

Legal Rights Center, Inc.

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March 20, 2023

RE: HF46

Dear Members of the Legislature,

The Legal Rights Center writes in support of HF 46, which would open a path for youth across the State of Minnesota to access restorative practices as a healing accountability process. This bill is a critical step to ensuring that young people in Minnesota have access to accountability processes that are meaningful, effective, and grounded in relationships. Juvenile court was created because of an acknowledgment by the community that youth are not the same as adults.¹ The incarceration and punishment of youth is not helpful for young people or their families and disproportionately impacts Black, Indigenous, and youth of color, and youth who have disabilities.

Locally, we know that youth who have had access to a restorative process at the first point of contact with law enforcement are 2.5 times less likely to have contact with law enforcement in the following year.² This is compared with their peers who followed the traditional legal process who are 1.5 times more likely to be arrested again within the following year. These trends hold true for Greater Minnesota, where there is a long history of offering restorative practices to youth and families. Yellow Medicine County's Juvenile Circle Sentencing Program reports a 0% recidivism rate within a year of their circles, 100% restitution paid, and an overwhelming majority of youth and families reporting a positive experience and a sense of care from community members.³

When youth come face to face with restorative practitioners, parents, guardians, and community members: there is accountability. When there is youth buy-in for their commitments because they helped create them and the adults in their lives step up to

¹ Minn. Stat. 660B.001, subd. 2.

² See University of Minnesota Evaluation of Pre-Charge Diversion in Minneapolis:
https://prc.umn.edu/sites/prc.umn.edu/files/2021-05/YRJPT_infographics.pdf

³ See Anne G. Buchanan (2020) Seventeen years of restorative justice circles: The Yellow Medicine County experience, *Contemporary Justice Review*, 23:4, 319-336, pg. 9, DOI: [10.1080/10282580.2019.1700375](https://doi.org/10.1080/10282580.2019.1700375)

commit to providing support: there is efficacy. Youth need both boundaries and compassion as their brains are developing. Our entire juvenile court rests upon a foundational appreciation for the “unique characteristics and needs of children” and providing “access to opportunities for personal and social growth.”⁴ **HF 46 contemplates restorative practices not being an exceptional option for those youth lucky enough to live in a jurisdiction with current partnerships, but rather a foundational practice that each community is empowered to grow as they see fit from community spaces to school buildings up through the court system.**

Young people who present with behaviors that lead to school discipline or delinquency charges need support, as those behaviors are almost always the youth’s way of expressing unmet needs or demonstrating that they can’t handle the stress they are experiencing. Many youth don’t have access to resources ranging from mental health to chemical dependency to culturally relevant experiences with institutions. What youth need in these circumstances is support in order to build more coping skills and to be able to participate in accountability processes grounded in immediate relationships. Removing youth from the community or imposing an order full of consequences in these situations actually makes behavior worse – it sends a message to the youth that they don’t belong in community and that community isn’t a place that can help them learn how to handle being overwhelmed or how to participate in harm repair.

Additionally, restorative practices create a path towards healing not only for youth causing harm but for people who have been harmed, young and old. Our current punitive systems do not afford people who have been harmed the opportunity to come face to face with the person who has harmed them which deprives both people of the opportunity for repair, commitment, growth, and healing.

Thank you for your leadership on behalf of Minnesota’s youth and for considering this important step to expand a path for restorative practices within systems, address racial disparities in Minnesota’s communities, and to ensure that Minnesotans have full access to meaningful accountability from a young age.

Sincerely,

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⁴ Minn. Stat. 660B.001, subd. 2.