

[2017 Session] Allow Pretrial Victim-Offender Mediation, Which Holds Individuals Accountable and Facilitates Meaningful Resolution

Policy Background:

Victim-offender mediation has produced successful results in many states.¹

Participants must take responsibility for their conduct: apologize to and 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 can discuss the impact of the crime and specify what is needed to make them whole. When offenders are given a chance to understand how their actions directly impact others, it reduces their likelihood of committing another crime.

Texas policy-makers should allow individuals who have been charged with a first-time property offense to be eligible to participate in pretrial mediation, rather than burdening the courts and jails. Prosecutors should first obtain the victim's consent to mediation, and defendants who do not complete the terms of the mediation agreement should be returned to normal court proceedings. Those who do successfully complete mediation should have the opportunity to have the charges dismissed and obtain an order of non-disclosure.

Key Facts:

- It costs, on average, more than \$60 per day to house one person in a county jail in Texas.² With a daily total of approximately 12,000 misdemeanor and state jail felon pretrial detainees in Texas county jails,³ it costs county taxpayers nearly \$750,000 per day to hold these individuals in custody. Pretrial diversion programs can save counties millions of dollars that could be used to address more serious problems.
- Victim-offender mediation reduces re-offending.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

Relevant Bills:

- **Bill Number:** [HB 72](#) [Keough]
Bill Caption: Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.
TCJE Materials: [Fact Sheet](#)
House Hearing Notice: [Criminal Jurisprudence, March 27, 2017](#)
TCJE House Action: [Testimony in support](#)
- **Bill Number:** [SB 857](#) [Hughes]
Bill Caption: Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.

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 2013.

² Texas Commission on Jail Standards, *Immigration Detainer Report*, 1/1/2017. The average cost per day is 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. The total cost reported by all counties was \$4,173,865.56 for 68,729 inmate days in county jail.

³ Texas Commission on Jail Standards, *Texas County Jail Population* summary, March 1, 2017.

⁴ Marc Levin, “Restorative Justice In Texas: Past Present & Future,” Texas Public Policy Foundation, 2005, 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.