



METROPOLITAN PUBLIC DEFENDER SERVICES, INC.

February 10, 2023

Senate Committee on Judiciary

Re: Testimony in Support of SB 586

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

Thank you for the opportunity to submit the following testimony in support of SB 586. I am the Executive Director of Metropolitan Public Defender (MPD), which is the single largest provider of public defense services in the State of Oregon. MPD maintains offices in both Multnomah and Washington counties. MPD has a total of over 200 team members, more than half of which are attorneys. MPD has represented some of the most vulnerable and disenfranchised members of our State since 1971.

MPD is currently in partnership with the Multnomah County District Attorney's office in piloting a restorative justice alternative to prosecution. This program offers victims another option for healing and provides an approach to harm that focuses on the needs of survivors as opposed to the punishment of offenders. This program was established in partnership with Impact Justice, a national organization that has data driven success in implementing similar programs across the country.

A key part of restorative justice is "conference," which is also referred to as facilitated dialogue. The restorative conference focuses on providing a space for survivors to explain the impact of the harm and get answers to their questions about the crime. In order to experience the full healing potential, it is important that the responsible party/offender be able to speak honestly and openly about the harm they have caused. For this to happen, it is critical that the statements made during the conference remain confidential.

Confidentiality for the Multnomah County program is achieved through a Memorandum of Understanding with the District Attorney's office. The MOU provides some protection, but not the full protection that is necessary. For example, only the agreeing parties are bound. This means someone filing a lawsuit or a separate prosecutor's office could still seek the statements. Further, the MOU is temporary. The DA only needs to provide 30 days notice for a change in the agreement. Any abrupt changes could threaten the integrity of the program.

Restorative justice is incredibly valuable to our community. Participating public defense clients avoid further system involvement, conviction, and incarceration. They are given an opportunity to truly reckon with the impact of their actions without fear of legal recourse or punishment. They are empowered to see their place as an important member of the community, who is engaged in a truly

rehabilitative program. Restorative justice clients are also statistically less likely to reoffend as compared to someone who is processed through the criminal legal system, which benefits both short-term and long-term public safety.

The viability and sanctity of restorative justice requires confidentiality, which is why SB 586 is so important. Thank you for allowing me this opportunity to submit testimony in strong support of SB 586.

Sincerely,

Carl Macpherson

Carl Macpherson
Executive Director
Metropolitan Public Defender