

(Re)Imagining Justice for Youth

Responding restoratively. Together with our community. Achieving collective impact.

The traditional 'juvenile justice' system hasn't worked. While its legal purpose was designated as rehabilitation, its adversarial nature and focus on administering consequences to deter future harmful behavior has produced significant racial disparities with respect to which youth are referred to the justice system; high rates of re-referral for Black, Latino, and Indigenous youth; profound and sometimes lifelong collateral consequences; and has too often led to further legal system involvement in adulthood.

Responding restoratively.

In 2019, we convened an RJY leadership team, together with our community, public defenders, and other system partners, to (re)imagine (or, as our community argued, imagine for the first time) justice for youth by sharing power with our community to restoratively respond to incidents in a way that:

- **identifies and repairs harm** – provides youth meaningful opportunities to make right harm they have caused and promote healing for everyone involved;
- **supports positive youth development and builds connections to school, community and caring adults** – helps youth overcome adversity and realize their full potential; and
- **addresses young people's underlying needs to prevent harm from recurring** – responds to youth in developmentally-appropriate ways and connects youth and their families with resources and support

to strengthen our community and provide safety and wellness for everyone in Ramsey County.

Together with our community.

We believe our community – as parents, family members, people impacted, and other community leaders – is best positioned to hold youth accountable to repair harm caused and to support their learning and growth around community expectations for behavior.

Therefore, we have transformed our approach by:

- **committing to reduce the racial disparities and collateral consequences** inherent in traditional legal system involvement that inhibit young people's success as they're maturing and transitioning to self-sufficiency as young adults;
- **creating a collaborative review team**, consisting of representatives from our community, public defenders, and county attorneys, to review cases together through a restorative, equitable, trauma-informed lens and determine how best to respond; and
- **building a continuum of restorative community-based alternatives** to traditional legal system involvement to help youth identify and repair harm; gain support; and address their underlying needs to prevent harm from recurring and help them succeed in life.

Achieving collective impact.

We are committed to doing better. In partnership with youth development researchers from the University of Minnesota, we conducted a baseline analysis of county attorney's office data from 2010-2019 to better understand the impact of racial disparities, young (aged 10-17) people's experience in the legal system and how that affects their likelihood of ending up with a felony charge as an adult.

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Here's what we learned:

1 – Traditional legal system responses are not meeting the needs of young people. The more often a young person is referred to the legal system, the less effective the responses are, as they become more likely to have future system contact, both as youth and as adults.

For example:

- *as youth* - 35% of young people are referred to the legal system more than once before their 18th birthday; however, of those referred a second time, a much greater proportion, 57%, are referred a third time.
- *as adults* - 1 in 5 people referred as a youth end up with a felony charge as an adult, however, only 13% of youth with one referral do, compared to 29% of youth with 3 referrals and 68% of youth with 13 or more referrals;

2 – Traditional legal system responses to serious behaviors are least effective. Youth with gross misdemeanor/felony charges end up with felony charges as adults at higher rates than youth with only misdemeanor/petty misdemeanor charges. Further, youth with more serious charges who end up with felony charges as adults most often have two or more felony charges.

3 – Traditional legal system responses are especially ineffective for Black, Latino, and Indigenous youth. While the overall number of referrals from law enforcement has decreased over time, and nearly 2/3 of young people are only referred once as youth, racial disparities increase with greater involvement in the legal system and Black, Latino, and Indigenous youth are most likely to be re-referred.

Based on this analysis, we need to:

1 – have the lightest system touch possible to redirect most young people away from legal system involvement, knowing that as involvement increases, the likelihood of future involvement – both as a youth and as an adult – increases;

2 – increase awareness of the role of racial bias in our decision-making and be intentional about combatting it, as reflective practitioners, to end racial disparities;

3 – acknowledge the shortcomings of our traditional legal system responses in addressing the underlying needs that contribute to legal system involvement; and

4 – partner with our community to shift to more restorative, developmentally-appropriate responses that deliver meaningful accountability through better identifying and repairing harm; supporting positive youth development and building connections to school, community and caring adults; and addressing young people's underlying needs to prevent harm from recurring.

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Evaluation: Process & Referral Outcomes

We will measure our progress by comparing data going forward to learn:

- Whether fewer young people referred to us by law enforcement are re-referred within the following year, based on the type of accountability used (traditional legal process or community-based restorative responses)
- How our new restorative approach is working as compared to the traditional legal system; we will track metrics for cases to understand:
 - process outcomes: decision-making for cases reviewed traditionally vs cases reviewed collaboratively, including:
 - the % referred to each track (back to family, community-based accountability, petition + refer to community-based accountability, traditional court process)
 - type/s of accountability used
 - referral outcomes
 - whether youth successfully completed accountability
 - whether and how engaging with community providers benefitted youth
 - re-referral rates within the following year