



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 9, 2023
RE: SUPPORT for SB 586

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

I am testifying in support of SB 586.

Restorative justice seeks to repair the harm caused by crime by providing an opportunity for those harmed to express and address their needs, while encouraging those responsible for the harm to be accountable, through dialogue and healing-centered agreements. Restorative justice leads to healing for survivors.¹ Studies have found that participating in restorative justice increases survivors' perception of safety, security, and closure.² Restorative justice generates a lower risk of recidivism than traditional justice processes.³

In 2021, Oregon passed HB 2204 and creating a dedicated fund for restorative justice programs across the state. With the passage of HB 2204 and the creation of the Criminal Justice Commission's Restorative Justice Grant Program, Oregon's use of restorative justice has significantly increased. Restorative justice is practiced in many counties across Oregon, including Clackamas, Deschutes, Jackson, Josephine, Lane, Lincoln, Multnomah, Polk, Wasco, and Washington. Several tribes have peacemaking courts that incorporate similar practices.

¹ 91% of survivors who participated in a restorative justice process in Alameda County reported that they would participate again, and an equal number stated that they would recommend the process to a friend (Baliga, 2017).

² In one randomized control trial, participating victims reported substantially reduced post-traumatic stress symptoms (Strang, 2003).

³ Restorative justice programs in San Francisco (Gascon, 2019) and Alameda County (Baliga, 2017) yielded significant reductions (e.g., a 44 percent decrease) in recidivism for youths compared to those processed through the criminal system. One study reports that annual offending rates among participating individuals dropped by 38 crimes per 100 offenders as compared with those processed through the criminal system (Sherman, 2000).



Oregon should update its confidentiality laws to reflect this growth. Oregon has acknowledged the value of restorative justice and the importance of confidentiality in statutes related to DOC and OYA's facilitated dialogue programs, and the PSRB's restorative justice program.⁴

OCDLA urges a YES vote on SB 586.

⁴ ORS 423.600, ORS 420A.300, and ORS 161.398.