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HOUSE BILL 2019

Dear Members of the Committee,

Thank you for allowing me the opportunity to present testimony regarding the need for pretrial victim-offender mediation programs. The Texas Criminal Justice Coalition supports House Bill 2019 because such programs are an effective way to implement justice and have had successful results in many states. Largely, these high success rates can be attributed to fact that the offending participants are required to take responsibility for their conduct and understand that their actions have a direct impact on other human beings, namely their victims.

HOUSE BILL 2019 BY REPRESENTATIVE MCCLENDON

H.B. 2019 would allow individuals with no serious criminal history who have been charged with a misdemeanor property offense under Title 7 of the Penal Code to be eligible to participate in pretrial mediation. The offending participants are required to issue their victims an apology and provide compensation or community service to appropriately redress their actions, rather than be convicted and jailed. This program allows property crime victims to choose to become involved in a defendant's correction and rehabilitation as the defendant takes responsibility for his or her actions.

If no agreement is reached or if a defendant does not complete the terms of the mediation agreement, his or her case should proceed as usual. This will encourage personal accountability and successful completion of the program.

Note: This bill makes the implementation of victim-offender mediation programs permissive, not mandatory.

KEY FINDINGS

Victim-Offender Mediation Programs Have Numerous Benefits

- **Victim-offender mediation for low-level offenses can dramatically reduce court caseloads and jail overcrowding**, helping to relieve the burden on county court dockets and local jails.
- **Victim-offender mediation programs have been successful.** The U.S. Department of Justice has recommended victim-offender mediation and has published guidelines for its successful implementation.¹ In fact, over 300 victim-offender mediation programs exist in North America, and there are over 1,300 worldwide.
- **Victim-offender mediation creates an opportunity for dialogue.** This allows victims to discuss the impact of the crime, specify what is needed to make them whole, and obtain closure on unanswered questions.
- **Victim-offender mediation helps the offending participant realize the harm they have caused the victim and develops a sense of empathy.** The more indirect the connection between the crime and the actual victim, the easier it is for the violator to rationalize his or her conduct. Proximity to the victim can aid in humanizing that person for the offending participant and can prevent future offenses.

Continued on reverse.

Victim-Offender Mediation Improves Outcomes for Victims

- 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.²
- A study of mediation programs serving adults and juveniles found that 89% of agreements were successfully completed, meaning restitution was fully paid in these cases, compared with a national average of 20-30%.³
- In mediation programs in the U.S. and Canada, victims who participated in mediation were more than 50% less likely to express fear of re-victimization than a sample of victims who did not participate in mediation.⁴

Victim-Offender Mediation Reduces Recidivism and is Cost-Effective

- A meta-analysis that examined 27 victim-offender mediation programs in North America found that 72% lowered recidivism and that the average decline was by 7%.⁵

SOLUTION: SUPPORT H.B. 2019 BY REP. MCCLENDON

H.B. 2019 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, based on input from the victim, for compensation and/or community service. This bill provides for a meaningful response to low-level property crime that reduces recidivism, improves victim satisfaction, and reduces jail overcrowding.

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Thank you again for allowing me the opportunity to present testimony on this bill. I hope you will support H.B. 2019, which is a cost-effective policy that empowers victims by improving their emotional and monetary outcomes, and allows offending participants to understand how their actions have impacted others.

¹ http://www.ojp.usdoj.gov/ovc/publications/infores/restorative_justice/restorative_justice_ascii_pdf/ncj176346.pdf.

² 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.

³ Gehm, J. Mediated Victim-Offender Restitution Agreements: An Exploratory Analysis of Factors Related to Victim Participation. In B. Galaway & J. Hudson (Eds.), *Criminal Justice, Restitution, and Reconciliation*, Monsey, NY: Criminal Justice Press.

⁴ Umbreit, Mark, Coates, Robert & Vos, Betty, *Impact of Restorative Justice Conferencing with Juvenile Offenders: What We Have Learned From Two Decades of Victim Offender Dialogue Through Mediation and Conferencing*, Balanced and Restorative Justice Project, Community Justice Institute, Florida Atlantic University, November 28, 2000, available at http://rjp.umn.edu/img/assets/13522/Victim_Impact_RJC_with%20Juvenile_Offenders.pdf.

⁵ Latimer, Dowden & Muise, *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*, 2000.