

Restorative Justice in the States: An Analysis of Statutory Legislation and Policy



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Abstract

Two distinct models have guided justice systems in recent decades – individual treatment/rehabilitation and retributive justice. The organizational mission and goals of the justice system have become internally inconsistent as these systems attempt to satisfy competing goals, such as punishment, rehabilitation and community safety. As such, lawmakers and justice system administrators seek to clarify the aims of justice management and policy, while exploring possibilities for the future of the justice system.

Legislators and justice system administrators have reformed their juvenile justice agenda from punitive actions to a means that provides responses to crime and wrongful occurrences by developing and implementing restorative legislation and policies. Restorative justice seeks to balance the needs of the victim, offender and community by repairing the harm caused by delinquent acts. This research finds that a majority of states have incorporated restorative justice in statute or code that include general provisions and intent, practices, funding, and evaluation. The state of Colorado, which notably employs principles of restorative justice in legislation and practice, is also examined as a case study in this article. Future

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perspectives, including vision, degree of restorativeness, funding, and performance measures are also addressed.

Introduction

Two distinct models have guided justice systems in recent decades – individual treatment/rehabilitation and retributive justice. The organizational mission and goals of the justice system have become internally inconsistent as these systems attempt to satisfy competing goals, such as punishment, rehabilitation and community safety. Confusion then exists over the relative importance given to punishment or treatment in order to protect the public. As such, lawmakers and justice system administrators seek to clarify the aims of justice management and policy, while exploring possibilities for the future of the justice system.

Legislators and justice system administrators have reformed their juvenile justice agenda from punitive actions to a means that provides responses to crime and wrongful occurrences by developing and implementing restorative legislation and policies. Restorative justice seeks to balance the needs of the victim, offender and community by repairing the harm caused by delinquent acts and wrongdoing and improving the prosocial competencies and accountability of the offender in response to the offense (Bazemore, 1997; Zehr, 1990; Zehr, 2015). This research finds that a majority of states have incorporated restorative justice in statute or code that include general provisions and intent, practices, funding, and evaluation (See also Pavelka, 2008; O'Brien, 1999).

The state of Colorado, examined as a case study in this article, has been on a progressive path to implement systematic reform integrating restorative justice in policies and practices. The legislature has comprehensively incorporated restorative justice in its Children's Code through its legislative intent and in its Victim's Rights Act. In addition, ideological principles and practices are further developed and expanded relating to youth, schools, adults, prisons. Future perspectives, including vision, degree of restorativeness, funding, and performance measures are also addressed.

Restorative justice movement

A paradigm shift has occurred in the past two decades as punitive models no longer avail in present-day justice systems. Such a paradigm shift challenges traditional methods which hinder the possibility of solutions that articulate new values and goals in an effort to challenge, rethink, and refocus current systems,

policies, and practices (Zehr, 1990; Mika and Zehr, 2003; Wenzel et al., 2008). Mika and Zehr (2003) assert the need for clear articulation of the principles and values of restorative justice if it is to stay true to its vision and potential. The authors further contend that new measures must be developed to gauge the authenticity and impact of restorative justice, along with the implications for such critical dialogue. Reform efforts have been coupled with an interest toward restorative justice as a transitional strategy for innovation and change.

The restorative justice movement fosters a rethinking of the government and community relationships, built upon a comprehensive conceptual justice framework, while specifying the respective roles of community members and justice professionals in the response to crime (Bazemore, 1997; Bazemore and Washington, 1995). This collective approach generates distinctive roles and shared responsibilities for stakeholders, including, victims, offenders, justice professionals, and community members. In addition, performance objectives and essential support are provided in meeting the needs of the victims, offenders and community members. The role of justice professionals becomes facilitative and focuses on capacity building and community development rather than direct service and surveillance (Pavelka and Thomas, 2016; Maloney et al., 1988).

Restorative justice, realized in states and localities as a new framework, views and responds to wrongful occurrences and crime with a different lens. The alternative approach differs from the traditional justice model in the United States which views crime as a violation against the state. Conversely, restorative justice distinguishes crime as a violation of relationships between individuals. The ultimate goal of restorative justice is to repair the harm caused by the incident, while balancing the needs and roles of the victim, offender and community (Zehr, 1990). Further, Wenzel et al. (2008) assert that restorative justice seeks to a repair of justice through reaffirming a shared value-consensus in a bilateral process. At the core of this process lies the parties' understanding of their identity, specifically whether or not respondents perceive to share an identity with the offender. The philosophy emphasizes the need to provide opportunities for those most directly affected by crime (i.e., victims, communities, and offenders) to be directly involved in responding to the impact of crime and restoring the losses incurred by victims. Ultimately, this approach seeks to ensure public safety, address the needs of victims, while the offender is held accountable and develops competencies in order for the youth to become a better and productive citizen.

Advancement in policy endorsement

In 1974, Congress created the Office of Juvenile Justice and Delinquency Prevention (OJJDP), under the auspices of the U.S. Department of Justice, to provide national leadership, coordination, and supplemental resources in preventing and responding to juvenile delinquency and victimization. The OJJDP further supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system in order to protect the public, hold justice-involved youth accountable, and provide treatment and rehabilitative services tailored to meet the needs of juveniles and their families. (Office of Juvenile Justice and Delinquency Prevention, 2016)

Two decades later, the Balanced and Restorative Justice (BARJ) Project, a national demonstration project funded by the OJJDP, worked with a number of state justice systems and stakeholders (i.e., Illinois, Minnesota, New York, Pennsylvania, and others) to provide technical assistance and training to key decision makers and stakeholders in states seeking juvenile justice reform. The BARJ Project facilitated dialogue that was focused on the implementation of restorative principles and practices (Bazemore and Umbreit, 1998).

Since that time, states across the country have expanded legislation and policy adoption to meet the needs of the significant challenges facing the justice system. State legislatures and local jurisdictions have implemented policies and legislation to advance their commitment to restorative justice and justice reform. Implementation expands to include restorative practices, application to schools, and criminal and juvenile justice continuums.

Further, national organizations, including the American Bar Association, National of Community and Restorative Justice, National Council for Juvenile and Family Court Judges, National Council of Crime and Delinquency, and National Organization for Victim Assistance have endorsed restorative justice and its principles. The United Nations has also encouraged member nations to adopt restorative justice in the wake of crime and violence. This international organization has endorsed the basic principles of restorative justice and the promotion of a culture favorable to the use of restorative justice among law enforcement, judicial and social authorities, as well as communities across the world (Beck et al., 2015).

Methods

The research methodology utilized in this study includes a content analysis of state statutes and codes. The use of this method, commonly used for analyzing qualitative data, allowed the researcher to include large amounts of textual information and to systematically identify its properties (Krippendorff, 2004; Shields and Twycross, 2008; Lacy et al., 2015). A summative content analysis involved calculations and comparisons of the content followed by the interpretation of the underlying context was specific to this research. The researcher further delineated analytic procedures specific to this approach (Hsiu-Fang and Shannon, 2005).

Categorical key words and phrases were identified in order to further the research and content within the state statutes and codes. Specifically, restorative justice, balanced approach, balanced and restorative justice and related terms were explored as documentary evidence. In addition, restorative practices (e.g., victim offender mediation, community conferencing, circles, neighborhood accountability boards and reparative boards) were included in this search.

The LexisNexis data analytic was used for the legal research search. The database was significant in securing the up-to-date legal documents. LexisNexis electronically provided a valid and reliable means for accessing the necessary documentary evidence for this study.

Restorative principles articulated in state law

The articulation of restorative justice varies generally in state statutes and codes, however, common language is pervasive cross-jurisdictions. A number of laws focus solely on the balanced approach mission, while others discern the restorative justice value context with or without reference to the balanced approach. The statute or code reference and type of reference for each state articulating restorative justice and/or balanced approach principles are referenced in Appendix A.

Restorative language (Bazemore, 1997) commonly used in many of these state declarations includes: holding juvenile offenders accountable for their offense, involving victims and the community in the justice process, obligating the offender to pay restitution to the victim and/or a victims' fund, improving the juvenile's ability to live more productively and responsibly in the community, and securing safer communities. Balanced approach terms (Maloney, et al., 1988) in statute or code denote offender accountability, community protection, and competency development. Balanced and restorative justice language comprehensively

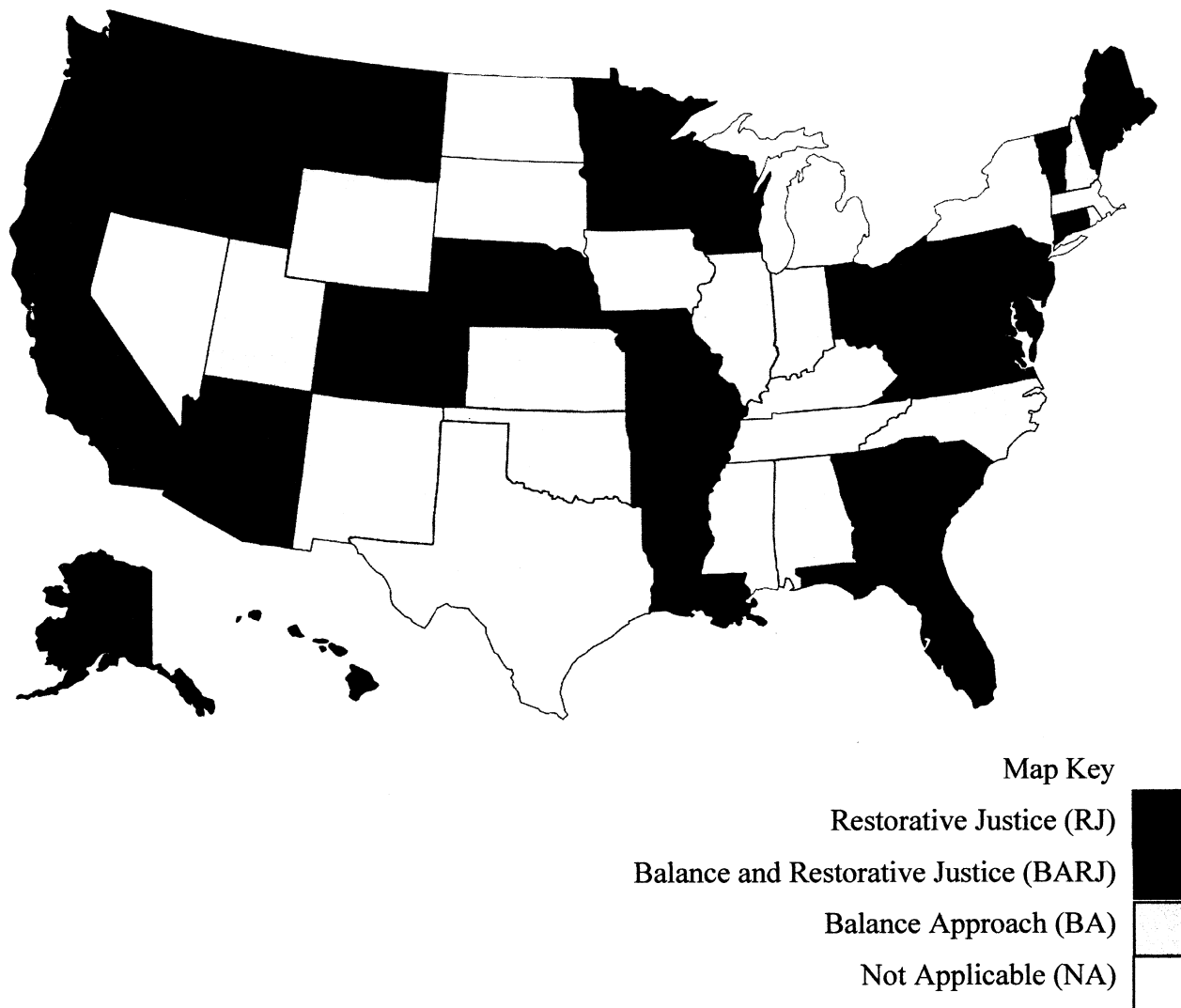
addresses principles from each paradigm. It is important to note, however, that the interpretation of the language and extent to which statutes and codes incorporate restorative justice and/or the balanced approach differs across jurisdictions. States articulating these provisions are found in Figure 1.

Balanced and restorative justice

Twenty states articulate balanced and restorative justice in statute or code reference. Oregon was one of the initial states to incorporate balanced and restorative justice in statute. The law seeks to “protect the public and reduce juvenile delinquency to provide the system is founded on the principles of personal responsibility, account, and reformation in context of public safety and restitution to the victim and community (Chapter 419C.001).” The juvenile justice system in Pennsylvania is distinctively guided by balanced and restorative justice principles (Juvenile Court Judges' Commission, 1997; Pennsylvania Commission on Crime and Delinquency, 2004): “the protection of the public interest, to provide for children committing delinquent acts programs of supervision, care, and rehabilitation that provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable children to become responsible and productive members of the community (42 PA CSA Section 6301).” Alaska’s statute (Sec. 47.12.010) promotes “a balanced juvenile justice system in the state to protect the community, impose accountability for violations of the law, and equip juvenile offenders with the skills needed to live responsibly and productively.” In addition, the law incorporates a key principle of restorative justice - “restoration of community and victim.”

The New Jersey legislative statement (P.L. 2002 Title 2A:4A-21) specifically declares the Juvenile Justice Commission “to incorporate into the juvenile justice system the principles of balanced and restorative justice. The concept of restorative justice holds that an offender incurs an obligation to restore the victim of the offense and, by extension, the community to the state of well-being that existed prior to the offense. The principle of balance in connection with restorative justice suggests that the juvenile justice system should give equal weight to ensuring community safety, holding offenders accountable to victims, fostering reconciliation between the offender, victim and community, and providing competency development for offenders in the system so they can pursue legitimate endeavors after release.”

Figure 1 State Statutes or Codes Incorporating Restorative Justice



Restorative justice

Eleven states emulate restorative justice principles in statute or code reference. The legislative declaration of Colorado based on restorative justice (CRS 19-2-102) is to “protect, restore, and improve the public safety...provide the opportunity to bring together affected victims, the community, and juvenile offenders for restorative purposes.” Further, “while holding paramount the public safety, the juvenile justice system shall take into consideration the best interests of the juvenile, the victims, and the community in providing appropriate treatment to reduce the rate of recidivism in the juvenile justice system and to assist the juvenile in becoming a productive member of society.” California's statute (Welfare

and Institutions Code, Section 1700) includes compelling restorative justice language that seeks "to protect society from the consequences of criminal activity and to that purpose community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment and shall be directed toward the correction and rehabilitation of young persons who have committed public offenses."

The Montana legislature established the Office of Restorative Justice, under MCA 2-15-2013, which promotes restorative justice throughout the state. A restorative justice fund (MCA 2-15-2014) has also been created. The legislation provides for training and technical assistance to jurisdictions and offers resources to communities for program implementation. A number of programs based on restorative principles are implemented across the state, including victim/offender mediation, family group conferencing, sentencing circles, the use of victim and community impact statements, restitution programs, victim awareness education, school expulsion alternatives, diversion programs and community panels.

The balanced approach

Seven states communicate the balanced approach in statute or code reference. The Illinois Juvenile Court Act (ILCS 705 405/5-101) provides that the juvenile justice system "will protect the community, impose accountability for violations of the law and equip juvenile offenders with competence to live responsibly and productively." Connecticut (Section 46b-121h) incorporates the balanced approach with the goal of the juvenile justice system to "provide individualized supervision, care, accountability and treatment in a manner consistent with public safety to those juveniles who violate the law." Kansas maintains that "the primary goals of the juvenile justice codes are to promote public safety, hold juveniles accountable for their behavior, and improve their ability to live more productively and responsibly in their community (§38-2301)." Idaho's policy for the juvenile corrections system is also based on the principles of the balanced approach (Title 20, Ch. 5, 20-501).

The balanced approach is clearly identified in the progressive sanction guidelines under Wyoming Statute (WSA 14-6-245). These measures specifically warrant that the juvenile offender incurs rehabilitation and consequences relating to the offense. The balance of public protection and offender accountability is also emphasized.

Restorative practices

Restorative practices are increasingly being incorporated within state statutes and codes. Twenty states specifically address restorative practices, including victim offender mediation. Other related practices included in state statute or code include victim offender conferencing, victim offender dialogue, and victim offender reconciliation. Victim offender mediation is explicitly addressed in Minnesota's statute (Ch. 611A.775). The State of Oregon specifies a family decision making meeting as a facilitated intervention (ORS 417.365), facilitated conferencing in the juvenile justice system is mandated under the Nebraska Revised Statute (NRS 43-247.01), while Arizona offers victim reconciliatory services and family group decision making processes (ARS 8-1001).

Reparative Boards are established for adult probationers in Vermont (Title 28 910a). Community Reparative Boards are specified in the Maine State Statute (Title 17-A: 1204-A), Colorado (CRS 19-2-309.5), while Florida implements Neighborhood Accountability Boards (FS 985.155). Community Juvenile Accountability Programs are identified in Washington Code (RCW 13.40.500-13.40.540), which specifically address that "citizens and crime victims' need to be active partners in responding to crime in the management of resolution and in the disposition of decisions regarding juvenile offenders in the community. Involvement of citizens and crime victims increase offender accountability and build healthier communities, which reduce recidivism and crime rates in Washington State."

Hawaii (Ch. 353H-31) establishes the use of reentry courts to monitor offenders reintegrating into the community. These courts provide offenders with drug and alcohol testing and treatment and mental and medical health assessment services. Restorative justice practices within the state include family or community impact panels, family impact educational classes, victim impact panels, and victim impact educational classes are facilitated across the state.

In response to research on the school to prison pipeline and public awareness of increasing in- and out- of school suspension rates, six states have provided legislative revisions relating to restorative responses and positive interventions to school discipline (Skiba and Losen, 2015). This action refutes past, aversive zero tolerance policies. In addition, local school districts (e.g., Los Angeles, CA, Oakland, CA, Chicago, IL, Orange County, FL, and Lee County, FL) are increasingly taking the initiative to revise their codes of conduct to include restorative responses, training, and technical assistance to faculty, staff, and students (Pavelka, 2013).

The Case of Colorado

The state of Colorado has been on a progressive path to implement systematic reform integrating restorative justice policies and practices. The legislature has comprehensively incorporated restorative justice in its Children’s Code through its legislative intent and in its Victim’s Rights Act. In addition, ideological principles and practices are further developed and expanded relating to youth, schools, adults, and prisons.

Legislative intent

The legislative intent of the state’s Children’s Code is “to protect, restore and improve the public safety by creating a system of juvenile justice that will appropriately sanction juveniles who violate the law, and, in certain cases, will also provide the opportunity to bring together affected victims, the community and juvenile offenders for restorative purposes.” The juvenile justice system considers the best interests of the youth, the victim and the community in order to provide the appropriate treatment. The code also prioritizes assisting youth with reintegration so as to become productive members of society and reducing recidivism rates while holding community safety paramount (CRS 19-2-102).

Further, restorative justice is clearly defined in Colorado’s statute as “those practices that emphasize repairing the harm to the victim and the community caused by criminal acts. Restorative justice practices may include victim-offender conferences, attended voluntarily by the victim, a victim advocate, the offender, community members and supporters of the victim or the offender, for the offender to accept responsibility for the harm caused to those affected by the crime and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to apologies, community service, restoration, and counseling. The selected consequences are incorporated into all agreement that sets time limits for completion of the consequences and is signed by all parties (CRS 19-1-103).”

Restorative justice coordinating council

A state level Restorative Justice Coordinating Council was enacted by the General Assembly to provide local communities with education and technical assistance relating to restorative practices. Local juvenile justice planning committees are provided with the opportunity to include restorative practices in their plans. Committee members are comprised of representatives from specified jurisdictional

agencies. A \$10 court fee is applied to juveniles or adults who are adjudicated or convicted of a criminal offense. These funds are allocated to support the Commission's administrative costs and restorative programs across the state (CRS 19-2-213).

Division of Youth Corrections

The state of Colorado has been expansive in its application of restorative justice within its Division of Youth Corrections (DYC). Key strategies at the core of DYC's continuum of care include: providing the right services at the right time, delivering services by quality staff, utilizing established practices, delivering services in a safe surrounding, and embracing restorative principles. These strategies reflect a significant change in the organization's culture.

A number of practices have been implemented in order to support the restorative strategies. Restorative dialogue, for example, is initiated by staff with youth on a regular basis and as needed. Staff facilitate a discussion with youth about the incident, responsibility and steps to make things right. Other practices that are implemented include: restorative chats, circles, restorative resolution or mediation, restorative conferences, and victim offender dialogue. Positive assessments, such as, accountability, competencies, volunteering, and repairing harm, are also in place as part of the facilitation of these practices and the review of the youth's status (Rubin, 2016).

Use of restorative practices

Provisions within the law seek to increase the inclusion of restorative practices in the juvenile justice system. Juvenile diversion programs integrate restorative principles using victim offender conferences (CRS 19-1-103) to "promote juvenile offenders' accountability, recognize and support the rights of victims, heal the harm to relationships and the community caused by juvenile crime and reduce the costs within the juvenile justice system" (CRS 19-2-303). Other practices, as stated in Section 18-1-901, include family group conferences, circles, and community conferences. Youth who have been adjudicated for any delinquent sexual behavior (CRS 19-2-907) or domestic violence related incidence (CRS 19-2-925) are exempt from being ordered to these specific programs.

Legislation provides for pre-sentencing alternatives with a restorative process of accountability in which the juvenile agrees to repair the harm by completing an agreement which is signed by all parties and is monitored by a program officer;

reparation of the victim and community that includes input and transparency; and safety in which the victim's needs are met and a safe environment is provided. A judge may also order an offender to an intake session to determine appropriateness for participation in a victim offender conference (CRS 19-2-925).

Four district pilot projects have been funded to target first time juvenile offenders who have committed non-traffic misdemeanors or Class 3, 4, 5, and 6 degree felonies. The district attorney's office is charged with screening the potential participants. These pilot programs collect data, create a programmatic database, and use restorative practices where applicable.

The legislative statute promotes the use of restorative practices in schools to remedy misbehavior, such as, bullying, harassment, verbal and physical conflicts, theft, property damage, class disruption, tardiness, truancy, and internet victimization. School districts may implement education and training to ensure that school staff facilitates the restorative process as defined in statute. Charter schools may also be included in this initiative (CRS 22-32-142).

Longmont initiative

The City of Longmont, Colorado is part of a self-funding, regional Restorative Justice Pilot Project. Adult and youth facilitators from schools and law enforcement are trained to facilitate programs under the auspices of the Longmont Community Justice Partnership. The recidivism rate as of January 2014 is 8 percent compared with local and national averages of up to 70 percent for programs that do not institute restorative justice processes. This project has also received federal funding to support continued success with its low recidivism rates (Rowan and Pavelka, 2014).

Future implications

The implications for the future of restorative justice in the states includes vision, degree of restorativeness, funding, and performance outcomes. A vision for the future of justice system is essential for reform. The process of attaining a vision is typically collaborative, including leadership and strategic planning. While there is no blueprint for developing and implementing a vision for restorative justice, it is clear that collaboration of system stakeholders is essential in order to achieve desired goals and objectives.

Many restorative practices are identified as such; however, do not convey "restorativeness." This deficiency is a concern within the discipline. Often, this

means lack of respect for the victim, exclusion of a stakeholder, or omission of offender accountability. Inconsistent use of restorative approaches will not lead to the desired results. It is important to reinforce the inclusion of restorative values in the implementation of the restorative practices in order to achieve objectives, processes, and outcomes.

Funding is also critical to policy implementation. A sufficient resource base is considered essential for effective program and policy implementation. Adequate resources most often promise reasonable returns in pursuit of policy goals and successful practices. Funding is necessary in order to attain staffing resources for implementation. Adequacy may not always be attributed to additional money. Existing resources may be sufficient, however, new or realigned resources are essential for sustainable reform.

Measuring performance assists jurisdictions to determine what is needed to achieve intended juvenile justice system purpose and is progressively tied to funding. Performance measures provide an empirical basis for planning, assessing, and improving juvenile justice operations. Measures of juvenile justice system performance may be used to confirm relevancy of juvenile justice and to demonstrate system accountability. Further, performance measures help organizations to clarify goals and establish reasonable and meaningful objectives, thereby allowing the juvenile justice system to establish its own benchmarks and set its own agenda. Restorative justice provides a framework or paradigm for measuring and reporting juvenile justice outcome measures, thus facilitating accountability to the public (Pavelka and Thomas, 2016).

Conclusion

The paradigm shift and trend to employ restorative approaches as alternatives to traditional justice continues to expand in the United States. The findings of this research study have significant implications for justice system stakeholders, practitioners, academics, and advocates. Restorative justice continues to evolve in communities and states across the United States as an emergent paradigm and alternative to the traditional form of justice. The articulation of restorative language is found in a majority of state statutes and codes. Restorative practices are also increasingly specified in law. However, the degree to which the policy and legislation is explicitly or implicitly applied varies. Further, few mandates and structure are inclusive to support systematic implementation with adequate and necessary funding mandates which are necessary for reasonable returns in pursuit of policy goals and successful practices. Legislators are therefore met with the

opportunity to seriously reform their state justice systems with a means to think about and do justice differently.

References

- Alaska Code Chapter 47.12.010, Goals and purposes. (1998).
- Arizona Revised Statutes 8-1001, Family group decision making. (1998).
- Bazemore, Gordon. (1997). Balanced and restorative justice for juveniles: A framework for juvenile justice in the 21st century. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Bazemore, Gordon and Mark Umbreit. (1998). Guide for implementing the balanced and restorative justice model. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Bazemore, Gordon and Charles Washington. (1995). Charting the future of the juvenile justice system: Reinventing mission and management. *Spectrum: The Journal of State Government* 68(2), pp. 51-66.
- Beck, Elizabeth, Lewinson, Terry, & Kropf, Nancy P. (2015). Restorative justice with older adults: Mediating trauma and conflict in later life. *Traumatology: An International Journal* 21(3), pp. 219-226.
- Colorado Revised Statutes, C.S. 19-2-102, 19-1-103, 19-2-102, 19-2-303, 19-2-309.5, 19-2-907, 19-2-925, 22-32-142. (1999).
- Florida Statutes 985.155. (2014).
- General Statutes of Connecticut, Section 46b-121h, Goals of the juvenile justice system. (1995).
- Hawaii Revised Statute, Ch. 353H-31, Adult offender reentry programs and services. (2000).
- Hsiu-Fang, Hsieh and Sarah E. Shannon. (2004). Three approaches to qualitative content analysis. *Qualitative Health Research* 15(9), pp. 1277-1288.
- Juvenile Act, Pennsylvania State Statutes 42 PA CSA Section 6301, Ch. 419C.001. (1995).
- Juvenile Corrections Act, Idaho Statute, Title 20, Ch. 5, 20-501. (1995).
- Juvenile Court Act, Illinois Compiled Statute 705 405/5-101. (2012).

- Juvenile Court Judges' Commission. (1997). *Balanced and restorative justice in Pennsylvania: A new mission and changing roles within the juvenile justice system*. Harrisburg, PA: Author.
- Juvenile Justice and Delinquency Prevention Committee, Pennsylvania Commission on Crime and Delinquency. (2004). *Mission and guiding principles for Pennsylvania's juvenile justice system*. Harrisburg, PA: Author
- Kansas State Annotated 38-2301. (2007).
- Krippendorff, Klaus. (2004). *Content analysis: An introduction to its methodology*. 2nd ed. Thousand Oaks, CA: Sage.
- Lacy, Stephen, Brendan R. Riffe and Jennette Lovejoy. (2015). Issues and best practices in content analysis. *Journalism and Mass Communication Quarterly* 92(4), pp. 1-21.
- Maine State Statute, Title 17-A: 1204-A, Community reparative boards. (1998).
- Maloney, Dennis M., David Romig and Thomas Armstrong. (1988). Juvenile probation: The balanced approach. *Juvenile and Family Court Journal* 39(3), pp.1-62.
- Mika, Harry and Howard Zehr. (2003). A restorative framework for community justice practice, In Kieran McEvoy and Tim Newburn (Eds.), *Criminology, conflict resolution and restorative justice* (pp. 135-152). Basingstoke, Hampshire, UK and New York, NY: Palgrave MacMillan.
- Minnesota State Statute, Ch. 611A.775 Restorative justice code. (1998).
- Montana Code Annotated 2-15-2013, 2-15-2014. (2012).
- Nebraska Revised Statute 43-247.01. (2008).
- New Jersey Legislative Statement P.L. 2002 Title 2A:4A-21. (2012).
- O'Brien, Sandra. (1999). *Restorative juvenile justice policy development and implementation assessment: A national survey of states*, Balanced and Restorative Justice Project, Florida Atlantic University, Ft. Lauderdale, FL.
- About OJJDP. Retrieved on March 25, 2016 from <http://www.ojjdp.gov/about/about.html>.
- Oregon Revised Statutes 419C.001, Purpose of juvenile justice system in delinquency cases. (1995).

- Pavelka, Sandra. (2013). Practices and policies for implementing restorative justice within schools. *The Prevention Researcher* 20(1), pp.15-19.
- Pavelka, Sandra. (2008). Restorative juvenile justice legislation and policy: A national assessment. *International Journal of Restorative Justice* 4(2), pp.100-118.
- Pavelka, S. and Doug Thomas (2016). Performance measurement in juvenile justice: Developing and implementing model reporting systems, *Perspectives*. Winter. Lexington, KY: American Probation and Parole Association, pp. 59-65.
- Rowan, Molly L. and Sandra Pavelka. (2014, March 2). The political rise of restorative justice. *The Huffington Post*, Retrieved January 8, 2016, from http://www.huffingtonpost.com/molly-rowan-leach/the-political-rise-of-res_b_5029413.html.
- Rubin, H. Ted. (2016). Restorative juvenile within and throughout Colorado's juvenile correctional agency. *Juvenile Justice Update* 21(6), pp. 1-16.
- Shields, Linda and Alison Twycross (2008). Content analysis. *Pediatric Nursing* 20(6), p. 38.
- Skiba, Russell J. and Daniel J. Losen. (2015). From reaction to prevention: Turning the page on school discipline. *American Educator* 39(4), pp. 4-11.
- Vermont Statute Annotated Title 28 910a, Reparative boards, functions. (1999).
- Washington Revised Code 13.40.500-13.40.540. (1997).
- Wenzel, Michael, Tyler G. Okimoto, Norman T. Feather, and Michael J. Platow. (2008). Retributive and restorative justice. *Law and Human Behavior*, 32(5), pp. 375–389. Retrieved on March 25, 2016, from <http://www.jstor.org/stable/25144639>.
- Wyoming Statute Annotated 14-6-245. (2012).
- Youth Authority Act, California welfare and institutions code, relating to minors, Section 1700. (1999).
- Zehr, Howard. (1990). *Changing lenses: A new focus for crime and justice*. Scottsdale, PA: Herald Press.
- Zehr, Howard. (2015). *Changing lenses: Restorative justice for our times*. Harrisburg, VA: Herald Press.

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Appendix

Appendix A State Statutes or Codes Incorporating the Balanced Approach and/or Restorative Justice

State	Statute/Code	Type of Reference
Alabama	Code of Alabama Section 12-15-101	Purpose clause BA
Alaska	Alaska Code Section 47.12.010 Section 12.55.011	Victim community involvement in sentencing Goal and purposes of chapter BARJ
Arizona	Arizona Revised Statute 8-419 8-1001	Victim reconciliation services Family group decision making BARJ

State	Statute/Code	Type of Reference
Arkansas	Arkansas Code Annotated § 9-27-302 Purpose	BARJ
California	California Welfare and Institutions Code Section 1700 Relating to minors Section 202 General provisions, purpose	BARJ
Colorado	Colorado Revised Statute Section 19-2-102 Legislative declaration Section 19-1-103 Definitions Section 19-2-213 Restorative justice coordinating council Section 19-2-308 Community service and community work programs Section 19-2-309.5 Community accountability board	RJ
Connecticut	General Statutes of Connecticut Section 46b-121h Goals of the juvenile justice system	BARJ
Delaware	Delaware Code Title 11, Chapter 9501 Victim offender mediation	RJ
Florida	Florida Statute Section 985.01 Purpose and intent Section 985.155 Neighborhood restorative justice	RJ
Georgia	Official Code of Georgia Annotated § 15-11-1 Purpose of chapter	BARJ

State	Statute/Code	Type of Reference
Hawaii	Hawaii Revised Statute HR 11 (2000) Ch. 353H-31	Mandate to establish restorative justice Adult offender reentry programs and services RJ
Idaho	Idaho Statute Title 20, Ch. 5, 20-501	Juvenile Corrections Act Legislative intent BARJ
Illinois	Illinois Compiled Statute 705 ILCS 405/5-101	Juvenile Court Act Purpose and policy BA
Indiana	Indiana Code IC 31-10-2-1	Policy and purpose BA
Iowa		NA
Kansas	Kansas Statutes Annotate Ch. 38-2301	Citation; goals of the code; policy development BA
Kentucky		NA
Louisiana	Louisiana Revised Statute RS 46: 1841 RS 46:1842	Legislative Intent Definition BARJ
Maine	Maine State Statute Title 17-A, 1204-A Title 54: 1321	Community Reparative Boards Purpose RJ
Maryland	Maryland Code Title 3-8A-02	Courts and judicial proceedings BARJ
Massachusetts		NA

State	Statute/Code	Type of Reference
Minnesota	Minnesota Statute Chapter 611A.77	RJ
	Mediation program for crime victims and offenders Chapter 611A.775 Restorative justice programs	
Mississippi		NA
Missouri	Missouri Revised Statutes Section 217.440	RJ
	Program of restorative justice, requirements Section 217.777 Community corrections alternative program for eligible offenders, purpose, operation, rules	
Montana	Montana Code Annotated Title 2-15-2012	RJ
	Intent Title 2-15-2013	
	Office of restorative justice Restorative justice fund created, source of funding, use of fund Title 2-15-2014	
Nebraska	Nebraska Statute Section 43-402	BARJ
	Legislative intent, juvenile justice system, goal Section 43-247.01 Facilitated conferencing, purposes	
Nevada		NA
New Hampshire	New Hampshire Revised Statutes RSA 169-B:1	BA
	Applicability of chapter, purpose	

State	Statute/Code	Type of Reference
New Jersey	New Jersey Statute Annotated P.L. 2002 Title 2A:4A-21 Incorporates balanced and restorative justice principles in juvenile justice system	BARJ
New Mexico	New Mexico Statutes Chapter 32A-2-2 Delinquency Act Purpose of Act	BA
New York		NA
North Carolina	North Carolina General Statutes Article 15, Ch. 7B-1706 Undisciplined and delinquent youth, Purpose.	BA
North Dakota		NA
Ohio	Ohio Revised Code Title 21, Ch. 2152.01 Delinquent Children Purpose of Juvenile Dispositions	BARJ
Oklahoma	Oklahoma Statute Annotated 7301-1.2 7301-5.3 General provisions Purpose clause	BA
Oregon	Oregon Revised Statute Chapter 417.365-417.375 Chapter 419C.001 Family decision-making meeting Purposes of juvenile justice system in delinquency cases	BARJ
Pennsylvania	Pennsylvania State Statute 42 PA CSA Section 6301 Juvenile Act	BARJ
Rhode Island		NA

State	Statute/Code	Type of Reference
South Carolina	South Carolina Code of Laws Section 20-7-20	Children's policy established RJ
	Section 20-7-6840	
South Dakota		NA
Tennessee		NA
Texas	Texas Statutes Title 3 Chapter 51.01	Juvenile Justice Code purpose and interpretation BA
Utah	Utah Judicial Code Title 78A-6-102	Juvenile Court Act BA
Vermont	Vermont Statute Title 28 § 910	Restorative justice programs Reparative boards; functions RJ
	Title 28 § 910a	
Virginia	Code of Virginia Chapter 11	Juvenile and domestic relations district courts Purpose and intent Establishment of community based services, statewide plan for juvenile justice services BARJ
	16.1-227	
	16.1-309.2-309.10	
Washington	Revised Code of Washington RCW 13.40.500-.540	Community Juvenile Accountability Act BARJ

State	Statute/Code	Type of Reference
West Virginia	West Virginia Statute 49-1-206 General Provisions and Definitions Definitions related, but not limited, to advocacy, care, residential and treatment programs	RJ
Wisconsin	Wisconsin Statute 938.01 Juvenile Justice Code Title, legislative intent and purposes	BARJ
Wyoming	Wyoming Statutes 14-6-245 Progressive sanction guidelines	BA

BARJ – Balance and Restorative Justice

BA – Balance Approach

NA – Not Applicable

RJ – Restorative Justice