



February 12, 2024

Senate Judiciary and Public Safety Committee

SUBJECT: PRONE RESTRAINT - SF 3534

Dear Chair Latz and Committee Members,

Our organization works with families of children with disabilities in multicultural communities. We are writing to you to express concern for the lives of 38 children that have been lost as a direct result of prone restraint.

We do not believe that any child, under any circumstances, should ever be subjected to “any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head throat, neck, chest, lungs, sternum, diaphragm, back or abdomen; or results in straddling a pupil’s torso.” There should not be an exception to this for law enforcement officers, which is what the current language proposes.

If law enforcement is going to be removed from section 121A.58, subdivision 2a, then we believe an equivalent requirement needs to be added back into section 609.06. The current language is not sufficient.

We are especially concerned about how this exception for law enforcement may affect children with disabilities who may be more susceptible to physical injury or unable to communicate distress.

When we have sat in meetings with leadership to discuss the proposal, they have offered “concessions” around training, around the amount of time a child is held in prone restraint, and POST board policies. But to the best of our knowledge there is no evidence that any of these things made any difference to the 38 children who have died as a result of prone restraint.¹

Members of the legislature have spoken eloquently about how the safety of our children is their top priority, but the current verbiage does not reflect this. We respectfully ask you to ensure that the ban on prone restraint remains in law and applies to all.

Sincerely,
Multicultural Autism Action Network

Rufo Jiru

Delia Samuel

Fatima Molas

Maren Christenson Hofer

¹ Nunno, M.A., McCabe, L.A., Izzo, C.V. *et al.* A 26-Year Study of Restraint Fatalities Among Children and Adolescents in the United States: A Failure of Organizational Structures and Processes. *Child Youth Care Forum* **51**, 661–680 (2022). <https://doi.org/10.1007/s10566-021-09646-w>