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To: Senate Committee on Judiciary
From: Heather Busby, Executive Director

Re: **SB 586**

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

Founded in 1975, Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Each year, we provide holistic, client-centered representation to around 1000 children, youth, and parents in Oregon's juvenile court system. Additionally, we provide early defense advocacy to keep families together and educational advocacy so children can attend, graduate, and succeed in school. In 2021, we launched our juvenile expunction clinic.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Indigenous, Latinx people and other people of color are overrepresented in child welfare and juvenile justice systems..

YRJ supports SB 586.

Benefits of Restorative Justice

As declared in the bill, restorative justice is a process that can promote justice and healing for victims and survivors. Through the process of confronting the accused, receiving meaningful accountability and reparation for harm caused, this process can be more healing for victims and survivors than a typical criminal justice proceeding. Further, restorative justice benefits families and communities, offering them a measure of control over the process and their surroundings.¹

Youth also benefit from restorative justice. Restorative justice addresses several categories that youth need from justice: meaningful accountability that addresses the harms, encourages empathy and responsibility and transforms shame; encouragement to experience personal transformation; and encouragement and support for integration into the community.²

¹ Howard Zehr, *The Little Book of Restorative Justice* 36 (2002).

² *Id.*

SB 586 Addresses Important Due Process Concerns

Because restorative justice is not the norm in the United States, without statutory protections, the process could potentially violate due process.

For the restorative justice process to be meaningful, the accused person must acknowledge personal responsibility, which could violate their Constitutional right against self-incrimination. In a pre-adjudicatory stage, the need to address safeguards against the risk of self-incrimination is greater.³

There is also the risk that discussions during the restorative justice process could be used against youth in a subsequent proceeding or in adjudication for other crimes. This possibility creates an impediment to open and honest communication.

By codifying the confidentiality of restorative justice communications, SB 586 addresses this significant due process concern.

Thank you for your consideration of this important issue.

Sincerely,



Heather Busby
Executive Director
Youth, Rights & Justice

³ Tina S. Ikpa, Balancing Restorative Justice Principles and Due Process Rights in Order to Reform the Criminal Justice System.