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FACT SHEET 2015

HB 3184

Mediation Holds Individuals Accountable and Facilitates Meaningful Resolution

VICTIM-OFFENDER MEDIATION WILL LOWER RATES OF REOFFENDING 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.¹ 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.** Under certain circumstances, victim-offender mediation is already permissive under Code of Criminal Procedure Article 26(g).

HB 3184 would allow individuals with no serious criminal history who have been charged with a misdemeanor or state jail property offense under Title 7 of the Penal Code to be eligible to participate in pretrial mediation. Rather than be convicted and 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. The permissive nature of this program allows victims to choose to be involved in the process of correction and rehabilitation, allowing them to discuss the impact of the crime, specify what is needed to make them whole, and obtain closure on unanswered questions. Such programs also **foster a behavioral change in offending participants** by providing them the opportunity to recognize how their actions impacted others, helping them develop a sense of empathy and take responsibility for their actions.

HB 3184 requires the prosecuting attorney to obtain the victim's consent to participate, and if no agreement is reached, or if a defendant does not complete the terms of the mediation agreement, his or her case will be returned to normal court proceedings.

KEY FINDINGS

County Jail Population Figures

- It costs, on average, more than \$61 per day to house someone in county jail in Texas.² 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.³ 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.**

Benefits of Victim-Offender Mediation Programs

- **A widely studied practice, victim-offender mediation reduces recidivism and is cost-effective;** studies show a strong correlation between mediation programs, conducted by a properly trained mediator, and lowered recidivism and costs.⁴ **One meta-analysis that examined 27 victim-offender mediation programs in North America found that 72% of the programs lowered recidivism.**⁵
- A multi-site study found that 79% of victims who participated in victim-offender mediation programs were satisfied, compared with 57% of victims who went through the traditional court system.⁶

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3184 BY REPRESENTATIVES McCLENDON & KEOUGH

- **HB 3184 creates an opportunity for pretrial defendants charged with low-level 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.** Upon successful completion, the prosecuting attorney or defense attorney can motion the court requesting the charges to be dismissed. Additionally, one year after a person successfully completes the terms of the mediation agreement, the defendant may obtain an order of non-disclosure regarding the offense for which he or she entered into mediation.

Note: 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.

- **HB 3184 provides a meaningful response to low-level property crime that reduces recidivism, improves victim satisfaction, and reduces jail overcrowding.** This bill empowers victims by improving their emotional and monetary outcomes. This process will also help an offending participant recognize the harm caused and take responsibility for his or her actions, which can foster a behavioral change in a defendant that can prevent continued criminal actions.

CONCLUSION

HB 3184 will implement an effective tool that will help individuals realize the consequences of their actions, reduce the likelihood that they will commit another offense, and bring resolve to both the community and the victims of crime. The Texas Criminal Justice Coalition strongly urges you to support it.

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," 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.

² Texas Commission on Jail Standards, Immigration Detainer Report 3/1/2015, <http://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>

³ Texas Commission on Jail Standards, Abbreviated Population Report for 3/1/2015, <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 Latimer, Dowden & Muise, *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*, 2000.

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