



Dear members of the House Committee on Judiciary,

Resolution Oregon submits this testimony as an association to memorialize our support for the restorative justice confidentiality protections outlined in SB586.

Resolution Oregon is a network of 15 Community Dispute Resolution Centers (CDRCs) that meets regularly as an association of Directors and program staff to identify and advance best practices for community-based conflict engagement. Historically, many of Oregon's most successful restorative Justice programs have been developed and implemented by CDRCs, or at least have emerged and evolved in partnership and collaboration with these valuable community mediation centers. Restorative justice is often considered a subset of mediation practices, and some restorative processes are even referred to as "victim-offender mediation." However, this terminology does not account for the many ways that restorative justice programs are structurally and practically different from community mediation programs, particularly when it comes to identifying criminal harms and facilitating processes of accountability for those specific impacts. Restorative justice processes also much more frequently engage community members and impacted parties beyond a state-identified "victim." All participants in a dialogue process deserve the opportunity to speak freely about what they have experienced without fear that their statements could be used against them or others.

SB586 outlines confidentiality protections similar to those already afforded to specific Department of Corrections restorative justice processes as well as Oregon mediators. By broadening these important confidentiality measures specifically to include community-based restorative justice programs, legislators can allow the honesty that is necessary for true accountability in dialogue-based processes. With these protections, restorative justice programs can better prevent and address serious and complex harms that may be unsuitable for conventional mediation programs. The need for full transparency, and the right to engage in an alternative conflict resolution process without fear of self-incrimination, is essential for all community-based conflict resolution efforts.

Several Resolution Oregon member organizations were recently funded through the passing of HB2204 in 2021 which has distributed \$4M to community-based pilot projects in order to provide restorative justice alternatives to prosecution in Oregon. Open



communication between parties without fear of a punitive legal consequence is necessary for meaningful exploration of impacts on all who were affected. Strong confidentiality protections will allow participants of a restorative justice process to be secure in sharing vulnerable details of their experience that can inform what is needed for healing to occur. It will also allow for skilled facilitators who may not identify as a mediator, or do not practice “mediation” explicitly, to feel confident that their processes can be accomplished with integrity and without putting clients at risk.

The passing of SB 586 would greatly benefit existing and future restorative justice programs, equipping community-based organizations with the ability to meet the needs of their constituents by strengthening the important community dispute resolution services offered by Oregon CDRCs.

Sincerely,

Tera Cleland
President
Resolution Oregon

Sophia Solano
Board Member
Lincoln Community Dispute Resolution