



LOS ANGELES ANTI-HUMAN TRAFFICKING RESTORATIVE JUSTICE PROPOSAL

WHY A RESTORATIVE JUSTICE PROGRAM FOR HUMAN TRAFFICKING SURVIVORS SHOULD BE DEVELOPED

Since the passage of the Victims of Trafficking and Violence Protection Act of 2000¹, 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.

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.

WHY RESTORATIVE JUSTICE SHOULD BE USED FOR SURVIVORS OF HUMAN TRAFFICKING

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”).²³ 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,”²⁴ which includes domestic violence, sexual assault, dating violence, and stalking.

Trafficking victims report being treated more like a criminal than like a survivor⁵ and are often threatened by police with potential charges of prostitution or drug offenses in order to secure their cooperation at trial.⁶ In other instances trafficking survivors have been arrested multiple times for crimes their traffickers have forced them to commit.⁷ 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.⁸

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.

COSTS AND COST SAVINGS

We are requesting **\$5 million annually for 5 years** to pilot the first pre-filing restorative justice⁹ program for human trafficking survivors in Los Angeles County. 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.

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

¹ Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1466 (2000).
² 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.
³ <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.>
⁴ *Id.*
⁵ 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://efaidnbmnncnibpajpcglclefindmkaj/https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf
⁶ 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)
⁷ 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>.
⁸ J. Hussemann, *supra* note 13, p. 13.
⁹ See Appendix C for a comparison of Restorative Justice vs. Punitive frameworks.



billion to detain people held by the Los Angeles County Sheriff's Department, which resulted in a \$134.22 cost per county resident annually."¹⁰ 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%.¹¹ In 2021, the annual cost of incarceration for one person in Los Angeles County was \$89,580.

For nearly a third¹² 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.¹³ 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.¹⁴

We believe implementing a restorative justice program would approximately yield a 4-to-1 cost benefit ratio.¹⁵ This means for every dollar spent on a restorative justice program, the criminal 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.¹⁶ 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.

¹⁰ 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).

¹¹ *Id.*

¹² 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.

¹³ 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>

¹⁴ 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

NEED FOR ACTION

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.

FOR MORE INFORMATION

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ABOUT SJI

Sunita Jain Anti-Trafficking Policy Initiative (SJI) is an evidence-based and community-informed think tank that intentionally fills gaps in human trafficking prevention with an intersectional approach through systemic change and policy innovation.

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.

¹⁵ 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.

¹⁶ 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/>.