

Offenders and Restorative Justice

Listening to prisoners raises issues about prison-based restorative justice

by Barb Toews

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

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

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

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

Current initiatives include offering prison-based seminars on the philosophy of restorative justice, resourcing inmate-initiated projects that are based on restorative justice principles, supporting offenders who have been approached for mediation with their victim and exploring the relationship between restorative justice and existing programs such as the Alternatives to Violence Project, a prison-based conflict resolution training. Through these initiatives, we have been exploring the meaning and application of restorative justice principles in prison with offenders at four state prisons. The commitment to actively involving

offenders prior to and during program development is central to our work. Offenders take leadership in identifying their needs and obligations and considering how to meet those needs and fulfill those obligations while in prison.

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

Many of the men and women we work with want to communicate, directly or indirectly, with their victim. After years of reflection, they have discovered that their incarceration has limited their ability to deal with what they did and to take the necessary steps to address the damage they caused. They find few avenues through which they can apologize, express remorse or make amends, even though such actions are often expected for parole or sentence reduction.

Offenders are not permitted to contact their victims. Aware that victim-initiated mediation is available, however, some offenders wait with anticipation, hoping that the victim will contact them. These men and women, unable to be proactive in their lives and in their journey of responsibility, often feel helpless and hopeless. They may be unable to see symbolic and practical opportunities that are available to them for being accountable - paying restitution, participating in classes on victim issues or

even writing letters without sending them. Yet, they long for the meaningful accountability that comes from having formal and legitimate avenues for expressing their desire to make amends to the victim, for instance a registry through which offenders can express their openness to victim initiated communication.

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

I share the hope that prisoners see in restorative justice. Yet, I find it disheartening to hear and see the desperation that they have for restorative processes, especially when I suspect they are not likely to receive all that they long for. I struggle with the role of release in restorative processes, as well as with my own questions about the motivations of prisoners who raise the issue of release. I am in a constant struggle to keep inmates hopeful

Listening to Prisoners

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VOMA Connections

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

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

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How the police and youth court coordinators contribute to the effectiveness of New Zealand Family Group Conferences

by Chris Graveson

[Editor's Note: The following article is especially cogent in its observations about the positive potential of implementing reform legislation (or a reform initiative) as it was originally designed. Inspector Graveson also provides keen insight into the potential of a police role in restorative justice approaches, a role that is too frequently assumed as being inherently useful as opposed to one that requires careful and detailed attention. It is also important to note that the New Zealand legislation that established Family Group Conferences is unique not just for its delineation of a carefully detailed plan of action, but also for its cultural sensitivity and for its embrace of deinstitutionalizing foster children as well as young offenders.]

Thirteen years after it was introduced, the Children, Young Persons, and Their Families Act (the Act) is still considered radical internationally. New Zealand has failed to appreciate what it has developed and to use this forward-thinking legislation to its full potential. I was appointed the National Coordinator of Youth Aid in 1995. After about six months I came to the conclusion that the most effective strategy for all involved in youth justice would be to use and practice the Act as it was intended.

Implementing the Act

A number of key elements to the Act are central to its effectiveness:

- *Keeping young people out of the formal youth justice process.* Youth Aid now deals with much young people's offending by way of warnings and diversion. Looking back, it is hard to believe the minor offenses that were dealt with by the Youth Court.

Families (including aunts, uncles, and grandparents) want their children to develop into meaningful members of the community.

- *Time frames are now important*, and these have been incorporated into the Act so those who offend are dealt with as soon as possible after the offense. Whenever I see poor practice, there are always bad time frames.
- The principles set out in s.5 of the Act recognize and acknowledge the

importance of the child's or young person's family, hapū [sub-tribe or clan] or iwi [tribe]. These whānau [extended family] members should participate in the decision-making, but at the same time accept some responsibility for the offending and how to prevent further offending.

- *Victims' rights are recognized*, as their importance to the decision-making process is something that no other Act provided. The public should have been made more aware of this provision. Interventions are tailored to meet the needs of the young person and their family, the victim and the community, and the intervention can be reviewed should circumstances change.
- The Youth Court is provided with *good information and options* as a result of the Family Group Conference (FGC).

When all of these elements come together with competent practitioners, the effectiveness of this Act is evident.

The Act has empowered families, and the vast majority of families are capable of dealing with the offending committed by their children. Families (including aunts, uncles, and grandparents) want their children to develop into meaningful members of the community. I know from my experience of fathers who have been involved in the justice system that they do not want the same to occur to their children.

A number of families implement their own intervention prior to contact from Youth Aid, and it is evident that very little, if any, police input is required because of the intervention of the family. On occasions the family may require some guidance but they are still very capable of dealing with the issues, including resolving any victim issues.

Not only were families empowered, but the Act also allowed for a wide range of interventions to occur, such as warnings, alternative action, FGCs, and the Youth Court.

Young people and restorative justice

International commentators labeled the FGC process with a term not previously heard in New Zealand – restorative justice. However, the FGC is only part of the restorative justice process. It is highly significant that police are now able to deal with about 80 percent of offending without

the intervention of an FGC or the Youth Court. This shows that most young people do not need formal interventions, and it indicates the effectiveness of police working directly with the young person, their family and, when required, other

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community agencies. This confirms the research that young people should be kept out of the formal youth justice system whenever possible, and the huge cost saving as Child, Youth and Family and the courts do not have to be involved.

Prior to the introduction of the Act a large number of young people were being dealt with in the court process unnecessarily and this is supported by recent research showing that 80 percent of children and young persons who offend only commit one offence. It must, however, be recognized that there is a very small group of hardcore serious offenders who require a disproportionate amount of resources and time to be spent on them by the youth justice system.

For effective outcomes to be achieved for the victim, the young person, the family and the communities, the key agencies – police, Child, Youth and Family, youth advocates and courts – must work in a professional manner using the objects and principles of the Act. This is achieved by holding the young person accountable, working with the family and victim, and implementing a plan that is achievable and appropriate. The plan must be monitored and as soon as it becomes evident that it is not being adhered to, an immediate intervention must occur.

Ensuring the effectiveness of FGCs

From my observations, effectiveness has the following elements:

- *Matters are dealt with in a timely manner.* It is pointless trying to deal with offending six months after it has been established that the young person is the offender. The sooner the intervention occurs, the more effective it will be.

New Zealand Family Group Conferences

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- *Victims are well informed and supported.* A well-informed and supported victim will be a more willing participant at an FGC. If the victim comes well prepared, they will have given considerable thought to what they want to say and the outcomes they desire. Good victim participation is a key component to the youth justice process. I believe the greatest myth about victims is that they want vengeance. In fact, it is well demonstrated how forgiving victims can be, but they can also be very angry if they believe they have not been well treated by the youth justice process.
- *FGCs are well convened.* The crucial element of the FGC is convening and identifying the key people who should be present – not just the young person and their extended family but also other key people in their life. Prior to the FGC everyone should be made well aware of the process so they understand what will be happening and what will be required of them.
- *Good plans are implemented and monitored.* FGC plans must be easily understood. The plan must specify why the FGC was held, who is responsible for each element of the plan and what will occur if the plan is not adhered to. Intervention occurs as soon as there are indications that the plan is not being adhered to. The key object of the Act is to hold children and young people accountable for their offending. If the agreed plan is not adhered to, an intervention must occur. Otherwise the youth justice process will lose credibility and the young person has not been held accountable for their offending.

The role of the Youth Justice Coordinator

I have come to the very firm view that the Youth Justice Coordinator is the pivotal person in the youth justice process.

When there is competent practice by a Youth Justice Coordinator, there are normally fewer matters referred to a FGC and a flow-on effect is that there tends to be a higher level of alternative action. (Police Youth Aid

...a high standard of practice by youth justice practitioners is without doubt the most effective program available.

need to be well resourced so this can be achieved.) Plans are closely monitored, conferences are professionally run, and invariably there is a decline in the numbers of young people before the Youth Court, a decline in the levels of serious offending and less demand for residential facilities.

I have reached this conclusion after observing practice across New Zealand and seeing the figures from the practitioners working in these areas. When Police figures drop and the numbers appearing in Youth Court decline by 50 percent (Institute of Criminology Research Team, 2001), it becomes evident that these practitioners are very effective. I see evaluations of the achievements of

...community groups are willing to come aboard as they see the leadership provided by this good practice and have confidence that they will receive the support they require...

various youth justice programs, yet from my perspective and observations over the years a high standard of practice by youth justice practitioners is without doubt the most effective program available.

Another by-product of good practices by the agencies is that the community groups are willing to come aboard as they see the leadership provided by this good practice and have confidence that they will receive the support they require from the agencies.

By comparison, the by-product of poor practice is that well-intentioned people or groups set up a program and in a short period of time are overwhelmed by the numbers of young offenders taking part, so that other problems occur. Some programs should be established for a finite period, otherwise program coordinators might be required to find young people to fit into their programs.

There is a clear trend that people are coming to the attention of the youth justice system at a younger age and the level of violence is increasing. This means

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these young people are within the youth justice system over a longer period than previously. This is an international trend that needs to be acknowledged in this country so that its implications for the youth justice process can be taken into account in planning.

There will always be a small number of individuals who are seriously disturbed because of previous serious abuse which makes rehabilitation very difficult and, regrettably, many will go on to the adult justice system.

However, we should never overlook the fact that by good practice we can make a difference by minimizing their offending, thus enhancing the community through fewer people becoming victims of their actions in committing crime.

Children and young persons become involved in the youth justice system because they have committed an offense, and how appropriately and effectively they, their families and the victim are dealt with will have a huge bearing on the long-term good for all involved.

Reference

Institute of Criminology Research Team (2001). *Police Youth Diversion, Report to Youth Aid Officers*. Wellington, New Zealand: Institute of Criminology, Victoria, University of Wellington.

*Inspector Chris Graveson is the National Coordinator of Police Youth Aid. This article is reprinted in slightly edited form from the May 2002 issue [Social Work Now](#), a publication of the New Zealand Department of Child, Youth and Family Services, with the kind permission of its editor Mark Derby.
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Conference Report

First Restorative Justice Conference, Tel Aviv, Israel, May 1-2, 2002

by Ron Claassen

In April, my wife Roxanne and I traveled to Tel Aviv, Israel, where I was invited as a guest speaker for Israel's First Restorative Justice Conference, which was initiated by the Ministry of Justice National Center for Mediation and Conflict Resolution and the University of Tel Aviv Law School and Graduate School of Social Work. The other guest speaker was Martin Wright from England.

Prior to the conference Martin and I were scheduled to lead three four-hour workshops. These were planned by the Ministry of Justice's National Center for Mediation and Conflict Resolution, which is directed by Dr. Peretz Segal, a man with a vision for infusing mediation into all major structures of Israeli society. Each four-hour workshop focused on the theory and practice of restorative justice and how it could relate to the Israeli criminal justice system, which is quite similar to the criminal justice system in the United States. All sessions were simultaneously translated into English and Hebrew. Twenty-five people attended each of the workshops. The first was for prosecutors and police, the second for judges, and the third for defense attorneys. These sessions included substantial, stimulating discussion. The judge who is responsible for the entire juvenile justice system in Israel said, "The real issue we are discussing here is, what is justice?" This observation led to an extended discussion and increasing interest in restorative justice. Anat Farkash, Restorative Justice Coordinator for the Ministry of Justice National Center for Mediation and Conflict Resolution, led the last 30 minutes of each session. The aforementioned judge ended one session saying he thought that restorative justice should be given an opportunity to demonstrate its effectiveness and suggested that a plan be developed. Anat was delighted to hear this request and she was ready to take up the task. Anat has been studying the theory and practices of restorative justice for several years, including a thorough review of the literature. She has written the first restorative justice book in Hebrew and first copies of her book were available for sale at the conference.

The conference was held on May 1 and 2. Each session of the conference was arranged with either Martin or me opening

the session and then three to five Israelis responding. The purpose of the conference was to introduce participants to the theory and some of the practices of restorative justice and to consider how restorative justice might intersect with their current criminal justice system. The Israeli speakers included their support for

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restorative justice and their concerns. Some described practices that are already in place that are restorative. University graduates who major in social work staff their probation departments. Speakers representing probation said much of what they are already doing is restorative justice and they welcomed additional restorative justice theory and practices as support as well as encouragement to do more. The wrap up session by a lead Israeli prosecutor, head of the Public Defense Department, a judge, and two faculty members from the Law School provided strong encouragement for those promoting restorative justice to move forward. Beni Steinberg, Attorney and Chair of the conference, was very encouraged by the movement. He had attended a VOMA Conference in the US and after that experience had committed himself to organizing a conference on restorative justice in Israel. While he experienced significant encouragement and relief at the end of the conference, he also realized that this was just the beginning.

While the focus of the conference and workshops was on the criminal justice system, it is impossible to talk about restorative justice without making connections to how one relates to one's family and co-workers as well as how national and international issues and conflicts are approached. Many

references were made to the current situation in Israel. What I heard most often was a call for the development of a Palestinian state and for Israelis and Palestinians to learn to live peacefully, side by side. There was wide recognition that no amount of military power alone will be able to create a safe and peaceful place. There was significant interest in an international conference to help move in these directions.

In the midst of the tension in Israel, which we felt when being searched entering every building, the people we met went about their business almost as usual. We heard the wonderful word *shalom* a lot, but sadly it was always in the context of feelings of vulnerability and lack of security. Most introductions included appreciation that we would come in the midst of these difficult times. Our hosts and others treated us very graciously. Some asked why we would come to such a place at such a time. It gave us a chance to talk a little more about restorative justice. A few wanted to know why restorative justice was so important to us. We told them that restorative justice offers hope for addressing and healing the wounds of experienced injustices. We told them we were Mennonites and that because of our religious faith we are pacifists, seeking alternatives to using violence and revenge. One attorney talked with Roxanne at some length about this idea of pacifism. Later she told us that her family had discussed the idea of pacifism at their Shabbat meal. She said that her children and husband were also very interested and requested some reference books.

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Listening to Prisoners

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and realistic at the same time, not wanting to add to an already desperate and hopeless situation.

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

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

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In addition to addressing the harms and needs experienced by victims, many of the offenders we listened to identified the importance of talking about the harms and needs they have experienced in their own

have caused others, they may need to first work on themselves. Some offenders are crime victims themselves in the legal sense of the word and they are in need of relevant services. Others identify the feelings of victimization that come from the disempowerment and injury present in the justice and prison system. Others wish for recognition that their families are affected by crime and have needs that go unmet.

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

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

While many prisoners respond similarly to restorative justice, the "inmate

women understand restorative justice differently. Prisoners who have life sentences with no possibility of parole respond differently than those who will be paroled at some point. Those men or women who committed murder understand restorative justice differently than those who committed

...listening and responding to an offender's harms and needs is consistent with a restorative vision...

less physical crimes. Some inmates would agree with what I have written here, while others would disagree. These differences, and the issues I have raised in this article, make it difficult to identify a single, definitive way to achieve restorative justice in prison. Even so, we have heard important messages that challenge us in our restorative justice work:

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

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

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Resources

Restorative Justice Gains Widespread Attention

by Russ Immerigeon

Restorative justice is a growing movement that is receiving increasingly widespread and detailed attention in many different fields. The purpose of this column, in this and future issues, is to briefly describe and list the availability of new resources in this maturing field of study and practice.

Wisconsin Law School professor Walter Dickey observes that restorative justice has many similarities with forgiveness. Both recognize wrongs and harms and the importance of taking personal as well as social responsibility for them. Dickey has a fine article on the relationship between forgiveness and restorative justice in **Exploring Forgiveness** (1998), edited by Robert D. Enright and Joanna North. This volume contains 12 interdisciplinary articles on different dimensions of forgiveness and is available for \$14.95 from the University of Wisconsin Press, 1930 Monroe St., 3rd Fl., Madison, WI 53711-2059, (773) 568-1550. Enright, a professor of educational psychology, also at the University of Wisconsin, has written two important, practical volumes on forgiveness. In the first, **Helping Clients Forgive: An Empirical Guide for Resolving Anger and Restoring Hope** (American Psychological Association, 2000), written with Richard P. Fitzgibbons, Enright explores forgiveness as pivotal process for resolving anger and betrayal and restoring relationships and peace of mind. In the second, **Forgiveness is a Choice: A Step-by-Step Process for Resolving Anger and Restoring Hope** (American Psychological Association, 2001), he distinguishes forgiveness from "pseudo-forgiveness" in an instructive self-help guide. Both of these volumes are available, for \$39.95 and \$19.95 respectively, from the APA Order Department, PO Box 92984, Washington, DC 20090-2984, (800) 374-2721.

Lay Magistrate Willie McCarrey (Belfast, Northern Ireland) offers an insightful article, "Restorative Justice: An International Perspective," published recently in the 2001 of the annually published **Journal of the Center for Families, Children and the Courts** (Vol. 3, pgs. 3-20), available from the Judicial Council of California, 455 Golden Gate Ave., 6th Floor, San Francisco, CA 94102-3660, (415)865-7739, (e-mail) cfcc@jud.ca.gov. A copy of the article can be downloaded directly from www.courtinfo.ca.gov/programs/cfcc/resources/publications/journal/vol3.htm.

Harry Mika, Mary Achilles, Ellen Halbert, Lorraine Stutzman Amstutz, and Howard Zehr have written **Taking Victims and Their Advocates Seriously: A Listening Project**,

a 20-page report that describes the findings of their three-year project to "enhance and amplify" victim voices in restorative justice. The first phase of this "listening project" involved documenting the concerns of victim, victim advocates, and victim service providers in the states of Florida, Missouri, Ohio, Texas, Vermont, and Washington; the second phase involved structured dialogues between the victim and restorative justice communities. This informative, and handsomely produced, document describes victim experiences with restorative justice, impediments and challenges to restorative justice, the architecture of responsive restorative justice, and reflections on restorative justice. A working agenda for restorative justice rounds up the recommendations of this important project. Copies of this report can be obtained from Lorraine Stutzman Amstutz, Director, MCC Office on Crime and Justice, 21 S. 12th St., PO Box 500, Akron, PA 17501, (717) 859-3889, (e-mail) lsa@mcc.org.

Australian sociologist John Braithwaite adds two more articles to his considerable output on restorative justice: In "Youth Development Circles," which appears in the June 2001 issue of the **Oxford Review of Education** (Vol. 27, No. 2, pgs. 239-252), Braithwaite applies restorative justice principles to schooling. This journal is available from the Carfax Publishing Company, c/o Taylor & Francis, 325 Chestnut St., Suite 800, Philadelphia, PA 19106, (800) 354-1420; (website) www.taylorandfrancis.com. Braithwaite also writes on "Restorative Justice and a New Criminal Law of Substance Abuse," in **Youth & Society** (Vol. 33, No.2., pgs 227-248), a special issue of restorative justice-oriented articles, including one by David R. Karp and Beau Bresline on "Restorative Justice in School Communities." A copy of this journal is available from Sage Publications, 2455 Teller Rd. Thousand Oaks, CA 91320, (800) 818-7243.

Suzanne Goren reviews philosophical and empirical perspectives on restorative justice practices in New Zealand and the United States in her article, "Healing the Victim, the Young Offender, and the Community via Restorative Justice: An International Experience," which was published in the March 2001 edition of **Issues in Mental Health Nursing** (Vol. 22, No. 2, pgs. 137-149). Goren, who is in the nursing program at the University of Washington in Tacoma, argues that restorative justice offers a viable option if crime is viewed as a breakdown of social bonds. Copies of this publication are available from Taylor & Francis Health Sciences, c/o Routledge, 28 W. 35th St., New York, NY 1001, (212) 216-7800; (website) www.routledge.com

In an article, "Learning the Common Good: Principles of Community-based Moral Education in Restorative Justice," Francis J. Schweigert identifies three aspects of restorative justice that are good for purposes of moral education: the joining of the moral authority in personal communal traditions and impersonal universal norms; a focus not on individuals, families, or institutions, but on the space where these important social entities meet; and the broad harnessing of community-wide resources rather than a narrow focus on individual-specific circumstances or conditions. Schweigert's article is in the June 1999 issue of the **Journal of Moral Education** (Vol. 28, No. 2, pgs 163-183), and is available from the Carfax Publishing Company, c/o Taylor & Francis, 325 Chestnut St., Suite 800, Philadelphia, PA 19106, (800)354-1420 (website) www.taylorandfrancis.com.

Program evaluation is an especially important, although frequently overlooked, mechanism for identifying program strengths and weaknesses, thus giving practitioners specific information to use in improving the delivery of program services. Several restorative justice-specific resources, one new and others old and wise, are available: Burt Galaway's report, **Evaluating Community Restorative Justice Programs** (2002), is available from the Colorado Forum on Restorative Justice, Aurora, CO (720) 904-2322; (e-mail)info@coloradorestorativejustice.org (website) www.coloradorestorativejustice.org/monographs.

Also, the Center for Restorative Justice and Mediation (CRJP) has produced Mark Umbreit's **Program Evaluation Kit: Victim Offender Mediation Programs** (1992) and Umbreit and Fercello's **Program Evaluation Kit: Family Group Conferencing** (1997), both available from the CRJP, School of Social Work, University of Minnesota, 1404 Gortner Avenue, 105 Peters Hall, St. Paul, MN 55108-6160, (612) 624-4923; (e-mail) rjp@che.umn.edu; (website) <http://ssw.che.umn.edu/rjp/default.html>.

Two important impact assessment overviews are especially helpful: Canadians Jeff Latimer and Steven Kleinknecht have written a useful report, **The Effects of Restorative Justice Programming: A Review of the Empirical** (January 2000; RR2000-16e), which is available from the Research and

On behalf of the VOMA Board, we cordially invite you

to attend VOMA's 19th Annual International Training Institute and Conference in Fort Lauderdale, Florida, September 23-27. This event, to be held at the Radisson Bahia Mar Beach Resort, continues the tradition of VOMA and its members as leaders in the field of Victim Offender Mediation and Restorative Justice dialogue and practice.

This year's trainings and workshops will be challenging, exciting, and bring you the "cutting edge" ideas in the field. You'll have the opportunity to network with people from around the world committed to Restorative Justice and Peacemaking and participate in discussion and dialogue on those issues of importance and interest to you.

The Training Institute and Conference offers a wide range of trainings and workshops allowing you to explore various issues and follow particular themes.

Highlights include:

- ◆ In-depth training in Victim Offender Mediation and Basic Conferencing
- ◆ "Train the Trainer" curriculum offered in collaboration between VOMA and Balanced and Restorative Justice Project (BARJ)
- ◆ "Developing and Managing Mediation Centers in Your Community" presented by another VOMA partner, the National Association for Community Mediation (NAFCM)
- ◆ Conference Welcome by Honorable **Chief Justice Harry Lee Anstead**, Supreme Court of Florida
- ◆ Opening Plenary conference session moderated by **Sharon D'Eusanio**, Office of the Florida Attorney General with panelists including Honorable **Barbara Pariente**, Justice, Florida Supreme Court; Honorable **Ronnie Earle**, District Attorney, Austin, Texas; **Dr. Gordon Bazemore**, Director, BARJ, Department of Justice, OJJDP, Florida Atlantic University; **Frank Alarcon**, Deputy Secretary, Florida Department of Juvenile Justice, **Bill Berger**, Chief of Police, North Miami Beach Police Department, **Tamara Gray**, Assistant Public Defender, 11th Judicial Circuit, and **Michael W. Moore**, Secretary, Florida Department of Corrections.
The session will address concerns raised by victim advocacy groups in both the Restorative Justice process and the criminal justice system.
- ◆ Special keynote dinner and theatre presentation: "**A Body in Motion**" based on the work of Howard Zehr and his book *Transcending: Reflections of Crime Victims*
- ◆ Trainings and workshops exploring key themes including youth, international applications, cultural issues, and diversity
- ◆ Continuation of the dialogue and policy development sessions on contemporary, controversial topics such as terrorism, the death penalty, domestic violence, Hate/Bias crimes, and more!

This year, we again offer a host of opportunities for participants to grow and learn. Furthermore, open space will be provided for the purpose of dialogue with VOMA Board members, our administrators from the Center for Policy, Planning, and Performance, and fellow colleagues.

VOMA's Board, as always, is very enthusiastic and excited about the Training Institute and Conference. We look forward to seeing you in Fort Lauderdale. Please know that we appreciate the hard work our members and conference supporters put forth daily – so don't forget to bring along your bathing suit and your smile and join us for a tremendous week with friends old and new beside the beach at the Bahia Mar!

-- VOMA Board of Directors
and co-chairs **Walter Drew Smith** and **Sue Wieser**

Resources

continued from Page 7

Statistics Division, Department of Justice Canada, Ottawa, Ontario, Canada (613) 957-4222. Also, Mark S. Umbreit, Robert B. Coates, and Betty Vos have written an article, *The Impact of Victim-Offender Mediation: Two Decades of Research*, recently published in the December 2001 issue of **Federal Probation** (Vol. 65, No. 3, pgs. 29-35], which is available from Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954, (202) 512-1800. (\$14 per year). Copies of the article by Umbreit et al. are also available from the CRJP (see above for appropriate addresses).

A new on-online resource comes from the Youth Justice Board for England and Wales, which recently funded Crime Concern to develop a Restorative Justice Knowledge Base to help design Youth Offending Teams in England and Wales. This website, www.rjkbases.org.uk, offers useful materials for planning and implementing restorative justice practices, including information on current restorative justice practice models, youth justice approaches, the delivery of restorative justice practices, and wider applications for restorative justice.

Lastly, the American Correctional Association, which has an enterprising publications program, has just published two volumes that have relevance, in whole or in part, for restorative justice readers. Researcher Ed McGarrell has a good article on *Restorative Justice Conferences as an Early Response to Young Offenders*, which reports on the use of restorative justice conferencing in Indiana, in **Juvenile Justice Today: Essays on Programs and Policies** (Non-members \$19.95; ACA members \$15.95). Also, John Perry, director of planning for the Vermont Department of Corrections, has edited a collection of essays, **Repairing Communities through Restorative Justice** (Nonmembers \$29.95; ACA members \$23.95), which I have not seen yet, but about which I'll have something to say in the next issue of **VOMA Connections**. Both volumes are available from the ACA, 4380 Forbes Blvd., Lanham, MD 20706, (800) 222-5646.

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Events

Conferences & Trainings

During the dog days of August it does not help much – in fact it's a little frustrating – to think of the coming fall season. In terms of restorative justice matters, however, the fall is really something to look forward to because of the exciting conference and training opportunities that dominate this time of year. In addition to **VOMA's 19th Annual Training Institute and Conference in Fort Lauderdale, Florida (September 23- 27, 2002)**, other events seem to be blooming, almost, well, in spring-like fashion.

St. Paul, Minnesota

The last two sessions of the 2002 National Restorative Justice Training Institute, conducted by the Center for Restorative Justice & Peacemaking at the University of Minnesota, will be held in September and October. From **September 5 - 7, 2002**, Carolyn McCleod and Mark Umbreit will offer the three-day workshop, *Introduction to Victim-Offender Mediation & Conferencing: A Multi-Method Approach*, which will teach participants the skills necessary to conduct mediation sessions. From **October 7-12, 2002**, a group of trainers, including Ronnette Burkes, Karen Ho, Edie Mendoza, Jacki Millar, Marilyn Peterson, Mary Sam, and Gary TenBear, as well as McCleod and Umbreit, will offer the six-day, two-part training, *Victims of Severe Violence Meet the Offender: A Journey Towards Healing and Strength*. For further information about these trainings, contact the Center for Restorative Justice & Peacemaking, School of Social Work, University of Minnesota, 1404 Gortner Ave., 105 Peters Hall, Sat. Paul, MN 55108-6160, (612) 624-4923, (e-mail) rjp@che.umn.edu; (website) <http://sww.che.umn.edu/rjp>.

Keystone, Colorado

The Colorado Forum on Community & Restorative Justice will hold its Third Annual Restorative Community Justice Conference, "The Spirit of Justice," from **September 17 - 19, 2002** in Keystone, Colorado. Last year's conference drew over 700 speakers and participants from more than 20 states. Conference sessions addressed such issues as the appropriateness of restorative justice in certain cases, engaging communities of color, restorative justice and individual rights, and the state and future of restorative justice. Among the speakers were Azim Khamisa and Bud Welch. Also, the first Virginia (Ginny) Mackey Award was given out. This year's conference promises more stimulating discussions and workshops that will focus on professional development,

community partnerships, faith-based and female offender approaches, restorative justice for juveniles and adults, and restorative justice and family and child services. Invited speakers include Myrlie Evers and Judge Barry Stuart. For further information contact the Colorado Forum on Community & Restorative Justice, 900 Auraria Parkway, Suite 129, Denver, CO (720) 904-2322; (e-mail) info@coloradorestorativejustice.org; (website) www.coloradorestorativejustice.org.

Hull, Quebec, Canada

From **September 26 - 28, 2002**, a national conference on restorative justice in Canada will be held in Hull, Quebec. The conference, "Advancing Restorative Justice: Enhancing Practice and Expanding Horizons," is a working conference (limited to 300 participants), sponsored by the Canadian criminal Justice Association, the International center for Criminal Law Reform and Criminal Justice Policy, and the Simon Fraser University Center for Restorative Justice. This conference follows up a similar gathering, held in Vancouver in March 1997. For complete information, go to the conference website (<http://restorjust.homestead.com/index.html>). The conference website is especially useful as it not only provides a listing of conference workshops, but also informative summaries of many conference presentations. Plenary speakers include The Rev. D. Pierre Allard, radio commentator and author David Cayley, and journalist Yves Boisvert. Workshop presentations include topics such as restorative justice in serious cases, youth involvement in restorative justice, evaluating restorative justice programs, restoring power imbalances to institutional violence, responding to victim needs, and Aboriginal justice and restorative justice.

Houston, Texas

The Texas Murder Victim's Families for Reconciliation group will be holding a conference on restorative justice **September 28, 2002** at the University of St. Thomas in Houston, Texas. Speakers on restorative justice and victim-offender mediation will include Linda White, David Doerfler, Ellen Halbert, and Rev. Carroll Pickett. For further information, contact Linda White (281) 356-1359.

Oostende, Belgium

The European Forum for Victim-Offender Mediation and Restorative Justice has

scheduled its next conference, *Restorative Justice and its Relation to the Criminal Justice System*, for **October 10-12, 2002**. Originally, the conference was planned for Bucharest, Romania, but local circumstances make this impossible. Luckily, conference organizers have found a home for the conference in the city of Oostende in Belgium at the Flemish coast (<http://www.oostende.be>). A conference invitation, conference registration form, and hotel reservation form can be obtained from the European Forum, either through its e-mail address, or its website (<http://www.euforumrj.org>). Further information can be received from Jolien Willemsens, Secretariat of the European Forum for Victim-Offender Mediation and Restorative Justice, Hooverplein 10, 3000 Leuven, Belgium, (Tel.) +32 16 32 54 29; (Fax) +32 16 32 54 74; (E-mail) jolien@euforumrj.org.

St. George, Utah

An intriguing five-day victim-offender mediation training retreat, "Mediation in Cases of Severe Violence: An Exploration of Self in Nature," will be held **November 12-16, 2002** in St. George near Zion National Park in Southern Utah. This interpersonal, interactive training will center on the notion that, "Mediators can be trained in policies and procedures of a program, but in order to truly facilitate it for others, they must experience the process personally, from the inside out. They must be willing to look inside to see what they can see and understand about themselves, others and the world in which we all live. An interactive experience with the beauty and spirit of the horse and the creative order of nature can provide the means to make that introspective journey. It will be a personal journey in what it means to trust the process so that you, along with the victim and offender, can face and work through deep-seated feelings; identify and clarify key issues, explore questions and needs; engender self-awareness and personal accountability; and discover common ground alternatives toward healing and justice."

Trainers will be mediators David Doerfler and Kathy Elton and horse trainer Mary Lee Brighton. Cost: \$600. Space is limited. For further details contact: Mary Lee Brighton (801) 971-4022; brighton@redrock.net, Kathy Elton (801) 230-8437; Eltonk11@aol.com, or David Doerfler (512) 263-7442; Safeplace49@aol.com.

Book Review

Restorative Justice: Ideas, Values, Debates

by Gerry Johnstone

Willan Publishing

\$59.95/ \$27.50, 190 pages (2002)

by Russ Immarigeon

A sign of the growth and maturity of restorative justice as a discipline as well as a practice is the emergence of introductory texts that explore, for novice readers, the many dimensions of restorative justice theory and practice. Such volumes are especially important because they serve as bridges between past and future practices. Traversing such bridges can be risky or rewarding depending upon the quality not only of the depth of research done for these volumes, but also of the critical acumen invested in them.

In this sense, Gerry Johnstone, a law lecturer at the University of Hull who has explored broader dimensions of developing British crime policy, has written an introductory volume that is well worth reading, not just by those who are first learning about restorative justice, but also by those who have lived and worked within the parameters of restorative justice for longer or shorter periods of time. Indeed, the strength of this volume is its thoughtful approach to the subject at hand. Johnstone's critical perspective gives restorative justice the seriousness and depth of treatment it deserves.

Restorative Justice consists of eight chapters that examine "the most fundamental and distinct *ideas* about restorative justice," including the revival of restorative justice traditions, healing the victim, restorative justice for offenders, the concepts of shame, apology and forgiveness, mediation and the role of community, and the limits and future of restorative justice. Johnstone also presents an appendix on the theological roots of judicial punishment. Not evident in this volume, as Johnstone himself suggests, is a history of the development of restorative justice, descriptions of specific programs, explorations of restorative justice uses beyond criminal justice, an overview of empirical research on the implementation and impact of restorative justice, or even a comprehensive critique.

At the start of this volume, Johnstone notes that restorative justice is based on a critique of existing (retributive) practices as well as on a vision of non-retributive (or less retributive) practices. These critiques and visions, he says, are often embraced with far too much evangelism or innocence. Often

these critiques and visions, he reports others as saying, are insufficiently critical, especially of structural determinants of criminality and crime sanctioning practices.

Johnstone states, "We need to ask of proponents of restorative justice how careful and balanced is their critique of judicial punishment, and how will they ensure that the essential tasks which judicial punishment does perform tolerably well continue to be performed at least as well."

"What this means is that – even if we accept the claims that a shift to restorative justice would in many ways improve the lot of offenders, victims, and communities – we still need to be alert to the ways in which it would result in a whole range of deleterious consequences such as the trivialization of evil, a loss of security, a less fair system, an undesirable expansion of police power, an erosion of important procedural safeguards, unwelcome net-widening, or a weakening of already weak parties."

...the strength of this volume is its thoughtful approach to the subject at hand. Johnstone's critical perspective gives restorative justice the seriousness and depth of treatment it deserves.

These are important questions that are rarely examined with the realms of the restorative justice literature, yet they are central to any effort to implement or expand the use of restorative justice or to replace retributive justice with restorative justice.

Johnstone's sense of the history of criminal justice reform leads to skepticism that the influence of restorative justice can be as grand as some of its advocates wish. He suggests, "To imagine that they will be is to ignore the fact that there are simply too many other forces – institutional, political,

cultural, social and economic – shaping criminal justice discourses, institutions and practices."

Still, he believes that some outcomes are perhaps feasible, or at least more likely. In fact, and this may not be good news, he believes some of them may be well underway now. Three such possible outcomes are that restorative justice will be used more readily in juvenile justice settings (excluding its use in adult settings), for minor crimes (as opposed to more substantive or serious crimes), and within the traditional penal system (thereby not effectively challenging, but instead coexisting with, existing criminal justice practices).

For Johnstone, the nature of the implementation of restorative justice will determine its eventual impact on criminal justice practices. In short, it would be better to have it implemented in whole than in part, although it remains unclear what "in whole" actually means. Johnstone warns about the implementation of restorative justice as "a cheap supplement to repressive justice" or, worse, as "a means through which the criminal justice system expands its reach, intruding deeper into the domain of petty crime, incivility and disorder, without changing its approach to more serious crimes."

One thing to do, he suggests, is to broaden and strengthen research on pressing restorative justice concerns, such as how restorative justice affects crime control priorities, the status of human rights and civil liberties, and the conditions of people's lives.

Johnstone concludes, "My point is simply that, however much we might welcome restorative justice, as a refreshing and in many ways heartening challenge to the drift toward a strategy of punitive segregation, we must never forget that it involves the exercise of power by some people over others, and that there is an urgent need for critical investigation of the nature, limits, problems and dangers of such exercise of power."

Copies of this book can be obtained most easily through International Specialized Book Services, Inc., 5824 N.E. Hassalo St., Portland, OR 97213-3644, (503) 287-3093, (website) www.isbs.com.

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.

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