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State Senator Kayse Jama

Senate District 24 (D-East Portland, Damascus, Boring)

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Chair Prozanski, Vice Chair Thatcher, and members of the committee,

As Co-Chief Sponsor of the Restorative Justice Confidentiality bill, SB 586, I write to support this bill and to underscore its importance. Oregon became a leader in restorative justice in 2021 when it passed HB 2204 and established the Criminal Justice Commission's Restorative Justice Grant Program. Those funds have supported the development of eight different programs across the state that seek to provide a victim centered alternative to the traditional criminal legal system. By focusing on the needs and healing of crime survivors, restorative justice produces incredible results related to survivor satisfaction and to offender accountability. These results mean healing for crime survivors and reduced recidivism for offenders, who have been given the opportunity to genuinely and actively reckon with the impacts of their actions and to develop pathways for repairing the harm they have caused to the survivor, to their community, and to themselves.

In order to fully reap the benefits of restorative justice, it is important that the legislature create confidentiality protections for restorative justice programs. To be most effective, these processes require the full engagement of the responsible party. This means that the person who caused the harm must be willing to speak about what they did and answer questions about the crime. Oregon does not currently have a confidentiality law that protects all restorative justice programs. Therefore, offenders put themselves at risk when engaging in these dialogues and are, consequently, less likely to fully engage and share information that can be vital to a survivor's healing process. Confidentiality is also important to protect the statements made by survivors of harm. It is crucial that the crime survivor feel fully safe and protected to say whatever they need to aid them in their healing journey. Ensuring that these sensitive statements are not disseminated outside of the restorative justice process is important in protecting survivors.

Oregon statutes already reflect an understanding of the value of restorative justice and the importance of confidentiality to these processes. ORS 423.600(1) explains that a facilitated dialogue, like those used in restorative justice processes, "can promote justice and healing for crime victims and survivors and can aid adults in custody in the process of rehabilitation." This statute established confidentiality for the Department of Corrections' facilitated dialogue program, acknowledging that such processes are "most

successful when the participants are able to communicate openly and honestly about the crime and its impact, knowing that the participants' communication will not be disclosed to other people or used against them later." ORS 423.600(2). Similar statutes exist for the Oregon Youth Authority and Psychiatric Security Review Board's restorative justice programs. Expanding confidentiality protections to all restorative justice programs is important to account for the increased use of restorative justice, the continuing growth of the field, and the incredible benefit it can have for society.

Sincerely,

Senator Kayse Jama