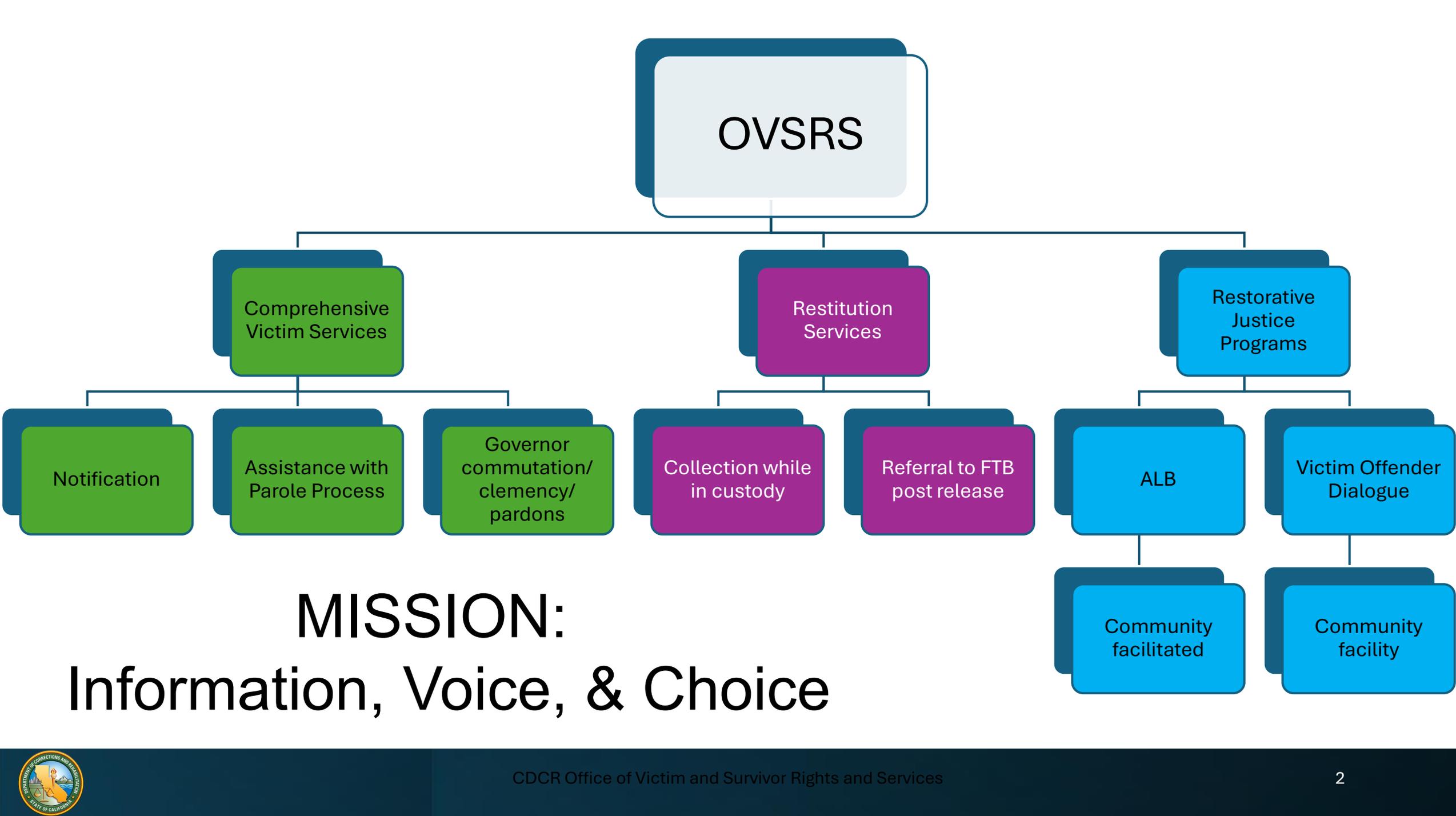




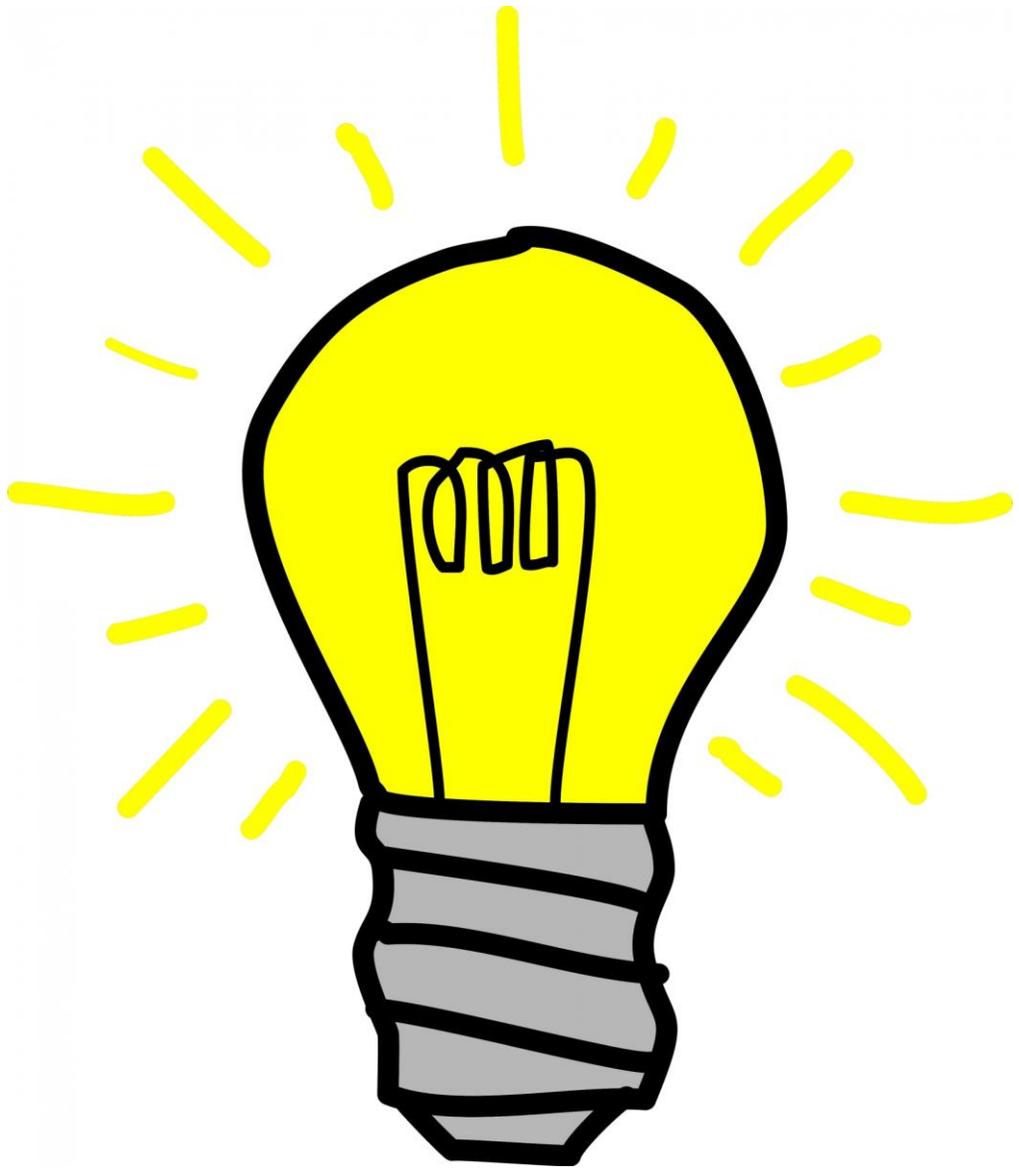
# OVSRS and Restorative Justice

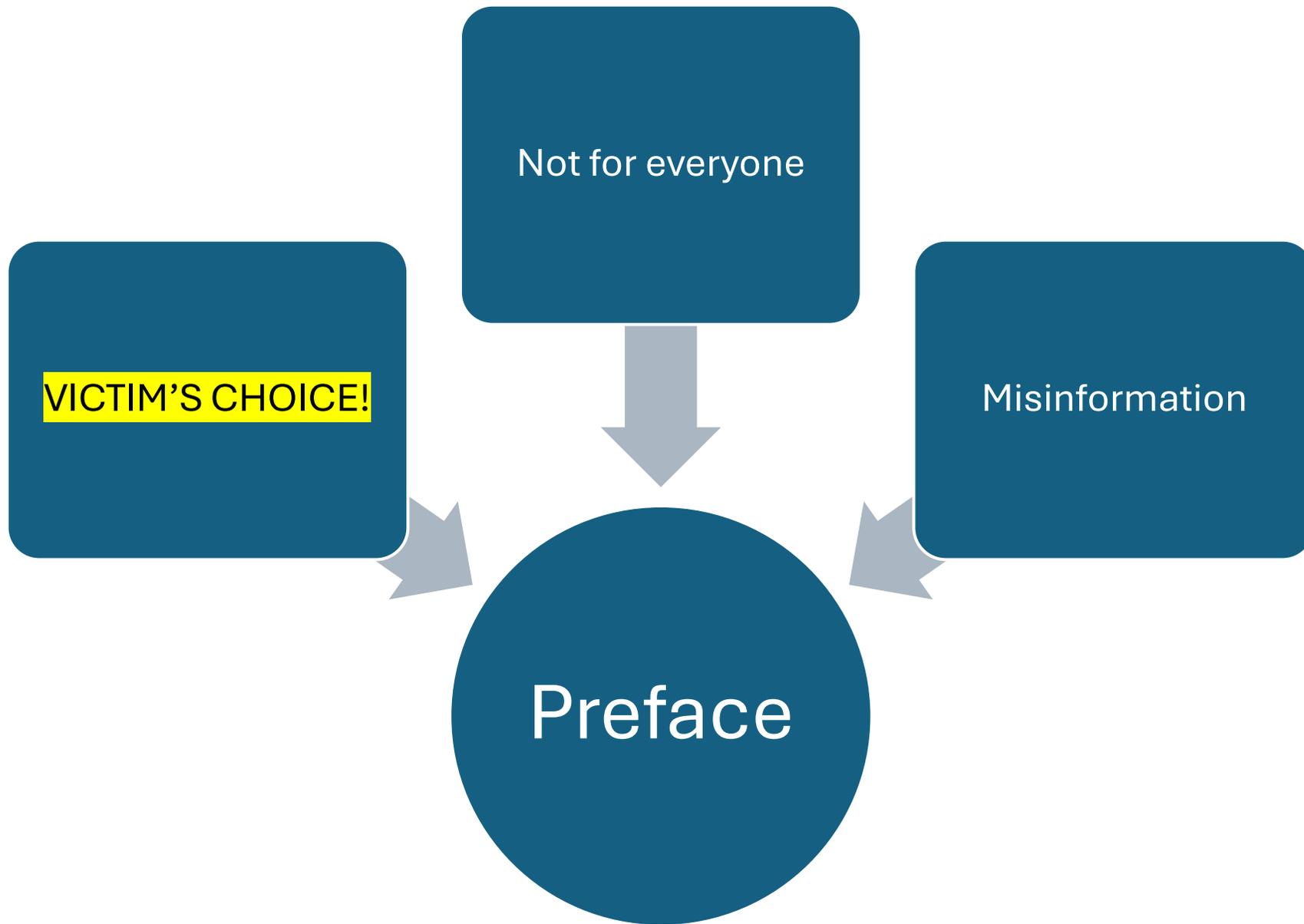
Mariam El-Menshawi, Chief  
*Office of Victims and Survivor Rights & Services*



**MISSION:**  
Information, Voice, & Choice







# Restorative Justice Programs



**PURPOSE**

# Three Questions



When you have  
been harmed, what  
did you need?



When you caused harm  
to someone else, what  
did you need?





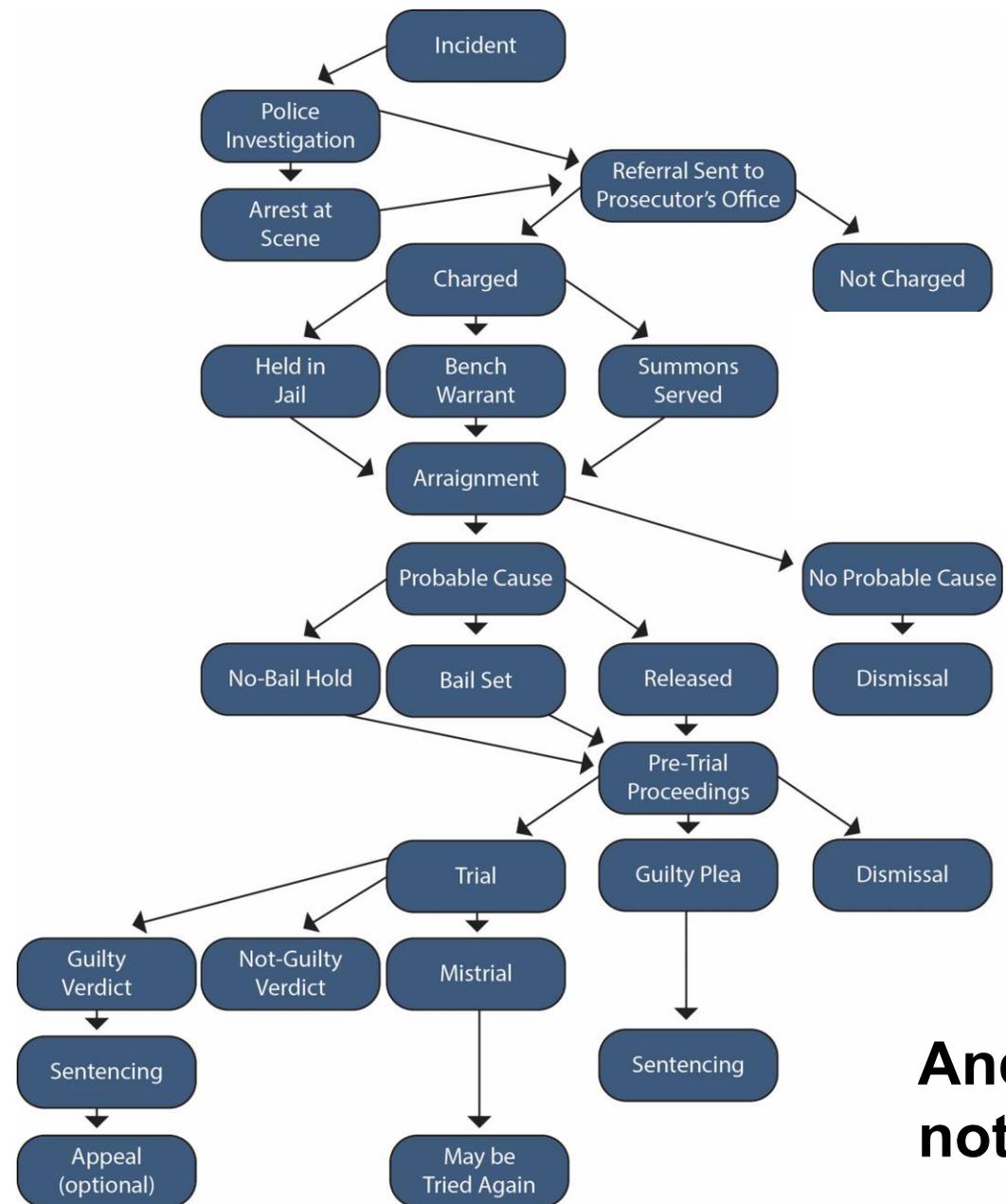
# Does Our Traditional Criminal Justice System Meet Those Needs?



**YOU HAVE  
THE RIGHT  
NOT TO  
REMAIN  
SILENT**



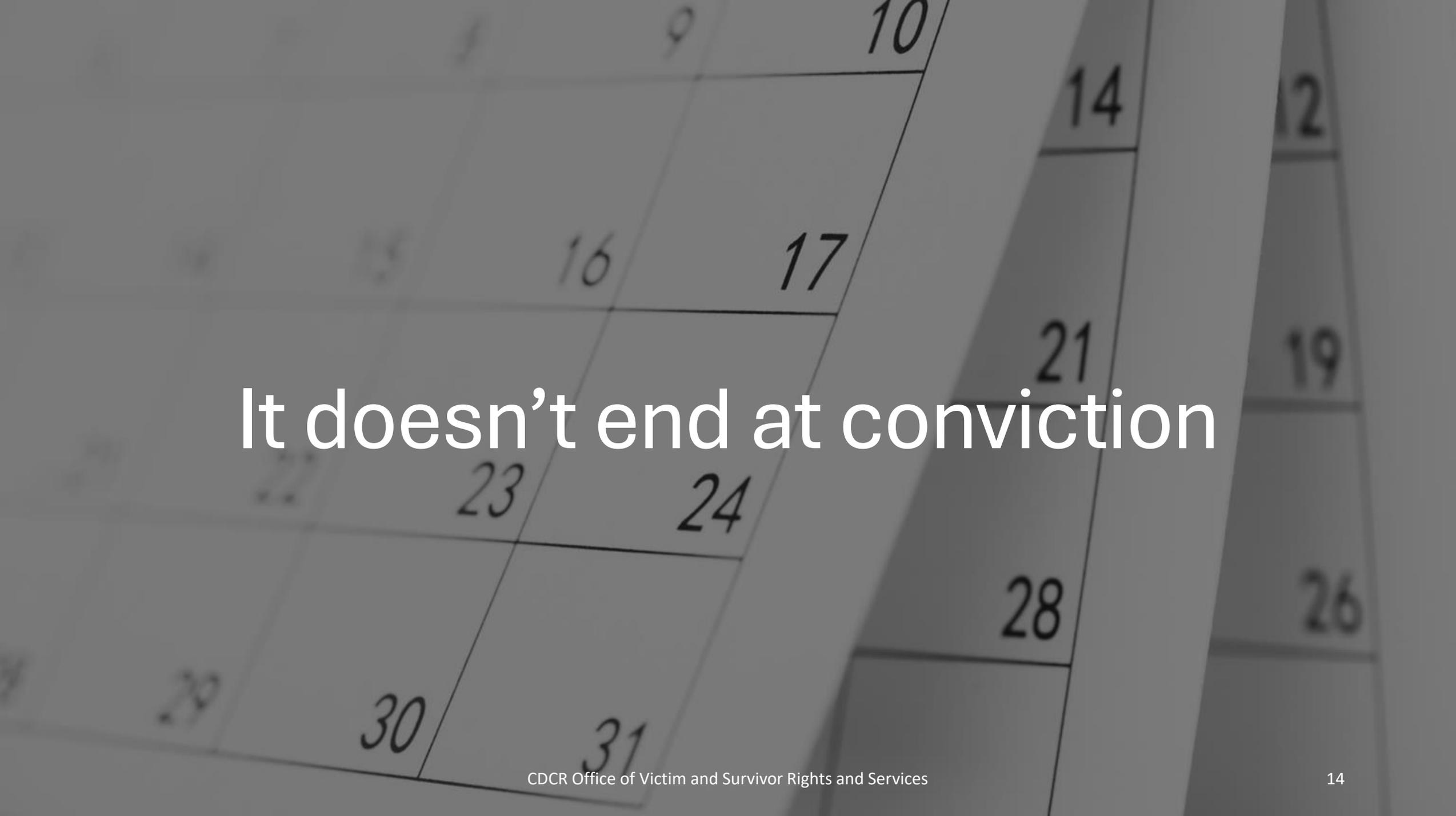
# Traditional Criminal Justice System



**And that's not all.....**

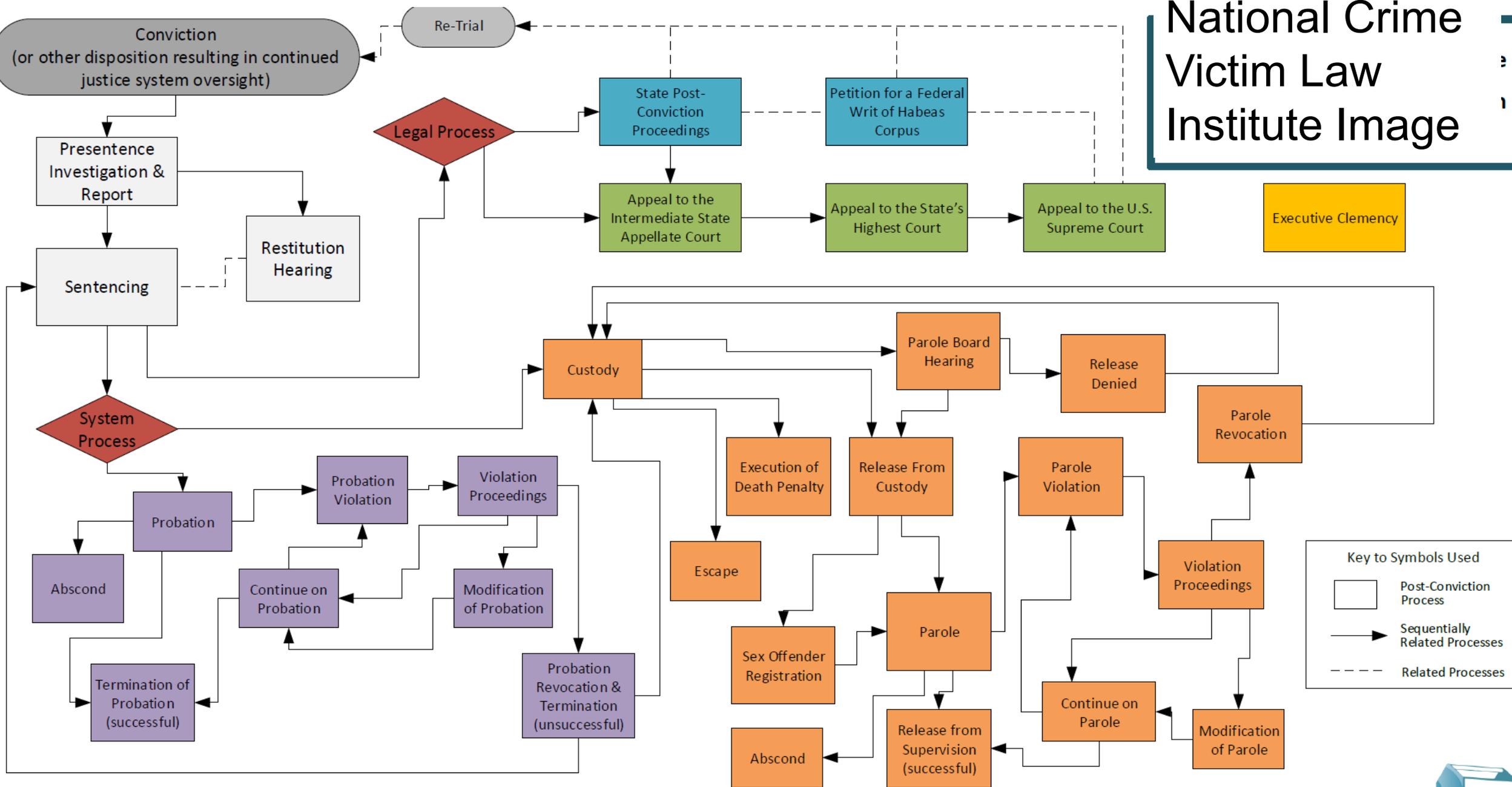


# Timeline



It doesn't end at conviction

# National Crime Victim Law Institute Image



This project was supported by Grant No. 2017-VF-GX-K026, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions or recommendations expressed in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.





# Focus of Our Traditional Criminal Justice System

Crime Violation of law against the state

Violations of law create guilt

Justice requires the state to determine blame (guilt) and impose a punishment



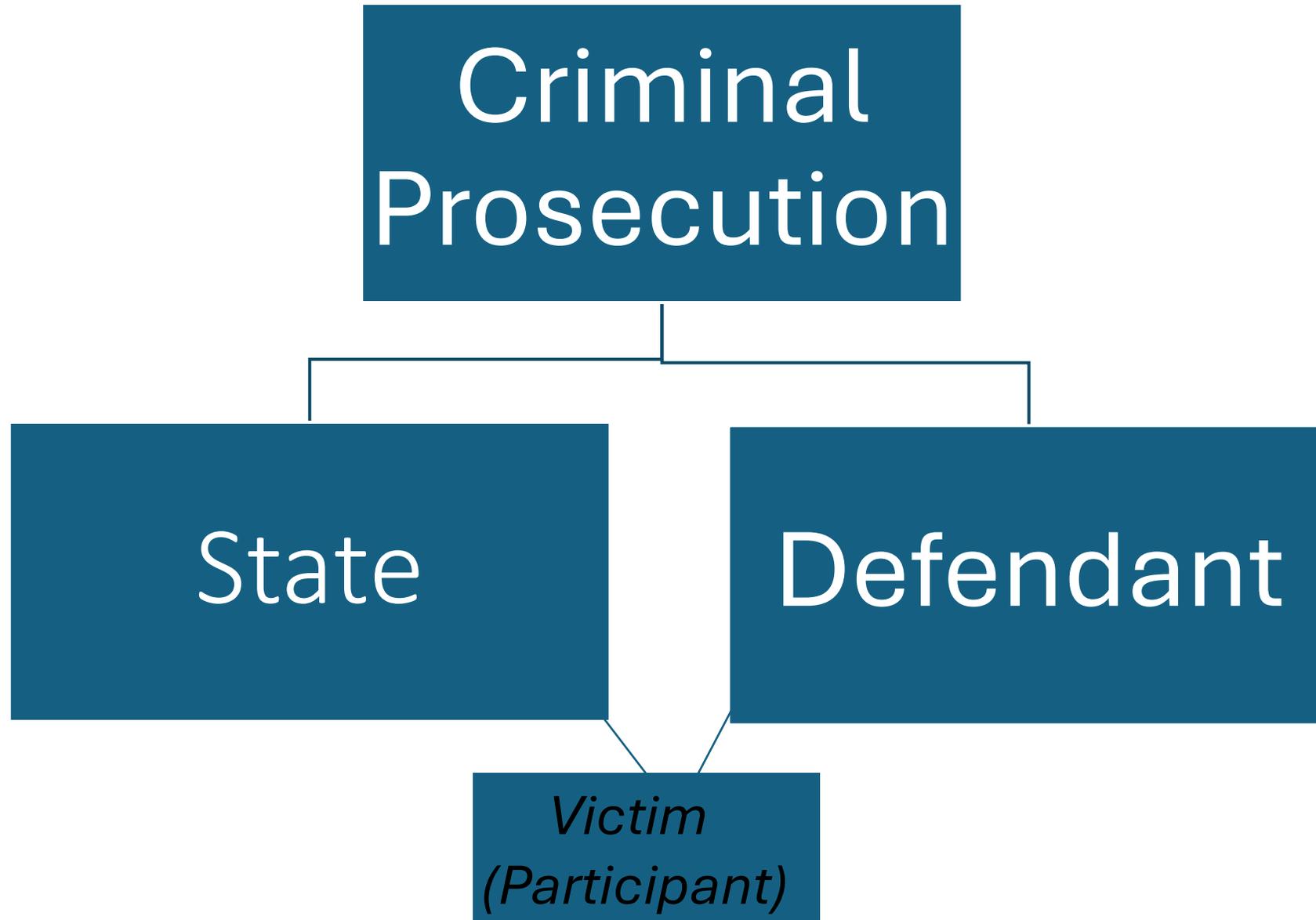


Who did it?

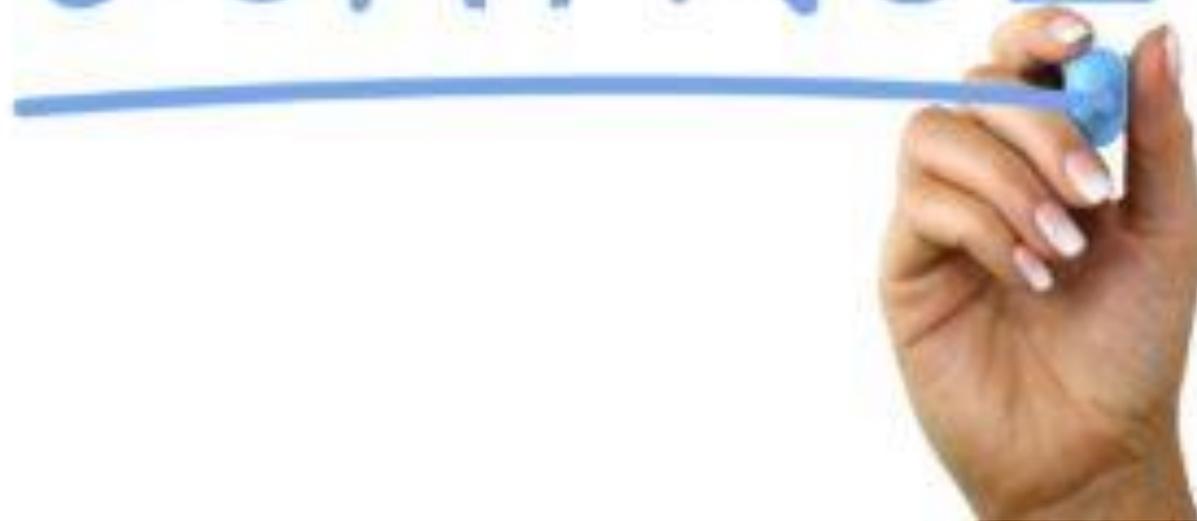
Which law was broken?

What punishment do they deserve?

Punishment/threat of punishment seen as a deterrent



CONTROL





# Source of Victim Dissatisfaction with our Justice System

Feel that they lack a legitimate role in the processing

Often feel that they lack meaningful opportunity to be consulted about the progress of their cases

Feel that there is a lack of recognition of the emotional, as well as material, harm they have experienced

Feel that there is a lack of fairness and respect they receive at the hands of the justice system as a whole

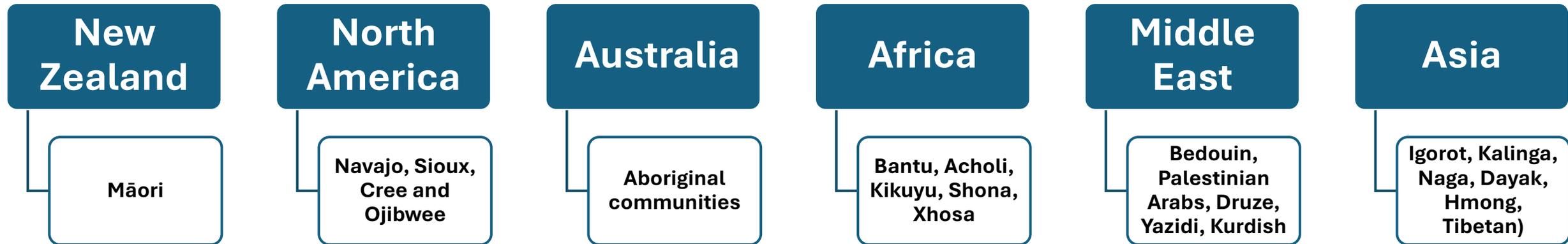




*“Restorative Justice is an approach to achieving justice that involves, to the extent possible, those who have a stake in a specific offense or harm to collectively identify and address harms, needs, and obligations in order to heal and put things as right as possible.” – Howard Zehr*



# Is this something new?



[Restorative Justice Among Indigenous Communities](https://www.whyrestorativejustice.com/post/restorative-justice-among-indigenous-communities-worldwide)

<https://www.whyrestorativejustice.com/post/restorative-justice-among-indigenous-communities-worldwide>



# Focus of Restorative Justice

Crime is an act against another person and the community

Crime has both individual and social dimensions of responsibility

Involve those with legitimate stake in the situation (victims, those offending, community members). Victims are central to the process of resolving crime

Focus on the problem solving, on figuring out liabilities and obligations, and on the future of what should be done





Who was harmed?

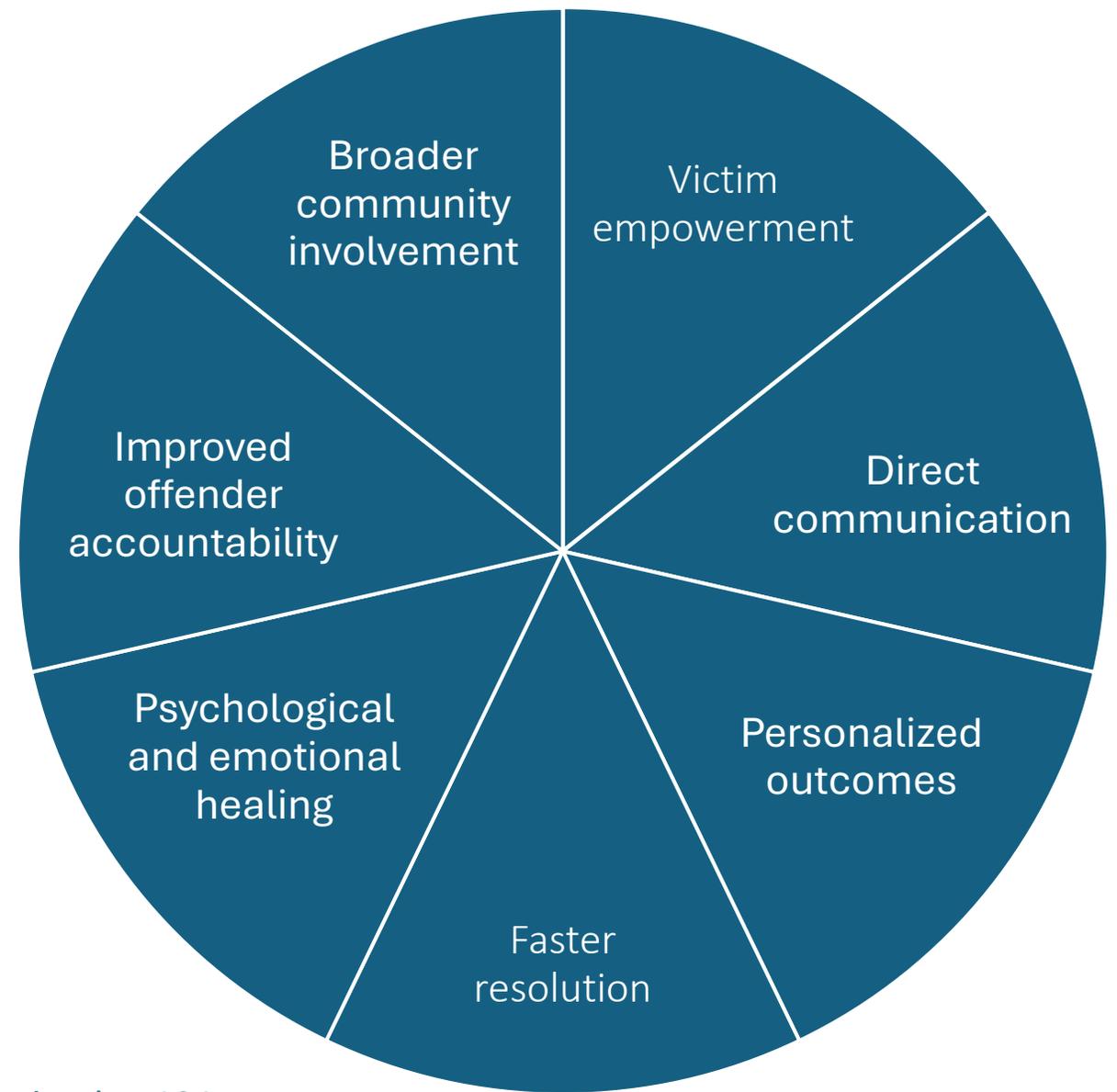
ati

What was the  
harm?

Who is responsible  
for repairing the  
harm?

How can we work  
together to find the  
best way to repair or  
address the harm

# Benefits of RJ for Crime Victims

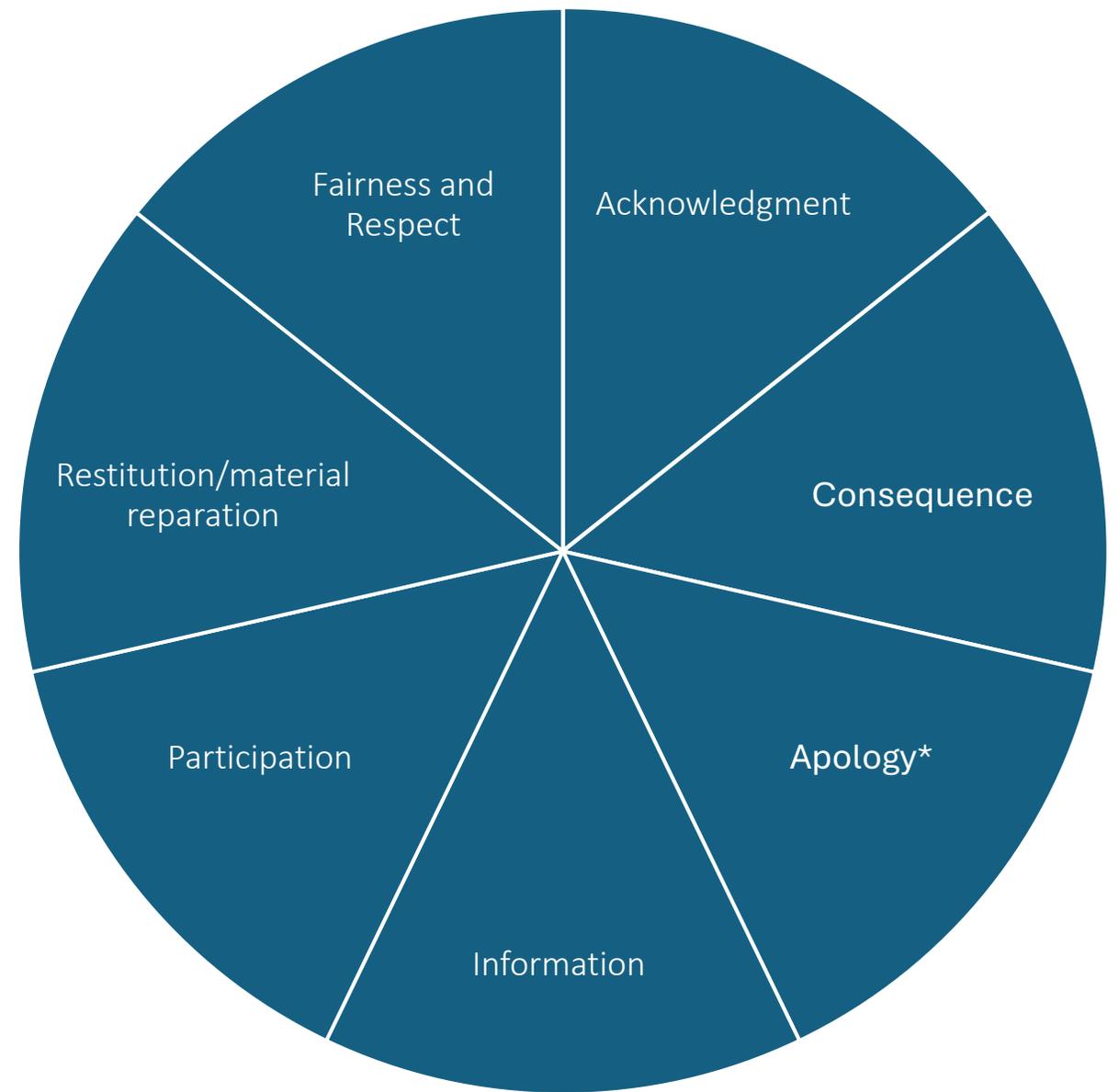


[The Benefits of Restorative Justice for Victims of Crime – Restorative Justice 101](https://restorativejustice101.com/the-benefits-of-restorative-justice-for-victims-of-crime/)

<https://restorativejustice101.com/the-benefits-of-restorative-justice-for-victims-of-crime/>



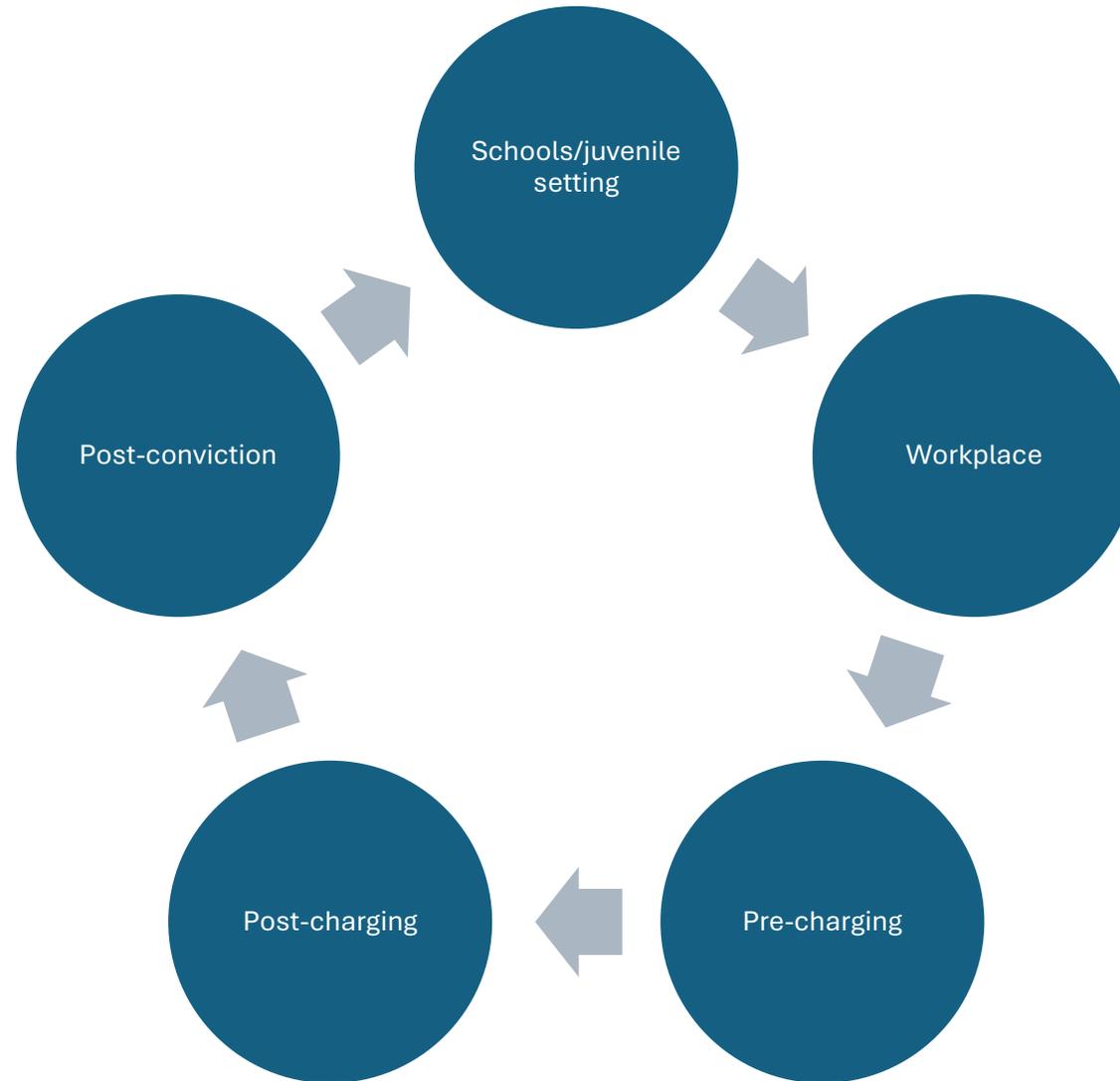
# Justice- Common Elements



Herman, J. (2023). *Truth and Repair*. Basic Books.  
International Review of Victimology 2024, Victim participation in criminal justice: A quantitative systematic and critical literature review Vol. 30(1) 25–49

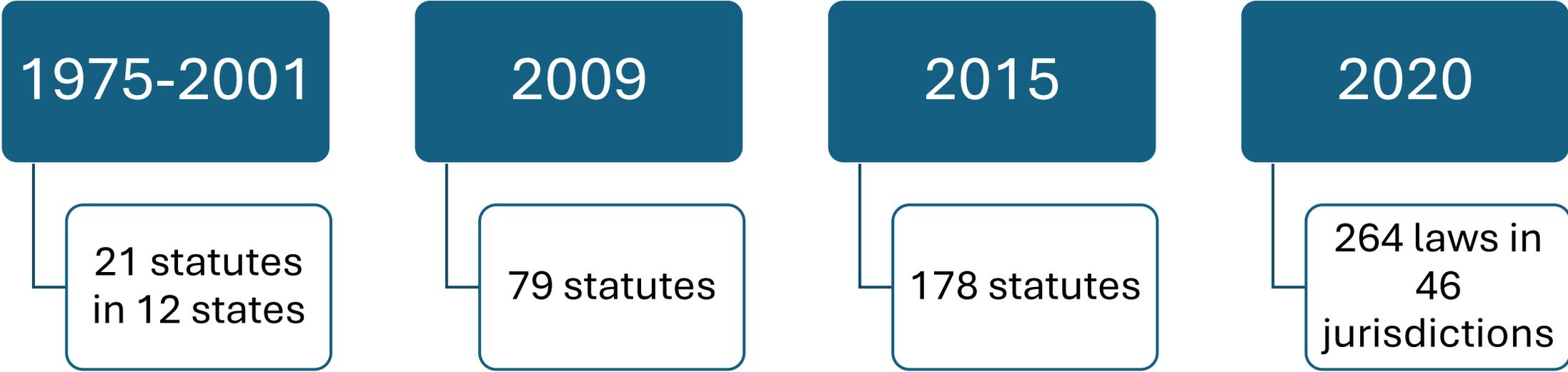


# Where it is incorporated





# Laws Integrating Restorative Justice Into Our Criminal Legal System



Juan G. Villasenor & Mariah Baugess, Restorative Justice: A New Conversation for Victims and Offenders, Judicature at Duke Law,, Vol. 108 No. 3 (2025)





# AB 60

This bill gives victim the right to be notified of the availability of community-based restorative justice programs and processes available to them.

These programs include programs serving their community, county, county jails, juvenile detention facilities, and the Department of Corrections and Rehabilitation, as specified.

The bill requires the Attorney General to include this information in the Victim Protections and Resources card, as specified.

# OVSRS: Restorative Justice Programs



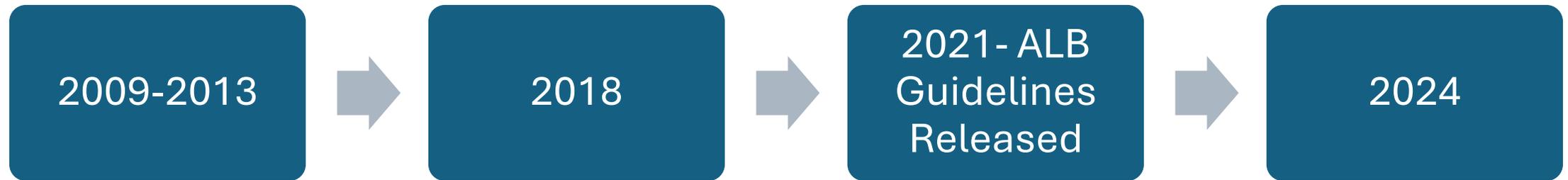
***Optional and only if the victim is interested***



# Accountability Letter Bank (ALB)



# OVSRS ALB Program





# AB 379

Requires CDCR to establish and maintain an Accountability Letter Bank (ALB) program

Goal is to provide a voluntary opportunity for incarcerated persons under CDCR's jurisdiction to be accountable for the harm they have caused and to express remorse to those they have harmed

Allows victims, survivors, and next of kin to receive a letter of accountability from an incarcerated person when, and if, they choose to receive a letter that is addressed to them, as specified.

The program would require the letters to be reviewed by an ALB program facilitator to ensure they are not harmful to the victim, survivor, or next of kin.



Is a Remorse Letter = or ≠ Accountability letter??

A chalkboard with the text "CHANGES AHEAD" written on it in white chalk. The chalkboard is on a wooden surface. To the left of the chalkboard is a red notebook with a silver pen on top. Below the notebook are a pair of glasses. The text "CHANGES AHEAD" is written in a simple, hand-drawn font.

CHANGES  
AHEAD



# Victim Offender Dialogue (VOD)

# OVSRS and VOD









# AB 379

Requires CDCR to establish and maintain a Victim Offender Dialogue program

The goal of this program is to provide voluntary opportunities for restorative justice processes between victims, survivors, and next of kin and people who are incarcerated or on parole

VODs to be facilitated by nonprofit, community-based restorative justice organizations

A chalkboard with the text "CHANGES AHEAD" written on it in white chalk. The chalkboard is on a wooden surface. To the left of the chalkboard is a red notebook with a silver pen on top. Below the notebook are a pair of glasses. The text "CHANGES AHEAD" is written in a simple, hand-drawn font.

CHANGES  
AHEAD

“Despite the popularity of RJ programs, research regarding its evaluation is still in an *embryonic state*, since the majority of literature focuses on the analysis of stakeholder satisfaction, especially the offender perspective”

Nascimento AM, Andrade J, de Castro Rodrigues A. The Psychological Impact of Restorative Justice Practices on Victims of Crimes-a Systematic Review. Trauma Violence Abuse. 2023 Jul;24(3):1929-1947.



“RJ fosters a greater involvement of victims in their own processes and promotes the access to significant information about their victimization”

“....Significant effects of RJ practices improving post-traumatic stress symptomology (PTSS) in victims, closely related to aspects such as avoidance, intrusive thoughts and hyperreactivity”

“Justice professionals involved report that RJ practices have remarkably more positive results for victims when compared to conventional interventions”

Nascimento AM, Andrade J, de Castro Rodrigues A. The Psychological Impact of Restorative Justice Practices on Victims of Crimes-a Systematic Review. Trauma Violence Abuse. 2023 Jul;24(3):1929-1947.



# Let's Look at a Case Study

Criminal Justice System  
v.  
Restorative Justice

# Evidence Reintegrative Shaming Experiments (RISE)

Conducted in Canberra, Australia over the five-year period

Traditional  
Criminal  
Justice System

Restorative  
Justice Process



# Restorative Justice Process Used

## Participants

- Meeting convened by trained facilitator
- Defendant and their families and friends acting as supporters
- Victim and their supporters



## Discussions

- What happened when the offense occurred
- Who the offense had affected and in what ways
- What could be done to repair the harm caused



## Accountability

- Defendant had the opportunity to take responsibility for their actions
- Defendant had the opportunity to understand consequences in ways not available in a courtroom



## Outcome

- Conference ended with an outcome agreement designed to address and repair the harm caused by the offense

# RISE Evaluation: *Information*

- NOTE: Australia has legislation that specifies victims have the right to be informed of police investigations, the laying of charges, and the outcome of the criminal proceeding. *Victims of Crime Act 1994, No. 83, §4 (Austl. Cap. Terr.)*

## Conventional

19% Felt Informed in Timely Fashion

- Most victims:
  - No knowledge of charge
  - No knowledge of outcome of court hearings

## Restorative Justice

79% Felt Informed in Timely Fashion

- Victims as closely involved as they wished with the disposition of their case
- High attendance rate correlated to attention given to scheduling the conference at their convenience
- Large amount of attention put into explaining their roles/responsibilities



# RISE Evaluation: *Participation*

## Conventional

- Limited participation – witness
- Negative treatment

## RJ

- High degree of participation by victim and offender
- Personal nature of process
- Active role in the delivery of justice



# RISE Evaluation: *Emotional Restoration and Apology*

## Conventional

- 16% received an apology
- Diminutive - forgiveness

## RJ

- 86% received an apology
- 39% forgave the defendant



# RISE Evaluation: *Safety and Fear*

## Conventional

- Victims feared that they would be revictimized by the defendant at a rate 5x greater than those who went through RJ

## RJ

- Significant reduction in the number of victims who said they felt frightened



# RISE Evaluation: *Material Reparation*

## RJ

- Victims more likely to receive restitution
- More likely to also receive other forms of material restitution such as work by the defendant for community organizations or for other people affected by the offense



# RISE Evaluation: *Fairness and Respect*

## RJ

- 90% felt that they had been treated fairly and respectfully
- 92% said that all sides got a fair chance to being out the facts at the conference
- 11% said they felt too intimated to say what they felt
- 85% said they believed the conference had taken into account what they said when deciding what to do

# Restorative Justice Practice

Provides space  
to humanize  
the parties

Impact it has  
on IP



# Neuroscience of Restorative Justice





# OVSRS CONTACT INFORMATION



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