

DATE: April 13, 2023  
FROM: Sammi Teo, Public Policy Advocate  
RE: Support for SB 586 to encourage honest dialogue in restorative justice programs

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Chair Kropf, Vice-Chairs Andersen and Wallan, and members of the House Committee on Judiciary,

Oregon Food Bank's mission is "to eliminate hunger and its root causes... because no one should be hungry." We pursue this goal in two key ways: we foster community connections to help people access nutritious food today, and we advocate to change policies that drive hunger and poverty.

### **The structure of our public safety system directly impacts rates of poverty.**

The structure of our public safety system affects how our communities heal and hold each other accountable, which directly impacts rates of poverty and success. Traditional justice processes have failed us. In a study by the National Institutes of Health, **91% of citizens returning to society from incarceration reported being food insecure**; 75% reported that it is "extremely difficult" or "impossible" to find a job post incarceration<sup>1</sup>, making it harder to end cycles of poverty. When formerly incarcerated folks do find a job, they suffer a permanent reduction in their lifetime earning potential, by nearly \$180,000.<sup>2</sup> Amongst households with a formerly incarcerated family member, 70% struggle to meet basic needs, such as food and housing.<sup>3</sup> Research also shows that **67% of crime victims did not receive help following the incident**<sup>4</sup>, which We need a public safety system that is built on accountability and growth – not one that perpetuates isolation and makes it harder to thrive in society.

### **Restorative justice results in lower recidivism and higher survivor satisfaction.**

Restorative justice addresses harm in a way that centers accountability and growth. It seeks to repair the harm caused by providing an opportunity for those harmed to express and address their needs, while holding those responsible accountable through dialogue and healing-centered agreements.

Restorative justice generates a lower risk of recidivism than traditional justice processes. Restorative justice programs in San Francisco<sup>5</sup> and Alameda County<sup>6</sup> yielded **significant reductions in recidivism for youths (e.g., 44% decrease) 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.<sup>7</sup>

Restorative justice leads to healing for survivors. 91% of survivors who participated in a restorative justice process reported that they would participate again, and an equal number would recommend the process to a friend.<sup>8</sup> Studies found that participating in restorative justice **increases survivors' perception of safety, security, and closure**. In one randomized control trial, participating victims reported **substantially reduced post-traumatic stress symptoms**.<sup>9</sup>

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<sup>1</sup> [www.bread.org/article/mass-incarceration-a-major-cause-of-hunger](http://www.bread.org/article/mass-incarceration-a-major-cause-of-hunger).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Study was conducted in Alameda County, California. [Alliance for Safety and Justice](#).

<sup>5</sup> Gascon, G. (2019). Transformative Justice: Prosecution Strategies to Reform the Justice System and Enhance Community Safety. San Francisco District Attorney's Office.

<sup>6</sup> Baliga (2017).

<sup>7</sup> Sherman, L., Strang, H., Woods D. (November 2000). Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE). Australia.

<sup>8</sup> Baliga, S., Henry, S., & Valentine, G. (2017). Restorative Community Conferencing. Impact Justice & Community Works.

<sup>9</sup> Strang, H. & Sherman, L.W. (2003). Repairing The Harm: Victims and Restorative Justice.

**SB 586 would allow participants of restorative justice programs to be open and honest.**

A central practice of restorative justice is dialogue. Typically, these dialogues include those directly impacted by the harm, the person who committed the harm, community representative(s), and one or more facilitators. The success of these conversations, and the preceding preparatory meetings, depends on the participants' ability to be open and honest.

**However, in Oregon, there is no guaranteed confidentiality for restorative justice.** This lack of protection presents an obstacle for these programs as well as for other communities hoping to benefit from the power of restorative justice. While confidentiality can be achieved through certified mediation or system partner agreement, these protections can be incomplete, temporary, or inaccessible. Without full confidentiality, participants risk having their statements used against them in court. This risk affects the ability of participants to speak openly and dampens the powerful impact restorative justice can have for survivors and for community safety.

To preserve the integrity of restorative justice, Oregon must create a statute that provides confidentiality for all stages of the restorative process. This will not impact traditional law enforcement operations. **It will simply allow communities another option for addressing harm, promoting healing, and fostering accountability, through a survivor-centered lens.**

We urge you to support SB 586. Thank you.

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FOR GOOD.**