

Restorative Justice for Survivors of Sexual & Domestic Violence

Report on Survivor Feedback

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COMMISSION
ON SEXUAL & DOMESTIC VIOLENCE



Recommendations from Survivor Feedback

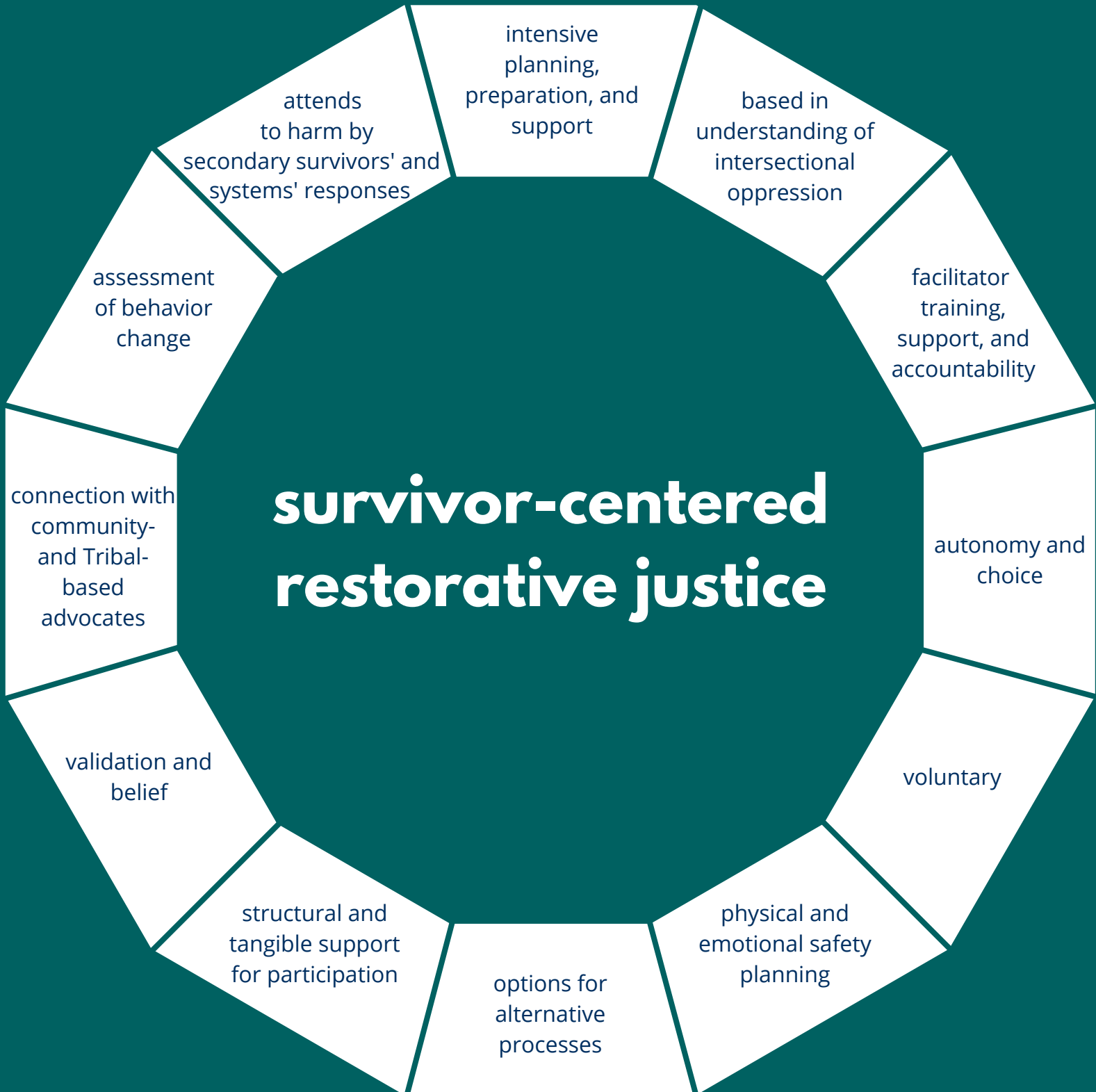


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Hearing From Survivors

This report was developed from the feedback we received through semi-structured interviews and surveys with more than 40 survivors, after which we conducted thematic analysis of the responses.

In the interviews and surveys, survivors shared their experiences, what justice and healing could look like for them, and their feedback about restorative justice processes.

“It is morally impossible to remain neutral in this conflict. The bystander is forced to take sides. It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering...”

— *Judith Lewis Herman*

Survivors described experiences that included:

- One-time violence and persistent, on-going violence
- Lethal physical violence and severe emotional abuse
- Abuse that lasted for months, years, and decades
- Sexual violence experiences across the lifespan
- Sexual violence committed by trusted adults, friends, partners, neighbors, and dates
- Manipulation and coercion as a part of domestic violence (30%) and sexual assault (16%)
- Abusers using children to manipulate and abuse the survivor (19%)
- Retaliation from the abuser and from the broader community
- Systems responses that helped (17%), systems responses that compounded harm (17%), and systems that were absent or inaccessible
- Abusers with co-occurring substance abuse and mental illness

From the responses, both qualitative and quantitative analyses were used to identify themes and recommendations. Themes and recommendations from this feedback can be found on the following pages, as well as samples of the survivors’ own words and descriptions of those experiences. The percentages in parenthesis indicate the percentage of survivors for each question whose response included that particular theme.

“It’s beautiful and hopeful that you are hearing from survivors to learn how to do a program. That you are actually asking them, even though it takes longer and takes more energy and resources.”

Societal Issues Impacting Survivors' Experiences

In 2019, the Commission on Sexual and Domestic Violence led the National Sexual Assault Demonstration Audit, which explored the question: *How is the Whatcom County criminal legal system organized to meet the justice needs of sexual assault survivors?* The Audit team identified two broad, underlying issues that impact every point in community responses to survivors of sexual assault. In analyzing feedback from survivors in this restorative justice project, the same issues emerged.

1. The ways our community institutions understand and respond to reports of sexual assault are influenced by widespread societal myths and misconceptions about sexual assault.

“I would like to live in a society where I can talk openly about what happened to me and know I’m not a bad person because of being raped.”

2. Implicit bias and oppression lead to inequitable outcomes in the ways our community institutions serve and partner with marginalized communities, particularly Native communities.

“Like the canaries in the coal mine analogy where birds alerted coal miners to a toxic and dangerous atmosphere, domestic violence and sexual assault are the coal mine, and survivors of color, Native survivors, LGBT survivors, immigrant survivors, and survivors with disabilities are the canaries. When you fix the mine for the canary, you make the mine safer for everyone. When you make the system work for the most marginalized and at risk, you help the system work better for everyone.”

—Lisalyn Jacobs, National Network for Domestic Violence

For more information on these issues, you can find the Audit report on pages 13-27 at www.dvcommisison.org/reports.

Themes And Recommendations for Using Restorative Justice to Address Gender-Based Violence

In surveys and interviews, survivors told us their reactions to and ideas about restorative justice when asked what they think about both direct and indirect processes, and what they would need or want to be able to participate.

“It’s been such an on-going curiosity, what does making this right look like?”

When asked what they thought about a restorative justice process in which they directly talked to the person who harmed them, survivors had the following responses:

- Yes, it is something they would want for themselves, with the right conditions and circumstances:
 - Right timing (21%)
 - Authenticity and readiness for change by abuser (21%)
 - Presence of strong, trusted support for survivor (15%)
 - Voluntary for both parties (5%)
 - Survivor-led (5%)
- No, it was not something they would want for themselves, because:
 - Survivor wants to be done with the situation (13%)
 - Their abuser will never change (10%)
 - Survivor would not be safe (10%)

When asked what they thought about a restorative justice process in which another person (trusted by the survivor) directly talked to the person who harmed them, survivors had the following responses:

- It depends on the preparation; it needs to be a certain person talking with the abuser (25%)
- This seems better than direct contact with the abuser because:
 - Less traumatic or stressful for the survivor (20%)
 - Safer for the survivor (13%)
 - Abuser might be more receptive to process (5%)
- Survivors would have concerns regarding:
 - Their abuser will never change (18%)
 - Authenticity of the abuser’s participation (8%)
 - Fear of retaliation (8%)

- It will give the abuser pleasure to hear about the harm they caused (8%)
- No, it was not of interest because the survivor would prefer direct communication with the abuser (8%)

Theme 1 Survivors need and want additional options for seeking healing and justice. Some survivors are already experimenting with restorative justice, either on their own or with support.

Recommendation 1 Developing a structured, survivor-centered restorative justice processes is one way that we can provide more options in our community. These processes should be available for those survivors who want it, while keeping in mind that it will not be wanted by all survivors.

“I wish community could have come together more to talk about it and acknowledge what was happening with him and even brainstorm how to keep ourselves safe, how to keep people in the community safe, and how to hold him accountable.”

“I wrote him a letter and did have someone send it. I really felt like I needed him to know what the impact of what he did was. I haven’t really cared ever if he gets punished, but I wanted him to know the impact that it had on me.”

“I think they did their best. They respected my need to not live in the same space as them. In conversation with me, they fully acknowledged what they did and talked about why and how that wasn’t okay and how it’s affected their life...”

“I still think about my friend who killed his daughter's mother, what he did, and now he's in jail and might never see his daughter again, and she won't ever see her mother. I think I am going to write him today and tell him that he took his daughter's mother away from her, and her mother might have been one of her best friends, so I think I am going to tell him that so he understands what he did.”

“If there was some kind of larger process, a larger container around it, with support people in place, then yes. Absolutely.”

Theme 2 Context and conditions matter – survivors are individuals with different experiences, levels of support, and life circumstances, and they experience abuse by people who have different patterns and risk factors.

Recommendation 2 Intensive planning, preparation, and support are needed to design and implement these processes in a way that is survivor-centered and trauma-informed, and to ensure [procedural justice](#) (all processes feel fair and just). We need to develop individually tailored processes based on the specifics of each situation and the people involved.

Program coordinators and facilitators need training in the dynamics of sexual assault and domestic violence as well as on facilitating restorative justice processes. Additionally, facilitators need to be able to participate in [accountability pods](#) with others who are leading these processes for survivors; this pod relationship is for people who can turn to and trust each other for support for violent, harmful, and abusive experiences you’ve witnessed.

Theme 3 Many survivors experience additional forms of marginalization and oppression as part of their abuse and when they seek help.

Recommendation 3 Any restorative justice process needs to be based in an understanding of intersectional oppression, with facilitators and program coordinators receiving on-going training and participating in supportive accountability pods related to racial equity and anti-oppression practices.

“I was bisexual...He always thought I was going to cheat on him with a woman or if I wanted to hang out with more queer people, he would want to know exactly who they were, he thought they would be the people I was cheating on him with; he was mixing me being queer with me being promiscuous.”

“When I went to get my NCO, the security guard at the courthouse catcalled me.... Going to the clerk’s office...to tell them about being catcalled and having the person go back to tell her supervisor and hear them say, ‘I wish I got catcalled once in a while.’”

“It was so hard to understand the system because of my language and culture and being a woman alone in a house taking care of the family, because I have no social security card.”

“His attorney asked, ‘Did you know this can affect his DACA?’ ...and of course I did, which is why it took me so long to ask for help, but finally I had to put my child first.”

“My cousin didn’t really help me because he didn’t believe that I can be abused by a female.”

Theme 4 Survivors described being given autonomy and agency as helpful to them, and being supported in ways in which they weren’t given choices or allowed to lead as harmful.

Recommendation 4 Autonomy and choice are the foundation to engaging survivors in restorative justice. We need to create a process that is clearly explained and fully voluntary, and in which survivors are continually connected with community and Tribal-based advocates. Program coordinators and facilitators can ask survivors in an open-ended way what they need, and also generate potential options.

“Just letting me decide what I want to do next. Being supportive of that...Especially in that kind of thing, your power is already taken away. Giving support in how I want to go forward.”

“I wanted to have autonomy in how I wanted other people to respond, in how they related to them. It helped me when people asked me how I wanted them to move forward.”

Theme 5 Survivors noted concerns about both their physical and emotional safety, including facing retaliation and giving abusers pleasure from knowing the amount of harm they caused.

Recommendation 5 We need to continually assess and integrate safety planning throughout the process – with an understanding that the survivor is the person who knows what can make the process safe for them. However, regardless of the amount of planning and support provided, survivors likely will still experience fear and anxiety about participation (24%). Safety planning can include ensuring the survivor is not alone with their abuser (35%); setting parameters/rules about being in the same place (32%); setting rules and boundaries regarding shared children (9%); and requiring therapy for the abuser (including treatment and sobriety) (15%). Following the safety needs and boundaries identified by survivors could also be a way for the abuser to repair harm.

“I want him to go through drug and alcohol treatment, to show that he is a safe person.”

“If our kids interact with him, I want it supervised.”

“I dread that. I don’t even know what would make me feel safer, because I get so anxious that I wouldn’t even want to be there.”

“To take him out of school, or at least out of the class we had together.”

“He wouldn’t interact with me without someone with me...”

“Him having supervised visits with my kids, having a witness with me any time I’m with him, written agreements, written communication only.”

Theme 6 Some survivors (67%) thought that having another trusted person participate in the restorative justice process on their behalf would be safer and less traumatic for them and might also have a greater impact on the abuser.

Recommendation 6 We need to provide options for survivors to have a trusted proxy participate in restorative justice processes, and to have support, safety planning, and deep preparation available for that trusted proxy as well as for the survivor. The trusted proxy would need to have a clear understanding of domestic violence and sexual assault and its impacts on survivors.

“I think that’s a great idea. They’d say, ‘what I’m hearing is they impacted you this way’ ...without all the swear words.”

“It would have been a relief for me to have someone else take on that emotional labor.”

“In my situation we had a very intense enmeshment, so having a secondary relay could be really helpful, but I think it depends on the person and how safe or reactionary the situation is, and who the messenger is...”

“The friend’s understanding would have to be so strong. It’s hard to talk to the person who assaulted you but also it’s hard to give up control to let a friend talk for you. You have to hope that your friend says it right...”

“I like that idea, it’s really helpful if you want to have the conversation but because of physical danger you might not want to be in that space again. It could be a really good way to hold him accountable.”

Theme 7 Survivors need more structural and tangible supports – including therapy (74%), financial resources (38%), time off from work or school (33%), housing (26%), and medical care (24%).

Recommendation 7 Program coordinators and facilitators need to fully explain the restorative justice process and ask survivors what they would need to participate. Many of these needs (directly or through referrals) likely would have to be met for a survivor to have the capacity to participate in a restorative justice process and could also be a way for the abuser to repair harm.

“The only difference now is that I don’t get beat up. But I still feel like a victim because I am living in poverty since I left, can’t get out of it.”

“I want to see employers understand that DV happens, and women lose their jobs because of it. I had to go to court many times, needed the time off, and my employer was not flexible.”

“The therapy was expensive, and it was hard to pay for it...”

“It’s fair for me to say the people who caused harm, especially significantly damaging harm like sexual assault, should be the ones who, where they are able, cover the cost of services necessary for recovery.”

Theme 8 Survivors frequently want meaningful and genuine acknowledgement of the specific harm that they experienced – without minimizing, dismissing, or blaming them for any aspect of what happened. This was generally more important to survivors than an apology.

Recommendation 8 As part of preparing survivors for restorative justice processes, program coordinators and facilitators need to provide validation and belief to the survivor, be clear about the potential outcomes, and explore how the survivor would like to engage in the process – communicating directly with their abuser, having a proxy communicating with their abuser, or communicating with others in the community response who added to the harm.

All survivors should be connected with a community- or Tribal-based advocate who can provide the validation, support, and belief they need. Advocates can further help them through reality testing to explore how their abuser is likely to respond, and if they are likely to get the acknowledgement they are looking for. Advocates can also provide referrals to additional resources for seeking healing and justice and lead a survivor-centered process for sharing information with restorative justice program staff and other community partners. Ideally,

DV/SA agencies would designate one primary advocate to provide support and information for restorative justice processes.

“That would be a relief. They would come forward and say, ‘I’m sorry I did this’ or not even I’m sorry, just ‘I did this.’ You’re admitting to a crime, to a problem you have. That would alleviate a lot of pain and help me heal. That would practically stop my spinning head and all these problems.”

“He did respond to the letter, but I remember him saying he had been concerned that it would upset me, but that he decided to be nice to me and hope we never talked about it. It told me he really doesn’t understand the weight of what happened.”

“He took ownership of how he hurt me.”

“He would say, ‘That was messed up. I did this really harmful thing and I’m sorry.’ Having a genuine recognition and apology. It’s less about the apology and recognizing that you did this big, traumatic harmful thing to somebody else. Are you aware that you did that? After it’s happened, it’s hard because you can’t take that back...”

Theme 9 There was a lot of ambivalence about whether change was possible; based on their own experiences and insights, some survivors did not believe that their abuser could or would ever take responsibility and change.

Recommendation 9 Restorative justice processes can look many different ways, and does not need to be direct communication between the survivor and their abuser. Program coordinators and facilitators can support survivors in safely giving feedback directly to their abuser even if they think they won’t change and can offer additional options such as writing a letter, being on a victim/survivor impact panel, or engaging in processes with family, friends, or others who were not supportive in the way the survivor needed.

“I don’t have evidence that he is capable of being better.”

“No, he won’t change. He proved that by doing the same thing to another person.”

“I do have a text from him that kind of admits to what he did. But he doesn’t think there is anything wrong with it.”

“He has never owned up to what he did, not once, he will say that I need to move on from the past, that the past is the past. I have told him that he hurt me and physically hurt me in front of our child. I’ve told him the impact on our child. And it’s like talking to a brick wall.”

“I don’t think he believes he harmed me; I think he believes he’s the victim...”

Theme 10 Some survivors did think that their abusers could change, and they had clear insight into what could elicit that change and how they would know the change had happened.

Recommendation 10 Program coordinators and facilitators should be prepared to explore with survivors what they think is needed for their abuser to change and how they would want to assess if that change is happening. This will be individual to different survivors. Committing to and engaging in activities that could support behavior change could be a way for the abuser to repair harm – such as getting therapy or education (26%); treating other people (23%), children in common (16%), and/or the survivor (8%) differently; leaving certain social or peer groups (21%), communicating clearly about what they did (13%), and accessing services (11%).

Program coordinators and facilitators should also be transparent that change is not a guaranteed outcome. Physical and emotional safety for the survivor will be the priority above all else in the process.

“He is normally very quiet and withdrawn but he looked me in the eyes, which is a big deal for him, and cried when he apologized. He’s only cried three times since I’ve known him, and that was one of them. He took ownership of how he hurt me.”

“They would definitely need a lot of mental health support. They would need to get sober and get therapy for trauma. They would need economic and housing support...Also, medical care.”

“Not speaking in a demeaning manner to the children. Not belittling anybody in the family. Not raging. Not going on rants. It’s possible for people to change, but difficult to do it.”

“Maybe if he was in another group with guys like him and he could learn through their behavior.”

Theme 11 Survivors' communities – including friends, family, neighbors, and coworkers - frequently do not understand how to support a survivor, which can create more harm and trauma. Even people who are caring and well-meaning often responded in ways that weren't helpful (28%).

Recommendation 11 Restorative justice processes between the survivor and those who they expected to help them (but did not do so) could be deeply impactful and, for many survivors, may be more successful than processes between the survivor and the abuser. The opportunity to participate in restorative justice processes will need to be promoted in the community in a way that makes it clear that this is an option for survivors.

The restorative justice program should include the creation and promotion of resources and educational opportunities for community members who want to take a restorative approach to support their loved ones who have experienced domestic and sexual violence, but don't know how to do so.

“Every time I tried to talk to someone about it, I was told I was too emotional about it and to come talk to them at a later time.”

“My friends...insinuated that I kind of should have expected it because I got in the bed – they compared me getting into his bed with getting into a car with a drunk driver.”

“My old coworker, who was one of my closest friends, I told her the day after. I asked her for the day off and she just didn't have enough empathy for me to not make me go to work.”

“I did tell my parents and they were also unsupportive. My dad called it part of my 'liberal agenda.'”

“The people that were in my high school, they were in support of people who had been abused, but also, 'don't talk about it because it's weird.'”

Theme 12 For many survivors, the ways that systems responded had negative impacts on their experience (17%). This included through invalidation, disbelief, and minimizing the survivor's experience. Systems that caused harm included law enforcement (17%), courts (14%), religious/faith communities (10%), schools/colleges/universities (7%), and healthcare providers (7%). Survivors also named experiencing harm from the military, DCYF, and immigration responses.

Recommendation 12 Restorative justice responses can also be provided for survivors to give feedback to systems. This can look like victim/survivor impact panels, survivors meeting directly with a representative from the system that caused additional harm and continuing to gather input directly from survivors and sharing it with systems. These forms of feedback can also be facilitated through the restorative justice program.

“People and the systems tell you, ‘Sorry, so sorry’ but they don’t help you. The last thing you want to hear is ‘sorry.’ You need help.”

“I felt like the questions that they’re expected to ask are very – they just don’t have a survivor’s mental state in mind. I know it’s just a systems thing, they’re just trying to get succinct information or evidence, but it’s really intimidating and doesn’t feel – it feels like an interrogation.”

“School counselors I went to for help minimized harassment and stalking, said ‘He’s just still in love with you.’”

“The guardian ad litem told me that if I tried to get help from DVSAS or went to a shelter, they would give custody of my son to his dad.”

“The police...didn’t help me, they minimized the incident...just offered me a pamphlet and said if I’m not hurt, they can’t help me.”

Re-Occurring Themes That Crossed Categories and Questions

- Validation, belief, and connection are consistently essential and helpful for survivors.

“The only thing I couldn’t have survived without was validation. I don’t know what would have happened if I never experienced validation.”

“The first healing thing that happened was just having someone validate for me that it was a negative experience and that it wasn’t my fault.”

- Healing for survivors was often independent and separate from any response to, consequences for, or involvement of the person who caused harm. Survivors noted that they healed through engaging in counseling (30%), receiving validation and belief (26%), achieving a sense of well-being and security (23%), seeing societal and cultural change (21%), feeling self-compassion (21%), receiving structural supports (16%), participating in support groups (12%), and having community support (7%).

“Healing to me would be processing it and accepting that it did happen and that it was not in any way, shape, or form my fault.”

“Now I know that I was doing the best I could and making the best decisions I could.... Maybe that is healing, to know that I did my best, and to let my daughter heal.”

“I found community in that as well, talking with other survivors of violence. It’s a sad thing, finding others who have experienced violence. Having a space to talk safely and feel validated.”

- Survivors frequently experienced repeated victimization throughout their lives, either by the same abuser (77%) and/or by different abusers (30%).

“He wasn’t my first abuser; he was my last...Both baby daddies were abusive...They were both bad but the second one was not as bad.”

“I had a number of experiences in childhood that were attempted assaults from strangers. The main incident is when I was 18 and it started off as consensual, hooked up once consensual, but after that it was not consensual.”

“Throughout my life there’s been a lot of patterns of abuse. Caregivers and in relationships.”

“Those were the most egregious incidents that I had in my life, though there have been others.”

- People around the survivor often actively supported the abuser and/or took action to shield the abuser from responsibility (47%), or they wanted to stay out of the situation (17%).

“...it’s been interesting the amount of people who with this story respond to this by being concerned about him, and what would happen to his reputation. It’s interesting to have me share what happened that was hurtful, and they focus on the hypothetical hurt that this other person might experience.”

“I reported his suicidal text to the counselor. She told me not to break up with him right away even though he had assaulted me. They put him first.”

- Survivors want societal and cultural change to prevent gender-based violence and create healthy relationships and communities, in addition to solutions for their individual situations.

“As this was happening to my body, I had a thought that I joined the many generations of women that I come from, in this culture.”

“We really need a massive cultural transformation in order to full address sexual and domestic violence, we have to address all the other intersecting issues, like capitalism, intergenerational trauma, racism, ablism, all these wounds we all carry intergenerationally...Normalizing support groups and mutual aid. All these pieces have to come into being for there to truly be justice that works...”

- Therapy was frequently mentioned by survivors as a way to heal. Survivors mentioned appreciating various modalities of therapy, including talk therapy, support groups with other survivors, art therapy, and somatic therapies.

Therapists who did not understand the dynamics of sexual assault and domestic violence caused harm to survivors, and therapy was often inaccessible or unaffordable.

“I’ve had lots of therapy. I worked on it really hard in my twenties. The process of healing for me is...being able to talk about it. To have your feelings affirmed.”

“[After experiencing child sexual abuse], I did have a therapist at first who asked me what I was wearing when things happened and if I had given him the idea that it was okay.”

“Something that really changed my life in a positive way was somatics. I found that healing was working with a practitioner who can guide me through all of the pain and suffering and sadness and fear, and activation that really rooted itself in my body after that experience.”

“It would be nice to have a therapist, I have had zero healing or help, a lot of days I have a feeling of hopelessness.”

“I have built up a way through with the therapy process. I have healed.”

- Survivors generally want justice to include that abusers be held accountable, and to change their behavior and not harm anyone else. Different survivors had different ideas about how to achieve these goals, with the majority supporting legal consequences (35%) or therapeutic and educational interventions (33%) to achieve accountability. However, some survivors just wanted distance from their abuser and to never see or interact with them again (16%).

“One thing that really bothered me is there was no support for the potential perpetrator and that felt negligent – it puts that person in position to cause further harm. In any of these processes, whether in criminal justice or in restorative justice or in college, the perpetrator needs counseling. If that is successful, that feels like justice.”

“In my dream world justice would mean knowing that the person doesn’t do it to anyone else in the future. That feels like a big ask. There’s no way to force them into it, to force them to be better. That’s what I would want if I could have that.”

“I just wish he would at least have had to do the jail time he deserved, wear the ankle monitor, and do the probation he was required.”

“I just wanted an apology and for the other party to admit that they actually did wrong to me for once.”

- Survivors need to be given the time (12%), support, and resources to heal and engage on their own individual timelines.

“...healing would be being able to have therapy or support as long as you need it. And not just as long as you can afford it.”

“It takes time. That’s a vulnerable process. You can’t rush it, either.”

“After I left, a couple of months later, my mom told me, “You should be over it by now,’ which was nasty and hurtful.”

- Survivors can find it challenging to name what happened to them (17%) as sexual assault or domestic violence, especially while they are still experiencing it, and faced difficulty getting free (37%).

“I had a sexually violent experience with somebody that I went to high school with, who I thought I was friends with...I would say no, and he would say nice things and physically force me even though I said no, and I really didn’t understand what was happening.”

“We stayed together for a year and a month. I didn’t think breaking up was an option.”

- Survivors experience many different types of responses and interventions that are harmful. Survivors experienced harm from inner circles of the survivor (friends, family, partners) (57%), medical-legal systems (34%), service providers (17%), community (neighbors, teachers, coworkers) (14%), counselors/mental health providers (12%), inner circles of the abuser (9%), and faith communities (6%).

“I had to go through the court process more than once, and I shouldn’t have had to do that.”

“I felt...like I was dismissed because I was a hysterical emotional female compared to my partner, who was very composed at the time.”

“People didn’t understand my way of being – people thought I should stand up for myself, but that would have been harmful.”

“It’s tough that you can only stay at the DV shelter for three months because it’s hard to find a place to live in that amount of time.”

“They judge granted more time in the restraining order hearing because the lawyer and my son’s dad were unprepared, and that wasn’t my fault.”

“I also ended up going to jail because I retaliated to get away from her. I had a DV charge and wasn’t able to get a job because of it...”

“The church sent help to my ex-husband but not to me, they didn’t care how I felt.”

- Survivors, like all people, want lives of well-being, joy, and success (23%). This can include having the time and capacity to be in nature, create art, practice yoga, spend time with friends, and achieve financial stability.

“Healing looks like being believed and supported by my community, having that energy put into me recovering my autonomy and my safety. Healing is being able to walk around town, go to the store, go to the park, living without hypervigilance. Being able to wear my hair down again, wearing clothing that makes me happy, being able to experience joy with my friends.”

“For the first time in my life, my name is on a lease and I’m accomplishing things, I have a little car.”

“I spent a lot of time out in nature just being with myself and learning how to love myself again, being alone and focusing on taking care of my animals.”

Explanation of Language Used

adrienne maree brown is a mediator, survivor, activist, and abolitionist who writes and speaks on transformative justice. She says in her book *We Will Not Cancel Us*, of the feedback that she gets on her writing, that one of the “...most common complaint[s] is that I collapse conflict, harm, and abuse. And in doing so, I risk giving abusers a way to avoid accountability and risk silencing survivors who need to shed light on their abusers in order to heal and move towards safety.”

Therefore, on this report, we generally use the word “survivor” to identify the person who experienced harm, and “abuser” for the person who caused harm. Based on how people referred to themselves and their abuser, we also use the words “victim,” “offender,” or “perpetrator.” Part of the choice of using these words is to have clarity throughout the report of the impact of the harms of domestic and sexual violence. We use the language of abuse to support the voices of survivors and differentiate gender-based violence from other forms of conflict and harm; specifically, that abuse is one-way with one person holding the power and control.

Project Background

From 2019 – 2020, the Bellingham Whatcom County Commission on Sexual & Domestic Violence (SA/DV Commission), Lummi Cedar Project, and Whatcom Dispute Resolution Center co-led a year-long learning series to explore how restorative justice could be used to address domestic and sexual violence in Whatcom County. More than 30 people from the community, criminal legal system, colleges and universities, public schools, arts and music community, victim advocacy community, and more participated in the learning series.

In 2022, a working group formed to develop a pilot of restorative justice responses to sexual and domestic violence in Whatcom County. The working group includes representatives from:

- Bellingham Whatcom County Commission on Sexual & Domestic Violence
- City of Bellingham
- Lummi Behavioral Health
- Make.Shift Art Space

- Northwest Youth Services
- The Shakedown
- Western Washington University
- Whatcom Dispute Resolution Center

Our plan is to conduct a 24-month pilot project to explore the feasibility and impact of a Restorative Justice Project for survivors of sexual and domestic violence, the people who harmed them, and their communities here in Whatcom County.

The Restorative Justice Project could address harm that happened:

- To a survivor from the person who directly caused harm (the offender)
- To a survivor from family, friends, or other community member or systems stakeholder that enabled that harm or did not provide appropriate support during or after the harm
- To family, friends, or other community (secondary survivors) who were impacted by domestic or sexual violence even if they did not directly experience it

The philosophy and practice of restorative justice has been present for thousands of years. Its roots lay within indigenous communities throughout the world, including right here in Whatcom County with the Lummi Nation, Nooksack Tribe, and Semiahmoo and Salish peoples. Restorative justice can be viewed as a framework for addressing and preventing harm, a philosophy, and a way of engaging, to the extent possible, those who have experienced and are responsible for harm and the community, in ways that:

- Put key decisions into the hands of those most affected by harm
- Make justice more healing
- Reduce the likelihood of future harm
- Create opportunities for accountability
- Use fair processes

Sometimes the terms restorative justice and transformative justice are used interchangeably, though there are differences. Transformative justice is a political framework and approach for responding to violence, harm, and abuse. At its most basic, it seeks to respond to violence without creating more violence and/or engaging in harm reduction to lessen the violence. TJ can be thought of as a way of “making things right,” getting in “right relation,” or creating justice together. Transformative justice responses and interventions 1) do not rely on the state (e.g. police, prisons, the criminal legal system, I.C.E., foster care system, though some TJ responses do rely on or incorporate social services like counseling); 2) do not reinforce or

perpetuate violence such as oppressive norms or vigilantism; and most importantly, 3) actively cultivate the things we know prevent violence such as healing, accountability, resilience, and safety for all involved.

This project will focus on using restorative justice as a response to sexual and domestic violence.

Our work group has developed a guiding document to identify the path forward for this pilot project, including:

- Goals of the pilot project
- Gaps to be addressed in our current community responses
- Supports needed for participants
- Prevention/early intervention opportunities
- Resources to inform the project
- Training needed for facilitators
- Stakeholders
- Evaluation
- Key activities and phases (research, developing tools and support, developing partnerships, facilitator identification and training, evaluation)
- Potential challenges

Next steps for our working group are to form partnerships, develop resources and tools, and create training and materials needed to implement restorative justice responses for survivors in Whatcom County.

Methodology and Next Steps for Evaluation

This survivor feedback interviews, surveys, and analysis were conducted by the members of the Restorative Justice to Address DV/SA work group, alongside and under the guidance of Dr. Christina Byrne, researcher and psychology professor at Western Washington University.

Feedback was gathered from more than 40 survivors through semi-structured interviews and surveys. All work group members who led interviews have experience and training in domestic and sexual violence survivor advocacy. Interviews were done in English or Spanish. All interviews were done between July and October 2022.

The opportunity for survivors to participate in interviews and surveys was shared via social media (Facebook and reddit), distributing information to local service agencies, and word of mouth. All interview participants were compensated for their time.

Accessibility, privacy, and confidentiality of participants were prioritized in all data collection activities.

Quantitative and qualitative data analyses were conducted to develop findings. The thematic analysis included the following processes: familiarizing ourselves with the data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and, finally, producing this report.

These findings and themes will inform and guide identification of specific relevant processes and outcomes when designing and implementing restorative justice processes for survivors of sexual and domestic violence in Whatcom County. They will also inform the development of necessary tools, supports, and partnerships for this project.

Building on the work from this initial research phase, an evaluation team will develop a survey instrument to collect qualitative and quantitative data to measure the proposed outcomes of the pilot project. This survivor feedback report as well as the evaluation analyses will provide an empirical foundation for decision-making regarding program efficacy and accessibility.

Restorative Justice Survivor Interview Questions, Themes, and Results

A. Please share any demographic information or identities that you feel comfortable telling us about.

Race	Total Respondents = 31	
	Number of respondents	% of Total Respondents
Black	2	6.5%
White	18	58.1%
Asian	1	3.2%
Native American	2	6.5%
Latino/Latina/Hispanic/Latinx	4	12.9%
Multi-racial	4	12.9%

Gender	Total Respondents = 33	
	Number of respondents	% of Total Respondents
Woman	20	60.6%
Man	2	6.1%
Non-Binary/genderqueer/Uses They/Them Pronouns	7	21.2%
Trans	2	6.1%
Cisgender	2	6.1%

Sexuality	Total Respondents = 16	
	Number of respondents	% of Total Respondents
Gay/Lesbian	1	6.3%
Bisexual	2	12.5%
Straight	5	31.3%
Pansexual	1	6.3%
Queer	4	25.0%
Polyamorous	1	6.3%
LGBTQ	1	6.3%
Asexual	1	6.3%

Age	Total Respondents = 28	
	Number of respondents	% of Total Respondents
<20	2	7.1%
20-29	15	53.6%
30-39	4	14.3%
40-49	3	10.7%
50-59	4	14.3%
60+	0	0.0%

Disability	Total Respondents = 5	
	Number of respondents	% of Total Respondents
Has a disability	5	100%

Neurodivergence	Total Respondents = 3	
	Number of respondents	% of Total Respondents
Neurodivergent	3	100%

Religion	Total Respondents = 3	
	Number of respondents	% of Total Respondents
Jewish	1	33.3%
Christian	2	66.6%

Income/Class	Total Respondents = 4	
	Number of respondents	% of Total Respondents
Low-income	3	75%
Working Class	1	25%

<i>B. Do you belong to any communities? How would you name your community? (e.g., faith community, neighborhood, workplace, arts community)</i>	Total Respondents = 43	
	Number of Respondents	% of Total Respondents
None	12	27.9%
Work	9	20.9%
Club or Volunteer	9	20.9%
Faith	8	18.6%
School/Student	8	18.6%
Informal Community Group	8	18.6%
Town/Neighborhood	7	16.3%
Support Group/12-Step	2	4.7%
Tribe	2	4.7%
Friends	2	4.7%
Family	1	2.3%
Online	1	2.3%

Total respondents adds to more than 43 because many respondents belong to more than one community.

<i>C. What county do you live in?</i>	Total Respondents = 42	
	Number of Respondents	% of Total Respondents
Whatcom	36	85.7%
Other County In WA	4	9.5%
Out of State	2	4.8%

At least 2 of the respondents who live in another county or out of state used to live in Whatcom County, or has connections to Whatcom County.

<i>D. What county did the incident(s) happen in?</i>	Total Respondents = 42	
	Number of Respondents	% of Total Respondents
Whatcom	27	64.3%
Another WA County/Counties	11	26.2%
Another State	7	16.7%
Outside Whatcom/Not specified	5	11.9%
Canada	1	2.4%
A country other than US or Canada	1	2.4%

Total “number of respondents” adds to more than 42 because many survivors reported that the incident(s) happened in more than one community (e.g. Whatcom & somewhere else).

<i>E. Can you tell us briefly what happened to you? (tally of type of abuse)</i>	Total Respondents = 43	
	Number of Respondents	% of Total Respondents
Domestic Violence	29	67.4%
Adult Sexual Assault	16	37.2%
Childhood Sexual Abuse	8	18.6%
Teen Sexual Assault	5	11.6%
Secondary Survivor	5	11.6%
Stalking	4	9.3%
Teen Dating Violence	3	7.0%
Sexual Harassment	2	4.7%
Sexual Exploitation	1	2.3%

Total “number of respondents” adds to more than 43 because many survivors experienced multiple types of abuse.

<i>E. Can you tell us briefly what happened to you?</i>	Total Respondents = 43	
Identified themes	Number of Respondents	% of Total Respondents
Manipulation by abuser involving children	8	18.6%
DV – manipulation (not involving kids) -threat to physical safety of survivor -use system against survivor -emotional manipulation (e.g., threat to physical safety of abuser)	13	30.2%

Coercion – sexual violence	7	16.2%
Victimization repeated by same perpetrator	33	76.7%
Repeated victimization experiences, by multiple perpetrators	13	30.2%
Difficulty getting free from abuser	16	37.2%
Challenging to name what happened	8	18.6%
Described community response as positive	8	18.6%
Described community response as negative	8	18.6%

<i>F. Who was responsible for that harm?</i>	Total Respondents = n/a	
	Number of Respondents	% of Total Respondents
Partner	37	n/a
Family Friend/Someone Known to Family	6	n/a
Acquaintance	5	n/a
Family Member	5	n/a
Friend	4	n/a
Stranger	4	n/a
Sibling	3	n/a
Step-parent	2	n/a
Parent	2	n/a

Neighbor	2	n/a
Date	2	n/a

Some survivors said they experienced harm from more than one abuser, so we couldn't accurately tally the number of total respondents (and thus the percentage) for this question.

<i>G. Were there any systems or communities that were part of allowing that to happen?</i>	Total Respondents = 42	
Identified themes	Number of Respondents	% of Total Respondents
Law enforcement	7	16.7%
Courts (e.g., custody, orders of protection)	6	14.3%
Family/friends of abuser	8	19%
Family/friends of survivor	7	16.7%
Religion	4	9.5%
Societal and cultural norms	9	21.4%
School/college/university	3	7%
Healthcare providers	3	7%
<i>Also listed were military, DCYF, and immigration, and a "lack of systems"</i>		

<i>H. How much time has passed since the experience(s) and the intervention(s)?</i>	Total Respondents = 43	
	Number of Respondents	% of Total Respondents
Ongoing	3	7.0%
< 1 year	6	14.0%
1-5 years	21	48.8%
6-10 years	8	18.6%
11-20 years	4	9.3%
More than 20 years	1	2.3%

<i>I. What does healing look like to you? What does justice look like to you? Is there anything else you would like to share about what justice or healing could have looked like for you?</i>	Total Respondents = 43	
Identified themes	Number of Respondents	% of Total Respondents
For offender:		
Behavior change for perp (counseling, education, treatment, won't harm anyone else)	14	32.6%
Distance from abuser (to not see perp ever again)	7	16.2%
Reparations by perpetrator	3	7%
Acknowledgement of harm by perpetrator (apologize, admit harm done)	6	14%
Legal consequences (jail, arrest, probation/supervision)	15	34.9%

For survivor:		
Therapy or counseling for survivor	13	30.2%
Validation and belief	11	25.6%
Well-being & security (joy, success, art, nature)	10	23.3%
Community support (family, friends, coworkers)	3	7%
Self-compassion	9	20.9%
Support groups with other survivors	5	11.6%
Structural supports (finances, housing, time off of work)	7	16.2%
Societal and cultural change	9	20.9%

<i>J. Who did you go to for support or help?</i>	Total Respondents = 43	
	Number of Respondents	% of Total Respondents
Friends	25	58.1%
Counselor	21	48.8%
Parents	20	46.5%
Police	19	44.2%
Victim Serving Organization	14	32.6%
Siblings	10	23.3%
Other Family Members	9	20.9%

School	8	18.6%
Doctor/Hospital	6	14.0%
Shelter	5	11.6%
Neighbor	4	9.3%
Faith Community	3	7.0%
Current Partner	3	7.0%
Coworker	2	4.7%
Employer	2	4.7%
Other Social Services	2	4.7%
Lawyer	2	4.7%
CPS	1	2.3%
Mentor	1	2.3%
Another Adult	1	2.3%

<i>K. If other people knew about your situation, how did they react? Do you feel like they supported you, or supported the person who harmed you?</i>		Total Respondents = 36	
Identified themes	Number of Respondents	% of Total Respondents	
Supportive in way that met survivor's needs	15	41.7%	
Tried to be supportive but it wasn't helpful or it was harmful	10	27.8%	
Tried to stay neutral or uninvolved	6	16.7%	

No support available	4	11.1%
Supportive of offender (often by shielding them from accountability)	17	47.2%

<i>L. What was helpful? In support for you? In how they interacted with the person who caused harm?</i>	Total Respondents = 38	
Identified themes	Number of Respondents	% of Total Respondents
Autonomy/agency	5	13.2%
Connection to services	4	10.5%
Tangible & logistical support (money, time, effort)	14	36.8%
Advocacy and information	10	26.3%
Validation (includes being present and engaged)	23	60.5%
Connection with other survivors	8	21.1%
Healing through therapy or counseling	11	28.9%

<i>L. What was helpful? In support for you? In how they interacted with the person who caused harm? [This Tally shows who/which system(s) were helpful]</i>	Total Respondents = 29	
	Number of Respondents	% of Total Respondents
inner circle (friends, family, partners)	15	51.7%
service providers	11	37.9%

counselors/mental health providers	9	31.0%
medical-legal system	8	27.6%
community (neighbors, teachers, coworkers)	7	24.1%

M. What was harmful? In support for you? In how they interacted with the person who caused harm?		Total Respondents = 41	
Identified themes		Number of Respondents	% of Total Respondents
Not given enough time (get over it, time off of work, time for therapy)		5	12.2%
Invalidation, disbelief, and minimizing (didn't believe, dismissed, invalidated survivor's reactions/experience)		21	51.2%
Barriers to services and support (services or structural support not provided/hard to access/nonexistent, discouragement from seeking help)		18	43.9%
Additional violence		4	9.8%
Focus on minimizing consequences for the abuser (protecting abuser's reputation)		9	22%
Consequences to the survivor for self-protection/retaliation		4	9.8%
Blaming		7	17.1%
Stigma (don't talk about it)		8	19.5%
Not knowing how to support a survivor (not letting survivor lead)		14	34.1%
Additional forms of discrimination		7	17.1%

<i>M. What was harmful? In support for you? In how they interacted with the person who caused harm? [This Tally shows who/which system(s) were harmful]</i>	Total Respondents = 35	
	Number of Respondents	% of Total Respondents
inner circle of survivor (friends, family, partners)	20	57.1%
medical-legal system (name examples)	12	34.3%
service providers (name examples)	6	17.1%
community (neighbors, teachers, coworkers)	5	14.3%
counselors/mental health providers	4	11.4%
inner circle of abuser (friends, family, partners)	3	8.6%
faith community	2	5.7%

<i>N. What needs did you (or do you still have) have for support and healing?</i>	Total Respondents = 42	
	Number of Respondents	% of Total Respondents
Therapy	31	73.8%
Support Group	17	40.5%
Financial Resources	16	38.1%
Time off school/work	14	33.3%
Housing	11	26.2%
Medical Care	10	23.8%

Help Making a Report (to police, school, etc.)	9	21.4%
Direct Communication	8	19.0%
Healing Circle	7	16.7%
Indirect Communication	6	14.3%
None	1	2.4%

Other needs respondents shared: systems change, time to process, lawyer, supportive people in my life, childcare, privacy protections in court.

<i>O. Do you feel like the person who hurt you took responsibility for what they did? What <u>did</u> that look like, <u>or</u> what <u>could</u> it have looked like?</i>	Total Respondents = 42	
Identified themes	Number of Respondents	% of Total Respondents
Action by perpetrator: Punitive	5	11.9%
Action by perpetrator: Educational/therapeutic	10	23.8%
Communication: Meaningful acknowledgement and validation	24	57.1%
Communication: Genuine, meaningful apology	15	35.7%
Communication: Answering questions	2	4.8%
Communication: None (doesn't want any or hasn't heard anything)	5	11.9%
Trust/safety of self and others	8	19%

<i>O. Do you feel like the person who hurt you took responsibility for what they did? What did that look like, or what could it have looked like?</i>	Total Respondents = 42	
	Number of Respondents	% of Total Respondents
No	31	73.8%
Yes	8	19.0%
Unsure	2	4.8%
Kind of	1	2.4%

<i>P. Do you think the person who harmed you could change their behavior? If so, what do you think could change their behavior? What would that behavior change look like – how would you know they were changing? (What might your life together or interactions together look like?)</i>	Total Respondents = 38	
Identified themes	Number of Respondents	% of Total Respondents
Behavior Change – what could elicit change?		
Punitive consequences	8	21.1%
Educational and therapeutic support	10	26.3%
Structural support (\$, housing, parenting)	2	5.3%
Cultural or systems shift	5	13.2%
Environmental change (influence of others)	8	21.1%

Personal mindset (thinking about it differently)	10	26.3%
What would change look like? (How would you know?)		
Accessing services	4	10.5%
Communication	5	13.2%
Change in how perpetrator treats survivor (positive social behavior)	3	7.9%
Change in how perpetrator treats their children (positive social behavior)	6	15.8%
Change in how perpetrator treats others (positive social behavior)	9	23.4%

<i>P. Do you think the person who harmed you could change their behavior? If so, what do you think could change their behavior? What would that behavior change look like - how would you know they were changing? (What might your life together or interactions together look like?)</i>	Total Respondents = 38	
	Number of Respondents	% of Total Respondents
Yes	17	44.7%
No	17	44.7%
Unsure	4	10.5%

<i>Q. If you could use a magic wand, what do you wish would have happened to support your healing/meet your needs? What could have been asked of the</i>	Total Respondents = 43	
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<i>person who caused harm? What could have been offered/supported for you directly/personally?</i>		
	Number of Respondents	% of Total Respondents
They would change their behavior and not do it to anyone else	32	74.4%
They admitted the impact	28	65.1%
I was believed	24	55.8%
They apologized	23	53.5%
social support was there for me	21	48.8%
They were required to go to therapy/classes	20	46.5%
They weren't allowed some places	17	39.5%
System Change*	16	37.2%
They were arrested	15	34.9%
I got a protection order	14	32.6%
They lose some social status/power/economic power	14	32.6%
They had jail time	12	27.9%
Friends/Family chose not to spend time with them anymore	9	20.9%
They were removed from campus/school	4	9.3%
Financial Support*	2	4.7%
Support Accessing Services*	2	4.7%

*Respondents were not specifically asked about these wishes, but these wishes came up at least 2 times.

R. <i>If you needed to continue to interact with and/or be in the same places as the person who harmed you (e.g., have kids together, are in the same class or campus, work together, go to the same faith community, live in the same neighborhood, go to the same coffeeshop) – what would have helped you to feel safer in those places?</i>	Total Respondents = 34	
Identified themes	Number of Respondents	% of Total Respondents
Not being alone with the other person	12	35.3%
Parameters/rules about being in the same place	11	32.4%
Safety planning regarding shared children (e.g., supervised visits; using only written communication)	3	8.8%
Therapy/treatment for person who caused harm (sobriety)	5	14.7%
Survivor continues to experience fear/anxiety despite planning	8	23.5%

S. <i>Did you or anyone in your immediate circle talk to the person about what they did? If so, how did that go?</i>	Total Respondents = 20	
Identified themes (of those who answered yes)	Number of Respondents	% of Total Respondents
It went well (reasons varied or no reason given)	3	15%
Did not go well because:		
Offender denied, minimized, or excused it	10	50%
Offender retaliated or escalated	2	10%

Didn't say why (no reason given)	2	10%
Offender apologized but it wasn't sufficient	2	10%

<i>S. Did you or anyone in your immediate circle talk to the person about what they did? If so, how did that go?</i>	Total Respondents = 38	
	Number of Respondents	% of Total Respondents
No	18	47.4%
Yes-survivor	14	36.8%
Yes-someone else	6	15.8%

<i>U. A restorative justice process could provide the opportunity to talk directly to the person who harmed you, tell them about what they did and its impact on you, and ask them to take steps to apologize and change their behavior. What do you think about that kind of process?</i>	Total Respondents = 39	
Identified themes	Number of Respondents	% of Total Respondents
No, not for me because:		
Survivor wants to be done	5	12.8%
Abuser will never change	4	10.3%
Survivor would not be safe	4	10.3%
Yes, with the right conditions/circumstances:		

Voluntary for both parties	2	5.1%
Survivor-led	2	5.1%
Presence of strong, trusted support for survivor	6	15.4%
Right timing	8	20.5%
Authenticity/readiness for change by abuser	8	20.5%

<i>U. A restorative justice process could offer the opportunity to talk directly to the person who harmed you, tell them about what they did and its impact on you, and ask them to take steps to apologize or change their behavior. What do you think about that kind of process?</i>	Total Respondents = 39	
	Number of Respondents	% of Total Respondents
Yes	14	35.9%
Generally positive with caveats	16	41.0%
No	9	23.1%

77% of respondents would like this for themselves or expressed that they felt it would benefit other survivors.

<p><i>V. A restorative justice process could provide the opportunity for another person you trust to talk to the person who harmed you, tell them about what they did and its impact on you and the community, and ask them to take steps to be accountable and change their behavior. What do you think about that kind of process?</i></p>	<p>Total Respondents = 40</p>	
Identified themes	Number of Respondents	% of Total Respondents
<p>Seems better than direct contact with abuser because:</p>		
<p>Safer for survivor</p>	5	12.5%
<p>Less traumatic or stressful for survivor</p>	8	20%
<p>Abuser might be more receptive to process if someone else</p>	2	5%
<p>Survivor would have concerns regarding:</p>		
<p>Authenticity</p>	3	7.5%
<p>Abuser won't change</p>	7	17.5%
<p>Fear of retaliation</p>	3	7.5%
<p>It will give abuser pleasure</p>	3	7.5%
<p>Preparation – needs to be a certain person talking with the abuser</p>	10	25%
<p>No, I'd prefer direct communication with the abuser</p>	3	7.5%
<p><i>At least one person noted that they would want a response from someone in the system acknowledging that the system messed up</i></p>		

<i>V. A restorative justice process could provide the opportunity for another person you trust to talk to the person who harmed you, tell them about what they did and its impact on you and the community, and ask them to take steps to be accountable and change their behavior. What do you think about that kind of process?</i>	Total Respondents = 39	
	Number of Respondents	% of Total Respondents
Yes	17	43.6%
Generally positive with caveats	9	23.1%
No	13	33.3%

<i>W. What resources would make it possible for you to participate in a longer healing process (like restorative justice)?</i>	Total Respondents = 41	
	Number of Respondents	% of Total Respondents
Therapy	31	75.6%
Support Group	25	61.0%
Time off of work or school	23	56.1%
Childcare	14	34.1%
Transportation Assistance	13	31.7%
Food assistance	11	26.8%
Financial Assistance*	7	17.1%

Parenting classes/support/support for children*	2	4.9%
Housing Assistance*	2	4.9%
Self-Care Plan*	1	2.4%
RJ Self-Help Guide*	1	2.4%
N/A*	1	2.4%

**Respondents were not specifically asked about these resources.