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TESTIMONY 2015

HB 3184 by McClendon & Keough

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of HB 3184, which encourages the adoption of victim-offender mediation, an effective practice that holds individuals accountable for their actions while facilitating meaningful resolution for victims, the community, and the individual responsible for the crime.

#### VICTIM-OFFENDER MEDIATION WILL REDUCE RECIDIVISM AND RELIEVE THE BURDEN ON COUNTY COURT DOCKETS AND JAILS

- Victim-offender mediation is an effective restorative justice practice that has produced successful results in many states.<sup>1</sup> These high success rates are realized because participants are required to take responsibility for their conduct and are then given a chance to understand how their actions directly impact others. This, in turn, **reduces the likelihood that they will commit another crime.**
- HB 3184 will allow individuals with no serious criminal history who have been charged with a misdemeanor or state jail felony property offense under Title 7 of the Penal Code to be eligible to participate in pretrial mediation. Rather than be convicted and potentially jailed, individuals meeting specific criteria could participate in a mediation program requiring them to issue an apology and provide compensation and/or community service to redress their actions.

#### KEY FINDINGS

- It costs, on average, more than \$61 per day to house someone in county jail in Texas.<sup>2</sup> As of March 1, 2015, there were more than 5,600 individuals in county jail awaiting trial or indictment for misdemeanor offenses and more than 5,900 for state jail felonies.<sup>3</sup> While the average jail population may vary, counties spent more than \$700,000 on that day to hold these individuals in custody awaiting trial or indictment. **Pretrial diversion can save counties millions of dollars that could be used to address more serious problems.**
- **A widely studied practice, victim-offender mediation reduces recidivism and is cost-effective.** One study examining 27 victim-offender mediation programs in North America found that 72% lowered recidivism.<sup>4</sup>

#### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3184 BY MCCLENDON & KEOUGH

- **HB 3184 creates an opportunity for pretrial defendants charged with nonviolent property offenses to enter structured victim-offender mediation, in which the charged individual must successfully complete terms of the mediation agreement, based on input from the victim, including compensation and/or community service.** This is a meaningful response to low-level property crime that improves victim satisfaction, lowers recidivism, and reduces jail overcrowding.
- **HB 3184 allows victims to be a part of the process of developing treatment recommendations,** including chemical dependency treatment and anger management.
- **HB 3184 provides additional incentives for successful fulfillment of mediation agreements.** One year after a person successfully completes the terms of the agreement, the defendant may motion the court to obtain an order of non-disclosure regarding the offense for which he or she entered into mediation.

*Citations on reverse.*

## Citations

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<sup>1</sup> 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," New York Times, 4 January 2013, available at

<http://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html?pagewanted=all&r=0>.

<sup>2</sup> Texas Commission on Jail Standards, Immigration Detainer Report 3/1/2015,

<http://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>

<sup>3</sup> Texas Commission on Jail Standards, Abbreviated Population Report for 3/1/2015,

<http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf>

<sup>4</sup> Latimer, Dowden & Muise, The Effectiveness of Restorative Justice Practices: A Meta-Analysis, 2000.