



Funding Proposal: Building a Restorative Justice Alternative Pathway to Justice in California for Survivors of Human Trafficking

We are requesting **\$25 million in a one-time budget request to be spent over 5 years** to pilot the first restorative justice¹ program for human trafficking survivors in California.

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

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 throughout California, 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, this approach does very little to ensure the stability of survivors of human trafficking and provide justice for survivors on their terms. A 2018 Department of Justice-funded study showed that justice achieved through the traditional legal system is not what survivors of human Trafficking want and may actually cause more harm than healing.² Survivors of Human Trafficking ("Survivors of Trafficking" or "Survivors") 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.³ Requiring survivors of trafficking to relive their circumstances repetitively as they prepare for trial re-traumatizes these individuals.⁴ In addition, prosecution in trafficking cases can take up to 3X longer than other criminal cases,⁵ which can further delay the healing process. Many survivors report being treated more like a criminal than like a victim⁶ and

¹ Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466 (2000).

² 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), *available at* <https://www.ojp.gov/pdffiles1/nij/grants/251631.pdf>

³ 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.

⁴ 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, *available at* <https://www.freefrom.org/wp-content/uploads/2022/10/Support-Every-Survivor-PDF.pdf>

⁵ Clawson, H.J., N. Dutch, S. Lopez, & S. Tiapula, . *Prosecuting human trafficking cases: Lessons learned and promising practices*, U.S. DEPARTMENT OF JUSTICE, (2008).

⁶ 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*

are often threatened by police with potential charges of prostitution or drug offenses in order to secure their cooperation at trial.⁷ In other instances trafficking survivors have been arrested multiple times for crimes their traffickers have forced them to commit.⁸ This leads to trafficking survivors' inherent distrust in the current criminal legal model. Some survivors fear that incarceration allows traffickers to improve their trafficking tactics and build a larger trafficking network with other inmates.⁹

Given (1) the potential negative impacts the judicial system inflicts on a survivor, (2) the lack of evidence that incarceration actually reduces the prevalence of trafficking or prevents trafficking in the long run, and (3) the commitments in California to reduce prison populations, the time is right for California to lead the nation and fund the first community based restorative justice program for those impacted by human trafficking.

In supporting funding for California's first restorative justice pilot program for human trafficking survivors, the state has the opportunity to listen to what survivors themselves have asked for. When the Department of Justice interviewed 80 survivors of sex and/or labor trafficking, over 75% did not want to see their trafficker incarcerated.¹⁰ Survivors criticized incarceration as failing to drive meaningful accountability, emphasizing instead the importance of preventing traffickers from harming others in the future. Across the board, both labor and sex trafficking survivors defined justice not as punishment, but as protection prevention, and healing.¹¹ Given these findings, California is long overdue for a new approach. Survivors deserve a choice beyond the traditional criminal legal system.

"Jail is like college for criminals – you meet others who embolden you, who teach you how you could avoid getting caught the next time, so the person becomes a student of their own criminal activity and with no resources [to support those who were imprisoned], with no ability to get a job because you have a record, the person who harm learns how to commit their crimes even better when they get out."

– Tyesha Harvey, Survivor of Human Trafficking

By offering that choice, the state can affirm survivors' autonomy and allow them to play a greater role in determining what justice looks like. Research shows that restorative justice models are more effective at supporting survivors' healing because they prioritize safety, dignity, and long-term recovery over retribution. At the same time, restorative approaches have been shown to

Arrest and Detention on Survivors of Human Trafficking August 2016 chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf

⁷ 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>)

⁸ 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>.

⁹ J. Hussemann, *supra* note 2 at p. 13.

¹⁰ J. Hussemann, *supra* note 2 at p. 13.

¹¹ J. Hussemann, *supra* note 2 at 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."

reduce recidivism and prevent future harm, benefiting not just survivors, but entire communities.¹² California must follow the evidence, and more importantly, listen to survivors.

“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.”

- Sabra Boyd, Journalist and Lived Experience Subject Matter Expert

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**”).¹³ 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,”¹⁴ 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 California’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 process¹⁵ 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

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. *See* <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.>

¹⁴ *Id.*

¹⁵ 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.

human trafficking, California can adopt a restorative justice program based on models that have been piloted for other survivors of violent crimes that have overlap and often intersect directly with trafficking crimes.¹⁶

A few examples of restorative justice programs that serve survivors of violent harm are outlined below:

- (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.”¹⁷ 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.”¹⁸
- (3) “Re:Store Justice,” was a 5-year pilot program geared towards both the victims and responsible parties in San Joaquin County, California.¹⁹ This pilot program was built off the Restorative Justice work being done at various jails in Northern California through Re:Store Justice. The pilot program focused on diverting accountable parties from traditional prosecutorial processes to substance abuse treatment, counseling, education, and job training. To facilitate the proper treatment the responsible party, victim, members

¹⁶ 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>.

¹⁷ *Our Work*, COMMON JUSTICE, https://www.commonjustice.org/our_work (last visited June 26, 2023).

¹⁸ 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).

¹⁹ Aron Kumar Roy, *Re:Store Justice starts 5-year restorative justice pilot program*, [HTTPS://SANQUENTINNEWS.COM](https://SANQUENTINNEWS.COM) (Sept. 11, 2019), <https://sanquentinnews.com/restore-justice-starts-5-year-restorative-justice-pilot-program/>.

of community groups, law enforcement, and defense attorneys worked together to create a plan based on the victim's and community's needs for safety and accountability.²⁰

COSTS AND COST SAVINGS

The Governor's budget for 2023-2024 has allocated \$14.5 billion to operate the California Department of Corrections and Rehabilitation (CDCR). An additional \$5.3 billion is allocated for the judicial branch for criminal proceedings. This money - nearly \$19 billion- is allocated from the General Fund²¹. The 2023-24 budget reflects the first time this budget has decreased in over 10 years. Despite the slight decrease compared to 2022-23, costs of imprisoning individuals have risen steadily over the years. Today, it costs approximately \$106,131 to incarcerate one individual in California, a number that has increased by 117% since 2011.²²

Considering the high crime rates which plague nearly every region of the state and evidence which demonstrates the significant correlation between poverty and crime, California response to these crises by enhancing sentencing and attempting to combat crime through increased arrest has failed. **If spending money on carceral approaches actually made our communities safer we should indeed be living in the safest place in the world given the large amount of money the state and each of its municipalities spends on law enforcement²³. However, all evidence points to the contrary and California must consider and adopt new approaches to deter, rehabilitate and address societal problems like human trafficking within our state.** This is especially pertinent in the wake of the Governor's pledge to close state prisons and overwhelming evidence which strongly demonstrates that lengthy prison sentences are costly and are not effective in deterring perpetrators or preventing individuals from falling prey to human trafficking.

Perhaps most noteworthy in the findings for restorative justice programs is for about ½²⁴ of the cost of incarceration, restorative justice programs offer wrap-around support to survivors AND a

²⁰ Don Thompson, *California diversion program lets victims confront offenders*, AP NEWS (July 8, 2019) <https://apnews.com/article/c17f8077b29b41ffa9b698f886217412>.

²¹ THE 2023-24 CALIFORNIA SPENDING PLAN: JUDICIARY AND CRIMINAL JUSTICE (2023), <https://lao.ca.gov/Publications/Report/4805> (last visited Oct. 25, 2023)

²² California State Legislature, Legislative Analyst's Office, *How much does it cost to incarcerate an inmate?*, LAO (updated Jan. 2022), https://lao.ca.gov/policyareas/cj/6_cj_inmatecost. These high costs have urged California to reduce the budget for the California Department of Corrections and Rehabilitation. The budget is down 3% from last year and there is a push to increase funding for restorative justice programs. In 2022-2023, \$4 million of the budget went to community providers to deliver restorative justice programs in prison and \$2 million per year has been budgeted for 2023-23 and 2024-25. Gabriel Petek, *The 2023-24 Budget: The California Department of Corrections and Rehabilitation*, LAO (Feb. 2023), <https://lao.ca.gov/reports/2023/4686/CDCR-Budget-021623.pdf>. California State Legislature, Legislative Analyst's Office, *The 2022-23 California Spending Plan, Judiciary and Criminal Justice*, LAO (Sept. 26, 2022), <https://lao.ca.gov/Publications/Report/4625>.

²³ California's 482 cities and 58 counties spent more than \$20 billion from all revenue sources on city police and county sheriff's departments as recently as 2017-18, when the most recent statewide data was available. Cities spend nearly 3 times more on police than housing and community development. Counties spend more on their general revenue on sheriff's departments than on social services by a substantial

²⁴ 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

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.²⁵ 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.²⁶ 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 the State to take the important step of adopting a pilot restorative justice program for human trafficking survivors as an



The system we have now is not justice. The amount of trauma a [survivor] must endure to get any victim compensation is not justice.

– Anonymous Survivor Leader

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 about 40 responsible parties over a 2-year period, or 260 individuals over a 5-year grant assuming one year of start-up costs.

(A)	(B)	(C)	(D)	(E)
Annual Cost per Responsible Party	Annual Cost per Survivor	Annual Cost per 40 Responsible Parties	Annual Cost per 90 Survivors	Annual cost per 90 Survivors & 30 Responsible parties
\$22,000	\$44,555*	\$990,000	\$4,009,950	\$4,999,950

Column A in the table above shows the annual cost per responsible party is \$22,000.00. Based on our findings from other restorative justice programs, this number is well within the average range of costs for providing services. For example, In 2018, the City of Sacramento began a partnership with Advance Peace, a non-profit organization dedicated to end cyclical and retaliatory gun violence, to establish a fellowship program that provided mentorship and life coaching for individuals suspected on being involved in firearm offenses. Between July 2018 to December 2019, the program engaged 50 fellows in the 18-month program. An evaluation of the

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.

²⁵ 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>

²⁶ 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.

program reported that the total cost was \$1,384,836, or approximately \$18,464 per year per fellow.²⁷

Column B in the table above shows the annual cost per survivor is \$44,555.00.²⁸ This number includes the costs for wrap-around services for survivors, including case management, shelter, legal services and other direct cash assistance support. This number is based on the cost of services from local CBOs as well as input from survivor leaders who emphasized that any system of justice should proportion roughly 70% of available funds to survivor support. As mentioned above, these wrap-around services are neither available nor accessible to survivors in traditional criminal justice systems, which focuses 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 housing, and other basic needs. Survivors must often make the difficult choice between seeking protection through the only available channels of the criminal justice system (arrest and prosecution) and losing access to the financial resources they need to support themselves and/or their families if a harm-doer is incarcerated.²⁹ We believe that survivors of violence should not have to make such a choice – through restorative justice processes, safety and protection can be sought without compromising the stability and other needs of the survivor.

Column E in the table above reflects the total annual cost to provide services to 40 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 – the largest county in California - which details human trafficking filings and arrests in Los Angeles County between 2020-2022³⁰. Based on our review of the data in this report, there was an average of 89 filed cases against responsible parties annually. Recognizing that not all survivors of human trafficking will opt for this alternative pathway we estimated that a pilot program that works with roughly half the number of cases filed annually will provide such pathways to roughly 40 accountable parties. Further, given that in trafficking cases often involve multiple survivors – generally there is 1 accountable party for every 2-3 survivors – we have estimated that a pilot program that works with 40 responsible parties in one year will also support on average 2-3X the number of survivors through such restorative justice pathways.

Based on the above data, we believe implementing a restorative justice program would approximately yield a 4-to-1 cost benefit ratio.³¹ This means for every dollar spent on a restorative

²⁷ 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>

²⁸ <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.

²⁹ 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>

³⁰ See *Appendix B* for full report.

³¹ 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

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.³² 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. According to the RED Program Informational, “based on 135 program graduates this program would have saved taxpayers \$1.69M, not including prosecutorial savings.”³³ In addition, RED generated an economic benefit to the state of Georgia of over \$2.97 million.³⁴ Utilizing this data programs like RED could, over a three-year period, potentially save state taxpayers and economically benefit the state almost \$14 million.³⁵ 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 prison³⁶. 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.

WHAT SURVIVORS WOULD LIKE TO SEE BE A PART OF A HUMAN TRAFFIKING RESTORATIVE JUSTICE PROGRAM ³⁷

Direct Service Resources for Survivors

In a two-day conference hosted in 2024, 14 Survivors were asked what types of direct services they would like to see offered as a part of a restorative justice process. Overwhelmingly, they

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.

³² 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/>.

³³ RED: *Rehabilitation Enables Dreams*, *supra* note 1.

³⁴ *Id.*

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

³⁶ Cal. Pen. Code 236.1

³⁷ In July 2024, the Sunita Jain Anti-Trafficking Initiative (SJI), along with survivor leaders Rebekah Layton and Mercy Gray, hosted a 2-day event in Los Angeles to discuss and explore Restorative Justice Alternatives in human trafficking cases. 14 survivors participated, sharing insights on services, resources, and what accountability and justice would look like given their specific type of victimization. These survivor leaders also provided feedback on this proposal as to reflect the needs and wants of impacted community members.

expressed a need for services that would assist them in feeling stable and independent in the aftermath of their trafficking victimization. These services include support that addresses their financial vulnerability such as direct financial help, credit repair, and financial literacy education.

They also expressed a need for services that are trauma informed and account for inclusivity. Inclusivity for survivors means services that account for various disabilities that survivor communities may have or services that provide support not only to women, or women with families but also men and trans individuals, or similarly services to individuals with their own criminal records. Another underlying theme in the services that survivors expressed needing was housing support including, but not limited to section 8 vouchers, help with housing navigation, as well as help with criminal records that might exclude them from certain housing options. (See *Appendix D -1 for full list of services survivors indicated would be helpful in their rehabilitation*).

Programmatic Resources for Survivors

Survivors were also surveyed on what types of programmatic services that are not traditionally funded would also assist in their recovery and empowerment. Similarly, the resources they highlighted needing to include were those that promote self-sufficiency and holistic healing in the aftermath of their trafficking. Many responded wanting direct cash assistance as practical support. They emphasized that such financial assistance should be provided without conditions. They also requested help with car repairs, driving instruction, as well as access to vocational training or college scholarships. In terms of holistic healing, survivors indicated wanting services like hygiene and nutritional support, acupuncture, dental care, mental health support, tattoo cover up and other restorative surgical options, depending on their victimization. In addition, survivors highlighted the value of community-focused programs, like leadership development and pay-it-forward initiatives. (See *Appendix D-2 for full list of programmatic services that survivors would benefit from that are not traditionally offered*).

The current criminal justice system does not allow for accountability. Accountability means being raw and needs support because of how difficult it is to take responsibility, because what happens when you open those wounds that you've been told to hide, been told are wrong, or that could be used against you if you actually admitted [the harm you caused.]

- Wendy Barnes, Author "And Life Continues: Sex Trafficking & My Journey to Freedom"

Services for the Responsible/Accountable Party

When asked what types of supportive services responsible parties (RP) would need as part of their rehabilitative process, survivors voiced needing services that would prevent the RP from causing harm again, such as educational, and substance abuse assistance. Survivors also expressed wanting people who caused harm to have access to supportive, person-centered care, including culturally appropriate therapy as well as classes on conflict resolution and building healthy relationships. In addition, survivors reported it was vital to provide educational, vocational, and professional development opportunities, such as entrepreneurship and skill-building programs supported by microgrants to RPs that would help lead them away from criminal enterprises. (See *Appendix D-3 for the full list of services survivors would like to see available to accountable parties*).

Accountability for the Responsible Party (RP)

Unanimously, survivors did not feel the current criminal justice system creates accountability for RPs. Survivors want to be heard by the RP, want the RP to understand the harm they caused, and want to ensure that there is changed behavior. Depending on the situation and context of the trafficking victimization, survivors believe the RP should deeply listen to the survivor and create personalized amends based on that understanding. This can include an authentic apology or a more involved process of facilitated discussions fostering honesty and empathy. Survivors also suggested restitution, volunteering, or peer mentoring as on-going processes of rehabilitation and accountability. Public speaking fees received by RPs should fund microgrants for such programs rather than benefit the RP directly. Finally, survivors emphasized the importance of long-term accountability, such as community monitoring for two years. (*See Appendix D-4 for more examples of various programs and services that would foster accountability and changed behavior*).

Additional Recommendations

Outside of programmatic resources, survivors had various recommendations for how a restorative justice program for human trafficking should be developed and implemented. Survivors recommend funds be allocated to hire people with lived experience to consult and be employed to help develop restorative justice programs. Survivors emphasized the need for mandatory collaboration with and distribution of funds to those with lived-experience both as survivors of trafficking and former accountable parties. Survivors also emphasized the critical need for the creation of a survivor advisory board to participate in the RFP process (*See Appendix D-5 for more examples*).

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. Restorative justice programs have proven to be more effective in both reducing the likelihood of reoffending by perpetrators and saving taxpayers money compared to the current justice system. In allocating the first funding for a restorative justice pilot program, California would be taking an important first step toward affording justice to survivors of human trafficking on their own terms. In doing so, California would also provide new pathways for increased community safety and save taxpayer money in the short, and long-term.

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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		
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 behavior. 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
<i>Retribution</i>	Revenge/Justice	Prison as punishment. Victims face criminal justice trial and ordeal of constitutional	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

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=EAIaIQobChMIy8a4nrS4_gIVJCitBh3V2gwwEAAYAAEgKQXfD_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

		protections for defendants in criminal court where standard is proof beyond a reasonable doubt.		services for both victims and defendants.
<i>Rehabilitation</i>	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.
<i>Restorative Justice</i>	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.	Reduces reliance on prison systems as alternative methods are employed to address community safety and rehabilitation

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

of incarceration, including the PTSD-like Post-Incarceration Syndrome." Wendy Saywer and Peter Wagner, *Mass Incarceration: The Whole Pie 2023*, <https://www.prisonpolicy.org/reports/pie2023.html> (March 14, 2023).

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

APPENDIX D

WHAT SURVIVORS WOULD LIKE TO SEE BE A PART OF A HUMAN TRAFFIKING RESTORATIVE JUSTICE PROGRAM

D-1: Resources for Survivors

Examples:

- Direct financial help
- Therapy for individual + children
- Mens' shelter
- Family Shelters (kids + family, fathers + children)
- Child dependency support
- More support in court for victims/survivors
- Peer support group
- Section 8
- Sobriety support group
- Trauma informed reunification
- Disability accessibility
- Secular / non faith-based services
- Deeper investments in cultural community spaces
- Secular / non faith-based services
- Shelters for trans individuals (safe/embrace)
- Financial literacy
- Housing navigation / education on translating background to landlord
- Record expungement / record relief
- Credit repair/building
- Better advocacy on victim rights
- Abolish capitalism
- Deeper investments in cultural community spaces
- Intentional partnerships
- People in power giving their resources / using their platforms to allocate more resources to communities in need
- Family law resources
- Education on resources

D-2: Programmatic Resources for Survivors

Examples:

- Car repair or car loans
- Learning how to drive
- College education / scholarship / grants
- Education on college debt
- No strings for financial support
- Help with passport
- Holistic health/somatic practices (acupuncture, massage)
- Accessible to survivors with disabilities
- Health care
- Reparative surgical or medical services
- Brain health
- Restful retreats
- Vacation
- Holistic doctors
- No closed adoptions
- Financial help for animals
- Gardening + plants
- Tech/ trade/vocational school
- Guaranteed income for a period of time
- Wealth redistribution
- Pay it forward – incarceration outreach
- Leadership development
- Tattoo coverup + removals
- Dental work
- Path to homeownership
- Physical health, nutrition (dietician), fitness training
- Basic life skills
- Cleaning services

- College savings account for survivor's kids
- Food
- Furniture
- Aesthetic needs (clothing, hygiene, selfcare with dignity)
- Sobriety support group that is separate from general AA, NA
- Debt Repair

D-3: Services for the Responsible Party

Examples:

- Supportive/Active Role
- Therapy (Culturally Appropriate)
- Holistic Person-Centered Care/Therapy
 - Somatic-Based Healing and Therapy Massage
- Financial Literacy
- Schooling
 - Peer Mentoring
 - Equine Therapy
- Professional/Skill Development
 - Translatable Skill Sets with Microgrants
 - Entrepreneurship
 - Reframing Behaviors
- Substance Abuse Treatment (De-carceral)
- Conflict Resolution Skills
- Healthy Relationship Classes
- Trauma Response Tools (Education/Practice)
- Accountability Group
- Housing Support
- Consent Education
- Healthy Community (alternatives to the criminal community)
- Family therapy
- No Time Restrictions
- No Travel/Before Complete Program

D-4: Accountability for the Responsible Party

Examples:

- Apology, Transparency, Honesty
- Acknowledging & understanding the impact of harm and violence
- RP creates unique amends to survivor after deep listening
- RP signs agreement/contract about actions for repair
- Paying it forward – restitution, volunteering
- Peer Mentoring
- Free Public Speaking (they don't get money for this!)/ Consultation (instead speaking fees could go to microgrants)
- Property/money they have goes to survivors.
- Never see them again
- In Army/Snake Island – frontline
- Ask questions and see response to see if they changed
- Trains and understand own violence against them
- 2 years with community monitoring*
- Accountability in person with survivor
- Group supports to assess if fits program

D-4: Additional Recommendations

- Adding consulting/employment funds for program development for folks with lived experience*
- Microgrants to both survivors and accountable parties for business or vocational development*
- Scholarships w/broad uses for pursuing education and employment
 - Clothes
 - Gender affirming care
- Mandatory collaboration/distribution of funds to those with lived experience as a survivor of trafficking and as an accountable party
- Free therapy and addiction help
- Long term and holistic forms of care
- Survivor advisory board for RFP process
- Help with criminal record if rehabilitated
- Free therapy and addiction help
- Long term and holistic forms of care
- Survivor advisory board for RFP process
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