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### M E M O R A N D U M

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**TO:** Honorable Rep. Kropf, Chair

**FROM:** Aaron Knott, MCDA Policy Director

**SUBJECT:** Testimony in support of SB 586

**DATE:** 4/10/23

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House Bill 2204 (2021) created a four million dollar statewide fund to seed the creation of restorative justice programming across the state. Multnomah County holds one of those programs. Over the last year, we have worked in close partnership with a community based organization, the Insight Alliance, to develop a restorative justice focused on providing the victims of crime with a new, voluntary pathway for resolving harm. The program is new, but comparable programs in other jurisdictions have seen tremendous success, both in terms of reducing offender recidivism and in helping the victims of crime to feel more closure and satisfaction in the handling of their criminal case.

Our program relies heavily on the mechanism of facilitated dialogue between the victim (or harmed party) and defendant (or party causing the harm), which creates a forum for open and honest exchange between the parties as to the harm experienced and the best path for healing. As part of this program, the prosecutor's office agrees that anything said in that space will be held as confidential, and not introduced by the state against the defendant in any future criminal proceeding. But while we are capable of binding ourselves to this confidentiality agreement, there is no independent legal mechanism for insuring the confidentiality of all parties involved. This means that a defendant might still be free to attempt to subpoena statements made by the victim during the facilitated dialogue, or the victim might be free to subpoena statements made by the defendant in a subsequent civil lawsuit. Without real confidentiality being fully present, the restorative process is compromised, as neither party is capable of being fully open without the worry of potential future legal liability.

SB 596 provides confidentiality for these restorative processes, which will allow for far more meaningful expression by both parties and a deeper opportunity for healing and the resolution of harm. We urge the passage of this bill.

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