

Restorative Justice for Juveniles in Alabama



Celebrating Alabama's Progress

Certified Public Manager® Program

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The research, findings, and recommendations presented in this white paper do not represent the views of any agency or organization, but rather the collective educational research and analysis from a diverse group of participants in the Certified Public Manager® Training Program.

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Introduction

The High Cost of Youth Incarceration in Alabama

Alabama's youth incarceration rate is the eighth-highest in the nation according to 2021 data collected by the U.S. Office of Juvenile Justice and Delinquency Prevention (U.S. OJJDP, 2021, as cited in Davis, 2024, p. 8).

In 2017, four years prior to that ranking, Alabama Governor Kay Ivey's Juvenile Justice Task Force issued a report on the state of juvenile justice in Alabama and gave their recommendations on how to improve the juvenile justice system (Alabama Juvenile Justice Task Force, 2017). Some of their findings and recommendations are detailed below in this section. Their findings highlight often contradictory and counterproductive elements of the Alabama juvenile justice system, and their recommendations center on the need for cheaper and more equitable common-sense solutions to the problems within the system. We, the Restorative Justice Team, assert that restorative justice, which is a collection of practices focused on repairing the harm caused by an offense, is an answer to these problems and can and should be utilized within the Alabama juvenile justice system to effect these and other improvements.

In their report, the Juvenile Justice Task Force states that, despite juvenile complaints declining by 27% between 2012 and 2017, youth "out-of-home placements" with the Alabama Department of Youth Services (DYS) increased by 6% in that same timeframe (Alabama Juvenile Justice Task Force, 2017). One of the reasons they proposed for this disparity was that "most judges and JPOs [juvenile probation officers] lack access to evidence-based alternatives to out-of-home placement, especially in rural areas." To alleviate this problem, one of the recommendations made by the Juvenile Justice Task Force was for the State of Alabama to invest in community-based alternatives to give judges and juvenile probation officers access to more tools to keep lower-level youth offenders from being committed to detention facilities such as those administered by DHS. Restorative justice offers a myriad of such tools, which can be utilized by judges and juvenile probation officers to reduce the number of lower-level juvenile offenders committed to detention facilities.

The Juvenile Justice Task Force also cited “poor public safety returns” on out-of-home placements with DYS, especially for “youth who commit lower-level offenses” (Office of Alabama Governor Kay Ivey, 2017). Adding to that point, they stated that research shows “out-of-home placements fail to reduce reoffending for most youth” (Alabama Juvenile Justice Task Force, 2017). In spite of these low returns, their findings showed that two-thirds of all youth in DYS custody are committed for misdemeanors. To alleviate this disparity, the Juvenile Justice Task Force recommended expanding intervention options prior to court involvement to address the needs of low-level youth offenders and keep them from being placed in detention facilities alongside youth who commit more serious offenses. Restorative justice is especially helpful in amicably resolving conflict between lower-level offenders and victims. It can and should be used to effectively reduce the population of low-level youth offenders in detention facilities in Alabama.

The Juvenile Justice Task Force also found the monetary cost of youth incarceration to be excessively high. They calculated the yearly cost for out-of-home placement per youth to be as much as \$161,694. According to their calculations, that is “as much as 91 times more than probation.” To alleviate this problem, the Juvenile Justice Task Force recommended, in part, focusing “out-of-home beds on youth who pose the greatest threat to public safety.” Restorative justice practices do not require out-of-home placement and can be implemented at extremely low costs compared to court proceedings and out-of-home placement.

The problems highlighted by the Juvenile Justice Task Force in 2017 should be solved, and restorative justice practices can and should be used in solving them. This paper will describe what restorative justice is, highlight how it is currently implemented in Alabama and other states in the U.S., and present our recommendations on how it can be further implemented to improve the Alabama juvenile justice system, increase public safety in Alabama, and save Alabama taxpayer funds.

Project Statement and Tasks

The Restorative Justice Team will highlight current restorative justice mechanisms in Alabama and offer research-based recommendations on how to best utilize those existing mechanisms as

well as how to implement new restorative justice practices within the Alabama juvenile justice system. This will be accomplished by:

- 1) Examining the state of juvenile justice in Alabama.
- 2) Examining the state of restorative justice practices in Alabama's justice system, especially within the juvenile justice system.
- 3) Researching Alabama law to determine what other restorative justice practices might be implemented under the current set of laws.
- 4) Researching tested restorative justice practices in other states.
- 5) Examining the costs and benefits of the various restorative justice practices.
- 6) Offering recommendations that can be implemented within the Alabama juvenile justice system at the least cost to Alabama's taxpayers and for the most benefit of Alabama's youth.

The strategies recommended by our team will be a great benefit to the state of Alabama, especially to at-risk youth and those involved with the juvenile justice system. Our goal is to improve opportunities for those youth, help Alabama's communities remain safe and whole, and reduce the cost of juvenile justice and youth incarceration on Alabama's taxpayers.

Restorative Justice

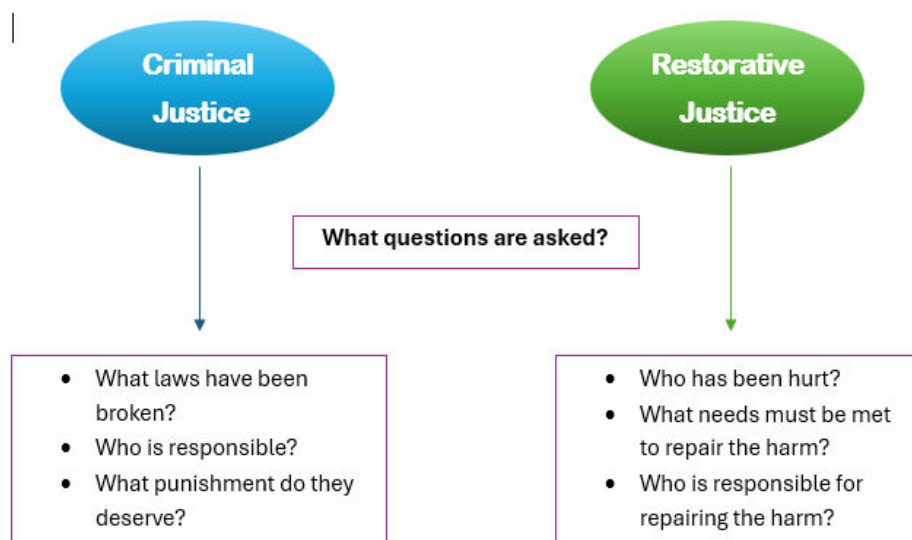
What is Restorative Justice?

Restorative justice is a theory of justice and collection of practices that focuses on repairing the harm caused by an offense and emphasizes the offender taking accountability for the offense, empathy between all parties, and healing for all involved. It “typically includes government and legal professionals who serve as facilitators in a process that aims to achieve offender accountability, reparation to the victim, and full participation by all parties impacted” by the offense (First Step Alliance, 2021). The participating parties usually include the offender, victim,

and mediator but may also include family and friends of both the offender and victim as well as community members who were affected by or concerned by the offense.

How is Restorative Justice Beneficial?

In contrast to retributive justice models, which focus on punishing the offender, “restorative justice is a more empathetic and comprehensive approach to addressing criminal behavior” (First Step Alliance, 2021).



Victims may benefit significantly from restorative justice practices. In the retributive justice model, there is little interaction between offenders and victims, and “minimal attention is paid to the needs of victims” (Witvliet et al., 2008). Villaseñor, a judge in the 8th Judicial District of Colorado, writes, “In my experience presiding over criminal cases, it is not unusual for victims to report feeling unheard or unsatisfied.... Restorative justice offers offenders and victims another avenue for healing, especially for victims” (Villaseñor, J., & Bauguess, M., 2025, p. 34). The role of a victim in a criminal trial may be reduced to providing evidence against the offender. On the other hand, in restorative justice models, the victim is given an opportunity to participate in and help determine the outcome of the process. Because of this, victim satisfaction is usually higher in restorative justice models than in retributive justice models (Nascimento, 2022). Research conducted by Fisher in 2014 led to the conclusion that “components of the [justice] system that

granted victim representation” yielded higher victim satisfaction (Fisher, 2014). The University of Sheffield, in a study of three restorative justice schemes between 2001 and 2008, found that “85% of victims were satisfied with the process of meeting their offender face to face, and 78% would recommend it to other people in their situation.” They further found “62% of victims felt that restorative justice had made them feel better after an incident of crime while just 2% felt it had made them feel worse” (Shapland et al., 2004-2008, as cited in Restorative Justice Council). In a similar study of Alameda County’s Restorative Community Conferencing (RCC) restorative justice program, researchers found that 91% of victim participants said that they would participate in another conference, and the same percentage said they would recommend the process to a friend, while 88% felt the conference resulted in a plan that addressed the harm caused by the offense (baliga et al., 2017).

Beyond satisfaction, traumatized victims may also experience psychological benefits from restorative justice practices. While acknowledging that not enough research has been conducted involving real victims, analysis by Lloyd and Borrill found that the studies which have been conducted “consistently support the claim that [restorative justice] is more effective at reducing PTSS [post-traumatic stress symptoms] compared with customary justice” (Lloyd & Borrill, 2019).

Restorative justice may also reduce crime and costs. The above University of Sheffield study found that restorative justice led to a 14% reduction in recidivism (Shapland et al., 2004-2008, as cited in Restorative Justice Council). This study, which was conducted in England, found that the reduction in recidivism saved £8 for every £1 spent facilitating and mediating restorative justice practices. According to the above Alameda County RCC study, placing one youth offender on probation in Alameda County carried an average cost of \$23,000 per year—not including costs to the public defender’s office, district attorney’s office, courts costs, and post-arrest police costs—compared to only \$4,500 per case for the RCC program (baliga et al., 2017). Similarly, a Smith Institute report in 2007 found that over fifty restorative justice conferences could be funded at the same cost as housing a single offender in prison for one year (Sherman and Strang, 2007).

	Traditional Criminal Justice	Restorative Justice
Recidivism	27%	18%
Victim Satisfaction	57%	79%
Victim Fear of Re-victimization	23%	10%
Offender Satisfaction	78%	87%
Completed Restitution	58%	81%

Note. Data from “Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment” by M. Umbreit, 1998, *Western Criminology Review*, 1(1) (<https://www.westerncriminology.org/documents/WCR/v01n1/Umbreit/Umbreit.html>).

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It should also be noted that restorative justice practices allow offenders an opportunity to repent and make amends. Alongside all other benefits, restorative justice practices help to repair damaged communities and to reestablish the offender’s place within those communities as a law-abiding member.

What are the Common Types of Restorative Justice?

Restorative justice is meant to complement the criminal justice system, not attempt to replace the existing system. Although there is not one specific type of restorative justice that will be the perfect fit for every situation, restorative justice can be separated into four main categories: a) victim-offender mediation, b) family group conferencing, c) victim impact panels, and d) circle sentencing. This section will investigate each of these practices and what is required to implement each.

Victim-offender mediation is typically a mediated face-to-face meeting between the victim and their offender where feelings of the crime and its aftermath can be discussed directly. The offender must be willing to take responsibility for their actions. The goal is that a new understanding will result between the two parties, and the victim will receive some type of closure on the situation.

The practice of victim-offender mediation typically occurs with crimes that are lesser in nature. In some instances, indirect victim-offender mediation occurs where a facilitator will meet with the victim and the offender separately to discuss the actions and feelings of both parties. According to the Handbook on Restorative Justice Programmes, referrals for victim-offender mediation may come from the police, the prosecutors, the courts and the probation officers (United Nations Office on Drugs and Crime, 2006). This type of restorative justice can therefore occur at the pre-charge level, the post-charge/pre-trial level, and the various post-charge stages, while also playing a role in the sentence recommendation of the offender. During this process, the victim can have some control over the proceedings, while the offender begins the rehabilitation process of admitting their guilt and attempting to understand the feelings of the victim.

Family group conferences (FGCs) involve the offender, the victim, and support individuals for both parties to discuss the crime committed by the offender and a resolution that will be accepted by all parties involved. FGCs are held in a controlled setting where the offender must not only face the offender but also their support system, which typically consists of friends, family, and other loved ones. The goal of FGCs is for the offender to feel shame, acknowledge their decisions leading to the offense, and express remorse. This practice of reintegrative shaming focuses on the crime committed and the decisions that were made rather than labeling the offender as a monster (Braithwaite, 1989). This practice can help the offender eventually reintegrate into society and their communities as a law-abiding citizen.

Participation in FGC is completely voluntary and is conducted by a trained facilitator. The offender, the victim, and their respective support systems are invited to attend the FGC. The offender must be willing to take responsibility for their actions to participate in the FGC. The FGC will typically begin with the offender describing the offense followed by the victim and all parties present describing how the crime affected each of them. According to Umbreit, this practice is meant to help the offender see the human impact of the crime on the victim, the victim's family and friends, and even the offender's family and friends (Umbreit, 2000). The victim can address the offender and ask questions about the crime committed against them. After a thorough discussion about the offense, the victim is then asked to describe the desired outcome that would give them closure with the situation. All parties present can discuss and give their input on the process to determine what actions the offender will take to make amends and repair the harm that

they have caused. At the end of the conference, a decision has been reached that both the victim and the offender consent to, and an agreement to restore the damage that was done is signed by both parties. This type of restorative justice can be implemented pre-trial as a diversionary approach to keep juveniles from ending up in the criminal justice system.

Victim-impact panels (VIPs) are another type of restorative justice practice. In VIPs, victims do not come face-to-face with their offender. Instead, multiple victims make up the panel, and they give testimony of their experience to the offender(s). The crime these victims experienced will be similar in nature to that of the offender(s) present for the panel. According to Immarigeon, the purpose of the panel is to help offenders individualize and humanize the consequences of their crimes on victims and the community (Immarigeon, 1999). This practice is typically seen in abuse cases, drunk driving incidents, and property crimes where the judge will order offender participation in the victim panel practice. Victim organizations work closely with the judiciary system to implement this type of restorative justice practice by providing the panel members and moderating the panel discussions.

Circle sentencing is only for those offenders that have admitted guilt for the crime that they are being sentenced for committing. The practice of circle sentencing involves the victim, the offender, the support systems for both parties, and judicial representatives to include a judge, attorneys, and law enforcement personnel. Discussions in the circle are aimed at finding a resolution to the crime committed by the offender, while also considering the needs of the victim. Circle sentencing places more value on the process of determining an outcome than the actual sentencing that the offender receives. In addition, this restorative justice practice begins both the punishment and the rehabilitation process for the offender. When all parties involved are a part of the decision-making process, healing can begin for all of those involved. Once a plan of action is decided upon by the circle, the recommendation is given to the courts for review. The circle recommendation plays a role in the decision-making process by the courts, but the judge can amend it if they deem necessary.

While this is not an exhaustive list of restorative justice practices, components of these practices are widely used to help offenders take responsibility for their actions and begin to repair harm caused from their offenses to the victims and affected communities.

Why is Restorative Justice Uniquely Helpful to the Juvenile Justice System?

Throughout the United States, there is an apparent preference for applying restorative justice in the juvenile system, as opposed to the adult system. This could be because juveniles hold special legal status. The United States Supreme Court has stated multiple times that juveniles are less culpable and more capable of rehabilitation (Gonzalez, 2020, pp. 1170-71). This concept articulated by the high court is likely why states are more likely to implement restorative justice at the juvenile level.

Another point not commonly cited in research but widely accepted by society is that juveniles are more impressionable than adults. Thus, if a juvenile is incarcerated with other wrongdoers, the juvenile has an enhanced risk of learning new bad habits from their incarcerated peers. Restorative justice allows for discipline that does not immerse the youth in an environment that provides further education in criminal lifestyles.

Regarding the experience of youth offenders in restorative justice programs, the results of the previously referenced study of Alameda County's RCC program indicate that the program had a very positive impact on the youth offenders who participated:

100 of the youth who participated in the RCC also completed post-conference satisfaction surveys. 94.9% of those young people said they would participate in the process again and 92.7% said they would recommend it to a friend. Moreover, 67% of them indicated RCC was "definitely" helpful while 33% said it was "mostly" beneficial. All of the surveyed youth said the process had changed them at least "in some ways" and found their experience to be satisfactory, with 64% being "very satisfied." Furthermore, over 90% of the youth felt their needs were considered throughout the process. Overall, while most of the respondents had not had personal contact with the juvenile court process in the past, every one of the 18% who had indicated feeling the RCC approach was "better" than the juvenile court process.

The respondents also identified several aspects of their lives that changed as a result of their participation in RCC. For instance, 75% indicated the process had either a "good"

or “big positive” impact on their relationship with their family. Eighty-four percent noticed a “good” to “big positive” change in their ability to deal with conflict while 75% observed a “good” to “big positive” improvement in their communication skills. Additionally, 82% said they have used restorative practices such as repairing harm and truth-telling in their personal lives since participating in RCC. (baliga et al., 2017, p. 11)

The parents of the youth offenders were also surveyed:

With respect to problems around their child adhering to curfew rules, 35% of respondents indicated noticing “a little change” while 47% observed “definite” to “quite a bit of change.” Moreover, 48% of parents/guardians detected either “quite a bit” or “definite” change in their child’s use of illegal substances while another 35% indicated “a little change.” Seventy-one percent of parents noticed “definite” to “quite a bit of change” in communication with their child and 29% recognized at least “a little change.” In terms of school issues, 60% felt there had been a change in their child’s school attendance and 42% saw a “definite” to “quite a bit” of change in school grades with 25% recognizing “a little change.”

Many of the parents/guardians noted additional improvements in their relationship with their children following participation in the RCC process. For instance, 68% reported “quite a bit” or “definite” change in the frequency of conflicts between themselves and their youth while another 28% reported “a little change.” Similarly, 62% observed “quite a bit” or “definite” change in their ability to establish and instill respect for boundaries. Sixty-percent of respondents also found “quite a bit” or “definite” growth in their child’s respectful behavior and 61% saw “quite a bit” or “definite” progress in their child’s ability to follow through on commitments. Moreover, 80% reported their child talked with them more after having completed the RCC process. (baliga et al., 2017, pp. 11-12)

The positive impacts and rehabilitative opportunities provided by restorative justice practices give more opportunities, compared to retributive justice models, for the youth offender to correct their behavior and move forward into a brighter future.

Restorative Justice in Alabama

Restorative Justice in Alabama's Adult Justice System

Elements of restorative justice relating to adult offenders have been codified into Alabama law. In 1980, the Alabama legislature declared that all criminals “be required to fully compensate all victims of such conduct or activity for any pecuniary loss, damage or injury as a direct or indirect result thereof” (Code of Ala. § 15-18-65, 1975). When a crime results in a financial loss to a victim, Alabama courts are required to hold a hearing to determine the amount of restitution due to the victim (Code of Ala. § 15-18-67, 1975). The victim has a right to be present and heard at the restitution hearing.

In determining the amount of restitution, courts may consider 1) the financial status of the defendant, 2) the ability of the defendant to pay on an installment basis, 3) the rehabilitative effect that paying restitution may have on the defendant, 4) the hardship that the crime has placed on the victim, and 5) the overall wellbeing of the victim (Code of Ala. § 15-18-68, 1975).

The referenced code sections within Title 15 regarding restitution all relate to post-conviction sentencing (Code of Ala. Title 15, 1975). However, some Alabama counties have pretrial diversion programs authorized in Title 45 of the Code that have restorative justice elements (Code of Ala. Title 45, 1975). One such county, Lauderdale County, had its pretrial diversion program codified in 2011 (Code of Ala. § 45-39-82.01, 1975). The statute gives the Lauderdale County district attorney authority to create and supervise the diversion program.

Offenders in Lauderdale County may apply to the district attorney for admittance into the program if the crime is a drug possession (not trafficking) offense, property offense, traffic or conservation offense, or a misdemeanor (Code of Ala. § 45-39-82.02, 1975). The code section lists very serious crimes that do not qualify for pretrial diversion. Restorative justice elements within Lauderdale's program include the offender writing a statement accepting responsibility for the crime and agreeing in writing to pay restitution to the victim (Code of Ala. § 45-39-82.05, 1975). As part of the program, the offender also agrees that he will remain subject to the jurisdiction of the court

after the conclusion of the pretrial diversion program for purposes of enforcing payment of the restitution.

Restorative Justice in Alabama's Juvenile Justice System

The Alabama Juvenile Justice Act, codified in 1990, contains strong restorative justice principles (Code of Ala. § 12-15-101, 1975). The stated purposes of the act include promoting community-based alternatives as deterrents to juvenile delinquency and holding the juvenile offender accountable through requiring payment of restitution to the victim when appropriate.

Alabama's juvenile courts have a form of pretrial diversion (Code of Ala. § 12-15-211, 1975). The courts may have the juvenile offender and his or her legal guardian enter a consent decree after the filing of a delinquency petition and prior to the court entering a finding of guilt. The consent decree is to contain agreed upon terms and conditions, and upon satisfaction of the terms and conditions, the charges against the juvenile are to be dismissed. If the terms are not satisfied, then the delinquency proceeding against the juvenile is to move forward. The consent decree process is the perfect setting for the juvenile court to implement restorative justice principles into the terms and conditions for pretrial dismissal.

In addition to consent decrees, three employees of the Alabama Administrative Office of Courts (AOC) each reported, in an interview with our team, that most of Alabama's juvenile courts utilize a process referred to as "informal adjustment" prior to a youth being charged with a lower-level offense (Beals, M., Newmeyer, J., & Varney, J., personal communication, June 10, 2025). Informal adjustments allow the juvenile intake/probation officer to improvise by addressing the offense with the family of the youth offender and the community rather than through the court system. This process is well-suited for the implementation of restorative justice as the victim can also be involved in the process, promoting resolution without the youth's case moving deeper into the judicial process.

Another statutory tool that may be useful to Alabama juvenile courts seeking to implement restorative justice is an advisory board. Presiding juvenile judges may appoint between five and twenty-five citizens of the county to serve without compensation as members of an advisory board to the juvenile court (Code of Ala. § 12-15-104, 1975). The duties are listed as follows:

- 1) To assist the juvenile court in securing the services of volunteer juvenile probation officers when the services of those officers shall be deemed necessary or desirable.
- 2) To visit institutions which are charged with caring for children and, whenever practicable, other institutions to which the juvenile court from time to time may award legal custody.
- 3) To advise and cooperate with the juvenile court upon all matters relating to the welfare of children.
- 4) To recommend to the juvenile court any and all needful measures for the purpose of carrying out the provisions and intent of this chapter and to make themselves familiar with the work of the juvenile court pursuant to this chapter.
- 5) To make, from time to time, a report to the public of the work of the juvenile court. (Code of Ala. § 12-15-104, 1975)

In the above referenced interview with our team, the representatives of the AOC stated that very few, if any, Alabama counties utilize these statutorily permitted advisory boards (Beals, M., Newmeyer, J., & Varney, J., personal communication, June 10, 2025). However, at least six Alabama counties—Elmore, Houston, Madison, Tuscaloosa, Lee, and Morgan—utilize or have utilized a similar group of volunteers assembled by the counties' juvenile judges and referred to as a Juvenile Conference Committee (JCC). Members of JCCs, who are often retired teachers but may come from all walks of life, meet with juvenile offenders, family and sometimes victims to confidentially discuss the offense committed and determine consequences. According to the interviewees, some of these committees are already successfully implementing restorative justice practices.

The successful and long-running JCC in Elmore is administered by Vicki Ward, Coordinator for the Judicial Volunteer Program of Elmore County under the AOC. Ward has assisted other Alabama counties in developing their own JCC program, and in our team's interview with her, she expressed a willingness to assist more counties in developing JCC programs (Ward, V., personal communication, July 15, 2025).

According to Ward, the Elmore County JCC primarily hears juvenile cases involving lesser offenses such as truancy and fighting. Cases are referred to the JCC by a juvenile court judge. The JCC is empowered to impose sanctions on the juvenile such as requiring the juvenile to undergo

mental health treatment or write a letter of apology. The JCC may also examine underlying causes of the offense. In our team's interview with her, Ward told an anecdote where a case of sexual abuse by an adult against a minor was brought to light in a JCC hearing, and the perpetrator was swiftly brought to justice. She emphasized that the JCC panel members come from many walks of life and that the diversity of the panel nearly guarantees that someone on the panel will sympathize and connect with each juvenile offender, helping the juvenile to benefit from the process and move forward with a positive outlook. Cases before the JCC are confidential and do not result in a court record, so a juvenile who complies with the JCCs sanctions may move forward from the offense without a criminal record.

The previous AOC interviewees also referenced teen courts, where a judge presides over a jury of the juvenile offender's peers to determine consequences for the offense (Beals, M., Newmeyer, J., & Varney, J., personal communication, June 10, 2025). Teen courts are typically utilized for minor offenses.

Restorative Justice Practices in Other States

Colorado

On March 29, 2007, Colorado House Bill 07-1129 created the Colorado Coordinating Council on Restorative Justice (HB 07-1129, 2007). The council was given the mission of supporting the development of restorative justice programs, serving as a repository of information on restorative justice practices, helping to develop and administer programs for education and training on restorative justice, and assisting other entities seeking to develop restorative justice programs.

Today, the council's strategic priorities include increasing awareness of restorative justice practices and improving access to restorative justice for Coloradans (Restorative Justice Colorado). They maintain that their work will only be completed when restorative practices are the foundation of justice systems in Colorado and when all people have access to restorative justice practices.

In 2024, they published the Colorado Restorative Justice Practitioner Guidelines to aid in training restorative justice practitioners in Colorado, provide a primary reference for those practitioners, and promote public confidence in restorative justice practices (Colorado Restorative Justice Coordinating Council, 2024). The council also receives support from the Colorado Coalition for Restorative Justice Practices, “a statewide membership organization comprised of practitioners, organizations, and supporters, focused on creating public access to high-quality restorative justice practices statewide” (Colorado Coalition for Restorative Justice Practices, 2024).

Colorado Revised Statute § 18-25-101 requires that each adult convicted of a crime pay a \$10 surcharge to the court clerk, unless the court deems the individual unable to pay (Restorative Justice Surcharge, 2024). Five percent of the surcharge is kept by the court clerk for administrative costs. The remaining 95% is transmitted to the state treasury to be deposited in Colorado’s restorative justice surcharge fund. Money in the fund is distributed to judicial districts that offer restorative justice programs and to the Colorado Coordinating Council on Restorative Justice for administrative expenses.

Nebraska

Nebraska Revised Statute § 43-247.03 provides that, “in any juvenile case, the court may provide the parties the opportunity to address issues involving the child’s care and placement, services to the family, and other concerns through restorative justice practices” (Neb. Rev. Stat. § 43-247.03). The same statute provides a list of such practices, which includes prehearing conferences, family group conferences, expedited family group conferences, child welfare mediation, permanency prehearing conferences, termination of parental rights prehearing conferences, juvenile victim-offender dialogue, victim youth conferencing, victim-offender mediation, youth or community dialogue, panels, circles, and truancy mediation. The statute provides definitions for each and specifies that this list is not exhaustive of all remedies which could be offered.

According to the State of Nebraska Judicial Branch, the state currently offers the following restorative justice remedies:

Expedited Family Group Conference (EFGC): A 3-phase, research based process designed to develop a family-centered plan with the goal of addressing immediate placement needs for the juvenile.

Victim Youth Conference (VYC): A conversation between an [*sic*] youth who has committed an offense and victim or a victim surrogate, with the victim's safety being the main priority. The goal is to work together to address harms and develop a reparation agreement.

Juvenile Justice Family Group Conference (JJFGC): A [*sic*] opportunity for a youth and their family to meet with a victim and their family or support group to talk through what happened, the impacts of the youth's actions, and how to repair the harm caused. The youth and their family have private time to develop a plan in which the family can support the youth in creating a reparation plan that is feasible. The victim and the family or support will review and can accept, with or without modifications, the reparation plan.

Juvenile Justice Family Conference: A meeting between a youth and their family to address issues that may be impacting the youth's success.

Excessive Absenteeism/Truancy Conference: A facilitated process between a youth who is at risk for court involvement and their parents and school staff. The goal is to create a plan to eliminate any factors causing the youth missing school.

Juvenile Justice Mediation: A 1:1 mediation between a youth and parent, a parent and provider or family members. The goal is to resolve barriers to a youth's progress.

Juvenile Justice Facilitation: A multi-person facilitation with the goal of solving problems that are getting in the way of a youth's progress.

Restorative Circle: A storytelling process where the participants have honest exchanges about difficult issues and painful experiences. The goal is to create new understandings of each other's experiences and come up with possible solutions.” (State of Nebraska Judicial Branch, n.d.)

Restorative justice practices were codified into Nebraska law for several reasons, which are stated explicitly in the state's law. Those reasons include reducing the burden on the court system, reducing recidivism, reducing the cost of litigation, and "reducing acrimony and improving relationships between people in conflict which has a long-term benefit of a more peaceful community of people" (Neb. Rev. Stat. § 25-2902).

Nebraska law provides that communications of juveniles in restorative justice practices are confidential and generally not admissible as evidence in court. Exceptions include when the communications are used as rebuttal or impeachment evidence, when all parties have waived confidentiality, when an action is brought against the restorative justice facilitator or center, when "the communication was made in the furtherance of a crime or fraud," when the communication contains a new allegation of child abuse or neglect not previously reported, or when the requirement for confidentiality conflicts with any other legal requirements (Neb. Rev. Stat. § 25-2914.01). Such communications may be considered by courts at sentencing or by juvenile court during disposition proceedings.

Nebraska law also provides that a juvenile's record will be automatically sealed once the juvenile has satisfactorily completed the restorative justice program (Neb. Rev. Stat. § 43-2,108.2).

Nebraska Code § 43-276 sets out considerations for county or city attorneys before making an offer of restorative justice, including but not limited to whether the offense involved violence, whether the victim and juvenile would be amenable to restorative justice, whether restorative justice would be in the interests of public safety, and whether the juvenile has a prior criminal history (Neb. Rev. Stat. § 43-276).

In 2025, interviews were conducted with eleven people "employed by community mediation centers in Nebraska and involved in overseeing or coordinating restorative justice programs" (Votruba et al., 2025). These interviews primarily focused on questions relating to the implementation of restorative justice programs in Nebraska.

The interviewees reported that a "general lack of awareness and lack of awareness of specifics" were often a barrier to implementation (p. 347). They stated that new judges and counselors had

to be informed of restorative justice practices, their effectiveness, and logistical issues, “such as how and where services could be obtained” (p. 347).

Attitudes of the public and officials were also a barrier. Some justices perceived restorative justice practices as being too “soft” (p. 347). Some defense attorneys worried about the impact of their clients admitting guilt while participating in restorative justice processes. Some law enforcement worried about liability in cases of repeat offenses from participants they referred to restorative justice processes.

Another barrier was state-level legislation being perceived “as imposing policies in local communities that might not want that imposition” (p. 349). Interviewees from more rural communities tended to favor bottom-up processes while interviewees from urban communities tended to favor top-down processes.

Finally, the interviewees discussed what they felt were the keys to successfully instituting restorative justice practices. They noted the importance of getting early buy-in from key stakeholders, such as county attorneys (p. 349). “Outreach efforts ... were also perceived as essential” and need to be “broad-based and involve many different types of stakeholders” (p. 349). Some stakeholders were convinced “by seeing specific outcomes ... reports, and testimonials” (p. 349). Finally, the interviewers noted the importance of showing that “human beings” are behind restorative justice programs (p. 349).

Vermont

Vermont is nationally recognized as a leader in developing restorative justice models in the United States (Vermont Department of Corrections, n.d.). Vermont is one of the few that have restorative justice written into its statutes. The result has been a great partnership between the government, its citizens, and the community.

The Vermont Department of Corrections, in collaboration with various non-profits and other state agencies, lists these as the state's three restorative justice principles:

- 1) Harmful actions are violations of people and relationships.
- 2) Violations create obligations.

- 3) Restorative justice seeks to engage and support those who have been harmed or victimized. (Vermont Department of Corrections, n.d.)

The state's focus on restorative justice is further emphasized in Vermont Title 28, Section 2a, which states:

It is the policy of this State that principles of restorative justice be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses, and how the State responds to persons who are in contempt of child support orders. The policy goal is a community response to a person's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing. (Vt. Stat. Ann. Public Institutions and Corrections. 28, § 2a)

The Vermont Community Justice Network (VCJN) is a collective of 17 Community Justice Centers (CJCs) in the state “who share a common desire to broaden and strengthen Vermont’s restorative practices” (VCJN, n.d.). The network was developed in 1998 by the Department of Corrections when it connected municipalities and non-profits from throughout the state to work with communities in making restorative justice available to those communities (VCJN, *Who We Are*, n.d.). Wicklund and Halvorsen describe the mission of the VCJN as “to broaden and strengthen Vermont’s restorative practices through leadership, advocacy, education, and partnerships” (Wicklund & Halvorsen, 2024, p. I).

The operation of CJCs were further defined by the state in Vermont Title 24, Chapter 58 (Vt. Stat. Ann. Municipal and County Government. 24, §§ 1961-1969). In part, this chapter:

- 1) Grants the authority to municipalities to designate organizations within their jurisdiction as CJCs (§ 1963).
- 2) Sets the requirement that each CJC have an “advisory board comprising at least 51 percent citizen volunteers” (§ 1964(a)(1)).
- 3) Requires that the Agency of Human Services “shall provide the community justice centers the information, analysis, and technical support” that the two entities deem necessary to further the CJC’s mission (§ 1966(a)).

- 4) Provides that CJC employees and volunteers “shall have access to information, analysis and technical support as necessary to carry out their duties ... in accordance with State and federal confidentiality statutes and policies” (§ 1966(d)).
- 5) Provides that all records or information produced by CJC’s shall be kept confidential (§ 1969(a)).

This chapter also provides legislative findings regarding the benefits of consolidating the system of CJC’s under a single statute (§ 1961). The benefits found by the legislature are 1) it allows for stronger collaboration between CJC’s and government entities, including law enforcement; 2) CJC’s can provide better, more comprehensive services; and 3) more focus can be placed on achieving the policy goals of the CJC’s.

The Council for Equitable Youth Justice (CEYJ)—known prior to June 19, 2023, as the Children and Family Council for Prevention Programs—is a state advisory board in Vermont charged with “reducing racial disparities, improving the youth justice system, and preventing delinquency in Vermont” (Vermont Department for Children and Families, n.d.). The CEYJ has several requirements for the composition of its board, including that no more than 49% of its membership can be from government. The board serves as advisor to the governor and legislature in matters relating to youth justice, at-risk youth, and youth crime prevention. The board also issues grants to support improvements to youth justice in the state.

Texas

Texas is one of the forerunners in the country when it comes to restorative justice, including being one of the first to have legislation concerning the topic as early as 1987. Texas Civil Practices and Remedies Code § 154.002 established, “It is the policy of this state to encourage the peaceable resolution of disputes, with special consideration given to disputes involving the parent-child relationship ... and the early settlement of pending litigation through voluntary settlement procedures” (Tex. Civ. Prac. and Rem. Code § 154.002).

Under the same title, Texas instituted the use of mediation to resolve disputes in a manner that is acceptable to all parties involved in the dispute. Some of the rules placed upon mediation include:

- 1) “A mediator may not impose his own judgment on the issues for that of the parties” (§ 154.023(b)).
- 2) “Unless the parties agree otherwise, all matters ... are confidential and may never be disclosed to anyone, including the appointing court” (§ 154.053(c)).
- 3) “If the parties reach a settlement and execute a written agreement disposing of the dispute, the agreement is enforceable in the same manner as any other written contract” (§ 154.071(a)).
- 4) Citing *Pickell v. Guaranty National Life Insurance Company*, Texas law firm Hirsch & Westheimer notes, “However, where the agreement contains a contingency which is unfulfilled or there is no finalized agreement, then there is nothing to enforce.... Furthermore, the confidentiality of Section 154.053 (c) does not prevent a party from brining (*sic*) suit for breach of contract to enforce the mediated settlement agreement” (*Pickell v. Guaranty Nat. Life Ins. Co.*, 1996, as cited in Hirsch & Westheimer).

The Texas Code of Criminal Procedure specifies that a court may order a defendant to pay restitution to a victim (Tex. Code Crim. Pro. § 42.037). Furthermore, if the court does not order the defendant to pay restitution or orders the defendant to pay only partial restitution, the same article requires the court to state on record the reasons for its decision. According to Jerrick, the outcome is “judges are inevitably forced to consider restitution.... Moreover, this requirement pushes judges to analyze what crimes would be appropriate for a restorative remedy” (Jerrick, 2019, p. 844).

Jerrick also highlights Texas’ Victim-Offender Dialogue Program, which allows a victim to meet with their offender in person or communicate via letter if both parties agree (p. 850). If the offender does not wish to meet, the victim may meet with another prisoner. This program does not exclude victims and offenders of violent crimes from participation. In a review of this program and a similar program in Ohio, researchers found 85% of victims and 97% of offenders interviewed would recommend the process to others (Umbreit et al., 2006, p. 41). A total of 80% of participants also reported the program having a profound impact on their lives. As a result of the Texas program, Jerrick states that victims’ families reported a reduction in feelings of anger and revenge, and likewise offenders reported an increase in self-esteem (Jerrick, 2019, p. 850). While noting that not enough data is available to determine the effect of this Texas program on recidivism,

Jerrick points to a national study which concluded that victim-offender mediation reduced recidivism rates 18 to 27% (Umbreit et al., 1994, as cited in Jerrick, 2019, p. 850).

Jerrick also points to another Texas program aimed at reducing recidivism: Bridges to Life (Jerrick, 2019, pp. 850-51). This program is constituted of larger group discussions between offenders and victims, rather than one-on-one meetings. Offender participants are usually within one year of release from prison. In lieu of completing their prison sentence, a judge may order their confinement at one of Texas' fourteen restitution centers, where they "work full-time, attend rehabilitation programs, and perform community service" (p. 851). According to Jerrick, offender participants of this program recidivate at a rate of only 12.7% (p. 851).

Jerrick also found the restitution centers are very cost effective (p. 852). In 2001, residents of restitution centers cost the state on average \$7,957 per offender per year while housing the same offenders in prison would cost on average \$40,538 per offender per year.

In some Texas schools, restorative justice principles have been utilized to prevent future offenses. According to the Texas Tribune, Bammel Middle School in Houston, Texas, was experiencing a high rate of fighting amongst students, leading to excessive school suspensions (Swaby, 2018). When the school carved out 35 minutes at the beginning and end of each week for teachers and students to discuss their feelings, the school saw a decrease in three-day out-of-school suspensions from 94 in one school year to 47 in the next. These circle discussions help the students understand the feelings of others and realize how their actions affect their community. By reducing the number of school suspensions, they allow students to not fall behind in their education and keep them connected with their community. The school's principal notes that "sometimes those behaviors we see as discipline problems really are because the student is struggling with their academics" (Swaby, 2018).

The Texas Tribune also highlighted YES Prep Northbrook High School, where students may take a class to learn how to resolve fights using circles (Swaby, 2018). Student leaders who have taken the class may form circles to resolve fights between students and even teachers.

Ways to Implement Restorative Justice in the Juvenile System

Pretrial

Intervening before a juvenile offender enters the court system can both help to safeguard that youth's opportunities for the future and save taxpayers money. Intervention may also lead to a more peaceable resolution between an offender and their victim and help to keep affected communities whole.

As discussed in our interview with representatives of the AOC, informal adjustments are currently employed by juvenile intake/probation officers in Alabama and are a flexible solution for keeping juvenile offenders out of court while repairing the harms they caused to victims and communities (Beals, M., Newmeyer, J., & Varney, J., personal communication, June 10, 2025). Juvenile Conference Committees (JCCs) exist in a limited number of Alabama counties and consist of a volunteer panel who may impose sanctions on a juvenile who has committed an offense rather than the juvenile's case going to court. Teen courts are also employed in some Alabama counties and allow for a juvenile to be judged and sanctioned by a volunteer panel of their peers.

Other states have used various restorative justice practices, including myriad types of conferences and mediations, to intervene pretrial. These various practices may be implemented as needed based on the circumstances of the offense.

One way restorative justice in the above referenced states may stand out when compared to Alabama is that many restorative justice practices in those states are explicitly codified in the law of their state. While Alabama does have laws relating to restorative justice, the Code of Alabama does not explicitly endorse restorative justice practices to the level that, for instance, the laws of Nebraska, Vermont, and Texas do.

While programs that target issues of truancy and other school infractions may arguably not fall under the umbrella of restorative justice, they could also be instrumental in diverting youth from offenses which would require court involvement. A 2003 U.S. Department of Justice special report found that 68% of inmates in state prisons did not hold a high school diploma (Harlow, 2003). If

the issues which prohibit youth from receiving a quality education can be addressed, future offenses may be avoided.

Post-Conviction

After a juvenile has been convicted, treatment programs aimed at developing skills and improving behavior and attitudes may reduce recidivism. An April 2000 article in the U.S. OJJDP Juvenile Justice Bulletin examining 200 studies on the effects of such programs on recidivism found that, “on average, the 200 intervention programs studied produced positive, statistically significant effects equivalent to a 12-percent reduction in recidivism.... The best programs reduced recidivism by as much as 40 percent” (Lipsey, M., Wilson, D., & Cothorn, L, 2000, p. 6).

Table 1: A Comparison of Treatment Types in Order of Effectiveness

Types of Treatment Used With Noninstitutionalized Offenders	Types of Treatment Used With Institutionalized Offenders
Positive effects, consistent evidence	
Individual counseling Interpersonal skills Behavioral programs	Interpersonal skills Teaching family homes
Positive effects, less consistent evidence	
Multiple services Restitution, probation/parole	Behavioral programs Community residential Multiple services
Mixed but generally positive effects, inconsistent evidence	
Employment related Academic programs Advocacy/casework Family counseling Group counseling	Individual counseling Guided group counseling Group counseling
Weak or no effects, inconsistent evidence	
Reduced caseload, probation/parole	Employment related Drug abstinence Wilderness/challenge
Weak or no effects, consistent evidence	
Wilderness/challenge Early release, probation/parole Deterrence programs Vocational programs	Milieu therapy

Note. Data from “Effective Intervention for Serious Juvenile Offenders” by Lipsey, M., Wilson, D., & Cothorn, L., 2000, *OJJDP Juvenile Justice Bulletin* (<https://www.ojp.gov/pdffiles1/ojjdp/181201.pdf>).

Research is scarce regarding the benefits of restorative justice practices applied specifically with incarcerated youth. As described above, Bridges to Life in Texas is an example of a restorative justice program that has been proven to reduce recidivism (Jerrick, 2019, p 850). However, Bridges to Life is not a perfect comparator as the program is not specifically aimed at incarcerated youth. Despite the lack of data, there is no evidence to suggest that restorative justice practices applied with incarcerated youth would yield any fewer benefits than those applied with pretrial youth offenders or adults—benefits mentioned previously in this paper such as increased victim satisfaction, reduced recidivism, lowered costs for courts and detention facilities, safer communities, improved outcomes for the youth, etc.

Restorative practices which can be applied with incarcerated youth might include restitution payments, community service, apology letters, victim impact panels, and any mediated practice which engages consenting affected parties (such as the offender, victim, and families of each) in a productive dialogue.

Recommendations

Based on our findings, our team offers the following recommendations of how restorative justice practices might be further implemented into Alabama’s juvenile justice systems.

Pass Legislation Promoting Restorative Justice

We recommend that the Alabama legislative and executive branches pass legislation promoting and standardizing the use of restorative justice practices in the Alabama juvenile justice system. Having restorative justice written into their law has been a benefit to each of the above listed states and has allowed each to better coordinate restorative justice efforts within their state.

It is our recommendation that the main focus of Alabama’s legislation be codifying the informal adjustment process to create a lasting standard for courts, juvenile intake/probation officers, and others involved in Alabama juvenile justice to follow. This would help to ensure that the informal adjustment process is being utilized in a consistent manner and in all cases where it is appropriate, especially for low-level offenders. Conversely, it would help to ensure that the informal adjustment process is not being utilized inconsistently or in cases where the offender poses a clear public

safety risk and should instead be incarcerated, detained, placed in a rehabilitation program, or otherwise sentenced to out-of-home placement. The Alabama Rules of Juvenile Procedure Rule 15 should be used as a framework for drafting any legislation regarding informal adjustments (Ala. R. Juv. P., 2014). This legislation should also codify the rules for Juvenile Conference Committees (JCCs), which are sometimes utilized in the informal adjustment process and are currently governed by Rule 15.1 of the Alabama Rules of Juvenile Procedure (Ala. R. Juv. P., 2011).

For the purpose of clarity, we recommend that legislation passed in this manner use the term *restorative justice* wherever appropriate. This terminology is used infrequently in Alabama's juvenile justice system today, and using this terminology will clearly connect Alabama's legislation to similar legislation and programs throughout the world that share a similar focus.

Create a State Restorative Justice Council or Network

We recommend that the Alabama legislative and executive branches also pass legislation to create a statewide council or network with the mission of promoting restorative justice in Alabama similar to the Colorado Coordinating Council on Restorative Justice or the Vermont Community Justice Network respectively. That agency or network would be responsible for supporting restorative justice practices and initiatives throughout Alabama, developing and enforcing restorative justice standards in Alabama, and promoting education on restorative justice in Alabama especially for courts and attorneys involved in the juvenile justice system.

Form a JCC for Every Alabama County

We recommend that each Alabama county which does not have a JCC form one.

The Alabama Rules of Juvenile Procedure Rule 15.1 provides that any juvenile court judge may appoint a JCC (Ala. R. Juv. P., 2011). A JCC meets with a youth offender and their parent(s) or guardian(s) to discuss the offense committed. The JCC then recommends to the court sanctions for the youth. The juvenile court judge may adopt or deny these sanctions. If the sanctions are adopted, the JCC monitors the youth's progress in completing the sanctions and reports to the juvenile court judge on the youth's progress. If the youth completes the sanctions satisfactorily, the action against the youth is dismissed without ever going to court or creating a criminal record for the youth.

Each JCC may consist of five to nine uncompensated volunteer members who are appointed by the juvenile court judge. Appointed members must be citizens of the county in which they are appointed. Terms for members are set by the appointing juvenile court judge but must be no more than three years. Members may be dismissed from their appointment at will by the juvenile court judge or that judge's successor in office. All members must complete a training program either conducted or approved by the Alabama Administrative Office of Courts (AOC).

Per Rule 15.1, all matters that come before a JCC are to be held in strict confidence, and all members of the JCC must swear before the juvenile court judge to maintain that confidentiality.

In our interview with Vicki Ward, Coordinator for the Judicial Volunteer Program of Elmore County under the AOC, she stated that members of the Elmore County JCC come from many walks of life (Ward, V., personal communication, July 15, 2025). She asserted that the diversity of the JCC members is a strength that allows them to connect with the diversity of youth whose cases are assigned to them and thus aids them in recommending more meaningful and productive sanctions for the youth.

Institute a \$10 Court Fee to Fund Restorative Justice Initiatives

We recommend a court fee of \$10, similar to the restorative justice surcharge of Colorado, be imposed on all adult criminal convictions in Alabama. A restorative justice fund should be created by the Alabama State Treasury to hold the balance of these surcharges after the court clerk's administrative costs are deducted. If a statewide restorative justice council or network is created, money raised through this fee should primarily be distributed to that council or network to be used for the promotion and implementation of restorative justice for juveniles in Alabama. In the absence of such a council or network, we recommend that money raised through this fee be primarily distributed to counties which have or are developing restorative justice practices for juveniles and to fund any other promising restorative justice initiatives for juveniles in Alabama.

Pursue Restorative Justice After Conviction

After conviction, we recommend that restorative justice practices be applied by DYS, juvenile probation officers, and all other caretakers of convicted youth. Such practices may include restitution payments, community service, apology letters, victim impact panels, or any other

restorative justice practice. The goal of such practices should be repairing the harm caused by the offender, engendering empathy within the offender, reducing the offender's likelihood of recidivism, and preparing the offender for successful reintegration into society.

Conclusion

Restorative justice is a time-tested practice that frequently leads to better outcomes for juvenile offenders, victims, and their communities when compared to more commonly applied retributive justice practices. Expanding the usage of restorative justice practices within Alabama will lead to better outcomes and opportunities for Alabama's youth and safer communities throughout Alabama while simultaneously lowering costs and burdens on Alabama's court systems, detention centers, and taxpayers.

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