



JUSTICE DEMANDS HUMANITY



American Friends Service Committee



## AB 2833 (McKinnor) Restorative Justice Integrity Act



CRIME SURVIVORS FOR SAFETY AND JUSTICE

### **SUMMARY:**

AB 2833, The Restorative Justice Integrity Act, will safeguard the integrity of Restorative Justice processes statewide. This legislation seeks to address critical gaps in the current legal framework by providing comprehensive admissibility protections for people who participate in Restorative Justice processes. Under AB 2833, communications made during a Restorative Justice process would be inadmissible in other proceedings.

### **BACKGROUND:**

Restorative Justice is a practice and theory rooted in indigenous traditions. When put into practice, Restorative Justice is a community-based, non-punitive set of processes that center the needs of people who have been harmed.

Restorative Justice encourages accountability, safety, and repair. Restorative justice processes progress through a series of carefully facilitated meetings. Each process is approached intentionally, tailored to the individuals in the process, and seeks to avoid additional harm from being caused while empowering the participants to engage in collective problem-solving. These processes may include facilitated meetings between the person who was harmed and the person who harmed them, along with family members and community members. During the meeting, the parties discuss the harm, including the causes and impacts.

Restorative Justice processes offer the opportunity for a deep understanding of the harm caused, meaningful expressions of accountability, and agreements to take specific actions that both repair harm and prevent future harm. These actions are unique to each situation and can include community service, engagement in employment or counseling, and/or financial compensation. Restorative Justice processes also provide an opportunity for victims/survivors and their loved ones to ask questions, share about the impact of the harm, and engage in dialogue in ways that are not possible within the traditional criminal legal system.

In California, Restorative Justice is already practiced pre-charge through referrals from District Attorneys and law enforcement, post-conviction via requests from harmed parties to the California Department of Corrections and Rehabilitation, and in the community by non-profits, such as the Ahimsa Collective and Centinela Youth Services. Additionally, it is practiced in schools from Oakland to Los Angeles.

### **PROBLEM:**

Restorative Justice programs are effective tools for addressing conflict and harm within communities, an impact recognized in the results of a randomized control trial of San Francisco's Make It Right program and featured in peer-reviewed *Econometrica* in January of 2024. However, as noted in a recent R Street

Institute policy paper, the ability for participants to speak freely without fear of repercussion is essential for the success of these processes. Currently, the absence of clear legal protections leaves individuals hesitant to engage fully in Restorative Justice, undermining its potential for safety and restoration.

*“I feel like I got closure. I was able to know how the incident affected me as much as other people. I would recommend the restorative process to another person who has been a victim of a crime because although what we went through was hard, sometimes talking about it can help us to feel more at ease and move on.”*

*– Victim of Crime, Restorative Justice Participant in Long Beach, CA*

*“I learned the importance of empathy in a more detailed way that I had never thought of, and how people who are victim(s) don’t just get over it.”*

*– Person Who Caused Harm, Restorative Justice Participant from Santa Cruz, CA.*

## **SOLUTION**

Many people who would otherwise be interested in participating in a restorative justice process are dissuaded from participating because of fears that statements made during the process may be used against them. AB 2833 will add a provision in the Evidence Code to make these communications inadmissible, except in specified instances. This bill will encourage open sharing and accountability, which has been linked to reducing recidivism, increasing survivor satisfaction, and restoring communities.

## **ABOUT THE COALITION**

The California Restorative Justice Policy Coalition (“CRJPC”) is comprised of over 15 organizations practicing and studying restorative justice in California. Recognizing the gap between those closest to restorative justice and policymakers in the Capitol, the coalition was formed to support legislative changes aimed at expanding access to, and preserving the integrity of, restorative justice across the state of California.

Since its inception, the CRJPC has convened focus groups, engaged in research and sponsored legislation to further our mission. The organizations that make these collaborative efforts possible enjoy over 100 years of experience in the restorative justice field, experience that ranges from restorative practices facilitation to capacity building work.

## **BILL SPONSORS**

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Five individuals

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