

RESTORATIVE JUSTICE DIVERSION PROGRAM

PREAMBLE:

Restorative Justice is a concept that views crime as more than a person breaking the law – law-breaking also causes harm to people, relationships, and the community. Under principles of Restorative Justice, a just response must address these harms, as well as the wrongdoing that was committed. If the parties are willing, the best way to do this is to help them meet to discuss the harms and determine a mutually-satisfactory resolution. Restorative Justice is also a process that allows victims and suspects to have a voice they feel has been heard.

Procedural Justice relates to the idea that a person's perception of fairness is strongly impacted by the quality of their interaction and not necessarily the end result of the interaction. While the tenets of procedural justice apply to many fields and supervisory relationships, in the criminal justice context, most research has focused on citizen-police interactions.

There are four general features of Procedural Justice:

- Feeling like you understand the process.
- Neutrality - Feeling that the process is transparent and fair.
- Voice - Feeling like you had the opportunity to tell your side of the story.
- Respect – Feeling like you were treated with dignity and politeness.

Extensive research has shown that a citizen's perception of the encounter depends less on the outcome (such as an arrest or ticket) and more on whether they felt they understood the process, the officer was neutral, they were allowed to tell their side of the story, and they were treated with respect.

When the concepts of Restorative and Procedural Justice are applied, they tend to increase the participants' overall sense of having been treated fairly and it helps improve their future interactions with law enforcement.

POLICY:

It is the policy of the Omaha Police Department (OPD) to cooperate with the City of Omaha Prosecutor's Office and Human Rights and Relations Department to conduct an adult Restorative Justice Diversion Program.

PROCEDURES:

I. General

- A. The Omaha City Prosecutor's Office and the Human Rights and Relations Department are responsible for administration of the program. OPD employees/command will facilitate and participate as may be requested and/or necessary.
- B. In general, the components an adult Restorative Justice Diversion Program participant must complete include the following:
 1. Participation in guided talking/discussion session class(es).
 2. Completion of a pre-determined number of community service work hours at program-approved sites.
 3. Have no new/additional citations/arrests for a pre-determined length of time.
 4. Participation in a program exit meeting.

II. Participant Selection/Criteria

- A. OPD officers and sergeants may be asked to participate in the Restorative Justice Diversion Program. Program participation is not mandated for any OPD sworn employee. If a sworn employee chooses to participate in the program, their command will be asked to approve their participation in order to avoid operational, staffing, or other potential issues.
 - 1. It is preferable for the officers who arrested program participants to participate, however, other officers may step in as needed.
 - 2. Overtime will be authorized and paid to OPD participants per the current Collective Bargaining Agreement.
- B. Program participants will be selected by the City Prosecutor's Office based upon established program guidelines. The type of offense, the subject's criminal history, and circumstances of the offense, among other factors, may be considered.
- C. Officers may request an adult offender be considered for participation in the Restorative Justice Diversion Program.
 - 1. To submit a request, the officer shall submit an email to the City Prosecutor's Office designee as described in OPD Training Bulletin [#57-20](#).
- D. All participants, offenders as well as OPD officers, must complete pre- and post-program surveys if/when requested.

III. Additional Program Information

- A. When a participant has successfully completed the Restorative Justice Diversion Program, the City Prosecutor's Office is responsible for adding an entry into the IMS. The entry will show the charge was "nolle pros," as is done with other diversion programs.

NOTE: If a person reports they successfully completed the program but the charge is not shown as "nolle pros" in the system and officers need to confirm, officers should check with the OPD Records Unit. It might be possible the IMS entry was not yet made, and Records Unit could find more details.

REFERENCES:

I. Previous OPD Orders

- A. Previous General Orders include the following: #6-21.

II. Accreditation Standards

- A. CALEA accreditation standard 1.1.3 is relevant to this policy.