


Restorative Justice for Survivors of Sexual Violence Experienced in Adulthood: A Scoping Review

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Abstract

Sexual violence (SV) is a widespread human rights issue. Survivors of SV often experience profound dehumanization and poor health outcomes when their trauma is not properly addressed, rendering it critical that they are honored and empowered within subsequent processes of healing and seeking justice. With adjudication through the criminal legal system largely underutilized due to retraumatization, scrutiny from law enforcement professionals, and high rates of case closure, restorative justice (RJ) has emerged as a promising option for survivors to repair harm and experience accountability. Little is known, however, regarding the best practices for its use in cases of SV. To meet this need, a scoping review was conducted to identify the best practices for the implementation of RJ after instances of SV experienced in adulthood. Following the search methodology outlined by the JBI Manual for Evidence Synthesis for scoping reviews, 15 articles met search criteria, including four empirical studies and 11 nonempirical research materials spanning five academic disciplines. Best practices and structures for RJ were subsequently identified, including key phases for appropriate implementation. This review can be used to create increasingly productive RJ processes for SV survivors, which is particularly important for those coming from marginalized communities facing structural inequities, as well as survivors on university campuses. As researchers, we have the power to use science to propel society toward the creation of more efficacious healing spaces for survivors of SV, and optimizing safe RJ processes plays a key role in bringing this to fruition.

Keywords

restorative justice, sexual violence, gender-based violence, sexual assault, scoping review, justice, trauma recovery

Sexual violence (SV) is a widespread human rights issue pervasively affecting society worldwide. SV encompasses a variety of perpetrating behaviors and acts, including unwanted advances, touching, or penetration, in addition to sex trafficking, coercion, and threats of harm or physical force (World Health Organization, 2003). Sexual violence is often a crime motivated by power dynamics related to gender, and in the United States alone, 43.6% of women, 24.8% of men, and 46% of transgender or nonbinary individuals experience SV at some point in their lifetime (James et al., 2016; Smith et al., 2018). Emerging adults are at a particularly high risk for SV, and it is estimated that one in five women and one in 16 men will experience sexual assault or rape while in college, with rates even higher for emerging adults who do not attend college (Krebs et al., 2007). Survivors of SV often experience negative and prolonged physical, emotional, and spiritual effects that can contribute to an overall deterioration in their health (Bonomi et al., 2009; Kapur & Windish, 2011). Perhaps the most permeating repercussion, however, is the profound sense of disempowerment many survivors face in the aftermath of SV (Delker et al., 2019). Given this dehumanization, survivors must be honored and empowered within subsequent

processes in their healing and seeking justice. However, there are many barriers for survivors engaging in current justice systems to date (Sinko et al., 2020), leaving many unable to obtain the justice they deserve.

Unfortunately, adjudication within the criminal legal system is largely underutilized. For example, it is estimated that 23.2% of SV survivors report their experiences to law enforcement, a statistic that results from an abundance of reasons, some of which include fearing not being believed, shame, risk of retaliation, and concerns regarding their confidentiality (Sable et al., 2010; U.S. Department of Justice, 2018). Furthermore, survivors face difficulty obtaining justice in cases of SV within the criminal legal system due to retraumatizing interactions with police personnel and case closure by law enforcement and

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prosecution in addition to low levels of guilty verdicts in cases of rape (Campbell, 2005; Campbell et al., 2001; Daly & Bouhours, 2010; Seidman & Pakorak, 2011; Seidman & Vickers, 2005; Temkin & Krahe, 2008). This is highlighted by the fact that just five of every 1,000 individuals accused of rape will receive a felony conviction and/or incarceration—meaning 995 of them walk free (U.S. Department of Justice, 2017).

Although some survivors define justice as criminal intervention and/or incarceration and thus gain positive outcomes from these experiences, many reflect that the process to obtain justice through the criminal legal system was extremely painful. For example, a participant in a qualitative study in England regarding revictimization of the court system in SV survivors stated,

I had to sit in front of the man who raped me and tell strangers what he did to me. They talked about my body and called me a liar. They showed intimate pictures of my body . . . I felt violated all over again. The defense seemed to want to break me. They raped me again. I felt so ashamed. I was on trial, not him. (Wheatcroft et al., 2009, p. 276)

Unfortunately, she is not alone in her experience, despite the intentions of legal proceedings being to bring closure and justice to survivors. The survivor experience in the conventional criminal legal system can often be summarized by the statement, “at every step of criminal proceedings, victims are powerfully reminded of their marginal and dishonored status” (Herman, 2005, p. 574).

In addition to the criminal legal system’s consistent failures in providing justice to survivors of SV, it is essential to note that some survivors simply do not have an interest in pursuing that route of adjudication. These survivors do not define justice as “successful” reporting to law enforcement or utilization of the criminal legal system, but rather as outcomes outside of the latter’s purview. For example, a 2019 study that sought to understand SV survivors’ perspectives of justice uncovered themes of desires for recognition, voice, dignity, prevention, consequences (beyond punishment alone), and connectedness (McGlynn & Westmarland, 2019). Such outcomes may manifest in a myriad of ways, often stemming from a desire to come to a common ground with those who have caused them harm. To rectify this disconnect and create alternative spaces for healing, restorative justice (RJ) has been explored in recent years as an independent and/or complementary method to the criminal legal system in assisting survivors of SV in achieving justice.

RJ is a global social movement with Indigenous roots focused on centering harm, fostering accountability, and transforming communities. Core principles include accepting and acknowledging responsibility for harm, repairing harm by centering the harmed party’s needs, rebuilding individual and community trust through active accountability, and addressing root causes and social injustices that create conditions of harm. RJ is considered to have three main tiers (Karp, 2019). The first tier focuses on building and strengthening relationships

through community-building prevention circles. The second tier addresses responses to conflict and harm, which typically includes some sort of restorative conferencing. The final tier is reentry support, which can include reintegration circles to ensure that those who cause harm can be supported and held accountable by their communities after they make amends.

RJ aims to hold responsible persons accountable by centering harm through a shared decision-making process that includes the participation of harmed persons, responsible persons, and others. In this model, responsible persons accept responsibility for their offenses and actively work to repair the harm caused by their actions to mitigate the risk of reoffense. While the manifestations of restorative conferencing can differ greatly by case, the process typically is led by a trained facilitator that works with both parties to elicit an honest dialogue about the harm caused and how the responsible person can make amends. The ultimate goal of these interactions is for all parties to work together in repairing the harm caused and rebuilding community trust by earned redemption (Karp, 2013).

RJ is currently used formally and successfully in over 80 countries by varying stakeholders in conflict adjudication, including police, prosecutors, courts, parole officers, prisons, school and university officials, and more (Van Ness, 2005). It is employed in a wide variety of settings, including workplace conflict, community disagreements, and disciplinary problems, such as bullying or juvenile offenses among minors in U. S. schools (Costello & O’Connell, 2002; Hopkins, 2002). Further, it has been used to address violent crime and postconflict societal disputes; for example, state-sponsored mass violence in Rwanda as well as the South African Truth and Reconciliation Commission (Tiemessen, 2004). Some American universities, such as the University of Michigan and The College of New Jersey, are also beginning to use RJ for campus SV survivors (Karp, 2019).

With RJ’s rise in popularity, a multitude of concepts (mediation, circles of support and accountability, and victim–offender dialogue) have arisen that may share principles of RJ but can bear strong differences from the concept applied to survivors of SV. For example, RJ contrasts strongly with mediation. The latter is a collaborative adjudication process that instead emphasizes neutrality for all parties involved, whereas RJ requires the acknowledgment that the responsible person did indeed cause harm (McGlynn, 2011). Conversely, victim–offender dialogue directly involves the harmed person in facilitated meetings with the responsible person(s), often within the prison setting. While the harmed person may choose to share the crime’s impact, ask questions, or seek an apology, victim–offender dialogue traditionally exists as adjunct conversations to an already-imposed criminal legal system outcome, not a process that can provide its own reparations or responsible person accountability (Umbreit et al., 2002). The applicability of the term RJ to criminal legal system processes enhanced with RJ components (vs. adjudication entirely by RJ with no criminal legal system involvement) remains debated in the literature (Daly, 1999).

As described above, the complete RJ process has three tiers: (1) prevention of conflict and harm, (2) responding to conflict and harm, and (3) supportive reintegration of persons who caused harm (Karp, 2019). Circles of support and accountability are often cited as a stand-alone form of RJ, yet in actuality, they are simply one piece of it—a mechanism for the third tier only. These circles are a strategy that focuses on the reintegration of imprisoned responsible persons into the community and the reduction of recidivism via a robust support network of individuals knowledgeable in criminal justice and believing in the possibility of personal transformation (Quaker Peace & Social Witness, 2005). However, circles of support and accountability do not necessarily serve to provide survivors with a sense of justice; in fact, they generally do not directly involve the survivor. For this article, we will focus on the possibility of restorative conferencing (Tier 2) as a justice option for survivors due to its direct applicability of responding to harm when it occurs.

Despite the increased use of RJ across the world in recent years, the efficacy of RJ for SV remains widely debated in the literature. Advocates of its use state that RJ is particularly well-suited for this survivor group, as they

need to tell their own stories about their experiences, obtain answers to questions, experience validation as a legitimate victim, observe offender remorse for harming them, receive support that counteracts isolation and self-blame, and above all have choice and input in the resolution of their violation. (Koss et al., 2014, p. 246)

Additionally, RJ exists as a survivor-sensitive form of justice that can fulfill harmed persons' needs and encourage their autonomy and validation of their violent experiences while also ensuring the opportunity for material reparation if desired. Further, RJ provides harmed persons with the opportunity for options and choice, giving them power and control over their own situation while substantiating forms of justice outside of the criminal legal system. This empowering of harmed persons to have decision-making abilities has been documented to have positive effects on their recovery, as they regain a sense of autonomy previously taken from them during acts of violence (Campbell et al., 2004).

Conversely, there is a significant dialogue in literature critiquing the use of RJ for SV (e.g., Behrens, 2005; Daly & Nancarrow, 2010; Nancarrow, 2010; Reimund, 2004; Stubbs, 2010). These arguments largely focus on retraumatization that can arise from an in-person meeting of the responsible person and harmed person, as well as concerns regarding the responsible person taking the opportunity to minimize the violence committed or manipulate the harmed person into accepting a specific avenue for repairing the harm. For example, Jülich (2006) interviewed adult survivors of child sexual abuse, with specific attention to their views of RJ applied to their childhood experiences. Although the values inherent in RJ (accountability, validation, and empowerment) were widely appealing to the harmed people in this study, some exhibited disinterest in its use due to fears regarding responsible persons' manipulative

tendencies, feelings of disempowerment in the responsible persons' presence, and the belief that they alone would carry the burden of ensuring the responsible person completes the reparative actions agreed upon. The interest and benefits mentioned by participants, however, reveal the importance of an evidence-based RJ adjudication process that keeps these concerns in mind while recognizing that RJ may not be an appropriate option in all SV cases.

Given the conflicting beliefs about the efficacy and use of RJ as it applies to SV survivors, there is a critical need to articulate best practices and understand the appropriate evaluation of these programs in order to mitigate any potential unintended consequences. Specifically, there is a need to examine literature relevant to Karp's (2019) second tier of RJ: directly responding to conflict and harm. A scoping review is ideal for beginning this endeavor, as scoping reviews serve to gather and examine the available evidence regarding emerging areas of science, such as RJ (Munn et al., 2018). Thus, we seek to use a scoping review to answer the question: What are the current best practices for the use of RJ for harmed persons who experienced SV in adulthood? A preliminary search for existing scoping reviews on RJ was conducted, with the utilization of the Ovid MEDLINE, CINAHL, and PsycInfo databases in the April of 2020. Just one scoping review was found, though it explored the pros and cons of RJ rather than focusing on the best practices for its implementation and evaluation (Wager, 2013). Evidence-based RJ practices for SV remain largely unexplored in the literature, despite RJ's increasingly popular implementation on college campuses throughout the United States. This is a critical area of research, as survivors of SV ultimately deserve justice obtained through an evidence-based, critically evaluated process proven to be in their benefit and without risk of revictimization or further harm.

Inclusion Criteria

Participants. This scoping review considered literature that analyzed both expert opinions as well as the perspectives of harmed persons who experienced SV in adulthood, professionals and advocates involved in RJ facilitation and implementation, and responsible persons who have experienced the RJ process. There are various terms used to describe the parties involved in RJ, and to maintain consistency with the RJ literature, we have chosen to use the word "harmed person" to refer to the person who has experienced harm and "responsible person" to refer to the person who caused harm.

Concept. Specifically considered in this review were studies assessing best practices for the implementation and evaluation of RJ for harmed persons who experienced SV in adulthood. Studies excluded were those that focused on domestic or family violence, SV experienced in childhood, SV perpetrated by juveniles, or RJ using only methods of mediation or circles of support and accountability.

Context. This scoping review encompassed a global context, as SV is experienced by people across all cultures and socioeconomic statuses. Due to investigators' language limitations, only studies published in English were considered.

Types of studies. The types of studies eligible for inclusion comprised experimental studies, observations, qualitative studies, review papers, theses and dissertations, conference abstracts, editorials, commentaries, letters, case reports, and book chapters. Nonempirical literature was included due to the dearth of empirical literature on this topic. There were no date constraints.

Method

The JBI Manual for Evidence Synthesis for scoping reviews was utilized to develop the methodology for this scoping review (Aromataris & Munn, 2020). The purpose of this search, completed in April of 2020, was to aggregate articles that described or evaluated RJ implementation for SV offenses experienced in adulthood.

Search Strategy

Published studies were identified using a search strategy created in collaboration with a health sciences library scientist, who also helped determine relevant databases to conduct the search. MEDLINE, CINAHL, and PsycInfo were queried to identify index terms as well as abstract and title keywords used for the search. Our finalized search terms fell into two main groupings: (1) restorative justice and (2) sexual violence and related offenses. The appendix shows a detailed search strategy for all databases used in this scoping review.

Sources of evidence. We used four main platforms for our search. MEDLINE was queried using the Ovid research platform. CINAHL, PsycInfo, Education Abstracts, Criminal Justice Abstracts, and Health Policy Reference Center were queried using the EBSCO research platform. Social Services Abstracts was queried using the ProQuest platform. Scopus was also used as an additional database queried via its own platform.

Study Selection

Following the removal of duplicates, citations were uploaded to Rayyan QCRI (Ouzzani et al., 2016). The first author performed a screening of the resulting articles on the title and abstract level (see introduction for inclusion and exclusion criteria). Each article selected from this was then screened at the full-text level by the first author and a trained research assistant within the Rayyan QCRI platform, with the senior author consulted for any disagreements. Once final articles were selected, hand searching of their reference lists was done to identify any additional studies for inclusion that may have

been missed. Three articles were added to our final article count using the hand searching method. Figure 1, a flowchart created from the Preferred Reporting Items for Systematic Reviews and Analyses (PRISMA), summarizes the search process (Moher et al., 2009).

Data Extraction

An evidence table created during the review's protocol development phase was used by the first and senior authors to record information from the selected articles. Table headings focused on publication year, country, and journal discipline, in addition to the population studied. When full-text publications were unavailable online, authors were contacted via email and the full publications were obtained. Citations of books not available online ($n = 3$) were inaccessible for examination due to the COVID-19 pandemic and the long-term closure of university library buildings. Once the data was extracted, research team meetings were held to resolve any disagreements of the data extracted and synthesize the results listed below.

Results

Study Inclusion

Our initial search yielded 1,031 articles. After the removal of duplicates, the search yielded a total of 698 articles. These 698 articles were screened at the title and abstract level, with 140 of those articles further screened at the full-text level. Fifteen articles met inclusion criteria and were included in this review. Figure 1 displays the search results using a PRISMA flow diagram (Moher et al., 2009).

Characteristics of Included Studies

Publication type. The 15 included articles comprised empirical research studies ($n = 4$; see Table 1) and nonempirical scientific publications ($n = 11$; see Table 2), examples of the latter being law review articles ($n = 5$), expert opinion ($n = 3$), book chapters ($n = 1$), and policy guidelines ($n = 2$). In aggregate, this review included legal analysis, criminology theory, RJ models for full resolution of SV, and all empirical data that are available on outcomes that inform the best practices.

Country of publication. The four empirical research studies hailed from three different countries, including two in the United States, one in the United Kingdom, and one in Australia. The 11 nonempirical publications originated in four different countries, including eight in the United States, one in the United Kingdom, one in Australia, and one in New Zealand.

Publication discipline. Disciplines represented by the empirical articles include public health ($n = 2$) and criminal justice

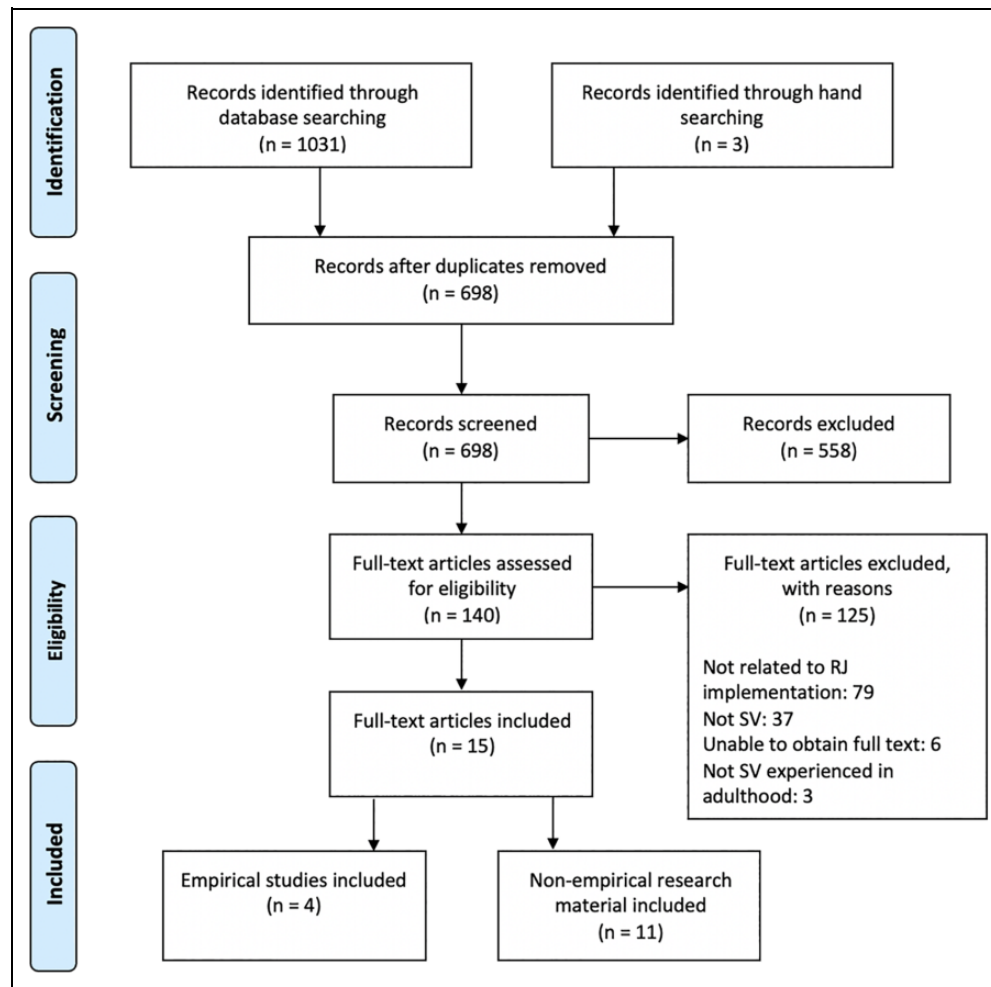


Figure 1. Preferred Reporting Items for Systematic Reviews and Analyses (PRISMA) flow diagram depicting search process.

Table 1. Empirical Studies Meeting Inclusion Criteria.

| Author/s | Type/Title of Publication | Population Studied | Discipline | Country |
|-----------------------------|---|---------------------|------------------|-----------|
| Bletzer & Koss (2012) | Analysis of responsible persons' RJ apology letters From parallel to intersecting narratives in cases of sexual assault | Responsible persons | Public health | USA |
| Curtis-Fawley & Daly (2005) | Interviews with victim advocates regarding opinions on RJ Gendered violence and restorative justice | Victim advocates | Criminal justice | Australia |
| Koss (2014) | Outcome evaluation of RJ program The RESTORE program of restorative justice for sex crimes: vision, process, and outcomes | Harmed persons | Public health | USA |
| Marsh & Wager (2015) | Web-based survey of SV survivors about RJ Restorative justice in cases of sexual violence: exploring the views of the public and survivors | Harmed persons | Criminal justice | UK |

Note. RJ = restorative justice; SV = sexual violence; USA = United States; UK = United Kingdom.

($n = 2$), and those of the nonempirical articles include law ($n = 5$), education ($n = 3$), psychology ($n = 1$), public health ($n = 1$), and criminal justice ($n = 1$).

Population studied. Of the empirical articles, two represented the best practices for RJ from the perspective of harmed persons,

one of responsible persons, and one of victim advocates (see Table 1 for more information).

Review Findings

There were fundamental components of RJ identified by the research material that were deemed necessary for the

Table 2. Nonempirical Research Materials Meeting Inclusion Criteria.

| Author/s | Type/Title of Publication | Discipline | Country |
|---|--|------------------|----------------|
| Vail (2019) | Law review The failings of Title IX for survivors of sexual violence: utilizing restorative justice on college campuses | Law | United States |
| Cyphert (2018) | Law review The devil is in the details: exploring restorative justice as an option for campus sexual assault responses under Title IX | Law | United States |
| Kaplan (2017) | Law review Restorative justice and campus sexual misconduct | Law | United States |
| Wager (2013) | Law review The experience and insight of survivors who have engaged in a restorative justice meeting with their assailant | Law | United Kingdom |
| Orcutt et al. (2020) | Law review Restorative justice approaches to the informal resolution of student sexual misconduct | Law | United States |
| Keenan & Zinsstag (2017) | Book chapter Towards a better understanding of justice: concluding thoughts on restorative responses to sexual violence | Education | United States |
| Koss et al. (2014) | Expert opinion Campus sexual misconduct: restorative justice approaches to enhance compliance with Title IX guidance | Education | United States |
| Centre for Innovative Justice, RMIT University (2014) | Policy report Innovative justice responses to sexual offending | Education | Australia |
| Roseman et al. (2008) | Expert opinion Sexual behavior intervention program: an innovative level of care in male sex offender treatment | Psychology | United States |
| New Zealand Ministry of Justice (2011) | Policy report Restorative justice: best practice in New Zealand | Criminal justice | New Zealand |
| Q. Hopkins & Koss (2005) | Expert opinion Incorporating feminist theory and insights into a restorative justice response to sex offenses | Public health | United States |

appropriate application of the RJ process. All studies mentioned the importance of the core RJ components being implemented, including voluntary participation by both the responsible person and the harmed person, as well as a commitment from both parties to repair harm and clarify accountability for the harm caused. Furthermore, multiple studies explicitly stated the absolute essentiality of confidentiality being maintained in all facets of RJ (Cyphert, 2018; Koss, 2014; New Zealand Ministry of Justice, 2011). This was further specified by Cyphert (2018); Centre for Innovative Justice, RMIT University (2014); and Orcutt et al. (2020) to say that rules must be carefully designed to exclude statements made by responsible persons from being used against them at a later civil or criminal trial. The New Zealand Ministry of Justice (2011) and Orcutt et al. (2020) also recommended that participant consent be documented for any confidential information to be shared, and that facilitators specify limits to confidentiality in advance of conferences.

It was also clear that specialized training in RJ, sexual misconduct, and gender issues must be required for RJ facilitators who want to work with SV populations (Centre for Innovative Justice, RMIT University, 2014; Keenan & Zinsstag, 2017; New Zealand Ministry of Justice, 2011; Vail, 2019). Keenan and Zinsstag (2017) highlighted that RJ practitioners must

deeply understand social justice and the inequities in society that underpin SV, and the New Zealand Ministry of Justice (2011) determined facilitator preparedness through the assessment of three categories: skills, knowledge, and personal qualities. Skills included communication and the ability to manage stressful emotions, while knowledge included possessing a good understanding of local cultures and communities, the criminal legal system and RJ, as well as victim and responsible persons' issues. Desired personal qualities were numerous but included honesty, openness, respect for diversity, objectivity, and professionalism. The whole of the RJ process should also integrate feminist ideology, given the prevalence of violence against women within the overarching umbrella of SV (Hopkins & Koss, 2005).

The RESTORE study (Koss, 2014) identified four key stages in the RJ process: the referral and intake period, preparation period, conferencing period, and the accountability and reintegration period. This structure was used as the framework for synthesizing and organizing other elements of RJ deemed essential by the literature meeting review inclusion criteria (see Table 3). Elements of the RESTORE study were chosen as a structural framework for this review due to its empirical nature and high participant satisfaction rates. For example, more than 90% of harmed persons in the study stated

Table 3. Key Best Practices for the Implementation of Restorative Justice (RJ), Using the Framework Put Forth by Koss (2014).**Fundamental RJ components**

- Confidentiality must be maintained in all facets of RJ
- Must be voluntary for both the responsible person and the harmed person
- A commitment from both parties to repair harm and clarify accountability for harms
- RJ facilitators must undergo a rigorous and specialized training process

Referral and intake period

- Thorough education via free legal counsel offered to all parties involved to determine fit for RJ and other potential alternative options
- Responsible person admits to harm caused, taking responsibility for their actions
- Responsible person undergoes rigorous evaluation and continuous reevaluation to determine suitability for RJ

Preparation period

- Safety must be emphasized
- Opposing parties should not have face-to-face contact initially
- Psychological support services should be made available to all involved parties
- Thorough education must be provided to all parties regarding specific expectations of the RJ process and its outcomes

Conferencing period

- Harmed person should determine conference structure in advance and every effort must be made to accommodate their desire for conferencing
- If a harmed person does not desire a direct meeting with the responsible person, a victim empathy session should be considered for the responsible person to attend
- Sufficient time should be allotted for conferencing, taking into consideration the possibility for breaks needed to access psychological support
- Responsible person truthfully describes their harmful actions in detail and verbally summarizes the contributions of all parties in attendance
- Terms of the redress agreement must be discussed and compiled into a written document
- Apology letter(s) from the responsible person, if desired by the harmed person, should be written at the end of the conferencing process, with RJ facilitators providing feedback for revision before its delivery to the harmed person
- Formal RJ programmatic evaluation at the end of the conferencing period by all parties involved is necessary

Accountability and reintegration period

- Redress agreements should include mandatory supervision of responsible person, potentially including weekly phone contact and monthly face-to-face meetings
- Responsible person should undergo rigorous curriculum involving education, cognitive restructuring to raise self-awareness of harmful thought patterns, and strategies for resolution

that they perceived the experience as successful (Koss, 2014). Due to the limited number of included materials due to lack of literature on this topic, widespread commonalities were rarely identified, however, several best practices emerged as a whole. Additional research is needed to empirically test and evaluate these suggestions.

Referral and intake period. A proper referral and intake period is critical to ensure the best outcomes for harmed parties. Four publications indicated that adequate education must be given to both responsible and harmed persons to enable informed decision-making about participation in RJ versus traditional criminal legal system proceedings or investigations on university campuses (Keenan & Zinsstag, 2017; Koss, 2014; Koss et al., 2014; New Zealand Ministry of Justice, 2011; Orcutt et al., 2020). To reduce barriers to RJ, harmed persons should be given free legal counsel to fully understand the benefits and cons of all pathways to adjudication (Koss, 2014). Further, the folks facilitating and presiding over RJ should not view it as mutually exclusive from criminal legal proceedings, but as two

systems complementary to one another under one mission to provide harmed persons with justice on their own terms (Centre for Innovative Justice, RMIT University, 2014; Curtis-Fawley & Daly, 2005; Koss et al., 2014).

In order to continue considering RJ after a harmed person has identified it as an appropriate option for their wishes, all 15 publications stated that it is a requirement for the responsible person to admit that they caused harm, and accept accountability for their actions. The responsible person must then undergo an evaluation to determine whether or not they are a good fit for the RJ process; for example, responsible persons that are a danger to the community (Centre for Innovative Justice, RMIT University, 2014; Kaplan, 2017), repeat offenders (Centre for Innovative Justice, RMIT University, 2014; Koss, 2014; Vail, 2019), lack genuine accountability (Centre for Innovative Justice, RMIT University, 2014; Kaplan, 2017), or demonstrate certain psychological characteristics (Centre for Innovative Justice, RMIT University, 2014; Koss, 2014) should not be allowed to proceed with RJ. The RESTORE study utilized forensic assessment with a guided clinical interview and

standard instruments for initial evaluation of SV responsible persons, including the Multiphasic Sex Inventory (Nichols & Molinder, 1996), the Millon Clinical Multi-axial Inventory–III (Millon et al., 2009), and the Sex Offenders Risk Appraisal Guide (Hanson & Thornton, 1999). This may not be necessary for all settings, but its inclusion is important to note. Risk assessment after initiation of the RJ process was completed quarterly by RESTORE staff. Again, although not all articles discussed doing this, it was clear that some form of ongoing monitoring was needed to ensure no additional harm was being caused by engaging in this process.

Preparation period. Once the harmed person and responsible person have been identified as being appropriate fits for RJ, both parties must undergo a period of preparation for the process, and this must be rigorous and comprehensive for both of them, as well as their support person(s) (Koss, 2014; New Zealand Ministry of Justice, 2011; Orcutt et al., 2020; Wager, 2013). Safety must be emphasized, and the opposing parties should not have face-to-face contact during this time (Koss, 2014). In maximizing readiness for in-person conferencing if desired by the harmed person, they should have the opportunity to engage in psychological support before, during, and after the RJ process, and it may be helpful for them to visit the venue for in-person conferencing in advance so they know exactly what to expect (New Zealand Ministry of Justice, 2011; Wager, 2013). Another study stated the importance of psychological services being made available to responsible persons as well and specific referrals to sex offender or other relevant types of therapy if desired (Centre for Innovative Justice, RMIT University, 2014; Keenan & Zinsstag, 2017). The New Zealand Ministry of Justice (2011) also recommended that participant preparation ensures participants have reasonable expectations of the RJ process and its outcomes, and participant safety must be maintained at all times.

Conferencing period. The conferencing period is a stage of direct engagement between the harmed and responsible persons and often happens face-to-face. However, in situations where a responsible person declines a harmed person's request for an in-person meeting, every effort should be made to accommodate the harmed person's wishes for engagement in RJ, including strategies such as shuttle negotiation (Koss, 2014). Conference invitations to responsible persons should be considered open offers as long as conferencing is desired by the harmed person, so that it is an option in the event of the responsible person changing their mind after declining initially (Marsh & Wager, 2015; Wager, 2013). Relatedly, if a harmed person does not desire a face-to-face meeting, a surrogate victim may be used instead, utilizing a victim empathy session in which a harmed person of a similar crime speaks to the responsible person about the crime's impact on their life (Marsh & Wager, 2015; Roseman et al., 2008; Wager, 2013). The length of the conferencing period and the number of sessions may vary based on the harmed person's preference and party availability.

When conferencing is to take place, the harmed person should determine the structure in advance, dictating who has the opportunity to speak first, and sufficient time must be allotted for the meeting, taking into consideration the possibility for breaks where parties can access psychological support if needed (Koss, 2014; Wager, 2013). Koss (2014) recommended that each person in attendance of conferences should have the opportunity to share how the instance(s) of sexual misconduct affected them and suggested strategies for continued responsible person accountability. First, the responsible person's component of the conference should begin with them describing their acts in sufficient detail in order to portray their offense. Then, after each other group of persons shares their thoughts (e.g., harmed person, harmed person's support people, other relevant parties, and responsible person's support people), the responsible person must provide an oral summary of what they heard.

In consultation with the trained facilitator, the harmed person will determine what the responsible person should do to make amends, with accountability proportionate to the harm caused. To allow for the best possible outcomes for all parties involved, redress agreements must function within appropriate parameters determined by the trained facilitator, such that responsible persons' action items are not too lenient or too harsh (Massaro, 1991). For example, harmed persons may request the responsible person undergo additional education (e.g., related to SV, anger management strategies, substance use) and commit to physical distancing, among other actions. This can be done via a redress agreement. Keenan & Zinsstag (2017) recommend that terms of the redress agreement are discussed at the conferencing point, and outcomes are tailored to each specific case, with conferences concluding with a written agreement that outlines the responsible person's agreed-upon behavioral commitments and any compensation for the harmed persons.

Bletzer & Koss (2012) found that apology letters were best suited to be written and delivered at the end of the RJ conferencing process than at the beginning, as expressions of empathy were more meaningful toward the closing moments. Apology letters may not be necessary in all cases, but if they are used, they should also be given to an RJ facilitator for review and feedback for any potential revision before it is given to the harmed person. Also important at the end of the conferencing stage is formal RJ programmatic evaluation by all parties involved, as stated by two publications (Koss, 2014; New Zealand Ministry of Justice, 2011). Ultimately, while the conferencing period may look different depending on the wants and needs of the harmed person, it is important to create a space for honest truth-telling, thoughtful reflection, and psychological safety.

Accountability and reintegration period. The accountability and reintegration period is necessary for responsible persons' accountability, cultivating justice for the harmed person, and ensuring community safety. For this article, we will focus on the accountability and monitoring portion of this period,

recognizing that a reentry circle with relevant community members (Tier 3 of RJ) is essential once the person has made amends to ensure a safe and supportive transition back into the community.

Koss et al. (2014) recommended that sexual misconduct redress plans be designed to include mandatory supervision of responsible persons. They specifically recommended this for university campuses, in which case student conduct professionals could be alerted to any changes in the safety risk posed by the responsible person to the surrounding community, as well as any incompleteness in the redress agreement that would prompt conversion to sexual misconduct sanctioning through pathways such as Title IX investigations or the criminal legal system. This supervision within the RESTORE study (Koss, 2014) included weekly phone contact and monthly face-to-face meetings, with the option for the harmed person to be immediately notified if the responsible person commits another instance of sexual misconduct or neglects to successfully complete the redress plan. The latter option, also endorsed by the New Zealand Ministry of Justice (2011), was to allow harmed persons to reconsider their decision to pursue RJ as their primary form of adjudication, and enable knowledge-sharing so that alternate routes of adjudication may be followed if desired.

Within the redress agreements, Roseman et al. (2008) indicated that, in conjunction with conferencing or a surrogate victim empathy session, responsible persons should undergo a curriculum involving education, cognitive restructuring to raise self-awareness of harmful thought patterns, and strategies for resolution. The educational component included sessions on types of offenses, sexual myths, and/or legal issues, while the cognitive restructuring component actively combated responsible persons' thoughts regarding alcohol and drug use concurrent with sexual behavior, sexual thinking distortions, and aggressive communication techniques. The resolution strategies focused on healthy relationships, empathy building, and relapse prevention planning. This, of course, was a suggestion by one article, and redress agreements and subsequent education may vary based on the wants and needs of the harmed person along with what seems the most appropriate for the particular situation at hand. Ultimately, the phases listed above are meant to serve as guidelines for what appropriate RJ implementation may look like, recognizing that RJ is not meant to be prescriptive, but rather situation-specific to repair harm for the parties involved.

Discussion

Our scoping review on using RJ for SV offenses uncovered 15 studies contributing information to best practices for implementation moving forward. We synthesized the current body of literature and presented it using a framework that could serve as a foundation for the understanding of evidence-based procedures (see Scoping Review Implications below). The framework was inspired by the operational processes of the RESTORE study, the most rigorous empirical study evaluating RJ implementation for SV (Koss, 2014). The components of the RJ process that we summarized included: (1) referral and intake period, (2)

preparation period, (3) conferencing period, and (4) accountability and reintegration period.

The findings of this review highlight that RJ for survivors of SV must be treated differently than RJ used in instances of other types of misconduct. For example, policy documents outlining the use of RJ for behavioral disruptions in the K–12 educational setting reveal a significant focus on asserting control over the individual who has caused harm, rather than meeting the needs of the person(s) experiencing the harm caused (Vaandering, 2014). SV is a crime of dehumanization and disempowerment, and corresponding RJ for survivors of SV simply cannot effectively exist without a survivor-centered orientation. Further, SV's roots are in responsible persons exerting aberrant control over others, and restoration of harm in these cases cannot be expected from reciprocal punitive control being imposed upon the responsible person. However, the best practices synthesized in this review certainly bear some strong similarities to the procedures employed by certain organizations serving victims of other types of violent crime. For example, the Restorative Justice Unit within the Corrective Services Department in New South Wales, Australia employs particularly high rigor in both their facilitator training process as well as their referral and intake period for victims of crime referred to their services to discern if RJ is the best fit (Bolitho, 2015). Notably, these policies prove efficacious in serving the needs of their clients, whose impactful motivations for pursuing RJ mirror those of SV survivors; these include desires “to seek safety, to seek information, to speak and be heard, to vent emotion, to seek accountability, to feel empowered, and ultimately to find a different meaning around the event that would better allow them to move forward” (Bolitho, 2015, p. 275), all drawing upon the universal justice needs framework put forth by Toews (2006).

This review can be used to create increasingly efficacious RJ processes for SV survivors, which is particularly important for those coming from marginalized communities facing structural inequities (Sinko et al., 2020). According to the 2011 National Intimate Partner and Sexual Violence Survey, Black women experience SV at rates significantly higher than that of white women (Smith et al., 2017; Stockman et al., 2014). However, they are less likely to report the crime, and compared to white women, receive less support if they do report (Long et al., 2007; Tillman et al., 2010). Activist Michelle Taylor, known professionally as Feminista Jones, discussed the reason for this disparity in an essay for *Time*, writing,

Black women tend to feel obligated to put racial issues ahead of sex-based issues . . . a strong sense of cultural affinity and loyalty to community and race renders many of us silent, so our stories often go untold. One of the biggest related impediments is our hesitation in trusting the police or the justice system. As Black people, we don't always feel comfortable surrendering 'our own' [to the police] . . . (Jones, 2014, p. 1)

This points to the potential for not only RJ to repair harms in this population, but also transformative justice, which aims to

center oppressed voices to seek resolutions within systems of community or civil society separate from the criminal legal system. This recognizes that violence in all forms takes place within the context of structural conditions (e.g., poverty, racism, sexism, homophobia, ableism; Bierria et al., 2015; Coker, 2002; Kim, 2018).

The harm-reducing and nonpunitive focus of RJ in its community reparations process may prove beneficial in situations seeking SV accountability, though the implementation of RJ and its details in these communities must be evidence-based. With current events shedding increasing light on racial bias and brutality committed by law enforcement professionals against the Black community (Ehrenfeld & Harris, 2020), this evolution of RJ is more critical now than ever before. Unjustly, individuals with marginalized identities, particularly Black women, often carry the weight that is the reputation of their community (Washington, 2001). Thus, an effective and evidence-based RJ process drawing upon the best practices identified by this study may provide more equitable access to justice by creating an alternative option outside of reporting SV to law enforcement. It is crucial that future research in RJ explores how the process may work for populations who may have mistrust toward the traditional criminal legal system. In addition, particular attention needs to be paid to ensure we are not culturally appropriating these practices and that we are honoring their Indigenous roots throughout the world, while creating culturally relevant practices for the communities we intend to serve (Hand et al., 2012; Tauri, 2014).

SV experienced on university campuses is also uniquely situated for these RJ recommendations, given recent changes in Title IX guidelines allowing for “informal resolutions” for sexual misconduct concerns. However, this context may face unique challenges that are important to consider, owing to the limitations and complexities associated with implementing such programming in a higher education system (Lamade et al., 2018). For example, Koss (2014) found that harmed persons should receive free consultations with an attorney for comprehensive understanding and discernment of which pathway(s) of SV adjudication fit their goals. However, it is unclear where this legal counsel will originate for campus SV survivors, as student legal services offices generally stipulate that their attorneys cannot provide consultations in student versus student legal matters. Further, RJ facilitators are not attorneys qualified to give true legal advice, and Title IX coordinators lack impartiality in this advising. Special considerations may also need to be taken into account to fulfill the recommendation of providing harmed persons and responsible persons with free psychological support before, during, and after the RJ process. Many university mental health services for students are designed to meet with students for a handful of sessions before necessitating that students access private services in the community at their own cost. Properly caring for the mental well-being of students engaged in RJ does not fit this university model, as longitudinal processing and support are likely necessary. Particularly essential on a college campus in implementing RJ is adopting the

forensic assessment of responsible persons with guided clinical interviews and standardized instruments. Rigorously evaluating—and continually reevaluating—the safety risk posed to the campus community by persons responsible for SV is critical to minimize and monitor incidents of recidivism. The party best suited for carrying out these examinations must be carefully determined, and if independent providers are utilized, it must be determined how they will be financially compensated to not impose financial barriers on the harmed and responsible person seeking to utilize RJ.

Additional work must also be done to consider the balance between the creation of standardized guidelines for RJ processes while also maintaining the survivor-tailored essence at RJ’s core. The Campus PRISM Project, coordinated by the University of San Diego Center for Restorative Justice, is an example of an international organization bringing RJ scholars together, a structure ideal for gathering expertise on this issue (Campus PRISM, 2020). Programmatic evaluation and knowledge-sharing between institutions, particularly those instituting RJ for instances of campus SV, would be beneficial in ensuring that survivor voices and wishes remain heard as common practices are adopted.

One overarching theme boldly apparent when conducting this scoping review is that there is a dearth of empirical research in the domain of RJ for SV. Not only does this impose a small sample size and subsequent limitations for this review, but it may also be, quite frankly, harmful to SV survivors due to a lack of evidence base evaluating these processes. For example, a number of university campuses are beginning to adopt RJ as an option for SV survivors, but there is not a single study empirically evaluating such programming in the campus setting. Likewise, there is no study empirically examining the use of an RJ program for SV specifically in racially underrepresented communities. The RESTORE study (e.g., Koss et al., 2003, 2004, 2014) is the current gold standard for empirically researching RJ for SV, but it is singular in its existence, despite being initially published almost 20 years ago (Gang et al., 2019). It is crucial that additional research is conducted to build on this body of work, and that current and future RJ programs adopt rigorous self-evaluation and reflection practices to consistently identify areas for improvement and track party outcomes. In addition, facilitator training has not been standardized, and future research should evaluate what training is necessary for appropriate RJ facilitation. Since improper RJ implementation does pose some degree of risk to harmed persons, this risk is magnified by the fact that such little RJ programmatic evaluation has been done to shed light on the long-term outcomes of harmed persons who choose to engage in the process.

Limitations of this scoping review include the limited number of articles relevant to our search criteria, consideration of studies only in English, inability to include books only available in their physical form, and the high representation of expert opinion among articles meeting inclusion criteria. An additional limitation is the potential omission of the work of community activists in the RJ space, as this study was restricted to literature appearing in scientific databases. Furthermore, this

study was limited to SV perpetrated and experienced in adulthood. Similar themes may be applicable to youth; for example, Daly et al. (2007) point to the promise of RJ in populations who experienced or perpetrated SV in youth. Despite these limitations, this study is the first of its kind to synthesize scholarly research to illuminate best practices for the implementation and evaluation of RJ for SV experienced in adulthood. This carries significant weight, as survivors of SV exist in all of our lives, whether they have disclosed these adverse experiences to us or not, and we must take strong action to support them. A desire for accountability options outside of the criminal legal system has been voiced by survivors for decades, and this review intends to serve as a foundation that can be built on by subsequent research to ensure the safe implementation of RJ. Efforts to support survivors are a moral obligation for all of us, and we must act swiftly to encourage the recovery and justice-seeking of those whose human rights have been so unjustly taken from them. As researchers, we have the power to use science to propel society toward the creation of more efficacious healing spaces for survivors of SV, and optimizing the RJ process plays a key role in bringing this to fruition.

Scoping Review Implications

Implications for practice, policy, and research

1. Significant empirical restorative justice (RJ) research is needed, particularly with the implementation of rigorous programmatic evaluation for all programs utilizing RJ for sexual violence (SV)
2. Future research in RJ for SV must explore its use in racially underrepresented or otherwise structurally marginalized communities
3. Care must be taken on university campuses to ensure that survivors do not face financial barriers to the use of the best practices revealed by this scoping review
4. The adoption of standardized guidelines for RJ for SV must be balanced with the need to maintain the survivor-tailored essence at RJ's core

Appendix

Databases Search Strategies

Ovid MEDLINE. Ovid MEDLINE(R) and Epub Ahead of Print, In-process & Other Non-Indexed Citations, Daily and Versions(R)

1. restorative justice.mp.
2. exp Crime Victims/ OR exp Gender-Based Violence/ OR exp Intimate Partner Violence/ OR Sex Offenses/ OR exp Rape/ OR (((sex OR sexual OR sexually OR gender OR gendered OR dating OR "intimate partner") adj3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma

OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist).mp.

1 AND 2 52 results

Limits:

English 51 results

CINAHL (EBSCO).

1. restorative N3 justice
- 2.

(MH "Crime Victims") OR (MH "Dating Violence") OR (MH "Domestic Violence") OR (MH "Intimate Partner Violence") OR (MH "Gender-Based Violence") OR (MH "Sexual Abuse") OR (MH "Rape") OR TI(((sex OR sexual OR sexually OR gender OR gendered OR dating OR "intimate partner") N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist) OR AB(((sex OR sexual OR sexually OR gender OR gendered OR dating OR "intimate partner") N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist)

1 AND 2 43 results

Limits:

English 43 results

PsycInfo (EBSCO).

1. DE "Restorative Justice" OR restorative N3 justice
- 2.

DE "Crime Victims" OR DE "Dating Violence" OR DE "Acquaintance Rape" OR DE "Sexual Abuse" OR DE "Sex Offenses" OR DE "Rape" OR DE "Domestic Violence" OR DE "Intimate Partner Violence" OR TI(((sex OR sexual OR sexually OR gender OR gendered OR dating OR "intimate partner") N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist) OR AB(((sex OR sexual OR sexually OR gender OR gendered OR dating OR "intimate partner") N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist)

1 AND 2 313 results

Limits:

English 310 results

Education abstracts (EBSCO).

1. Restorative N3 justice
- 2.

DE “Rape victims” OR DE “Domestic violence” OR DE “Rape in universities & colleges” OR ((sex OR sexual OR sexually OR gender OR gendered OR dating OR “intimate partner”) N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist

1 AND 2 24 results

Limits:

English 24 results

Criminal justice abstracts (EBSCO).

1.

Restorative N3 justice

2.

((sex OR sexual OR sexually OR gender OR gendered OR dating OR “intimate partner”) N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist

1 AND 2 166 results

Limits:

English 161

Health policy reference center (EBSCO).

1.

restorative N3 justice

2.

((sex OR sexual OR sexually OR gender OR gendered OR dating OR “intimate partner”) N3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist

1 AND 2 1 result

Social services abstracts (ProQuest).

1.

Restorative NEAR/3 justice

2.

MAINSUBJECT.EXACT(“Rape”) OR MAINSUBJECT.EXACT(“Victim Offender Relations”) OR MAINSUBJECT.EXACT(“Sex Offenders”) OR MAINSUBJECT.EXACT(“Sexual Coercion”) OR MAINSUBJECT.EXACT.EXPLODE(“Victims”) OR MAINSUBJECT.EXACT(“Family Violence”) OR MAINSUBJECT.EXACT.EXPLODE(“Sexual Assault”) OR MAINSUBJECT.EXACT(“Sexual Abuse”) OR ((sex OR sexual OR sexually OR gender OR gendered OR dating OR “intimate partner”) NEAR/3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist

1 AND 2 258

Limits: English 257

Scopus. TITLE-ABS-KEY(“restorative justice” AND (((sex OR sexual OR sexually OR gender OR gendered OR dating OR “intimate partner”) W/3 (violence OR violences OR offense OR offenses OR abuse OR abused OR abuses OR assault OR assaults OR assaulted OR trauma OR crime OR crimes OR offender OR offenders OR misconduct)) OR rape OR raped OR rapist))

184 results

Limits: English 178 results


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