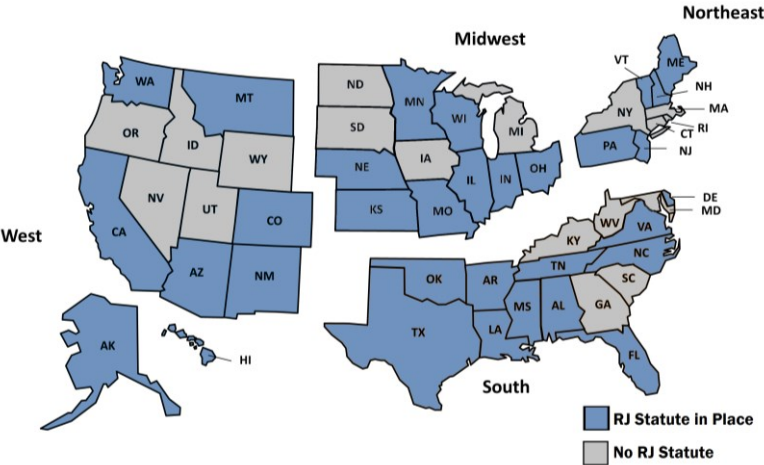


RESTORATIVE JUSTICE LEGISLATIVE TRENDS

OVERVIEW

In the wake of a decades-long focus on “tough on crime” sentencing policies, United States legislatures are engaged in bipartisan debates about how to reduce incarceration rates, lower criminal justice costs, and improve recidivism rates. Restorative justice presents an alternative paradigm for crime response by focusing on amends-making and harm reduction. Restorative justice practices require that the harms caused by a crime be repaired to the extent possible, preferably by the offender. Indicated practices include victim-offender mediation, family group conferencing, sentencing circles, and reparative boards.

While restorative justice has long been the dominant form of juvenile justice in Australia and New Zealand, it remains a slow-growing movement in the United States. As of 2015, 32 states have adopted some form of legislation supporting the use of restorative justice as a crime-response strategy, with an increase in attention over the past five years.ⁱ



FIVE YEAR TRENDS

Since 2010, 15 states have initiated or expanded support for restorative justice approaches in the criminal justice system by adding or updating statutes that provide ideological, structural, or financial support for the use of restorative justice practices in a variety of settings. During this time period:

- Eight states¹ adopted legislation supporting the use of restorative justice as a diversionary approach, often restricted to juveniles or first-time, non-violent offenders;
- Four states² adopted legislation offering restorative justice practices as an intermediate sanction, either in place of or in combination with other penalties;
- Four states³ adopted legislation acknowledging restorative justice as an evidence-based strategy for school discipline; and
- Three states⁴ adopted legislation supporting restorative justice as a post-sentencing or re-entry strategy, designed to help victims heal and reintegrate offenders to the community;
- Two states⁵ adopted legislation to add or update statutory definitions of restorative justice.

¹ Alabama, Alaska, Colorado, Hawaii, Nebraska, Texas, Washington, Wisconsin

² California, Colorado, Montana, Vermont

³ Arkansas, Colorado, Louisiana, Pennsylvania

⁴ California, Colorado, Montana

⁵ Colorado, New Hampshire

Since 2010, the Colorado legislature has added or updated more than 25 statutes to the state's juvenile, criminal, and administrative codes which support the use of restorative justice across court, community, and correctional contexts. In 2013, legislators created four pilot programs to test and track juvenile diversion programs based in restorative justice. The state is currently tracking justice outcomes including recidivism, cost, and victim satisfaction.

RESOURCES

A complete directory of restorative justice legislation is maintained by the Georgia State University College of Law, Consortium on Negotiation and Conflict Resolution. The CNCR's *Restorative Justice Clearinghouse* is updated on a quarterly basis at <http://law.gsu.edu/centers/consortium-on-negotiation-and-conflict-resolution/programs-and-research/>

ⁱ Sliva, S. M. & Lambert, C. B. (2015). Restorative Justice Legislation in the American States: A Statutory Analysis of Emerging Legal Doctrine. *Journal of Policy Practice*.

This report was prepared by Shannon Sliva, PhD, LMSW is an Assistant Professor in the Graduate School of Social Work at the University of Denver, where she can be reached at shannon.sliva@du.edu.