



March 23, 2025

Re: Testimony in opposition to SB 2128

Chair Klemin and members of the House Judiciary Committee:

I am Ann Crews Melton, Executive Director of Consensus Council, a North Dakota-based nonprofit that has brought people together for conflict resolution, building consensus, and bridging differences for 35 years. Typically, as conveners and consensus builders, we do not weigh in with legislative testimony. However, since 2021 Consensus Council has operated North Dakota's statewide Restorative Justice program, which seeks to repair harm and create safer communities. We feel strongly that this bill runs counter to the evidence-based, cost-effective restorative services already in place, and will push our state in the wrong direction, toward more spending and less safety. Thus I am breaking with precedent to provide testimony in opposition to SB 2128 and respectfully request a DO NOT PASS vote from the House Judiciary Committee.

Punishment without Accountability Isn't Justice

At Consensus Council, we believe that punishment without accountability isn't justice. As Americans we have grown accustomed to relying on systems that punish those who hurt us. Punishment does not require accountability, but places the person who caused harm in a passive role in which they are removed from society and aren't required, or given the opportunity, to take accountability at all.

When traditional punishment doesn't work, we dig in harder. We lock people away longer. Yet again and again, whether through enacting mandatory minimum or truth in sentencing initiatives, this does not deliver desired outcomes. We ultimately want the person responsible to feel remorse, make amends, repay their debt, and never hurt anyone again. Occasionally, punitive methods do motivate these changes. More often, they create worse, more broken citizens, and remove incentives for people to get better. As others testifying have noted, higher incarceration rates and longer sentences have repeatedly proven ineffective in reducing crime or recidivism, or in making communities safer.

Restorative Justice Requires Accountability

Restorative Justice is a philosophy that prioritizes the relational impact of wrongdoing. It asserts that when someone commits a crime or causes harm, a relationship is damaged, and the person responsible has an obligation to repair the harm to those affected. Restorative Justice is how many Indigenous and religious communities addressed harm before formal

systems were in place. Today, punitive systems and Restorative Justice are not mutually exclusive: Restorative Justice may be utilized as a stand-alone alternative or as a complementary process. North Dakota has had a robust Restorative Justice program since 1999, which is now operated by Consensus Council. Since adopting the program in 2021, we have served 3,048 individuals (not including parents of referred youth) through partnerships with ND Juvenile Court, ND Health & Human Services, school districts, and the ND Department of Corrections & Rehabilitation.¹ We have staff located statewide and frequently work with law enforcement, school resource officers, juvenile court officers, probation/parole officers, prosecutors, defense attorneys, and victim advocates, as Restorative Justice involves a holistic, community-based approach.

North Dakota's Ongoing Investment in Restorative Justice

To our knowledge, North Dakota is unique within the US for allocating state funding for a statewide Restorative Justice program, making our state a respected leader in the Restorative Justice field nationally. In 2021, the ND Legislative Assembly added Restorative Justice to ND Century Code as a sentencing alternative (12.1-32-02), defined as a “system of justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.” One of our key services, Restorative Conferencing, brings people together in a safe, professionally facilitated space, to hold the responsible party accountable. In this voluntary process, the person responsible must own up to what they did and listen to victims share how the offense impacted them. Participants then create an agreement by consensus that defines how the responsible person will repair the harm.² This agreement is designed to meet the unique needs of the people most directly affected and reduce the risk of future offenses. Conferencing frequently results in restitution agreements; in 2024 alone Consensus Council distributed \$22,400 to victims paid by their offender.

While Consensus Council's program works primarily with youth, we also serve adults through DOCR Victim Services and through the Unity Village (Restoring Promise) unit at the ND State Penitentiary, which offers a mentorship program utilizing restorative principles. Across our services, our facilitators address offenses ranging from theft, burglary, and simple assault to more violent crimes, including those resulting in serious injury or death. We have facilitated multiple cases, for both youth and adults, concerning loss of life. Some of these involved shootings, while others stemmed from driving offenses such as vehicular homicide and driving under the influence. These types of cases are typically requested by the victim's family members and require a high degree of preparation for all parties involved.

In our experience, Restorative Justice is effective in addressing not only low-level, nonviolent offenses but also for more violent crimes, such as those named in SB 2128. In a 2013 review of multiple studies, researchers found that face-to-face Restorative Justice conferencing resulted

¹ While we have faced challenges in tracking recent recidivism rates due to changes in the ND Juvenile Court database, past ND program data from 2007-2019 showed a six-month recidivism rate of just 13.1% for juvenile program participants.

² There are some cases where harm is impossible to repair—such as cases resulting in loss of life. But the opportunity for parties to meet is still critical to accountability for the offender, and healing for the victim.

in offenders committing significantly less crime than counterparts who were assigned to standard criminal justice alone, and that Restorative Justice conferencing is particularly effective with offenders of violent crime. This review also affirmed that victims participating in Restorative Justice conferencing express more satisfaction with the handling of their cases and are less likely to suffer post-traumatic stress symptoms.³ Participants in our cases involving violent crimes and loss of life have expressed appreciation for the opportunity to tell their story in full—stating they often felt ignored or misunderstood by the traditional system. We know that restorative methodology works. Since 95% of our prison population will reenter our communities, we need to continue and expand North Dakota’s commitment to Restorative Justice programs to enact accountability and ensure public safety.

Accountability to Victims and Communities Ensures Safety

Our communities are in dire need of accountability and restoring relationship, and North Dakota is poised to sustain and expand our established restorative approach. The eligibility and truth in sentencing requirements of SB 2128 would take our state and corrections system in the opposite direction. As others have testified, we have decades of data showing that locking people up longer does not make communities safer. It costs more, and it doesn’t work. What does work are proven, evidence-based services that hold people accountable and require them to meaningfully reckon with the impact of their actions. Through Restorative Justice services we have such a program already in place.

Rather than spend state dollars on more prison beds and staff, which would result in cutting effective rehabilitative services, we urge you to take a smarter approach and sustain the proven services that are already working to reduce recidivism and ensure public safety, such as Restorative Justice. In light of this, I respectfully ask that the House Judiciary Committee vote DO NOT PASS on SB 2128.



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³ Strang, H., Sherman, L.W., Mayo-Wilson, E., Woods, D. and Ariel, B. (2013), Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review. Campbell Systematic Reviews, 9: 1-59.
<https://doi.org/10.4073/csr.2013.12>