

Conflict Resolution Center
of SANTA CRUZ COUNTY



BEYOND PUNISHMENT: A COMMUNITY-LED RESTORATIVE JUSTICE APPROACH TO HATE CRIME

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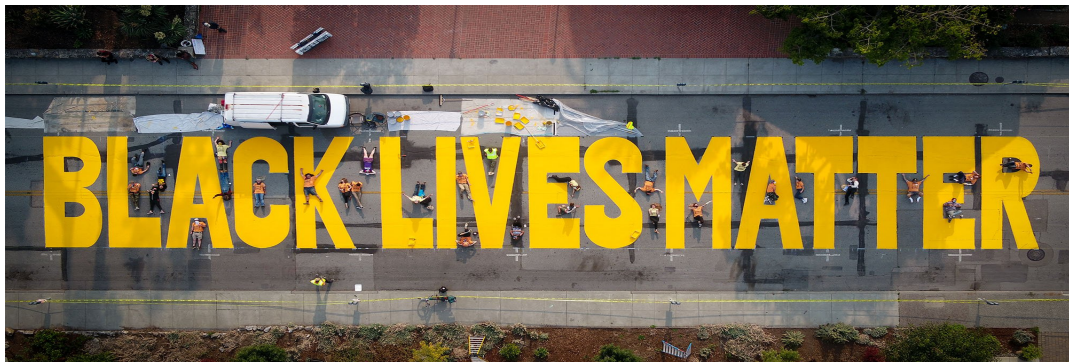
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Executive Summary

This report examines the transformative impact of a restorative justice approach applied to the vandalism of the Black Lives Matter (BLM) mural in Santa Cruz, California. The incident, perpetrated by two white men, caused significant harm to the community and highlighted systemic racial issues. The Santa Cruz Equity Collab, a collective of artists and activists who spearheaded the mural project, in collaboration with other local stakeholders, advocated for the implementation of a restorative justice process that prioritized accountability.

The process was guided by the Conflict Resolution Center of Santa Cruz County's Reconciliation Project with support from Santa Cruz County Adult Probation Department. Key components of the process included facilitated dialogues, community engagement, and reparative actions such as repainting the mural, financial restitution, participation in racial equity education, and community service. Feedback from stakeholders underscored the process's success in fostering personal accountability and community healing while revealing areas for systemic improvement. This report concludes with recommendations for enhancing restorative justice practices, ensuring broader adoption, and addressing gaps in the legal system's engagement with impacted communities.



Aerial view of the BLM mural prior to being vandalized, Photo credit: Michael Daniels, Swandive Media

Introduction

The Black Lives Matter mural, painted in bold yellow letters on the street in front of Santa Cruz City Hall, was created in 2020 following the murder of George Floyd. The mural represents a call to action against systemic racism. However, its defacement in 2021 by two white men highlighted the persistence of racism within the community.

In response, the Santa Cruz Equity Collab actively advocated for a restorative justice approach to address the harm. The Conflict Resolution Center of Santa Cruz County's Reconciliation Project (CRC-RP) took the lead in designing, implementing, and managing the process in collaboration with the Santa Cruz Equity Collab and local stakeholders.

Unlike traditional punitive measures, restorative justice centers the needs of those harmed, fostering accountability, healing, and transformation for all parties involved. This report delves into the implementation, outcomes, and lessons learned from this unprecedented restorative justice initiative in response to the vandalism of the Black Lives Matter mural, emphasizing its impact on the community and those who caused harm.

The Black Lives Matter Mural and the Incident of Vandalism

The Black Lives Matter mural, spearheaded by the Santa Cruz Equity Collab, a collective of artists and activists established to bring the project to life, serves as a powerful symbol of solidarity and recognition of the urgent need to address systemic racism in Santa Cruz, California. Abi Mustapha, artist and co-founder of the Santa Cruz Equity Collab, described its importance: "The BLM mural is significant to me because it showed me that the community I live in was willing to, at least in part, acknowledge that the humanity, dignity, safety and feeling of belonging of Black community members like myself was under threat and needed to be protected and recognized publicly. It was an assurance of belonging." (A. Mustapha, personal communication, August 13, 2024).

Mustapha's vision for the mural wasn't simply public art:

My intention for this BLACK LIVES MATTER mural is a dramatic call to action, on the part of the City of Santa Cruz's government, organizations, businesses, and everyone involved throughout every stage of this project. Anyone who partakes in this incredible work is also called to the tremendously difficult, long-term act of deconstructing racism in our community and in ourselves. This mural is more than a symbolic action. Every participant is called to action. As we participate in this movement – including but not limited to, making phone calls, signing petitions, protesting, marching, donating, reading, making art, writing poetry and music, and speaking publicly – ask yourself what does it mean to stand up for racial justice and equality? What are each of us doing personally to change the

systemic racism that is killing black people in this country? Have you taken the time to look at your own privileges, implicit biases, education, and how these affect our interactions with others and especially Black, Indigenous, and BIPOC members of our community? How do we want our government to implement racial equity in our community? How do we hold them and ourselves accountable in a transformational way? (Mustapha, 2021, para. 5 “Letter of Intent”)

The Santa Cruz City Council unanimously approved the project, making Santa Cruz the first city in America to formally approve a Black Lives Matter mural (Bushman, 2021). The mural continues to stand as a symbol of the city’s commitment to racial justice and the ongoing work required to create meaningful change.

On the afternoon of July 23, 2021, a truck with two white men and two white boys drove over the Black Lives Matter mural in front of Santa Cruz City Hall, intentionally leaving tire marks on the artwork. The two men, Brandon Bochat and Hagan Warner, took turns performing “burnouts” on the mural while the other passengers filmed them. They later posted the video, which also depicted the men using racist slurs and making anti-Semitic gestures, to their respective social media accounts.

The incident deeply affected the Santa Cruz community, as expressed by Santa Cruz Equity Collab member Shandara Gil, “The marks against this symbol of insurance towards a safer community revealed our deepest fears: racism and hate are continuing to be pervasive.” (as cited in Mustapha, 2021, para. 1)

President of the local NAACP branch Brenda Griffin also emphasized the impacts of the vandalism, “This crime saddens me greatly. It’s extraordinarily frustrating as some people still don’t get Black Lives Matter too. This mural is a symbol of hope. We want our youth to know we have their backs.” (Jackson, 2021, para. 7)

In response, the Santa Cruz Equity Collab and other community members actively advocated for a restorative justice approach to address the harm caused by the vandalism. Restorative justice is a response to crime and wrongdoing that centers the needs of the impacted community while seeking true accountability from those responsible for the harm. As Mustapha explained, “We wish to pursue a restorative justice model that focuses on repairing the mural and repairing the harm done to our community.” (Mustapha, 2021, para. 2)

In October 2021, both Bochat and Warner entered no-contest pleas to a felony vandalism charge with a hate crime enhancement and a misdemeanor reckless driving charge. As a result of the community’s ongoing advocacy, their sentencing included terms designed to repair the harm: participation in a restorative justice intervention, financial restitution, engagement in an educational or therapeutic program, and completion of community service hours. As part of the restorative justice process, the community and the Santa Cruz Equity Collab requested that Bochat and Warner repaint the mural, participate in dialogues with the community, and issue a public apology.

Mustapha highlighted the importance of the community's response to this incident:

We invite everyone to recognize the possibilities for real, radical change by enacting restorative practices to repair, heal and ensure that this never happens again. This is a poignant time in the making of Santa Cruz history. How we respond is THE most accurate indicator of how much we as a community believe in what we paint (Mustapha, 2021, para. 2).

Introduction to Restorative Justice

Restorative justice views harm and wrongdoing as impactful to people and relationships whereas the criminal legal system views harm and wrongdoing as a violation against the state. Unlike the criminal legal system, which focuses on identifying guilt and imposing punishment, restorative justice prioritizes healing for those harmed, meaningful accountability for those who caused harm, and the safety and restoration of the affected community. It asks critical questions: What does healing look like for the person who was hurt? How can the person who caused harm take accountability in a way that fosters growth and change? What does the community need to feel safe? What underlying issues contributed to the harm, and how can they be addressed to prevent future incidents?

Unlike punitive systems that often isolate individuals, restorative justice aims to reintegrate all parties into the community, breaking cycles of harm and fostering connection. Active participation by the harmed party is at the heart of restorative justice. Persons harmed are given space to share their experiences, describe how they have been impacted, articulate their needs, and define what accountability means to them. These processes must be trauma-informed, ensuring persons harmed feel supported and have access to resources and services tailored to their needs. True justice delivers safety, healing, and accountability for all impacted by harm.

Goals of Restorative Justice

1. Empower those most affected by harm: Key decisions are made by those impacted.
2. Promote healing and transformation: Justice becomes a pathway for restoration, not punishment.
3. Reduce future harm: Addressing root causes and fostering accountability diminishes the likelihood of recurrence.

Achieving those goals requires that:

- Harmed parties are involved in the process and come out satisfied.
- People who caused harm understand how their actions affected other people and take responsibility for those actions.
- Outcomes focus on repairing the harm done and addressing causes of the harm.

- Harmed parties and people who caused harm gain a sense of closure and are reintegrated into the community.

Ideally, restorative justice goals will lead to:

- Creating strong community relationships where boundaries can be set and respected.
- Shifting cultural norms from punishment toward healing and repair.
- Fostering collaboration and mutual accountability within communities.
- Creating alternatives to incarceration and other punitive measures.
- Addressing systemic racial disparities perpetuated by punitive systems.

While victim-offender dialogues are an essential tool in the restorative justice toolkit, they are not the only approach. And any restorative justice process must always include essential elements of accountability, regardless of whether they are incorporated into a direct dialogue between stakeholders or addressed through other means. Accountability and restorative justice are deeply intertwined. According to restorative justice expert Danielle Sered, accountability requires the person who caused harm to engage in these five elements:

1. Acknowledging responsibility for the act.
 2. Listening to and understanding the impacts and harms caused.
 3. Expressing genuine remorse.
 4. Taking actions to repair the harm as much as possible.
 5. Doing the work necessary to prevent the harm from recurring.
- (Serred, 2021)

These elements can be fulfilled in various ways, such as through dialogue, letter writing, or other expressions of remorse, specific education, restitution, personal reflection, therapy, substance abuse treatment, or other therapeutic actions that align with these principles.

Hate Crimes and Restorative Justice

The defacement of the Black Lives Matter mural was experienced as a hate crime by the Santa Cruz community, as underscored by the hate crimes charge enhancement. Hate crimes often leave a deeper emotional impact on victims compared to other crimes, with 92% of hate crime victims reporting emotional distress, compared to 81% of victims of general crime (Levin, 1999). Additionally, hate crimes can lead to heightened rates of mental health challenges, including depression, anxiety, suicidal ideation, and post-traumatic stress disorder in the impacted community (Levin, 1999). Despite the severe impact, hate crime victims often feel unsupported, with only 52% of victims expressing satisfaction with police handling of their cases compared to 73% of victims of general crime (UK Home Office, 2019).

Restorative justice offers a meaningful approach to addressing the harms caused by hate crimes, benefiting both those harmed and those responsible for the harm. By providing victims and

communities a voice in determining how an incident should be addressed, restorative justice creates an opportunity for healing and accountability. Empowering the impacted community is a cornerstone of this process (Why Me?, n.d.). Survivors of harm often seek outcomes that cannot be achieved through incarceration and other traditional punitive measures.

In the aftermath of the mural vandalism, the mural artists and community members emphasized the importance of accountability and meaningful change. They wanted the men responsible for the harm to fully understand the impact of their actions, pay restitution, and commit to the hard work necessary to ensure they do not cause similar harm again. BLM mural lead artist Mustapha reflected on how jail was a waste of time:

It doesn't help anybody. It costs a lot of money. It costs a lot of anger and time, and the idea of just putting somebody out of sight doesn't change what actually happens (Lobo, 2023, para. 7).

Meaningful change is more likely to result from education, dialogue with the community, community service directly benefiting those impacted, and accountability measures that address the harm caused. In contrast, incarceration, community service that is disconnected from the harmed community, and other common punitive terms given by the courts often alienate individuals, increasing their susceptibility to hate and perpetuating cycles of harm.

A restorative justice process that prioritizes inclusivity, true accountability, and tangible repair offers a path toward healing for individuals and the broader community. It is through an inclusive restorative justice process that includes true accountability and repair that a community can attempt to achieve healing.

Restorative Justice Process

The Conflict Resolution Center of Santa Cruz County's Reconciliation Project (CRC-RP) guided the restorative justice process, ensuring a structured, community-centered approach to accountability and healing. CRC-RP supported the process by facilitating community-driven efforts, designing the dialogues and other community interactions, conducting outreach, acting as a liaison between stakeholders, and advancing the process in alignment with the impacted community's priorities.

The process was supported by funding from the California Public Safety Realignment Act of 2011 (AB 109) administered by Santa Cruz County Adult Probation Department, which enables county-level restorative justice processes for cases of more serious harm. CRC's Restorative Justice Programs Director, Alaya Vautier, served as the primary process holder and lead facilitator, ensuring that the approach remained consistent with restorative justice principles while addressing the needs of impacted stakeholders.

Components of the Restorative Justice Process

Restorative justice prioritizes the needs of those harmed, focusing on healing, restoration, and stronger relationships, rather than solely on costly punitive measures. This process is not prescriptive or formulaic; it is organic, guided by the voices and choices of the impacted parties while fostering accountability and transformation in those who caused harm. In our local context, the restorative justice process involved three key components:

1. **Stakeholder Engagement**
2. **Repairing the Harm**
3. **Closure and Follow-up**

Stakeholder Engagement

In the criminal legal system, stakeholders are typically limited to system players such as prosecutors, defense attorneys, and judges—individuals often disconnected from the underlying harm. These roles focus on enforcing laws rather than addressing the needs of those directly impacted. This approach prioritizes the state's interests, treating harm as an offense against the state, often sidelining those most affected.

Restorative justice takes a fundamentally different approach. It centers the voices, choices, and needs of those directly involved: the harmed parties, those who caused harm, and the broader community. In this model, the individuals most impacted actively participate in defining what repair looks like and how it should be achieved, bypassing the hierarchical "big brother" intervention of the state.

Stakeholders in restorative justice include:

- **Those harmed**, whose needs and perspectives guide the process.
- **Those who caused harm**, who are held accountable through active participation and meaningful actions to repair the harm.
- **The community**, which is inherently affected by any harm and plays a role in both supporting accountability and being accountable itself.

The extent to which all three groups engage in decision-making and dialogue determines how fully restorative a process can be. The most effective restorative justice responses involve meaningful, active participation from all primary stakeholders (International Institute for Restorative Practices, n.d.). This inclusive approach avoids the unnecessary layers of external influence present in the criminal legal system and empowers those directly involved to find genuine, transformative resolutions.

Specifically, in this case, the stakeholders include:

- **Those harmed**, The Santa Cruz Equity Collab, Black community members, other community members

- **Those who caused harm**, Bochat and Warner
- **The community**, support people for Bochat and Warner, members of the local Standing Up for Racial Justice (SURJ) chapter, justice system players and others

How Were Stakeholders Engaged?

The CRC engaged multiple stakeholders through a comprehensive outreach process designed to include and center the voices of those directly impacted. Key actions included:

- **Collaboration with the Santa Cruz Equity Collab:** Regular communication with the Santa Cruz Equity Collab to seek their guidance on shaping the restorative justice process.
- **Outreach Efforts:** Contacting individuals on an outreach list provided by the Santa Cruz Equity Collab-provided and extending invitations to participate.
- **Community Invitations:** Sending outreach emails and/or physical mail to Black-owned businesses listed in the Santa Cruz Black-Owned Business Directory, Black Student Unions at local high schools and colleges, Black churches, and organizations focused on the well-being of Black residents.
- **Community Meeting:** Facilitating an open community meeting on April 23, 2023, where attendees could share how the incident impacted them.
- **Preparation Meetings:** Conducting individual preparation meetings with people who wanted to attend the dialogues, the men who caused harm, and the men's support networks.
- **Collaborating with Equity Education Mentors:** Partnering with volunteer mentors to align their efforts and support their work.
- **Probation Officer Communication:** Maintaining contact with the probation officers of Bochat and Warner to ensure their court obligations were meaningfully fulfilled.

To involve impacted community members in the restorative justice process, we offered multiple avenues for participation:

- Engaging in a face-to-face dialogue with Bochat and Warner.
- Having their voices represented indirectly through written statements read during dialogues.
- Attending the community meeting to share input and perspectives.
- Providing guidance on what accountability and repair should entail.
- Participating in pre- and post-dialogue check-ins.
- Joining the closing community picnic to celebrate progress and closure.

This multi-faceted approach ensured inclusive participation and meaningful engagement in the restorative justice process.

Community Meeting

To include as many impacted community members as possible in the restorative justice process, we held an interactive community meeting On April 23, 2023 at the Santa Cruz Vet's Hall. The meeting aimed to:

1. Provide a space for community members to discuss how the incident impacted them and their communities.
2. Offer an opportunity to provide insights to be shared later with the men who caused harm, helping them understand the broader impact.
3. Envision healing paths forward.

The information gathered during the meeting was shared directly with the men in subsequent dialogues.

The venue was arranged with round tables seating six to eight people, alongside affinity group tables for those who preferred them. Local businesses donated food and drinks, fostering a welcoming environment. The meeting was co-facilitated by Alaya Vautier, Restorative Justice Programs Director at the CRC, and Valeria Miranda, local arts professional and restorative justice practitioner. Approximately 45 people attended, representing a mix of Black, white, POC, and youth participants.

To support participants:

- CRC mediator and facilitator Fenix Bedoya led the youth/teen discussion table.
- A care team, including three trained CRC volunteers and emotional support person Tiffany Wong, was available for individual support and de-escalation.

Each table was provided with ample paper and writing utensils. Facilitators guided participants through four open-ended questions designed to capture their experiences and hopes:

1. What is at the heart of the matter for you?
2. How has this incident impacted you, your family, your friends, and your community?
3. What would you like the two men to know and understand?
4. What do you hope for the community and the men going forward?

Participants could write or voice-record their responses, or respond to prompts of their own choosing. The goal was not to seek agreement or alignment of experiences; this was simply an opportunity for everyone to share how this incident impacted them personally.

The meeting yielded over 200 pages of responses, which were typed and prepared to be read during dialogues with the men who caused harm. Feedback from attendees was positive. One participant remarked:

This meeting was really healing. At first this felt like another thing I had to do. I went in with one headspace and came out with another. I was taken back by how many people came, the conversations. I learned a lot after this. It was inspiring (Participant, personal communication, February 2024).

This meeting created a meaningful space for the community to process the harm and contribute their voices to the restorative justice process.

Repairing the Harm

In a restorative justice process, addressing and repairing harm—while acknowledging that full repair may not always be possible—is determined largely by those directly impacted. In this case, the Santa Cruz Equity Collab and the broader community actively advocated for specific reparative actions.

Mustapha emphasized the importance of accountability, stating:

I'm not asking for our community to cancel you; you are also a part of my community. I'm asking for accountability. I'm asking for an apology and for the court to help you take responsibility for rectifying the harm that you've done to our community. (A. Mustapha, personal communication, April 2023)

Community Requests

The community proposed several actions for the two men to take in order to address the harm they caused, including:

- participate in extensive education on racial equity and anti-racism,
- attend counseling or therapy,
- engage in a restorative justice dialogue,
- repair and repaint the mural,
- engage in a deep dive about the Black Lives Matter movement,
- be subject to a five-year firearm restriction,
- travel to the Southern United States for a learning experience,
- pay \$115,000 in restitution, and
- publicly apologize at the mural restoration event.

Additionally, the community requested the men to engage in community service, particularly:

- contribute to the planning and painting of the mural restoration, and
- attend all mural related community discussions, speeches, and educational opportunities.

The Santa Cruz Equity Collab further outlined their wishes:

In this case, our current vision for restorative justice is simple. We desire that the defendants involved commit time and energy in self-improvement and restoration

of the mural. Suggestions to our city attorney, the economic development department, the Santa Cruz arts commission, the presiding judge assigned to this case, and our local DA have already occurred and thus, we are advocating that these individuals be active in the restoration process. Restoration includes but is not limited to painting, planning, attending all community discussions, speeches, educational opportunities, and presentation of a public apology to the community attending. We would also like to see rehabilitation efforts in the form of professional therapy. Additionally, accountability for the financial repercussions of this damage, both to the mural's physical image and the platform in which it represents, should happen. (Mustapha, 2020, para. 3)

Reparative Actions Undertaken

As requested by the community and imposed by the court, Bochat and Warner engaged in the following reparative actions:

1. participated in restorative dialogues with community members,
2. engaged in a racial equity education program,
3. contributed to repainting the mural,
4. made a public apology to the community,
5. committed to paying \$19,623 in financial restitution, and
6. completed a total of 288 community service hours.

These actions reflect a step toward accountability and healing, shaped by the collective input of the impacted community.

Restorative Dialogues

A restorative dialogue is a facilitated, intentional face-to-face conversation between those who caused harm and those who received the harm, support people and community members. Dialogues are at the heart of restorative justice because they aim to create safe, respectful spaces for all parties to communicate openly, fostering understanding, healing, and collective responsibility for resolving harm. Restorative dialogues can benefit those who have been harmed by providing an opportunity to:

- tell their personal stories in a supportive environment,
- share how this incident impacted them,
- ask questions directly of the people who caused harm,
- hear acknowledgement of the harm done,
- hear and see remorse, and
- collectively create a plan for repairing the harm.

The components of a restorative dialogue include:

1. preparation – we reached out individually to any person that indicated interest in being a part of a dialogue and spoke with each person about their hopes, hesitations, desired outcomes and expectations,
2. dialogue – a multi-hour, facilitated dialogue between the person(s) harmed and those who caused harm and support people,
3. follow up – check in with each of the participants after the dialogues.

We held two larger dialogues, one with each of the men and community members, as well as an additional one-on-one dialogue with Bochat and one community member.

Dialogue #1: Mr. Warner and the Impacted Community

We scheduled the dialogue with Warner and fourteen community members for an afternoon in June of 2023 at the downtown Santa Cruz Library, which was intentionally chosen because of its location right in front of the vandalized Black Lives Matter mural.

The participants sitting in a circle at the dialogue included Warner, his step mother as his support person, eleven impacted members of the community, the two racial equity education mentors, one support person for the impacted community members and two dialogue facilitators. We set aside three hours for the dialogue but could have used more time. This dialogue occurred before the Santa Cruz Equity Collab’s community “Repaint Event” in June.

Dialogue #2: Mr. Bochat and the Impacted Community

We scheduled the second restorative dialogue for November 2023, this time with Bochat and the impacted community. The same community members who attended the first dialogue were invited to attend this dialogue as well as other people who expressed interest in attending.

The participants in the circle included Bochat, Bochat’s support person (his then-girlfriend’s mother), eight impacted members of the community, the two racial equity education mentors, one support person for the impacted community members and two dialogue facilitators. We set aside four hours instead of three to allow for more space for people to say what they needed and wanted to say.

Dialogue #3 Mr. Bochat and a Community Member

An impacted community member that was not able to attend the dialogue with Bochat expressed interest in meeting Bochat and talking with him. We scheduled a date in spring 2024 to meet together for a one-on-one dialogue with the community member, Bochat and a facilitator. This dialogue lasted one hour and allowed the community member to speak directly to Bochat about the incident, share their views and hear from Bochat directly about what he thought about his actions.

Racial Equity Education

One of the requests for repairing the harm coming from the community and the Santa Cruz Equity Collab was for Bochat and Warner to engage in a thorough racial equity education process or program. The Santa Cruz Equity Collab highlighted their main priority as, “meaningful change or meaningful education even if it’s not huge, but some step forward that’s real” (Santa Cruz Equity Collab, personal communication, January 2023). While this recommendation was adopted by the court, no comprehensive racial equity education program existed in Santa Cruz County at the time, and online programs were deemed inadequate and inauthentic.

In response, the Santa Cruz Equity Collab decided to create a racial equity education program, which the Santa Cruz County Probation Department then directed the men to attend. The Santa Cruz Equity Collab collaborated with the local chapter of Standing Up for Racial Justice (SURJ), Cultivating Care (a group focused on anti-racism work for white participants), and other community members to design and implement an ongoing model of education. This education process aimed to promote deeper personal transformation and accountability, creating opportunities for real and lasting change in the two men who caused harm.

Two white male community members, Ned Cost and Ian Slattery, were brought in as volunteer education mentors. Due to his work as an educator and an organizer who has focused significantly on the learning trajectories of white cis men around white supremacy and patriarchy, SURJ member Ian Slattery was invited to be one of the two mentors for Bochat and Warner. Ned Cost was suggested to be a mentor by a SURJ member for his decades of experience doing restorative justice and healing work with young people who caused harm.

The two mentors set up ongoing meetings, engaged in discussions, brought materials, guided, and engaged with Bochat and Warner on a thorough and consistent basis throughout the many months of this process. The process involved therapeutic intervention work and education established through ongoing dialogues between the mentors and Bochat and Warner in which articles were disseminated and processed together, stories and experiences discussed, and vulnerabilities shared.

Modified from a previous program’s curriculum, an initial syllabus and outline of teaching was created and then, as the time unfolded, the process proved to require an emergent approach necessitating the creation of a fluid teaching style. This was composed by discovering where the participants were in their knowledge base, linking their personal contexts to the broader situation, and reformulating the educational process as different insights were revealed.

Deciding that the teaching style needed to be an emergent process rather than a formatted education in response to the participants’ initial understandings was crucial to create the substantive change desired by the harmed community. This education process was one of the most important elements supporting Bochat and Warner to arrive at a place of greater accountability, awareness and self-reflection that then positively supported the overall restorative justice process, and especially the dialogues.

Repaint Event and Public Apology

The Santa Cruz Equity Collab had requested from the beginning that the two men participate in repairing the mural that they harmed, as a minimum act of holding them accountable. “Repainting the mural is important as a symbolic action that we do intend to pursue,” said Mustapha (Mustapha, 2021, para. 2). She also emphasized the importance of direct involvement from those responsible, stating, “It’s not my job to clean up their mess. ... I do think that they should put their hands on it, and they should be the ones primarily restoring it” (as cited in Chun, 2022, para. 36).

As part of the original intent behind the making of the mural, the Santa Cruz Equity Collab envisioned yearly maintenance to be sponsored by different organizations, businesses, and/or local government agencies who will not only take on the physical care of the mural, but will also showcase the work they have been doing to advance racial equity at a yearly repaint event. The repaint event for 2022 was postponed due to the vandalism and ensuing court case. Once the men had gone through the criminal legal process and were required by the court to repaint the mural, the Santa Cruz Equity Collab then organized a repaint event for June 25, 2023.

As requested by the Santa Cruz Equity Collab, Bochat and Warner arrived early at the repaint event and assisted with the event set up, cleaning of the mural and the street in preparation for the repainting and stayed to clean up after the event. They also each made a public apology to the community gathered at the repaint event.

“It was wrong and I am truly remorseful for any hurt I may have caused,” Warner told the crowd at the repaint event. He continued:

My actions were disrespectful and inappropriate. I should have thought more about the impact of my participation before doing something so thoughtless and damaging. I regret my actions and I will do anything I can to make things right, such as being here today, joining the Juneteenth community celebration and participating in future community outreach and education. (as cited in Pajaronian Staff, 2023, para. 8)

Bochat also spoke at the gathering:

I want to deeply apologize for vandalizing the mural and I apologize for the way it may have made you feel unsafe and for endangering your own community. Personally, I would like everyone to feel safe and without having to look over their shoulder every five seconds. I appreciate this opportunity of restorative justice; it has been a great learning experience for myself, working closely with the community to learn how important this mural is. And what this mural truly represents—to standing up to police brutality as well as racism in America, which is a serious and ongoing issue in our society currently. I look forward to continuing

to learn more about racism as well as more about the movement. Thank you. (as cited in Pajaronian Staff, 2023, para. 10)

The event also included a panel discussion of the restorative justice process so far with people involved in different aspects of the process as well as a report back to the community about the dialogue with Warner that had occurred prior to the repaint event.

Financial Restitution

The two men were ordered to collectively pay \$19,623 in restitution to the Santa Cruz Equity Collab and the City of Santa Cruz. Financial restitution is often an important part of repairing harm in a restorative justice process because it directly addresses the material and practical losses experienced by the impacted parties. Financial restitution provides tangible support that acknowledges and compensates for the impact of the harm. Both men have been steadily paying the restitution. As of mid-January, 2025, a total of \$12,161 has been paid. (Santa Cruz County Probation Department, personal communication, January 2025).

Community Service

Bochat and Warner were each required to contribute 144 hours of community service. In a restorative process, community service is not viewed as punishment but rather as an act of repair. By engaging in meaningful community service that is directly connected to the community that was harmed, the person who caused harm can see and experience their role in making the community better. This fosters a sense of responsibility and awareness of how their actions affect others. It shifts their mindset from harm-causing to being part of the solution.

Warner completed his community service by working with organizations and events that specifically uplift Black community members, such as Black Surf Santa Cruz and Santa Cruz Black. This approach helped him build meaningful connections with the impacted community, demonstrating accountability and a commitment to repair.

In contrast, Bochat's path was shaped by two key factors. First, the Black community expressed a desire for him to engage in more accountability work—such as racial equity education—before further interaction with the community. This additional preparation was seen as necessary for him to fully understand the harm caused by his actions. Second, Bochat was under pressure to complete his community service hours within the required timeframe, and his probation officer wanted to make sure he finished on time. To address this, his probation officer prioritized general community service opportunities, such as highway cleanup, over service that directly benefited the Black community.

As a result, Bochat's community service differed significantly from Warner's. While Warner's efforts strengthened his connection to the impacted community and opened opportunities for reintegration, Bochat's general service limited his opportunities to build trust and relationships

necessary for meaningful reintegration. Despite these differences, both men have now completed their required community service hours.

Closure and Follow-up

Every restorative justice process should have a clear closure, whether in the smaller context of a restorative circle or a dialogue or a broader context of a months-long process, so that the participants in the process can gain a sense of completion. We held a community picnic as a closing event and also conducted follow up interviews with the stakeholders in this process.

Closing Community Picnic

One of the wishes of the Santa Cruz Equity Collab was that the restorative process be accessible and healing for the wider impacted community. In this vein, we invited community members to come together for a casual, unfacilitated picnic gathering after much of the restorative process had been completed. We invited Bochat and Warner to attend. Bochat wanted to participate in the closing picnic but unfortunately was unable to attend.

The community picnic was open to anyone and everyone who wanted to attend. People were invited to drop by, connect, and eat together. Importantly they were also invited to meet and talk with Warner in a non-facilitated, casual environment and to assess for themselves if the restorative process had facilitated change in him or not.

A key element of a restorative process is reintegration. A Navajo tribal judge who established the Navajo Peacemaker Court said an offender is someone who acts as if he has no relatives and shows little regard for right relationships. The solution, according to traditional Navajo practice, is to bring in one's relatives to teach that they are connected to and part of the community. (Yazzie, 1994, p. 188, footnote 66)

A person who has established relationships with people in their community is much less likely to cause harm to those people and is much more likely to be willing to repair the harm when harm occurs. The closing community picnic was part of that re-integration of Warner into the community. This is a key element of how restorative justice contributes to reducing recidivism and increasing community safety.

Follow Up Interviews

We reached out to everyone who participated in the dialogues to check in on how people were feeling and learn if there was any additional support needed or wanted. Also, in an effort to assess if and how this process provided justice to the many stakeholders, we reached out to the following people for feedback:

- everyone who participated in the dialogues,

- those who did not participate in the dialogue but who offered their input prior,
- the assistant district attorney on the case,
- the presiding Judge (she declined to give feedback), and
- the people who created and supported the racial equity education process.

The feedback from these interviews helped us determine if the restorative justice process met people's goals and hoped for outcomes, and what success meant to the many stakeholders involved.

Impact Assessment of the Restorative Justice Process

Adopting a restorative justice approach to address the harm caused by this hate crime was unprecedented for Santa Cruz County. Despite a 20-year history of incorporating restorative justice programs into the criminal legal system, this marked the first time a case of this scale prioritized restorative justice over incarceration. This prompted a key question among stakeholders: "Did it work?"

Because restorative justice is fundamentally survivor-centered, this impact assessment focuses on whether the harmed parties and the broader community felt supported, heard, and healed by the process. Evaluating these outcomes is critical to determining the success of this approach. To assess its effectiveness, we conducted interviews with key stakeholders between April 2023 and August 2024, including members of the Santa Cruz Equity Collab, Bochat, Warner, Assistant District Attorney Mahan, and numerous impacted community members who participated in the dialogues.

From these conversations, two primary goals for this restorative justice process emerged:

1. **healing for the community, and**
2. **transformation and growth in the men who caused harm.**

While feedback highlighted individual experiences, the overall consensus was that the process effectively addressed many community needs and facilitated healing, accountability, and community engagement in ways that traditional punitive measures could not. It provided the two men with opportunities to fully comprehend the harm they caused, take responsibility, and begin repairing relationships within the community. At the same time, it allowed impacted community members to voice their experiences, influence accountability measures, and engage in meaningful dialogue. Stakeholder feedback overwhelmingly indicated that the process contributed to healing, increased understanding, and personal transformation—though it also highlighted areas for improvement.

Healing for the Community

Restorative justice prioritizes relationship repair and healing over punitive measures. It is victim-centered and therefore outcomes should truly benefit those harmed. Many participants expressed that the process contributed to their healing, although gaps in support were noted (see “Recommendations: Moving Forward” below). Two areas of the restorative process were highlighted as offering healing for the community: restorative dialogues and community reintegration.

Restorative dialogues: Participants expressed appreciation for the opportunity to engage in direct communication with the men who caused harm, as reflected in stakeholder interviews:

- “Being able to converse with both the men was immensely valuable and very important work and I walked away feeling impressed.”
- “The dialogue removed the threat of them, being in a human place with them removed the threat of them.”
- “Something happened in that moment, in that room - healing, giving voice to the harm, feeling safe and held and moved to another place - I saw all that happen. I was taken back by that - wow, something important just happened for that person which changes all of us, shapes all of us. I could see the things that changed and shifted. That was a pretty big take-away.”

Community reintegration: Opportunities to see and interact with the men in settings such as the repaint event, through community service, or at the closing picnic helped break down barriers. Participants noted the positive impact of these interactions in stakeholder interviews:

- “Seeing Hagan come to the Juneteenth event, being invited by the NAACP chapter president and then showing up - that in itself made me feel really good.”
- “They went from being anonymous threats to being part of the community.”
- “Them being in community - that part is huge. Reintegration into the community is huge. Everyone sees each other as people. We are no longer “victims” and “offenders”. People are hard to hate up close. We got to see each other up close as humans and that was super healing in itself.”
- “This process allowed people to move on. Before, Brandon was just ‘white supremacist, acting with impunity.’ Now, we have softer hearts towards him and want him to do good things.”

Transformation and Change in the Men

The potential for personal transformation in the men was central to community hopes. Restorative justice provided a framework for accountability, education, and reintegration that incarceration could not. The transformation observed in the men who caused harm highlights the potential of restorative justice to facilitate growth and accountability. At its core, restorative justice seeks to achieve specific goals, including empowering those affected by harm, fostering meaningful accountability, and promoting healing and transformation for all parties involved.

Additionally, the five elements of accountability—acknowledging responsibility, understanding the harm caused, expressing genuine remorse, taking steps to repair the harm, and committing to prevent recurrence—serve as benchmarks for assessing whether true accountability was achieved.

In this case, both men demonstrated progress toward meeting these restorative justice goals. For example:

- **Acknowledging Responsibility:** Through facilitated dialogues and public apologies, the men expressed recognition of the harm their actions caused.
- **Understanding the Harm Caused:** Participation in racial equity education and community dialogues deepened their awareness of the broader impact of their actions, shifting their perspectives on systemic racism and the significance of the mural.
- **Expressing Genuine Remorse:** Statements made during dialogues and public events reflected their remorse and a commitment to making amends.
- **Taking Steps to Repair the Harm:** Reparative actions, such as repainting the mural, paying restitution, and engaging in community service, demonstrated efforts to repair the material and emotional harm caused.
- **Preventing Recurrence:** Ongoing education and participation in community activities indicated a willingness to grow and avoid future harm.

However, stakeholders also raised concerns about whether the men had fully internalized the lessons learned and whether their transformation would be sustained in the long term. These insights emphasize the importance of continual engagement and support to ensure that restorative justice fulfills its transformative potential.

Community’s Perspective: Hopes for Transformation

Stakeholders outlined specific goals for the men, including:

- engaging in rigorous education on racial equity,
- demonstrating genuine remorse and accountability,
- repairing harm to the mural and community, and
- calling in their own social circles to prevent future harm.

During pre-dialogue interviews, stakeholders shared their hopes for how the restorative justice process could foster meaningful change in the men who caused harm:

- “I hoped this would be an opportunity to change the mindset of the guys and that only happens through education.”
- “This needs to be more than a slap on the wrist. They need to show up, be open to dialogue, open to engagement. Will they show up even if they are not invited?”
- “I want to see some remorse. If they truly regret it then they should take actions to do better, to not repeat this in the future.”

- “Ultimately I would like for them to have anti-racist education and learn about themselves, look at themselves and see what it is in there.”

Community Feedback on Change Observed

Following the dialogues, participants reflected on the changes they observed in the men. As shared through stakeholder interviews:

- “I saw how the guys' demeanor changed and the way that they talked about what happened. They went from “you” statements to “we” statements, from blaming others to taking accountability. I saw this from the initial sit downs with them to the dialogues and after.”
- “The engagement piece was really critical and their participation was really critical to help them see their impacts. It seems like it was beneficial.”
- “They went from guys walking past us in the courthouse without making eye contact to walking up to us and saying hello.”
- “Without this process they would be further indoctrinated into harmful thought processes. This provided them a chance to leave that echo chamber.”

Concerns:

- Despite these observations, some stakeholders expressed concerns about the men’s level of accountability and transformation:
 - “They need to start making change, be accountable for not just vandalizing city property but trying to erase and destroy something that was symbolic of change. This would be a successful outcome from this restorative justice process - this has not been achieved yet.”

Reflections from the two men who caused harm

Warner reflected on how the restorative justice process broadened his understanding and sense of accountability (H. Warner, personal communication, December 2023). He stated:

- “The dialogue helped me understand other people’s experiences. I heard that racism is alive today and exists here locally. Hearing their side of the story and their explanations helped me to understand and accept responsibility. It opened my mind, helped me think “wow”. I realized what I did was really bad. I was able to dive in deeper.”
- “(Interaction with the community) was very valuable. I met a lot of good people at the Resource Center for Nonviolence event. We talked for a while and folks would come up to me again (in the community). I also washed wetsuits with Black Surf Santa Cruz. (One community member) was iffy about me at first, then after helping him, we’ve become friends. I like him. Meeting new people and having new friendships is one of the best parts (of this process).”

- “I could not have made it through without (the racial equity education mentors). They were great people to go to if I had stuff on my mind or questions. I’ll never forget those meetings. I didn’t understand everything I heard at the dialogue so meeting with them after really helped a lot.”
- “I tell my friends what I am doing. I really learned a lot about how I harmed people and now I can also help the community.”
- “Thank you to everyone who was a part of this journey from start to finish. I 100% appreciate this. I am thankful to everyone who was at the dialogue to speak to me.”

Bochat reflected on how the dialogues and interactions helped him grasp the harm caused by his actions (B. Bochat, personal communication, December 2023):

- “(At the dialogue) I learned a lot about how people felt, the dangers they experienced. Abi’s story about her dad worrying about her getting killed and that she should move - that really stood out. I learned how people felt and realized what we did and the pain we caused. They wanted us to understand their pain and suffering and their experience and for us to feel what they feel. I learned about the BLM movement, why the mural was created. It was heart wrenching - people are scared for their life. It is crazy to know this is going on here in Santa Cruz.”
- “I was nervous going in (to the dialogue) but after I was happy. I got to talk to them, hear the ways I harmed them and how I hurt them. I also got this insight at the repaint event. Doing the repaint event first was helpful for going into the dialogue. I got a chance to talk to people first and I was less nervous walking into the dialogue.”
- “If we didn’t get to interact with the community I would be stuck in my old ways, thinking that BLM is a BS movement and that none of this even exists. I probably wouldn’t have changed.”
- “(The racial equity education mentors) were super helpful and answered all my questions. They showed me a lot and explained to me a lot.”
- “I gained a better understanding of what is going on with people, the racism in daily life. I understood the impact on people that we caused.”
- “The restorative justice process was a good thing to do. If they locked us up we’d be more angry and hate filled. Before I was in denial that racism existed. This was an eye opener and I can see now how it occurs on a day to day basis. I didn’t think half of this was real without talking about it. Jail wouldn’t have solved anything. Now I know why they thought the way they thought about us when we did what we did.”

Recommendations: Moving Forward

Moving forward, there are many lessons learned that, if enacted, will help ensure the next restorative justice process, whether for addressing a hate crime or other harms, can be even more effective.

What Worked Well

- Funding for a dedicated restorative justice process holder within the Reconciliation Project.
- Collaborative efforts among probation officers, the Santa Cruz Equity Collab, racial equity education mentors, the CRC, and community organizations supporting the education process.
- Community service that directly benefited the harmed community.
- The transformative impact of dialogues for many participants.
- Bringing the community together at the community meeting and closing picnic.
- Racial equity education component and one-on-one mentoring of the two men who caused harm, the support of dedicated mentors/teachers to support the readiness of people who caused harm to engage in a dialogue, specifically around hate crimes.
- Allowing the restorative process to be flexible and open to change as needed.
- Bochat and Warner genuinely engaged in the process.
- The judge and the assistant district attorney being willing to listen to the community and try something new.

Restorative justice in this case provided a meaningful alternative to incarceration, fostering healing, accountability, and growth, while highlighting areas for improvement to make future processes even more effective.

Areas for Improvement

Support for Impacted Communities

- Provide low/no-cost access to mental health services.
- Provide financial support/paid time off for those directly impacted.
- Offer healing circles (and/or other processes) for the impacted community to access soon after the harm was caused and throughout the process.
- Provide accessible education and answers about how the criminal legal process works at each step of the way.
- Provide financial compensation for the racial equity education process creators and holders.
- Provide clearer post-dialogue support structures for ongoing healing.
- Find different ways to share the outcomes of the dialogues and other aspects of this restorative justice process with the wider impacted community so the dissemination of information does not land solely on those who actively participated including potentially allowing media to be present.

Improving Dialogue Processes

- Allow more time for the actual dialogues.

- Avoid prioritizing the comfort of those who caused harm over the voice and agency of the harmed community by ensuring the process allows the impacted community to express their experiences freely and authentically.
- Facilitate multiple dialogues to allow for more community members to participate and therefore access the potential healing available through this process.
- Allow for a smaller dialogue(s) with the members of the Santa Cruz Equity Collab and the men before the bigger dialogues.

Community Accountability

- The white community needs to take a lead role in engaging in and enacting anti-racism in Santa Cruz County (and beyond).
- Actively include and engage the family and friends of the two men, recognizing their shared accountability and influence in supporting meaningful repair and growth.

Education on Restorative Justice

- Expand community understanding of restorative justice as a paradigm shift, not just a dialogue. Ask the question: Can we be creative in how to repair the harm and how to prevent future harm?
- Clarify options for participation and support for those harmed.
- Be more explicit with the community that any restorative justice process is meant to serve and benefit those who have been harmed, first and foremost.
- Be more explicit with the community that persons harmed do not have to attend a dialogue - we can use surrogates or other stand-ins.

Systemic Change

- Ensure restorative justice is consistently available to all, especially marginalized groups.
- Prioritize community-centered outcomes, such as impactful community service hours, rather than merely completing court terms.
- Enact restorative justice early on in a case: don't wait until key decisions have been made to then reach out to impacted people – instead reach out and ask for input early on and then actually use and implement that input.
- Restorative justice process holders need to be aware of not replicating systemic racism and inequity.
- Expand the definition of who is considered a victim so more people can access support.

Reflections on the Second Vandalism of the Mural

A subsequent vandalism incident occurred on July 29, 2023 when a man poured blue paint on portions of the mural. This incident was not considered a hate crime, although the community experienced it as such. This time, the police and the criminal legal system did not engage the impacted community at the same level as before. Mustapha said “this was baffling and reiterates

that potentially what we did didn't work" in terms of bringing more restorative justice into our justice system. She said, "we tried to set a precedent and we were excited for change and then this happened and that was a slap in the face." (A. Mustapha, personal communication, December 2024).

The lack of engagement with the impacted community demonstrated that restorative justice is not yet a fully integrated approach within the legal system. "If we want restorative justice, it has to arrive without so much effort. The impetus has to come from the system. It took so much energy (to get a restorative justice response) and we can't put in this level of effort each time," said Mustapha. (A. Mustapha, personal communication, December 2024).

Conclusion

The restorative justice process for the vandalism of the Black Lives Matter mural in Santa Cruz demonstrated the transformative potential of this approach in addressing harm, fostering accountability, and promoting healing within a community. Through facilitated dialogues, reparative actions, and racial equity education, the process led to meaningful changes not only in the men who caused harm but also in the broader community.

This case underscores the effectiveness of restorative justice over incarceration in achieving long-term community safety and accountability. Unlike punitive systems that isolate individuals and focus solely on punishment, restorative justice prioritizes education, dialogue, and reintegration. By engaging those who caused harm in meaningful accountability measures and community service, the approach fosters understanding, reduces recidivism, and strengthens communal bonds. For impacted communities, it provides a space for healing, empowerment, and active participation in defining justice on their own terms.

While the process was successful in many ways, it also revealed systemic challenges, such as the need for consistent support for impacted communities and stronger institutional integration of restorative practices. Addressing these gaps will require a commitment to a more proactive and inclusive implementation of restorative justice principles.

This case serves as a powerful model for addressing hate crimes and systemic inequities. By embracing restorative justice as a framework for healing and accountability, communities can move toward lasting social change, creating a safer and more inclusive society for all.

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Appendix: Funding

This process was led by the Conflict Resolution Center of Santa Cruz County's Reconciliation Project which was funded by the California Public Safety Realignment Act, Assembly Bill 109 (AB 109), a law that redistributes responsibility for certain offenders from the state to county probation departments. The Community Corrections Partnership is responsible for the development of Santa Cruz County's AB 109 plan that advises the Board of Supervisors on specific programming needed to implement the provisions of Public Safety Realignment legislation. AB 109 funding supports the Reconciliation Project, a pilot effort to extend the principles and practices of restorative justice to more serious cases of harm. The Reconciliation Project was developed by the Conflict Resolution Center of Santa Cruz County in partnership with Santa Cruz County Adult Probation. [source: [Public Safety Realignment Implementation Plan 2023-2024](#)]