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Victim-Offender Mediation Holds Individuals Accountable, Increases Restitution to Victims, Reduces Jail Crowding and Re-Offending, and Facilitates Meaningful Case Resolution

VICTIM-OFFENDER MEDIATION WILL LOWER RATES OF REOFFENDING, AND EMPOWER AND RESTORE VICTIMS

Victim-offender mediation has produced successful results in many states.¹ Participants are required to take responsibility for their conduct and are given the chance to understand how their actions directly impact others – **reducing the likelihood that they will commit another crime.**

HB 4009 will allow individuals who have been charged with a first-time, low-level offense to be eligible to participate in pretrial mediation. Rather than burdening jails and courts, **defendants may be required to apologize, compensate the victim, and perform community service.** The program allows victims to choose to be involved in the process of correction and rehabilitation, where they discuss the impact of the crime and specify what is needed to make them whole.

HB 4009 also requires the prosecutor to first obtain the victim's consent, and defendants who do not complete the terms of the mediation agreement will be returned to normal court proceedings.

IN SHORT

- HB 4009 will reduce recidivism while increasing restitution to victims.
- HB 4009 will save taxpayer dollars by reducing jail overcrowding.

MEDIATION IS A COST-EFFECTIVE SOLUTION THAT REDUCES RECIDIVISM

- It costs, on average, nearly \$61 per day to house someone in county jail in Texas.² With a daily census of 5,100 misdemeanor pretrial detainees in county jail,³ it costs Texas counties more than \$311,000 per day to hold these individuals in custody. **Pretrial diversion programs – like victim-offender mediation – can save counties millions of dollars that could be used to address more serious problems.**
- **Victim-offender mediation reduces recidivism.**⁴ One study of 9,172 juveniles in 21 cities found that victim-offender mediation achieved a 34% reduction in recidivism.⁵
- Another study found that 79% of **victims who participated in victim-offender mediation programs were satisfied**, compared with only 57% of victims who went through the traditional court system.⁶

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 4009 BY REPRESENTATIVE TOTH

HB 4009 allows certain pretrial defendants charged with first-time, low-level offenses to enter victim-offender mediation, in which the charged individual must successfully complete terms of the mediation agreement, with input from the victim, including compensation and/or community service. Upon successful completion, the prosecutor may recommend the charges be dismissed. One year after successful completion, the defendant may obtain an order of nondisclosure, thus improving access to employment and housing that can be limited by a criminal conviction.⁷

Continued on reverse.

Although HB 4009 would provide helpful mediation to numerous individuals, **Texas should go farther.** By limiting the types of offenses that are eligible for victim-offender mediation, a substantial number of victims that would likely benefit from this program have been excluded. Sexual abuse offenses, assaults, trafficking, and family violence are just a few offenses excluded under the current bill language. These crimes are likely more traumatic and more detrimental to victims' mental health and sense of safety than lower-level offenses. Offering victims of these offenses the option to participate in victim-offender mediation would **aid victims in their healing processes** and **give them more say in how the criminal justice system responds to their needs.**

Citations

¹ Restorative justice methods have garnered a great deal of attention after *The New York Times* published an article on a high-profile case in which this type of victim-offender mediation was employed. See Paul Tullis, "Can Forgiveness Play a Role in Criminal Justice," *The New York Times*, January 4, 2013, <http://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html?pagewanted=all&r=0>.

² Texas Commission on Jail Standards, Immigration Detainer Report 2/1/2019, <https://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>. The average cost per day was calculated using the Immigration Detainer Report, which requires county jails to estimate the cost of incarceration for holding individuals in county jail on immigration detainees. Calculation: Divide total "Cost" reported by counties (\$6,201,210.63) by "# of Inmate Days" (101,841) to get a per-day cost of \$60.89.

³ Texas Commission on Jail Standards, Abbreviated Population Report for 03/01/2019, <http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf>.

⁴ Marc Levin, "Restorative Justice In Texas: *Past Present & Future*," Texas Public Policy Foundation, 2005, p. 13.

⁵ Bradshaw, Roseborough & Umbreit, *The Effect of Victim Offender Mediation on Juvenile Offender Recidivism: A Meta-Analysis*, 2006.

⁶ Umbreit, M., with R. Coates and B. Kalanj. "Victim Meets Offender: The Impact of Restorative Justice and Mediation. Monsey," N.Y.: Criminal Justice Press, 1994.

⁷ Even with an order of nondisclosure in place, criminal justice agencies can disclose offense-related information to particular entities, including licensing boards; however, such orders better enable individuals to access housing and employment, important to helping them remain law-abiding, productive members of the community.