



Funding Proposal: LA County Restorative Justice Proposal for Anti- Human Trafficking

We are requesting **\$5 million annually for 5 years** to pilot the first pre-filing restorative justice¹ program for human trafficking survivors in Los Angeles County.

WHY A RESTORATIVE JUSTICE PROGRAM SHOULD BE DEVELOPED FOR HUMAN TRAFFICKING SURVIVORS AND ACCOUNTABLE PARTIES IN LOS ANGELES

Since the passage of the Victims of Trafficking and Violence Protection Act of 2000², there has been a push to provide criminal justice to human trafficking victims in the United States. However, across the nation, including within Los Angeles, enhancing prosecutorial efforts to arrest and convict traffickers has dominated the resources devoted to combating human trafficking. For far too long successful outcomes in justice have been tied exclusively to the conviction of a human trafficker and subsequent jail time. This approach is costly and has been proven to do little to prevent and deter human trafficking or ensure that responsible parties are rehabilitated and do not reoffend. Furthermore, a 2018 Department of Justice-funded study showed that justice achieved through the traditional legal system may not be what trafficking survivors want and may actually cause more harm than healing.³ Human trafficking victims often suffer physical, psychological, and psychosocial harm as a result of varied and multiple traumatic events suffered over a period of time at the hands of their traffickers.⁴ Requiring victims to relive their circumstances repetitively as they prepare for trial re-traumatizes these victims⁵. In addition, prosecution in trafficking cases can take up to three times longer than other criminal cases,⁶ which can further delay the healing process. Many trafficking victims report being treated more like a criminal than like a survivor⁷ and are often threatened by police with potential charges of prostitution or drug offenses in order to secure their

¹ See Appendix C for a comparison of Restorative Justice vs. Punitive frameworks.

² Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466 (2000).

³ J. Hussemann et al., *Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors*, OFFICE OF JUSTICE PROGRAMS' NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE (April 2018).

⁴ Farrell, A., C. Owens, & J. McDevitt (2013). *New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases*. Boston, MA: Northeastern University.

⁵ Latinx individuals, Immigrants, Disabled Individuals and LGBTQI individuals are disproportionately affected by this re-traumatization. *Support Every Survivor: How Race, Ethnicity, Gender, Sexuality, and Disability Shape Survivors' Experiences and Needs*, Free Form, <https://www.freefrom.org/wp-content/uploads/2022/10/Support-Every-Survivor-PDF.pdf>

⁶ Clawson, H.J., N. Dutch, S. Lopez, & S. Tiapula., *Prosecuting human trafficking cases: Lessons learned and promising practices*, U.S. DEPARTMENT OF JUSTICE, (2008).

⁷ 72% of sex trafficking victims involved in a 2018 study indicated they had been a defendant in a criminal case prior to participating in a criminal case as a witness against their trafficker. *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* August 2016 [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf](https://efaidnbmnnnibpcajpcglclefindmkaj/https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf)



cooperation at trial.⁸ In other instances trafficking survivors have been arrested multiple times for crimes their traffickers have forced them to commit.⁹ This leads to trafficking survivors' inherent distrust in the current criminal justice model. Some victims fear that incarceration allows traffickers to improve their trafficking tactics and build a larger trafficking network with other inmates.¹⁰

Given the (i) potential negative impacts the judicial system can inflict on a survivor, (ii) lack of evidence that incarceration actually reduces the prevalence of trafficking or prevents trafficking in the long-run, and (iii) national dialogue and commitments in California to reduce prison populations, now is the time for Los Angeles to lead the nation and fund the first community based restorative justice program for human trafficking survivors.

In supporting funding for the first restorative justice pilot program for human trafficking survivors, Los Angeles will be listening to what survivors actually want. In the 2018 Department of Justice-funded study discussed above that interviewed 80 sex and/or labor trafficking survivors, the researchers found that over 75% of survivors of trafficking did not want to see their trafficker incarcerated. The researchers further found that survivors expressly criticized incarceration because they did not feel it was a valuable way to achieve accountability for traffickers' wrongdoing. Although the survivors in this study agreed on the importance of holding traffickers accountable, across the board, labor and sex trafficking survivors saw justice primarily in terms of preventing traffickers from harming others.¹¹

Sabra Boyd, a journalist and lived experience expert perhaps most compellingly summarizes the reasons for taking a survivor-oriented, restorative justice approach:

Many prosecutors and judges have asked me how I can possibly not want my trafficker to go to jail as a child trafficking survivor. But it's simple: The man who trafficked me until I was 10 years old went to prison and was incarcerated many times throughout my childhood. And each time he was released more violent than before. My little sister was trafficked after she was incarcerated and homeless. She was sentenced to prison when she defended herself for the first time against her trafficker. My traffickers when I was a homeless teenager faced barriers to employment after incarceration. I doubt they would have preyed on me and exploited people had they not faced the insurmountable odds that post-prison life imposes in terms of employment, housing, and countless other aspects of their lives and needs to survive. Incarceration and the way people with criminal records are treated in the U.S. makes people desperate and vulnerable, which creates the conditions for exploitation and human trafficking. I wish the money spent on prisons was invested in the things that trafficking victims [and other crime victims] actually need, because incarcerating 33% of the population is obviously not making us safer.

⁸ Please see reports: Latinx Individuals (<https://transequality.org/sites/default/files/docs/usts/USTSLatinReport-Nov17.pdf>), Black Individuals (<https://transequality.org/sites/default/files/docs/usts/USTSBlackRespondentsReport-Nov17.pdf>), American Indian Individuals (<https://transequality.org/sites/default/files/docs/usts/USTS-AIAN-Report-Dec17.pdf>), and Asian American Individuals (<https://transequality.org/sites/default/files/docs/usts/USTS-ANHPI-Report-Dec17.pdf>)

⁹ Beth Jacobs, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking*, NATIONAL SURVIVOR NETWORK (August 2016) <https://nationalsurvivornetwork.org/wp-content/uploads/2019/08/NSNVacate-Survey-2018.pdf>.

¹⁰ J. Hussemann, *supra* note 13, p. 13.

¹¹ J. Hussemann, *supra* note 13, p. 14. The participants of RESTORE, a federally funded pilot program in Arizona, created a program for misdemeanor and felony sexual assault offenders. By completing the program, the victim participants suffering PTSD dropped from 82% to 66%. Additionally, 90% of all participants believed that "justice was done."



The time for Los Angeles to take a new approach is well overdue. Los Angeles should provide trafficking survivors with an alternative to the traditional criminal justice system. By giving trafficking survivors this choice, Los Angeles would provide survivors in our county with greater autonomy and involvement in the type of justice they seek. Evidence based research has shown that restorative justice models better help survivors heal and move on from their trafficking experience by prioritizing the safety, rights, and dignity of the survivor over the punishment of the trafficker. Additionally, the Los Angeles community¹² may also benefit from piloting a restorative justice model approach given that emerging evidence-based data supports that such approaches contribute to lower rates of recidivism and can prevent more crime in the long-run. Los Angeles must listen to survivors and follow the documented evidence and research by forging a new path to justice in the county for survivors of human trafficking.

WHY RESTORATIVE JUSTICE SHOULD BE USED FOR SURVIVORS OF VIOLENT CRIME

Many feel that survivors of violent crime, especially gender-based violence like human trafficking, should not be included when considering alternative approaches to criminal justice. However, restorative justice practices for gender-based violence are increasingly accepted, as seen through the passage of the 2022 Reauthorization of The Violence Against Women Act (the “Act”).¹³¹⁴ For the first time since its passage in 2000, the Act authorized new grant programs related to victim services to focus on “restorative practices to ‘prevent or address’ VAWA-related offenses,”¹⁵ which includes domestic violence, sexual assault, dating violence, and stalking. The text of this enacted funding authorization can be found in *Appendix A* and should serve as a model for Los Angeles county’s restorative justice programs for human trafficking survivors. The Act specifically requires allocating funding to “community-based” providers unaffiliated with any civil or criminal legal process¹⁶ and requires voluntary engagement in the program by the survivor. Although there are currently no programs in the United States offering restorative justice programs for survivors of human trafficking, Los Angeles County can adopt a restorative justice program model based on models that have been piloted for other survivors of violent crimes.¹⁷

¹² Restorative justice practices may also facilitate changes in contexts that support behaviors valued by the community. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8385698/>

¹³ It is important for resources to account for the unique experiences of survivors. Resources that do not account for these groups will exclude large groups of survivors from accessing effective support. For example, simply sending all survivors a stimulus check won’t be effective for folks who don’t have safe access to a bank account. Instead, survivors need multiple options for how to receive these payments and extra support in opening and protecting a safe account.

¹⁴ <https://crsreports.congress.gov/product/pdf/R/R47570/2#:~:text=women%20in%20particular,-The%20act%20authorized%20grants%20to%20state%2C%20local%2C%20and%20tribal%20law,of%20specified%20federal%20sex%20offenses.>

¹⁵ *Id.*

¹⁶ Based on a report conducted by Free Form, a financial security and safety for survivors based organization, when they asked survivors who they would ideally want to call in a crisis 40.4% said they would call a community crisis intervention team and 40.4% also said they would not call the police. <https://www.freefrom.org/wp-content/uploads/2022/08/Beyond-Crisis-PDF.pdf>. These statistics further demonstrate that shifting towards community- based forms of restorative justice will meet the needs of many survivors.

¹⁷ In Oakland, California, the Community Works West Organization conducted a program that “diverted 102 youths for crimes that would have otherwise been addressed through the juvenile justice system.” 91% of the victim participants reported they would participate in another conference and would recommend the process to a friend. The youths that participated in the program were 44% less likely to recidivate compared to similarly situation probation youths, and the program yielded a cost savings of \$18,500. The program has a one-time cost of \$4,500, compared to probation in Alameda County, which costs \$23,000 per year. California Victims Legal Resource Center, *Restorative Justice and Victims’ Role and Interests*, VIMEO (Apr. 17, 2023), <https://vimeo.com/user41578990/review/818492117/9be3546e9a>.

Below are a few examples of restorative justice programs that serve survivors of violent crime:

(1) Common Justice, an organization based in New York, is an alternative to incarceration for participants who have committed extremely serious crimes, including shootings, stabbings, and other violent assaults. If the victims agree to participate, the victims will meet with the responsible party (or the victims will use a surrogate to represent them) “and family and community members with a stake in the outcome.”¹⁸ The victims are free to reject the Common Justice alternative, in which case the responsible party will go through the typical court process, and if convicted, serve prison sentences. However, when offered Common Justice’s alternative model, 90% of the victims chose the alternative over the traditional criminal justice process, understanding that the responsible party will not be sent to prison. Evidence-based research showed that offenders who engaged in this program had a recidivism rate of only 6%. Additionally, from 2012-2018, Common Justice expelled only one participant from the program for committing a new crime.

(2) RESTORE, a federally funded pilot program in Pima County, Arizona, addresses felony sexual assault cases. Results from an evidence-based study of this program found that (i) the percentage of victims suffering from PTSD after completing the program dropped from 82% to 66% and (ii) over 90% of participants “felt safe, listened to, supported, treated fairly, treated with respect, and not expected to do more than they anticipated.” The study also found that two-thirds of felony-referred responsible parties completed the program and that approximately 83% of all participants believed that “justice was done.”¹⁹

(3) “Re:Store Justice” is a 5-year program that launched in 2019 geared towards both the victims and responsible parties in Richmond, California.²⁰ In lieu of filing criminal charges, the program sends offenders to substance abuse treatment, counseling, education, and job training. To facilitate the proper treatment the responsible party, victim, members of community groups, law enforcement, and defense attorneys work together to create a plan based on the victim’s and community’s needs for safety and accountability.²¹

COSTS AND COST SAVINGS

By adopting a restorative justice based approach, Los Angeles County will both save thousands of dollars and many lives. In 2021, “Los Angeles County budgeted \$1.3 billion to detain people held by the Los Angeles County Sheriff’s Department, which resulted in a \$134.22 cost per county resident annually.”²² Since 2011, the budget for Los Angeles County jails has increased by 44%. During this same period, the population of Los Angeles county jails decreased by 5%.²³ The Vera Institute of Justice, an organization that fights to transform the criminal and legal justice systems across the U.S., has compiled these results

¹⁸ *Our Work*, COMMON JUSTICE, https://www.commonjustice.org/our_work (last visited June 26, 2023).

¹⁹ Mary P. Koss, Ph.D., *The RESTORE Program of Restorative Justice for Sex Crimes: Vision, Process, and Outcomes*, 29 J. OF INTERPERSONAL VIOLENCE, 1, 26 (2013).

²⁰ Aron Kumar Roy, *Re:Store Justice starts 5-year restorative justice pilot program*, [HTTPS://SANQUENTINNEWS.COM](https://sanquentinnews.com/restore-justice-starts-5-year-restorative-justice-pilot-program/) (Sept. 11, 2019), <https://sanquentinnews.com/restore-justice-starts-5-year-restorative-justice-pilot-program/>.

²¹ Don Thompson, *California diversion program lets victims confront offenders*, AP NEWS (July 8, 2019) <https://apnews.com/article/c17f8077b29b41ffa9b698f886217412>.

²² Vera Institute of Justice, *What Jails Cost: Cities: Los Angeles, CA*, VERA, <https://www.vera.org/publications/what-jails-cost-cities/los-angeles-ca> (last accessed June 26, 2023).

²³ *Id.*

into the chart below. Notably, in 2021, the annual cost of incarceration for one person in Los Angeles County was \$89,580. Currently in California, it costs approximately \$106,131 to incarcerate one inmate, a number that has increased by 117% since 2011.²⁴

	FY2011	FY2021	Change	Percent change
Jail budget	\$935,939,618	\$1,347,462,000	\$411,522,382	44%
Jail population	15,759	15,042	-717	-5%
Jail employees	6,876	7,786	910	13%
Annual cost per incarcerated person	\$59,391	\$89,580	\$30,189	51%

Perhaps most noteworthy in the findings for restorative justice programs is that for nearly a third²⁵ of the cost of incarceration, restorative justice programs offer wrap-around support to survivors AND a facilitated process for the accountable party to better ensure the prevention of future harm. Currently, 87% of survivors reported not receiving any financial or economic assistance to help recover.²⁶ Human trafficking service providers and survivor leaders have voiced for years that inadequate comprehensive services for survivors of human trafficking and time limitations on services are some of the greatest barriers to survivors recovery.²⁷ Survivors who are often dependent on their trafficker to meet all their basic needs must have access to long-term wrap around services to address the socioeconomic factors which make them vulnerable to re-trafficking. California should invest in a restorative justice framework that assures this support for survivors and provides more assurance that offenders are less likely to harm again.

From a cost-savings perspective alone, it would be beneficial for Los Angeles County to take the important step of adopting a pilot restorative justice program for human trafficking survivors as an alternative to traditional criminal justice prosecution. This pilot program would (i) be in line with documented research regarding human trafficking survivors’ wants and needs, (ii) remove the burden on taxpayers who bear the costs of placing perpetrators in jail and then prison, and (iii) decrease defendants’ likelihood of recidivism.

The table below provides a breakdown of the proposed \$5,000,000 annual budget for a pilot human trafficking restorative justice program. This money will be used to develop capacity to provide comprehensive support to 90 survivors and rehabilitative support to 90 responsible parties over a 2 year period, or 360 individuals over a 5 year grant assuming one year of start-up costs.

(A)	(B)	(C)	(D)	(E)
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²⁴ California State Legislature, Legislative Analyst’s Office, *How much does it cost to incarcerate an inmate?*, LAO (updated Jan. 2022).

²⁵ Statistic based on the \$18,000 its cost for a restorative justice fellowship program annually in Richmond, California. See COST BENEFIT ANALYSIS: OPERATION PEACEMAKER (2017) at pg 14. https://www.advancepeace.org/wp-content/uploads/2017/04/6-USC_ONS_CBA.pdf. Further the average cost of operating a Restorative Justice Program in California is about \$1,719,739 annually. This average cost was generated based on the reported expenses of California-based restorative justice non-profits, gathered from tax form 990s including; Restorative Justice Partners Inc., Restorative Justice Resource Center, Center for Restorative Justice Works, Restorative Justice for Oakland Youth, Communities United for Restorative Youth Justice.

²⁶ Alliance for Safety and Justice, *Crime Survivors Speak* (2022) at pg 5. Available at <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>

²⁷ 2023 Trafficking in Persons Report: United States, <https://www.state.gov/reports/2023-trafficking-in-persons-report/united-states>. Advocates noted funding for victim services remained inadequate to cover the high cost of providing services and the increased demand for services. Federally funded services and organizations’ programs continued to focus on time-limited and immediate crisis intervention rather than long-term, holistic care.



Annual Cost per Responsible Party	Annual Cost per Survivor	Annual Cost per 90 Responsible Parties	Annual Cost per 90 Survivors	Annual cost per 90 Survivors & 90 Responsible parties
\$20,555	\$35,000 *	\$1,849,950	\$3,150,000	\$4,999,950

Column A in the table above shows the annual cost per responsible party is \$20,555. Based on our findings from other restorative justice programs, this number is well within the average range of costs for providing services. For example, Advance Peace, a Sacramento-based non-profit organization, organizes a program for individuals who are involved in gun violence to receive mentorship and life coaching. This is an 18-month program for 50 fellows who have been arrested for crimes and the total cost of the program was \$1,384,836, or approximately \$18,464 per year per fellow.²⁸

Column B in the table above shows the annual cost per survivor is \$35,000.²⁹ This number includes the costs for wrap-around services for survivors, including case management, shelter, legal services and other direct cash assistance support. It is important to note that these wrap-around services are neither available nor accessible to survivors in traditional criminal justice systems, which focus exclusively on state prosecution and imposition of lengthy carceral sentences of the responsible party. These wrap-around services are vital for survivor safety and protection for many reasons. For example, evidence based research shows that many survivors rely on harm-doers for financial security and therefore must choose between their immediate safety and potentially losing access to the financial resources they need to support their kids if a harm-doer is incarcerated.³⁰

Column E in the table above reflects the total annual cost to provide services to 90 responsible parties and 90 survivors. The total number of participants used in our estimate is based off a report from Los Angeles County’s District Attorney’s Office detailing human trafficking filings and arrests in Los Angeles County between 2020-2022³¹. Based on our review of the data in this report, there was an average of 89 filed cases against responsible parties annually.

Based on the above data, we believe implementing a restorative justice program would approximately yield a 4-to-1 cost benefit ratio.³² This means for every dollar spent on a restorative justice program, the criminal

²⁸ For more information about this program visit <https://www.advancepeace.org/wp-content/uploads/2020/04/Corburn-and-F-Lopez-Advance-Peace-Sacramento-2-Year-Evaluation-03-2020.pdf>

²⁹ <https://www.castla.org/policy/2018-policy-priority-documents-archive/> Cost estimates are provided from a survey of 17 direct service providers for victims of human trafficking serving Los Angeles County, San Diego County, Riverside County, Fresno County, Ventura County, Orange County, Kern County, San Bernardino County, South Bay, San Francisco Bay Area, and the Sacramento Region. The cost of providing wrap-around services to one survivor per year is \$21,450.40. These estimated costs were provided in 2018 (pre-Covid-19 pandemic), and therefore, we have increased the cost per survivor based on the inflationary pressures COVID-19 has placed on our society.

³⁰ Before and Beyond Crisis: What Each of us Can do to Create a Long-Term Ecosystem of Support for All Survivors, Free Form, <https://www.freefrom.org/wpcontent/uploads/2022/08/Beyond-Crisis-PDF.pdf>

³¹ See *Appendix B* for full report.

³² This is calculated by *the average cost to incarcerate a Los Angeles County individual (\$89,580) multiplied by 90 divided by the average cost of a defendant in the restorative justice program (\$20,555) multiplied by 90*. If we instead factored in the total cost of the restorative justice program, then it would be a 1.6 to 1 cost benefit ratio, which is calculated by taking *the average cost to incarcerate a Los Angeles County individual (\$89,580) multiplied by 90 divided by the cost of one year of the restorative justice program (\$4,999,950)*. Given that the traditional criminal justice system does not provide fulsome wrap-around services for survivors, we believe the latter cost benefit ratio is skewed in favor of the traditional criminal justice system.

Crime Prevention & Criminal Justice Module 8 Key Issues: 3. How Cost Effective is Restorative Justice? (unodc.org). Based on a study conducted in 2008, researchers concluded restorative justice results in an 8 to 1 cost benefit ratio over the traditional criminal justice system.



justice system would save \$4. Under this proposal, Los Angeles County would save approximately twenty million (\$20,000,000) dollars if they implemented a restorative justice program over five years.

Current restorative justice programs are already showing the benefits of such cost savings. For example in Alameda County, California, research shows that implementing restorative justice programs over probation programs will save \$18,500 per responsible party.³³ In Richmond, California, the Peacemakers program reviewed four categories of costs and seven categories of benefits and the final calculations produced a net present value of over \$500 million (roughly \$535,997,354) for the first five years of program impact. Another program, RED, costs on average \$7,500 per program participant, and according to the RED Program Informational, “based on 135 program graduates this program would have saved taxpayers \$1.69M, not including prosecutorial savings.³⁴ In addition, RED generated an economic benefit to the state of Georgia of over \$2.97 million.”³⁵ Utilizing this data programs like RED could, over a three-year period, potentially save state taxpayers and economically benefit the state almost \$14 million.³⁶ Los Angeles County can implement programs focused on alternatives to incarceration, like RED, and obtain similar, if not greater, costs savings and benefits.

The savings offered by restorative justice programs in comparison to traditional criminal justice procedures are even greater when accounting for the long-term cost of incarceration. Under California law, those convicted of human trafficking face sentences ranging between 12-20 years in a California state prison³⁷. Assuming a trafficker receives a sentence somewhere in the middle of this range, or 16 years, incarcerating a single trafficker could cost California \$1,698,096.

CONCLUSION

Restorative justice initiatives expand the potential for real change in communities, the justice system, and the realization of justice for survivors of human trafficking. Compared to the current justice system, restorative justice programs have proven to be more effective in both reducing the likelihood of reoffending and saving taxpayers money. In allocating the first funding for a restorative justice pilot program, Los Angeles County will be taking an important first step towards affording justice to human trafficking survivors on survivors’ own terms. In doing so, Los Angeles County will provide new pathways for increased community safety, save taxpayer money in both the short and long-term and save thousands of lives by investing in approaches that may prevent trafficking in the long run.

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³³ Restorative Community Conferencing: A study of Community Works West’s restorative justice youth diversion program in Alameda County (2017)
<https://impactjustice.org/resources/restorative-community-conferencing-a-study-of-community-works-wests-restorative-justice-youth-diversion-program-in-alameda-county/>.

³⁴ RED: *Rehabilitation Enables Dreams*, *supra* note 1.

³⁵ *Id.*

³⁶ 5.07 million in taxpayer savings and 8.81 million in the economic benefit for the state.

³⁷ Cal. Pen. Code 236.1



APPENDIX A

The 2022 Act defines restorative practices as “a practice relating to a specific harm that—

- (A) is community-based and unaffiliated with any civil or criminal legal process;
- (B) is initiated by a victim of the harm;
- (C) involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—
 - (i) 1 or more individuals who committed the harm;
 - (ii) 1 or more victims of the harm; and
 - (iii) the community affected by the harm through 1 or more representatives of the community;
- (D) shall include and has the goal of—
 - (i) collectively seeking accountability from 1 or more individuals who committed the harm;
 - (ii) developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and
 - (iii) developing a written course of action plan—
 - (I) that is responsive to the needs of 1 or more victims of the harm; and
 - (II) upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and
- (E) is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community³⁸.

³⁸ 34 U.S.C. §12291(a)(31)



APPENDIX B
PC 236.1 FILINGS AND DECLINES
CALENDAR YEARS 2020 - 2022

Unique Defendants By Agency/Charge	By Action/ Action Year			Filed Total	Declined			Declined Total	Total
	Filed				2020	2021	2022		
	2020	2021	2022		2020	2021	2022		
LAPD	27	59	16	102	22	33	22	77	179
PC 236.1(A)	2	3		5	1	2		3	8
PC 236.1(B)	10	12	3	25	13	17	9	39	64
PC 236.1(C)		3		3					3
PC 236.1(C)(1)	13	42	12	67	7	12	13	32	99
PC 236.1(C)(2)	8	5	3	16	1	2		3	19
PC 664/236.1(B)	3			3					3
LASD	10	2	3	15	13	4	6	23	38
PC 236.1(A)	1			1					1
PC 236.1(B)	6	1	2	9	4	2	4	10	19
PC 236.1(C)(1)	5	1	1	7	9	2	2	13	20
PC 236.1(C)(2)	2		1	3					3
OTHER	15	12	4	31	10	5	3	18	49
PC 236.1(A)	2			2	1	1	1	3	5
PC 236.1(B)	3		1	4	5	1	2	8	12
PC 236.1(C)(1)	10	8	3	21	3	3		6	27
PC 236.1(C)(2)	2	5		7	1			1	8
Total	52	73	23	148	45	42	31	118	266



APPENDIX C

WHAT IS RESTORATIVE JUSTICE?

“Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders.”³⁹ The three key principles of restorative justice are: (1) encounter, (2) repair, and (3) transform.⁴⁰ Encounter is voluntary, but provides a safe space for all parties to come together to understand the harm and to develop a plan, and can also be achieved through community service.⁴¹ Repair is a collaborative approach that seeks to heal victims’ harm and offers space for the offender to make amends.⁴² Transform represents the result of the restorative encounters and focuses on the root cause of the crime to reshape affected communities and reduce the likelihood of the crime reoccurring.⁴³ When examining the various theories of justice, as shown in the table below, evidence-based data shows that restorative justice is the theory that has the most positive impact on survivors of crime, communities, and perpetrators.⁴⁴ Restorative justice can provide a more victim/survivor-centered approach to addressing the harm, naming the harm, and understanding how the harm has impacted the harmed party. Further, restorative justice provides possible avenues that help to ensure that this harm never happens again. In fact, restorative justice increases an individual’s understanding of the harm they have committed and can prevent future harm. Anti-trafficking research shows this understanding of harm is far more important to victims of human trafficking than traditional forms of punishment, such as incarceration. However, to date, no program in the United States has offered this model to survivors of human trafficking.

Theory	Goal	Method	Impact	Impacts on the System of Incarceration
Retribution	Revenge/Justice	Prison as punishment. Victims face criminal justice trial and ordeal of constitutional protections for defendants in criminal court	Extremely harmful to mental and physical health on both victims and defendants ⁴⁵	Prisons and the carceral system are costly and limit investment into other programs and services for both victims and defendants.

³⁹ Centre for Justice & Reconciliation at Prison Fellowship International, *What is Restorative Justice?*, UNIVERSITY OF MINNESOTA, DULUTH, 2 <https://www.d.umn.edu/~jmaahs/Correctional%20Assessment/rj%20brief.pdf#:~:text=Restorative%20justice%20is%20a%20theory%20of%20justice%20that,in%20several%20ways.%20First%2C%20it%20views%20criminal%20acts> (last accessed June 26, 2023).

⁴⁰ *Restorative Justice: Breaking the Cycle of Crime*, FIRST STEP ALLIANCE (updated Sept. 23, 2022), https://www.firststepalliance.org/post/what-is-restorative-justice?gclid=EA1aIQobChMIy8a4nrS4_gIVJCitBh3V2gwwEAAYAiAAEgKQXfD_BwE.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ HENRY E. BRADY, PH.D., ET AL., CRIMINAL JUSTICE REFORM AND PUBLIC SAFETY: AN IN-DEPTH ANALYSIS OF THE FACTS, ORIGINS AND TRENDS OF CRIMINAL JUSTICE REFORM AND PUBLIC SAFETY IN CALIFORNIA 1, 10 (2022).

⁴⁵ “Decades of research show that many of the defining features of incarceration are stressors linked to negative mental health outcomes: disconnection from family, loss of autonomy, boredom and lack of purpose, and unpredictable surroundings. Inhumane conditions, such as overcrowding, solitary confinement, and experiences of violence also contribute to the lasting psychological effects of incarceration, including the PTSD-like Post-Incarceration Syndrome.” Wendy Sawyer and Peter Wagner, *Mass Incarceration: The Whole Pie 2023*, <https://www.prisonpolicy.org/reports/pie2023.html> (March 14, 2023).



		where standard is proof beyond a reasonable doubt.		
Rehabilitation	Identify and fix criminogenic risks	Prison changes people by changing their circumstances. Victims still face the same criminal justice process and receive limited services due to investments in the carceral system.	May reduce crime going forward as defendants are offered supportive services.	Prison becomes a place of rehabilitation.
Restorative Justice	Rectify harm to victims	Apologizing and providing restitution to those harmed and provides a plan for accountability that is victim and community centered; has been shown to be a place of healing for both victims and defendants.	Increases understanding of harm to victims and emphasizes change going forward; prevents crime by community engagement and involvement and investment into systemic change to prevent violence.	Prison at cross-purposes as they only amplify harm.

Emphasis on community is integral to the definition of restorative justice practices. For instance, the United Nations Office on Drugs and Crime published a handbook on restorative justice programs, which included the following definition of restorative justice:" There are at least four critical ingredients for a fully restorative process to achieve its objectives: (a) an identifiable victim; (b) voluntary participation by the victim; (c) an offender who accepts responsibility for his/her criminal behavior; and, (d) non-coerced participation of the offender. Most restorative approaches strive to achieve a specific interactive dynamic among the parties involved. The goal is to create a non-adversarial, non-threatening environment in which the interests and needs of the victim, the offender, the community and society can be addressed.⁴⁶

⁴⁶ https://www.unodc.org/pdf/criminal_justice/Handbook_on_Restorative_Justice_Programmes.pdf p. 8