

Chair Kropf, Vice Chair Andersen, Vice Chair Wallan, and members of the committee.

For the record, my name is Tristen Edwards. I am an attorney with Metropolitan Public Defender and chair of the Restorative Justice Coalition of Oregon's Community Action and Advocacy Committee.

Restorative justice is a survivor centered approach to accountability that focuses on supporting healing for people who have been harmed and fostering true internal accountability for people who have caused harm. A central practice of restorative justice is facilitated dialogue, which provides a healing space for crime survivors to explain the impacts of the harm and get answers to their questions. Understanding why a harm occurred and gaining information about the offense can be vital to a survivor's healing. Additionally, when a person who has caused harm is required to face the person they harmed, answer their questions, and hear directly about the impacts of their crime, they are forced to reckon with their actions and become an active participant in their own accountability. This active participation requires a willingness to speak openly and honestly about their actions. In other words, the responsible party's role involves making extensive and detailed incriminating statements.

The problem is that restorative justice processes are not currently confidential. This creates a problem for responsible parties, who cannot engage without risking legal action. This also creates a problem for survivors, who are invited to divulge sensitive information and whose healing is connected to a responsible party's ability to engage.

Oregon does have statutes that acknowledge the importance of confidentiality for restorative justice processes. However, these statutes apply only to specific programs such as the Department of Corrections' Facilitated Dialogue Program and the Psychiatric Security Review Board's restorative justice program. With the establishment of the Criminal Justice Commission's Restorative Justice Grant Program, in 2021, Oregon has witnessed an important growth in the use of restorative justice. As such, it is time for Oregon to update its statutes to create consistency across our laws for all restorative justice programs. The solution is to pass Senate Bill 586 and create confidentiality protections for restorative justice programs.

I would like to acknowledge the amendments that were requested, during this bill's time in the Senate. These requested amendments aimed to broaden the current exception relating to when disclosures can happen. The original and current language allows for disclosure when necessary to prevent a crime that would result in serious bodily injury or death. This language is consistent with the other Oregon statutes I mentioned that relate to specific facilitated dialogue programs. Maintaining the current bill language is important for creating consistency in law and for ensuring an environment where participants in restorative processes feel safe to be fully open.

The creation of confidentiality protections for restorative justice programs will not impact traditional law enforcement efforts. It will not curtail the power of police or prosecutors. It will simply allow restorative justice to be a viable option for crime survivors, seeking options for their healing, and for responsible parties, who have a genuine interest in holding themselves accountable and working to repair the harm they caused.

