

# Restorative and Transformative Justice Responses to Sexual Violence: A Scoping Review Protocol

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## ABSTRACT

**Background:** #MeToo movement raised the profiles of restorative justice (RJ) and transformative justice (TJ) in the United States (US) as approaches to repairing harm resulting from sexual violence that center survivors' needs and emphasize meaningful accountability for persons responsible for harm. This focus on RJ and TJ as viable approaches to sexual violence represents a departure from carceral interventions, which has dominated the US public discourse for decades. Given the shift, mapping the current state of knowledge is critical for practice, policy and research. This scoping review aims to map the available literature to provide an overview of RJ and TJ as responses to sexual violence.

**Methods/Design:** The proposed scoping review will be conducted in accordance with the Joana Briggs Institute methodology for scoping reviews (Peters, Godfrey-Smith, & Mcinerney, 2017). The concept of interest is the use of RJ and TJ as responses to sexual violence. This scoping review will include both peer-reviewed and grey literature. We will employ a standardized extraction form and represent the data using a descriptive summary, charts and tables that align with the stated objectives.

**Discussion:** Since the #MeToo movement emerged in 2017, public interest in RJ and TJ as meaningful responses to sexual violence has grown. This comprehensive scoping review will systematically organize the literature in order to understand the current landscape of evidence related to these approaches. Given the transformative potential of these interventions, past controversies, and current public interest in the approaches, understanding the current state of knowledge is critical for practice, policy and research.

**Keywords:** sexual violence, restorative justice, transformative justice, scoping review

## 1. Background

The #MeToo movement raised public awareness about restorative justice (RJ) and transformative justice (TJ) as responses to sexual violence. The movement represents a

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convergence of the activist Tarana Burke's more than a decade of efforts to center the experiences of survivors of color in order to create opportunities for radical healing and actress Alyssa Milano's 2017 call for survivors to use the hashtag #MeToo (Wexler, Robbennolt, & Murphy, 2019). While RJ and TJ have differing stances on the role of the state in repairing harm, both are frameworks and approaches to responding to violence, harm, and abuse (Mingus, 2018; Umbreit & Armour, 2010) that challenge retributive criminal responses (Kim, 2018; Zehr, 2015). This increased interest in RJ and TJ represents a notable shift in the US public discourse away from the carceral response to sexual violence, with implications for practice, policy, and research. In this scoping review, we aim to map the available literature on RJ and TJ as responses to sexual violence. For this review, we define sexual violence as sexual acts, including rape and sexual assault, committed against someone who does not or cannot consent (Armstrong, Gleckman-Krut, & Johnson, 2018). Sexual harassment is beyond the scope of this review. While these phenomena overlap considerably (Armstrong et al., 2018), separate bodies of literature explore their specificities and complexity and cannot be adequately explored in the context of one journal article.

Sexual violence is a violation of human rights that a substantial portion of the US population has experienced at some point over their lifetimes (Breiding et al., 2014). Approximately 19% of women and 2% of men have been raped and 44% of women and 2% of men experienced other forms of sexual violence (e.g. unwanted sexual contact, sexual coercion) during their lifetimes (Breiding et al., 2014). Transgender people experience sexual violence at even more alarming rates, with most studies indicating a rate of 50% or higher (Justice, 2014). Sexual violence occurs throughout the life course, from early childhood to older adulthood, with negative consequences not only for the survivors' mental and physical wellbeing, but also for the country's economic wellbeing. Peterson and colleagues (Peterson, DeGue, Florence, & Lokey, 2017) recently estimated a population economic burden of rape to be \$3.1 trillion (2014 U.S. dollars) over survivors' lifetime, a result of combined medical costs, lost work productivity among survivors and perpetrators, criminal justice activities, and survivors' property loss or damage. Given the health, economic and moral costs of sexual violence, responding to and preventing violence effectively should be a national priority.

Over the past several decades, the national efforts to shift public attitudes towards preventing sexual violence in the US prioritized a carceral response. For example, the Violence Against Women Act (VAWA), reauthorized three times since its original enactment in 1994, is the federal government's signature legislation that codified sexual violence as a criminal-legal issue (Sacco, 2019; Whalley, 2020). While it funds services for survivors (Sacco, 2019), its major focus is the state's power to punish sexual violence as a crime (Whittier, 2016). The law allows enhanced sentencing of repeat federal sex offenders and authorizes funds to state, local, and tribal law enforcement agencies to investigate and prosecute sexual violence (Sacco, 2019). In addition, the law created new crimes for the violation of a protection order by requiring states and territories to enforce protection orders issued by other states, tribes, and territories (Stupakis, 2019). Furthermore, as of 2019, the two largest grant programs associated with the law provided \$268 million every year to criminal legal responses such as policing, prosecution, and legal services (Goodmark, 2020). However, the support for VAWA is mixed. Many praise the law for creating a systems-level change (Aday, 2015), funding victim services (Stupakis, 2019), and reducing the rate of rape and assault (Boba & Lilley, 2008), and are concerned about the negative consequences of failure to reauthorize it (Stupakis, 2019). Others, especially advocates and scholars of color (Resistance & Incite!, 2003), critique VAWA for its contribution to the growth of the prison industrial complex (Goodmark, 2020; Kim, 2018), which disproportionately harms poor and communities of color, without keeping survivors safe (Resistance & Incite!, 2003), nor reducing the rates of violence (Goodmark, 2020). This critique is foundational to the

emergence of the public's interests in RJ and TJ as approaches to preventing and intervening in gender-based violence, including sexual violence, without relying on the carceral system.

In RJ and TJ, harm is understood as a violation of relationships as opposed to violation of laws, centering people most directly impacted by the harm and emphasizing meaningful accountability (Kim, 2018; Zehr, 2015). Ultimately, both are concerned about ways to “make things right,” get in “right relations,” or create justice together (Mingus, 2018; Zehr, 2015). RJ and TJ typically involve at least one meeting between the person responsible for harm, those directly impacted by harm, the supporters of both, and a process facilitator (Umbreit & Armour, 2010). Central to the process is the idea the person who experienced violence should have an opportunity to voice how they have been harmed and the person responsible for violence to make amends (Umbreit & Armour, 2010). One aim of the process is to ensure the immediate safety, long-term healing, and reparations for survivors (5, 2007). Another aim is to hold people who commit violence accountable within and by their communities (5, 2007), ultimately reducing the likelihood of such harm occurring in the future (Umbreit & Armour, 2010).

While both RJ and TJ focus on “making things right” (Kim, 2018; Zehr, 2015) through emphasizing meaningful accountability and aiming to simultaneously meet the needs of all involved, they differ in two important ways. Restorative approaches seek to restore relationships to their state prior to violence, giving an opportunity to the survivor, person using violence, and the community to engage in direct dialogue about the impact of violence and actions to repair harm (Armatta, 2018). Transformative approaches, however, acknowledge that harms occur in the context of already unjust social conditions, aiming to transform the relationships and the broader social conditions that shape them. While both aim to address the limitations of the criminal legal system, RJ responses in the US have been often implemented within the context of that system (Kim, 2018). Transformative justice, however, is a part of the broader prison industrial complex abolition movement and, as such, is entirely community-based (Mingus, 2018). TJ responses do not rely on the state (e.g. police, the criminal legal system) to repair harm and actively focus on preventing violence through healing, accountability, resilience, and safety for all involved (Kim, 2018; Mingus, 2018).

In the past, empirical literature was generally not supportive of RJ and TJ as responses to sexual violence, with their merits being debated at best (Jülich & Thorburn, 2017). Because RJ and TJ usually include opportunities for survivors and those responsible for harm to meet face-to-face, people working with survivors often worry that the process may be unsafe, subjecting them to further victimization (Wager, 2013). Other concerns relate to possible public perceptions that sexual violence is not a serious crime if the survivor is willing to engage face-to-face with the person who harmed them. Also, restorative approaches may be too resource intensive, given the preparation required to ensure process safety (Wager, 2013). Moreover, some advocates are concerned about the cooptation of RJ by the legal system, which may result in unsatisfactory treatment similar to that in the adversarial system (Wager, 2013). Despite empirical evidence indicating that the use of RJ for violent crimes is associated with many positive outcomes such as higher levels of survivor satisfaction and less traumatic symptoms compared to survivors who did not experience RJ (Strang, Sherman, Mayo-Wilson, Woods, & Ariel, 2013), the concerns outlined above generally outweighed these benefits (Wager, 2013).

The objective of this review is to map the available literature to provide an overview of restorative justice (RJ) and transformative justice (TJ) as responses to sexual violence.

We conducted a preliminary search for existing scoping and systematic reviews in Joanna Briggs Institute (JBI) Database of Systematic Reviews and Implementation Reports, Cochrane Database of Systematic Reviews, The Campbell Collaboration, Google Scholar and *Social Science Protocols*, January 2021, 1-9.  
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Criminal Justice Abstracts (EBSCO). We found: 1) one scoping review conference paper, which mapped the applicability of RJ to sexual violence published in 2013 (Wager, 2013); and 2) one systematic review focusing on the outcomes of circles of support and accountability (COSA) for sex offenders (Clarke, Brown, & Völlm, 2017), which is one approach to RJ. Our scoping review builds on these earlier reviews by including the literature published since 2013, approaches beyond COSAs, and community-based innovative interventions, not yet included in the peer-reviewed literature. Given the transformative potential of these interventions, past controversies, and current public interest in the approaches, understanding the current state of knowledge is critical for practice, policy and research.

The following questions will guide the study: (1) What types of RJ and TJ responses to sexual violence have been reported and what are the sources of knowledge about the approaches? (2) What are the definitions of RJ and TJ? (3) What is the geographic context? (4) What is the setting? (5) What types of sexual violence are addressed through RJ and TJ? (6) Who is implementing the response? (7) Who are the participants? (8) What are the measured or anticipated outcomes? (9) What are the benefits of these approaches to sexual violence? (10) What are the concerns and critiques about these interventions? (11) What are the sources of knowledge about RJ and TJ? (12) Who is producing knowledge about RJ and TJ?

## **2. Methods/Design**

The proposed scoping review will be conducted in accordance with the Joanna Briggs Institute methodology for scoping reviews (Peters et al., 2017). The protocol is registered with Center for Open Science, DOI 10.17605/OSF.IO/WG3FX.

### **1.1 Inclusion criteria**

Sources published in English prior to September 1, 2020 will be included.

#### ***Participants***

This review will consider participants of all ages who have experienced RJ or TJ processes as a response to harms associated with sexual violence, excluding sexual harassment. Participants will include those who were harmed (survivors), those responsible for harm, facilitators, community members, and all others included in the process.

#### ***Concept***

The concepts of interest include the definition of RJ and TJ, types of RJ and TJ responses, the geographic context, types of sexual violence addressed, implementation setting, proposed or measured outcomes, benefits, critiques, and outcomes of the approaches. In addition, we are interested in the nature of knowledge about these approaches. Consequently, the concepts of interest also include the types of literature (empirical, conceptual, theoretical), sources of literature (empirical, grey), types of empirical studies, and authors' fields of study.

#### ***Context***

The context includes institutional and community settings without geographic restrictions.

#### ***Types of sources***

This scoping review will include both peer-reviewed and grey literature. Peer-reviewed literature will include quantitative, qualitative and mixed methods study designs. In addition, systematic reviews, text, and opinion papers will be included. Furthermore, we will also

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include grey literature and grey data. Grey literature refers to sources like internal reports and working papers not controlled by commercial publishing organizations, while grey data refers to user-generated, web-based sources such as blogs (Adams et al., 2016). We will exclude grey information, which refers to informally published or not published at all sources like meeting notes (Adams et al., 2016). Finally, we will elicit empirical and grey literature items from experts who have published three or more sources on these topics.

## 1.2 Search strategy

The search strategy will aim to locate both published and unpublished primary studies, reviews and text, and opinion sources. An initial limited search of MEDLINE (PubMed), Academic Search Complete (EBSCOhost) and Criminal Justice Abstracts (EBSCOhost) was undertaken to identify articles on the topic. The text words contained in the titles and abstracts of relevant articles, and the index terms used to describe the articles were used to develop a full search strategy for Criminal Justice Abstracts (EBSCOhost; see Appendix #I). The search strategy, including all identified keywords and index terms, will be adapted for each included information source. The reference lists of articles published in 2019 and 2020 and all systematic reviews will be screened for additional papers. Following currently available guidelines (Adams et al., 2016; Paez, 2017), we developed a grey literature search protocol that mirrors the search strategy we will use for the empirical literature. Although, the sources we use for this search will be specific to grey literature.

**Table 1.** *Criminal Justice Abstracts (EBSCOhost) search conducted on August 31, 2020.*

Search	Query	Records received
S1	Restorative	2,556
S2	Justice	107,246
S3	S1 AND S2 (restorative AND justice)	2370
S4	Transformative	731
S5	S2 AND S4 (transformative AND justice)	239
S6	S3 OR S5 (RJ OR TJ)	2548
S7	dialogue	4313
S8	S6 AND S7 (RJ OR TJ AND dialogue)	85
S9	victim	37,693
S10	Offender*	40,877
S11	S9 AND S10	8,035
S12	Mediation	6,552
S13	S11 AND S12	1,484
S14	S6 OR S8 OR S13	2,632
S15	Famil*	85,680
S16	Group*	88,263
S17	Conferenc*	21,814
S18	S15 AND S16 AND S17	567
S19	S14 OR S18	3,132
S20	peacemaking	230
S21	Circle*	1,589
S22	S20 AND S21	15
S23	S19 OR S22	3,139
S24	S11 AND S7	83
S25	Crime*	111,652
S26	severe	8,294

S27	Violen*	60,821
S28	S24 AND S25 AND S26 AND 27	3
S29	S23 OR S28	3,139
S30	Practice*	74,109
S31	S1 AND S30	776
S32	S29 OR S31	3183
S33	Communit*	76,819
S34	Accountab*	6,408
S35	S33 AND S34	1,256
S36	S32 OR S35	4,302
S37	sexual	42,164
S38	assault	11,439
S39	rape	6,310
S40	misconduct	3,417
S41	abuse	84,400
S42	molestation	4,237
S43	child*	85,233
S44	offense*	37,170
S45	sex	45,306
S46	S27 AND S37	11,922
S47	S37 AND S38	7,410
S48	S37 AND S39	4,702
S49	S37 AND S40	479
S50	S37 AND S41	16,685
S51	S37 AND S42	3,864
S52	S37 AND S42 AND S43	3,748
S53	S44 AND S45	8,863
S54	S46 OR S47 OR S48 OR S49 OR S50 OR S51 OR S52 OR S53	28,003
S55	S36 AND S54	254
S56	truth and reconciliation	434
S57	reparations	780
S58	S4 AND (S57 AND S58)	24
S59	transitional	3,183
S60	S60 AND S2	1,382
S61	S36 OR S56 OR S57 OR S4 OR S58 OR S60	6,735
S62	harassment	2,803
S63	S37 AND S62	1,756
S64	S54 OR S63	28,716
S65	S36 OR S56 OR S58 OR S60	5,792
S66	S64 OR S65	318
Limited to English and published prior to September 1, 2020		

### 1.3 Information sources

The databases to be searched include Academic Search Complete (EBSCOhost), Criminal Justice Abstracts (EBSCOhost), ERIC (EBSCOhost), PsycINFO (Ovid), MEDLINE (PubMed), Social Services Abstracts (ProQuest), Social Work Abstracts (EBSCOhost), and SocINDEX (EBSCOhost). Sources of unpublished studies and gray literature to be searched include OpenGrey, New York Academy of Medicine Grey Literature Report, VAWnet.org, Yahoo, Bing, and Google. Finally, we will also contact key RJ and TJ experts to review the final list of sources and identify missing data.

#### **1.4 Source of evidence selection**

Following the search, all identified database records will be collated and uploaded into EndNote (Clarivate Analytics, PA, USA) and duplicates removed. The sources of unpublished studies and grey literature, including their uniform resource locators (URLs), will be collected into Excel (Microsoft for Windows, Redmond, WA, USA). Following a pilot test, titles and abstracts will then be screened by two independent reviewers for assessment against the inclusion criteria for the review. Potentially relevant papers will be retrieved in full and their citation details imported into the EndNote. The full text of selected citations will be assessed in detail against the inclusion criteria by two independent reviewers. Reasons for exclusion of full-text papers that do not meet the inclusion criteria will be recorded and reported in the scoping review. We will resolve any disagreements that arise between the reviewers at each stage of the selection process through discussion or with a third reviewer. The results of the search will be reported in full in the final scoping review and presented in a Preferred Reporting Items for Systematic Reviews and Meta-analyses for Scoping Reviews (PRISMA-ScR) flow diagram (Tricco et al., 2018).

#### **1.5 Data extraction**

Two independent reviewers will extract data from papers included in the scoping review by using the JBI data extraction tool. The data extracted will include specific details about the definitions of RJ and TJ, types of RJ and TJ responses, the geographic context, types of sexual violence, implementation setting, proposed or measured outcomes, benefits, and the critiques of approaches relevant to the review question. In addition, the data will include the types of literature (empirical, conceptual, theoretical), sources of literature (empirical, grey), types of empirical studies, and authors' fields of study. The draft data extraction tool will be modified and revised as necessary during the process of extracting data from each included paper. Modifications will be detailed in the full scoping review. Any disagreements that arise between the reviewers will be resolved through discussion or with a third reviewer. Authors of papers will be contacted to request missing or additional data, where required.

#### **1.6 Data analysis and presentation**

The objective of this review is to map the available literature to provide an overview of RJ and TJ as responses to sexual violence. We will represent the extracted data using a descriptive summary, charts, diagrams, and tables that align with the stated objectives. As specified by scoping review guidelines, this review will describe the type and breath of evidence rather than judge its quality.

## **2. Discussion**

Sexual violence is a human rights violation and a serious public health issue with negative consequences for the survivors' mental, physical, and economic wellbeing; yet, it remains widespread in the US and globally. Since the #MeToo movement emerged in 2017, public interest in RJ and TJ as meaningful responses to sexual violence has grown. Given the transformative potential of RJ and TJ, past controversies, and current public interest in the approaches, understanding the current state of knowledge is key. The results of this scoping review can inform practice, policy and research.

## Declarations

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