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Apology Letter Banks and the Ethics of Victim Involvement in Restorative Justice Practices

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Apology Letter Banks and the Ethics of Victim Involvement in Restorative Justice Practices

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Table of Contents

■ I. Executive Summary.....	3
■ II. Overview.....	4
■ III. Definition of Crime and Moral Positioning	5
■ a. Key Moral Positions.....	6
■ IV. Limitations: Multiple Roles and Complex Relationships	7
■ V. Locating Apology Letters in Restorative Justice Practices	8
■ a. A Brief Overview of Restorative Justice	8
■ b. Components of a Restorative Justice Process	8
■ c. The Role of Apology	8
■ d. Components of an Apology	10
■ VI. Victim-Centered Practices: What Makes Apologies Effective?.....	11
■ a. Actor-Observer Perceptions of Apologies.....	11
■ b. Letter Focus	11
■ c. Compulsory vs. Voluntary Apologies.....	11
■ d. Victim Presence	12
■ e. Rejected Apologies.....	12
■ VII. Normative Factors	12
■ a. Apology, Forgiveness, Atonement, and Reconciliation	12
■ b. Victims Advocacy and Victims' Recovery from Crime.....	13
■ c. Truth-Telling, Listening, and Community Repair	14
■ d. Punishment, Rehabilitation, and Restorative Justice	14
■ e. Autonomy, Non-Coercion, and Victim-Centered Approaches	14
■ f. Addressing Normative Factors	15
■ VIII. Recommendations.....	15
■ a. Assigning Duties and Safeguarding Rights	15
■ b. Obligations of Victims' Voices Heard	15
■ IX. Data.....	16
■ X. Sample Apology Letter Processes	19
■ XI. Other Victim-Centered Services and Outreach	20
■ XII. Citations/References.....	21

I. Executive Summary

Overview. This ethical analysis addresses: (1) How should victims of crime best be involved in restorative justice practices? (2) How should victims best be made aware of apology letters? (3) What rights, duties and obligations are held by victims, by Victims' Voices Heard (VVH) or other groups working with victims, by the authors of apology letters, and by government agencies that serve victims?

Moral Positions. Five positions were identified for the sake of understanding their moral relationships: victim; perpetrator; state actor; public interest actors; and families, relatives and communities. People can hold multiple positions, and victims can have diverse needs. Apology banks include crimes that are serious, proven, and for which punishment is served.

Restorative Justice. Restorative justice includes practices in which parties who have a stake in a crime (one of the five moral positions) collectively decide how to move forward from an offense. Apologies are part of this process. Central values of restorative justice are democratic participation, fairness, and addressing power imbalances between parties.

Effective Apologies. To have their intended impact, victims must find apologies sincere. Features of sincere apologies are that they are part of a broader restorative justice process, given voluntarily, and include the opportunity for victim-offender interaction. Effective apologies explain what happened, address offenders' feelings of regret and admission of responsibility, acknowledge the impact on victims, and offer reparation for the harm.

Normative Factors. There are three normative factors: rights, goods, and moral relationships. Goods resulting from apologies include reconciliation, healing, and moral growth. Rights include the lack of coercion to apologize or accept apologies. The moral victim-offender relationship can involve truth-telling and reconciliation. Attention to procedures of victim contact and feedback can reduce harm.

Sample Apology Processes. Sixteen state justice systems have apology letter banks. Common features include: Letters are submitted (1) voluntarily and (2) to a victim services unit responsible for storing letters; (3) Letters are screened for appropriateness prior to storage; (4) Victims are then notified of letters; (5) Victims retain control over whether letters are received; Offenders are (6) not notified of letter receipt; and (7) their incarceration or parole are not impacted by the letter.

Concluding Recommendations. Recommended practices are as follows: (1) Allow victims the option to participate at two points in time: (a) upon invitation to the apology bank system; and (b) prior to distribution of a letter; (2) Allow offenders the option to participate; do not tie participation to sentencing or parole decisions; (3) Provide offenders with guidance on writing effective apologies; (4) Have a third-party intermediary agency review letters prior to distribution; (5) Reiterate to victims that they do not have to accept the apology or forgive the offender; (6) Provide victims with control over how the letter is received; (7) Inform offenders that their apology may not be accepted; (8) Provide opportunity for deeper victim-offender interaction post-letter. As victims may fail to report crimes, may not be identified as victims by the criminal justice system, or may not identify as victims, recommendations for expanding other victim-centered services and outreach are also provided.



II. Overview

Apology banks are best described as a system of storage of offender apologies, typically in the form of a letter, which provides a safe and indirect way for victims to access offender apologies, if desired. Apology letter banks can be accompanied by other restorative justice programs or can be stand-alone services. Some apology letter processes are embedded in parole and reentry processes, either as a formal requirement for release or as facilitated by a third-party organization focused on providing parole and reentry services. While research has examined the impact of apologies within broader restorative justice processes, and as a practice embedded in other restorative justice programs, there is no available empirical research on the effectiveness of apology letter banks as a stand-alone service. Notably, this lack of empirical research includes a lack of evidence as to the effectiveness of apology processes for victims' well-being, and it may even be the case that inappropriate exposure to an apology can cause harm (distress, mental and emotional harm, insecurity) to victims if inappropriately handled. This document is intended to identify the key moral factors for facilitators of apology letter banks and provide guidance for the development of programs that involve them. We conclude that a morally circumspect and victim-centered approach is required in designing and implementing the use of apology letters as a restorative practice.

Our ethical analysis seeks to answer the following questions:

- How should victims of crime best be involved in restorative justice practices in a way that respects their rights and the harm they have suffered?
- How should victims of crime best be made aware of apology letters written by perpetrators of the crimes of which they were a victim?
- What rights, duties, and obligations are held by victims, by Victims' Voices Heard (VVH), or other groups who wish to work within victims-serving or restorative justice programs that include apology letter banks, by the authors of apology letters, and by government agencies tasked with serving victims of crime?

The types of crimes under consideration are uncontroversially bad, in that they are both morally wrong and harmful to individuals, communities, or the public at large. The crimes under consideration are thus severe crimes that have created lasting, often life-long negative effects for victims. These include negative effects on overall well-being and a wide range of negative mental, emotional, and physical health outcomes. They are implicated in negative outcomes for professional, personal, educational, and economic success. Such crimes would be wrong even if they were not to cause harm, as they violate any number of protected rights, including rights to privacy, property, life, liberty, security, mobility, and welfare. Criminal justice and alternative justice processes such as restorative justice seek to address these multifaceted problems, but often with competing ethical priorities, institutional norms, and legal obligations. The ethical analysis of crime requires that we consider procedural, political, moral, legal, social, and psychological factors as the impacts of crime. In this landscape, centering justice procedures around victims and in a trauma-informed way is a key factor for success, as it orients the weight of ethical decision making around the well-being of victims and their needs.

By maintaining an apology bank, VVH is also making possible a kind of moral relationship between perpetrator and victim that would likely not otherwise exist. While some victims may choose to engage in restorative practices in their communities, many will not. Criminal justice procedures allow for descriptions of victim impact but not typically dialogue, and addressing impacts in community forums are not typical of criminal procedures. Allowing for the possibility of atonement for past wrongs could have a significant positive impact on rehabilitation of perpetrators and opens new moral possibilities for both parties, as well as the broader community. However, the maintenance of the apology letter bank also carries with it significant moral requirements that we consider here, and our broad recommendation is that advertising, programming, events, and communication about the bank be victim-centered and have opportunities for review by victims and victims' communities. It should be acknowledged that these communities are often also shared by perpetrators and that perpetrators can also be victims.



ETHICS WHITE PAPER

We understand VVH to be proceeding circumspectly and with ethical regard in an intrinsically complex environment, and so their efforts are broadly praiseworthy and motivated by beneficence. However, such a program also reveals complex potential conflicts between the interests of victims and other benefits of the program, such as rehabilitation or restorative justice practices, and some caution is warranted as VVH considers expanding their services to advertising and is considering how to best approach or contact victims about the existence of apologies, as evidence indicates there are significant risks, and that those risks are highly contingent and variable across individual cases, hence are unpredictable. Restorative justice practices are sometimes victim-serving, but they are not intrinsically so, and critiques of various restorative justice practices have centered around their close association with criminal justice procedures and with a perpetrator focus (e.g., as a requirement for reentry from prison). Seeking to establish a moral relationship between perpetrators of crime and those they have harmed is a justice-oriented practice that by the very nature of the moral complexity of the relationship it seeks to facilitate, requires significant flexibility, creativity, and victim engagement, and would be most justifiable and defensible were it to include review of practices by victims and an openness to revision.

III. Definition of Crime and Moral Positioning

The following elements of our understanding of a *crime* will be used to frame our ethical analysis. Our understanding of crime is *moral and relational*, it is oriented toward crimes that are *justice system-involved* and acknowledges that such a narrow definition carries the risk of being socially, politically, and/or economically *exclusive*.

- The specific crimes for which the apology letters are seeking redress will be of varied types. It is reasonable to expect that these letters will contain apologies for crimes that are grave (murder, solicitation of murder, mass violence), as well as serious violent crimes (kidnapping, assault, torture), and serious sexual crimes (rape, incest, sexual assault). Apologies may seek to address complexes of multiple crimes, crimes committed in a single event or over lengthy periods of time, crimes that are recent or in the distant past. Victims of crime may be of any age and may have been victimized as children. Hence, we will discuss an abstracted understanding of crime that attempts to address its *moral and relational aspects* rather than being constrained to legal definitions.
- We acknowledge that our analysis, proper to the framing of the apology letter bank, covers crimes that are most likely to have gone through various criminal justice procedures, including investigation, trial, conviction, punishment, and parole. A letter of apology is likely to be written by a perpetrator of a crime who is serving a sentence in prison and who may be eligible for parole or have a broader plan for reentry. Many of the overall risks and limitations of the program are likely to be related to the challenging moral landscape of focusing on such crimes, and VVH will likely benefit from considering programs detached from the criminal justice system, as addressing apologies for crimes, victims and perpetrators that are *justice system-involved* ignores a sizable portion of crimes that are not reported or otherwise do not lead to further justice processes. This is important to consider when framing apologies, as a victim-centered approach need not be limited to this narrow definition, and broader program goals may in fact be impeded or have compromised integrity by a narrow focus on system-involved victims, especially when it comes to outreach and communication. Stated another way: apology letters from system-involved cases are likely to address only a special subset of people who have been victims of crimes. A corollary factor is that victims often have very little voice in investigations, trials, incarceration, and parole, and so system-involved cases are more likely to be perceived by victims as not being centered on their interests or experiences.
- Crime can also be a politically, morally, and socially loaded term, and individual conceptions of crime are not necessarily applicable across various communities. It is reasonable to anticipate that any discussion of crime is likely to import significant bias from our personal experiences, social and economic standing, family background, and other areas of our lives. Outreach, program design, and feedback/oversight should be oriented toward including as diverse a range of victim communities as possible to act against such bias and doing so will help avoid misunderstanding and miscommunication about how the nature of crime is represented. Likewise, as apologies focus on an individual person, they may not be an ideal tool for restorative justice broadly construed, which would have to include structural factors (political, social, economic, racial, gender, etc.), as well as structural solutions (increased resources, community empowerment, etc.).
- Within these limits, our definition allows us to focus on a key feature of apologies, which include a *moral and relational understanding of crime*. This definition captures the aspect of crime that sets victims and perpetrators into a particular kind of moral relationship and that carries special obligations and contains special moral possibilities, specifically that a perpetrator has committed actions that are wrong, that victims are harmed by those wrong actions, and that some form of moral address is required (restitution for damages, punishment, etc.), and that an apology is one way of empowering victims by potentially allowing them to respond to a crime on their own terms, even if this empowerment results in refusal to engage or the decision to withhold forgiveness. It must also minimally include a perpetrator who wishes to apologize, and a victim who is minimally available to receive an apology, as well as a range of normative factors that can affect what determines success in establishing this complex moral relationship.

a. Key Moral Positions

These are descriptions of the key ethical positionings relative to the question of the Apology Letter Bank.



- **Perpetrator:** In an apology, one moral position is occupied by people who appeal for moral or social regard after having been convicted and have received punishment by the state for a crime. Perpetrators may engage in this letter writing voluntarily or via coercion (such as, be tasked or asked to write apologies by the criminal justice system as a condition of parole), can make expressions that are sincere or not sincere, can demonstrate understanding of the harms of their crimes or fail to demonstrate this understanding; they may also engage in truth-telling such as the disclosure of key undiscovered information or information not available in the record of previous public proceedings. They could also contain falsehoods, misattributions or failures of memory, or biased accountings. Letter writing and victim-offender dialogue is, when sincere, truthful, and with full understanding of harm and ethical regard for the victim, an effective and transformative aspect of rehabilitation from crime and so can be seen as broadly desirable on the part of perpetrators and programs that work toward rehabilitation, parole, or reentry. This leads to the important finding that many apology banks are primarily or even exclusively system-involved and perpetrator-serving. Any of these structural realities could have a significant impact on the potential for apology letters being received well or minimally restorative for victims of crime.
- **Victim:** The apologies are addressed to specific people and seek a moral accounting to them for specific experiences that are very likely to be painful, invoke lasting harms, and revisit past events beyond their desire. Victims are subject to various non-voluntary obligations simply by suffering a crime, including an obligation to participate as a witness, to convey impacts of crime, to self-advocate for restitution or other services, to be subject to public inquiry in the media or other forms of non-voluntary public involvement. On the other hand, sometimes criminal procedures proceed without the consent or participation of victims, though those procedures, and the results of the trial will have an impact on the victim. The benefits of apology letters for victims are unknown, and so programming and communication around the apology letter bank should ideally allow for the possibility that some victims may benefit from the process and others may not, and that victims have a right to determine as much as possible their involvement in an apology letter program. In what may seem contradictory, after criminal conviction, victims' moral position is most often approached through their right to privacy, and these rights are typically very strongly protected by victims' services and prisons to avoid the risk of further involvement and revictimization. It may be beneficial to think of victims' right to privacy as having three key components: *a right to dictate terms of justice processes involving their case, a right to participation or non-participation*, as well as *a right to anonymity or non-association* with their case. It is important to acknowledge that apology letters themselves are not likely to be a primary driver of system involvement, as in many, but not all, states (including Delaware), victims are periodically contacted with various notifications regarding the crime they suffered. Suffering a crime carries with it significant harms, but also that the criminal justice process itself can be harmful to victims, which is at odds with the moral status of victims, which includes deserving special care, resources, empathy for pain and moral degradation, security, and self-determination. Victims sometimes report regret in participating in criminal justice procedures, are at times mistreated by state officials, receive unwelcome public or media attention, lose control over the narrative of their experiences, are forced or pressured to testify, or are forced to make complex moral calculations about their relationship with their perpetrator (such as in cases of intimate partner violence). Hence crimes and criminal justice processes represent a violation of a victim's autonomy and privacy is inextricable from their experience of the harms of the crime itself. Apology letter programs stemming from criminal cases should be cognizant of these factors, even while it may be unavoidable to facilitate apology without engagement with, or even the support of, criminal justice authorities.
- **State actors:** Apologies for crimes are often entangled in criminal justice processes that involve a wide range of state agencies, including police, courts, jails, and prisons, as well as state-affiliated agencies that are tasked specifically with serving victims of crime. The processes of these agencies are unlikely to be victim-centered, but are rather tasked with upholding laws, the use of state authority, and how to punish, rehabilitate, or otherwise engage with perpetrators.

ETHICS WHITE PAPER

- **Public interest actors:** VVH is an example of an organization that works broadly in the public interest, and that has more freedom to determine the nature and degree of their involvement with victims, perpetrators, affected communities, and state actors. This class of organizations and individuals can include political leadership, public administrators, community members, religious leaders, journalists, authors and other media presences, academics, and others are often called to engage directly with issues of crime and justice. The range of possible persons and roles affected by public conversations around the Apology Letter Bank are significant and broad, as well as the possibilities for collaboration, framing, outreach, and programming. The outcome of apology letter processes could have as their goal a change in public conceptions of crime, or affecting policy change, or restoring perpetrators or communities after crime.
- **Families, relatives, and communities:** Apologies are not necessarily oriented toward one actor or one victim but could also seek to address broader sets of individuals. In the cases of some crimes, such as murder, there is reason to consider family members victims themselves, or at least serve as recipients of an apology on behalf of the person who the perpetrator killed. In other instances, victims and perpetrators may fall within the same family, complicating the terms of any possible moral relationship. Institutions who were implicated in crimes may need to be addressed in an apology. And other third-party representatives of communities who are subject to cycles of victimhood and perpetration are also worthy of inclusion in the apology process.

IV. Limitations: Multiple Roles and Complex Relationships

All the above are an abstracted account for the sake of clarity. In actuality, perpetrators of crimes are very likely to also themselves be victims of crime (National Institute of Justice, 2021), most crimes are not reported to the police (Morgan & Kena, 2018), not all crimes are documented as such or are subject to changing definitions of illegal behavior (Rothenberg, 2000), not all people who are victims of crime recognize themselves as such, and not all documented crimes lead to further criminal justice procedures. These factors are complicated by the fact that social and economic factors have an effect, often a strong effect, on who is considered to be a victim and who is considered to be a perpetrator of crime. This is especially true when considering race. Criminal justice systems are often racialized, and the punishment of specific crimes reinforces racial hierarches and inhibits other forms of remediation, such as the case of drug-addicted mothers being criminally punished for harms to their children. In this case, the definition of perpetrator and victim itself is inseparable from, and reenforcing of, negative racialized social and economic realities of Black motherhood (Roberts, 1995). An ethical framing that suits one type of victim optimally may not serve other victims well. Specific types of crime, most notoriously sexual assault, are less likely to be reported (Kimble & Chettiar, 2018), and people in vulnerable social and economic groups are more likely to have unreported crimes (Ackerman & Love, 2014; Holliday et al., 2020), which is determined in part by the fact that that they are also more likely to have been negatively affected by criminal justice proceedings (Parsons & Bergin, 2010), and therefore may have different needs in terms of what is in their best interest. In general, we approach the Apology Letter Bank as containing mostly or totally confessions of crimes that are serious, proven, and for which punishment is served.



V. Locating Apology Letters in Restorative Justice Practices

a. A Brief Overview of Restorative Justice

Restorative justice is an “umbrella concept” (Shapland et al., 2006) without a universal definition. However, the general framework of restorative justice is one in which parties who have a stake in a crime (such as victims, victim’s families, offenders, offender’s families, victim’s advocates, or broader communities) collectively decide how to recover from or move forward from an offense. Restorative justice is a relational, dyadic process (Gromet et al., 2012; Taft, 2000). The broad goal of restorative justice is to “make things right” for the victim, heal the harm the victim experienced, to rehabilitate the offender so that they do not reoffend, and to reintegrate the offender into society (Shapland et al., 2006). As they are collective and participatory, restorative justice processes are assumed to be empowering (Shapland et al., 2006). More ambitious conceptions of empowerment advocate that restorative justice is not complete until it seeks economic and political empowerment of criminalized communities, including an awareness of the criminalization of poverty and its structural integration with racial and gender hierarchies (Gilmore, 2007). Restorative justice is often positioned in contrast to retributive concepts of justice, in which the primary goal is punishing people who commit crimes and to re-affirm societal boundaries and values (Gromet et al., 2012).

Restorative justice processes are increasingly popular. The movement toward restorative justice has been in part fueled by the recognition that the criminal justice system often leaves victims frustrated and dissatisfied (Choi & Severson, 2009) and can even cause victim re-traumatization (Campbell, 2008; Parsons & Bergin, 2010). Restorative justice processes both improve offender rehabilitation efforts and reduce negative impact of crime on victims (Bazemore, 1998; Beven et al., 2005). Restorative justice processes may provide victims with an opportunity to reconsolidate memories around traumatic experiences (Bolitho, 2017) and may facilitate healing and improve victim’s mental health (Parsons & Bergin, 2010). Yet, there is little empirical work that has examined the impact of restorative justice processes (Bazemore et al., 2007; Choi & Severson, 2009; Parsons & Bergin, 2010; Stubbs, 2007), and there is, as a result, a set of unexamined and untested assumptions. For instance, most restorative justice events involve juvenile versus adult offenders (Bolitho, 2017). This may reflect implicit assumptions that restorative justice is more effective with youth than adult populations (Shapland et al., 2006; Suzuki & Wood, 2018). However, Suzuki and Wood (2018) suggest that restorative justice might be less effective with juveniles, as juvenile offenders have lower cognitive capacity, are more susceptible to peer influence, have lower communication skills, are less emotionally mature, and have greater power differentials in relation to restorative justice mediators in comparison to adult offenders.

The key values of restorative justice are democratic participation in justice processes, fairness to all impacted by crime and a focus on addressing power imbalances between parties.

b. Components of a Restorative Justice Process

Restorative justice events (the mechanisms by which restorative justice occurs) can take a multitude of forms, which can include events such as victim impact statements (statements in which a victim or victims describes the harm a crime caused to themselves, their family, and/or their community), conferencing or mediated dialogue between victims and offenders, offender apologies, community panels, and sentencing circles (Shapland et al., 2006).

Restorative justice events may or may not be tied to sentencing decisions – that is, they may or may not be tied to retributive criminal justice processes (Shapland et al., 2006). Events that are embedded within criminal justice processes may or may not be constrained by time, depending on the nature of the process. An event that takes place as part of a parole process may be time constrained in a way that an event aimed at prisoners serving a life sentence may not be. As the offender has been convicted, the “roles” between involved parties are easily placed into victim/offender categories, and thus the restorative justice events can be picked up much later after the original offense (Shapland et al., 2006). Consequently, these processes might be less effective in cases where there are co-offenders (both parties committed harm) and where conflict occurs outside the criminal justice system (such as in the civil court system).

c. The Role of Apology

Victims often want apologies from the perpetrator of crimes that affected them (Allan et al., 2014; Petrucci, 2002). Apologies are one of the most common restorative justice events and are a form of symbolic reparation (Shapland et al., 2006). They are considered critical to the restorative justice process as they reaffirm the shared morality between the victim and offender (Sherman et al., 2005) and provide opportunity for forgiveness, which is, like apologies, considered necessary for restorative processes (Petrucci, 2002). Apologies reduce victim’s anger (as cited in Allan et al., 2014; Bolitho, 2017), help victims develop empathy toward offenders (Kiefer et al., 2020), improve victim’s perceptions about the character of the offender and their likelihood of being rehabilitated (as cited in Allan et al., 2014), and help reduce victim’s desire for vengeance or retribution (Gromet et al., 2012; Kiefer et al., 2010; Sherman et al., 2005).

ETHICS WHITE PAPER

Apology letters help contribute to a sense of closure and empowerment among victims (Choi et al., 2010; Gromet et al., 2012), in part because the additional information gained about the crimes help them develop feelings of control over uncertainty about future incidents (Choi et al., 2010).

Despite concerns that apologies might re-traumatize victims, real-world experiments of restorative justice processes find no evidence that victims are harmed by apologies (Sherman et al., 2005). This is in contrast to research that finds that interactions with aspects the criminal justice system, such as law enforcement and the court system, can re-traumatize some victims of crime, such as sexual assault victims (Campbell, 2008). Trauma-informed and victim-centered approaches, as well as community outreach to victims beyond the criminal justice system's identified victim base can also compliment and buttress the effectiveness of apology events and programs. There is evidence that apologies may be more important for victims than monetary reparations (Choi & Severson, 2009). It is not acceptable for state actors to completely refuse to participate in restorative justice procedures such as apologies, because crimes erode the dominion of the state where the state has an obligation to safeguard both victims and offenders' rights in any justice process, as well as play a role in the public accounting of harms and contribute to the restoration of healthy political communities (Walgrave, 2007). In participating in the apology process, state authorities should default to voluntary processes, but they should assist in facilitating those processes. Parties cannot simply be left to their own initiative or resources to find resolution, even while the need to guard against coercive or abusive uses of official power when approaching victims is an appropriate moral concern for state actors.

Given this appropriate concern for a moral awareness in developing an apology process, it is noteworthy that apologies are subject to critique from at least three important directions: gender, race, and, in the case of restorative justice processes, in being insufficiently independent of criminal justice processes. Regarding gender, studies of forgiveness have established it is a gendered virtue insofar as it is morally expected of women and historically associated with femininity (Norlock, 2009). Yet such associations obscure the fact that women may require the opportunity not to forgive, to express resentment or refusal, and that women's self-worth and moral regard should not be ignored for the sake of soliciting forgiveness (Norlock, 2009). Women receive pressure to forgive as a socially requisite performance rather than as reflective of their actual experiences or emotional state (Norlock, 2009), and any apology process runs the risk of unwittingly soliciting such performance from women, as well as reinforcing gendered obligations to forgive. These issues intersect with the racialized character of criminal justice procedures as well as racialized senses of crime. While the promise of restorative justice is a central good of an apology letter process, it may also be subject to some of the critiques that have fallen on restorative justice generally. Those critiques focus on the pitfalls of an overreliance on ways of thinking about justice conventional to criminal justice systems, and so may actually "provide ... a different method of responding" to crime while failing to appreciate that "this method takes for granted much of our conventional way of thinking" about the moral status of crime (Johnstone, 2009). Hence restorative justice processes can unwittingly reenforce systemic injustices contained within the status quo, as opposed to challenging or transforming them. This is especially significant if one considers that victims may themselves have been mistreated or disadvantaged by engagement through their involvement with criminal justice procedures, such that notification of an apology could be seen as an unwelcome form of re-involvement. Direct engagement with victims and victims' communities, as well as supporting the enfranchisement of diverse victims' communities and centering victims' goals and priorities, would likely safeguard against these concerns. The purpose of outreach is to acknowledge and make a space for the differences between different victims, and between different victims' communities, and incorporate the insight of intersectional race and gender theory, which notes that the process of atomizing our individualizing victimhood (as is typical of criminal justice proceedings and as a component of a letter apologizing to an individual person for an individual crime) may otherwise obscure important differences in what specific victims need that have to do with social conditions, in particular gender, racial and class realities (Crenshaw, 1995).

Even when viewed as facilitating a moral relationship between two individuals, there are some risks that program facilitators should be aware of. For example, victims may be patronized by the implication that restorative justice is part of their "healing" (Daly, 2004, as cited in Shapland, 2006), and victims should have a right to feel anger or a lack of resolution in response to an apology process. In fact, apology processes do not need to result in forgiveness to be effective or require healing or increased victim welfare to be morally worthy. It can also act as creating a new site of power, as "compensation" for the power taken from victims (Lazare, 2004, as cited in Stauffer, 2015), as a building social equality, or as humanizing participants through collaboration in new possible relationships (Stauffer, 2015).



Even when forgiveness is given, it may still indicate a lack of power or a need for greater social equality (Stauffer, 2015) among individual victims or victims' communities. Making these alternate goods of victims' empowerment possible certainly requires that victims have the right to refuse forgiveness and may even have something to gain (welfare, self-respect, power, awareness of further needs, etc.) in doing so.

Offenders usually want to apologize for the crimes that they commit (Petrucci, 2002), and taking responsibility for offenses is considered a critical component of rehabilitation and reintegration as restorative justice goals (Shapland et al., 2006). If not structured into the restorative justice process, offenders will often give apologies spontaneously (Koss et al., 2006). However, the typical criminal justice process – with its focus on punishment of the offender for a crime – does not typically provide opportunities for offenders to give apologies (Petrucci, 2002). For instance, offenders cannot engage with victims in court procedures, do not have to testify, and often do not discuss the instances of the offense outside of private communications with their legal counsel (Petrucci, 2002). Because of this, offenders are more likely to apologize if they are involved in a restorative justice process (Sherman et al., 2005).



Offenders benefit from giving apologies to their victims (Koss et al., 2006; Petrucci, 2002). Giving an apology sets a cognitive process in motion that aids in offender rehabilitation and helps reduce recidivism (Koss et al., 2006). The process of apologizing can help offenders take responsibility for their actions, lead to less negative self-views, and may help offenders separate their core identity from harmful acts they committed (Petrucci, 2002). Writing apology letters can help offenders – and those who work with offenders – develop an understanding of what factors led to the offense (Duff, 2010; 2011). This insight can help people who work with offenders develop more appropriate, targeted, and effective interventions (Duff, 2011). It has been theorized that apologies can help reduce recidivism in offenders, by fostering self-concepts that disassociate offenses from the offender's core identity (Petrucci, 2002). Finally, helping to “make things right” can reduce stigma by changing the image of offenders in the eyes of victims and communities, which facilitates offender rehabilitation (Bazemore et al., 2007; Schwalbe et al., 2013).

d. Components of an Apology

The bulk of research that has explored apologies as a restorative justice event has examined apologies that are embedded in larger restorative justice systems, such as apologies within victim-offender mediation meetings or community panels.

Experts in law, psychology, sociology, and other social science fields have examined apologies and differentiated apologies from “accounts” of crimes or transgressions (e.g., Taft, 2000). Apologies are best described as a dyadic process between offenders and victims consisting of four stages: believability of the sincerity of the apology, acceptance of the apology, forgiveness of the offender, and restoration or repair. The consensus is that a good apology includes three core components (Slocum et al., 2011):

1. **Affect** (expression of remorse, regret). They include an explanation of what happened and an expression of remorse or regret for the offense (Petrucci, 2002). If apologies are given in person, the victim should be able to have their questions answered, and victims should describe the effects of the offense to offenders (Shapland et al., 2006).
2. **Affirmation** (admission of responsibility and acknowledgement of harm to the victim). They demonstrate overt acceptance of the responsibility for the offense and harm caused (Petrucci, 2002; Shapland et al., 2006).
3. **Action** (efforts to address the victim's needs). They offer some type of reparation for the harm caused and discussion of the future and how things can be “made right” (Shapland et al., 2006).

Additionally, effective apologies should convey emotion, which comes out during the communication process (Shapland et al., 2006). Emotion is necessary for restorative justice because offenders need to experience genuine empathy, guilt, and remorse (Harris et al., 2004) for victims to perceive apologies as sincere (Shapland et al., 2006). It is reasonable to expect that emotional communication around their offense is a component of the rehabilitative effects of apologies for perpetrators.

These components have an additive effect (Petrucci, 2002); the more of the above three components that apologies contain, the more the offender is perceived as giving a more appropriate apology and the better offenders are perceived (Petrucci, 2002).

VI. Victim-Centered Practices: What Makes Apologies Effective?

Apologies are often delivered to victims in the form of written letters (hereafter referred to as apology letters). For apology letters to have their intended impact, victims must find them sincere; however, not all victims find them as such (Choi et al., 2010). Apologies that are received as part of a broader restorative justice process are more likely to be perceived as sincere (Sherman et al., 2005). Additionally, the nature of the offense, content of the letter, and ability of the letter to adequately acknowledge the victim's loss are all factors that make apologies effective. Table 1 lists the characteristics of effective apologies that are summarized in this and the prior section.

Table 1. Components of an Effective Apology Letter

Components of an Effective Apology Letter

1. Includes affect, affirmation, and action components
2. Addresses both offenders' feelings and impact on victims
3. Voluntarily given and voluntarily received
4. Delivered to victims with opportunity for dyadic interaction

a. Actor-Observer Perceptions of Apologies

Choi and Severson (2009) conducted a qualitative exploration of the impact of apology letters in four different crimes, delivered in person at mediated victim-offender sessions. Their findings indicate that victims and offenders perceive the same apology letter differently. Specifically, victims and third-party observers do not recognize expressed regret from offenders during the apology process. That is, although offenders felt their apologies were sincere, the victims and third-party observers perceived them as insincere. This might be due in part to nonverbal indicators that offenders gave while reading their apology letter to victims (Choi & Severson, 2009; Kiefer et al., 2020). Increased anxiety in offenders during the letter-reading process can lead to them committing nonverbal behaviors (e.g., talking fast, not looking victims in the eye when apologizing) that suggest to victims that their apologies are not sincere (Choi & Severson, 2009). Victims also in some instances felt pressure to accept the apology. Offenders, however, saw the apology process as helpful.

b. Letter Focus

Apology letters that take a self-other focus – that is, they both address offender's feelings of regret and recognize how their actions impacted the victim – are perceived as more sincere than letters that only convey offender's feelings of regret (Allan et al., 2014; Slocum et al., 2011). While there are common features of apologies that make them more sincere, apologies that appear coerced are less likely to be perceived as sincere (Allan et al., 2014); thus, offenders may benefit from guidance around the writing of apology letters (Choi et al., 2010).

c. Compulsory vs. Voluntary Apologies

Compulsory apologies are those in which the offender is ordered to apologize and are more likely to occur when restorative justice processes are formally embedded within criminal justice systems. This could (but does not necessarily) include potential consequences or rewards (such as a shortened sentence) for abiding by the order to apologize. Experimental research finds that voluntary apologies are perceived as more sincere and are both accepted more by victims and lead to greater feelings of forgiveness toward offenders in comparison to compulsory apologies (Allan et al., 2022). Correspondingly, research indicates that offenders giving compulsory apologies are seen as less remorseful, and compulsory apologies are perceived as less effective in resolving disputes (Saulnier & Sivasubramaniam, 2015). However, victims receiving voluntary or compulsory apologies did not differ on the level of punishment victims felt offenders should face for their crimes (Allan et al., 2022).

While not as effective as voluntary apologies, compulsory apologies still hold benefit for victims; experimental research finds that, while there is clear preference for voluntary apologies, victims view offenders more favorably when they give compulsory apologies in comparison to when they receive no apology at all (Jehle et al., 2012; Risen & Gilovich, 2007). Finally, compulsory apologies may lead victims to perceive consequences to offenders are more severe (Saulnier & Sivasubramaniam, 2015). This might be because compulsory apologies include formal recognizance that a wrong against the victim has occurred (Allan et al., 2022).

d. Victim Presence

There is limited research, but with consistent findings, that has explored whether offender apologies work better when victims are present when the apology is delivered, as the apology process is dyadic (Taft, 2000) and the interactive nature of apologies is what makes them beneficial for victims and offenders (Koss et al., 2006). Offenders tend to write stronger apology letters when they are written with the intent that victims will receive them (Bletzer & Koss, 2012). Experimental research finds that in the absence of a victim offender apologies convey low remorse (Saulnier & Sivasubramaniam, 2015). When victims are present, however, apologies are perceived as better quality and as demonstrative of greater accountability (Saulnier & Sivasubramaniam, 2015).

e. Rejected Apologies

Giving victims the ability to accept or reject apologies from offenders is empowering (Koss et al., 2006). Victims usually do not reject apologies (Petrucci, 2002); this is in part because it is socially normative to forgive people after they apologize (Choi et al., 2010; Petrucci, 2002). However, even when victims reject apologies, the apology can still be beneficial in helping reduce anger in victims (Koss et al., 2006; Petrucci, 2002). Choi and Severson (2009) recommend offenders be warned that victims might not accept their apology so that they are prepared in the event of a rejected apology.

Some victims may not want any apology. When victims are unable or uninterested in participating in the apology process, research finds that surrogates – people who stand in for the victim – can be effective at providing offenders with a meaningful process which helps them convey remorse (Saulnier & Sivasubramaniam, 2015).

VII. Normative Factors

One simple way to consider the various and wide-ranging normative factors for the Apology Letter Bank is to distinguish between rights, goods, and moral relationships. The instance of a crime always means that rights of victims have been violated. But this does not preclude the fact that there are important goods to be found through restorative justice, which an apology process could initiate. The goods of reconciliation, healing, moral growth, and development are all goods that can exist after harm and violation. An exclusive focus on rights (of perpetrator and of victim) will likely preclude these goods, and so rights must be acknowledged as one consideration among many, including the possible importance of creating a moral relationship between perpetrator and victim beyond criminal justice procedures. A more granular analysis of normative factors follows.

a. Apology, Forgiveness, Atonement, and Reconciliation

Apology is an instance of moral atonement (Radzik, 2009), which has at its core the setting of conditions for moral agency after wrong actions. Apology is not a means of addressing harms, but rather seeks to make moral relationships possible between perpetrators, victims, and the broader community. There are two dangers associated with moral atonement. First is the so-called “Magdalen Test,” referring to the moral oppression and incarceration of women in Ireland deemed as “fallen” by the Irish Catholic Church (Radzik & Katz, 2010). The Magdalen Test asserts that no attempt at moral atonement should be oppressive to the person seeking atonement, seen as a moral obligation, or as a condition of release. This ensures that atonement is not sought under the model of repaying a debt to the victim, which is beyond what atonement can achieve. Accordingly, moral atonement does not require and should not compel forgiveness.

The goal of apology can be construed as forgiveness only if it is limited to an exchange between perpetrator and victim about a specific act in the past; whereas, the purpose of atonement should be the restoration of a certain kind of relationship of reconciliation between perpetrator, victim, and community for the sake of making other moral goods possible (healing, well-being, restitution of agency, truth-telling, and expressing moral emotions such as regret and good will.) This sort of moral reconciliation is possible without forgiveness and addresses and seeks to remove an adversarial relationship between victim, offender, and community (Imiera, 2018).

The second danger associated with moral atonement has to do with the fact that each individual victim will be impacted differently by an apology, will have different degrees of desire to participate in reconciliation processes, will have different standards for forgiveness or may consider a wrong to be unforgivable, and will experience risks to well-being simply by participating in the process. So moral atonement must be balanced against risks to victims. Apology processes should proceed with an awareness that victims may not communicate fully what they need, may have been and may continue to be misunderstood, and are deserving of a maximum degree of empathy and autonomy in the apology process.



b. Victims Advocacy and Victims' Recovery from Crime

Victims are morally deserving of community resources, advocacy, and moral priority. This is because the wrongs associated with victimhood are a direct result of broader community (moral, political, social, economic) realities in addition to the choices of individual perpetrators. Additionally, the harms experienced by victims are serious, life-long, and only addressable on a case-by-case basis and with a commitment to providing resources and creating participatory practices. Even the best-intentioned program, and one that is morally justified along the lines of restorative justice or community repair, may not necessarily serve all victims, are likely to replicate bias and social realities, and harm or retraumatize victims. Studies of victims of sexual assault (Campbell, 2008), who are likely to suffer from the trauma from pain of harms suffered and violations of rights, trust, and dignity, are also harmed by their system participation, that is, by inappropriate treatment by law enforcement, courts, health care or other service providers, media, and other members of the community.

This means that victims advocacy should be oriented toward maximizing autonomy, oversight, and communication with victims on a case-by-case basis. Any program that touches victims directly, as the Apology Letter Bank does, should engage in moral humility, that is, assuming victims to be deserving of and should have as much control as possible over communicating their needs and determining the nature of their involvement with broader moral and political objectives regarding justice. There is strong evidence that restorative justice processes can be inappropriately imposed upon victims when they have the effect of minimizing control over their own identities, stories, and needs (Mika et al., 2004; Stubbs, 2007). This means that, especially for those who design programs that implicate victims, one should guard against the possibility that “anecdote and hope conspire to create expectations that may not be borne out by ... reality” (Stauffer, 2015, p. 61).

Some victim-centered critiques of restorative justice are worth mentioning. Mika et al. (2004) argue that restorative justice can imply to victims that they have a responsibility to “help” offenders. Radzik (2009) argues forcefully that some moral obligation can be assigned to victims, even that it is morally wrong for victims to impede morally rehabilitative processes for perpetrators. It is noteworthy that this is disputed as giving insufficient control to victims over the terms under which they would trust the rehabilitative process itself. Also disputed in Radzik’s account is whether resentment and non-forgiveness (for example, if it facilitates a broader awareness of the conditions under which future crimes could be avoided, or greater political consensus on what victims need) can be more effective in a moral accounting of crime than forgiveness (Radzik & Katz, 2009). Whether or not such a moral obligation is defensible in all cases, victim participation should not be compelled or expected merely so that offenders can be rehabilitated.

Noteworthy caution is also found in Stubbs (2007), who criticizes restorative justice as particularly inappropriate in the case of interpersonal violence. In this instance there is often a gender dynamic and a power differential in which female victims have less power than their male perpetrators. The most pressing critique raised by Stubbs (2007) is that it is unclear how victims’ safety can be sufficiently secured in a restorative justice process or what restoration is possible for this type of violence. Apologies also allow for perpetrators of interpersonal violence to engage in strategies to manipulate victims and hence could participate in further harms of cycles of violence. Hence extra care should be taken in such cases not to apply pressure on victims to accept apologies or engage in forgiveness processes.

These critiques underscore the importance of developing victim-centered processes that allow for maximal flexibility, control over degrees of involvement, and consideration for the safety and well-being of victims as central.

c. Truth-Telling, Listening, and Community Repair

A morally appropriate apology is also an exercise in truth-telling, even when truths are difficult to raise and difficult to hear. That is, one component of an effective apology is a recognition of the crime that was committed. Because victims and perpetrators are placed in an antagonistic relationship in criminal proceedings, either with each other, with the state, or both, there may be a history of contestation over who is empowered to tell their version of events, or even what the official record of a crime reflects and does not reflect.

Apology letters are only appropriate if they involve truth-telling and avoid falsification, deception, or error. However, apologies may involve a minimum of truth-telling (such as a simple acknowledgement of wrongdoing) or may involve an elaborate and detailed accounting of events (Radzik, 2009). There may be psychological limits to what is possible to account for. Stories of past events are inevitably perspectival and rely on imperfect faculties like memory that is subject to bias and confabulation. Even the best attempt at truth-telling can fail simply because one party's perspective entails beliefs that are not shared by other parties. However, truth-telling can also play an important role for victims who have no clear understanding of events, allowing them to narrate their lives in an empowering way (Radzik, 2009). The value of truth-telling for victims or for broader restorative justice goals may extend beyond the apology process. At the same time, hearing the truth, especially a perpetrator's perspective on the truth, may be painful and damaging, and there are demonstrated failings of official truth-oriented proceedings failing to hear victims and their experiences, or respect the way in which they choose to understand events (Stauffer, 2015).

d. Punishment, Rehabilitation, and Restorative Justice

Punishment shares the same moral deficiency as apologies when it is framed solely as a debt that is being paid either to a victim or to society at large. Crucially, it does not account for two central facts – that punishment itself does not intrinsically serve a victim's interest, and that other forms of compensation would be more directly beneficial to victims, especially access to services that promote a victim's survival and long-term well-being. It also does not account for the needs of rehabilitation and restoration of perpetrators as moral agents with the ability to address the wrongness of their actions. Finally, various forms of punishment, especially incarceration, inhibit the process of moral development, restoration of justice, community needs, the possibility of moral relationships between victim and perpetrator, and may also perpetuate cycles of violence.

Apology letters are likely to be beneficial to perpetrators of crimes because they minimally allow for fostering the capacity of a perpetrator to be a moral agent, to take responsibility for wrongdoing, and to make progress toward addressing the harms caused by their actions. This activity is also not likely to be uniquely beneficial or sufficient for these goals. Restorative justice requires that apology be seen as a first step toward other activities such as victim-offender dialogue, peer-support groups, educational opportunities, access to health services, and opportunities for economic empowerment. Rehabilitation of perpetrators of crime thus goes beyond providing opportunities for restorative justice, though restorative justice undoubtedly has a positive impact on rehabilitation.

e. Autonomy, Non-Coercion, and Victim-Centered Approaches

An inescapable aspect of the moral assessment of victimhood lies in a lack of autonomy and control. To be a victim entails, in part, that they have suffered because of a crime and subsequent events that are, due to the choices and actions of others, beyond their control. Many crimes are themselves violations of autonomy, whether bodily autonomy or simply the right to self-determination. This fact is compounded by the fact that criminal justice proceedings typically involve coercion or persuasion to participate, involve decisions and procedures that are not authored by and may not be approved by victims, which may go against victims wishes, and police, court, and prison processes are not typically victim-serving or victim-centered.

This makes it a moral requirement of any program taken by a third party – the position VVH finds itself in: to intentionally design programs that recenter the experiences of victims, allow for differences between victims and victims' communities, and, ideally, be victim-serving insofar as they include connections to resources for broader recovery and well-being. Third parties lack justification to engage in coercive participation and should not assume that their programs are victim-serving without mechanisms for feedback and engagement by individual victims as well as communities that are disproportionately impacted by crime. Ideally, a victim-centered form of advocacy would increase the diversity of victims' experiences, develop flexible procedures, and center projects around facilitating services and opportunities for victims to take control over their own actions and role. The restorative needs of victims may also require attention to broader structural issues attending to race, gender, poverty, or other complicating factors.

f. Addressing Normative Factors

No party (VVH, victims of crime, or perpetrators of crime) should expect that any situationally correct ethical approach to apologies is final or non-revisable. All apology processes should be open to recentering around victims' needs and acknowledge the possible tensions between the goods of rehabilitation of perpetrators, victim's advocacy, and broader structural concerns. VVH should be expected to develop processes that are open to revision, regularly hold decision-making accountable to both victims and perpetrators of crime and allow their programs to be subject to outside review.

Simply by soliciting, storing, and facilitating access to letters of apology VVH has a duty of care for the letter and for the author. But what may be less apparent are the needs of the specific victims of the crimes described in the letter. Contact with victims is justified but must be done in a way that has awareness of victims' privacy and the complex of moral factors identified above. We return to the fact that victims of crime are not a homogeneous group, and so similar crimes, apologies, letters, processes, etc. cannot serve to establish that practices that currently exist guarantee VVH's duty to care for future victims.

VIII. Recommendations

a. Assigning Duties and Safeguarding Rights

These are a description and summary of the landscape of duties and rights pertaining to the Apology Letter Bank.

1. Duties of care: A standard of reasonable care that seeks to avoid possible harms and careless acts that could unintentionally contribute to harms. By possessing and maintaining the Apology Letter Bank, by seeking to advertise and distribute it, and by utilizing it for rehabilitation of convicted perpetrators of crime, as well as other possible restorative and community justice purposes, VVH should be assigned the duty of care to:
 - a. The authors of the apology letters, who are admitting to perpetrating a crime, recognizing the wrongness of their actions, and seeking reconciliation for harms caused.
 - b. The victims of the crimes described, who have been harmed and may be either open to, or not open to, reconciliation or forgiveness.
 - c. The letters themselves, which are uniquely sensitive documents.
2. Right to privacy: An inherently broad protection, this includes the right to withhold either the disclosure or propagation of personal information, as well as the right to non-identification of protected persons from matters of public record, and the right to non-involvement in processes or procedures against one's will. The right to privacy is fundamental for personal autonomy, moral integrity, the ability to make meaningful choices, and maintain personal well-being.
 - a. The privacy of victims of crime should and do receive exceptional protections. Protected information includes their right to not be identified by their experience with crimes, an acknowledgement of the possibility that previous involvement through impact statements and witnessing in criminal proceedings was not fully voluntary or beneficial, as well as a right to be protected from any information or participation which might jeopardize their well-being (including but not limited to avoiding personal, financial, professional, psychological, and other harms). Victims who are or were children at the time of their crimes do and should receive even stronger protections.

b. Obligations of Victims' Voices Heard

These are an elaboration of specific moral obligations that VVH has in maintaining the Apology Letter Bank and facilitating associated outreach and programming.

1. As VVH is an organization that seeks to serve victims of crime, their approach to the Apology Letter Bank should reflect a *victim-centered approach*. While it is beyond the scope of this work to design such an approach in detail, the purpose would be to give victims as much control as possible over every aspect of the process, including initial contact, follow-up, and a flexible approach that can reflect different needs of different victims on a case-by-case basis. A victim-centered approach should also include resources for trauma-informed practices and a commitment to due sensitivity to the emotional and other needs that trauma requires. This includes an appreciation of the possibility of preexisting trauma, trauma from the crimes in question, and subsequent trauma from involvement in criminal justice procedures.

ETHICS WHITE PAPER

2. The goals of restorative justice are framed as including, at a fundamental level, the rehabilitation of victim, perpetrator, and community. But specific restorative justice goals should be considered as secondary to victim-serving goals when the two conflict.
3. It may be appropriate to consider whether the broad organizational goals of VVH are better served by alternate uses of the Apology Letter Bank than direct victim contact. It is unclear, for example, if the rehabilitative effects of discussing an apology letter would be significantly decreased if the offender was able to discuss the apology with someone other than the person they had victimized, for example in a group setting with other perpetrators or in an exchange with an unrelated victim of crime. If the goals of perpetrator rehabilitation are central to the mission of VVH, there is evidence that this can be achieved through dialogue about apologies with proxies, or in a group setting, or as a component of other restorative justice practices such as victim-offender dialogue between perpetrators and victims of different crimes.
4. At the same time, VVH is justified in using reasonable means to advertise and notify the public about the existence of the apology letter bank, and to facilitate voluntary participation programs related to this unique resource. Doing so may actually increase the scope of victims' communities that could be positively impacted by the letter bank, because it could be used as a resource for victims of crimes or victims' communities who have unreported crimes or are otherwise distrustful of criminal justice agencies and are estranged by criminal justice procedures.
5. A key moral dimension that should guide the actions and programs of VVH is the maintenance of *trust with victims* that the program is victim-serving, that due respect is given to survivors of crime for the fact that survival and well-being is a difficult accomplishment, and that all due care has been made to anticipate and respond appropriately to the possibility of retraumatization. VVH staff may benefit from further training and resources in victim-centered methodologies and trauma-informed practices. Above all VVH should anticipate that victims' experiences of any program related to the Apology Letter Bank will vary on a case-by-case basis.

IX. Data

We conducted an online search of state correction or justice departments that run apology letter banks. While it is possible that advocacy organizations and groups run apology letter banks outside of or separate from state justice departments, we limited our search to only those banks that had processes in state correction or justice departments. In 2017, the Washington State Department of Corrections conducted a national survey of state correction agencies that ran apology letter banks. An overview of their findings is [available online](#). They identified 12 states with active apology letter banks. We were able to identify 4 additional states that have apology letter banks as part of their state justice process, for a total of 16 states. Table 2 provides a list of states using apology letter banks and an overview of each state's process. Although all states use a slightly different process, common features of apology letter bank programs include:

- Letters are submitted voluntarily by offenders.
- Offenders submit letters to victim services unit (or similar body), who is in turn responsible for storing letters.
- Letters are screened for appropriateness prior to storing letters in the bank.
- Victim services unit notifies victims that letters exist.
- Victims retain control over whether they receive a letter.
- Offenders are not notified whether victims received their letter or declined their letter.
- Offenders' conditions of incarceration, release date, and parole are not impacted by the letter.

Less common features of apology bank programs include:

- Either requiring offenders to take a class on how to write effective apology letters and/or providing letter guidelines to offenders.
- Option to have staff read apology letters to victims.
- Optional notification to offender that a letter was received, on victim's request.
- Option to participate in Victim-Offender Mediation or Dialogue, on victim's request.

ETHICS WHITE PAPER

Table 2. Overview of States with Apology Bank Processes

Active hyperlinks as of November 8, 2023.

State	Overview	Additional Information
Colorado	<ul style="list-style-type: none"> ■ Offenders submit letters to victim services unit, who screens them. ■ If letter is appropriate, it's added to the bank. ■ Victim is notified of letter; victims are not sent letters unless they consent to receive it. 	<ul style="list-style-type: none"> ■ Letters containing inappropriate, re-victimizing, or disrespectful content are rejected. ■ Letters submitted in cases with active no-contact protection orders cannot be approved. ■ Approved letters are retained confidentially and indefinitely.
Indiana	(No public information available)	
Iowa	<ul style="list-style-type: none"> ■ Part of victim-offender mediation (VOM) processes; can be stand-alone. ■ Offenders can submit letters for storage. ■ Victim initiated (victim contacts office to see if there is a letter). 	<ul style="list-style-type: none"> ■ Website includes benefits of the process for victims and offenders.
Kansas	<ul style="list-style-type: none"> ■ Offenders submit letters to victim services unit; staff can submit on offenders' behalf. ■ Letter is reviewed for standards (addressed to a specific person or group, does not contain threats or harmful language, legible). If letter is appropriate, it's added to the bank. ■ Victims are notified of apology bank and must opt-in. ■ Victims who opt-in to apology bank are notified of letter; victims are not sent letters unless they consent to receive it. 	<ul style="list-style-type: none"> ■ Only offenders currently in custody are eligible. ■ Letters are voluntary. ■ Letters are stored in a private victim drive. ■ Letters do not impact parole eligibility or release date. ■ Victims can request letter be mailed, emailed, or read by staff member. ■ Victims can request additional communication with offender.
Louisiana	<ul style="list-style-type: none"> ■ Offenders must take a class where they learn how to write a good letter. ■ Letters must acknowledge crime, harm to victims, and express regret for the harm. ■ Victim can request a copy of their letter. ■ Offenders are not notified if victim requested or received letter. 	
Massachusetts	<ul style="list-style-type: none"> ■ Offenders submit letters to victim services unit, who screens them. ■ If letter is appropriate, it's added to the bank. ■ Optional delivery to victim (process not specified). 	(see page 13 in the linked information)

ETHICS WHITE PAPER

State	Overview	Additional Information
Minnesota	<ul style="list-style-type: none"> ■ All approved letters must go through victim services. ■ Victim must proactively request the letter. 	<ul style="list-style-type: none"> ■ Letters that make excuses, request forgiveness, or pardon are prohibited. ■ The request form includes options to indicate what the victim wants to see in the letter (e.g., apology, recognition of harm, etc.).
Mississippi	(No public information available)	
Montana	<ul style="list-style-type: none"> ■ Letters are reviewed by victim services before notifying victim. ■ Victims' services notify victims of letter. ■ Victim chooses whether to receive the letter. ■ Victims can proactively inquire about letters. 	<ul style="list-style-type: none"> ■ The letter should relate to a specific incident and victim, should acknowledge the harm done and demonstrate acceptance of responsibility. ■ The letter should not blame others, offer excuses, or request forgiveness. ■ An informational guide and letter guidelines are available to offenders. ■ Victim services also offer VOM and victim impact panels.
Nevada	<ul style="list-style-type: none"> ■ Offenders submit letters to victim services unit, who screens them. ■ If letter is appropriate, it's added to the bank. ■ Victims can choose whether to receive letters. ■ Rejected letters are stored in the bank. 	<ul style="list-style-type: none"> ■ Direct victim-offender contact is discouraged.
New York	<ul style="list-style-type: none"> ■ Offenders submit letters to Office of Victims Assistance. ■ Victims registered with Office of Victims Assistance are notified that there is a letter. ■ Victims can choose whether to receive letters. ■ Offenders are not notified on whether letters are received or read. 	<ul style="list-style-type: none"> ■ Letters can be received by mail or read.
Oklahoma	<ul style="list-style-type: none"> ■ Offenders must complete course and receive guidelines on letter writing. ■ Offenders submit letters to victim services unit, who screens them for appropriateness; inappropriate letters are returned. ■ Letters are sent on request of the victim. 	<ul style="list-style-type: none"> ■ Guidelines for letters are provided. ■ Letters should accept responsibility, not give excuses, not ask for forgiveness, not force religious beliefs, not victim blame, may tell what changes are occurring in prison.
Pennsylvania	<ul style="list-style-type: none"> ■ Offenders submit letters to office of victim's advocate, who screens them. ■ If letter is appropriate, it's added to the bank and registered victims are notified of the letter. ■ Victims can choose whether to receive letters. 	<ul style="list-style-type: none"> ■ Website specifies letters do not impact incarceration, release date, or parole. ■ Offenders are not notified victims received letter unless the victim requests it. ■ Victims who want additional contact with offenders can request to participate in victim-offender dialogue.

ETHICS WHITE PAPER

State	Overview	Additional Information
<u>Texas</u>	<ul style="list-style-type: none"> ■ Offenders submit letters to victim services unit, who screens them. ■ If letter is appropriate, it's added to the bank. ■ Victim is notified of letter; victims are not sent letters unless they consent to receive it. 	<ul style="list-style-type: none"> ■ Website specifies letters are not solicited from offenders. ■ Offenders are not notified as to whether victims received their letter. ■ If victims cannot be contacted, the letter is stored, and the victim can request it. ■ If offenders write a letter and it was found the offender has a no-contact order, it will be reported.
<u>Vermont</u>	<ul style="list-style-type: none"> ■ There is reference to an apology letter bank, but information on how it functions is not publicly available. 	
<u>Washington</u>	<ul style="list-style-type: none"> ■ Offenders submit letters to the bank. ■ Offenders receive letter guidelines; letters are reviewed and those that do not meet guidelines are rejected. ■ Victims must apply and opt-in to the apology bank. ■ Victims can decline letters, even if they opt-in to notification. 	<ul style="list-style-type: none"> ■ Washington calls these “Accountability” letters (not apology letters). ■ Victims must be at least age 18. ■ Website provides guidance to victims on determining whether letters are appropriate for them. ■ Inmate’s release and conditions of incarceration are not impacted by the letter.

X. Sample Apology Letter Processes

Table 3. Best Practices in Developing Apology Banks

Recommended Best Practices in Developing Apology Letter Banks

The literature and existing practices reviewed in this paper lead to the following recommended best practices in developing apology letter banks:

1. Allow victims the option to participate or opt out at two points in time: (a) upon invitation to the apology bank system and (b) prior to distribution of an apology letter.
2. Allow offenders the option to participate or opt out; do not tie participation to sentencing or parole decisions.
3. Provide guidance on writing effective apologies to offenders.
4. Have a third-party intermediary agency external to the criminal justice system review letters prior to distribution to victims.
5. Reiterate to victims that they do not have to “accept” the apology or forgive the offender.
6. Provide victims with control over how the letter is received: via email, mail, or read to victims by the offender or a third-party intermediary.
7. Prepare offenders that their apology may not be accepted.
8. Provide opportunity for deeper victim-offender interaction post-letter, if desired by both parties (e.g., mediated dialogue sessions).

XI. Other Victim-Centered Services and Outreach

As aforementioned, reliance on the criminal justice system to identify victims who would benefit from or be impacted by offender apologies is limiting, given that many people who are victims of crime are not identified as such through the criminal justice system. Victims may fail to report a crime to law enforcement or make an affirmative choice not to report, may not be identified as victims by the criminal justice system, or may not even recognize or identify themselves as victims of a crime. Given that the decision to report crimes to law enforcement is determined in part by a variety of factors (type of crime, social positioning of the victim) and that there are systematic biases in what types of crimes and types of victims are formally recognized as such, there is the possibility that reliance on the criminal justice system to identify victims will result in a narrow and biased perspective. Even victims-rights movements are generally led by people in privileged social positions who may not, even while being victims themselves, be representative of all victims' needs, interests, or positions. In addition, the cultural associations held with victimhood and perpetration of crime are highly racialized and gendered.

Moving forward, our recommendation is to conduct a thorough outreach effort to identify and work with a broader group of victims than would otherwise be defined as such through the formal criminal justice process. Broader groups of victims can be identified in multiple ways, including, but not limited to:

1. Mass marketing outreach campaigns that educate the public on the types of crimes that are unreported to the police and encourage victims to connect with VVH. Some discussion may be required here as to policies that would ensure that such participants are not risking exposure to criminal justice procedures simply by participating in the apology process.
2. Developing relationships with other victim advocacy organizations, such as sexual assault crisis centers and organizations that serve victims of interpersonal/partner violence or domestic violence and encouraging referrals to VVH services as appropriate.
3. Developing relationships with human service organizations, such as shelters for the unhoused and food banks, which reside in and/or serve communities in which there are high rates of crime yet low numbers of victims identified by the criminal justice system and encouraging referrals to VVH services as appropriate.
4. Developing relationships with other mutual aid (support) groups in communities in which there are high rates of crime and encouraging referrals to VVH services as appropriate.
5. Conducting focus groups with either service providers and/or victims identified from the above outreach efforts to learn of victim's needs and how to best serve them.
6. Advertising campaigns for the Apology Letter Bank should be run through victims identified both by the criminal justice system and through the above process to ensure that the campaign messaging is well-received by victims prior to distribution.



XII. Citations/References

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