty-five years. Over those years, VOMA has supported and partnered with organizations and individuals that believe in making things right for all parties harmed.

VOMA is asking that we not involve ourselves in a debate on the term "restorative justice," but focus on organizing a national dialogue, within an international context, to launch a unified voice around the concerns and approaches that are vital for the victim, community and offender. The collective voice, more now than ever before, must be heard to ensure that the restorative justice glass remains half filled and soon will overflow.

As the future approaches, it's extremely important that the voice of the Restorative Justice movement is heard and respected. With so many of us facing budget cuts and other challenging situations, just surviving has been the primary focus. VOMA clearly understands and shares some of those same concerns. That's why we are calling for support for a national voice, in partnership with other worldwide voices. The time has come as practitioners and believers to fill the glass.

Some have asked the question "What is the value of joining VOMA or other organizations that support restorative justice and the dialogue process?" The

value of joining VOMA, other than the basic membership benefits, is that we need your voice. Through your membership, you support VOMA's efforts to form that national voice. To bring the respect and funding to support the work we believe in. The document that governs the USA starts off with one of the most powerful statements "We the people" that led to the development of a new nation. The time has come for "we the people" that believe in the restorative justice way to have our voices heard.

We the people of this vital movement have the opportunity to impact its future. Through membership or donations from the heart and mind the national voice can be created. If you are currently a VOMA member, please share this article with some of your friends and colleagues. If you aren't yet, we invite you to become a member. By joining VOMA you are not just supporting an organization, but will be taking part in a movement to bring justice and peace to our world.

Walter Drew Smith and
Ann Warner Roberts, co-chairs

Resources

by Russ Immarigeon

Accountability and Victims

The Clarendon Series in Criminology, published by Oxford University Press (OUP), recently released two valuable volumes: Declan Roche's **Accountability in Restorative Justice** (OUP, \$50.00, 316 pages, 2003) and Heather Strang's **Repair or Revenge: Victims and Restorative Justice** (OUP, \$65.00, 298 pages, 2002).

Declan Roche, who teaches at the London School of Economics and received his doctorate at the Australian National University, examines "accountability," a concept that is often too loosely talked about, or not talked about enough, in criminal justice/ restorative justice discourse.

For Roche, the foundation for his assessment of accountability is that formal (traditional, mainstream) and informal (community justice, restorative justice) approaches to criminal justice can be "mutually supportive." In short, when speaking about accountability, he argues that both approaches have aspects of a larger framework to offer the development of restorative justice. Each side can learn from the other. Each side also differs from the other. Proponents of restorative justice, he argues, need to develop a system of accountability, if for no other reason than to insure that the key components of restorative justice are maintained and that restorative justice practice (not to mention policy) does not drift off into undesired territory, or into practices that actually conflict with restorative justice ideals.

Roche's report, based on his dissertation work, includes the following:

- accountability is defined as a set of procedural safeguards aimed at improving the quality and nature of restorative justice decision making processes and outcomes;
- key values of restorative justice include personalism, participation, reparation and reintegration;
- problems of institutional restorative justice accountability include unfair exclusion of offenders from programs, traumatic meetings, inappropriate outcomes, and the failure to follow-through on agreements;
- a review of 25 programs, operated by community groups, police, schools, and justice departments, in Australia, Canada, England, New Zealand, South Africa, and the United States;
- discussion of forms of accountability built into the deliberative processes of restorative justice meetings;
- and examination of other accountability mechanisms often overlooked in restorative justice programs, including case selection and monitoring decisions.

Roche's work is important, not only because it takes a critical perspective on the development and use of restorative justice (a perspective too lacking to date), but also because he focuses on a relatively narrow, albeit important, concern (more of this sort of thing needs doing for other matters). Roche takes this stance, I think, because he understands that as well-intended, and perhaps even as magical, as restorative justice is, it can nonetheless do damage to the victims and offenders who are the focus of its concern.

The history of informal justice, he points out, is especially important because it is not free of either controversy or negativity. Indeed, he says, to ignore the down side of past informal justice methods would be to risk repeating at least aspects of past failures. In looking at accountability issues, then, Roche suggests that we look at what the formal justice system has to offer, as well as what can be developed simply from a restorative justice perspective.

In this light, Roche spends considerable time examining what he calls "deliberative accountability." Deliberative accountability, in his sense of things, is "a type of accountability inherent in the sort of deliberative process (found in restorative justice meetings where) a type of mutual accountability is built into meetings where participants provide verbal accounts which are scrutinized and assessed by other participants, whose own accounts are in turn scrutinized." In the end, both formal and informal justice systems have meaningful forms of accountability, but each system also tends to avoid some important aspects of the others' form of accountability. Overall, he argues, each system can learn from the other and this learning process is essential if restorative justice, in particular, is to improve the quality of its services and develop the credibility it needs to because more than a marginal way of doing justice.

Heather Strang also received her doctorate at Australia National University, where she has worked as a researcher for many years. Her new study uses data from the Reintegrative Shaming Experiments (RISE) Project (www.aic.gov.au/justice/rise), which centers around three major concerns – the reintegrative shaming theories of John Braithwaite, the so-called "Wagga" model of police-based family group conferencing, and the utility of empirical research to inform about effectiveness of social interventions. She also makes good advantage of qualitative data derived from her keen reading of the literature, as well as interviews and correspondence with crime victims and crime victim advocates.

Strang places crime victims and restorative justice within a local as well as international context. So far, the restorative justice movement does not have an authoritative, comprehensive telling of its history. When one is written, the evolution of restorative justice, and the role of victims within that history, will vary from place to place. While victims are essential partners in all versions of restorative justice, the context and parameters of their inclusion differs significantly from one nation to another. Strang's brief description of this larger history necessarily gives emphasis to developments within the Canberra area, where the RISE Project has been running its course. Still, she provides a tantalizing glimpse of the overall international story.

Strang primary research findings are reported in chapters on the lived experiences of crime victims, the level of satisfaction of crime victims involved in traditional criminal justice and more recent restorative justice processes, and a relational survey analysis of victim and offender expectations and perspectives.

Her findings are based on a structured questionnaire (provided in the appendices in this volume) given to 232 victims of 196 incidents of property or violent crime to assess the lived experience of victims who were assigned either to traditional court or restorative justice processing (court victims often did not actually go to court and conference victims sometimes did not actually experience a family group conference). The findings include:

- court and conference victims experienced similar amounts of material or emotional harm in terms of property or violent crimes (the most common emotional harms were suspicion and distrust);
- while financial restitution was not often awarded for either set of victims, conference victims were less likely to ask for money as part of the case outcome;
- restorative justice provided a greater opportunity for material reparation, including community service as well as financial restitution, although this did not occur as often as victims expected;
- levels of anger and anxiety were reduced and levels of sympathy and trust were increased about meeting offenders, and this was especially true for victims of violent crime;
- four times as many conference victims received an apology, although 90 percent of each group believed they deserved one;
- Nearly one-half of victims of violent crimes who went to court said that, given the

Listening to Prisoners

continued from page 5.

In addition to addressing the harms and needs experienced by victims, many of the offenders we listened to identified the importance of talking about the harms and needs they have experienced in their own lives. In order to attend to the harms they have caused others, they may need to first work on themselves. Some offenders are crime victims themselves in the legal sense of the word and they are in need of relevant services. Others identify the feelings of victimization that come from the disempowerment and injury present in the justice and prison system. Others wish for recognition that their families are affected by crime and have needs that go unmet.

I find it tempting to brush aside offenders' complaints about their own harms and needs as an attempt to avoid responsibility. While there is little doubt that avoidance can be a motivation, listening and responding to an offender's harms and needs is consistent with a restorative vision, a vision that addresses causes of crime as well as the harms and needs of all stakeholders. When taking into account the prison experience, characterized by violence, mistrust and disempowerment, addressing both the victimizer and the victimized identities in many offenders can be challenging. Out of necessity, an offender's own needs and self-protection takes precedence over the needs of others. Because prison is a place of victimization, it is difficult to take responsibility for one's life and past actions or to care about others.

It is not uncommon for offenders to couple their personal acceptance of responsibility for their actions and lives with a challenge to the community and/or society to also accept responsibility for its institutions and values that have potential to harm its members. In Pennsylvania, 65 % of prisoners are African American or Hispanic; approximately 50% come from Pennsylvania's largest urban centers; and 81% were unemployed at the time of their arrest. Many of these offenders have experiences shaped by racism and poverty. Some come from communities that are dysfunctional for similar reasons. Many inmates come from communities that are defined by cycles of victimization and retaliation, where a single individual's identity as victim or offender can change regularly. These experiences, quite different from my white, middle class background, add another dimension to the meaning of crime and justice. Some offenders will not accept restorative justice until this philosophy demonstrates its

ability to address these social and economic biases and realities.

While many prisoners respond similarly to restorative justice, the "inmate response" is not unanimous. Men and women understand restorative justice differently. Prisoners who have life sentences with no possibility of parole respond differently than those who will be paroled at some point. Those men or women who committed murder understand restorative justice differently than those who committed less physical crimes. Some inmates would agree with what I have written here, while others would disagree. These differences, and the issues I have raised in this article, make it difficult to identify a single, definitive way to achieve restorative justice in prison. Even so, we have heard important messages that challenge us in our restorative justice work:

- Invite incarcerated men and women into dialogue to learn about their experiences and needs, to elicit their insight on the resources and programs they need, and to secure their involvement in resource development.
- Provide opportunities for meaningful accountability and making amends that do not depend on face-to-face interaction between the victim and offender.
- Respect offenders' life experiences, including those with victimization, and find restorative ways to discuss and address these experiences without absolving responsibility to victims.
- Recognize the impact that the prison environment has on prisoners and consider how this experience informs the application of restorative justice in prison.
- Transform the goals and values of prison, not simply add programs, so that prison can be a place that promotes restorative principles and values.

By inviting offenders to reflect on the meaning and role of restorative justice in the prison setting, we are hoping to develop a multi-faceted approach to restorative justice that is conceived by offenders and meaningful to them, key ingredients for the provision of successful restorative opportunities.

Barb Toews is Restorative Justice Program Manager, Pennsylvania Prison Society, 2000 Spring Garden St., Philadelphia, PA 19130, (215) 564-6005, ext. 117; (e-mail) btoews@prisonsociety.org.

Aotearoa New Zealand

continued from page 4.

Defining Restorative Justice
(afternoon session)

While it was agreed that defining restorative justice has both positive and negative implications, it was noted that if the restorative justice movement does not provide a definition it leaves itself vulnerable to other groups, such as the media, to make sense of a concept they are unfamiliar with. To ensure the credibility of restorative justice, it was suggested that a continuum of definitions might be more appropriate, but it was noted that in so doing we must develop the language that would describe such a continuum. Participants concluded that the options for definitions pivot on whether they should be based on the process, outcomes, values, or principles.

Concluding comments to the *hui* series indicated that many of the issues that emerged through the various conversations were indeed frontier issues, those that involve new areas, many of which are unanswerable in the short term. Notwithstanding, we need to devise ways in which we can dialogue with others around the world who are attempting to address similar issues. We can learn much from each other.

Shirley Jülich, PhD (Social Policy), is a senior lecturer at the Auckland University of Technology and a member of the Advisory Council for the Center of Peace and Justice Studies at Massey University, Albany, New Zealand. Her research interests focus on the intersection of child sexual abuse, recovery and justice. Address correspondence to: Shirley Jülich, AUT, Private Bag 92006, Auckland 1020, New Zealand; (email) shirley.julich@aut.ac.nz

- Attention VOMA Members -

ADVERTISE

with

Focus

and

Impact!

Space is now available in upcoming issues of **VOMA Connections** for you or your organization to promote trainings, services, etc.

For additional information and affordable rates, contact voma@voma.org today!

Book Review

Restorative Justice: Theoretical Foundations

edited by Elmar G.M. Weitekamp and Hans-Jurgen Kerner
Willan Publishing (2002), \$64.95/ \$39.95, 350 pages

Restorative Justice and the Law

edited by Lode Walgrave
Willan Publishing (2002), \$59.95/ \$34.95, 248 pages

by Russ Immarigeon

Willan Publishing, an independent British publisher, is in the midst of a long list of valuable books covering the full range of restorative justice issues. Some of these volumes contain papers originally delivered at conferences organized by the Belgium-based International Network for Research on Restorative Justice for Juveniles; others are non-conference-based collections or texts that come from other sources in the U.K. and elsewhere. **VOMA Connections** will be covering these volumes as they become available to readers in Canada and in the United States.

Restorative Justice: Theoretical Foundations, edited by Elmar G.M. Weitekamp and Hans-Jurgen Kerner (Germany), contains 16 papers originally presented at the Fourth International Conference on Restorative Justice for Juveniles, which was held October 1-4, 2000 in Turbingen, Germany. At the center of this volume is "a wide range of fundamental questions about how the core essence of restorative justice is to be determined, how conceptual pitfalls could be avoided, and how traditional models of peacemaking and healing as developed in traditional societies over the centuries are to be integrated in the justice systems of late modern societies."

Papers in this volume include: Dan Van Ness (United States) on shaping a restorative justice framework; Chris Cuneen (Australia) on decolonization and restorative justice; Martin Wright and Guy Masters (United Kingdom) on critical victim- and offender-based concerns; Lode Walgrave (Belgium) on social values inherent in restorative justice; George Pavlich (Canada) on the promise of restorative justice; Paul McCold and Ted Wachtel (United States) on validating restorative justice theory; Gordon Bazemore and Colleen McLeod (United States) on diversion and informal social control; Christian Eliaerts and Els Dumortier (Belgium) on restorative justice and children; Robert MacKay (Scotland) on punishment, guilt and restorative justice; Gabrielle Maxwell and Allison Morris (New Zealand) on shame, guilt and remorse in restorative justice; Tom Winfree, Jr. (United States) on peacemaking and harmony in Navajo peacemaking courts; Ezzat Fattah (Canada) on just

desserts and restorative justice; and Elmar Weitekamp on present prospects and future directions for restorative justice.

The strong international cast of this volume, like others that will follow, provides a rich forum for ideas that challenge as much as confirm the basic tenets and evaluations of restorative justice theory and practice.

Restorative Justice and the Law,

edited by Lode Walgrave, the master chief of many of these international conferences, contains 10 papers that were presented at the Fifth International Conference on Restorative Justice, which was held in Leuven, Belgium from September 16-19, 2001. Walgrave's engaging introduction establishes an "intrinsic tension" between restorative justice ideals (and even its modest implementation) and the existing criminal justice or penal law system. Walgrave posits two urgent reasons for locating restorative justice within an adequate legal framework: "First, because it will facilitate the spread of restorative justice practice into the institutional response to crime, and, second, because it will provide an opportunity to check the appropriateness of existing legal dispositions for implementing restorative justice properly."

"If the paradigm status of restorative justice is to be taken seriously," Walgrave further notes, "pretending that restorative justice does offer another option for doing justice after a crime has occurred, we cannot just reproduce the same legal safeguards of the punitive systems. Due process, legality, equality, right of defense, presumption of innocence, and proportionality may be irrelevant or may need to be experienced in a different form. Maybe other legal principles need to be constructed in a manner more appropriate for the restorative perspective."

Papers in this volume, which pick up the challenging nature of Walgrave's introduction and offer a set of occasionally opposing views, include: George Pavlich on the ethics of restorative justice; Hans Boutellier (The Netherlands) on moral and political issues involved with the

relationship between victimization and restorative justice; Gordon Bazemore and Sandra O'Brien on connections between the theory and practice of restorative justice; Ido Weijers (The Netherlands) on restorative justice and family issues; R.A. Duff (Scotland) on "Restorative punishment and punitive restoration"; Adam Crawford (United Kingdom) on dimensions of the relationship between state, community and restorative justice; Dan Van Ness on creating restorative systems; John Braithwaite on restorative jurisprudence; Jim Dignan (United Kingdom) on an integrated, systemic approach to restorative justice and law; and Lode Walgrave on a socio-ethical and juridical approach to restorative justice and law.

Martin Wright and Guy Masters, in their article, observe that the modern restorative justice movement is over 21 years old or old enough to withstand some criticism. That, it seems to me, has never been a problem for restorative justice, or, at least as one mentally pages through the massive literature on the subject, it is clear that restorative justice emerged not only out of criticism of prevailing justice systems, but also with a critical sense of its own proposals and practices.

These volumes, then, are valuable additions to the restorative justice literature because they mix a description of what might be done with reasons for caution and remedies for prospective problems in the pursuit of restorative justice. Most notable in these volumes, I think, is a more active movement toward identifying not just gaps in the vision of restorative justice, but also the barriers that face its confrontation with, and significant replacement of, many contemporary justice practices and institutions. In the end, these volumes will be helpful as the field of restorative justice struggles with separating useful (helpful) and non-useful (harmful) aspects of criminal justice to form, possibly, a new justice system.

These volumes are available, at discounted prices, from International Specialized Book Services, 5824 N.E. Hassalo St., Portland, OR 97213-3644, (503) 287-3093, (e-mail) info@isbs.com, (website) www.isbs.com.

Resources

continued from page 7.

chance, they would harm their offenders, whereas this was the case for only about ten percent of victims who went to conference; and

- Conference victims were more satisfied with the information they received about case processing and outcomes, the opportunity to participate in the development of case outcomes, and the "fair and respectful treatment" they received.

When Strang shifted her attention to victim satisfaction with conferences, she found mixed results. Conferencing experiences were often better for victims, especially those who were emotionally invested in their cases. However, court appearances, or even non-appearances, seemed satisfactory for victims who wanted the justice system to simply take care of the business of prosecuting and sanctioning offenders. Moreover, Strang found that "victims may be poorly served by conferencing when there is sloppy police investigation of the offense, when facilitators are inadequately trained, when the actual conference is badly organized with insufficient facilities for the participants, and when victims are not sufficiently clear about their roles and legitimate expectations."

Strang concludes, "(T)here are often substantial advantages to victims in the restorative approach." (p. 201) Nonetheless, she also acknowledges principled objections to a focus on victim harm, as well as problems with victim fears of facing offenders, a power imbalance between victims and offenders, and the use of victims to pursue offender-oriented objectives. In the end, she notes that the traditional court process may be able to achieve only limited forms of justice for crime victims and the risk of restorative justice, which requires more victim input and participation than routine court processes, may nonetheless provide considerable gains for crime victims.

"The flexibility of the restorative approach," she adds, "means that the complexities of criminal activity and of social life can be accommodated more easily than the structure of the formal justice system could ever allow, giving the opportunity for everyone affected by the crime – direct and indirect victims, offenders' 'community of care,' and the offenders themselves – to explain the harm and seek repair."

Restorative Justice and Social Work

Reparation and Victim-Focused Social Work (Jessica Kingsley Publishers, \$24.95, 207 pages, 2002), edited by Brian Williams, is a collection of 11 essays that explore and guide the use of research-based evidence in offenders' efforts to help repair the damage and losses victims experience when crimes are committed against them. Also, these essays assess the important role of human service, probation, and young service agencies in the victim-offender

reparation. Williams notes, "Even where the legitimate interest of victims is recognized, staff in the criminal justice system do not always find it easy to understand or accommodate victims' needs. Recent legislation (such as the use of victim impact statements) has changed the role of victims in the criminal process, but this has been done without changing the fundamental nature of that process." Williams warns about grafting restorative measures, such as family group conferences, on essentially retributive systems.

In these essays, Jo Goodey of the United Nations' Center for International Crime Prevention examines the case of state restitution to compensate victims of violent crime; Jo-Anne Wemmers, now at the University of Montreal, assesses the choice between bilateral (victim-offender) decision-making and third party interventions; Guy Masters (Australian National University) looks at family group conferencing from a victim perspective; Jim Dignan (University of Sheffield) reports on research on reparation orders; Susan Moody (University of Dundee) considers services to crime victims in rural areas; Sandra Walkgate (Manchester Metropolitan University) reviews victim impact statements; probation officer Barbara Tudor covers probation work with crime victims; and probation officer Jane Dominey examines victim issues as they arise in presentence reports. Other articles also look at victims of racist abuse and violence, as well as of domestic violence. Given the rapidity of change within criminal justice, Williams concludes that these essays open welcome discussions of important matters. Copies of this volume can be ordered from Taylor & Francis/ Routledge, 10650 Toebben Dr., Independence, KY 41051, (800) 634-7064.

Restorative Justice & Young People

Despite the abolition of corporal punishment in schools, troubling alternatives, such as expulsions and suspensions, have emerged as new responses to conflictual behavior. Going beyond this, Jim McGrath suggests, "Restorative practices (are) an effective alternative, which has assisted young people to take responsibility for their actions, while endorsing the principles and philosophy of inclusion through reparation of relationships. It has also proven to reduce conflict, violence, and expulsions in schools." See J. McGrath, *School Restorative Conferencing*. **Child Care in Practice**, 8(3): 187-200 (July 2002).

From France, Catherine Blatier writes that reparation captures an important connection between judicial and psychoanalytic perspectives. Namely, she says that young people need both judicial responses and opportunities to "make good" the wrong

done. Otherwise, superego functioning entrenches "law of the talion" responses to aggressiveness. Alternatively, reparation allows for forgiveness, increased self-worth, and social inclusion rather than social exclusion. See C. Blatier, *Toward a Constructive Response to Young Offenders: Reparation at the Levels of Justice and Individual Psychology*. **Journal of Social Work Practice**, 13(2): 211-220 (November 1999).

Introducing Restorative Justice to a New Generation

For the most part, many readers of **VOMA Connections** became familiar with restorative justice as it emerged as a series of methods for mediating or reconciling conflicts between "victims" and "offenders." But new generations of community activists, students, and practitioners learn about restorative justice for the first time through reading "classic" texts, listening to oral histories, or reading introductory material contained in criminology or criminal justice textbooks. Unfortunately, they will be disappointed, or at least perplexed, by John Fuller's entry on "Peacemaking Criminology" and Rick Sarre's contribution on "Restorative Justice" in **Controversies in Critical Criminology** (Anderson Publishing Company, \$27.95, 198 pages, 2003), edited by Ohio University criminologists Martin D. Schwartz and Suzanne E. Hatty.

The purpose of this volume is to introduce students and curious souls to different dimensions of critical criminology. So, all the chapters are brief and introductory, aimed to arouse interest, covering a gamut of "critical criminologies," including feminist criminology, Marxist criminology, cultural criminology, post-modern justice, constitutive criminology and so forth. The Fuller and Sarre entries are more short than introductory. Both authors punch in a few well-grounded paragraphs, but they too quickly drift off into relatively narrow or myopic concerns, at least for the purpose of this volume. In the end, I don't think they provide much guidance for newcomers seeking a new perspective. A pernicious peculiarity of each article is an unhealthy misunderstanding of the paucity of evaluation on restorative justice. On the one hand, more research would indeed be helpful, but it quite another thing to suggest paralysis about how to evaluate restorative justice. Fuller at least acknowledges that the benefits of restorative justice are not necessarily those captured in statistical evidence, but both articles fail to consider various sorts of qualitative research, or even quantitative research, that might imaginatively and constructively evaluate restorative justice interventions, processes, and outcomes. A copy of this volume can be purchased from Anderson Publishing Company, 2035 Reading Rd., Cincinnati, OH 45202, (800) 582-7295, order@andersonpublishing.com.

The Beginning of a Partnership

by Sue Wiese with Barbara Raye and Annie Warner Roberts

Spring 2003 brought an amazing opportunity to VOMA. The Community Safety and Mediation Center (CMSC) in Iasi, Romania had embarked on developing mediation as a core component in their practice. In exploring ways to gain the training they desired in victim offender mediation, a search of the web led Program Coordinator Cornel Loghin to VOMA. Funded by USAID World Learning, training teams were formed comprised of VOMA members with experience in the areas identified by CMSC and USAID. The first team (Barbara Raye, Annie Warner Roberts, and Sue Wiese) provided ten days of training in victim offender mediation/conferencing, training for trainers, and basic mediation. In July, the second team (Barbara Raye and Annie Warner Roberts) will return to complete Part II of both the basic mediation and training for trainers, as well as organizational/workplace mediation and supervision.

The group of people we trained were an impressive group of young professionals. In CMSC's priorities, they had already received a substantial amount of training in mediation from a variety of trainers from the U.S., Europe and the U.K. Our team approach created a co-learning environment and was well received and appreciated within this group. Although many of the training participants were bilingual, simultaneous translation was provided for the entire training. The translators (Laura Abu, CMSC Executive Manager, and Cornel Loghin) carried the majority of this task and made the training much easier. Role-play and experiential learning was an intricate part of all three curricula we used in the training.

Diversity was an issue that was interwoven throughout the training. While there did not appear on the surface to be a great deal of diversity within this country, the exercises and dialogue allowed discussion of the diversity that does exist. In several

instances it became apparent that the most visible "minority" is the Roma population. The exercises in values clarification and diversity helped this group of professionals to examine their own biases and how those biases might affect their work.

Throughout the training the dedication and enthusiasm for this work was demonstrated by all the participants. Most of the training participants were attending the training in addition to working in the evenings to keep up with their own workloads. In spite of the long hours, they were as enthusiastic on Sunday as when they began the training on Tuesday.

Additionally, CMSC had undertaken the task of developing parallel initiatives in establishing the structures and legislative

needs, along with developing the practice. Much networking about organizational and structural issues took place in the informal time in the evenings when we were treated to the regional restaurants and sites of Iasi, Romania. And throughout the two weeks the warmth and hospitality of the Romanian people came through.

The connections and rapport that developed between us as the trainers and the group of individuals we trained made the weeks go by very quickly and has set the groundwork for what we hope will be a strong and ongoing partnership between CMSC and VOMA.

Note: for a longer text version of this article and more photos please visit the VOMA website: www.voma.org.



IASI, ROMANIA CMSC TRAINING PARTICIPANTS AND VOMA TRAINERS

Front row, first three (L to R): VOMA trainers Annie Warner Roberts, Sue Wiese, and Barbara Raye. Back row, far right: CMSC Program Coordinator & Translator Cornel Loghin.

VOMA Training and Technical Consulting Associates Program

VOMA is pleased to announce the launching of its Training and Technical Consulting Associates Program as an opportunity for members to share their knowledge while also enhancing VOMA's capacity for earned income and expanded member programs.

Services provided are:

- Training based on Restorative Justice principles and practice or relevant to starting and operating successful RJ programs.
- Technical assistance and organization consulting on topics relevant to VOMA members and other RJ practitioners and programs.

The trainers are VOMA members selected by VOMA to be Training and Technical Consulting Associates who consistently receive quality ratings from their customers.

Trainers are required to attend an orientation session prior to providing training for VOMA. Upcoming sessions will occur in Akron, PA, September 12 and 13, 2003 and in Nashville, TN, November 1 and 2. Additional sessions will also be scheduled.

To request more information, or to register, **please contact Rosemarie Merrigan** at rmerrigan@effective.org

The Texas and Ohio Experience

continued from page 1.

victim and offender to flow without undue guidance or restriction. Paid staff facilitated most mediated cases during the course of the study, but a cadre of volunteer mediators has been trained and many of them are beginning to work cases. In rare instances, the program uses co-mediators.

Follow-up after the mediation is extensive and ongoing. Contact has been maintained with some participants for months and years after mediation. At the time of our study, it remained uncertain within the program when a case is actually "closed."

The Ohio Victim Offender Dialogue Program is part of the Office of Victim Services of the Ohio Department of rehabilitation and Correction. The underlying premise of Victim Offender Dialogue (VOD) is to help victims and offenders define their own needs regarding one another. The program exists to facilitate that meeting in a manner that is safe for all involved. While the process is victim driven and victim initiated, offenders are not coerced into participation. Victim and offender are to be viewed as equal partners by the facilitators.

The Ohio VOD program conducted its first victim offender mediation in May of 1996 after months of program development within the state as well as intensive study of models emerging in other states. In March of 1999, 33 volunteers from within and outside the Department of Rehabilitation and Correction underwent an intensive five-day training session to prepare them to be facilitators.

In this process, two volunteers function as co-facilitators and share responsibility for preparing and bringing the victim and the offender together for a joint dialogue. In most instances, one facilitator is employed by the Department (although functioning as a volunteer when working with VOD) and the other is from the community at large.

The focus of VOD is empowering victims and offenders to identify their needs and a process whereby progress can be made in meeting those needs. Whereas it is not expected that a meeting of victim and offender will result in wounds being healed or grief being eliminated, it is hoped that such a dialogue will be a step in that healing journey.

Preparation time depends largely on the scope of what the victim or the offender desire to pursue in face-to-face interaction. Some victims are only interested in pursuing a question or two; in such instances, preparation may be rather short. The

average preparation time in the Ohio program was 4.5 months and ranged from one to 15 months. In Ohio, actual contact hours were tracked (both face-to-face and telephone contact) and averaged 4.8 hours for victims and 3.9 hours for offenders.

By the end of preparation, the victim and the offender as well as the facilitator have a fairly clear idea of what will be discussed during the meeting. This is part of providing for a safe place. Follow up is typically completed within a month after the meeting and may involve direct contact with the volunteer or phone contact.

Who was in the research sample?

Research team members interviewed 79 persons who participated in 47 mediation/ dialogue sessions regarding 46 serious and violent crimes. Exactly one-half of the crimes were murder or manslaughter; the victim died as a result of 65 percent of the crimes, including both murder/manslaughter and vehicular homicide. The remaining crimes included felony assault/ attempted murder (n=6, 13%), sexual assault (n=8, 17%), and theft/burglary (n=2, 4%).

The sample consisted of 20 victims/family members each from Texas and Ohio, 19 offenders from Texas, and 20 offenders from Ohio. The distribution of the crimes for each set of interviewees is given in Table 1 below.

The victim sample consisted of both direct crime victims and family members of direct victims, with some difference across the two states (See Table 2, next page). In Texas, ten percent of the victim interviewees were direct victims; the remaining 90 percent were surviving family members of a victim who has died. In Ohio, 35 percent of the victim interviewees were the direct victims.

The average age of the 20 victims interviewed in Texas was 43, with a range of 27 to 61. The 20 victims included four men and 16 women. All victims interviewed in Texas were Caucasian, with three being Hispanic. The average age of the 19 offenders interviewed in Texas was 34, with a range of 22 to 59. The 19 offenders included 17 men and two women. Sixteen offenders (84%) were Caucasian, including two Hispanics (11%), and two (11%) were African American. Race/ethnicity data was not available on one offender.

The average age of the 20 victims interviewed in Ohio was 41, with a range of 19 to 56. The 20 victims included six men and 14 women. Nineteen of the victims (95%), were Caucasian and one victim (5%) was African American. The average age of the 20 offenders interviewed in Ohio was 37, with a range of 19 to 64. The 20 offenders included 19 men and one woman. Sixteen offenders (80%) were Caucasian and four (20%) were African American.

**TABLE 1
PARTICIPANTS INTERVIEWED**

CRIME	OHIO			TEXAS		
	Events	Victims	Offenders	Events	Victims	Offenders
Murder/ Man- slaughter	10 (42%)	6 (30%)	8 (40%)	13 (59%)	12 (60%)	13 (68%)
Vehicular Homicide	5 (21%)	7 (35%)	4 (20%)	2 (9%)	2 (10%)	1 (5%)
Assault	5 (21%)	4 (20%)	4 (20%)	1 (5%)	1 (5%)	0 (0%)
Sexual Assault	3 (13%)	3 (15%)	3 (15%)	5 (23%)	4 (20%)	4 (21%)
Theft/ Burglary	1 (4%)	0 (0%)	1 (5%)	1 (5%)	1 (5%)	1 (5%)
TOTAL	24	20	20	22	20	19

The Texas and Ohio Experience

continued from previous page.

**TABLE 2
RELATIONSHIP OF INTERVIEWEE TO DIRECT CRIME VICTIM**

	TEXAS	OHIO	TOTAL
Direct Victim	2 (10%)	7 (35%)	9 (22.5%)
Family Member	18 (90%)	13 (65%)	31 (77.5%)
Parent	12 (60%)	7 (35%)	19 (47.5%)
Spouse	2 (10%)	1 (5%)	3 (7.5%)
Sibling	2 (10%)	3 (15%)	5 (12.5%)
Child	1 (5%)	2 (10%)	3 (7.5%)
Grandchild	1 (5%)	0	1 (2.5%)
TOTAL	20	20	40

Summary of Participant Experience

Why do participants seek or choose to meet?

The impetus for initiating the victim offender dialogue process in serious and violent crimes came from victims who learned about the existence of the process and felt it would meet their needs. In the violent crimes covered in the present study, there is no possible repayment for losses the victim has incurred. Thirty of the victims were dead as a result of the crime and most of the rest had suffered physical and emotional harm as a result of assault. An important question guiding the research was, in the absence of the need to develop a concrete restitution plan, what are the reasons victims and offenders in such cases seek or choose to meet with one another in dialogue?

Most frequently, victims/family members seek information or answers. Twenty-three of the 40 listed this as one reason for seeking to meet. Often family members are meeting with the last person to have seen their relative alive; they may have questions about actual events, about the offender's explanations, about what their relative said or experienced, about how the victim was selected. Showing offenders the human impact of their actions was the next most frequent reason, named by 17 victims/family members. They want to tell their own story, and they want offenders to know who the person was that was harmed. Having some form of human contact with the person responsible for the crime was the third most frequent reason, named by 16. And 14 spoke of seeking to meet to help themselves heal or move towards closure. The remaining reasons listed by ten or fewer included to share forgiveness, because it seemed right, to hold the offender accountable, out of general concern for the offender, to find out if offender has remorse, to prevent further crime, to work out future relationship, to decide to fight or support release, to hear a 12-step amends, to seek specific restitution, and to help other victims.

Why would offenders agree to meet?

There is no direct benefit to offenders for

participation; it does not earn them any rewards within the institution and is not taken into consideration for parole decisions. Yet fourteen of the thirty nine offenders in the present study reported that they themselves had taken steps to try to meet with their victims or family members, and all thirty nine ultimately agreed to participate in dialogue.

Nearly all the offenders interviewed (37 out of 39) focused first on benefits to victims in describing their reasons for seeking or agreeing to meet. Their most frequent reasons were to apologize (15), to help victims heal (15), to simply do whatever would benefit the victim (10), and to answer questions (8). Other reasons included: to help victims release anger, to make amends, to reassure their safety, to take responsibility, to listen to them and to prepare for meeting them on the outside. Offenders were then asked more explicitly if they hoped for benefits to themselves, and 29 of the 39 responded positively. The most frequently identified potential benefits to themselves were their own rehabilitation and recovery (13), hoping to change the victim or family member's view or opinion of themselves (8), general spiritual reasons (7), and hoping to receive forgiveness (6). Additional reasons included: to explain the truth, to learn who the victim was, and to apologize so they themselves would feel better.

An important finding is hidden in the above data. For any given reason, there were a significant number of participants who reported *not* having that reason. Among the 40 victim/ family members, a total of 17 did not seek answers and over one-half did not talk about hoping or planning to share the impact of the crime as a reason to meet. For example, both of the victims who wished to hear an amends were themselves 12-step participants and simply wished to permit a fellow traveler to make an important step in his own journey. One of these sessions was the shortest meeting across the entire research sample, at less

than one hour.

Outside of the general hope that victims would benefit, offenders were even more scattered than victims in their range of motives for meeting, with less than one-half reporting any given reason. Contrary to the general practice in VOM with lesser crimes, not all offenders had admitted to everything they had been charged with; some specifically hoped to change the victim's understanding of what had happened. This wide range of motives for seeking to meet means programs need to be flexible and responsive to individual participant needs.

"I woke up one morning and said, he's getting out, and I need to go and talk with him." (Victim)

"I am here to try to make this person human instead of an animal. Because the anger they have left me is killing me, so not only are they doing time, I'm doing the worst time." (Family member)

"I wanted to do basically anything that I could to help them deal with what had happened." (Offender)

"I wanted them to know that I am taking responsibility and I don't take any of this lightly." (Offender)

How do participants evaluate their preparation for the meetings?

Participant satisfaction with the manner in which they were prepared for the dialogues was high in both programs: 35 Ohio participants and 36 Texas participants reported being "very satisfied" and another four Ohio and two Texas participants reported being "somewhat satisfied" with their preparation process. Only a single participant, a Texas victim, was "somewhat dissatisfied." This participant, one of the two who wished only to hear an apology, felt that the preparation materials and the length of preparation required were much too involved and elaborate for that simple goal. Additionally, one Ohio participant reported having received no preparation, despite program records that documented otherwise. Thus, across the entire research sample, a total of 77 participants (97 percent of those interviewed) were satisfied with their preparation.

Mediator relationship qualities topped the list of helpful preparation elements named by 31 participants. Offenders in particular commented about being treated with respect and consideration. Bringing information back and forth about participants during the preparation phase (27 participants) and explaining procedures and what to expect (21 participants) were the two next most helpful components common to both programs. The Texas program preparation process involved an extensive packet of

The Texas and Ohio Experience

continued from previous page.

reading materials and questionnaires not used by the Ohio program. These materials generally received high marks from Texas participants - 24 named them as helpful and 12 further specified that the materials helped uncover important feelings. Other components common to both programs and named as helpful by fewer than ten participants included planning goals and what to say, offering choices, envisioning risks, assuring safety, and mediator neutrality. The Texas components of coaching, role-play and watching videos were also named as helpful. Two victim/family members and two offenders, all from the Texas program, added that the preparation alone had been instrumental in their healing process, even if they had never gotten to have a meeting.

Consistent with the high satisfaction levels, few participants had changes to recommend. Changing the paperwork topped the list; seven participants, across both programs, suggested reducing its complexity and making it more flexible and responsive to individual situations. Providing more specifics about what to expect (five participants), using photographs with participant permission to prepare for what one another looked like (three participants), allowing participants to assess their own readiness (three participants), and reducing the length of the preparation process (three participants) were the remaining suggested changes.

"One of us would have blown up if there hadn't been preparation." (Family member)

"She told me it was basically my ball game. It made me feel good. It gave me some sense of, I hate to say, of control, but I had such a sense of losing control over all of this, from the moment I got word that he had been murdered." (Family member)

"She pointed out stuff I've never really thought of, like, my people - I destroyed their lives, too, like my Mom. 'Cause I don't think she ever knew she would raise a murderer." (Offender)

"Saying so far we never had no one attack their offender. Even if she does go off, it won't be nothing violent. She's got to go through a preparation just like you do." (Offender)

What is the meeting like?

Because the application of mediation/dialogue in violent crimes is so new, one of the important goals of the present study was simply to develop a picture of its characteristics. Table 3 provides an overview of the basic characteristics across the two programs.

**TABLE 3
MEDIATION/DIALOGUE CHARACTERISTICS**

	TEXAS	TEXAS	OHIO	OHIO
	Range	Average	Range	Average
Length of time, crime to dialogue	2.3 years to 27 years	9.5 years	2 years to 19 years	9.6 years
Length of dialogue meeting	3 hours to 8.5 hours	5.5 hours	1 hour to 8 hours	2.5 hours
Persons present for meeting (excluding camera personnel)	3 to 5 persons	3.4 persons	3 to 8 persons	5.6 persons

An important distinction between these cases and VOM in less serious cases is the relatively long period of time between the crime and the dialogue. Because these programs are so new, it is not possible to discern from the present data to what extent this finding represents what victims would ideally chose to do or to what extent it is an artifact of the absence of such a service during the first several years after these crimes occurred. Among the 40 victims/family members interviewed, 13 (32.5%) experienced a wish to meet their offender relatively soon after the crime and/or the trial. However, all of these victims/family members who commented on the elapsed time felt it was a good thing that the meeting hadn't taken place right away. They felt it was important that they'd had the additional time to heal and that their meetings were more productive than if they'd taken place immediately.

Across the board, victims/family members and offenders described the process of the meeting as a conversation. The interaction was respectful, for the most part voices were not raised, participants did not interrupt one another, and much of the time the conversation simply flowed back and forth among participants unaided by any mediator action. Offenders in particular were surprised by the lack of shouting or rageful behavior on the part of victims and family members.

"I think he came into the room expecting to be verbally beat up. And I think he was very surprised that that's not what happened." (Family member)

"I don't know what it was, but we were really able to communicate, me and her." (Offender)

What do participants talk about?

During the course of the research interviews, 37 victims/family members and 32 offenders described what they themselves shared during the meetings. Because this question was not routinely asked in all interviews, what follows is offered not as a representation of everything that happened, but rather as a description of what stood out enough to participants that they spontaneously mentioned it.

For victims and family members, the major focus was the impact of the crime on themselves, on the direct victim (if different), and on other family members and persons connected to the victim. Participants in Texas spoke in addition of telling the story of their own experience of the crime. In the Ohio victim/family member interviews it was not possible to distinguish "telling the impact" from "telling the experience of the crime." A smaller subset of victim/family member participants reported asking questions and focusing on the offender. In three Ohio cases where the offender had not taken full responsibility, participants reported that they gave detailed information about the crime.

Among offenders, sharing information about the crime headed the list, followed by information about their life before the crime. Smaller numbers reported taking ownership, apologizing, sharing other information about themselves, and assuring the safety of the victim/family member.

"After a few questions, I said I had written down how being shot had affected my life, and would he be interested in hearing that, and he said 'yes,' and so I told him all those things." (Victim)

The Texas and Ohio Experience

continued from previous page.

"I took a small photo album of our daughter, and I gave it to him. I said 'I want you to see and touch what you've taken from us.'" (Family member)

"Basically just getting it out in the open, accepting the fact that I did this, I caused this – it was like walking through a fire." (Offender)

"I said I don't have any problem with the protest that you've been doing to me all these years, because I've got a step-dad out there. If someone had killed him like I had killed your father, I would be doing the same thing." (Offender)

What does the mediator do?

When they were asked to describe the role of the mediator, many participants seemed surprised and appeared not to have thought about mediator activity. It was as if the mediator faded largely into the background and was, for the most part, unnoticed. All 64 participants who commented on the mediator role described it as relatively silent. Mediators were quiet and stayed out of the way. Offenders and victims/family members alike deeply appreciated this unobtrusiveness. The mediator's background role meant that the participants themselves could own the process and could be sure that no one else had pushed for certain things to be said or accomplished.

Participants were clear that this did not mean the mediators' presence was unnecessary. They felt reassured that mediators would intervene if things "got out of hand" and would ensure participants' safety. Offenders and victims/family members commented on feeling the support and encouragement of the mediator. They felt connected to the mediators, and it was important to them that the other participants also felt connected. Mediator "neutrality" was more than a passive not taking sides. Rather, it involved forging a supportive and trustworthy relationship with each side.

There was broad agreement on what kinds of actions mediators took on the few occasions when they got involved. They helped remind participants to bring up desired topics, helped steer the conversation if it lagged or got stuck, asked questions, supported the expression of feelings, monitored participant needs, suggested breaks when appropriate, and challenged offender avoidance. Participant comments made clear that they did

all these things in a manner that left choices up to participants, rather than in the hands of the mediators.

"It wasn't their meeting, it was our meeting. And that's exactly how they dealt with it. It was great." (Family member)

"He kind of said, 'well, don't you want to ask him about this?' He helped me get out of some situations where I was nervous." (Victim)

"He said it's okay to feel. I let my guard down more." (Offender)

"If I didn't quite explain it and he knows where I'm capable, he would re-ask the question." (Offender)

reported that their participation in the mediation/dialogue program had a profound effect on their lives. Victims/family members and offenders alike reported feeling more at peace and better able to cope with their lives.

The types of life changes reported by the 30 victims/family members are summarized in Table 4 below. Letting go of hate, obtaining answers, placing the anger where it belongs, having a human encounter, and/or experiencing the offender's ownership and remorse were reported as important factors.

**TABLE 4
VICTIM/FAMILY MEMBER REPORT OF TYPES OF LIFE CHANGES**

Types of Life Changes	TEXAS	OHIO	TOTAL VICTIMS
Contributed to personal growth and healing	14	10	24 (60%)
Changed feelings about offender for the better	13	10	23 (58%)
Change in outlook for the better	11	8	19 (48%)
Changed or strengthened spirituality	9	8	17 (43%)

Was it a life-changing event?

Assessing the outcome of the mediation/dialogue meetings is one of the most important single domains of the present study. In both states, corrections departments and victim service units have invested considerable resources to meet the needs of victims and to provide what they are seeking as part of an effort that assists their recovery from the trauma of violent crime. Therefore, in addition to ascertaining satisfaction levels, the study sought to discern what impact participants felt the meetings had made in their lives.

Overall life changes were assessed using both a closed-ended Likert scale question, asked of 73 participants, and open-ended questions probing changes in internal feelings, healing and well being, and spiritual outlook, asked of all 79 participants. A total of 63 interviewees, or 80 percent of the research participants,

Types of life changes reported by the 33 offenders are summarized in Table 5 (see next page). Offender rehabilitation is not a goal of either the Texas program or the Ohio program. Both programs are victim driven and are very careful not to put any pressure on victims to make a difference in offender lives. Thus it is especially noteworthy that over 80 percent of the offenders who participated in our study reported that the meetings had in fact contributed to their own rehabilitation and personal growth.

In discussing reasons for the changes, offenders pointed to being accountable, seeing their victim as a person, understanding the impact of their actions, being able to give something back, and being more open to feelings. One of these domains was explored more fully in the structured component

The Texas and Ohio Experience

continued from previous page.

**TABLE 5
OFFENDER REPORT OF TYPES OF LIFE CHANGES**

Types of Life Changes	TEXAS	OHIO	TOTAL OFFENDERS
Contributed to rehab/personal growth and healing	15	17	32 (82%)
Change in outlook for the better	13	17	30 (77%)
Changed or strengthened spirituality	12	12	24 (62%)
Think victim feelings about them changed for the better	12	6	18 (46%)

of the study interview schedule. Thirty-eight of the 40 offenders were asked to what extent their meeting with their victim/family member changed their understanding of how the crime impacted others. Responses are given in Table 6.

**TABLE 6
EXTENT TO WHICH THE MEETING CHANGED OFFENDER UNDERSTANDING OF HOW THE CRIME IMPACTED OTHERS**

	TEXAS	OHIO	TOTAL
A great deal	17 (94%)	14 (70%)	31 (82%)
Somewhat	1 (6%)	5 (25%)	6 (16%)
Not at all	0	1 (5%)	1 (2%)
TOTAL	18 (100%)	20 (100%)	38 (100%)

It is important in examining these results not to lose sight of the 20 percent of the study participants who did not report a life-changing outcome from their mediation/dialogue session. All of the ten victims and six offenders who did not report any changes in their lives as a result of the mediation/dialogues were none-the-less satisfied with their experience in the program, with 15 of the 16 rating their satisfaction at the "very satisfied" level.

All ten of these victims offered comments on their life perspectives. Nine felt that they had already made significant changes before seeking mediation, including progress toward healing and closure from the harm caused by the crime. Their decisions to seek a meeting with their offender grew out of these changes, and they neither anticipated nor experienced significant further impact on their lives. The tenth victim who reported no change was one who simply wished to hear an amends.

Among the six offenders who did not report any life changing impact from their meeting with their victim, three had no further comments about changes in their lives. Two reported that they had already

changed their life outlook prior to agreeing to meet. And one reiterated that he had focused on what his victim needed and neither expected nor received any impact for himself.

"You can tell the police officers, you can tell your friends, you can tell other people that have lost somebody, you can tell your therapist, your psychiatrist, 'this is how I feel and this is what he's done to me,' but there's no describing that feeling when you finally get to look at him eye to eye and say, 'this is what you've done, she was a real person.'" (Family member)

"It started out a confusion, and it's cleared up a bunch, but there's still a lot of confusion in your life. My daughter's dead. But I know I'm better. I can sleep at night, I know it's a good feeling not to hate some monster, and I know my daughter didn't give him any reason to kill her." (Family member)

"Now I'm more geared towards helping others than I ever was."

'Cause maybe I can touch somebody the way she touched me." (Offender)

"If I didn't do this, I think there would be a good chance of me coming back. I don't want that to happen. I've got something planned for my future." (Offender)

Are participants satisfied?

All but one of the 78 participants who were asked about their satisfaction with their participation in the program reported that they were satisfied, with 71 selecting the highest rating, "very satisfied." In addition, 73 participants were asked how helpful they found the meeting to be; all 73 found it helpful and 65 gave it the highest ranking of "very helpful." All 79 were asked if they had any regrets about their participation and 78 reported having no regrets at all.

Satisfaction ratings were so high across the board that there was no substantial difference in satisfaction between the two programs. It is important to recognize that these high ratings are not generalizable to violent crime victims or offenders who have *not* sought or agreed to meet with one another. In many instances these satisfaction levels reflect the opinions of persons who have made great efforts over long periods of time simply to have the opportunity to meet; at the very least, these are the opinions of persons who have agreed to such a meeting.

"On a scale of one to ten, it's a hundred." (Family member)

"It was worth every moment of preparation, every second of the process, to just have that information." (Victim)

"Tremendously satisfied. You don't have enough levels there." (Offender).

"I'm telling you, it was a day I'll never forget. It was an incredible meeting. It changed my life." (Offender)

Implications

The above data have led us to offer the following tentative policy and program recommendations as a jumping-off place for dialogue and discussion. We do not view these implications as carved in stone, but rather hope that they will continue to be informed and refined by future studies of victim-offender dialogue in serious and violent crime.

The Texas and Ohio Experience

continued from previous page.

Policy Implications

- Departments of Corrections should consider developing specific procedures for responding to the requests of those victims who seek a mediation/dialogue session with the responsible inmate.
- Public funding should be appropriated to support the development and management of victim sensitive offender dialogue services in crimes of severe violence.
- Consideration should be given to amending current state crime victim compensation laws to allow reimbursement for the cost of victim initiated mediation/dialogue services with the responsible inmate.

Practice Implications

- Only persons who can document that they have received extensive advanced training in victim sensitive offender dialogue in crimes of severe violence and who are under the supervision and support of an appropriate mentor or supervisor should be allowed to provide such services.
- When providing mediated dialogue services in cases of violent crime, a minimum of two in-person face-to-face preparation meetings with each party should be conducted.
- The process of victim sensitive offender dialogue in crimes of severe violence should be entirely voluntary for all parties.
- Victim sensitive offender dialogue in crimes of severe violence should be victim initiated.
- The planning, development, and implementation of victim sensitive offender dialogue services should be conducted with active involvement of victim services providers, correctional staff and other persons familiar with the process of providing dialogue services in cases of violent crime.
- While programs will naturally develop protocols and procedures for efficiently handling their cases, they should maintain maximum flexibility and openness to meet the needs of their participants.
- In the context of the victim-centered focus of programs offering dialogue in cases of violent crime, it is important not to lose sight of the impact on offenders.

Conclusion

It is clear that the principles of restorative

justice can be applied in selected cases of severe violence through the practice of victim offender mediation and dialogue. A far more intense case development process is required and the "dialogue-driven" humanistic approach to mediation offers a more victim sensitive process that is also likely to engage the offender in a dialogue about the full impact of the offense. Data from the present study indicates exceptionally high levels of client satisfaction with the process and outcome of victim offender mediation and dialogue in crimes of severe violence. This bodes well for the future development of this emerging restorative justice intervention.

While this study provides important preliminary data related to the impact of the mediation and dialogue process in crimes of severe violence, particularly homicide, they are suggestive at best. Far more rigorous studies involving larger samples are required before any conclusions can be drawn. A great deal of caution, however, must be exercised in applying restorative justice principles in such cases. There have already been numerous examples of well intentioned criminal justice officials and individual mediators who are too quick to refer or facilitate the use of mediation and dialogue in crimes of severe violence without having first secured advanced training and mentoring. Many unintended negative consequences could result from such initiatives, including a significant re-victimization of the victim.

There remain many unanswered questions. For whom, under what circumstances, and when is the use of victim offender mediation in crimes of severe violence most appropriate? How extensive should the case development process be? Is there significant variance in the degree and length of pre-mediation case preparation based on characteristics of individual cases? What type of crime victim and offender respond best to such an intervention? Can the process be adapted so that it is more respectful of diverse cultures, leading to more active engagement of diverse communities? How can victim offender mediation/dialogue services, in crimes of severe violence, be offered as a voluntary restorative justice intervention on a larger scale and in a cost effective manner? How extensive should advanced training be? To what extent should families and other support persons be routinely involved in the process, at what points, and to what degree? Can state victim compensation laws cover the cost related to victims of severe violence who request

this intervention? While nearly all cases to date are victim initiated, is there a place for offender-initiated cases without triggering the unintended consequence of re-victimizing the victim? Can this intervention continue to be offered primarily through well-trained community volunteers?

Far more rigorous longitudinal, qualitative and quantitative studies are clearly needed in this emerging area that holds the potential for exceptionally high positive impact on participating parties while also including significant risks as well. What is the strength and durability over time of the many participant benefits documented in this study? Has the healing that occurred led to physiological as well as emotional benefits? To what extent has the issue of forgiveness (either the need for it or the desire to avoid it) played a significant role in the victim offender mediation and dialogue process? Are there significant unintended negative consequences that only a longer-term assessment would find? These and many other important questions need further study.

At its core, the process of victim offender mediation and dialogue in crimes of severe violence is about engaging those most affected by the horror of violent crime in the process of holding the offender truly accountable, helping the victim(s) gain a greater sense of meaning, if not some degree of closure, concerning the severe harm resulting from the crime, and helping all parties to have a greater capacity to move on with their lives in a positive fashion. This emerging restorative justice practice certainly warrants further development and analysis, along with an attitude of cautious and informed support.

*Mark S. Umbreit, Betty Vos, Robert B. Coates, and Kathy Brown, are with the Center for Restorative Justice and Peacemaking, University of Minnesota, School of Social Work, 105 Peters Hall, 1404 Gortner Ave., St. Paul, MN 55108, (612) 624-4923; (e-mail) rjp@cher.umn.edu; (website) http://ssw.che.umn.edu/rjp. A fuller account of the findings reported in this article is available online (website above) in the Resources section under Executive Summary: Victim Offender Dialogue in Crimes of Severe Violence. Still more detailed results will be published later this year in **Facing Violence: The Path of Restorative Justice & Dialogue** (Criminal Justice Press, 2003) by Mark S. Umbreit, Betty Vos, Robert B. Coates, and Kathy Brown.*

2003 TRAINING INSTITUTE AND CONFERENCE FEATURED SPEAKERS

This November, VOMA's International Training Institute and Conference will offer a morning and mid-day series featuring six dynamic speakers including **Pat Clark**, **Dr. A. J. Levine**, and **Harmon Wray**, addressing public policy issues (followed by dialogue sessions) including:

- Race and Economic Justice -
- Spirituality/Faith -
- Offender -
- Culture and Community -
- Victim -
- Terrorism and the Aftermath of War -

For more information, please refer to the promotional insert in this newsletter or visit our web site: www.voma.org



PAT CLARK is the National Coordinator for the Fellowship of Reconciliation (FOR), an interfaith and international movement advocating for peace, justice and nonviolence and involved in programs that advocate for demilitarization and nuclear disarmament, racial and economic justice and peaceful resolution of conflicts.

Prior to her work with FOR, Pat Clark worked with the American Friends Service Committee for eight years as their National Criminal Justice Representative where she focused on criminal justice issues such as death penalty, prison control units, hate violence and restorative justice, juvenile justice, prison reform and alternatives to incarceration. In her work on the death penalty she served as a major spokesperson. Presentations and interviews included: Stanford University, Boalt Law School at UC Berkeley, CNN, TIME magazine, The Los Angeles Times, The Washington Post and National Public Radio.

From 1985-1990 Pat worked with the Southern Poverty Law Center, eventually becoming the director of the Klanwatch Project where she and her staff monitored the activities of the Ku Klux Klan and other white supremacist organizations and conducted research that was used in litigation against these organizations and for general education. As a major spokesperson for Klanwatch and the Southern Poverty Law Center, her presentations and appearances included testifying before the U.S. Senate Judiciary Committee, Columbia Law School, Yale Divinity School, NBC Today Show, CBS West 57th Street and CBS World News.

Pat began her social justice work with Habitat for Humanity International (1970-1982) in what was then known as Zaire, Africa.

AMY-JILL LEVINE is E. Rhodes and Leona B. Carpenter Professor of New Testament Studies and Director of the Carpenter Program in Religion, Gender, and Sexuality at Vanderbilt University Divinity School. Prior to coming to Vanderbilt, she was the Sara Lawrence Lightfoot Associate Professor of Religion at Swarthmore College.

Levine has been awarded grants from the Mellon Foundation, the National Endowment for the Humanities, and the American Council of Learned Societies. Her numerous books and articles address such topics as Christian origins, formative Judaism, and the "Historical Jesus." Her recent projects include editing a twelve-volume series, the *Feminist Companions to the New Testament and Early Christian Literature*, for Sheffield University Press, a study of the Old Testament Apocrypha for Harvard University Press, and a commentary on the Greek *Book of Esther* for E. J. Brill.

A self-described "Yankee Jewish feminist who teaches in a predominantly Protestant seminary in the buckle of the Bible Belt," Levine conjoins historical-critical rigor, literary-critical sensitivity, and a frequent dash of humor with a commitment to exposing and expunging anti-Jewish, sexist, and heterosexist theologies.



HARMON WRAY, a longtime criminal justice reform advocate, is Executive Director of the National Association of Sentencing Advocates. A native of Memphis, TN, Mr. Wray brings experience working with community-based and church affiliated criminal justice organizations. He was also Executive Director of the Tennessee Association of Criminal Defense Lawyers for just under six years. During his career, Wray has served as director of the Tennessee project of the Southern Coalition on Jails and Prisons (which opposed the death penalty and prison construction), as Community Education Coordinator with Project Return (a Nashville-based agency serving ex-offenders and prisoners' families), and as Executive Director of Restorative Justice Ministries of the General Board of Global Ministries of The United Methodist Church.

Wray has written extensively on criminal justice issues, most recently *Restorative Justice: Moving Beyond Punishment* (General Board of Global Ministries of The United Methodist Church, 2002). He has also taught a course which he designed, "Theology and Politics of Crime and Justice in America," at the Vanderbilt Divinity School for more than two decades.

Wray has testified on sentencing and justice issues before legislative committees and commissions in Tennessee. He appears frequently on television and radio talk shows and often speaks to audiences across the nation on crime, prisons, restorative justice, and the death penalty. Wray received an M.A. in religion from Vanderbilt University, a Masters of Divinity with Honors from Duke University Divinity School, and a B.A. from Rhodes College in Memphis, Tennessee.

VOMA Membership Information & Application (June, 2003)

- **Agency membership** is available to any organization that has an interest in victim offender mediation, conferencing and circle processes, the philosophy of restorative justice, or the criminal justice system. Annual agency dues are currently **\$150.00**.
- **Individual membership** is available to those persons interested and/or involved in victim offender mediation and conferencing programs. Annual individual dues are currently **\$40.00**.
- **Student membership** is available to full-time students. Annual student dues are currently **\$25.00**.
- **Library and educational institution memberships** are available, which consist of a subscription to the newsletter. Annual library and educational institution dues are currently **\$30.00**.

PLEASE NOTE: DUES SUBJECT TO INCREASE SEPTEMBER 1, 2003.

VOMA membership benefits include the *VOMA Connections* newsletter, Directory of Members, access to VOMA resources, and discounts on Annual Conference registration.

----- **Membership Application (Please Print)** -----

Name/Contact Person _____ **Title** _____

Organization/Agency Name _____

Mailing Address _____

City _____ **State/Province** _____ **Postal Code** _____ **Country** _____

Telephone (____) _____ **Fax** (____) _____ **e-mail** _____

Type of Membership (full-time students, please list name of school) _____

Amount Due \$ _____ (Please enter credit card information below or enclose check or money order in U.S. funds, payable to **VOMA**)
or VISA MasterCard **Card Number** _____ **Expiration Date** _____

Print Name of Cardholder _____ **Cardholder Signature** _____

Please clip application form, enclose payment, and send to:

VOMA, c/o Center for Policy, Planning, and Performance, 2344 Nicollet Avenue South, Suite 330, Minneapolis, MN 55404, USA.

THANK YOU!

A Call to Visual Artists...

VOMA is interested in exploring the interconnection between social justice and the arts by inviting VOMA members to share their talents with the world.

If you are a current VOMA member (individual, student, or agency) we invite you to submit an original work of art expressing a social justice message. One work will be selected for reproduction in the form of notecards (and, perhaps, also as lapel pins, posters, beverage mugs, etc.) for use by VOMA in its promotions and fundraising efforts at the November 2003 Training Institute and Conference and after.

Revenues (after production expenses) will be shared with the artist. Deadline for submission is September 1, 2003.

If you would like to share your talent in this exciting project, please phone 612-874-0570 or e-mail voma@voma.org for more information.

Example from Bread and Roses Cultural Project
330 West 42nd St. New York, NY 10036
www.bread-and-roses.com
Art: Stephen Alcorn, Oil on Canvas, 20" x 23"





VOMA's 20th Annual International Training Institute & Conference

November 2-5, 2003

Doubletree Hotel

Nashville Tennessee USA



Register Before September 15 for Discounted Rates!

CONTACT VOMA TODAY

phone: 612-874-0570 or e-mail: voma@voma.org



Victim Offender Mediation Association

c/o Center for Policy, Planning, and Performance
2344 Nicollet Avenue South, Suite 330
Minneapolis, MN 55404 USA