

Testimony of Mike Niemeyer
Facilitated Dialogue Program Advisory Committee Member

In Support of SB 16 (2017)
Before the House Judiciary Committee
April 25th, 2017

Chair Barker and members of the House Judiciary Committee. My name is Mike Niemeyer. I am a member of the Department of Corrections Facilitated Dialogue Program (FDP) Advisory Committee. I also provide assistance to the FDP in my role as the Department of Justice's ADR Coordinator. It is in my capacity as a member of the Facilitated Dialogue Program (FDP) Advisory Committee that I am testifying today in support of SB 16.

The ability of crime victims and survivors to assert their autonomy and make meaningful choices regarding their recovery is essential. To be a victim of crime is to have control taken away from you, to have someone else impose their will over you. To the greatest extent possible, the victim or survivor should be able to exercise options that work for them as they guide their own recovery and response to a violent crime. For some victims and survivors, that may include the ability to talk directly with, or receive a letter from, their offender.

For the last 13 years the Oregon Department of Corrections has made facilitated dialogues available to crime victims who are seeking an opportunity to meet with their offender. These dialogues are always victim-initiated and the agenda and purpose of each facilitated conversation is determined by, and unique to, that survivor. Whatever the goal or agenda for the dialogue, the participants and facilitators have told us that the dialogues frequently involve the most painful, intimate and personal feelings and themes that a person will discuss in their entire lives.

The FDP is designed to offer crime victims and offenders a dialogue that is as authentic as possible. One important element in this authenticity is the assurance that the victim or offender's communications won't show up in the newspaper or be used in a subsequent proceeding against their wishes. Senate Bill 16 provides necessary and essential confidentiality protections for these facilitated dialogues protecting communications by victims, offenders, program staff, facilitators and advisory committee members made in connection with a dialogue.

Senate Bill 16 also provides for the confidentiality of letters of responsibility written by an inmate to his or her victim. As with the Facilitated Dialogue program this is a victim-initiated and victim-centered process. A crime victim will only be made aware, or receive a letter, if they initiate the inquiry. The confidentiality protections of SB 16 are essential to preventing harm to victims or survivors who might otherwise open up a newspaper to see a letter from their offender. Like the Facilitated Dialogue program the letter bank program can have significant benefits for those victims who choose to receive a letter of responsibility and for the offender who thoughtfully articulates their personal responsibility for the crime.

The confidentiality available through SB 16 is not unlimited. The bill gives the Department of Corrections the ability through rulemaking to create exceptions to confidentiality to ensure program effectiveness and the safety of the participants, public and the institution.

SB 16 is essential to the effectiveness of the Facilitated Dialog and Responsibility Letter Bank Programs. I urge the committee to support its passage.