



## **AB 2833 (McKinnor) The Restorative Justice Integrity Act FACT SHEET**

**Sponsor:** Initiate Justice, American Friends Service Committee, Californians for Safety and Justice, Community Works, RYSE Center

**Staff Contact:** Sean Porter, sean.porter@asm.ca.gov

**As Introduced:** 2/15/24

### **ISSUE**

---

Restorative Justice (RJ) is a community-based, non-punitive approach to harm that encourages accountability, healing, and repair. RJ processes seeks to repair harm by providing an opportunity for those harmed and those who take responsibility for the harm to communicate about and address their needs in the aftermath of a crime. Expressions of true remorse and accountability, and commitments to repair harm can lead to healing and restoration in an RJ process that isn't possible in standard criminal processes. In order to accomplish this, a person who caused harm needs to feel safe being fully honest about their actions. However, when confidentiality is not guaranteed, the relevant parties often feel unable to share their stories openly, for fear of future recrimination.

Currently, several RJ programs in California address the issue of confidentiality by entering into memoranda of understanding (MOU) with local prosecutors' offices and/or law enforcement agencies. These MOUs typically govern aspects of the programs' operation, including confidentiality. They delineate what is confidential and typically prevent information obtained during an RJ process from being used against the person who caused harm in future proceedings. However, not all organizations use MOUs and it is incredibly labor-intensive to negotiate and renegotiate these agreements. It also leads to inconsistencies across jurisdictions and results in a patchwork of understanding regarding confidentiality for Californians, rather than a comprehensive protection related to RJ processes. Additionally, these MOUs are highly subject to localized politics and thus in need of the standardization and guardrails that can come from well-crafted legislation.

### **SOLUTION**

---

AB 2833 would provide comprehensive admissibility and confidentiality protections for all Restorative Justice processes that occur within the state. This legislation would make clear that any information shared in the preparation for, in the course of, or pursuant to the Restorative Justice process is confidential and inadmissible in any future court proceeding.

### **SUPPORT**

---

Initiate Justice (Cosponsor)

American Friends Service Committee (Cosponsor)

Californians for Safety and Justice (Cosponsor)

Community Works (Cosponsor)

RYSE Center (Cosponsor)