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Restorative Justice Legislation in the American States: A Statutory Analysis of Emerging Legal Doctrine.

Authors: [Silva, Shannon M.](#)¹
[Lambert, Carolyn G.](#)²

Source: [Journal of Policy Practice](#). Apr-Jun2015, Vol. 14 Issue 2, p77-95. 19p.

Document Type: Article

Subject Terms: *SOCIAL justice
*STATE governments
*VICTIMS of crimes
*GOVERNMENT policy
*CONTENT analysis (Communication)
MEDICAL coding

Geographic Terms: UNITED States

Author-Supplied [criminal justice policy](#)

Keywords: [policy dissemination](#)
[restorative justice](#)
[victim offender mediation](#)

Abstract: Restorative justice is a relatively new approach to crime response, developing in the U.S. since the 1970s. Over the past three decades, these practices have been incorporated into legislation. Using content analysis of statutes in state criminal and juvenile codes, this study asks how restorative justice has been translated into law. The authors find that 32 states now have statutory support for the use of restorative justice, and that legislation ranges widely from general statements of support to structured use of restorative practices in at least some instances and for some offenders. Implications for practitioners, policy makers, and scholars are suggested. [ABSTRACT FROM PUBLISHER]

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ISSN: 1558-8742

DOI: [10.1080/15588742.2015.1017687](https://doi.org/10.1080/15588742.2015.1017687)

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Restorative Justice Legislation in the American States: A Statutory Analysis of Emerging Legal Doctrine: Journal of Policy Practice: Vol 14, No 2

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Shannon M. Sliva & Carolyn G. Lambert

Pages 77-95 | Published online: 07 Apr 2015

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Abstract

Restorative justice is a relatively new approach to crime response, developing in the U.S. since the 1970s. Over the past three decades, these practices have been incorporated into legislation. Using content analysis of statutes in state criminal and juvenile codes, this study asks how restorative justice has been translated into law. The authors find that 32 states now have statutory support for the use of restorative justice, and that legislation

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Journal of Policy Practice, 14:77–95, 2015
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ISSN: 1558-8742 print/1558-8750 online
DOI: [10.1080/15588742.2015.1017687](https://doi.org/10.1080/15588742.2015.1017687)



Restorative Justice Legislation in the American States: A Statutory Analysis of Emerging Legal Doctrine

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Restorative justice is a relatively new approach to crime response, developing in the U.S. since the 1970s. Over the past three decades, these practices have been incorporated into legislation. Using content analysis of statutes in state criminal and juvenile codes, this study asks how restorative justice has been translated into law. The authors find that 32 states now have statutory support for the use of restorative justice, and that legislation ranges widely from general statements of support to structured use of restorative practices in at least some instances and for some offenders. Implications for practitioners, policy makers, and scholars are suggested.

KEYWORDS *criminal justice policy, policy dissemination, restorative justice, victim offender mediation*

The American response to crime over the past half century has been highly punitive, with massive growth in the number and scope of criminal laws as well as in the incarcerated population. Attempts to count the number of federal criminal statutes alone have yielded best estimates of more than 3,000 laws, with an acknowledgment that such attempts have been given up as “futile and inaccurate” (Fields & Emshwiller, 2011, p. 1). Even while crime rates have declined since the 1990s, incarceration rates have continued to rise. All the while, crime continues to affect tens of millions of Americans each year, and the present criminal justice system does little to ameliorate

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