

**Final Report to the General Assembly
of the Restorative Justice Study Committee
Issued Pursuant to Act 146 of 2018**

**Issued by
The Vermont Network Against Domestic and Sexual Violence
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The Potentials for Restorative Justice Approaches for Domestic Violence, Sexual Violence and Stalking in Vermont

Executive Summary

The Act 146 Study Committee was created by Vermont’s General Assembly to examine the potentials for using restorative justice approaches to domestic violence, sexual violence and stalking. A recent report from the University of Alberta defines restorative justice as “a collaborative approach to addressing harm caused or revealed by criminal behavior. It involves a trained facilitator, the people with a legitimate stake in the situation, and a focus on accountability and repairing the harm”¹. The Act 146 Study Committee met throughout the course of the past year, elicited feedback from stakeholders and survivors of violence and concluded that restorative justice ought to be pursued as a means to address domestic violence, sexual violence and stalking but only following a careful and thoughtful development of offerings formally housed within a public body or agency.

Section 1. Study Committee Process and Scope

The Act 146 Committee met 11 times over the last year with more than half of those meetings lasting three hours or more. To prepare, committee members with expertise in domestic violence, sexual violence and stalking prepared and presented an overview to the whole group as did committee members with expertise in restorative justice. The group read and discussed articles on restorative justice and violence, received a presentation from UVM Social Work Professor Emeritus, Gale Burford², and reviewed restorative justice approaches currently being employed in the United States and

¹ University of Alberta. 2018. *Report from the Working Group on Restorative Initiatives for Sexual Violence*. Edmonton, Canada: University of Alberta

² Burford is the principal founder of the Restorative Justice International Learning Community and co-author of numerous academic journal articles on the topic of restorative justice

internationally. Furthermore, the Act 146 Study Committee strongly agreed that the recommendations for the report include meaningful input from survivors of domestic or sexual violence or stalking.

Survivor Input:

At the request of the 146 Study Committee, the Vermont Network Against Domestic and Sexual Violence elicited input from survivors of domestic violence, sexual violence and stalking through a survey and focus groups. In total, 136 individuals responded to a written survey and an additional 33 individuals participated in four focus groups. Focus groups were held with incarcerated women who identify as survivors of violence at the Chittenden Regional Correctional Facility, new American/refugee survivors, survivors receiving services from a community-based domestic and sexual violence program and victims connected to a Community Justice Center. Survivors provided feedback on their experiences with the existing system of response. In addition, survivors spoke directly to the ways in which restorative justice could have been helpful to them and what factors would need to be in place for effective restorative justice interventions. A complete summary of the survivor engagement process is attached to this report. Major themes from this feedback include:

1. There are limited assets and severe limitations to current systems responses to domestic violence, sexual violence and stalking.
2. There is a lack of nuanced understanding of domestic violence, sexual violence and stalking in current responses.
3. Experiencing domestic violence, sexual violence or stalking as a parent is especially challenging.
4. Consideration for both the need for relationship repair and financial restitution is needed this recognizes the extreme financial hardship that experiencing domestic violence, sexual violence or stalking can cause.

5. Survivors often expressed an interest in being in community with other survivors or accessing peer support.
6. Survivors are interested in restorative justice as a possible accountability approach to addressing domestic violence, sexual violence and stalking, however not in lieu of improving the criminal legal response to violence.
7. Survivors would like to see options available at multiple points after harm occurs.

Section 2. The Evolution of Responses to Domestic Violence, Sexual Violence and Stalking

As Vermont considers new and evolving responses to domestic violence, sexual violence and stalking, it is instructive to remember that broad public acknowledgement of domestic abuse, sexual assault and stalking as issues that transcended the private realm emerged in the U.S. in the 1970s. Starting with the passage of the Abuse Prevention Act in Vermont in 1980, legal and human service system responses to domestic violence, sexual violence and stalking have grown, both here in Vermont and across the nation. On a federal level, the most significant piece of legislation related to these forms of violence is the Violence Against Women Act which was originally passed in 1994 as part of the Violent Crime Control and Law Enforcement Act.

Today victims of domestic and sexual violence can access the civil court system to seek abuse prevention orders, seek legal responses from the child protection system, and report abuse to law enforcement to initiate a criminal justice response to domestic violence. Access to these public systems of safety and accountability have assisted countless Vermonters experiencing violence in their lives. Notwithstanding these signs of progress, domestic violence, sexual violence and stalking remain severely underreported crimes. According to national data, approximately 50% of intimate partner-related domestic violence is reported to police³ and 20% of sexual assaults are reported to police⁴. While there

³ Bureau of Justice Statistics, *Police Response to Domestic Violence, 2006-1015*

⁴ Bureau of Justice Statistics, *Criminal Victimization Report 2016: Revised*

is a lack of statewide data on this issue in Vermont, in 2015 the Chittenden Domestic and Sexual Violence Task Force conducted a study which included victims that seek advocacy and support from community-based domestic or sexual violence programs. Of the 2998 survivors that community-based organizations reported to serve that year, only 511 (17%) engaged with the criminal legal system. Of those 511 survivors who did report to law enforcement, only 87 (21%) of those victims remained engaged with that system throughout the resolution of their case. Reasons for underreporting vary but according to a 2017 Bureau of Justice Statistics study on domestic violence, the most common reasons cited include the personal nature of the incident (32%), a victim's desire to protect the offender (21%), a victim's feeling that the crime was minor or unimportant (20%) and fear of reprisal from the offender or others (19%).⁵ In addition, many abusive behaviors that have severe impacts on victims, such as psychological and emotional abuse and forms of sexual harassment, may not rise to the level of criminal acts.

While legal responses to domestic and sexual violence have evolved, so too have the systems of support for victims of domestic violence, sexual violence and stalking. Vermont has both a robust community-based system of support for survivors and state-based supports. Vermont's first formal community-based sexual violence advocacy program was established in 1973. Today, there are 15 member-organizations of the Vermont Network who serve victims in every community in Vermont. In 2018, these organizations served 8,550 individuals in Vermont. Services commonly include a 24-hour hotline, emergency housing and shelter, legal and systems information and connection to resources including support groups.

State-based advocacy and support for victims of domestic violence, sexual violence and stalking includes victim advocates in states attorneys' offices, law enforcement agencies and special investigative units (SIUs). These advocates assist victims in navigating the criminal legal system and asserting their

⁵ Bureau of Justice Statistics, *Police Response to Domestic Violence, 2006-2015*

rights as cases progress. In cases with co-occurring child abuse and domestic violence, Domestic Violence Specialists in the Family Services Division of the Department for Children and Families work to address the safety of both children and adults. Although the primary duty of the Family Services Division is to ensure child safety, in cases with co-occurring child abuse and domestic violence, ensuring safety for any adult victim is often closely linked to ensuring safety for the child. The Domestic Violence Specialists work directly with families and provide consultation throughout the life of a case with the Family Services Division.

Access to these public systems of safety and accountability have assisted countless Vermonters experiencing violence in their lives. Increasingly, however, community-based and system advocates who for decades promoted increased criminalization and legal remedies to violence are grappling with the limitations of these remedies to provide safety and accountability to victims. Many victims of domestic violence, sexual assault, and stalking do not turn to the civil, criminal justice or child protection systems for help.

As a result, restorative justice approaches to domestic violence, sexual violence and stalking used in indigenous and culturally-specific communities (such as Tribal Courts and Peacemaking Circles) have drawn advocates' attention. At the same time, national conversations about criminal justice reform have promoted dialogue about the potential for alternative dispute resolution, restorative justice and alternatives to incarceration. For example, the Department of Justice's Office on Violence Against Women recently funded the Center for Court Innovation to create a comprehensive national survey and compendium of programs in the U.S. using restorative justice to address domestic and sexual violence. A report on the project, entitled the *National Portrait of Restorative Approaches to Domestic and Sexual Violence*, is forthcoming in 2019 and will highlight several successful restorative justice programs across the country used to address domestic violence, sexual violence and stalking.

Although there is current interest in examining the potential for restorative justice approaches to domestic violence, sexual violence and stalking, advocates and others have been reticent to pursue such approaches. Court Diversion has been an alternative prior to adjudication through the standard court system for forty years, and in the late 1990's and early 2000's, Vermont saw significant growth in the use of restorative justice as an approach to offender accountability for individuals who were convicted and placed on adult probation. Victim advocates expressed concern that the principles of restorative justice – which include that victims, offenders and the community are all equal parts of the equation – would not fully recognize the power differential inherent to domestic violence and sexual violence. Moreover, training of staff and volunteers to recognize and respond to the subtleties of domestic violence was not innate to the models used by Community Justice Centers. When the Community Justice Centers (CJC's) were codified in Title 24 in 2008, the statute prohibited CJC's from accepting cases involving domestic and sexual violence, with a carve-out for Department of Corrections-funded offender-reentry programs. Court Diversion programs, recognizing these concerns, created an internal policy that restricted the referral of cases involving intimate partner violence to Diversion.

Section 3. Current Restorative Justice Approaches

Vermont has one of the most well-established statewide applications of restorative justice in the country. Restorative justice programs are located in state government, private non-profit organizations, municipal government, educational institutions, schools, child protection and youth justice settings. Restorative approaches to criminal and other harm behavior are used as an alternative by law enforcement to referring a case to the State's Attorney, by prosecutors to divert a case from Court, as part of court ordered probation conditions, within correctional settings (on a very small scale), and when offenders return from prison to the community. Restorative justice approaches particularly relevant to the work of the Study Group include:

- **Child Welfare and Youth Justice Applications:** Restorative Justice is used within child welfare and youth justice to develop partnerships among families, neighbors, community members and leaders, victims of crime, and public agencies that protect, nurture, and safeguard children and other family members. This is accomplished by building on the strengths of the family and individual youth and their community while providing opportunities for the youth or adult who caused the harm to take responsibility, have opportunities to repair the harm and prevent future harm.
- **Circles of Support & Accountability:** The Department of Corrections provides funding for Community Justice Centers to provide offender reentry services which including the use of Circles of Support and Accountability (COSAs). Vermont adopted this Canadian-based model specifically to support violent offenders returning to the community after serving an incarcerative sentence. The model, which enlists the support of 3-5 volunteers per COSA, brings together a 'core member' (a formerly incarcerated person), a professional coordinator, and COSA volunteers who meet weekly (or more). COSA has been a particularly effective recidivism reduction strategy for core members who committed sexual violence. Most referrals and acceptance of core members and COSA assignment occurs without victim involvement. A victim is offered the opportunity to stay informed by DOC or the CJC, though typically most victims do not choose to receive COSA-related updates.
- **Victim-Offender Dialogue (VOD):** VOD is a small voluntary and confidential program run by the Department of Corrections. It is offered to survivors or surviving members of victims of severe and violent crimes. Often, unanswered questions and feelings remain after a conviction, in VOD, a victim can request a dialogue with their offender while the offender is still incarcerated. This model requires the voluntary participation of both parties and is a highly facilitated and supported conversation. Offenders must be ready to accept and demonstrate that they are

taking responsibility for their actions. Survivors may choose to participate in these conversations to: describe the impact of the crime on themselves and others, to hear why the crime happened, to address any fears they may harbor, to have their questions answered, and to further the healing process.

- **Community-based Restorative Justice Programs (BARJ):** Serving all regions of Vermont, community-based restorative justice programs receive funding from the State of Vermont to support restorative approaches, mostly, to low level offenses. Community Justice Centers, Court Diversion, and Balanced & Restorative Justice providers use a number of restorative approaches, including restorative justice panels, restorative conferences and circle processes. Community Justice Centers, funded by Department of Corrections, and Court Diversion, funded by the Attorney General’s Office, serve youth and adults. BARJ, funded by the Department for Children and Families, serves youth and young adults. Collectively, these programs serve individuals pre-charge, post-charge, and post-adjudication/conviction assuring the provision of services along all points of the Sequential Intercept Model⁶. For more information, at the end of this document, there are references to three legislative reports collaboratively prepared by representatives from each type of program. Court Diversion and Community Justice Centers do not specialize in domestic violence, sexual violence or stalking and are not using restorative approaches to address this type of behavior. BARJ providers do use restorative processes for youth who have been adjudicated for sexually offending behaviors.
- **Domestic Violence Accountability Partnerships:** There are two Community Justice Centers working with local partners to offer domestic violence accountability programming. The offerings include a 26-week, evidence-based behavior-change curriculum developed by the

⁶ The Sequential Intercept Model was developed twenty years ago as a conceptual model to map the criminal legal process and opportunities for responses.

State of Iowa entitled Achieving Change through Value-Based Behavior (ACTV)⁷ which has been demonstrated to reduce recidivism. Another Community Justice Center is offering a modified version of the Circles of Peace⁸ program for misdemeanor domestic violence offenders. While these programs are operated by CJs they are not funded by the Department of Corrections.

Section 4: Recommendations

The Act 146 Study Group agreed that restorative justice approaches could be helpful in addressing domestic violence, sexual violence and stalking in Vermont. As such, the group recommends that restorative justice occur as part of an integrated justice system, operating within current justice responses, alongside those responses and as an alternative outside of existing responses. However, these restorative justice options should not function in isolation, or as a watered-down version of an otherwise punitive justice system. The recommendations of the Study Group are as follows:

Recommendation #1: Vermont should continue to study and explore restorative justice options as responses to domestic violence and sexual violence and examine whether or if restorative justice is an appropriate intervention in stalking cases.

There should continue to be a formal study and exploration of restorative justice options for domestic violence and sexual violence. The Study Committee recommends that stalking be examined further, acknowledging the strong relationship between lethality and stalking predation.

Recommendation #2: Programmatic criteria for programs offering restorative justice interventions to address domestic violence, sexual violence and stalking should be formalized by a body or agency that

⁷ <https://www.news.iastate.edu/news/2017/07/05/actv>

⁸ <https://www.circlesofpeace.us/>

is authorized to create readiness criteria, provide support and technical assistance, and offer oversight.

This formalized body should include individuals with knowledge and expertise in the prevention of and support to those affected by domestic and sexual violence, and individuals with knowledge and expertise in restorative justice. Because of the nuanced and complex nature of domestic violence, sexual violence and stalking, restorative justice approaches aiming to address these issues must adhere to statewide program criteria. The Study Group developed preliminary criteria for further review that would be required of any publicly-funded restorative approach to domestic violence, sexual violence and stalking:

- Voluntary engagement by offender and victim;
- A defined approach based on evidence or an established body of knowledge;
- Facilitators who are trained in the dynamics of domestic violence, sexual violence and/or stalking;
- Facilitators who are trained in restorative justice principles and approaches;
- Demonstrated trauma-informed program elements;
- Formalized relationship with community-based domestic and/or sexual violence advocacy program;
- Transparency with participants about limits of confidentiality and privacy;
- Defined opportunities for victim choice and voice throughout process; and
- Plan for evaluation and continual improvement.

Recommendation #3: Vermont should accelerate its commitment to procedural justice reforms – especially as they relate to legal responses to domestic violence, sexual violence and stalking.

The Study Group recommends that Vermont should accelerate integrating procedural justice approaches into the legal system's response to domestic violence, sexual violence and stalking out of recognition that procedural justice aligns with many core elements of restorative and trauma-informed approaches. Enhancing procedural justice approaches may result in additional opportunities for victim voice and choice within existing responses and strongly aligns with other principles of restorative justice.

Recommendation #4 Expand victims voice and voluntary participation in current restorative justice processes.

Currently, the vast majority of restorative justice options are focused on the individual who is the subject of the referral (offender). We believe that there is the potential for significant expansion and strengthening of opportunities for victim and survivor voice and voluntary participation in existing programs. Community-based restorative justice programs in partnership with community-based advocacy organizations should pursue opportunities to resource victims liaisons and revise programmatic policy to encourage safe victim participation including an option for victim-initiated restorative processes. Pursuing this change will prepare community and system players for the expansion of victim support that would be needed for the application of restorative justice in the area of sexual and domestic violence.

Recommendation #5: Vermont should explore a focused effort to integrate restorative practices into Relief from Abuse Order process in Family Court.

Family Courts have a designated day for judges to hear from victims seeking Relief from Abuse Orders of Protection. Typically, the offender in these cases also appears in court. These orders can be issued with or without law enforcement involvement and are therefore an opportunity for survivors not wishing to file a formal report with law enforcement to access support. Ahead of the proceeding, victims typically gather in one room and offenders in another while awaiting their time to appear before

the judge. During this time advocates explain to victims what to expect in the court room, following a judge's ruling, as well as provide them with resources and information about their services. Moreover, the court process itself is an opportunity to explore the expansion and application of restorative approaches, especially as it relates to material supports for victims.

Recommendation #6: DCF should expand family group conferencing capacity and offerings.

Family Group Conferences (FGC) bring together parents, children (or their proxies) and people who are connected to the family either through the parent or the child(ren). FGC may be used prior to court involvement as a means to keep child or youth out of Department for Children and Families (DCF) custody, as a reunification tool to transition a child or youth back to their home, or for finding other family connections when the birth family is not available to a child or youth.

FGC requires significant preparation on the part of the facilitator and has proven to be an effective strategy to increase the safety of participating children and adult victims. Academic research supports this as an approach to domestic violence and FGC is a strategy that other countries and states use in lieu of family court appearances.

By including family members, friends and/or those in an informal support role, this approach directly addresses the isolation experienced by the victim and brings the violence into the light. The outcome of a FGC is that, notably without formal facilitation or professional support staff, a contract or agreement is created. Members of the conference support the adherence and accountability of the agreement. With appropriate resources, this approach could be offered more frequently and expanded as a tool to achieve resolution and safety on a shorter timeline than the current case timeline in Family Court.

Recommendation #7: Community-Based Programs should develop peer-support opportunities for survivors of domestic and sexual violence.

Peer support models are aligned with restorative justice approaches and ought to be developed by community-based programs aimed at addressing domestic violence, sexual violence and stalking.

Recommendation #8: There should be public investment in pilot projects aimed at addressing domestic violence, sexual violence and stalking.

The Study Group recommends that the State of Vermont appropriate funds to support a competitive RFP process through a state agency to support one systems-driven project, one system-involved project and one community-based restorative justice project that are congruent with emerging program criteria and include rigorous evaluation.

Appendix:

1. List of Study Group Members
2. List of Meeting Dates
3. Survivor Feedback Report

Appendix 1. - Act 146 Restorative Justice Legislative Study Group Membership

Name	Seat
Karen Tronsgard-Scott, Executive Director, Vermont Network Against Domestic and Sexual Violence	Executive Director of the Vermont Network Against Domestic and Sexual Violence
Peggy O'Neil, Executive Director, WISE of the Upper Valley	Executive Director of a Dual Domestic and Sexual Violence Program
Cathleen Barkley, Executive Director, HOPE Works	Executive Director of a Sexual Violence Program
Katie Sell-Knapp, Domestic Violence Victim Advocate, Windham County State's Attorneys Office	Executive Director of the Vermont Center for Crime Victim Services or Designee
Katherine Kalkstein, Executive Director of Washington County Court Diversion Program	Representative of the Vermont Association of Court Diversion Programs
Rachel Jolly, Associate Director, Burlington Community Justice Center	Representative of a Vermont Community Justice Center
David Cahill, Windsor County State's Attorney	Prosecutor Appointed by Department of State's Attorneys and Sheriffs
Tom Dalton, Executive Director, Vermonters for Criminal Justice Reform	Executive Director, Vermonters for Criminal Justice Reform
Brent Reader, Community Representative	Representative of the Vermont Abenaki Community
Anera Foco, Administrative Coordinator of DIVAS	Director of Discussing Intimate Violence and Accessing Support (DIVAS) Program at Chittenden Regional Correctional Facility
Heather Holter, Coordinator, Vermont Council on Domestic Violence	Coordinator of Vermont Council on Domestic Violence
Laura Zeliger, Director of Community and Restorative Justice, Department of Corrections	Commissioner of Corrections or Designee
Erin Keefe, Office of Defender General	Representative of Office of Defender General
Willa Farrell, Director, Court Diversion and Pretrial Services	Court Diversion and Pretrial Services Director
Rebecca Thomforde-Hauser, Associate Director Domestic Violence Programs, Center for Court Innovation	Member Appointed by Vermont Network Against Domestic and Sexual Violence
Jessica Snook, Sexual Assault Program Coordinator, Association of Africans Living in Vermont	Member Appointed by Vermont Network Against Domestic and Sexual Violence
Mary McClements, Community Member	Victim Appointed by Vermont Network Against Domestic and Sexual Violence
Ashley Messier, Consultant, Smart Justice, ACLU-VT	Victim Appointed by Vermont Network Against Domestic and Sexual Violence
Karen Vastine, Chair, Senior Advisor to the Commissioner	Commissioner for Children or Families or Designee

Appendix 2. – Act 146 Study Group Meeting Dates

July 31st, 2018

September 4th, 2018

September 27th, 2018

October 25th, 2018

November 14th, 2018

December 10th, 2018

January 24th, 2019

February 28th, 2019

March 28th, 2019

April 25th, 2019

June 5th, 2019

Appendix 3. – Survivor Feedback Report

Survivor Engagement Summary and Emerging Themes

Process:

The Vermont Network Against Domestic and Sexual Violence contracted with Kiona Heath to facilitate a process for eliciting input from survivors of domestic violence, sexual violence and stalking on issues related to restorative justice to help inform the work of the Restorative Justice Legislative Study Committee. Using a draft survey and additional input from the Restorative Justice Study Committee, Kiona developed an online and paper survey and a series of focus group questions. Surveys were distributed through the professional networks of Study Committee members and promoted via social media. A total of 136 participants provided feedback through the online/print survey and 4 focus groups were conducted with a total of 33 participants.

Emerging Themes:

1. *There are limited assets and severe limitations to current systems responses to domestic violence, sexual violence and stalking.*

A strong majority of survey respondents and focus group participants expressed disappointment with current systems responses. Systems responses were reported as inaccessible, insufficient, or retraumatizing for most people. Some individuals reported that systems responses work for some survivors' specific needs and circumstances, but that access to resources while engaging systems responses is required.

The primary reasons people chose to access systems responses were (1) safety/stability and (2) accountability. Survivors described safety and accountability as the primary goal they were seeking and thinking about when asked to rate the ability of a system to meet their needs. When asked about the most pressing needs, survivors wanted addressed they said: (1) financial burdens (cost of engaging systems and the cost of experiencing violence - child care, time off work, lost income/resources of harm doer, legal fees, medical care, new housing costs etc.), (2) sustained safety, including crisis and ongoing intervention to control the access of harm doer to the survivor and their family, that does not leave a bulk of the work to the survivor to implement and (3) mental and emotional care and validation.

Survivors often mentioned that the time line for participation in most options did not correspond to their needs or readiness along the way. More specifically that their needs and readiness for following a systems process were predicated on certain "windows of opportunity" that did not seem realistic or match their willingness to engage.

2. *Lack of nuanced understanding of domestic violence, sexual violence and stalking in current responses.*

Many survivors described that current systems approaches lack nuanced understanding about domestic violence, sexual violence and stalking dynamics. There were many requests to have law enforcement, prosecutors, judges, DCF workers be more "educated" on these issues with the hope

that they would then interpret complex or contradictory circumstances differently and make different decisions.

3. *Experiencing domestic violence, sexual violence or stalking as a parent is especially challenging.*

Parenting after violence was a major theme in surveys and focus groups. Survivors told many stories of the way they tried/had to choose their children's wellbeing over their own. Overwhelmingly, children came up as being impacted by the violence and harmdoer but left to the survivor to care for. Survivors having to work to create/support a relationship for their children with their abuser was very traumatic for many participants – especially when being told many times prior to that they were not creating enough “protection” from harm for their children.

Children were also often the reason cited for why survivors didn't “play by the [systems] rules”. Examples included “lied to hospital about what happened because I didn't want them to think my children were unsafe”; “stayed/didn't call the cops because I had nowhere to bring my kids, no way to feed them, pay for medicine”; “didn't tell anyone what happened because I needed to focus on parenting, this isn't their burden, and others would judge/make it harder for us”.

Survivors, notably across socioeconomic spectrum and through a socioeconomic lens, had major concerns about the widely held belief in and implementation of contact between children and the harm doer. Many participants who were also parents mentioned the unbelievably harmful effect being told they were not the experts on how to support their children in healing.

4. *Consideration of relationship between repair and reparations needed.*

Survivors identified an interest in attempting repair at many points in time after violence. One theme that emerged was that time restricted options are a huge barrier. There was a stated perception that accountability only happens if you act quickly and that resources only come if you have first tried every other available option and become desperate or fallen far enough.

Because current systems approaches do not center on restoration, survivors often expressed that they couldn't conceptualize repair - especially an institutionally supported process of repair. Survivors described acknowledgement of harm as needing to be authentic, to “feel right,” and to be in survivors' control. These articulated elements of acknowledgement are not easily held in current institutionalized approaches or thinking. In many cases, repair was not clear, and not the goal of justice.

Several survivors articulated the distinction between restoration and reparations. Survivors described the importance of being in control of how the harm doer contributed to a process of justice or healing over time. Survivors also articulated a key distinction between a relationship between the survivor and the harm experienced as distinct from the relationship between the survivor and the harmdoer. Survivors described many opportunities to move beyond restoration to reparations which can be described as making amends through compensation or direct help to those who have been harmed. Suggested material reparations that were described as amends that would make a significant difference to survivors include: housing (harm doer shouldn't be allowed to keep their “own” housing resources, should have to contribute to the housing of the survivor,) child care (a safe, fair and long term contribution,) mental health care for survivor and family (out of pocket costs should go to harm doer). All of these were able to be describe as both direct

compensation from harm doer and as institutionalized benefits systems that all parties participated in.

Many survivors discussed a desire for some material reparations relate to their status as a victim of crime, and the extreme financial hardship that experiencing domestic violence, sexual violence or stalking can cause.

5. *Peer support*

Survivors often expressed an interest in being in community with other survivors. Models for peer-based support were repeatedly asked for. Survivors often felt like they had a lot of experience to offer, but were never considered experts on what happened to them in existing systems responses.

The goals of most justice systems do not include building community, but this is a very widely held area of need for healing when survivors described what make them feel more whole after violence. As is often the case, many people said they would get a lot out of being able to help others. Survivors mentioned wanting to be a part of the reason why the person who harmed them could not harm others, as well as part of the healing process for other survivors through connection and mentorship.

6. *On restorative justice as a possible accountability approach to addressing domestic violence, sexual violence and stalking.*

Survivors shared that they are interested in pathways to accountability while emphasizing that accountability does not necessarily mean acknowledgement or involvement from the person who harmed them. When considering acknowledgement and repair – the theme of the depth and authenticity to acknowledgement came up frequently. Survivors had many questions about whether people who abuse others can ever be “rehabilitated”.

There was interest in expanding the notion of accountability beyond the individualized understanding used in the criminal legal system. Survivors described accountability as including institutional affirmation of harm done that supports the healing and recovery process of the survivor.

Survivors emphasized that restorative options should not be considered a “fix to the failings of a punitive system”. One survivor stated, “I don’t think I should have to consider restorative justice because the system failed.” There was a desire for alternative pathways to center survivors, not their victimhood. Survivors discussed how restorative options would be helpful if available at any point after the harm occurs. Survivors wondered whether there could be multiple entry points to one larger “system of justice” – which included criminal, community, family and healing based justice options. The outcome as described by participants in these brainstorm included the idea that calling law enforcement could bring you to a restorative justice panel, or your abuser treatment program.

In survivors' own words: What does justice mean to you?

Limiting a person's options when they are not deserving of freedom. Consistent and accountable enforcement of those limitations.

Accountability – not in silence, but active and spoken.

Acknowledgement does not necessarily equal an apology. Justice seeks accountability, which requires acknowledgement in some form (from harm doer or systems with power in harmdoers life) but does not have to bring about remorse.

Trying responses when survivors are READY – giving survivors choices means options available when they are capable of making that choice. The idea of “missing your chance” and justice or accountability is very present in a system that lacks humanity and responsiveness to trauma. *“How can it be that I missed my chance to do the thing I need to do, or get the things I need to get, to recover?”* – this comment included as assessment of “readiness” on the part of the harm doer, survivor healing cannot be linked to harm doer readiness – reference to COSA panels and incentivizing harm doer participation in their own accountability.

A survivor who was abused (by a step brother) as a child inside of court ordered visitation to her father's house believes the system is more accountable for that violence than the step brother or the parents that denied the abuse. The ripple effect of this being that repair must happen with that system before it can be trusted – as well as a feeling of personal accountability to protect children from future abuse. As in, this survivor witnesses her step brother in contact with many children including his own, what is her responsibility here if they systems cannot be trusted?

Abusers don't want you to be OK - “Justice is them seeing you get better.”

Just because something is “settled” in court it doesn't mean it is settled in lived experience. Justice has something to do with “settling” in life, which is much harder and tied to time and healing.

“Victims are not responsible for justice.” – enforcement of the rules in place is not on the survivor, but it would be helpful if there were more tools given to the survivor to encourage those systems to act (technical assistance, actually technology like smart phones, placed to document abuse, etc). “The system needs to hold the boundary,” to have power over the harm doer that the individual survivor never had.

More open visibility and public acknowledgment of DV, SV and Stalking would make all forms of justice more attainable. The impact is on schools, employers, community spaces, etc, and if it the issues did not feel out of the “norm” then all organizations would hold themselves accountable to their role in the creating justice and safety.

Also MONEY

In survivors' own words: What does healing mean to you?

Time

Therapy, therapy, counseling, therapy, and more counseling.

Whatever gets you to not being deserving of the abuse and letting go of self-blame

Being in healthy relationships, finding a way back into healthy relationships with partners, parents, children, etc.

Connecting with other survivors – knowing you are not alone. Counteracting the isolation of the violence and the isolation of the interventions that tend to be available.

Participation in the social fabric that creates safety and support for all people.

Money

Speaking up, not staying in silence, talking to others and having them believe what happened.

Family – not having abuse, assault, ongoing violence be the reason why a survivor cannot engage with or have the family a survivor wants.

Acknowledgement of harm done – there's a lot of pain attached to the denial of abuse and violence experienced by survivors, but harm doers, by family, and by systems. The practice of healing often looks like addressing that pain.

"If I wasn't carrying this trauma, what kind of person [partner, parent, community member, employee] would I be?"