

February 2023 **Testimony SB 586**

My name is Dr. Deltra Ferguson. I am Executive Director for Resolve Center for Dispute Resolution and Restorative Justice of southern Oregon. Resolve has been serving the people of Jackson, Josephine and surrounding areas for nearly 33 years. Resolve helps people manage conflict through mediation, repair harm and build community through restorative justice, and advance peace through resolution education and training. Resolve's professional mediators, restorative justice practitioners, and community volunteers are dedicated to building safer, healthier, and more equitable communities at home, at work, and at school.

I urge support for Senate Bill 586 assuring that, like mediation, restorative justice processes will receive the protection of confidentiality.

Restorative Justice, like mediation, is a practice designed to help people repair from harm. Some of the harms our practitioners help people address constitute crimes. We have years of partnership with Jackson County Juvenile Justice and the Rogue Valley Youth Correctional Facility.

Some harms, like some mediated conflicts, are not criminal but are civil. Resolve has been training area K-12 educators and professionals in restorative justice since 2013 as a non-punitive way to respond to harms in our schools. Studies reveal that suspension and expulsion create a pipeline to the youth detention system that disproportionately impacts youth of color and those with special needs. Schools can implement restorative justice to create accountability and greater safety, and to avoid suspension and expulsion.

Like mediation, confidentiality is critical for restorative justice success. Participants, perhaps most especial those harmed or victimized, need their words and sentiments protected. The vulnerability required in a restorative dialogue or circle must never be subject to subpoena or endangered by community knowledge.

Like mediation, restorative justice processes do not interfere with litigation, if that is consequently pursued. We have found that when a mediation precedes a court process, the court experience is generally enhanced by the previous relationship and exchange through mediation. Restorative justice dialogues and circles, when preceding court processes, are likely to produce a similar positive outcome.

I offer this because Resolve is among several providers receiving funding from the Criminal Justice Commission through House Bill 2204 to expand the reach of restorative justice in Oregon. The Resolve project, in partnership with the District Attorney is focused on restorative justice with young adults, and is in the formative stages. To be successful, confidentiality must be assured.

Thank you for your thoughtful contemplation of this requested support, and for your leadership.

Deltra Ferguson, PhD  
Executive Director, Resolve