

Implementation

Local Government Partnerships Help Integrate the Victim Offender Mediation Program in Clark County, Washington

by David Benedicktus and Laura Wood

Local government partnerships and strong juvenile court support have made the Clark County, Washington Victim Offender Mediation Program one of the most successful in the region.

Beginning in 1999, the Clark County Juvenile Court (CCJC), located in the state of Washington, and the City of Vancouver Police Department (VPD) blended funding from federal Juvenile Accountability Incentive Block Grants (JAIBG) to establish a Victim-Offender Mediation (VOM) program. In their desire to refocus the response to juvenile crime, the CCJC administrator and Superior Court judges provided the leadership and support for several balanced and restorative justice initiatives in Clark County. The project also complimented the VPD Community Oriented Policing and Problem Solving (COPS) project. Locating the VOM program under the City of Vancouver's Community Mediation Services (CMS) enabled the sharing of mediator resources and referrals to other mediation resources as appropriate, i.e., neighborhood and small claims mediation programs.

The success of the VOM program arises from several factors. The most significant factor is the strong support for restorative justice that is demonstrated through the practice of CCJC staff from the administrator and judges to the probation counselors. The VOM program is only one aspect of the Clark County Juvenile Court's holistic commitment to conform all of its practices and policies to restorative justice principles. Some of the other programs that follow from this commitment are: Outreach and Support to educate the general community about Restorative Justice, Restorative Community Service, Victim Impact/Offender Competency Education and a court-wide initiative to increase and

enhance services offered to victims. For example, every victim of a juvenile crime that is adjudicated or diverted in Clark County receives a letter from the court acknowledging the harm done to them by the crime and informing them of the community's response to their case.

The close relationship between the City's CMS program and the CCJC is demonstrated by the access VOM staff have to probation counselors in screening cases for referral to the VOM program. VOM staff come to the CCJC offices daily to screen police reports before they are assigned to probation counselors, identifying cases that may be appropriate for VOM. The probation counselors then meet with the juvenile offender to screen for appropriateness. The case is then referred to VOM. Throughout this process VOM staff are in regular direct contact with probation counselors. This builds a high level of awareness about VOM among probation counselors and a strong working relationship. This has been an absolutely critical factor in the program's success.

Referrals to VOM can be cases that have been adjudicated, deferred, diverted, or cases where no charges will be filed. A wide variety of crimes have been referred, including assault, malicious mischief, arson, animal cruelty, burglary, forgery, display of a dangerous weapon, graffiti, vandalism, vehicle prowl, theft, trespassing, property damage, false

reporting, and harassment. The majority of cases have been misdemeanors, although approximately 25% of referrals have been felonies. Youth served have included both first time and repeat offenders.

Programs Offered

Clark County Juvenile Court believes the goal of the VOM program is broader than mediation. Its purpose is to work restoratively with victims, offenders, and the community. The Victim Offender Mediation program therefore offers more than mediation. All cases are accepted into VOM with the hope that the offender and victim will mediate. Offenders are contacted over the telephone to schedule an initial meeting. At this meeting the mediator introduces the program, outlines the mediation process, and discusses the goals of the mediation and the offender's obligations to make amends with the victim and the community. The mediator also asks the offender to describe in detail the crime he/she committed and how it has impacted his/her life. Lastly, the mediator asks the offender what he/she would like to see happen as a result of the mediation and what the offender believes the victim may address in the mediation.

Once it has been determined that the offender is suitable for mediation the

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VOMA Connections

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"Promoting and enhancing restorative justice dialogue, principles, and practices."

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

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A Shared JustPeace Ethic: Uncovering Restorative Values

by Jarem Sawatsky, April 2001

Nothing will change in criminal justice until we change the basic assumptions underlying the system. We've tried changing the facilities by designing new prisons; we've tried change the roles of prison guards to correction officers, we've tried changing the norms of how people relate. But the system has not changed. We have not yet changed the underlying assumptions of the system. That requires a change of values. — Howard Zehr, 2001

Restorative Justice is a value and principle-based movement recovering justice as a central concern of victims, offenders and the community. It is more than a new, more efficient technique. It is more than a way to fine-tune the criminal justice system. It is more than a new language for old approaches to criminal justice. Restorative Justice is a new paradigm, arising out the failures of the old paradigm. It is a different imagination. It offers an alternative to the basic assumptions underlying the modern state system.

Underneath the many diverse Restorative Justice processes, is a shared, and often unarticulated, set of values. Part of the reason Restorative Justice has spread so quickly is that these shared values are not new or unique. The values of Restorative Justice are strikingly different from the modern justice system but share much in common with many religious traditions, indigenous cultures, and diverse fields of inquiry (conflict transformation, feminist social ethics, qualitative research and the environmental movement).

Restorative Justice practitioners have been acting their way to a new way of thinking. What follows is a hindsight articulation of the values that seem to be guiding the work of justice and peace. Restorative values are best understood as being related in a web and linked to key partner values, rather than hierarchically related.

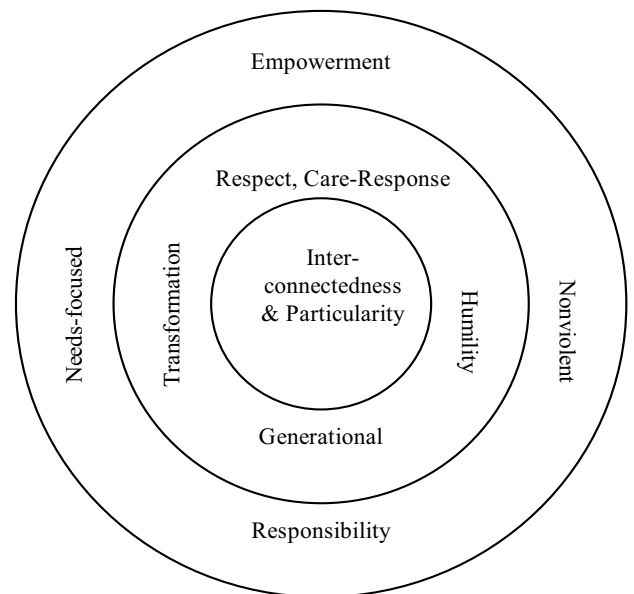
Interconnectedness & Particularity

Interconnectedness is a wholistic view that all things are connected to each other in a web of relationships. JustPeace comes down to right relationship between all (people, land, structures, God). A harm/crime creates ripples of disruption to many relationships. Interconnectedness confronts injustice (harms) with the goal of establishing a just connection.

Interconnectedness asks, *Does the process include those in the web of relationships affected by the conflict (victims, offenders, communities) as well as consider the social, systemic, ecological, spiritual and personal implications?*

Particularity values particular identity. Particularity recognizes that context, culture, and time are all relevant matters of justice. Particularity says that we are not all the same. It is about respecting diversity and difference. JustPeace does not have a single source but comes from many communities. Particularity asks, *Is the intervention rooted in the contextual paradigm(s)?*

Interconnectedness says that we are connected and that harms create responsibility to those affected (victims, community, family). Particularity adds that while we are connected we are not all the same. Justice must respect both our connections and our particularity.



Personal Care-Response & Generations

Personal Care-Response calls JustPeace to be oriented around human qualities of care rather than rules or a rights-responses. It sees each person as inherently worthy of respect. It searches for responses to harms that care for real people and relationships, especially the victims, offenders and communities. This value sees crime not against the state but against people. Care-Response asks, *Does the intervention help parties to see each other as human and help them toward working out of care and respect for each other?*

Generations is a relational value with a long-term time dimension. Generations look both to the past and to the future to determine the best way to relate to the present. It is interested causes of harms (both personal and structural). It is also interested in how we respond to harms today effects the generations of tomorrow (causes of response). This long-term relationship lens has to do with identity, grassroots, root cause, broken pasts and shared futures. Generations asks, *What happened seven generations ago that is causing problems today? What will be best for the children seven generations to come?*

Personal Care-Response is a relational orientation that calls to care for particular people. Generations as a value, expands that orientation to care for the past and the future.

Transformation & Humility

When transformation is a value, the goal is not just to fine-tune a basically working system but rather to seek to radically change people, systems and dreams for the future. Encouraging change toward JustPeace is to move away from life-destroying ways of living toward life-nourishing ways of living. Transformation asks, *Does the intervention move toward deep transformation or is it cheap peace that denies true justice?*

Humility is about being aware of our limits. It is about respecting others and having an appropriate level of self-doubt, not assuming that we know what others need. It lightens the spirit and creates the freedom to try, as the expectation is that we will not change everything. It values servant facilitative leadership over expert leadership. Humility asks, *What movements toward JustPeace could be harmed by this intervention? Does this intervention promise too much? How do participants view the conflict and their needs?*

When transformation and humility are linked, change is sought through listening, empowerment and wholistic vision.

Commitment to Diversity Requires Safe Places for Continual Learning

Barbara Raye
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In this issue of *VOMA Connections* you will find a draft document on Restorative Responses to Terrorism which emerged from a dialogue at last fall's 18th annual VOMA Conference in Portland, Oregon. A new membership form is also included which seeks information about the diversity and range of practice by VOMA members. There is also a reference to the Board's approval of a Hate and Bias Crime project which will sponsor cooperative learning between VOM/RJ practitioners and advocates within communities (religious, racial, and GLBT) whose members are most often targeted as victims of hate and bias crimes.

The VOMA Board has people of color in key leadership roles (co-chair, chair of membership committee, and chair of program committee) for the first time in its history. And the Board, at its meetings this year, has received training on issues of diversity. We explored the biases we as a group of very diverse people might hold about each other as well as the cultural biases that live in the North American Mediation Model. These and other decisions by the Board over the past year are evidence of VOMA's commitment to a mission that "holds diversity and equality of participation by all people as central to its work."

One additional experience and the voice of one particular member has brought other learning we want to embrace and share with all of you. In the wake of the attack on the World Trade Center, Pentagon, and airplane crash in Pennsylvania on September 11, the USA saw hundreds of hate/bias crimes committed against its Arab and Muslim citizens. As a part of our conference in Portland, we asked three people to share their experiences — to tell their stories of victimization and/or their journeys regarding their lives as Arabs and Muslims in the US. Over 80 people attended the panel discussion and many thought it the most interesting and challenging event VOMA has hosted in several years.

As one might expect, the telling of the story of victimization is filled with memory, passion, and opinion. Sometimes anger — always from the soul/heart of our experience — gets expressed. The members of this panel were no different from any other, except that they had lived lives as Muslims and/or Palestinians in the United States. Their stories were powerful and informative. Listening — being still — was a challenge. And some of the audience could not stay still. Some of the comments made by panelists recalled the victimization of others, brought forward the struggles of other peoples.

Comments made by African Americans (and African Canadians) reminded us that no one else can speak for them and their experience in North America. And comments by Jewish and Israeli Zionists reminded us of the depth and trauma of the Holocaust. We thank David Lerman and others for feedback on their experience as Jews who attended the panel discussion and heard elements in the stories of the panelists that either offended them or recalled for them the attempted annihilation of their people.

The VOMA Board believes that people's voices and their stories need to be told and allowed to exist without rebuttal. We also know that opinion and emotion based on the experience of victimization gets expressed in the telling of a personal story and it, too, should be embraced even when it is difficult to hear. We also believe that VOMA is about personal story/process and should not be taking positions/giving forums for discussion of a

A Shared JustPeace Ethic *continued from Page 3*

Needs-Oriented & Nonviolence

For JustPeace to be a lived experience it must be oriented towards meeting the needs of all parties. Self-defined needs of victims, offenders and communities must be central, not peripheral. Most conflict is rooted in unfulfilled needs. Justice is therefore about meeting needs. For needs to be important, justice processes and ends must be flexible to be needs oriented. Needs-Oriented asks, *Are the needs (rather than power) of all being considered?*

JustPeace believes needs must be secured through nonviolent means. Nonviolence calls us to find nonviolent mechanisms for expressing and handling conflict. It favors cooperative methods (circles, conferencing) over adversarial ones (the courts). Doing harm to offenders is not nonviolence. Neither is the offense. Neither is the environment that created the conditions within which the office took place. Needs-oriented nonviolence is concerned with all of these levels. Nonviolence asks, *Does this move parties toward nonviolent ways of expressing and dealing with both the roots and incidents of conflict?*

Empowerment & Responsibility

Empowerment recognizes that participants are not recipients of JustPeace but rather resources of JustPeace. Empowerment calls us to not impose solutions from without but to involve meaningful participation of all affected parties. Empowerment creates space for the inclusion, participation and voice of those affected by a conflict. Injustice robs people of power. JustPeace returns power. Empowerment asks, *Does the intervention strategy contribute to the ability of relatively powerless individuals or groups in a situation to participate and define the way toward JustPeace?*

Responsibility recognizes that as one gains power they also gain responsibility to care for those around them. When interconnected relationships are harmed, through conflict or crime, the responsibility increases. Responsibility calls us to change justice systems from a culture that encourages offenders from not taking responsibility to one that encourages taking responsibility. Responsibility is about accountability to those affected by your decisions. Responsibility asks, *Are participants encouraged to take responsibility for past and current hurts? Are victims, offenders and communities given the opportunity to grow strong through taking responsibility for dealing with their conflicts?*

Restorative Justice is not a set of processes or techniques. As those involved in Family Group Conferencing in New Zealand put it, Restorative Justice is a principled vessel into which the practitioners must find the right people, places and questions. Underneath the many principles of Restorative Justice lies the web of linked values. As we are aware of these values and find creative and culturally appropriate ways for the experience of these values, victims, offenders and communities will experience the transformation of justice.

political/partisan nature. We are clear about our intentions. However, we can learn from this experience and improve our work in the future.

We express genuine regret for any hurt David or others experienced then or in the past during any VOMA-sponsored event. We also apologize for our insufficient anticipation of the impact a discussion that brings forth the history of the Palestinian and Israeli experience would undoubtedly have on those whose victimization would be awakened. Our commitment is to continue to make space, provide listening/learning opportunities, and bring the voice of diverse experiences to the light — but to take more care in creating a safe place and context in which that can occur.

We also acknowledge our own lack of understanding of the history and depth of impact Israeli/Palestinian experience has had on those who are our friends, colleagues, and fellow learners from all sides of the spectrum. David has helped us craft a set of restorative and mission-related actions that share and expand the learning and sensitivity we seek as a Board and as an organization:

1. David will write an article for the next issue of the *VOMA Connections* newsletter that includes a paragraph introduction of this experience at the October 2001 Conference, but focuses on education about the Jewish/Zionist experience and provides websites or other information that can be used for people to learn more/educate themselves on the issue. This will

be done from the context of restorative principles and peace building.

2. VOMA will solicit a similar article from the Arab/Palestinian perspective—but ensure that it, too, comes from the context of restorative principles and is primarily educational in its content.

3. We will introduce both articles with comments we have made to David in a letter and in telephone conversation — and explain VOMA's purpose and commitment in this type of program (i.e. say publicly what we have been willing to say privately).

4. We will convene a dialogue at the 2002 Conference on the topics/questions:

What is the role of VOMA in creating safe space/allowing for diversity of opinion and stories to be told? How can the same space be made safe for others to hear without being re-victimized? What is the restorative context in which the story and subsequent dialogue should operate? What is the response of VOMA when the story contains language that is hurtful to others?

Please join us on this journey of commitment and learning. In addition, you might go to the National Public Radio website to find recommended readings on this topic: www.npr.org/programs/totn/features/2002/apr/mideast/index.html.

This issue is one of the most relevant of our day — and central to VOMA's work and passion for restorative justice and peace building.

Telling Our Stories and Changing Our Lives

by Kay Pranis

Sharing stories from our own personal experiences, especially stories of pain or struggle or stories reflecting our imperfections, can radically change how we see one another and therefore radically change how we relate to one another. When the way we are relating to one another is harmful, as in many conflicts, personal narrative storytelling may create new ways for the parties to see one another in a way that makes resolution of the conflict possible.

In a community in Oregon a sex offender transition house was being sited in a residential neighborhood. As might be expected, there was great hostility to the proposal among neighbors. The neighbors were invited to attend a gathering to discuss their concerns. This gathering was conducted using the peacemaking circle process, which places everyone in a circle so they can see and hear one another, allows everyone to speak without interruption, and takes time to build relationships before trying to discuss core issues. The facilitator of the circle first read a children's story to those who attended. She introduced it as a way to help them relax after a full day's work and to settle into the space of the meeting. The story describes a village of carved wooden creatures, Wemmicks, and their ways of judging and labeling one another. Those with imperfections experienced others putting gray dots on them. After reading the story the facilitator asked if any of the participants ever felt that they had more than their share of gray dots. She then shared stories from her life of behavior she was not proud of, and invited others to share their own gray dot experiences. People shared life experiences with alcoholism, drug abuse, having child protection authorities remove children from the home, feeling inadequate as a child (never smart enough, athletic enough, etc.) – telling stories from their lives. When the group began discussing the sex offender transition house the conversation started with concern about housing values but moved quickly to personal narratives of participants about sexual victimization in the past. After hearing those stories several offenders who were in attendance shared their own victimization, not in a plea for sympathy but in acknowledgment of their understanding of the pain of the victimization. By the end of the evening, the neighborhood residents at the meeting, sixty adults, decided to support the transition house for sex offenders. In the process of examining their own lives and hearing about the lives of others through stories the sweeping judgments dissolved and they related to the sex offenders in the room in a way no one would have thought possible. They related to them as struggling human beings with much in common with themselves. The neighbors also related to one another differently because the personal stories shattered assumptions they made about one another based on appearances or limited knowledge. They expressed more care and concern for one another because they became aware of struggles in each other's lives.

Meeting at our woundedness

Why is personal storytelling so powerful? In the situation described above the neighborhood meeting produced an outcome no one would have believed possible. The neighborhood response defies everything we believe we absolutely **know** about sex offenders and communities. I believe the outcome would not have been the same without the sharing of personal stories of vulnerability and pain.

"We meet at our woundedness," declared a participant at a peacemaking circle training. When we share stories of pain or mistakes, we drop layers of protection and the facade of having it all together, of being in control, of being right or righteous. When someone drops those shields and reveals him/herself as a struggling, vulnerable human being, it becomes much harder to hold that person as the "other," to hold distance and not feel connected to that person through our common humanity. It becomes more difficult to hold anger or fear or disinterest toward someone who shares pain and vulnerability. Unless we are already familiar with the life history of the speaker, sharing stories of pain and vulnerability usually shatters some assumption we have made about the person telling the story. When our assumptions are shattered there is an opportunity to repaint the picture we have of that person and our relationship to that person.

Pain and vulnerability cut across many other differences among people. Sharing pain or struggles increases our awareness of the common ground, the similarities among us, creating the ground on which people are more willing to look beyond their own personal concerns to solutions which serve the well being of others as well.

Storytelling and personal reflection

Personal narratives are a way to know and understand others more completely. They are also an opportunity to know and understand ourselves more completely. Telling our story is a process of self reflection. In telling our story we articulate how we understand what has happened to us, why and how it has impacted us, how we see ourselves and others. Actually voicing those understandings provides an opportunity to examine the thoughts, assumptions, ideas undergirding our story.

Many people act and react with little self awareness about what internal reality is shaping their actions. Telling our story is like holding a mirror up in front of ourselves — a mirror in which we realize others can also see our reflection. Our way of constructing our story, which shapes our view of reality, becomes more transparent to us when we speak the story out loud to others.

In telling our story we may uncover something of ourselves or our relationships to others that we were not aware of. As we become more aware of our own internal process and its influence on our state of mind, we have more choices about how to react to events in our lives. We can then choose how the story will continue. Through telling our story, clarifying our own understanding of who we are and the choices available to us, we get a chance to rewrite the direction of the story from that point forward. In the sex offender transition house gathering the woman who first shared the story of her abuse as a child and said that the possibility of sex offenders in the neighborhood brought it all back up for her, at the end of the meeting turned to the sex offenders and said, "Thank you. You have been the catalyst to get me to look at myself. I have spent months thinking I hated you and all sex offenders. In reality I have been hating myself. Welcome to our neighborhood." She had decided to find a support group to begin working on her abuse issues. The opportunity to tell her story and hear the stories of others changed the direction of her story.

Conflict is often closely aligned with a sense of identity. To change positions may feel, in some way, like a loss of identity. Learning more about ourselves through personal narrative, we can construct a new identity consistent with a new story which might lead to resolution of conflicts in our lives.

Victim-Offender Mediation in Europe: Making Restorative Justice Work

by Mark Umbreit, Ph.D., and Heather Burns, M.S.W. (University of Minnesota School of Social Work)

Victim-Offender Mediation in Europe: Making Restorative Justice Work

provides an exceptionally rich volume of material to document both the theoretical development of restorative justice in Europe and the actual practice of victim offender mediation in eight European nations. The book, prepared by the European Forum for Victim-Offender Mediation and Restorative Justice, grew out of its first conference, held in Leuven, Belgium in October of 1999.

The first part of the book examines restorative justice and victim offender mediation (VOM) from an essentially theoretical perspective. Six chapters are devoted to the discussion of a broad range of restorative justice concerns including: who benefits from restorative justice; a European perspective on mediation, criminal justice, and community involvement; ethical implications of restorative justice practice; policy developments in the field of restorative justice through mediation; and a review of research on victim-offender mediation.

Tony Peters opens the book with an overview of restorative justice in Europe that describes its slow start and steady growth through the 1980's to the present. He cites Recommendation No. R (99)19 of the Council of Europe as an example of supportive legislation that encourages provision of mediation services in all stages of the criminal justice process. Legal measures have not necessarily brought about the widespread acceptance hoped for and concern is raised about rhetoric overriding core values and practices. Hence the call, across Europe, for codes of ethics, clear standards for practice, and research and evaluation of existing programs, examples of which are offered in the second half of the book.

Martin Wright's exploration of who benefits from restorative justice culminates with the declaration that everyone who participates benefits, provided care is taken to ensure good practice. He categorizes laws related to victim compensation as unilateral, authoritarian or democratic/community-based. Unilateral laws tend to be punitive in nature, concerned solely with either offenders or victims, and discourage communication between conflicting parties. Authoritarian laws assume that professionals are best equipped to guide the justice process, and tend to be offender-focused, leaving victims on the periphery. Wright clearly favors the democratic or community-

based approach, and applies the concept of *subsidiarity* to the field of restorative justice, a notion that favors devolving the use of power to the most local level that is appropriate—in this case, the community and those most directly affected by criminal acts.

Jacques Faget provides a discussion of the many meanings ascribed to community, (a debate from which U.S. Americans could well benefit) and recognizes that meanings differ according to country and culture. In examining the ways culture shapes expressions of restorative justice, he draws distinctions between a consultation model, associated with a top-down implementation that is dominant in the interventionist state, versus the dialogue model or bottom-up approach found in non-interventionist states. He sounds a cautionary note in his discussion of the pros and cons of professionalism as against volunteers in mediation practice and the tendency for mediation to serve as an assimilating force.

Robert E. Mackay places restorative justice within the broader framework of ethical debate and provides a brief discussion of how key thinkers have shaped our views of conflict resolution. Informed ethical standards are needed to direct mediation practice, he asserts, and the current penal crisis calls for a shift in emphasis from punitive to restorative measures. Restorative justice ethics must embody the essential difference between old ways of addressing crime and a more innovative, effective response. He then presents examples of ethical codes taken from programs in the U.S.A., France and the UK, critiques their adequacy, and outlines the basic elements that such ethical guidelines must address.

Marc Groenhuijsen examines the relationship between victim offender mediation and the criminal justice system, and offers recommendations for the content of VOM legislation. He provides three categories by which to class types of VOM: those which are part of the criminal justice process (and actually affect sentencing), those which serve as an alternative to the courts (as in diversion cases), and those which function alongside or within the system (often post-trial or in a prison context). He argues in favor of laws that support the ongoing practice of VOM and suggests that issues of voluntariness, language and diversity be addressed in them. Additional caveats are raised regarding the role of lawyers, the security of offenders in post-mediation trials, and the legal consequences of failed mediations, with a call for further exploration of these points.

Siri Ilona Kemény, with a Norwegian perspective on restorative justice, cites the work of Nils Christie, whose notion of conflict as property has been widely

influential in Europe. Christie and others have taken up the theory that conflict belongs to those directly involved in it and that its resolution has been wrongly transferred to the domain of the courts—in other words, stolen from its rightful owners. An overview of Norwegian policy and key legislation is provided, anticipating the chapter by Paus. Notably, juvenile justice cases have been treated as civil cases in Norway, with the rationale that such an approach mitigates the stigma associated with early involvement in the justice system and is preventative in nature.

Elmar G.E. Weitekamp closes the section on restorative justice issues with a review of research findings and future needs of VOM in Europe. Research has indicated that, contrary to popular mythology, the public is not necessarily retributive in its response to crime. Satisfaction surveys find most who participate in restorative justice to be satisfied with their experience and its results. A summary of common problems encountered in programs across Europe is provided along with recommendations for future legislation and research.

The second part of the book provides very descriptive information about the development of victim offender mediation in eight European countries: Austria, Belgium, Finland, France, Germany, Norway, Poland, and the United Kingdom. These individual chapters are particularly informative from a comparative perspective since each follows a similar format of addressing a broad range of topics: the history of VOM in each country, the legal context of these developments, specific policy and implementation issues, the number of actual VOM programs and how they operate, the practice of mediation, the number and characteristics of cases, a review of any available evaluation and research data from the specific county, and challenges, obstacles and expectations for the future.

A number of commonalities emerge from a comparison of participant countries in the European Forum. Most restorative justice efforts were initiated in the 70's and experienced periods of more or less steady growth into the 1990's, culminating in the formation of the European Forum in 1999. (Poland, of course, is an exception, their restorative justice efforts not having begun until after the political changes of 1989.) Early programs typically focused on low-level juvenile crime and to varying degrees have grown to take on adult and more serious cases and develop greater victim sensitivity. Programs not directly supported by government have faced crises in funding; pilot projects have floundered for lack of sufficient resources.

Book Review continues on page 7.

A Restorative Response to Terrorism

Friends from across the globe were welcomed in Portland, Oregon last October for VOMA's 18th annual International Training Institute and Conference. Over 300 colleagues participated in 20 trainings and 33 workshops. Also, over the course of three days in four sessions involving approximately 50 participants, the following draft document was created....

Whereas terrorism is...

Intentionally and knowingly hurting non-combatants for the purpose of creating fear and acting outside a set of acceptable "rules" society holds.

And the root causes of terrorism are...

Grounded in a history of violence and war and based on social and economic oppression, injustice, and feelings that a set of double-standards are applied. Facilitated by opportunity and access to weapons and information on how to acquire them. Nurtured when individual or group causes are marginalized, discounted and people aren't heard.

And its perpetrators/offenders are...

Anybody who has a strong sense of passion for the political statement they are trying to make and believes that nothing else will work. Making a symbolic statement that is an expression of their life story. The person or persons that cross the line by escalating to physical violence.

And its victims are...

Anybody who has been made vulnerable to attack or has been made fearful of attack. People who can later become perpetrators.

The similarities between terrorism and interpersonal crime are...

They both cause or instill fear. They both provoke a response of retribution. There is community interest in resolution.

The differences are...

Terrorism is not the end but the means to a goal. Terrorism has a more global political, religious, economic, or ideological purpose.

VOMA believes...

People have a right to be safe.

All people are equally valuable and worthy of respect.

Community is created through person to person relationships and we must work locally to build global responses.

Acts of terrorism shouldn't be dealt with in isolation and that they reflect a component of a cycle of violence.

Solutions generated from restorative justice practices evolve from the parties, cannot be imposed, and that each party involved has a piece of the answer.

Restorative justice calls on and evokes the best of human ideals and values.

It inspires us to evolve into better human beings and gain a broader understanding of each others' histories, values, and beliefs.

VOMA will...

Encourage discussion and diversity of opinion.

Listen to our international members.

Actively support victims and communities in their healing processes.

Advocate that restorative justice practices be used for resolution of hate and bias crimes.

Advocate for restorative justice legislation at all levels of government.

On a global level, actively educate citizens and governments on restorative justice practices and principles.

Work to create a forum and the space for bringing globally affected parties together.

Connect our terrorism experience to other country's successes and failures in addressing terrorism.

Learn from other countries experiences in what works in eliminating root causes of terrorism.

Support international efforts to identify an impartial international authority to facilitate restorative justice practices and principles.

Please Note

This is a living document — collaboratively generated by VOMA's membership — and today, every bit as timely as in October.

Your responses to this draft document are important, as they inform and guide us in VOMA's continuing work.

Share your thoughts by e-mail to voma@voma.org

Thank You!

Book Review

continued from Page 6

Many authors address the ongoing debate about the efficacy of professional versus volunteer mediators, and the appropriateness of combining the role of mediator with other professions such as police, probation, law and social work. Contributors consistently raise the concern that efforts of independent agencies not be dominated by the values and prevailing norms found within the criminal justice system. To this end, there is a call for coherent codes of ethics to guide programming, standardize mediation practices and assure quality training of mediators across programs.

Each chapter provides descriptions of key legislation affecting mediation practice and reports on the degree to which laws supportive of restorative justice are actually put into practice. Resistance to change within the criminal justice system is a frequently cited deterrent, and proponents are encouraged to work at educating judges and prosecutors as well as the public about the benefits of VOM.

Along with descriptions of historical antecedents and common concerns, each of these eight chapters provides concrete data on types and numbers of mediation programs and cases. Not all countries compile and organize data in the same way. And the book would benefit from a section showing aggregate data, making some general comparisons between programs and practices. In some ways, this reflects the need for coordinating restorative efforts both within and between nations.

Overall, this section provides an exceptionally rich source of material for policy makers and practitioners in other European countries interested in restorative justice and victim-offender mediation. Few available descriptions of victim-offender mediation programs provide such a thorough and clear comparative perspective of multiple programs.

Victim-Offender Mediation in Europe provides an extremely valuable source book. In fact, no other known text so thoroughly describes the actual national policy development and practice of VOM in Europe. Previous books have done a fine job of contributing to the

theoretical discussion of restorative justice and victim offender mediation. Some have also done a good job of describing a specific program and perhaps several within a national context. This book, however, makes a quantum leap in moving the debate to a much larger playing field, one that is far more likely to contribute to greater policy development and practice of restorative justice through mediation throughout Europe and elsewhere.

*(Editor's Note: **Victim-Offender Mediation in Europe** is one of four English-language volumes that Leuven University Press has published on victim-centered and restorative justice theory and practice. Earlier volumes, **Restorative Justice for Juveniles: Potentialities, Risks and Problems** edited by Lode Walgrave and **Support for Crime Victims in a Comparative Perspective** edited by Ezzat Fattah and Tony Peters, appeared in 1997 and 1998. More recently, **Victim Policies and Criminal Justice on the Road to Restorative Justice: Essays in Honor of Tony Peters** edited by Ezzat Fattah and Stephan Parmentier has just been released; this volume will be reviewed in the next issue of **VOMA Connections**. All volumes are available at www.kuleuven.ac.be/upers/uphomen.htm.)*

Local Government Partnerships

continued from Cover Page

mediator contacts the victim by phone to schedule an initial interview. This phone contact focuses on the community's concern regarding how the victim has been impacted by the crime. VOM offers the victim an opportunity to meet with VOM mediators in order to understand how they may help the victim address their needs. The initial victim meeting is similar to the initial offender meeting but is focused on the impacts of the crime on the victim and what the victim needs to help repair the harms that occurred. A mediation is then conducted and copies of the agreements and a progress report are returned to the probation counselors. VOM staff monitor the agreements for their duration. When completed the probation counselor receives a final report.

If the victim is not interested in meeting with the offender(s) VOM does not immediately return the case. A face-to-face Restorative Alternative (RA) meeting between VOM staff, the offender(s) and their parent(s) may be scheduled. When meeting with an offender during an RA the mediators change their roles from "neutral mediators" to standing in as representatives of the community. The conversation focuses on the harms done to the community and the offender's obligations to make things right. Each discussion is as individualized and unique as each offender.

RA meetings also involve a discussion with the offender about the ways in which the community devotes resources to each person who commits a crime, how family members may devote time and energy to dealing with an offender and, most importantly, how the victim may have been harmed by the incident. In most instances, an offender is asked to give eight or more hours of volunteer service to the community. The RA provides the offender the opportunity to see exactly what resources have gone into responding to the crime and see their community service as a way to make amends and find value in their volunteering. Offenders then do their community service work side by side with community members as a means to build positive connections between youth and the community.

As part of the discussion in an RA meeting, a cost analysis diagram is often created showing the financial costs to the community when a crime has occurred. The facilitator and offender create a list of people who have given time to responding to the crime. The amount of money and hours dedicated to responding to the offense are multiplied and then divided by the number of hours the youth is going to give back to the community. The value of each hour that will be volunteered back to the community is discussed as well as where the community service could be meaningfully offered.

Program Statistics

The VOM program has received a total of 419 referrals from the Clark County Juvenile Court since November 1999. Of those 419 cases, 151 were mediated, 81 had a restorative alternative, 119 were returned to the court and many were still open as of the end of 2001. Continuous process improvements resulted in a drop in the number of returned cases and a rise in the number of restorative alternatives during the last quarter of 2001.

VOM surpassed its goal of receiving 200 cases in 2001 by 40. Of those 240 cases, VOM facilitated 64 mediations, 44 restorative alternatives and returned 64 cases. Even when not mediated, significant victim and/or offender services were provided in many of these returned cases, including RA's, phone conciliation, and referrals to other community resources. Contact with the VOM staff and/or volunteers often provided significant service for victims in which they learned more about court processes or by speaking with mediators, victims had the opportunity to have feelings acknowledged. Offenders experienced a contact in the community guided by balanced and restorative values.

In addition to tracking statistical data for its grants, VOM also tracks data for the Juvenile Court's probation counselors and managers. Information is vital in helping probation staff work more effectively with offenders. Therefore, VOM staff reports back to probation counselors on every case. This report includes a brief outline of the contact made with victims and offenders, a synopsis of initial meetings and a copy of the mediation or restorative alternative agreement if an agreement is made.

Probation counselors also receive quarterly reports outlining the cases they referred to VOM. Each PC receives a list of offenders that were referred to the program that details whether a mediation or restorative alternative occurred, whether the case was closed or whether the case is still in progress. In addition to reporting to PC's at the end of each case, VOM staff meet with probation counselors regularly to discuss specific details or projected outcomes of a case. VOM staff have an opportunity to hear what the probation counselor expects of the offender and may also gain more knowledge about possible risk factors for the offender in regards to he/she being able to follow through with an agreement.

In summary, the holistic commitment of the CCJC to the principles and values of balanced and restorative justice, along with the institutional support from the City and County units of local government have provided the support and infrastructure that has resulted in the success of the Clark County VOM program. Rather than being outside of the CCJC system, the VOM program, while housed in a separate dispute resolution center, is fully integrated into the CCJC process.

David Benedicktus, B.S., is the Victim Offender Mediation Program Coordinator and Laura Wood, B.S., is the Victim Offender Mediation Program Assistant for Community Mediation Services in Clark County WA. They can be reached by telephone at (360) 759-4454, by fax at (360) 696-8073, and by e-mail: david.benedicktus@ci.vancouver.wa.us.

Welcome to New Members

Individual

Thom Allena, NM
Charles L. Belford, OR
Janice K. Brown, CA
Randi Brox, OR
Victoria Buksbazen, PA
Dyan Burnell, BC, Canada
Christine Charneski, OR
David A. Cherniss, CA
Elizabeth Cheroutes MSW, NY
Peg Christian, CO
Mary G. Cline, ME
Kevin Duncan, IA
Teresa Echenique-Brown, DC
Rochelle Edwards, CA
Mary Enright-Olson, OR

Kent L. Fisher, OR
Gail M. Friedly, OR
Stephanie L. Graham, AK
Amy Halm, OH
Kaija Hausauer, UT
Evelyn Heflen, WA
Barbara Holstein, NH
Belinda Hopkins, Berkshire, UK
Joan Howard, OR
Joe Ingle, TN
Maria K. Iwasyk, OR
Willie E. Jones, NJ
Chuk Wing Hung Keswick, Hong Kong
Woody Koenig, OR
Bart Mackay, UT
Sachi Nakajima, OR

Kathleen Patten, VT
Marilyn Patterson, UT
Shurnae Prince, GA
Garry L. Quinn, WA
Erin J. Ruff, OR
Marilyn Ruschman, PA
Doretta Schrock, OR
Sandy Soghikian, CA
Teresa Tyson, OH
Kim Wilson, OR

Student

Christina Albo, OR
Michael DiGuilio, WA
Westcoat Sandlin, SC
Heather Schofield, VA

Nellie Taylor, BC, Canada
Patricia VanSandt, VA

Agency

Wendy Leach, North Star Youth Court, AK
Naomi Martinez, Contra Costa County Probation Department, CA
Aimee Rickman, Court Diversion Service, IL
Kathleen Stanbrough, Sacramento Mediation Center, CA
Faith Zipper, Victim Services Center of Montgomery County, Inc., PA

Telling Our Stories

continued from Page 5

Empowering through listening

Listening respectfully to someone's personal story is a way of giving that person power and a sense of personal worth. Generally, in our culture, the degree to which people will listen attentively to your story is reflective of your positional or economic power. The President of the United States will experience rapt attention nearly anywhere he goes about any aspect of his life. A poor person may never experience being fully and respectfully heard. To listen respectfully to a person's story is to honor that person's intrinsic worth and to empower him/her in a constructive way. Many conflicts arise out of a sense of powerlessness. Empowering an individual through attention and respect for his/her story may give the person room to let go of other harmful or destructive ways of trying to gain a sense of personal power.

In victim/offender dialogs both victims and offenders typically feel very disempowered. Victims feel powerless over what happened and often feel further disempowered by the way the criminal justice system handles the case. Offenders typically come from marginalized populations which feel powerless over the forces shaping their lives. For both victims and offenders the process of telling the story and being respectfully heard is an important step in regaining or constructing a healthy relationship with personal power.

Importance of the storytelling environment

The potential for personal storytelling to advance peacemaking or conflict resolution by reinforcing a sense of personal connections, fostering self reflection and empowering participants depends upon creating a respectful, reflective environment for the storytelling. In order to share stories of pain or vulnerability people need to know that they will not be looked down on or ridiculed. To remove the masks of daily life and speak from a deep truth about themselves, most people need to be in the presence of someone who accepts them and will support them through any struggle. Even in the presence of unconditional regard it takes enormous courage to share our pain and vulnerability.

One of the most important responsibilities of facilitators of processes of sharing personal narratives is the creation of a safe, respectful space for all participants. Storytelling can engage people on many levels – emotional, spiritual and mental, so the safety of the space needs to address emotional, spiritual and mental safety as well as physical safety. In the sex offender transition house peacemaking circle the facilitator helped create a safe environment for sharing stories of vulnerability by exposing herself first with stories of actions she was not proud of.

If someone shares his/her personal story and listeners are disrespectful or create interruptions, that person is further disempowered. Stories told or heard with hostility or disregard for the feelings of others will further separate people rather than helping them find their common humanity. Storytelling without respect can do further harm. Storytelling without reflection can miss the opportunity for deeper understandings of the self and others.

Changing our lives

Sharing our personal story is simultaneously an inward and outward experience. By sharing our self we open places for others to connect to us, to find common ground with us, to know us more completely. In a respectful speaker/listener relationship both are opening to a deeper connection to the other. In both listening and speaking we are giving something of ourselves to the other. At the same time sharing our personal story requires going within, facing the self, looking at the self and trying to find coherence in our own being. It helps us get in touch with who we are and how we make meaning of our lives. Both the inward connection to self and the outward connection to others promote healing of inner wounds.

The exchange of personal narratives from a place of deep truth is much more than a process of reconciliation around a conflict. It is a reconstruction of place in the universe through the mechanism of narrative with one individual or a few people and may generalize to other parts of our lives. What the personal narrative reveals, for self and others, is greater than just questions of the relationship to the event or conflict prompting the exchange.

Uncovering the core of our humanity, openly revealing who we are to one another is healing for both ourselves and others. In ordinary life we walk around wanting to touch one another, but with our arms bound to our sides. The crisis of crime or serious conflict sometimes tears those bindings off and we are able to reach for one another — often tentatively, awkwardly, stiffly — but reaching and connecting authentically. Sharing personal narrative is the mechanism by which we reveal ourselves, uncover our core humanity, allow others to feel us, know us and touch us. We cannot walk through those spaces and emerge as we were. We are deepened by those encounters of personal narrative.

As the story unfolds
The labels fall away
Tears blend
The "other" becomes one of us
We cannot hold the "other" separate
We are inextricably intertwined in a combined story

Since 1994 Kay Pranis has held the position of Restorative Justice Planner with the Minnesota Department of Corrections. She provides training and technical assistance to community groups, criminal justice professionals and educators to support implementation of restorative approaches to responding to crime and conflict. Her current work focuses primarily on peacemaking circles.

Conferences and Trainings

Mindfulness-Based Mediation

May 30-June 1, 2002

The **Iowa Peace Center** is offering advanced training on "Mediation Mindsets and Mindfulness Meditation" by Leonard Riskin and Ferris Buck Urbanowski on May 30-June 1, 2002 at the Walnut Grove Methodist Church, 12321 Hickman, Des Moines, Iowa.

Leonard Riskin is C.A. Leedy Professor of Law and Director of the Center for the Study of Dispute Resolution at the University of Missouri-Columbia School of Law. Riskin has been mediating, training, and writing about dispute resolution since 1980. **Ferris Buck Urbanowski** has an M.A. in Counseling Psychology from Antioch New England, where she taught for 11 years in the Department of Applied Psychology and Environmental Studies. Urbanowski was a senior teacher at The Center for Mindfulness in Medicine, Health Care and Society at the University of Massachusetts Memorial Medical Center from 1992 to 2001. Riskin and Urbanowski have developed advanced mediation training programs incorporating mindfulness meditation for lawyers and mediators in Texas (2001), California (2002) and Missouri (2002).

During this three-day training, participants will develop an understanding of Riskin's approaches (facilitative-evaluative/broad-narrow) modifications to the "Grid" of mediation, the psychological bases of conflict, and mediators' own reactions to conflict, the relationships between internal and external conflict, and how to select and carry out the most appropriate goals, strategies and techniques in mediation; and learn mindfulness meditation, a highly-refined, systematic strategy aimed at developing both calmness of mind and body and deep insight into an array of mental and physical conditions. The mindfulness meditation will help participants be less reactive, more aware of potentially sabotaging emotional states and thus function with more effectiveness and insight in their professional and personal lives.

The course will include lectures, demonstrations, simulations, discussions, readings and keeping journals. It is approved for 24 Social Work CEUs or 19.5 hours of CLE credit. The course costs \$525 and includes Continental Breakfast, morning and afternoon snacks, lunch, and a training manual.

Restorative Justice and Its Relation to the Criminal Justice System

October 10-12, 2002

European Forum for Victim-Offender Mediation and Restorative Justice, with the Romanian Ministry of Justice and the Academy of European Law, has organized its second annual conference for

Bucharest, Romania, October 10-12, 2002. The European Forum hopes to involve its four target groups — restorative justice practitioners, restorative justice practitioners, legal practitioners, policy makers and researchers — in deepening their understanding of the relationship between restorative justice and the criminal justice system.

The *approach* of conference organizers is to establish an interactive, participatory conference wherein everybody achieves a better and practically relevant understanding of restorative justice practices.

The conference's *structure* will explore the different stages of the criminal justice process from the viewpoint of its respective protagonists: the police, the state prosecutors, the judges, the prison, and other agencies involved in the implementation of (non-) custodial sentences. Concerning its *contents*, conference presentation and discussions will address a broad spectrum of programs and practices that are at work at these different stages. The conference will also attempt to achieve a real in-depth understanding of the inner functioning of restorative justice programs, and the working relationship between restorative justice programs, and the referring agencies of the criminal justice system.

The conference will use the following *modes of presentation*:

- *Plenary speeches* to introduce the nature and application of restorative justice at each stage of the criminal justice system, including situations in the Middle and Eastern European countries.
- *Café conferences* to allow the informal exchange of views and experiences between members of various professions. Each café will have small tables where all conference participants can talk in small groups, or they can leave freely and join different groups.
- *'Interactive' workshops* to enable participants to grasp conference themes through carefully prepared and rehearsed performances, the description of typical case studies, or accounts of specific problems or difficulties encountered in practice.
- *Fish-pool discussions* to engage participants in an inner circle of discussants and an outer circle of listeners. However, people from outside can enter the inner circle to join in the discussion, causing a member of the inner circle to move to the outside.

Further information is available on the European Forum website: www.euforumrj.org. Anyone interested in presenting a workshop project or initiative, or leading one of the discussions, please contact: Christa Pelikan at christa.pelikan@irks.at.

Restorative Responses to Hate and Bias Crimes

At VOMA's Annual Conference held in Portland last autumn, a week-long discussion on terrorism and a workshop on hate crimes were held. The discussions were enlightening and members indicated that, in light of existing circumstances, it would be good for VOMA to follow up on these issues.

In March, 2002, VOMA's Board of Directors approved a national project focused on restorative responses to hate and bias crimes. The goals of this project include:

- Building on best practices identified in the restorative justice field
- Developing strategies within specific communities to address hate and bias crimes
- Engaging community members and restorative justice practitioners in cross-learning
- Developing a training curriculum that is culturally and socially appropriate
- Tracking and evaluating the implementation of pilots in responding to hate and bias crimes

A Hate and Bias Crimes workgroup has been formed. This workgroup has drafted a project concept paper and has begun to solicit funding. More information will be forthcoming as the project continues to develop.

This Fall, come flock to...



...Fort Lauderdale, Florida!

VOMA's 19th Annual International Training Institute and Conference

September 23-27, 2002

Training Institute: Sept 23-25
Conference: Sept 26-27

Please mark your calendar!

VOMA Membership Information & Application

- **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 **\$150.00**.
- **Individual membership** is available to those persons interested and/or involved in victim offender mediation and conferencing programs. Annual individual dues are **\$40.00**.
- **Student membership** is available to full-time students. Annual student dues are **\$25.00**.
- **Library and educational institution memberships** are available, which consist of a subscription to the newsletter. Annual library and educational institution dues are **\$30.00**.

VOMA membership benefits include the *VOMA Connections* newsletter, the Annual 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 _____

As a service to members, VOMA may provide the following information in the Membership Directory and on the Website.

Please check all appropriate boxes:

Areas of Interest:

- Community Restorative Justice (work with victims, offenders, and communities) Environmental/Public Policy Workplace/Organizational
 Research Other

Type of Practice:

- Mediation Peer Mediation Circles Facilitation Training Education Other

Areas of Practice:

- Victim Advocacy Offender Advocacy Domestic Violence Serious and Violent Crime
 Court Annexed Reintegration Community Faith-Based
 Schools/Universities Youth Cross-Cultural Environmental/Public Policy
 Family Schools and Youth Training & Teaching Indigenous Peoples specify:

Clients: Victims Young Offenders Adult Offenders Community Members Other

Organizational Setting:

- Court-Based Government Community-Based Educational Nonprofit Law Office
 Faith-Based Private Practice Human Rights Insurance Organizational/Workplace
 Other

Language: Services offered in English Spanish French Other specify:

I am interested in volunteering or working in these areas:

- Board Committee Newsletter Website Conference Book Reviews Membership
 Training Fundraising Videos/Other Resources

Part of VOMA's mission is to increase the diversity of its membership.

It would help us to achieve success with this goal if you provide the following information (Optional):

I am a member of an equity seeking group:

- Gender Race/Ethnicity Gay/Lesbian/Bisexual/Transgender Faith-Based Disability
 Other specify:

VOMA lists the following information on our website: name, organization, mailing address, phone, fax, e-mail, web address.

I do **NOT** want to have my information listed on the VOMA website.

Please publish **ONLY** the following (*circle*): name, organization, mailing address, phone, fax, e-mail, web address.

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!

VOMA

19th Annual International Training Institute and Conference

SEPTEMBER 23-27, 2002

Fort Lauderdale, FL



PLEASE MARK YOUR CALENDAR...

Three-day Training Institute (September 23-25) and two-day Conference (September 26-27), presenting leaders and innovators in restorative justice, Victim-Offender Mediation, and conferencing.

JOIN US AT...

The Radisson Bahia Mar Beach Resort

A soothing setting for sharing and learning where, just steps away, ocean waves of calm blue waters caress the spacious white sand beach bathed in orange-pink tropical sunsets.

DETAILS



TO COME



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