

## Challenges and opportunities to using restorative justice frameworks for gender-based violence

*The system we have is that we hurt people who have hurt people to show them that hurting people is wrong and bad. We are just perpetuating that cycle. I'm interested in being here to interrupt that cycle, both on the interpersonal level...also those systemic harms that are just perpetuating those cycles. We do it in our interpersonal relationships and we do it in our systems*

-research participant

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### Introduction to the Researchers

Katie (she/her) earned her PhD in Social Welfare from the University of Washington (2018) and finished a postdoc at the University of Minnesota Medical School (2020), where her relationship with Seward Longfellow Restorative Justice and the Twin Cities started. She is currently an Assistant Professor in the Social Work Department at St. Cloud State University. Katie is a white, queer, neuroatypical woman, who grew up in a middle class family in the Pacific Northwest. She is an intersectional feminist gender researcher, and uses community engaged, creative approaches to explore gender and sexuality, with a focus on socialized constructions of masculinity. Katie's work is grounded in anti-oppressive and liberatory frameworks. She has taught in elementary schools, higher education, and community settings for nearly 20 years. She also teaches adaptive yoga, and loves to dance, and tell jokes to her senior dachshund Willie.

Michele (she/her) received her Master of Social Work from Augsburg University. She became familiar with restorative justice while working for Hennepin County where she helped develop and facilitate re-entry circles for people leaving prison. For the past 14 years she has led Seward Longfellow Restorative Justice which provides an alternative to the legal system in response to harm and crime. She also facilitates Victim-Offender Dialogues in crimes of severe violence for the Minnesota Department of Corrections. Michele believes in the potential for restorative justice to transform not just the legal system but all aspects of how we live and work together. She provides training and consultation for using restorative practices at work, home and in the community. Michele is a white, cisgender, heterosexual woman who grew up in a middle class family in suburban St. Paul. Michele is a social worker who strives to amplify the social justice roots and imperatives of the profession. She enjoys being active outdoors, especially biking and walking near the Mississippi River and canoeing on lakes throughout the Metro area.

***\*Content warning: It discusses gender-based violence in general terms and its relationship to the criminal legal system and does not detail any specific incidence of gender-based violence.***

## Context of the Research

### ***Gender-Based Violence***

Violence perpetrated by men (statistically more likely to be cisgender, however most research has not historically assessed for gender identity), is the number one cause of death globally (Fleming, Gruskin, Rojo, & Dworkin, 2015; Krug, Mercy, Dahlberg, & Zwi, 2002; Westbrook & Saperstein, 2015). Gender-based violence (GBV) is a form of violence predicated on masculine superiority Black, et al., 2011; Lehrner & Allen, 2008). In the United States, lifetime risk of experiencing GBV is estimated to be 90% (CDC, 2013). Gender-based violence includes, but is not limited to, sexual harassment, coercion, control, stalking, verbal, emotional, psychological, economic, and/or physical aggression, rape, sexual assault, and myriad forms of technology-facilitated harms such as distribution of images without consent (“revenge porn”) (Bailey & Burkell, 2021; Basile, et al., 2014; Breiding, 2014; Copper et al., 2013; Dunn, 2020).

Gender-based violence is further exacerbated by racism with Black/African American, Indigenous, Asian/Pacific Islander, and Latina/x women experiencing more violence than their white counterparts (Petrosky et al, 2017). For example, homicide is a leading cause of death for women under age 44, with nearly half of those homicides perpetrated by a current or former partner of the victim (CDC, n.d.). Other data from the Associated Press suggests that 75% of women killed by homicide are killed by current or former male partners (Associated Press, 2016) with non-Hispanic Black, American Indian/Alaska Native and non-white Hispanic women killed at higher rates than other racial or ethnic groups. Data from Everytown USA (a gun violence prevention organization) suggests that non-Hispanic Black women are more than twice as likely, and younger non-Hispanic Black women (18-34 years) nearly three times as likely to be shot and killed by current or former intimate partners, than their non-Hispanic white counterparts (Everytown USA, 2022).

As well, queer and trans and gender-diverse (TGD) people experience higher rates of violence than their heterosexual (Chen, Walters, Gilbert, & Patel, 2020; Edwards, et al., 2015; Rothman, Exner, & Baughman, 2011) or cisgender peers (Blondeel, et al., 2018; Callander et al., 2019; Griner, et al., 2020; James et al., 2016). For example, in Callander et al. (2019) 61.8% of trans masculine people and 31.9% of trans feminine people had experienced sexual assault. Further, a meta-analysis of lifetime sexual assault victimization (one form of GBV), suggests that between 12%-54% of gay and bisexual men and between 16%-85% of lesbian and bisexual women report experiencing sexual assault. This is compared to 2%-3% of all men and 11%-17% of all women (these last studies referenced did not include sexual orientation or identity) (Rothman, Exner, & Baughman, 2011; as reported in Williamsen, 2017). Trans and gender-diverse women of color experience the highest levels of violence compared to white and cisgender counterparts (James, et al., 2016; Blondeel, et al., 2018).

Intersectionality theory was developed by feminist legal scholar Kimberlé Crenshaw to better understand the experiences of women of color (Crenshaw, 1989; Crenshaw, 1991; Crenshaw, 1994). Intersectionality as a theory has been expanded to recognize the synergistic nature of sexuality, gender, gender identity and expression, social class, ethnicity, age, ability-status and

other categories of difference as they play out in individual lives as well as social practices and policies (Hankivsky, Cormier, & De Merich, 2009; Harding, 2004; Krieger, Rowley, Herman, Avery, & Phillips, 1993; Shields, 2008). Trans women of color hold identities which are constituted by multiple, intersecting identities made further vulnerable to violence within the context of white supremacy and sexism (Crenshaw, 1989; De Vries, 2015; Matsuzaka & Koch, 2019). This context of systemic racism and misogyny (and related homophobia and transphobia), is the backdrop of this study and vital to keep in mind when reading and interpreting findings.

### ***Gender-Based Violence and Covid-19***

Gender-based violence, considered a global public health crisis, increases in the wake of complex emergencies such as war or natural disasters (Parkinson, 2019; Schumacher, et al., 2010; see Stark & Ager, 2011 for review; Weitzman & Behrman, 2016), and the Covid-19 pandemic is no exception (Graham-Harrison, Giuffrida, Smith, & Ford, 2020; John, Casey, Carino, & McGovern, 2020; NZFVC, 2020; UNHCR, 2021). A systemic review and meta-analysis (a “study of studies” that aggregates and analyzes results across studies on a particular topic area) revealed about an 8% increase in domestic violence both globally and in the US over the course of the first year of the Covid-19 pandemic (Piquero, Jennings, Jemison, Kaukinen, & Knaul, 2021). Another study suggests that some U.S. states reported between 21-35% increases during the first few months of the pandemic (Wagers, 2020). A study of women, trans and/or non-binary participants suggests that 15% of participants reported experiencing physical, psychological, sexual, or technology facilitated partner violence-similar to estimates in the three months prior to the beginning of the pandemic. However, those that reported experiencing abuse, 64% said that that abuse was not present prior to the pandemic and 26% reported an increase in abuse severity (Peitzmeier, Fedina, Ashwell, Herrenkohl, & Tolman, 2021). At the same time, GBV service providers reported reductions in service provision and quality, increased workloads and disproportionate impacts for communities experiencing intersecting forms of oppression, such as women with disabilities, LGBTQAI+ folks, BIPOC women, and women who had immigrated to the U.S. (Sapire, Ostrowski, Maier, Samari, Bencomo, & McGovern, 2022).

### ***Gender-Based Violence Research***

#### **Limitations of Applying Intimate-Partner Violence Research to Gender-Based Violence Broadly.**

Much of the literature on gender-based violence centers on sexual and/or romantic relationships (hereafter referred to as intimate partner violence or IPV); however, not all GBV occurs in those contexts (Sharma et al., 2021). Until recently, most research assumed a binary orientation to gender (Westbrook & Saperstein, 2015), further limiting our understanding of *all* experiences, particularly transgender and gender-diverse (TGD) peoples’ experiences with GBV (Lindhorst, Mehrotra, & Mincer; 2010; Valentine, et al., 2017; Wirtz, Poteat, Malik, & Glass, 2020). IPV research is inadequate for this context in the following ways:

- A greater percentage of IPV incidence is primarily psychological and financial which are often not captured in typical assessments (Breiding, 2014; Peterson, et

al., 2018; Stylianou, 2018); especially vital in the current era of the internet and myriad ways technology can be used to harm remotely) (Dunn, 2020).

- Gender is a social structure that shapes institutions and policies as well as interactions and identities (Connell, 2014; Risman, 2018). Many forms of GBV are considered “normal” in the cultural context of cisheterosexism, racism, and gender inequity (Connell, 2014; Decker et al., 2019; Manne, 2017; Risman, 2018; Rubin, 2002) and thus, not “so bad” that it would be considered a crime (catcalling, gaslighting, etc). Consequently, these behaviors are not included in common assessments or administrative data such as arrest reports (Barak, 2005; Breiding, 2014; Peterson, et al., 2018; Stylianou, 2018).
- For myriad reasons (detailed elsewhere in this report), many people do not report IPV (RAINN, 2014) and IPV research often relies on direct reports.
- IPV amongst LGBTQ people has been well-documented for decades (Lockhart & Danis, 2010; Messinger, 2011; Messinger, 2020), however it has historically received less attention in the research literature and dedicated federal funding for services was only recently allocated (Edleson, Lindhorst, & Kanuha, 2015).
- IPV research does not capture all of the violence to women, girls, queer, and trans people *outside* of partnered relationships (Heise, Ellsberg, & Gottmoeller, 2002).
- GBV importantly includes harms that occur to queer and TGD people (and people *perceived* to be queer and/or trans and/or deviating from normative conceptions of gender in any way), including homophobic bullying for example (Espelage, Basile, De La Rue, & Hamburger, 2015).

While research has consistently found that macro level variables such as community poverty, population density, and women’s lack of access to positions of power are associated with increased IPV, the government has often taken an individualistic approach to IPV prevention and response. This failure to acknowledge or address the structural and systemic inequities that enable and perpetuate GBV limits the field’s capacity to adequately fund research, evaluation, and service provision (Baker & Stein, 2016; Risman, 2018). Thus, IPV research, while useful, doesn’t capture the full breadth, depth, context, or nuance of gender-based violence.

### **Assessing and Addressing Communal Harms.**

This limitation expands beyond IPV research into the larger landscape of gender-based violence research as a whole. Specifically, most GBV research centers on *individual incidence* of harm, not considering communal harm that occurs both to relationships and within the larger social culture. These harms often include ripple effects to family members, friends, co-workers, classmates, fellow parishioners, and other relations of those people involved in the harm (Ahrens & Aldana, 2012) as well as formal and informal support providers (who are most often

women) (Pearlman & Maclan, 1995; Schauben & Frazier, 1995; Wasco & Campbell, 2002). And, importantly, all individual acts of harm contribute to the collective ecosystem of sexism and misogyny, further normalizing and enabling gender-based violence (Crenshaw, 1991; 1994; 2018; Manne, 2017).

Addressing the collective wounds of GBV has been difficult for a few reasons. Firstly, GBV is a manifestation of the regulating, oppressive, pervasive social forces of white supremacy, settler colonialism, capitalism, and sexism. These forces have been normalized and enabled since settler colonialism, and thus, many beliefs and behaviors that facilitate gender-based harms are “acceptable” in the wider social culture (Connell, 2014; Crenshaw, 1991; 1994; 2018; Manne, 2017; Risman, 2018; Rubin, 2002; Smith, 2018; Smith, White, & Moracco, 2009). Secondly, researchers, practitioners, and policy makers do not have a consistent conceptualization of or measurement tools for assessing and thus, effectively addressing collective harm (Llewellyn, Archibald, Clairmont, & Crocker, 2013). Restorative justice takes a different approach by seeking to hold the harms of the individuals *and* the harms of the collective at the center (Zehr, 2015).

### ***Restorative Justice and Gender-Based Violence***

Restorative justice (RJ) approaches have received some praise in youth development and criminology literature. Restorative justice is an umbrella concept that refers to a diverse set of practices “...to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (Howard Zehr, in webinar with Williamsen & Karp, 2016; Daly, 1998; 2016). With youth, RJ has been applied in cases where people had a). admitted to the offense, which was b). non-violent, such as property crimes or school truancy (Crawford & Newbern, 2013; Johnstone & VanNess, 2013).

The use of RJ in GBV contexts, such as sexual harassment or sexual assault is contested. Proponents suggest that integral components of RJ approaches are beneficial, such as opportunity for the victims’/survivors’ experiences to be validated and for those who caused harm (sometimes called “offenders” by participants in this study), to take responsibility for individual and collective harms. Opponents cite the possible risk to victims’/survivors’ safety, privacy concerns, pressure on the victims/survivors to participate in any agreements, and the (perceived) incongruence between RJ and feminist aims to push for ubiquitous problem of violence against women/queer and TGD people to be made public (Pall & Madsen, 2011). Further, the structure and possibly aims (more focus on primary prevention for example) of youth-centered RJ programming must strategically account for the protected status of minors and the important influence of peers during adolescence. A diversity of RJ informed youth GBV programs exist, however with scant evaluation for such programs, it is difficult to know how programs are defining, implementing, and assessing the effectiveness of RJ approaches and how generalizable they would be given the varied contexts of each (Gang et. al., 2019).

### ***Assumptions About Reporting and Responding to Gender-Based Violence***

There are some assumptions implicit in the design of and cultural narratives around the current criminal legal system. The first is that current state and federal policy captures all forms of gender-based harm, however research and administrative data suggest that this is false. Some common forms of gender-based violence, such as coercive control and tactics of financial exploitation, are not considered federal crimes (Barak, 2005; Lambert, 2021; Stark, 2009).

A second assumption of the criminal legal system implies that those who have experienced gender-based harm will formally report that harm and that formally reporting will benefit them, however the research does not bear this out. People who have experienced GBV often don't report it for various reasons including fears that the criminal legal system will cause further harm (ACLU, 2015; Boxall, Rosevear, & Payne, 2015; Felson, Mesner, Hoskin, & Deane, 2002; Wolf, Ly, Hobart, & Kernic, 2003). Even when the legal system recognizes a form of gender-based violence as a crime, such as rape it is still under-reported (Douglas, 2021; Goodson & Hayes, 2018; RAINN, 2014). For example, Goodson and Hayes (2018), in a large population-based study of 31 countries, found that only 3% of women who had experienced GBV engaged in any form of formal help seeking (of which, the reporting to police is just one form). Rates of attrition in case of rape, one method of GBV, are well documented (Holh & Stanko, 2015; Lonsway & Archambault, 2012; Lovell, Overman, Huang, & Flannery, 2021; Murphy, Hine, Yesberg, Wunsch, & Charleton, 2022). RAINN (Rape, Abuse, and Incest National Network), which aggregated studies between 2010 and 2014 with differing methodologies, estimated that for every 1,000 rapes, 384 are reported to police, 57 result in an arrest, 11 are referred for prosecution, 7 result in a felony conviction, and 6 result in incarceration (2014). This phenomenon is so common, Lonsway and Archambault have termed it the "funnel of attrition" (2012, pg. 158). Said another way, less than 1% of defendants receive a felony conviction for rape. And further, even if, despite all odds, a defendant is found guilty by the court for the rape, most victim/survivors do not name punishment of the the person who caused harm as healing nor do they see it as a marker of justice (Douglas, 2021; Holder & Daly, 2018; Scoglio, Marine, & Molnar, 2021; van Wormer, 2009).

Another cultural and criminal legal assumption suggests that current criminal legal approaches appropriately meet the needs of victim/survivors and those who have caused harm (specifically reducing rates of re-perpetration). Research suggests that this too is false. Current criminal legal approaches are adversarial, supporting an environment fraught with uncertainty, whereby those accused of perpetrating harm typically deny that harm occurred and defend themselves, and most victim/survivors opt out of participation altogether (Williamson & Karp, 2016). Adversarial-only approaches, such as the current criminal legal system, promote separation and alienation, antithetical to human needs for belonging, which by definition happens within relationships. This paradox provides little space for genuine accountability, repair, and healing. Adversarial-only approaches often rely on punitive, isolating consequences to deter future behavior (e.g. school expulsion, incarceration) displacing the person, and increasing their anxiety and risk for re-offending (2016). Further, research with practitioners who work with survivors of sexual assault suggest that victim/survivors prioritize healing and justice and that the criminal legal system does not provide either, but that communities providing supportive

relationships are the best sources of opportunities for such healing and justice (Scoglio, Marine, & Molnar, 2021).

### ***Race, Ethnicity, and Gender-Based Violence***

When citing research, it is vital to examine *how* research is conducted. For example, the ways that researchers conceptualize and thus measure race and ethnicity as variables in research varies. This different conceptualization has implications for the results which then impacts how those results are interpreted and applied in practice and policy. See Hamby (2015) for a more detailed explanation and guidance on using race and ethnicity in social science research.

As Hamby (2015) says “race is a social construct but it is no less important or powerful for being a social construct” (pg. 2). Another flawed assumption is that the law is applied equally regardless of identities (or identities *perceived* by those in positions of power such as judges) such as race, ethnicity, gender identity or expression. Race and ethnicity play a role in violence, victimization, and response. Rates of sexual violence are not evenly distributed by race (Black, et al., 2011). Nor are the harmful burdens of victimization (Roberts, Gilman, Breslau, Breslau, & Koenen, 2011). While, research suggests that men of all race/ethnicities perpetrate GBV (Black, et al, 2011; Capaldi, Knoble, Shortt, & Kim, 2012; Langhinrichsen-Rohling, Salwyn, & Rohling, 2012), the research is mixed regarding criminal legal consequences (see Shaw & Lee, 2016 for review of how race and ethnicity affects criminal legal processes in sexual assault proceedings). Further, policies and practices from criminal legal, health care, and social service systems unjustly impact people of color (Binswangerm Redmond, Steiner, & Hicks, 2012; Donnelly, Cook, & Wilson, 1999; Hamby, 2008; 2014; 2015; Walker, Spohn, & DeLone, 2016).

Nevertheless, regardless of race or ethnicity, victim/survivors who do report GBV, don’t report experiencing justice or healing from the criminal legal system (Douglas, 2021; Holder & Daly, 2018). Some victim/survivors cite this systemic racism and sexism as a primary reason for not reporting GBV crimes to police (Decker et al., 2019).

One final assumption of the criminal legal system suggests that incarceration will reduce recidivism and promote healing and justice for victim/survivors. However, evidence suggests that incarceration could actually increase incidence of GBV (Williamsen & Karp, 2016). Research suggests that RJ is more effective than court processes at reducing recidivism (Sherman, Strang, Mayo-Wilson, Woods, & Ariel, 2015), supporting growth and learning for the person who caused harm (Karp & Sacks, 2014), reducing post-traumatic stress in victim/survivors (Angel et al., 2014), and increasing satisfaction for all parties involved (Sherman & Strang, 2007; van Wormer, 2009).

In summary:

1. The law doesn’t recognize many forms of GBV.
2. When the law does recognize GBV, response is inadequate and often further harmful to the victim/survivor.
3. Systemic racism and sexism contribute to underreporting and play a significant role in how a victim/survivor as well as a respondent/harm doer are treated within criminal legal contexts.

4. Incarceration doesn't reduce GBV and could in fact, increase its incidence. Nor does incarceration of those who have caused harm, promote healing or justice for victim/survivors.

Given all of this, it is imperative that we respond in ways that acknowledge and work to repair systemic harms, and seek to collectively, guided by anti-oppressive practice, heal individuals and communities if we are ever to ameliorate GBV and the layered and pervasive harms that causes.

### ***The Roots of this Project: Seeking Victim-Centered Responses***

In response to that context, many have sought alternatives to the criminal legal system. In recent years practitioners in GBV and restorative justice (RJ) spaces have received increasing inquiries about how to use RJ practices to respond to GBV (Engel, personal communication, 2020). In fact, that was the impetus for this project. Michele, was getting increased inquiries from both victim/survivors seeking restorative approaches as well as practitioners working in gender-based violence who were getting similar inquiries. Given the important differences between GBV and situations where RJ is more universally accepted to be appropriate (e.g. property crime), it is imperative to assess the feasibility of using RJ in GBV contexts. People working in both GBV and RJ have often hesitated to use RJ for gender-based violence due to the complexities of the white supremacist and patriarchal values that undergird contemporary society and that fuel gender-based violence (Connell, 2014; Crenshaw, 1991; 1994; 2018; Manne, 2017; Risman, 2018; Rubin, 2002; Smith, 2018; Smith, White, & Moracco, 2009).

However, the fact remains that people are seeking responses to harms outside the criminal legal system (Engel, personal communication, 2020), and it is incumbent on the fields of RJ and GBV to explore just, responsible, victim-centered approaches to best facilitate healing. Expanding opportunities for those harmed by GBV to participate in RJ requires careful consideration of power dynamics and safety. Accordingly, the University of Minnesota partnered with Seward Longfellow Restorative Justice in a research process to explore this complex and urgent topic.

This document aims to respond directly to our research question and project aims:

1. To gather experts' insight around opportunities, challenges, and best practices using RJ in GBV prevention and response efforts in community contexts.
2. To describe factors that could influence the feasibility and effectiveness of RJ approaches in GBV prevention and response.

### **Research Methods**

We gathered data using focus groups and individual interviews with practitioners in Minnesota working in gender-based violence, restorative justice, or related fields to elicit reflection and discussion to more directed questions which we hope can provide insight into the feasibility of using RJ in GBV work to promote healing. We then used thematic analysis to interpret data and

group responses. Thematic analysis is a qualitative method most appropriately used with research that aims to understand a phenomenon as experienced by research participants by identifying and analyzing patterns across participants in a data sample (Attride-Stirling, 2001; Braun & Clarke, 2006; Vaismoradi, Turunen, & Bondas, 2013). Those directed questions, summations of our interpretation, and illustrative quotes are included below—representations of the larger body of data gathered. For a number of reasons vital to the values that we approach this research with, including the centrality of connection and care, we had intended to gather all data in person. However, the COVID-19 pandemic disrupted those plans and all data collection was done over Zoom.

### ***Participant Sample***

Seventeen of nineteen participants provided demographic information. In this section, when referencing participant's identities and their descriptions of their field of work, we will use their language verbatim. When asked their race and ethnicity participants self-described as White/Caucasian, Black, Asian, African, Mixed Race/Multiracial, Native, and Latina. The majority of participants identified as cisgender female/woman. Participants also identified as queer, male, non-binary, and gender non-conforming. Participants ranged in age from in their 20s to in their 60s, with almost half of respondents in their 30s. Seventeen participants work in the Minneapolis-St. Paul metropolitan area and two participants live in Greater Minnesota. They described their field of work as law, crime victim/survivor services, restorative justice, domestic violence and sexual assault advocacy, public health, and violence prevention. Almost three-quarters of participants had been working in their field for 10 years or less, however five participants have been working for more than 11 years with three of those working more than 20 years in the field.

### ***Summation of Questions Asked in the Focus Groups/Interviews***

(for a general outline of the complete interview schedule please see Appendix A)

1. What kind of inquiries are you getting?
2. What is working at the intersections of RJ and GBV?
3. What is not working at the intersections of RJ and GBV?
4. What do you need to make it all work better?
5. How do we center the experiences of BIPOC, queer, and trans people in restorative work?
6. What should our next steps be (both as a group and as researchers?)

### **Results**

There are many ways to present our interpretation of results for this study. Results will be presented by describing themes that we identified directly related to the questions participants were asked. We chose to present results in this way, for this document based upon feedback that this presentation style would prioritize ease of use for practitioners and advocates.

### ***Considering Restorative Justice in Situations of Gender-Based Violence***

Research participants overwhelmingly stated that that harm occurs because of white supremacist, colonial, and patriarchal ideas of gender enabling harms to women, femme, queer and trans people. The only formal systems that we have to respond to GBV are via the criminal legal system, and, as stated previously, that system is inadequate for a number of reasons. A) it does not capture the breadth of GBV that people experience (Barak, 2005; Lambert, 2021; Stark, 2009), b) most GBV goes unreported to formal systems partly because of the lack of trust, healing or justice that people who report GBV experience (ACLU, 2015; Boxall, Rosevear, & Payne, 2015; Douglas, 2021; Goodson & Hayes, 2018; Felson, Mesner, Hoskin, & Deane, 2002; Wolf, Ly, Hobart, & Kernic, 2003; RAINN, 2014) c) that which is reported is not responded to in any meaningful way Holh & Stanko, 2015; Lonsway & Archambault, 2013; Lovell, Overman, Huang, & Flannery, 2021; Murphy, Hine, Yesberg, Wunsch, & Charleton, 2022; RAINN, 2014). Further, the criminal legal system does not prioritize healing nor acknowledge the experiences of communal harm that often accompany GBV. Often victim/survivors report “the system” causing further harm (Douglas, 2021; Oudshoorn, Amstutz., & Jackett, 2015; Williamsen, 2017; Williamsen & Karp, 2016; Wolf, Ly, Hobart, & Kernic, 2003).

*I echo the, particularly marginalized communities who don't trust the system, so our LGBTQ community and communities with disabilities...are oftentimes at the mercy of violence by our systems.*

### ***Neither Cultural Norms nor Criminal Legal Processes Value Healing***

It does not account for or prioritize healing for the person harmed; it does not even consider healing for the person doing the harming, let alone the greater community that was impacted by the harm.

*...we as human beings defend ourselves consciously and unconsciously - and we build up protective layers over the years because we don't want to - can't - deal with the trauma, so I think that issue is really important to - particularly when you talk about the offender - and whether or not people are ready at the time we want them to be ready to address everything we want them to address...So just because of the complexity of the gender-based violence, how do you build in that understanding of trauma and people's need to defend themselves or not deal with the fact that they really caused a great deal of harm - and somewhere in them they feel...shame for that, but they can't address it.*

*I was on the phone with somebody who was, had harmed his partner over the week, {the} partner decided to leave, and he has just a ton of trauma from his life and generations of DV in his family and was suicidal...I was on the phone with him while he was asking other men in his vicinity about whether or not he should go, because we were talking about him going into the hospital. And I got to actually hear, multiple men, tell him not to go in and telling him to go back home. And so, it was a lived experience of listening to what his world is like, and the fact that he doesn't have community that can really help him navigate his own hurt. And thinking about all those other folks, they now have the experience of telling somebody who is showing them their pain not to address it, and they are stuffing it down themselves, and so they're now harmed by what they're*

*witnessing. And I think that's how the conditions get created where people can't actually get the help that they need, and it just perpetuates this idea of silence around DV, which is really isolating.*

Further, racism expressed through the criminal legal system disproportionately impacts people of color with harmful ripple effects that perpetuate inequities.

In short, a) the criminal legal system is harmful, particularly for women, queer, trans, and BIPOC people, and b) people are asking for alternatives to address and repair the harms of gender-based violence; while no response can undo the harm done by GBV, participants felt hope for the values of RJ to meet the needs of people seeking services. Namely, people wanted to feel validated; they wanted to ensure their own safety and to hear an apology or some demonstration of remorse. Furthermore, people wanted a plan to hold individuals and communities to account in the pursuit of healing past harms.

*...as someone who is queer and a woman of color....at (LGBTQ advocacy organization) kind of both seeing the failures of these systems, civil and criminal, over and over and over, with folks who are experiencing abuse. And as someone who is queer and was in a queer abusive relationship, knowing that I never...would have called the police on my gender non-conforming partner, putting them in a situation to interact with police or go to jail would have been inflicting violence on them...*

*And so, the system that we have is we hurt people who have hurt people to show them that hurting people is bad and wrong and we shouldn't do it. And so we're just perpetuating that cycle. And so, why I'm interested in being here is interrupting that cycle, both on the interpersonal level of these processes that we do, to give life back to people who they're not able to fully express themselves because of the harm and the violence that has been done to them. But also those systemic harms, right, that are just kind of perpetuating those cycles of chicken-egg, we do it in our interpersonal relationships and we do it in our systems, so they feed each other.*

### **The Path People are Taking to Restorative Justice**

In Minnesota, the most common pathway for any restorative processes in a situation of gender-based violence within the criminal legal system is post-conviction. However, pathways to restorative justice are not limited to involvement of the criminal legal system.

### ***Seeking Safety, Validation, and to be Heard***

Participants said that because of increased awareness of RJ in the wider culture, they have been getting increased inquiries. Some stated that people are coming to them seeking to feel validated, safe and to name the impact that the harm has occurred.

*...typically what we're hearing from folks is, they want to hear about the impact of the harm on them, that truth-telling-element, get questions answered and assurance of safety, see a demonstration of remorse, hear an apology, all of these typical things*

*which could happen before a conviction or a charge. And I think that those are the top five or six reasons people search for these things no matter what time it's taking place.*

*...so they're needing that validation from the person that has harmed them - that they did this, that - that these are their actions that have had this impact.*

### ***Reluctance to Engage the Criminal Legal System***

Participants stated that they are increasingly getting inquiries from communities made vulnerable by structural oppressions, who are reluctant to engage in criminal legal responses for fear that those responses will cause further harm.

*...a lot of very small communities that don't really see law enforcement as an option for them and want to reconcile in other ways.*

*...I would absolutely affirm that we have gotten several requests over the years and seen an increase, probably in the last three or so years about restorative justice options. And I would say primarily for us, the majority of those requests are coming from the queer and trans folks that we're working with who are specifically experiencing intimate partner violence - and really looking for options outside of the civil and criminal remedies that actually do nothing for them.*

### ***Needs of the Victim/Survivor Have Changed***

Practitioners said that people are inquiring about support sometimes years after the incident, both because needs had changed and because the original response to the incident didn't promote long-term healing.

*...but what I was hearing from survivors, when they would call me - I was hearing from them - that the harm had evolved in some way - that their needs were different than they had been at the time of sentencing and conviction and all of those things - that they'd had some time to process....*

*...you know, a year later, they're very upset because they're in a different part of their stage of healing. And they're like, "why didn't the system actually take accountability and do what they needed to do to keep me safe because now I still have to see my offender on campus, or see them being involved, or see them advancing up in leadership. And why didn't - why didn't the system think about that?" Right? And so that's what I mean by healing - now can look different [than] later and we need to be able to understand that.*

### ***What Works at the Intersection of RJ and GBV***

When asked "what is working?" participants noted things that could be summed up as "the values of RJ." One of those values is having skilled, critically conscious practitioners doing the work and being within and of the community.

## **Skilled, Equity-Focused Practitioners, Processes Being in and of the Communities that are Affected**

*In terms of what's working out...in Minnesota, I think what's working well is some nice examples from Yellow Medicine County and Washington County and Men as Peacemakers as three programs in the state that are doing some of this work in different capacities and at different stages and different levels of harm.*

*...it's really a priority for our agency that we create some alternative options, particularly for marginalized communities. But also weave into the practices that sometimes those marginalized communities have to intersect with communities with privilege - and that privilege can be used even in RJ settings - and a strong facilitator needs to be able to recognize that and have some tools to help bring that back to a more healing conversation. An example would be...a situation where a perpetrator might be an individual who is white and from a prominent community, and then the victim/survivor is a person of color and maybe even from a First Nations community - and coming together in community like that, although it can be healing, there's also a lot of historical betrayal. When folks sit down together and talk about promises and negotiations and community building. And so those are situations that a facilitator really needs to be able to understand not only that individual situation, but have an understanding of sometimes historical, cultural context.*

### **Community-Driven Processes**

Participants talked about the importance of communities that are affected by the harm being involved in designing and driving the restorative process.

*...I think what is working about more restorative practices is the fact that I think sometimes more traditional criminal justice outlets will treat community members more as collateral rather than stakeholders who can be involved in a process for creating an environment for accountability...I think restorative justice based practices does a better job {than the criminal legal system} of giving folks access to being real change makers in that process, rather than more of a spectator.*

*...I think another thing that's working again...is that there's community responsibility for the harm that's been done. And so, the Community has an important role to play in assisting in reparations, like surrounding the victim, first and foremost on what he or she, or they need. And then walking with them, no matter how hard it is, and how long it takes.*

### **Victim-Centered Orientation of RJ**

They also noted that the victim-centered orientation of RJ is critical, including sustained support, accountability, and repair for and from community.

*What's working as I see from a big picture standpoint is that the victim is at the center - if this is done right - the victim is at the center. They're in charge. It's their voice their, their guidance - they get to decide what happens, where, who, and how - and I think that's the way it should be...*

### **What Does Not Work at the Intersection of RJ and GBV**

Participants talked about the pragmatic and justice-related problems of RJ being seen as a “tool” rather than understanding it in the historical, cultural, and philosophical context that it belongs in.

#### ***RJ Being Used as a Tool***

*[I'm] ... very hesitant around the systemization of restorative justice and talking about it in only programmatic terms or as a tool. Rather than, understand that that is also cooptation of these practices or continued colonization of some of these practices depending upon where they're coming from and knowing that these types of responses need to be contextualized to local community, which is hard to do, at a systems level because it needs to be grounded in what makes sense for the people who are, doing this work.*

#### ***Not Using a Justice-Focused Lens to Approach the Work***

Participants said that it was important to approach the work through a justice-focused lens and that not doing so could perpetuate inequities.

*What's not working is - and I know some of you have already talked about this - not understanding historical context in which people are in - so gender-based violence related to the intersections with racism, sexism, homophobia, all of those kinds of things that I think unless people really understand... - training doesn't take care of these things.*

They also noted that the criminal legal system (as an extension of larger, punitive U.S. social and political norms) takes an un-empathic, binary view of harm and healing - seeing harm as only an “individual” problem and then placing constraints on those individuals as “deserving” and “undeserving” of healing (eg white people, currently able-bodied people, heterosexual, cisgender people).

*...I think part of the struggle is that there's a lack of recognition, this is a bit of a generalization, but that when you cause harm, the only person that's actually being harmed is the victim, but not the person that's doing the harming, and harming someone actually is a pretty traumatic experience. And that's tied to...how to work with marginalized folks...as a society, we've decided who gets to actually have the privilege of healing versus who gets punished, and it's often marginalized folks that go into the correction system. And if you have resources and the capacity to advocate for yourself, then you might be able to find an alternate solution. But I think there is so much judgment around who gets to deserve what.*

### **Funding Limitations**

Issues of funding, specifically *not enough* funding and *overly prescriptive* funding, were commonly cited barriers to more effective responses to GBV. Participants said that they needed more consistent, flexible funding that was not tied to “traditional” (patriarchal, white supremacist) notions of knowledge, evidence, and effectiveness that limited their capacity for creativity and responsiveness to community needs and context. Specifically participants said that current funding did not allow them to work with those who cause harm nor engage in prevention work, and required them to assess and report on outcomes that are aligned with the funding, but misaligned with their organizations mission and not intended to repair individual and communal harms.

*...my relationship to restorative justice because personally, morally, ethically, I believe in restorative justice. I practice restorative justice - and in my specific work, our grant funding doesn't allow us to do it. So working with the LGBTQ community, specifically, that gets really difficult.*

*...we are completely funded by the federal government and they continue to dictate what it is that we can do, and how we can say things - and we're in a place right now where we can't say sexism or racism in our work through a mandate - and so it is incredibly limiting...I'm done living in the master's house, and what I mean by that is that...I am, at my organization, we are in a place right now where we are no longer going to seek out grants from the federal government where they tell us what we can and cannot do. We are going to start diversifying our funding and start dictating what it is that we want to do, because it's what community tells us we should be doing.*

*...and I think part of where I've gotten hung up recently, is...so much of our funding...is directly tied to the work that we're doing within these legal systems. And so it's been...embedded in our safety planning and some of our other programs that and - you know [while] it's very much discretion-based and victim-centered and victim-prioritized...in the criminal justice work that we do, we don't really have that freedom to prioritize-it's very much a binary. It's like “either use the criminal justice system or don't, and we'll help you with whatever works best for you.”...And so that's been really frustrating as we're trying to just increase the options.*

### **Lack of Consistent and Measurable Ways to Assess and Address Community Harms**

Participants named that there is no consistent measure of community impact. Current measures only address individual harm without attending to communal harm, a foundational principle of restorative justice. This lack of consistent conceptualization of communal harm limits their capacity to assess or respond to communal harms and ultimately hinders the vital, systemic, anti-oppressive work of shifting and building a collective, liberatory culture.

*...particularly with employees, faculty, and staff who are...perhaps committing lower-level type of sexual misconduct like sexual harassment, inappropriate comments, that*

*employers are trying to figure out how do we allow these folks to come back and be reintegrated into the work environment and the community and build trust when there are a lot of people who are also like, "why didn't that person get fired?" So, we're trying to do some of that in terms of restorative justice while simultaneously trying to figure out how do we approach it from a transformative justice perspective of the - society has always just given us an either or, either you are pushed out of community and society and ostracized - and we're trying to figure out, how do we build this community that says we're going to hold you accountable, we're going to do it together, and how do we teach that to both victims-survivors as well as the rest of the community?*

### **What Practitioners Need to Make it Work Better**

Participants noted that it is critical to acknowledge and repair harm that has occurred as a result of white supremacy and patriarchy within justice-centered organizations. They also said that, moving forward, it is important that organizations don't perpetrate further harm which requires changing the conditions that lead to the harm and implementing practices which cultivate a just, kind, critically-conscious environment. Participants named that building trust to facilitate equity-focused, productive collaboration is vital.

### ***Acknowledge and Repair Harm and Change the Conditions that Led to Harm so that Further Harm is not Done***

*...there hasn't been a lot of productive collaboration between advocates and restorative justice practitioners in the state. And that's something that we need to work on and build those relationships and build that trust.*

*I think the advocacy community needs to recognize the harm that's already been done to BIPOC, queer, and trans populations within our movement, and we need to allow for leaders from those communities to step up, and maybe for some of us to step back.*

*...from where I stand and the experiences that I've had, I would say racism was a big part of it {the dissolution of a statewide coalition of RJ practitioners in 2015} amongst restorative practitioners, I think the community of restorative justice in the state, white folks in particular, we have a lot of work to do to, to make space and to decenter ourselves and to account for some of the historical harms that have happened within this community in the past 30 years.*

*...we are working in an organization right now that's LGBTQ - still continues to center white LGBTQ people - and when we have staff of color who are saying, "Hey, what about this." "What about this." And then our organization's like, "racial equity" - and let's... But they're not listening to the very people of color that are right there saying things!! Like, it's just outrageous.*

### **More Funding Generally and More Flexible Funding**

Participants said that they needed more funding in general and more flexible funding that was not tied to traditional (patriarchal, white supremacist) notions of knowledge and “evidence,” and “effectiveness.”

*...when I think a lot about our funding...in Hennepin County...we're contracted with cities and the minute I start making noise about the way that they're handling domestics, they can just drop me and go to a different agency, and there goes my program. You know, so I am beholden to the system in a way that hinders me from being able to claim the voice that we set out to claim.*

*...there isn't a ton of research behind it,...you can't say that this is a like evidence-based model or practice because there aren't a ton of programs that are already doing it...a lot of things need to say “yes we're doing evidence based work”...to get funding.*

*...it's not really available...on a scale that it...needs to be for something along the lines of this sort of project, and I think when it is available it's just so small that you can't get enough...Also...evidence-based practices...many times it is tied to {by the funder} “are you replicating a model that's already been created and has proven to work and what does that work look like? How are you demonstrating that this is effective...?” How do you demonstrate community-wide change, especially when we're talking about {from the funders} recidivism as the end all be all...*

*I think one of the biggest barriers to any of the work happening is funding and that flexible kind of funding. In order to get that funding, the State of Minnesota is all about validated best practices. We need data {about}...how does using restorative justice and gender-based violence...increase safety and healing for victims? We need that data.*

*...center [the] victims' priorities, more than [the] legal priorities - so funding... more freedom around what we are funded to provide, and what kind of services we can provide, given...where our funding is coming from - because we have a lot of funding coming in for criminal justice advocacy, but we don't have a ton of freedom or discretion on restorative practices or other things that might work better for victim-survivors.*

### **Centering the experiences of BIPOC, Queer, and Trans Folks in this Work**

Participants said that centering the lives and identities of black, indigenous, and people of color and queer and trans people is vital. That imperative can be better met by their (often) largely white, heteronormative organizations by building more relationships with BIPOC, queer, and trans communities and meaningfully valuing the experiences, expertise, and skills of people in those communities.

### **Prioritizing Relationship Building and Strengthening with BIPOC Communities and Securing Funding to Enable Meaningful, Robust Co-Creation**

One participant put it succinctly when asked how they could center BIPOC and queer and trans people; “money and relationships.” Others elaborated...

*...but I think centering the experience of BIPOC folks and queer and trans. All of that is so essential to having it in the community where it happens. The first restorative circle I saw and was at, Alice Lynch was one of the facilitators in North Minneapolis, and the people that were there for the offender were from that community - and the victim and his supporters were from the community - so they understood it, and I watched during a very challenging time during the circle - Alice, very gently, carefully, respectfully, spoke to the parents who were African American, in a way that no one else could have said to them, “I understand where you're coming from, I need you to hear...*

*...we don't have the number or depth of relationships that we would like to have with indigenous folks, black folks, and other folks from marginalized communities. And one of the results...is that we can't support indigenous...participants or black participants to the depth we'd like {in GBV restorative circles}.*

*...working with the Latinx and not only in restorative practice, but in a lot of ways - I think is very important and when we create...practices - we have to involve all the people who need to be part of those groups.*

*... a complete system wipe out and rebuilding the framework to in fact have a system that is made to center and protect BIPOC individuals and the LGBTQ+ community intersectionally.*

### **Recognizing and Mitigating Barriers to Participation**

Some participants noted additional barriers to using RJ in GBV contexts. For example, in the current political context, not having legal immigration status is a barrier. Also, if folks aren't familiar with restorative approaches through their culture or country of origin it can be difficult to understand or uncomfortable to participate in restorative practices.

*...for what they probably are behaving the way that are - to go back generations, probably, and I'm thinking about...things that are not going to be resolved by saying this is what I did, you know, “I'm going to fix myself” - if it's not that process of going deeper into why you are here doing this here today. So for me, when I think a lot of our community, we don't even have the language in the LatinX community about restorative justice!...They don't know what that is – they don't know what that looks like. So I think that's kind of one of the biggest issues in our community is - we don't even have that language...thinking about how we see situations like that. And I think it's the consequences a lot of times.*

### ***Learning from, Incorporating, and Meaningfully Valuing Indigenous Knowledge***

Participants noted the imperative to learn from indigenous and collectivist cultures whose philosophical approaches to community, harm, and healing have informed contemporary RJ, and who often, have not relied on formal systems of “justice” to support them because those systems were inadequate, unavailable, entailed dire consequences, and/or further perpetuated harm. Participants named the importance of acknowledging, learning from, incorporating, and *meaningfully valuing* existing wisdom.

*...finding ways that we can include or center folks who have been doing this work for so long - at the forefront of these conversations - and to pay them for that time and that effort. Because we do have the federal funds, but the reality is that, as we've said, they're limited - and there are groups that have been doing this forever without those funds. And so, how can we bring them into the conversation - in collaboration - but also, to follow their lead and honor all of the work that they've already been doing...*

*...thinking about BIPOC communities, I think actually they might be a resource for how to do this...when I think about the community I grew up in, circles naturally happened because going to the police wasn't an option, and separating from your partner also wasn't an option because that was not culturally appropriate. And so, meeting in the kitchen and having those conversations, and figuring out who else needs to be there, and having the couple recognize that there's a community of people to support you was how communities navigated. So I think just honoring and lifting up collectivistic cultures that might already have a structure in place and have a lot of wisdom to share.*

### **Participants' Hope for This Research**

The interviews/focus groups ended with asking participants what their hopes were for this research. Most named that they felt talking with like-minded people who may be having similar experiences or ideas about RJ and GBV was important. As well, they felt that larger systems change was necessary, and saw this study as a part of compelling that change.

### ***Continued Support from the Group of Participants***

Participants expressed hopes for continued support from one another in the form of consultation, learning, and seeing restorative approaches in “a new way.”

*...wanting community, wanting to be able to consult about things. I'm really excited that you're talking about it because I think Michele, you and I talked and you gave me a ton of resources, and I started calling people all over the nation.*

*...I've always felt real interested in that...the power and potential there. But also feel a little bit of skepticism around how it works in gender-based violence issues., I guess, my hopes for this group are to maybe stir up some of that skepticism that I come with, , from history or maybe try to rethink or re-see something and see something in a new way.*

### **Systems-Level Change**

They hope to push for larger structural reforms and saw this gathering as being a part of that.

*Ideally, I want to see our current criminal legal system change, and whether that be conversations with people it's like baby steps.*

### **Suggestions for Next Steps**

Participants were asked for their suggestions for next steps for this research both in their interviews/focus groups and as a part of a follow up survey that they completed. They mentioned wanting further gatherings amongst themselves and to include other interested people. They said that such gatherings could provide support and generate conversation and ideas, and also that they wanted help in organizing and facilitating those gatherings.

### **Wanting Further Gatherings and Support Coordinating Gatherings**

*These are some really heavy pieces to a very heavy system. And I have been brought personally in this conversation from every one of you who have spoke before me - to, many different levels of emotion - anger, crying, anxiety, sweating...I would just like to plug as a request is if we could all just get back together sometime soon and continue these really important conversations that need to be had, because this is feeling like a really transformative restorative space for the work that we do - centering in restorative justice work - I mean, it's just imperative to me.*

*I think that we just need to continue to provide more opportunities to bring people together to have these conversations - , one of the biggest questions I always get is, "why would somebody want to do this [restorative justice in the face of gender-based violence]?" Let's talk about it, let's have a conversation why somebody would want a process like this. So, that is what I would say is that we need to just continue providing the space, or creating the space, and making it as visible as possible...*

*... we can self-organize organically...these are the different buckets or the different conversations that are interesting, or that I have something to contribute to or want to learn more from, and start building those networks...that takes someone to help organize...create a structure in which that can take place because I think all of us are...underwater...*

Some participants suggested that appropriate next steps would be for the researchers to reach out to other, specific communities such as victim/survivors of GBV and indigenous communities.

### **Researchers Should Reach out to Specific Communities**

*...put together kind of a summary of the findings. What were people talking about under these different categories - and then go back to the marginalized communities as well as*

*a survivors. So I'm thinking of in addition - indigenous communities, black communities, and queer communities - as well as survivors, to say here's what the focus groups - what we learned from them. And here's what we're trying to begin to build together in terms of some guidelines or processes. And we want to get your reaction. What do you think? Where does this make sense? Would you utilize that somehow? What's missing? And the reason I would do that is because, for me, I think about when we build structures, programs, curriculum, I'm always thinking about actually designing it for marginalized communities first because for some reason, when we do it that way, it just benefits everybody - versus building it for a different system and then trying to include marginalized communities into that.*

*I think it's very, very important that we bring other voices that are not necessarily ones that we would think, or assume, or whatever...into conversations like this because this is restorative. This is transformative. This is open mindedness...*

### **Limitations of this Research**

Like all research, this project has limitations. Firstly, the study includes three sample related limitations. While qualitative research is not intended to be generalizable, our philosophical commitments are to community engagement, equity, and representation of diverse voices, however, not all experiences and identities were represented here. The second sample related limitation relates to the *type* of person who may identify as a practitioner in RJ and/or gender-based violence and thus, be eligible to have participated in this study. While data does not exist on the amount of RJ practitioners nationally, those who work in GBV are overwhelmingly women or femme socialized people. Of the nineteen participants, only two identified as masculine. The reasons for this are myriad, but this is a limitation of both the field itself as well as this research. Lastly, given our commitment to the outcomes of this project being directly relevant and applicable to local practitioners, we focused our recruitment on the Twin Cities, with a few participants living and working in rural parts of Minnesota. It is difficult to say how participants' experiences would have been different if this study was conducted outside of the Twin Cities-a large, socio-politically liberal population center. Conducting the research in rural contexts would expand our understanding.

Another limitation was combining queer, trans, and BIPOC folks into one group for the interview questions. These are not singular or monolithic groups of people and grouping them, which we did in response to a desire to limit the amount of time participants spent in the focus groups and interviews. However, this design presumably made less space for nuanced or unique experiences to be illuminated.

Another limitation of the research is the identities of the researchers who, along with the two research assistants, are all white women with graduate levels of education. While we can use personal and methodological strategies to mitigate bias, it is also our philosophical stance that our positionality inevitably informs all elements of the study. This could have particularly impacted our ability to recruit participants as it largely relied on our existing networks and

referrals, and, relatedly, our capacity to be perceived as trustworthy by potential participants. As well, our positionality impacts the interpretation of data, given that we are limited by our own lens.

While, there may have been participants who identified as having a mental illness, and/or a communication, and/or intellectual and/or learning disabilities, and/or blind, and/or deaf or hard of hearing, we did not include specific questions about these identities or experiences in the data collection.

This limitation relates to other limitations in the field. Myriad research suggests that women and LGBTQ people with a history of mental illness and/or who have these forms of disability experience greater violence than men with mental illness and/or disabilities and women without mental illness nor disabilities (experience gender-based violence with greater prevalence)(Marshall & Barrett, 2018; Rees, et al., 2011; WHO, 2013). And LGBTQ people with intellectual, communication, or learning disabilities may be at particular risk for harm given that their gender-diversity or the ways in which their sexuality is perceived by others could be interpreted as a “behavioral issue” (Abbott, 2015). Further problematically, there is a paucity of research into the violence-related experiences and sequelae of trans and gender-diverse people with intellectual disabilities. Given that we know that people with mental illness and/or disabilities and/or who are blind, deaf or hard of hearing are at greater risk for GBV, some questions remain: are service providers not getting inquiries from folks embodying these identities generally? We don’t know why this was not specifically mentioned by our participants. Could it be related to the fact that none of them work specifically with or within disability and/or blind and/or deaf/hard of hearing focused organizations? Do people with these identities experience further barriers to seeking services than those without? And relatedly, participating in research such as this? And if so, how is that reflected in our data? Further research is needed on these critical, intersectional issues.

Not necessarily a limitation of the research, but a shift that could have impacted our results involved the physical space that the interviews took place in. Because of our own, and restorative justices’ emphasis on relationship building, we had planned to hold the focus groups and interviews in person with food and space beforehand for participants to connect. However, the Covid-19 pandemic required all focus groups and interviews to be done over Zoom, which didn’t allow for that same sort of relationship building.

### **Strengths of this Research**

There were many strengths of this research study. Firstly, our collaborative, applied, community-based approach with an equitable, academic and community partnership was a strength. This approach allowed us to use tools appropriate for accuracy as well as aligned with our commitments to equity. Specifically, it is aligned with our philosophical commitments to making our work applied and accessible and relevant to practitioners in our specific sociopolitical context. As well, that approach, and our “closeness” to the participants (in terms of having professional relationships with them as fellow practitioners) also allowed us to “make

real” some of their feedback and requests (e.g. starting a practitioner group that meets once a week). This continues to help build support, knowledge, and relationships amongst practitioners. As well, consistent with much of what we know as a field about practitioners that work in gender-based violence, some practitioners in the study identified as victim/survivors (Doyle, Guerra, & Passi, 2021). That lived experience provided invaluable insight and perspective.

## **Practice and Policy Implications**

There are many practice and policy implications that can be drawn from these findings, including but not limited to those below. While we have made some distinctions, we realize that some of these findings have both practice and policy implications. The systemic sexism and racism that drives GBV requires changes across all levels of the social ecology. For the purposes of this paper, we will discuss those spaces named in the data, specifically restorative justice communities and criminal legal and other formalized help-seeking services.

### ***Practice Implications***

Given the harm that has occurred within restorative justice communities within Minnesota, it is imperative that we work to repair that harm and co-create inclusive RJ spaces which recognize and value the indigenous origins of RJ practices and the contributions of BIPOC communities and practitioners.

Increased awareness of, and capacity for using culturally-relevant, restorative approaches in spaces such as practitioner training or community-based programs could benefit the work of anti-violence.

The formal help-seeking (including criminal legal) implications of this study are myriad. These results suggest the importance of identifying what victim/survivors want at multiple points in their recovery/healing and providing those things. Relatedly, it is critical to provide personalized services that are led or initiated by the victim/survivor and not limited to a static offering of programmatic supports. This includes offering RJ practices as options to meet the needs and wishes of the victim/survivor at any point in their healing. As well, restorative philosophies should be valued and meaningfully incorporated throughout the criminal legal system.

And finally, vital to restorative philosophies, and incumbent on practitioners working across and within any space or system (as GBV “touches” so many), it is imperative that we name and repair communal harm that occurs in incidence of GBV.

### ***Policy Implications***

The policy implications for this research center on topics of funding and the criminal legal system. Participants were clear that they/their organizations needed increased funding generally to provide the most opportunities for prevention and compassionate, victim/survivor centered response to GBV. Further, it is crucial to have more flexible sources of funding so that

service providers can offer the most responsive services for their needs. For example, federal funding sources currently limit anti-violence organizations' capacity to work with those who have caused harm.

In terms of criminal legal policy implications, our results suggest widening opportunities for diversion in the criminal legal system, including offering restorative justice approaches. As well, it is important to use anti-oppressive frameworks in all aspects of the criminal legal system and meaningfully value these frameworks in processes including hiring, retention, training, evaluation of staff, and so on. This is imperative, so that if a victim/survivor has contact with anyone within this system, they are met with an intersectional understanding of their context that centers their needs and wishes.

### **Future Research**

This project illuminated many areas of future research. Firstly, it is imperative for all equity focused research to meaningfully acknowledge the origins of the work and more accurately reflect the experiences of people identifying with those traditions. In our case, indigenous peoples of North America. Further, this research spoke to an imperative for RJ and GBV practitioners-namely providing people with alternatives to the criminal legal system to address gendered harms. Using community-based approaches with applied aims responds to that call, however, more research is needed to understand specifically RJ tools for responding to GBV as well as RJ-informed prevention programs (e.g school-based interventions for example). Relatedly, more research is needed to conceptualize, measure, and ultimately understand how to effectively address communal harms within the "relational imagination" of RJ (Llewellyn, Archibald, Clairmont, & Crocker, 2013, pg. 281). Future research should aim to better explore the experiences of, as well as differences within and between people who hold multiple, intersecting identities. As RJ is increasingly used to respond to GBV it will be imperative to monitor racial disparities and potential bias in the backgrounds of victims/survivors and those who did harm who are being given opportunities for RJ rather than solely legal interventions.

### **Conclusion**

The legal system, funding, and organizational limits are often the driver in determining the response to GBV instead of victim/survivors determining their own path forward. It is the hope of the authors that this report contributes, in a small way, to creating meaningful and accessible restorative responses to GBV for victim/survivors who desire it. We hope that this report and the growing literature and collaborations around this vital area of social justice and public health, continue to inspire future research, practice, and policy.

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**Appendix A:**  
***RJ and GBV Interviews***

- a. Orienting
  - i. Grounding practice
  - ii. Review consent and confidentiality and recording expectations
  - iii. START RECORDING
  - iv. Origin story of this research project
  - v. Where are we in the research process?
  - vi. Questions?
  - vii. How are you feeling right now?
  - viii. What is your interest in participating?
  - ix. Do you have any hopes for your participation?
- b. Common terms/understandings
  - i. Intro to RJ together; read over the 1pg doc that Michele created.
    - 1. Questions?
    - 2. “some folx in the study work in formal “systems” and some don’t. All insights and opinions are welcome here.”
    - 3. When we are talking about repairing harm that might include face to face conversations and might not.
  - ii. Intro to gender-based violence
    - 1. How would you characterize gender-based violence?
- c. Overall purpose of the questions
  - i. We hope that info shared in the interview can begin to “get at” under what conditions could restorative approaches be considered in any given situation of GBV. In an ideal world, what would we need, at every level from the interpersonal up to policy levels to support just, healing, respectful restorative approaches to gender-based violence? And also, given that that ideal world will likely not exist anytime soon, what could it look like to do RJ in the world that exists now.
- d. Reflective questions
  - i. Example:
    - 1. Among the people you work with as clients/consumers/partners (not colleagues), how interested/what is the level of interest in using RJ? Do you have any examples of RJ or interest in RJ in your work?
      - a. What worked in that situation? Why?
      - b. What did not work? Why?
      - c. What concerns did you/might you have?
      - d. What does it feel like to talk about that experience?
        - A. Tend to that in your body/emotions...
  - ii. In what contexts do you see restorative practices being used to address gender-based violence?

1. What's working there?
  2. What is not?
  3. What might be needed to "make it work" better?
- iii. Generally, what's working and not working as it relates to responding to gender-based violence with restorative practices (from individual to policy levels and everything in-between)?
1. Individual
    - a. What is working at the individual level?
    - b. Not working at the individual level?
  2. Agency/Organizational/Institutional
    - a. Working
    - b. Not working
  3. Community
    - a. Working
    - b. Not working
    - c. How do you see this issue in relationship to the larger social culture?
  4. Social Policy
    - a. Criminal/legal policy
      - A. Working
      - B. Not working
      - C. How do you see this issue in relationship to the larger social culture?
- iv. Policies related to gender-based violence
1. What do you think about when you hear "gender-based violence" related policy? (if they name a number of domains, explore what is working and not working in each).
    - a. Working
    - b. Not working
- v. Funding
1. Talk about how your organization is funded?
    - a. Why is it funded in that way?
  2. How, if at all, has funding (amount, source, structure. Constraints/freedoms) impacted your ability to use restorative approaches to respond to gender-based violence?
    - a. Is there anything else that you want to say about how funding impacts peoples'/organizations capacity to use RJ in GBV work? (constraints, barriers, opportunities)
  3. Anything that we may have missed?

- vi. What would you and/or your organization need to support those things that are working or what would need to change the things that are not working?
  - 1. You as an individual?
  - 2. Your colleagues?
  - 3. Your agency or organization or institution?
    - a. PROMPT: have you seen organization/individuals/agencies support this type of work?
- vii. Centering people of color is about shifting power, control, and well-being/comfort to people of color. What is needed to center the experiences of Black, indigenous, people of color and queer and trans folk in gender based violence and rj processes?
  - 1. What does this mean to you generally?
  - 2. What does this mean to you coming from me in this context?
  - 3. Have you seen an organization/agency/individuals who thoughtfully center BIPOC and queer and trans folk? What does that look like?
    - a. PROMPT: or what about orgs/agencies that do not...what does that look like? Or a list of “don’t do’s” if we collectively want to center BIPOC, queer and trans folk in this work.
- viii. RJ relies on “community” as a cornerstone that assumes interdependence and connection. How do you think about the term “community” in the context of gender-based violence?
  - 1. PROMT, if they are indigenous, how does your indigenous identity and community influence how you think about restorative justice?
  - 2. How are communities harmed in incidence of gender-based violence?
    - a. How might or do communities demonstrate commitment to ending gender-based violence?
- vii. Some might say that using RJ in incidents of GBV is problematic bc of entrenched power dynamics that enable GBV across every level (systemic sexism/misogyny). What do you think about that?
- ix. Wrap Up
  - 1. Given our conversation today, do you have a suggestion for next steps?
  - 2. What questions do you have for me?
  - 3. Follow up email contents

- a. We will continue to gather and analyze responses. We would welcome your notes if you would like to share them.
  - b. We will email you a feedback form about your experience in the interview, any additional thoughts and to get your responses to a demographics questionnaire. We will also ask if you would like to be included in a “community contacts” list of participants and follow up with you later.
  - c. We will hold at least one “community meeting” inviting anyone who would like to come. All attendees will have an opportunity to provide comments/questions there as well!
  - d. Information on payment for study
4. Closing grounding activity

**For questions or to request a hard copy of the report, please contact the authors:**

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