The purpose of the Victim Offender Mediation/Dialogue Program (VOM/D), housed in Victim Services of the Texas Department of Criminal Justice (TDCJ), 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.

Three basic program elements make the Texas VOM/D program unique in the United States, and perhaps the world. These elements, though represented within other programs on an isolated basis, do not appear together as consistent characteristics of an established state-wide system as they do in Texas.

PROGRAM STRUCTURE
The first element, program structure, places the VOM/D program within the Victim Services Division of the TDCJ. As a state-wide initiative, Victim Services has authority and responsibility within all facets of the Texas Department of Criminal Justice, including probation, parole. State jails, and the world’s largest prison system. A strong cooperative working relationship also exists with the Texas Youth Commission of the Juvenile Justice System.

TDCJ Victim Services was established in April of 1993. Since that time, it has grown from two to twenty staff persons. The development of Victim Services has been a most significant acknowledgment of victims’ status as an emerging power in a predominantly offender-centered system. The VOM/D program has been sufficiently supported and protected to allow for its steady growth and maturity in Victim Services.

PROGRAM INITIATION
The second element is program initiation. As a direct service of TDCJ Victim Services, the VOM/D program is expressly offered for assistance to victims of violent crimes. Only victims can initiate the process, and each victim determines the primary objectives to be accomplished and the “shape and scope” of his or her healing process. VOM/D is provided as a victim-centered opportunity to facilitate a healing, recovery process for victims.

People who are victimized by violent crime deal with their pain in different ways. Some choose to try to forget what has happened and put it all behind them. Some victims' lives become infected by depression and by...
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THE RESTORATIVE JUSTICE INSTITUTE and VOMA

The VOMA office is now at the offices of the Restorative Justice Institute in Washington, DC. For over two years, VOMA's administrative services have been provided by the Institute for Conflict Management (ICM) at the St. Vincent de Paul Center in Orange, California. Over these years, ICM staff members and volunteers have served the VOMA membership and Board with many hours of dedicated service. We express our gratitude to Mike Niemeyer, Stacy Hipsak, Scott Mather, Sharon Peelor, Judy Huitt and many others.

We now envision a more collaborative working relationship with a national organization which promotes restorative justice.

VOMA and the Restorative Justice Institute have agreed to such a relationship. Our Director will be BILL PRESTON, whom many of you know from his VOMA Conference workshops, his work in developing the American Bar Association's, Victim-Offender Mediation/Dialogue Programs Resolution and his years of dedicated restorative justice work. Along with BILL, RJI Co-Director GREG RICHARDSON brings a wealth of professional experience in criminal justice and administration.

VOMA and RJI remain independent organizations, now working side-by-side to promote victim-offender mediation and the restorative justice transformation of criminal justice at the local, state, national and international levels.

We welcome the Restorative Justice Institute!

by Marty Price for the Board
(Continued from page 1)
acting out the pain they feel through de-
structive behavior. Others, because of their
family backgrounds, present level of sup-
port and learned coping mechanisms,
choose to deal with the pain in their own
way and to move on with their lives.

"... victims want and need more.
These victims have 'holes in their
hearts.' They need answers to their
questions which only the offender

Other victims want and need more. These
victims have "holes in their hearts." They
need answers to their questions which only
the offender can provide. They need the
opportunity to express the full impact that
the crime has had on their lives and the
lives of others. They want to hear the of-
fender admit guilt and take responsibility
and be accountable beyond themselves to
the victims and their communities.

The VOM/D program was developed out of
the needs of those victims who choose to
heal by facing that pain which has invaded
their lives. They are given the opportunity,
after extensive preparation, to literally look
in the face of the one who created the pain
and see what they can see--to see what
they can understand about themselves, to
see what they can understand about the of-
fenders, and to see what more can be done
so that some of the pain, some of the hurt
may never have to be experienced in the
first place.

**Program Delivery of Service**
The third element of the Texas VOM/D is
program service delivery. Currently, the
VOM/D State Coordinator is the only media-
tor working on cases. At the present time,
the Coordinator has facilitated the comple-
tion of six mediation/dialogues of violent
crimes. There is the potential for twenty-one me-
diation/dialogues to be completed by the State
Coordinator over the course of a year.

As of November, 1996, the VOM/D had nearly
200 requests from victims of violent crimes to
participate in the program. The waiting list to par-
ticipate continues to grow on a weekly basis.
These victims are waiting to begin preparation
for a face-to-face meeting with their offenders. It
is humanly impossible for the State Coordinator
to work with all these cases.

In Phase II of the program's planning strategy (to
be implemented in 1997), volunteer mediators
will be trained and utilized to provide mediation/
dialogues. The strength of the VOM/D program,
and the ready access and availability of this
service for victims, is dependent upon a volun-
teer pool of trained mediators certified to facili-
tate the mediation/dialogue of cases of severe
violence. These volunteers will represent a cross
section of the entire state population in regard to
primary demographic indicators including profes-
sional, non-professional, male, female, race,
color, and creed.

After the completion of a specialized training,
screening, and in-service training, each mediator
will be assigned one case according to estab-
lished criteria. The mediator will facilitate this one
case through its duration providing documenta-
tion as stipulated in the VOM/D procedures.

The facilitation of a particular mediation will also
include the video-taping and editing of a master
tape if authorized and mutually agreed upon by
all parties participating. The VOM/D procedure
also calls for follow-up debriefing, continued sup-
port and evaluation components to be facilitated
by the mediator. When applicable, the mediator
may track the case according to the parties mu-
tual "Affirmative Agreement."

Consultants from the University of Minnesota will
serve as principle investigators and evaluators of
the VOM/D program. The purpose of their re-
search is to evaluate the development and early

(Continued on page 4)
Victim Offender Mediation/Dialogue

(Continued from page 3)

impact of the first known statewide restorative justice initiative to offer victim offender mediation/dialogue exclusively to victims of severe violence. They will examine how the program operates with the training, implementation and application of the program's principles. They will also consider the implications for training and program development for other jurisdictions considering similar state-wide initiatives.

THE COST OF VOM/D

Offenders who participate in the program agree to accept the responsibility of partially covering the cost of mediation preparation. The responsibility to pay is not used as a bargaining condition but as a future commitment. When the offender has financial capabilities, a specific amount is set which they promise to pay into a Mediation Restitution Fund. Historically, such tangible restitution attached to the mediation process has shown a high likelihood of being fulfilled.

In addition, cooperative partnerships are solicited within the community, including benevolent individuals, churches, mosques, synagogues, civic organizations and local businesses and corporations. The collaborative relationship with the Crime Prevention Institute of Texas provides the opportunity to bring together the public and private business sector to determine what partnerships and cooperative efforts can be created.

SUPPORT OF CRIMINAL JUSTICE INITIATIVES.

As the number of volunteers within the program grows, the need to develop a regionally based infrastructure to provide quality control, support, in-service training and monitoring of those volunteers will be essential. Other TDCJ Divisions have evolved to administer programs out of a regionally-organized construct, and therefore the development of administrative satellites would be a logical next step for VOM/D.

Victims can be empowered by their inclusion/integration and become advocates within the system rather than adversaries. Offenders can be given specific opportunities by which they can be responsible and thus be more accountable, increasing at least the potential to not replicate their past actions. Communities can experience directly, as well as vicariously, any benefits which victims and/or offenders receive.

The Texas VOM/D program is not for all victims. It is not for all offenders. But everyone can learn from the experience of those who choose this avenue. Meaningful, helpful restitution and accountability of offenders beyond themselves to the flesh and blood victims and communities they impact can become the rule rather than the exception.

“. . .cooperative partnerships are solicited within the community, . . .”

BECOME INVOLVED IN YOUR ASSOCIATION

There are many ways to become involved in VOMA. Because this is your association, your involvement is what will make it flourish. Please consider joining one of the following committees by contacting the Board member who chairs it. (see page 2, Board Members)

Membership Committee
(Lorraine Stutzman-Amstutz) Creates the membership directory. Develops outreach programs to increase VOMA membership. Develops creative options for networking among members and obtaining their feedback.

Publications and Editorial Committee
(Kate Hunter) Works closely with the VOMA Administration and the board to coordinate the Quarterly, decide themes and content, solicit and write articles. This committee is responsible for other publications as well.

Nominating Committee
(Dorothy Barg Neufeld and Charles McCollum) Develops a diverse slate of nominees to be offered to the membership for election according to the bylaws of the association Plans orientation of new board members.

(Continued on page 5)
BACKGROUND

In the Spring of 1995, a rare opportunity occurred. The Clackamas County Commissioners asked the Juvenile Department Director to submit a budget that would bring the Department up to par with Counties that had similar youth populations. Having had some knowledge of the concept of restorative justice, I suggested that a victim offender mediation component be included on the wish list. In September, 1995, the Clackamas County Juvenile Department Victim Offender Mediation Program (VOMP) opened its doors for business. I was hired as the coordinator of the program and I spent most of that summer meeting with people in established programs, setting up the system, and getting key people in the community to know about the new program. Actually, "new" is not quite accurate. Two years before, a successful pilot program funded by the local Commission on Children and Families had died for lack of funds. No amount of appeals to the community or grant applications saved these worthwhile projects. These experiences helped to persuade me that the best place for the new VOMP was as a part of the Juvenile Department budget. Thus, funded by law enforcement money, VOMP might have a better chance of survival in the volatile world of social service funding.

By the end of January 1997, 175 youth had been referred to the Program. The Program is small with a budget of $75,000. This pays for my salary, secretarial time, an office at the Juvenile Department, use of office equipment and training money. In January 1996, sixteen volunteers were trained. Since then volunteers have actively participated in the process.

THE PROGRAM

Juvenile offenders are referred by their juvenile department counselors. Offenders can be anywhere along the juvenile justice continuum, although the great majority of offenders are referred during the intake process. Serious person to person crimes are not referred for mediation. Referrals to VOMP are not diversion. In other words, offenders are not promised anything in return for participating in VOMP. On the other hand, offenders are not penalized for deciding not to participate.

During case development, police records are reviewed by the coordinator to determine if the case is appropriate to mediate. A letter and brochure are sent to each offender. This is followed by a phone call and a meeting with the offender and parent. If the offender is willing to mediate, the process is repeated for victims.

In September, 1995, the Clackamas County Juvenile Department Victim Offender Mediation Program (VOMP) opened its doors for business.
tions are then set up at a time convenient to all parties. Because Clackamas County is so large, sites have been located throughout the County to make mediations as convenient as possible for all concerned.

There is no penalty to the offenders for not reaching an agreement, although it is assumed that if restitution is an issue, it will be dealt with either by the court counselor or potentially in civil court. Should offenders subsequently fail to fulfill a signed contract, the court counselor is expected to respond to the breach of contract. Parties also have the opportunity to renegotiate their agreement by coming back to the mediation table.

IN-SYSTEM VS OUT OF SYSTEM

Does my “in-system” VOMP feel any more pressure to have settlements than an “out of system” program? It is fair to say that every program at some point needs to justify its existence to its funding source, whether it's a government entity or not. To date, I have not felt any pressure to produce settlements. The only pressure I have felt is self induced and that is regarding referral numbers. Now and then, I find myself needing to remind court counselors of my existence. I have heard from other programs that this is a typical problem. I would suggest that this is an easier issue to address when you are in the system, or have an ongoing relationship with the referring counselors. It also doesn’t hurt to be housed in the same building. I am able to make the rounds and speak with individual counselors on their own turf. Counselors are familiar with me. If questions arise about procedure or the status of a case, I am there. Many conversations begin ‘Oh, by the way, what's happening with...”

Is there a danger of being co-opted by the system. Probably. However, there are ways to prevent this from happening. Staff and volunteers need to go through a rigorous training that not only teaches the fundamentals of victim offender mediation but helps aspiring mediators understand the larger benefits of VOMP, such as the transformative potential. Training should be followed by a carefully guided internship and opportunities for continuing education. Confidentiality must be honored and everyone needs to know that this is the case. VOMP should not be treated as another punishment for the offenders. Since I have chosen not to have counselors divert to VOMP, there is a danger that VOMP can become just another layer of punishment. However, with vigilance and ongoing discussions with counselors, this can be overcome. For instance, although not diverting to VOMP, many counselors now await the results of mediation to determine what, if anything, needs to be done. As noted above, there is no penalty for not participating in VOMP, unless having to deal with restitution in a non hostile environment, such as court, is considered punishment. I consider this the result of making a choice.

Are there advantages to being in the system? From my experience, the answer is, yes. I’ve mentioned two reasons already: stable funding and easier communication. I believe that there is a more compelling reason. If we wish to create a Juvenile Justice System that is truly restorative, then shouldn’t a victim offender mediation component be a cornerstone of this system. Unless you view the justice system as beyond hope, how else will the necessary changes be made? I am not delusional; I know I work within a punitive system, However with VOMP down the hallway, counselors are gaining first hand knowledge regarding the benefits of VOMP. The cynics are changing their views about mediation between victims and offenders. The optimist in me says that the more those within the system are exposed to the benefits of restorative justice, the more likely the system will change.

I will leave it to those who are involved in “out of system” programs to make their case. Is my “in-system” program better than an “out of system” program? I really don’t know. I do know that the feedback from participants in my program is overwhelmingly favorable. Returned questionnaires indicate that victims, offenders and their parents like what happens when they are involved with VOMP. It is too early to tell what the long term results will show but I would bet a sunny day in Winter (and coming from Oregon, that is a great sacrifice) that the results would be positive.

An IN-System VOMP

(Continued from page 5)
Communities and the Justice System—
Turning the Relationship Upside Down

Kay Pranis, Restorative Justice Planner
Minnesota Department of Corrections

The Publications and Editorial Committee is pleased to conclude this Quarterly with an article by Kay Pranis, Restorative Justice Planner from the Minnesota Department of Corrections, taken from a speech given in September, 1996. We see this article as a bridge from the topic of this Quarterly, which is “Restorative Justice Initiatives in the System,” to the theme of the 1997 VOMA Conference, “Restorative Justice and Community Transformation.”

My work on restorative justice over the past several years has taken me farther and farther down the road of thinking about community, the effect of crime on the community fabric, the responsibility of the community, and the relationship of the community to all service systems. The question of redefining the relationship between communities and professional systems has become a central issue for me. I will use the word community broadly to refer to groups of people with some common interest and common experience who are not a part of the formal justice system.

Let’s start by examining what is happening in most communities today. Crime—fear—withdrawal—iso-lation—weakened community bonds—more crime. All of us, victims, offenders and community members, are caught in a downward spiral where more crime leads to greater fear and increased isolation and distrust among community members, leading to even more crime.

Community safety depends primarily upon voluntary individual restraint on harmful behavior. The more connected community members are, the more likely they are to restrain impulses which would be disapproved of by the community. As community bonds are weakened by fear and isolation, the power of community disapproval is reduced and crime increases. In the wake of crime, victims often experience isolation, frustration and powerlessness which add to the pain of the victimization.

The relationship of the community to crime is quite complex. First, the community is an entity affected by the behavior—hurt by the incident and therefore needing to express the hurt and vent the outrage. Second, the community is a collective, responsible for the welfare of its members—victims and offenders—thus required to seek and facilitate a remedy for the incident. Third, the community is a stakeholder in broader policy issues which affect long term community health and thus needs to participate in decision making and implementation of an effective criminal justice process. Fourth, community strength is the ultimate outcome measure for interventions.

(Continued on page 8)
The current response to crime often exacerbates the cycle of isolation and weakening of community bonds. Offenders are deliberately cut off from the community and victims are inadvertently cut off from the community through neglect, revictimization by the system and subtle messages of blame from community members.

In the past twenty to thirty years the direction of change in the relationship between the community and the criminal justice system has been toward less community involvement and more reliance upon the state, as represented by formal criminal justice processes --- police, courts, corrections.

That relationship needs to be turned upside down. The community must become the first line of defense in maintaining community standards of behavior, with the criminal justice system used as a measure of last resort. Too often now the criminal justice system is the measure of first and last resort.

The criminal justice system cannot deliver improved public safety without the active involvement of the community. The community has tools, resources, and power which the system does not have. The criminal justice system activity needs to be built around a core of community activity --- not the reverse, which is generally true even in those places which have dramatically increased the level of community involvement.

David Moore writes, "Certainly, the formal procedures of the justice system, in which criminal law is applied - provide important safeguards for rights. At the same time, however, these formal procedures deprive people of opportunities to practice skills of apology and forgiveness, of reconciliation, restitution, and reparation. In assuming responsibility for social regulation when a citizen breaches a law and thereby challenges the moral order, the modern state appears to have deprived civil society of the opportunities to learn important political and social skills."

Moore continues, "Where subtle methods of social regulation and control have been transformed or forgotten, the state is required to intervene with unsubtle methods of arrest and incarceration. Criminal justice systems may continue to promote collective norms, but the modern rational state ultimately lacks the emotional resources to maintain - let alone strengthen - the moral order." I believe that the community does have the resources to do the moral work.

There are several key responsibilities in the community's work in responding
“There are several key responsibilities in the community's work in responding to crime: first is to rally around and attend to the wounds of the victim; second is to provide the opportunity for offenders to make amends for the harm of the behavior; third is to establish norms and hold members accountable to norms; and fourth is to address underlying issues revealed by crimes (prevention).

In the work in Minnesota on restorative justice we are suggesting a reversal of roles between the system and the community. In that role reversal the community is the primary responder to crime and the system operates in support of the community.

This new relationship, which is indeed a partnership with the partners changing places, is shaped by several key ideas:
1) The community is the source of moral authority or influence;
2) The community is the center of decision-making whenever possible;
3) The community is the center of action;
4) Formal government is the source of legal authority (as contrasted with the moral authority of the community);
5) The government is in a position of broader oversight than the community;
6) The government is the guardian of individual concerns (in contrast to community responsibility for collective concerns).

One responsibility of community in this approach is to participate in determining the terms of accountability, i.e. deciding on sentences for the offender. When the community is in that role the government or state role is to back up the community with legal authority. The community exercises moral authority in denouncing the crime and deciding requirements of offenders to make amends. The state exercises legal authority to formalize those requirements. The state also plays a role of oversight of the community process to ensure fairness in that process.

Three examples of this are as follows. First, Circle Sentencing, which is a community process (including both offender and victim communities) decides the sentence; the court pronounces the sentence and gives it full legal weight. Second, Family Group Conferencing, in which the community of those affected by the crime decides what the obligations of the offender should be; the court uses its authority to make those legal obligations. The third is the Vermont Reparative Probation Program in which a community process decides the terms of probation (i.e. the obligations of the offender);
“Mutual responsibility is the loom on which the fabric of community is woven.”

Communities and the Justice System—Turning the Relationship Upside Down

(Continued from page 9)

The court makes those legal obligations.

The purpose of the legal authority is to affirm the community's authority and provide a mechanism for responding to failure to comply. The community's moral authority is central and the state's legal authority is secondary and a backup. Legal authority which is not clearly grounded in the community's moral authority, as demonstrated by active community involvement, is hollow and ineffective.

In general, communities manage individual behavior more effectively than governments do. However, communities need government support and resources and the perspective of an oversight mechanism which is separate from the community.

The bottom line for the system should be: Is the community stronger after the criminal justice intervention than it was before the crime happened?

Only interventions which are grounded in community and directed by the community are likely to strengthen the community.

Mutual responsibility is the loom on which the fabric of community is woven. Crime represents a failure of responsibility --- clearly on the offender side --- sometimes on the community side as well. Our response to crime must emphasize and reestablish mutual responsibility. The criminal justice system must facilitate and support this work, but it is primarily a community function. The community must lead its own moral work.

Newsletter Submissions

Kate Hunter is the VOMA Board member leading the Editorial/Publications Committee. Please submit articles or ideas for articles you would like to see printed in this Quarterly.

You may e-mail articles to bprestonjd@aol.com or mail to:
VOMA
c/o the Restorative Justice Institute
P.O. Box 16301
Washington, DC 20041
VOMA 1997 Annual Conference
“Restorative Justice and Community Transformation”

September 16-20, 1997     -           Des Moines, Iowa

Dorothy Barg Neufeld and Bruce Kittle, Co-Chairs of the Program Committee

Plans for the 1997 VOMA Annual International Training Institute and Conference are in full swing, and it looks good. It will be held on September 16-20, in beautiful Des Moines, Iowa. The theme is “Restorative Justice and Community Transformation.” We will focus special attention on holistic and systemic applications of restorative justice, and how through the broad and creative application of restorative justice principals, not only systems can be transformed, but entire communities as well. Proposals in response to the RFP have been coming in from all over the United States, as well as many from Canada. It will be a truly international event.

As in the past, the training institute will be held over the first three days of the conference (Tuesday, Wednesday and Thursday). The training offered during this time should provide something for everyone, no matter what your level of experience is. The three day basic training will be offered again, along with a variety of one and two day training programs. The training programs will include: issues in advanced mediation; training for trainers; mediating severe and violent crimes; and auditing and assessing the restorative level of your own agency and community. The trainers are experienced and dynamic. Plan on making this the cornerstone of your program’s yearly training.

The conference portion of the annual event will be held on Friday and Saturday. This portion is also taking shape with some well known presenters. The conference will include several plenary sessions, during which case studies of some sensitive and difficult mediations will be reviewed and the work of our hosts in Polk County will be presented. We will have the opportunity to see first hand how entire systems are being impacted by the creative application of restorative justice principals.

The proposals we have received include workshops on: victim services and how they are involved in VOM; the cultural aspect of the criminal justice system and how you can overcome the current cultural mind set which often blocks more restorative responses to crime; new ideas in family group conferencing from the US and abroad; issues in severe and violent crimes; how to start and sustain a VOM; how to increase referrals in your community; cross cultural mediation and how to pay attention and deal with these issues in your own mediation; workshops with a special emphasis on juvenile issues; a review of recent research on VOM and the programs across the country; a look at the role of spirituality and faith for those who work in the area of restorative justice and VOM; and, a closing plenary with some of the old timers and big names looking at the issue of systemic transformation and whether restorative justice is just another reform, or could it actually be the revolution that changes how we think about responding to crime.

The keynote speakers for the conference will be Kay Pranis and Judge Barry Stewart. Kay is the Restorative Justice Planner for the Minnesota Department of Corrections. (see article on page 7). Kay works in Minnesota (and throughout the United States), helping educate and train people in the concepts of restorative justice. She also coordinates and facilitates the efforts of the Minnesota DOC in their effort to become more restorative. Judge Stewart is a Territorial Court Judge in the Yukon Territory and has done a great deal of work in the application of restorative justice from the perspective of the bench. The Keynote dinner will be Friday night, September 19. We look forward to an exciting and challenging presentation from our keynote speakers, with some specific ideas regarding the application of restorative justice to communities and systems working for systemic change.

Des Moines, Iowa is located at the junction of Interstate 35 and Interstate 80 in the heart of the United States. It has good plane connections through the Des Moines International Airport. Centrally located and easily accessible, greater Des Moines is a natural when it comes to hosting successful conferences. When you are not busy attending another exciting session, you will have the opportunity to take time to explore this new style of American city, where there is something for everyone. Museums, fine dining, unique attractions, and specialty shops are here and easy to get to from the conference site, The Inn at the University. The Inn has excellent conference facilities, as well as all of the amenities that will make your trip not just a great professional experience, but a restful get away as well! The Program Committee has been greatly assisted in preparation of this year’s event by members of a committed VOM program in Polk County, who look forward to extending and providing a big dose of Midwestern hospitality to all!

Plan now to attend the VOMA 1997 Annual International Training Institute and Conference in Des Moines on September 16-20! Conference brochures will be mailed in early June. Look for them soon and register early. If you have questions about the conference, please feel free to contact Bruce Kittle at 608-262-4013 (email - bakittle@facstaff.wisc.edu), or Dorothy Barg Neufeld at 204-774-2469 (email - scrcr@web.apc.org) We look forward to seeing you there!
**VOMA MEMBERSHIP**

- **AGENCY** membership is to any organization that has an interest in the mediation process, the philosophy of restorative justice, or the criminal justice system. Annual agency dues are $150.00.

- **INDIVIDUAL** membership is available to those persons interested and/or involved in victim-offender mediation and reconciliation programs. Annual individual dues are $40.00.

- **STUDENT** membership is available to full time students. Annual student dues are $15.00.

**VOMA MEMBERSHIP BENEFITS INCLUDE THE QUARTERLY PUBLICATION, AN ANNUAL DIRECTORY OF MEMBERS, ACCESS TO VOMA RESOURCES, AND AGENCY DISCOUNTS ON THE ANNUAL CONFERENCE.**

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