

Pa House Judiciary
Written Testimony on RJ
4/30/24

Greetings!

I'm Rev. Dr. Chris Kimmenez. I serve as executive director of Healing Communities PA or HCPA and as the Associate Pastor of Social Justice at The People's Baptist Church in Philadelphia. I am also a former military law enforcement officer, as well as formerly incarcerated and the father of a homicide victim, who lost my only son to an act of gun violence in 1995.

I want to thank the committee for the opportunity to submit written testimony on applying restorative practices in our legal system.

HCPA, in partnership with the Restorative Cities Initiative, has provided restorative practices to the Philadelphia District Attorney's Office and the 1st Judicial District since 2020.

This cooperative effort began as a pilot in response to those arrested during the unrest and protests following the deaths of George Floyd and Brianna Taylor, nationally and Walter Wallace, locally.

The success of those efforts was overwhelming. Not only did less than 20% of those individuals we served have any further contact with the system to date, but none of those participating

in the unrest in 2020 were arrested during the unrest following the Eddie Irizarry shooting in 2023.

Since then, we have expanded this pilot to develop with the Philly DAO a restorative practice alternative to traditional prosecution that has transformed lives. The data shows that the individuals we serve currently have an average recidivism rate of 19% compared to 56% with traditional prosecution.

I know for many people, this sounds like some hippie-dippy, feel-good, get-out-of-jail-free card, but it most certainly is not. In many ways, RJ establishes accountability in the community in ways the court system cannot.

Those who have caused harm must sit in a room with those they've harmed and members of their community, take responsibility for their actions and work to make it right. Those who were arrested for looting in 2020 sat and not only heard the impact from the business owners affected but also heard community members express what it was like to be the grandmother trying to get her prescriptions filled because every pharmacy in Philly was closed for two weeks.

We then wrapped resources around both those who caused harm and those who had been harmed not only to make the situation right but to address some of the root causes of crime and community unrest in the first place. Victims reported that they felt more heard, and empowered and had more ownership of the process than traditional prosecution because they didn't feel like

some plea deal was made behind their backs and they also weren't retraumatized by a defense attorney on cross-examination.

We also can't argue that RJ recidivism rates are significantly less than traditional prosecution which honestly makes us all safer. It's also significantly cheaper when an RJ approach can resolve a case for less than \$5000.00 while traditionally prosecuting one case between DA's cost, defense costs, court costs, and incarceration costs can easily reach \$100,000 per case. That is a significant savings for our communities.

We are also not talking about just misdemeanor cases. Our success rates come from resolving felony cases, some of them violent, in directly impacted communities where the defendants are mostly black and brown and can't afford a private attorney. This work is changing their lives and the lives of those harmed and ultimately making our community safer.

I want to make it clear that this work is personal to me. When my 14-year-old son was killed nearly 29 years ago by a twelve-year-old in an act of gun violence in Washington, DC, we went through traditional prosecution. He was sentenced in juvenile court to youth incarceration until he was 21.

Three years later, by chance or by divine intervention, I was the chapel speaker at a youth facility in Maryland where he was incarcerated. He didn't know I was coming, and I didn't know he would be there. We of course recognized each other and were

able to speak and I was able to forgive, and we began an RJ process before most people even knew what it was. We corresponded. I visited and we worked through the pain and established accountability.

That young man was released at 21. He has never had any further contact with the justice system. He is now married with his own family, a deacon in his church, has earned a Master of Social Work, and works in Los Angeles for an organization that gets kids out of gangs. We are still in communication today. He has told me many times what changed his life wasn't the programs in that facility. It was the restorative act of forgiveness that allowed him to forgive himself and accept God's forgiveness. It was my continued investment in that process that let him see a better life was possible.

That is the transformative power of restorative justice. We can have in our toolbox an alternative to traditional prosecution that uplifts both those who have caused harm and have been harmed. We can have accountability and increased community safety without the cost and the trauma of mass incarceration. We can support victims and address their needs as well as begin to address the social determinants of crime.

We are also seeing RJ used in communities in ways that also make us safer. These practices have been used in communities to resolve conflict before it rises to the level of system involvement and after critical incidents to reduce retaliation and restore community.

I'm not saying every incident or case can be or even should be resolved this way, but many can and that will go a long way to strengthening our communities. This is a viable evidence-based approach that works, and we should do all we can to utilize it.

Thank you!