

An Examination of the City of Omaha's Restorative Justice Diversion Program

Final Report

**Jessica Huff, Ph.D.
Brenna Dunlap, M.A.**

Violence Intervention and Policing Research Lab
School of Criminology and Criminal Justice
University of Nebraska at Omaha

Acknowledgements

This evaluation was funded by The City of Omaha Police Foundation, Inc. We sincerely thank Deputy Chief Steve Cerveney, Michael Maxon, and Phil Ruhe of the Omaha Police Department, Assistant City Prosecutor Lindsey Bitzes, City Attorney Matthew Kuhse, and Director Gerald Kuhn, Nidia Grado, and Catherine Baker-Coleman from the Omaha Human Rights and Relations Department for their assistance. This project would not have been possible without their support. We would also like to thank all of the officers and arrestees who participated in interviews and completed the survey for their invaluable insight about the program. All views expressed within this report belong to the authors and do not necessarily represent the official position of the Omaha Police Foundation or the City of Omaha.

Please direct all correspondence related to this report to Jessica Huff at JessieHuff@unomaha.edu.



VIOLENCE INTERVENTION AND POLICING RESEARCH LAB
Learn more about our ongoing work at: VIPRLab.org

An Examination of the City of Omaha’s Restorative Justice Diversion Program: Final Report

Table of Contents

| | |
|--|----|
| Executive Summary | 2 |
| Process Evaluation..... | 2 |
| Impact Evaluation..... | 3 |
| Discussion..... | 4 |
| Evaluating the City of Omaha’s Restorative Justice Diversion Program: Preliminary Report | 5 |
| Restorative justice..... | 5 |
| The Omaha Restorative Justice Diversion Program..... | 6 |
| Process Evaluation | 7 |
| Description of arrests leading to inclusion | 9 |
| Restorative justice class description | 10 |
| Key process evaluation results | 11 |
| Impact Evaluation | 12 |
| Arrestee perceptions of the police | 12 |
| Police officer perceptions of the program | 15 |
| Impact on recidivism | 16 |
| Arrestee perceptions of the program | 17 |
| Key impact evaluation findings..... | 18 |
| Discussion and Conclusions..... | 19 |
| Process evaluation takeaways..... | 19 |
| Impact evaluation takeaways..... | 19 |
| Recommendations for improvement | 20 |
| Conclusions | 21 |
| References | 22 |
| Appendix A. Survey Results..... | 23 |
| General perceptions of police | 23 |
| Specific perceptions of the police..... | 24 |
| Perceptions of procedural justice..... | 24 |
| Willingness to cooperate with police..... | 25 |
| Perceptions of personal and vicarious experiences with police | 25 |

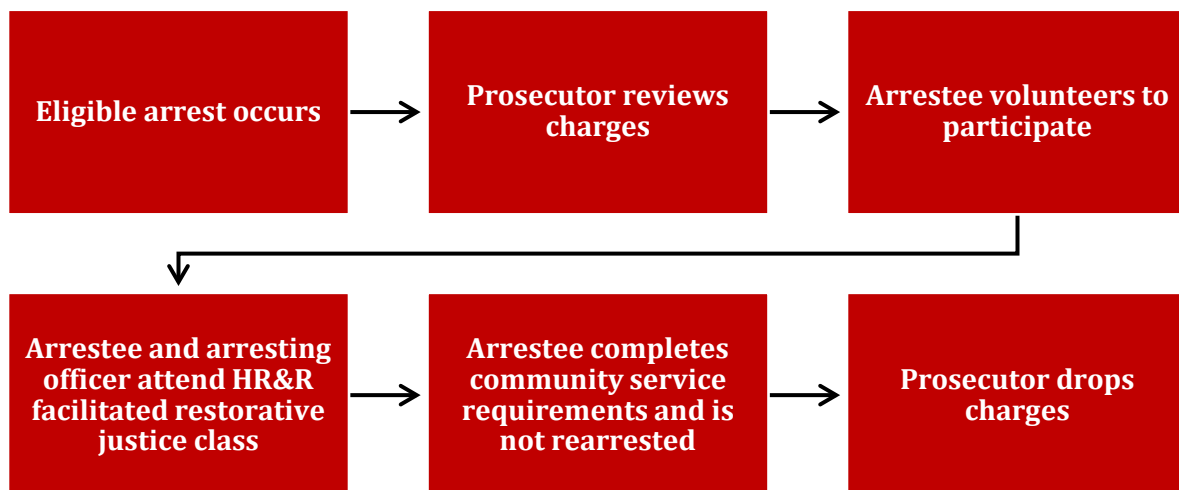
Executive Summary

Nationwide protests in response to the killing of George Floyd in Minneapolis, which were often met with arrests of protestors, have sparked renewed attention for bridging the gap between the police and the communities they serve. In order to rebuild police-community relations, particularly between police officers and the individuals they arrested for minor offenses that occurred during the protests, the City of Omaha launched the Restorative Justice Diversion Program in January 2021. Unlike traditional criminal justice responses that culminate in court, restorative justice approaches use conferences between offenders and victims to help offenders understand the harm caused by crime and to repair that harm. In this case, individuals who were arrested during the protests engaged in restorative justice conferences with the officer who arrested them. These conferences took the form of a four-hour restorative justice class facilitated by the City of Omaha's Human Rights and Relations department (HR&R). During these restorative justice classes, arrestees and police officers came together to have honest conversations about the events that led to the arrests, with the goal of increasing empathy and understanding between the parties. The Omaha Restorative Justice Diversion Program has since expanded to include arrests for other minor, nonviolent, and non-drug/alcohol related offenses.

This report summarizes preliminary findings from an evaluation of the City of Omaha's Restorative Justice Diversion Program from June 2022 to March 2023, which includes individuals who were not arrested in relation to the George Floyd protests. The evaluation includes two primary components: 1) a process evaluation used to outline the structure and intended goals of the program, and 2) an impact evaluation used to assess whether those goals have been achieved. This executive summary discusses key findings from each of these components.

Process Evaluation

The Omaha Restorative Justice Diversion Program is a post-booking diversion program. The program depends on coordination between several agencies, including: the City Attorney's Office, HR&R, and the Omaha Police Department.



To successfully complete the program, arrestees who agree to participate must complete a four-hour restorative justice class with their arresting officer (or a surrogate officer if the arresting officer declines to participate). They then have six months to complete twelve hours of community service. If they are not rearrested within that six-month period, the City Prosecutor drops the charges filed against them. This process is meant to achieve several interrelated goals, including improved arrestee perceptions of the police, improved police perceptions of their arrestee, and reduced recidivism.

Impact Evaluation

Preliminary results indicate that the Restorative Justice Diversion Program is achieving positive outcomes, though results also point toward room for improvement in some areas.

Arrestee perceptions of the police

Arrestee surveys administered immediately following completion of the restorative justice class suggest that arrestees are willing to cooperate with the police in the future, though respondents were fairly split on perceptions of the police. In terms of cooperation, most respondents reported that they would be willing to call the police to report crime in their neighborhoods (72% agree or strongly agree) and would provide the police information to help find someone suspected of committing a crime (70% agree or strongly agree). However, only about half of the respondents agreed or strongly agreed that police officers are usually honest (58%), fair (53%), and respectful (56%). Most individuals who did not agree with those statements reported that they were neutral (roughly 31-39%) and fewer disagreed or strongly disagreed with these statements (roughly 6-12%).

Police perceptions of the program

Interviews conducted with officers shortly after participating in the restorative justice class indicated positive views of the program. Many officers reported that the class was a valuable experience and that the program should continue to be offered. Officers also indicated that participating helped humanize the individuals they arrested by interacting with them in a non-enforcement setting and by hearing their perspective of the arrest. However, most officers who participated in the class were not the officer who conducted the arrest that led to arrestees' inclusion in the program. These surrogate officers reported that the program would have a greater impact if the arresting officers themselves participated.

Impact on recidivism

Recidivism data were requested for 35 of the 39 participating arrestees at the end of February 2023. Of the 35 arrestees who participated in the program between June 2022 and February 2023, the vast majority were not rearrested. However, three arrestees received a misdemeanor warrant (8.6%) and two received a traffic citation (5.7%) during the study period. As such, even those who did reoffend were generally involved in minor offenses.

Arrestee perceptions of the program

We attempted to interview arrestees after successful completion of the program (i.e., after completing the class, community service, and not being rearrested within six months). However, only four arrestees have been interviewed to date. Three respondents suggested that the program was a positive experience, and they would recommend its continuation. These arrestees particularly felt the program helped humanize police officers and increased their understanding of the police role. Some respondents additionally suggested the program would be more impactful if arrestees and police officers had more communication, beyond the single restorative justice class, to continue to promote positive interactions. However, one respondent suggested that the program did not improve their perceptions of the police and they did not agree that it should be continued.

Discussion

The Omaha Restorative Justice Diversion Program represents a novel effort to rebuild relationships between police officers and the individuals they arrest. Through providing an opportunity for officers and arrestees to have an open conversation about an arrest, this program facilitated improved arrestee and officer understanding of the events that led to an arrest. Participating officers and arrestees largely reported positive experiences with the program and supported the continued use of this program for similar situations. Future efforts to improve the program should center on including arresting officers in the restorative justice class, instead of relying on surrogate officers. Further, offering additional opportunities for arrestees and police officers to interact in non-enforcement situations could further reduce barriers between these groups and improve relations. One of the arrestees suggested promoting the program through the media and social media to advertise the efforts the Omaha Police Department is taking to improve police community relations.

Evaluating the City of Omaha's Restorative Justice Diversion Program: Final Report

Nationwide protests in response to the killing of George Floyd in Minneapolis, which were often met with arrests of protestors, have sparked renewed attention to bridging the gap between the police and the communities they serve. In order to rebuild police-community relations, particularly between individuals arrested for minor offenses that occurred during the protests and their arresting officers, the City of Omaha launched a Restorative Justice Diversion Program in January 2021. This program sought to repair the harm caused by low-level arrests using restorative justice principles, while also diverting arrestees away from entry into the criminal justice system and preventing future offending. Namely, the program involved a restorative justice class between the arrestee and their arresting officer with the intention of explaining the harm caused by crime and including a community service requirement for arrestees to repair that harm. The Omaha Restorative Justice Diversion Program has since been expanded to include arrests for other minor nonviolent and non-drug/alcohol related offenses.

This report summarizes preliminary findings from an evaluation of the City of Omaha's Restorative Justice Diversion Program from June 2022 through March 2023, including individuals who were not arrested in relation to the George Floyd protests.¹ We first describe the principles of restorative justice and how they have been applied to post-arrest diversion in Omaha. We then provide a process evaluation, outlining the intended process and functioning of the Omaha Restorative Justice Diversion Program. This process evaluation further informs the goals of the program, which are assessed in the impact evaluation portion of this report. We conclude with an overview of key findings geared toward future implementation and improvement of the Omaha Restorative Justice Diversion Program.

Restorative justice

Grounded in indigenous traditions, restorative justice processes differ from the traditional criminal justice response to crime. Restorative justice approaches shift the focus to restoring the harm to victims, instead of punishing the offenders, grounded in three guiding principles (Bazemore & Umbreit, 2001; Choi et al., 2010; Daly, 2002).

| Principles of Restorative Justice |
|--|
| 1. Crime causes harm to victims, offenders, and the community. |
| 2. The goal of the justice system should be to repair the harm caused by crime. |
| 3. This goal is accomplished by sentencing and correctional practices that seek to resolve the conflict. |

¹ For results of a pilot study examining the impact of the program on individuals arrested in relation to the George Floyd protests, see Tregle (2022).

Broadly, restorative justice accomplishes this goal of restoration through conferences and reintegration. Conferences, also referred to as victim/offender mediation, involve meetings between the parties that develop a strategy for the offender to restore the harm they caused and support the victims' healing (Bazemore & Umbreit, 2001). Reintegration aims to reintroduce the offender into society through acceptance of responsibility, reparation of harm, and forgiveness for the act (Braithwaite, 1989). Overall, restorative justice allows the parties to come together to resolve the situation.

While restorative justice has historically been used to repair victim-offender relationships under the guidance of trained mediators, some recent programs have incorporated a police-facilitated version of these principles. In police-facilitated restorative justice programs, police officers serve as mediators and facilitate restorative justice conferences between suspects and victims (Bazemore & Griffiths; Bazemore & Umbreit, 2001). As such, police officers explain the harm caused by the offenders' actions and help the parties identify a resolution. Like traditional restorative justice conferences facilitated by outside mediators, the goal of police-facilitated models is to address the harm caused by crime, to encourage offenders to accept responsibility for crime, and to re-align offenders with their community (Bazemore & Griffiths, 2003). Ultimately, police-facilitated programs are intended to reduce recidivism rates through this restoration process (Alarid & Montemayor, 2012; McCold, 2003). These programs are typically a part of the formal criminal justice process (i.e., they are post-booking programs that occur as part of the sentencing process). However, some police-facilitated restorative justice programs are conducted pre-arrest and are intended to be an alternative to formal processes (Alarid & Montemayor, 2012).

The Omaha Restorative Justice Diversion Program

The Omaha Restorative Justice Diversion Program applies the principles of restorative justice to first-time arrestees charged with minor nonviolent offenses who are nominated for the program by the City Prosecutors Office, a defense attorney, or the police officer who arrested them. This post-booking program incorporates a restorative justice class in which arrestees and their arresting officers engage in a conference facilitated by the Director of the Omaha Human Rights & Relations department (HR&R), which is meant to clarify the harm caused. Unlike other police-involved restorative justice programs, in Omaha's process, the officers act as community representatives on behalf of the victim, rather than as a facilitator for conversations between victims and offenders. This is particularly important given that the types of offenses eligible for the program do not always involve a clear victim (e.g., traffic violations that do not result in injury). Then, arrestees are tasked with completing community service to repair the harm they caused and to restore them to the community. Successful completion of these components is meant to divert these individuals from the criminal justice system by formally dropping the charges filed against them and encouraging positive interactions with the police moving forward.

In this report, we first provide a process evaluation which outlines the implementation of the Omaha Restorative Justice Diversion Program. This is accompanied by an examination of the charges participating arrestees received and a description of the restorative justice class. We then conduct an impact evaluation to assess the influence of the program on arrestee perceptions of the

police, participating officer attitudes toward the program, arrestee recidivism, and arrestee perceptions of the program upon completion.

Process Evaluation

The first portion of this assessment examines how the Omaha Restorative Justice Diversion Program functions using a process evaluation. Process evaluations are useful for demonstrating how a program is meant to work, outlining activities and intended outcomes, and guiding impact evaluations that determine whether program goals are achieved. In short, process evaluations are useful for providing a roadmap for other communities and agencies interested in implementing similar programs.

Table 1 includes a Logic Model for the Omaha Restorative Justice Diversion Program, which describes the inputs, activities, and intended short-term and long-term outcomes of the program. Program inputs include personnel from several organizations within the City of Omaha, including the Omaha Police Department, City Prosecutor's Office, Human Rights and Relations Department (HR&R), and first-time arrestees who have been charged with nonviolent and non-drug/alcohol-related offenses.

Table 1. City of Omaha Restorative Justice Diversion Program Logic Model

| Inputs | Activities | Outcomes | |
|---|--|---|--------------------|
| | | <i>Short term</i> | <i>Long term</i> |
| First time arrestees | 4-hour HR&R facilitated restorative justice class for arrestees and their arresting officers | Improve arrestee perceptions of police | Prevent recidivism |
| Omaha Police Officers | Arrestees conduct 12-hours of community service within six months | Improve police perceptions of arrestees | |
| City Prosecutor's Office personnel | The City Prosecutor's Office identifies eligible arrestees and drops charges for arrestees who successfully complete the program | | |
| Human Rights and Resources (HR&R) personnel | Arrestees complete an exit interview with HR&R | | |

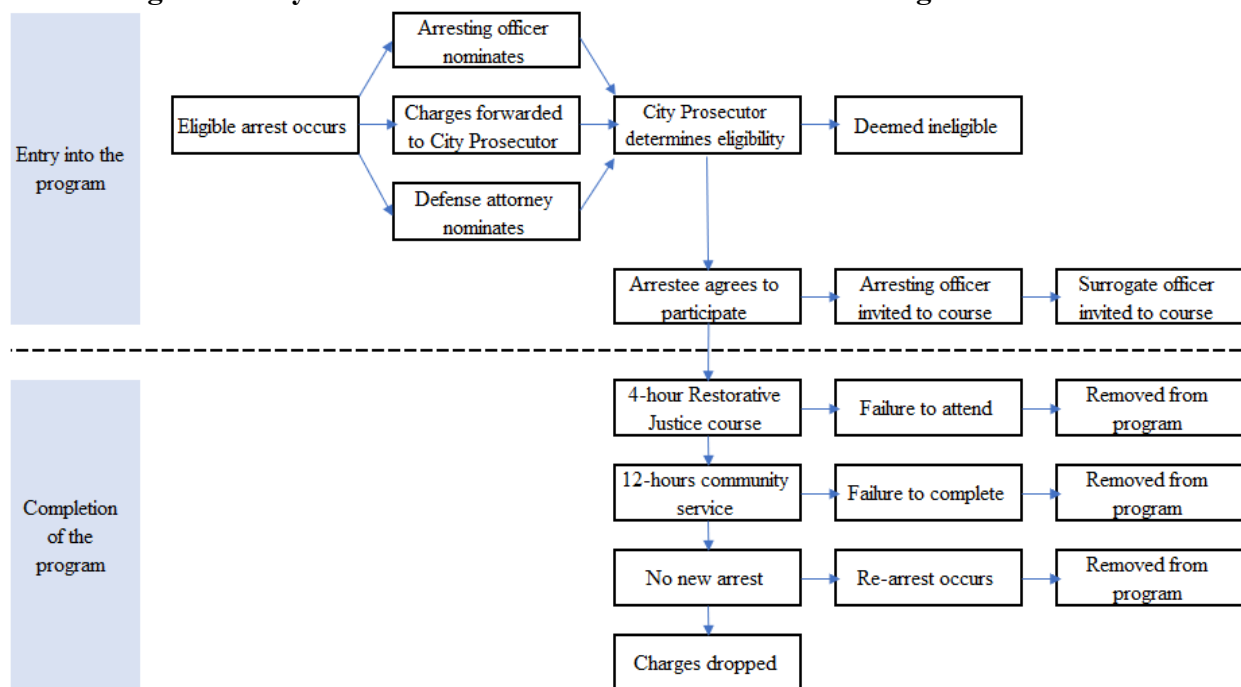
In terms of activities, arrestees and Omaha police officers serve as participants in a four-hour restorative justice class facilitated by a trained mediator from HR&R. Arrestees then have six months to complete twelve hours of community service. The City Prosecutor drops the charges against arrestees who successfully complete their community service and do not receive any new

arrests within that timeframe. Upon completion, the arrestees go through an exit interview with the HR&R restorative justice facilitator.

The short-term outcomes of the restorative justice *class* are: 1) to improve arrestee perceptions of the police, and 2) to improve participating officer perceptions of the arrestees. The intended long-term outcome of the *program* is to prevent recidivism for those arrested. In summary, the process of the Restorative Justice Diversion Program is meant to repair the harm caused by an arrest for a low-level offense, in addition to preventing future arrests. This is accomplished through repairing relations between arrestees and the police, increasing arrestee understanding of the factors that led to their arrest, and providing service to the Omaha community.

In addition to the Logic Model, a Program Flowchart was created to illustrate the process that leads to successful completion or removal from the Restorative Justice Diversion Program, broken down into the steps from program entry to completion.

Figure 1. City of Omaha Restorative Justice Diversion Program Flowchart



First, in order to participate in the Restorative Justice Diversion Program, an eligible arrest must occur. Eligible arrests include low-level offenses committed by individuals who have not previously been arrested. The offense cannot involve violence, drugs, or alcohol.² After the arrest occurs and the charges are forwarded to the City Prosecutor, the case will be reviewed for eligibility. The Assistant City Prosecutor makes the majority of nominations for individuals to participate in the Restorative Justice Diversion Program. However, arresting officers can also

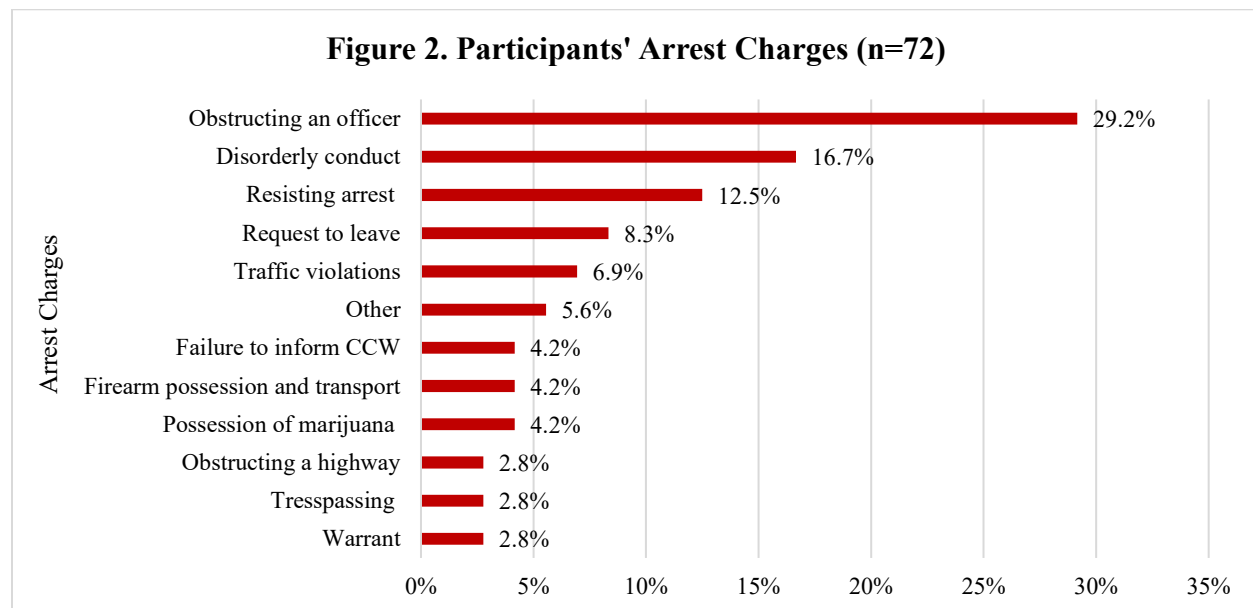
² Drug and alcohol offenses are subject to other diversion programs in Omaha.

nominate arrestees to participate in the program.³ In some cases, defense attorneys will nominate their clients. This is a voluntary program and the arrestee must agree to participate. When an arrestee agrees, the officer involved in their arrest is invited to participate in the restorative justice class and is informed that they will be compensated for their time. Arresting officers must also volunteer to participate. If the arresting officer declines, a surrogate officer is asked to attend the class to provide the police perspective of the incident. Failure to attend the class results in an arrestee being removed from the program.

After completion of the class, the arrestee must complete twelve hours of community service within six months. If they successfully complete their community service and are not rearrested within that time, the City Prosecutor drops the charges filed against them. However, if an arrestee does not complete their community service or is rearrested, the City Prosecutor will proceed with prosecuting the initial charges.

Description of arrests leading to inclusion

Members of the research team reviewed 34 arrest reports documenting the incidents that led to inclusion in the Restorative Justice Diversion Program.⁴ These arrest reports culminated in 72 individual charges, as shown in Figure 2.



Most individuals included in the Restorative Justice Diversion Program initially came into contact with police because officers were responding to civilian calls for service. Several of these were

³ Some of the officers interviewed as part of this evaluation reported that they were not aware that they could nominate arrestees for the Restorative Justice Diversion Program, highlighting a potential need to remind Omaha Police Officers of this option.

⁴ Although 39 arrestees were included in the program, one arrest did not involve an Omaha police officer, so it was not possible to obtain the original arrest report. An additional four arrest reports involving individuals who participated in the March restorative justice class were not received prior to the completion of this report and are not reviewed in the above figure.

disturbance calls regarding fights or disorderly parties. As a result, the majority of these individuals were arrested for obstructing a peace officer, disorderly conduct, and/or resisting arrest. As shown in Figure 2, these three offenses cumulatively account for 58.4% of Restorative Justice Diversion Program participants' arrests. Refusing to obey police orders to leave constitutes an additional 8.3% of arrest charges. Some calls for service resulted in individuals being arrested for trespassing (2.8%).

Occasionally, the police witnessed a crime while on patrol that led officers to self-initiate contact with citizens. Generally, these offenses involved crossing the street against a traffic signal or entering a highway while protesting. In one instance, police were doing surveillance in a neighborhood and noticed a handgun magazine in an individual's pocket. Incidents such as these led to charges including obstructing a highway (2.8%) and failure to inform police about a concealed firearm (4.2%).

Lastly, the arrest reports indicate that many participants were initially contacted by police due to traffic violations. During these stops, officers observed other crimes, culminating in arrests for possession of marijuana (4.2%), firearm possession (4.2%), and warrants (2.8%), in addition to traffic violations (6.9%). The remaining 5.6% of arrest charges make up the other category, which includes jaywalking, unlawful occupancy, child abuse by neglect, and operating a motor vehicle to avoid arrest.

The harms associated with many of these offenses include disrespecting police authority, in addition to officer and public safety concerns. The Restorative Justice Diversion Program is well suited for addressing harm to police authority and respect. The ability for officers and citizens to participate in the class allows for an open dialogue that can aid in repairing the harm caused by obstructing officers and engaging in disorderly and resistant behaviors. It is easier for officers to put themselves in the role of the victim in these types of incidents and to explain how those actions (e.g., resistance) impact them, though some arrestees felt victimized by the police due to a frivolous arrest. Officer interviews suggest that the program is less appropriate for addressing larger officer and public safety concerns such as firearm and drug possession. These offenses are outside the scope of this program given the severity of firearm offenses and the availability of drug court for drug-related offenses, though it is notable that at least a few of the arrests that led to inclusion in the Restorative Justice Diversion Program did involve drug and firearms charges.

Restorative justice class description

The restorative justice class is facilitated by the Director of HR&R, who is a certified Restorative Justice Facilitator. The class is held in either a local church or the city building, which is meant to serve as neutral territory for both participating arrestees and police officers. Class times alternate each month to allow the greatest opportunity for participants with varying work schedules and responsibilities to attend (e.g., one month the class will run from 9AM to 1PM and the next it will run from 6PM to 10PM). The room itself has several chairs arranged in a circle. The facilitator begins the class by going around the circle and asking each member of the group for their name and responses to a few innocuous questions (e.g., favorite cereal) to create a comfortable setting.

The police officers are not in uniform and the arrestees and arresting officers are not able to identify members of the other group, unless they recognize their arrestee/arresting officer.

Following introductions, participants take part in team building exercises where they are expected to collaboratively complete tasks without speaking (e.g., build the tallest tower using only newspaper and tape). After each exercise, each attendee is asked to reflect upon the challenges they faced during the exercise, how they resolved those challenges, and the applicability of the exercise to real life situations. These activities effectively remind all participants of their commonalities, creating a safe and open environment for communication.

The next portion of the class is devoted to restorative justice. To facilitate an understanding of restorative justice, everyone is asked to explain what restorative justice means to them before the facilitator defines and explains restorative justice. Subsequently, an exercise in perspective is used to engage participants in a meaningful discussion about the importance of understanding different viewpoints of the same event. This leads into the portion of the class centered around the arrests that occurred. Prior to this discussion, the facilitator reminds the group that he is an unbiased third-party who has independently reviewed body-worn camera footage of the arrest.

Each arrestee is then asked to share their perspective of the incident that led to their arrest with the group, starting with how their day was going prior to the police contact and concluding with the arrest itself. The facilitator will ask follow-up questions and invite the arresting and/or surrogate officers to share their perspective of the incident from the police point of view. Officers and arrestees share explanations for their behavior, allowing both parties to gain an understanding of the other person involved in the interaction. The facilitator emphasizes the importance of personal accountability throughout this conversation, encouraging all participants to carefully consider their actions and how they provoke reactions from others.

After everyone has shared their experience, the facilitator asks each attendee to discuss their perceptions of the class, what they have learned from having an open conversation, and how they will avoid being in a similar situation in the future. The class is then concluded and arrestees are asked to complete an exit survey before being dismissed.

Key process evaluation results

Despite challenges that often arise in interagency collaborations, strong leadership and active program support ensured the Omaha Restorative Justice Diversion Program was largely administered according to plan. However, a review of the arrest reports does suggest that a few of the arrestees who participated in the program were charged with a drug or alcohol offense, which are meant to be processed using alternative diversion programs. A total of 39 arrestees and 35 police officers have participated in one of nine classes offered as part of the program between June 2022 and March 2023.⁵ The next section describes the impact of the program on each of these groups.

⁵ The July 2022 and January 2023 classes were cancelled due to low enrollment. Two classes were offered in March 2023.

Impact Evaluation

The Omaha Restorative Justice Diversion Program is intended to achieve several interrelated goals, as shown in Table 2.

Table 2. City of Omaha Restorative Justice Evaluation Model

| Program Goal | Assessment Method |
|--|---|
| 1. Improve arrestee perceptions of the police | Arrestee surveys administered immediately following the restorative justice class |
| 2. Increase police officer understanding of the individuals they have arrested | Officer interviews conducted shortly after participation in the restorative justice class |
| 3. Prevent recidivism among participating arrestees | Rearrest data collected from the Omaha Police Department over the study period |
| 4. Facilitate positive participant perceptions of the program | Arrestee interviews conducted after completing the program |

The following section discusses the impact of the Omaha Restorative Justice Diversion Program on each of these outcomes.

Arrestee perceptions of the police

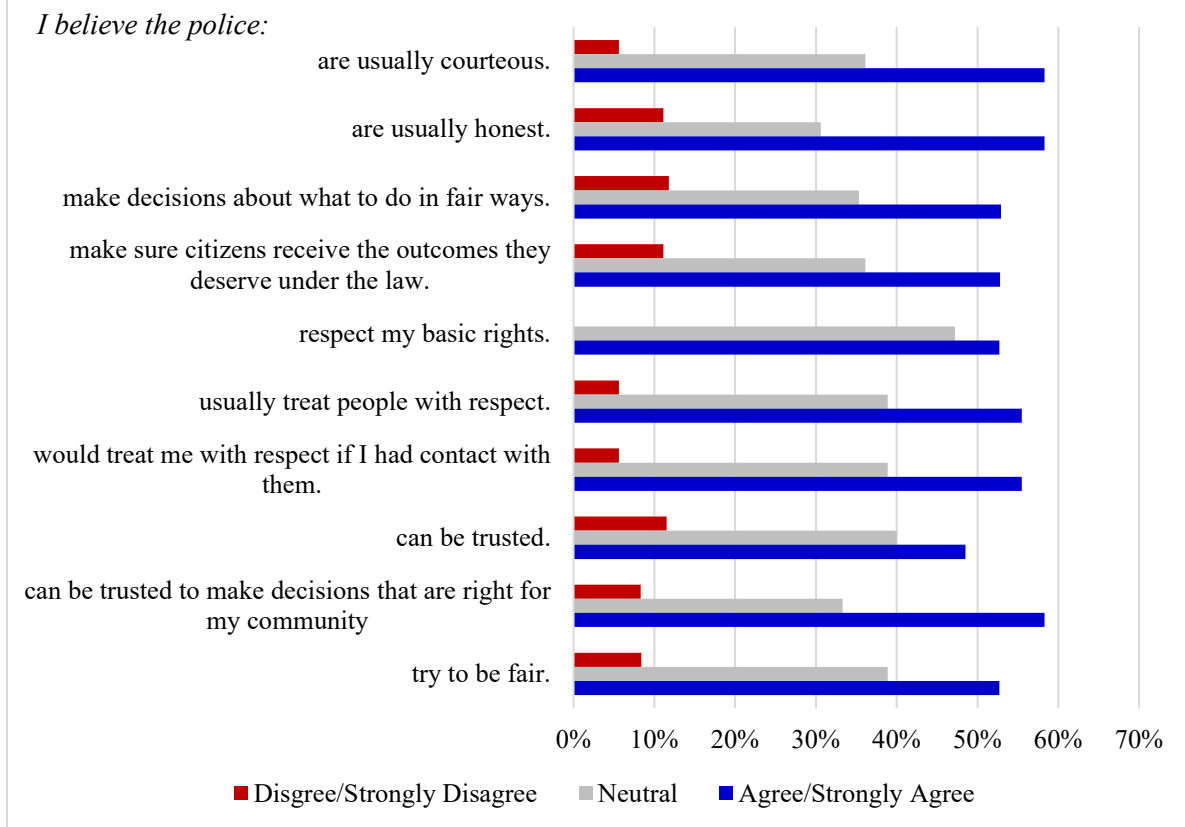
At the conclusion of each restorative justice class, facilitators ask all participating arrestees to complete a survey. The survey is designed to capture respondent perceptions of the police across multiple domains, including: perceptions of police legitimacy, willingness to assist/cooperate with the police, perceptions of procedural justice, and prior personal and vicarious experience with the police. Of the 39 arrestees who have participated in the program, 36 completed the post-class survey, accounting for a 92.3% response rate.⁶ Given the small number of respondents, these findings should be interpreted with caution.

Beginning with participant perceptions of procedural justice, Figure 3 shows that most arrestees responded with either “neutral”, “agree”, or “strongly agree” when asked whether police officers are usually courteous, honest, fair, and respectful. Only a few respondents disagreed or strongly disagreed with these statements, representing 5.6 to 11.5% of total responses.

Turning to personal and vicarious experiences with the police, Figure 4 shows that about half of the participants reported personally experiencing a negative encounter with the police and slightly more than half reported that their friends or family members have had negative experiences.

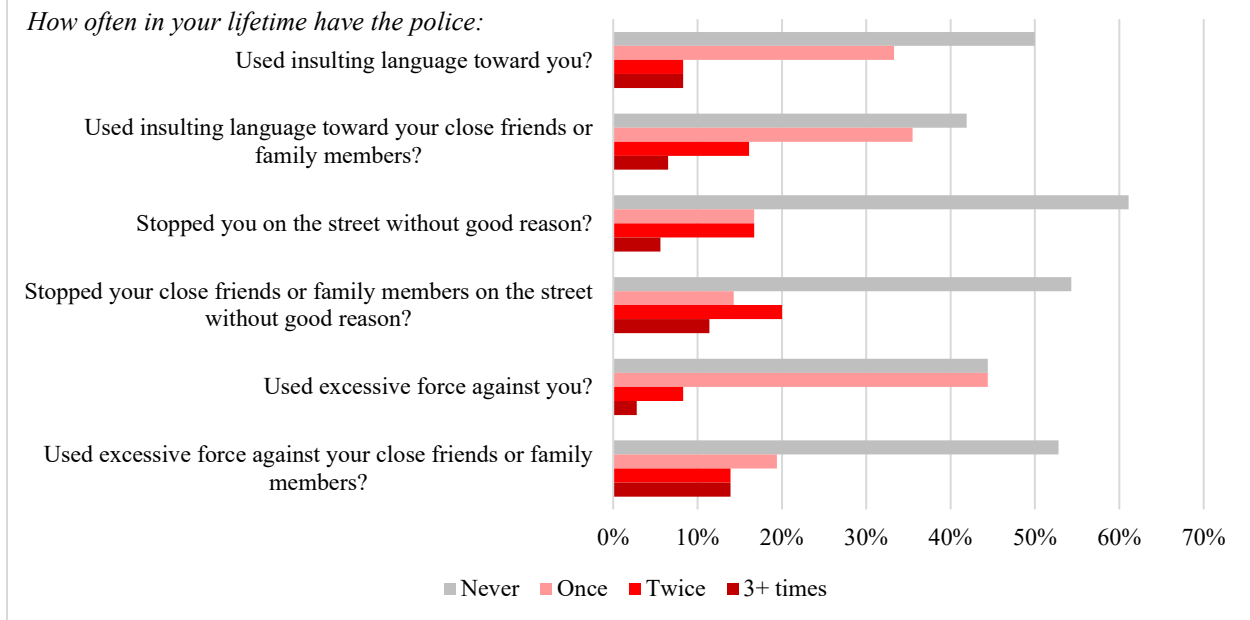
⁶ One arrestee who attended the restorative justice class was not an English speaker and relied on the assistance of a Spanish interpreter. Unfortunately, there was no Spanish version of the survey available. Two other arrestees declined to take the post-class survey.

Figure 3. Participant perceptions of procedural justice (n=36)



Exactly 50.0% of respondents reported that the police have never used insulting language toward them, though 33.3% reported that they have experienced insulting language once, 8.3% experienced this twice, and 8.3% experienced insulting language three or more times. Fewer respondents reported that police have never used insulting language toward a close friend or family member (41.9%), suggesting more vicarious exposure to insulting language than personal experience.

Figure 4. Participant personal/vicarious experiences with police (n=36)



Slightly more than half (61.1%) reported that the police have never stopped them without good reason, 16.7% reported that they have been stopped once, 16.7% have been stopped twice, and 5.6% have been stopped three or more times without good reason. Respondents again reported that their close friends and family members have experienced these stops more often. For example, only 54.3% reported that police have never stopped a close friend or family member for no reason, but 20.0% reported that this has occurred twice.

Respondent experiences of police use of excessive force were fairly split, with 44.4% reporting that this has never happened to them or has only happened once, respectively. Of the remaining respondents, 8.3% reported experiencing excessive police use of force twice and 2.8% have experienced it three or more times. Finally, 52.8% of the respondents reported that none of their friends or family members have experienced excessive use of force, 19.4% reported that this has happened once, 13.9% reported that it has happened twice, and the remaining 13.9% reported that excessive force has been used against a friend or family member three or more times.

In terms of cooperation with police, most survey respondents reported that they would be willing to call the police to report crime in their neighborhoods (72.3% agree or strongly agree) and would provide the police information to help find someone suspected of committing a crime (69.7% agree or strongly agree). For full survey results, see Appendix A.

Police officer perceptions of the program

Semi-structured interviews have been conducted with 27 Omaha Police Officers who have participated in a restorative justice class over the study period.⁷ Several key themes have been identified through these interviews.

Officers have expressed high levels of support for the program. When asked if officers would support the continuation of this program, the response was consistently “Yes” or “Yeah, absolutely” for each officer interviewed. One officer elaborated that:

“what [the restorative justice class is] doing is much needed between opening that dialogue between officers and community members.”

Officers tend to believe that this program responds well to officer needs. Many believed it gave them the opportunity to talk to arrestees and work out any issues. As one officer noted:

“[...] instead of me going to a court day or someone getting a court date, or someone gets sentenced or dropped, or whatever it may be, and, and they're mad or I'm mad [...] it gives us the opportunity to work something out. And I like that aspect of it. Because I do believe that specifically, in my line of work, people just do stupid things when they're intoxicated. It doesn't mean they're bad people.”

This quote additionally highlights the benefits of this program for police officers. By better understanding the individuals they arrest, officers are less frustrated when arrests they have conducted do not culminate in convictions. Several officers similarly suggested that the class helped humanize the arrestees.

There is general agreement among officers for what types of offenses they would deem appropriate or inappropriate for inclusion in this program. For offenses that would be appropriate, officers tended to agree on the following:

“I think infractions are appropriate. I think anything traffic related, any I think anything that's not violent, anything that doesn't have to do with like you're trespassing.”

Another officer reiterated this point saying:

“I would, I would almost say, most nonviolent offenses. People that don't have a record that make a stupid mistake, people that make a stupid mistake when they're just intoxicated, I can swallow that too.”

For types of offenses that would be inappropriate, officers said:

“Let's say violent crimes including assault, like the assault on an officer, assault on anyone else, domestic violence, terroristic threats.”

⁷ Police officer interviews are voluntary and officers are compensated for their time at the standard Omaha Police Department overtime rate. Of the 35 officers who have participated in the program, only one participating officer to date has not agreed to participate in an interview. Seven additional officers have scheduled follow-up interviews, but they have yet to be completed.

In agreement, another said:

“I think anything violent, anything large quantity of drugs, any weapon, weapon related offenses, I don't think it's appropriate.”

However, officer interviews have also revealed some potential areas for improvement. In particular, officers recommended including the arresting officer in the class. For example, one officer who served as a surrogate claimed, “... it's hard to explain what the officer saw, because I, you know, I wasn't there.”

Another officer recommended providing the surrogates additional information about the arrest that led to inclusion in the program. For example:

“I would like, if possible, if I could just be given the, an RB [report book] number, so that I can go into RMS [records management system] or if they have it printed out for me, either way, so that I know who I'm talking to. Not, not to a – again, it's not about looking into one's past, it's about looking into one's moment in time that got them here. So if I can at least hear a little bit of what, why the officer who arrested him or her did what they did, I could have more to read. So that I can see oh, okay, I see how this escalated, or whatever the case is, I can I would have a little bit more of what the citizen has, which is a fresh history in their mind, because obviously to them that's why they're here.”

Another officer indicated that including the arresting officer in the class would also improve officer perceptions of their arrestees.

“For the officers, I really wish that the officers who had been the arresting officer would attend because it's almost like a mediation between them and the arrestee. And when they can't, I'm kind of bummed too for them because they don't get to see their participant in a good light and there's a good chance that they could run into them again because they're community members.”

This quote again highlights that the program is also beneficial for participating officers by humanizing the individuals they arrest.

Impact on recidivism

The Omaha Police Department checked their records to determine whether any of the individuals who participated in the Restorative Justice Diversion program were rearrested during the study period. Recidivism data were requested for 35 of the 39 participating arrestees at the end of February 2023. The results suggest low levels of recidivism. Of the 35 arrestees who participated in the program between June 2022 and February 2023, the vast majority were not rearrested. However, three arrestees received a misdemeanor warrant (8.6%) and two received a traffic citation (5.7%) during the study period. As such, even those who did reoffend were generally involved in minor offenses.

It is important to note that not all of these individuals had the same opportunity to recidivate. For example, those who participated in the June 2022 restorative justice class had eight months to

potentially be rearrested between the class and the date the recidivism data were examined. However, those who participated in the February 2023 restorative justice class only had a few weeks between the time they took the class and when recidivism data were requested. Continual efforts should be made to assess recidivism among all participating arrestees over longer follow-up periods to better assess the influence of the program on recidivism.

Arrestee perceptions of the program

In addition to examining arrestee perceptions of the police immediately following the restorative justice class, we also examined their perceptions of the Restorative Justice Diversion Program after they completed all requirements (i.e., after they attended the class, completed required community service, and were not rearrested within six months). To do so, we began conducting voluntary semi-structured interviews of eligible arrestees in January 2023 to allow participants in the June 2022 class time to complete all requirements. As such, only four interviews have been conducted to date, though 19 arrestees have been contacted with a request for an interview. Three respondents suggested that the program was a positive experience and they would recommend its continuation, but, one respondent did not support continuation of the program.

Those who supported the continuation of the program suggested that the class was a valuable experience for better understanding the police officers they interact with. When explaining why they were satisfied with their experience in the Restorative Justice Diversion Program, one participant reported:

“I truly believe that the young adults who are growing up in today's society who don't have a lot of guidance, if they ever get into any type of trouble, and don't have anyone to tell them what's right and wrong, they could really use that program. Because it opens your eyes more to how the police, the police work and how a younger individual should view life.”

Another arrestee similarly indicated that the class helped humanize the police because they are able to talk with officers who are not in uniform in a non-confrontational setting. They said:

“I didn't view him as a threat. I viewed him as a human being same as me. Seeing him without his uniform was like, a better view. Like, I'm probably wording it wrong, because English is my second language. But seeing him, without his uniform, sitting together with everybody else is just like you're human. And I'm human. It's my job. And this is the mistakes you made, except that like we understand each other from a different perspective.”

One interviewee suggested that their experience in the program would influence their future encounters with police officers. The respondent reported:

“I haven't had an encounter, fortunately, I've been staying out of trouble, but I feel like it would be better you know, I just have a better understanding now since I went into that class.”

When asked how the program could be improved, one respondent suggested:

“I think they should talk about it more in the news, like, like, they should put it in the news. Put it more like, an on a public platform. So that the community knows what's like what's going on, you know. And then I think other people who visit a program, should share their experiences publicly, if they want to, so that no one is afraid of the police. Because sometimes the only reason why police get treated as bad as they do is because that's just, they're never painted in a good way when it comes to social media. But if more people know about the program and what it does the community, they will start respecting the officers a lot more for the patience they have with young adults who are just being reckless, if that makes sense.”

Notably, this participant believes that promoting the program through the media and social media outlets could improve community perceptions of the police more generally, not just for those who participate.

However, one of the arrestees who maintained negative perceptions of the police reported that the program did not change their perceptions of police officers and they do not believe it should be continued. When asked whether they thought other police departments should adopt a program like this one, they stated:

“I mean, I doubt it's going to change anything. You know, because like I know what I got arrested for was very minor and everything, but going through that program didn't change my outlook or my behavior. I would do it again. Most definitely.”

This quote suggests that participating in the Restorative Justice Diversion Program is unlikely to change future offending behavior for this arrestee. It is important to note that this particular individual had very negative perceptions of the police and was not supportive of any efforts that involved police officers as a result.

Continued interviews with arrestees could help inform a selection strategy that could be used to identify eligible arrestees who are more likely to benefit from the program.

Key impact evaluation findings

Collectively, the results of the impact evaluation suggest that arrestees have fairly positive perceptions of the police and the Restorative Justice Diversion Program itself, as evidenced in both the surveys completed immediately after the restorative justice class and the interviews six months later. The surveys generally show positive perceptions of the police across various domains. However, some respondents reported experiencing negative police interactions. Interviews conducted with arrestees upon completion of the Restorative Justice Diversion Program also offered a range of perspectives. On the one hand, several arrestees suggested the program was valuable and they appreciated being able to speak with police officers outside of their arrest. On the other, one arrestee continued to express strong distrust of the police and suggested that participating in the program would not change their future behavior.

Interviews conducted with participating police officers revealed more consistently positive perceptions among this group. Many officers indicated that the program helped humanize the arrestees they interacted with. Officers also reported high levels of support for continuing the Restorative Justice Diversion Program for nonviolent first-time arrestees.

One of the primary goals of the program is to reduce future harm and prevent reoffending. Most individuals who participated in the program were not rearrested over the course of the study. Further, those individuals who did reoffend were charged with minor offenses (e.g., traffic violations and misdemeanor warrants). As such, the program does appear to facilitate law abiding behavior among participating arrestees in the six months following their attendance at the restorative justice class.

Discussion and Conclusions

The Omaha Restorative Justice Diversion program is a novel effort to improve police-community relations. Guided by the principles of restorative justice, the Omaha program first provides arrestees and officers an opportunity to share their perceptions of the incident that led to an arrest, recognizing the harm caused by their offense and talking about ways to prevent similar harms in the future. These HR&R facilitated conferences encourage arrestees and officers to work together in a safe and non-threatening environment. Arrestees then repair the harm they have caused through completing community service and avoiding rearrest. If these milestones are completed within six months, their charges are dropped by the City Prosecutor's Office. Preliminary process and impact evaluation results have identified several benefits of the program, as well as potential room for improvement.

Process evaluation takeaways

- The Omaha Restorative Justice Diversion program relies on active support from the City Prosecutors Office, the HR&R, and the Omaha Police Department to function
- The Omaha Restorative Justice Diversion Program is being administered as intended

Although interagency collaborative efforts can be challenging due to the different needs and resources available within participating agencies, our results suggest that the personnel responsible for managing the Omaha Restorative Justice Diversion program are coordinating successfully. This appears to be due to strong leadership within participating agencies and high levels of support for the program. These partnerships should continue to be formalized to ensure ongoing program success and smooth program functioning.

Impact evaluation takeaways

- Surveys collected immediately after the restorative justice class suggest that arrestees generally hold positive perceptions of the police and would be willing to cooperate with them in the future
- Officer interviews conducted shortly after participation in the restorative justice class indicate that officers find the program to be valuable, particularly for humanizing the individuals they arrest

- Recidivism findings show that few participants have been rearrested during the study period, and those who have were charged with minor offenses (3 misdemeanor warrants; 2 traffic citations)
- Arrestee interviews conducted after their completion of all program requirements reveal generally positive perceptions of the program, with three indicating that it has improved their understanding of police officers and one reporting that it did not change their perceptions of the police or their anticipated future behavior

These findings point toward largely positive impacts of the Restorative Justice Diversion Program on several of its' intended goals. Arrestee surveys and interviews suggest that the program did improve perceptions of the police among some participants. Most arrestees also reported positive perceptions of the program overall. Officer interviews also suggested that the program led to an increased understanding of the individuals they have arrested. Finally, although the recidivism data covers a limited timeframe, the results suggest low levels of reoffending.

Recommendations for improvement

This evaluation indicates that the Restorative Justice Diversion Program is generally facilitating positive outcomes, though some areas for improvement were also identified.

One of the key elements of the program involves Omaha police officers having the opportunity to nominate individuals they arrest for participation in the program. Several officers interviewed indicated that they did not know that this was an option. Making officers aware that they can nominate their arrestees could improve officers' buy-in and the program's overall success. This would be particularly valuable because most of the officers interviewed as part of this evaluation have been surrogate officers.

Of the 39 arrestees who attended the restorative justice class over the study period, only seven attended the same class as the officer who arrested them.⁸ Although the Omaha Police Department has encouraged arresting officers to participate in the class and compensates them for their time, many seem hesitant. Interviews with surrogate officers suggest that this hesitation is linked to concerns that participating arrestees will express hostility toward the police. Those officers who have participated in the class often comment on the skill of the HR&R facilitator in guiding conversations and ensuring that both arrestees and police officers are able to share their perceptions of the incident. For example, one of the officers interviewed stated:

"I thought he did an excellent job with just overall just stating what was expected and actually, when things sort of seem like they're getting out of hand, he did a good job being able to rein it in, and I also thought he was able to relate to the people who were arrested"

⁸ In one instance, an arresting officer attended a restorative justice class, but their arrestee had unfortunately passed away prior to the class date. There were two other incidents where interviewed officers were either present during the initial arrest or provided transportation after the arrest that led to an individual's inclusion in the program, but they were not the arresting officers themselves. Seventeen of the officers interviewed were surrogates for the arresting officers who were not present during the arrest. Seven additional officer interviews have yet to be completed.

in there for the class and kinda like not to say talk that at their level, but just to say, hey, you know, let's, you know, more or less like, held them accountable.”

Several other officers made similar comments, with some suggesting there would be big shoes to fill if he ever stepped away from the program.

To address hesitation among arresting officers, the Omaha Police Department could rely on officers who have participated in the restorative justice class to promote the program to their peers. Through reminding officers that the program exists and that they are compensated for their participation, in addition to hearing positive experiences their peers have had, the Omaha Police Department could increase arresting officer participation in the class. The police department could also remind officers that they can nominate individuals for the Restorative Justice Diversion Program to increase the use of officer nominations.

Conclusions

This evaluation suggests that the Omaha Restorative Justice Diversion Program is a promising effort for improving police-community relations. Grounded in restorative justice principles, this program encourages arrestees to recognize the harm committed by their actions, provides an alternative response outside of criminal justice sanctioning, and allows them the opportunity to repair that harm through serving the Omaha community. Leveraging relationships between multiple agencies in the city of Omaha, this program has culminated in improved police officer perceptions of the individuals they arrest and low levels of recidivism among arrestees. Continued follow-up with arrestees and participating police officers could provide additional insight on factors contributing to successful outcomes and identify recommendations for further improving the program.

References

- Alarid, L. F., & Montemayor, C. D. (2012). Implementing restorative justice in police departments. *Police Practice and Research*, 13(5), 450-463.
- Bazemore, G., & Griffiths, C. (2003). Police reform, restorative justice and restorative policing. *Police Practice and Research*, 4(4), 335-346.
- Bazemore, G., & Umbreit, M. (2001). A comparison of four restorative conferencing models. *Juvenile Justice Bulletin*.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge University Press.
- Choi, J. J., Green, D. L., & Kapp, S. A. (2010). Victimization, victims' needs, and empowerment in victim offender mediation. *International Review of Victimology*, 17(3), 267-290.
- Daly, K., (2002). Restorative justice: The real story. *Punishment & Society*, 4, 55-79.
- McCold, P. (2003). An experiment in police-based restorative justice: The Bethlehem (PA) project. *Police Practice and Research*, 4(4), 379-390.
- Tregle. (2022). *Officer and arrestee perspectives of police facilitated restorative justice*. ProQuest Dissertations Publishing.

Appendix A. Survey Results

Please note that these results are based on a small number of surveys (n=36). Any conclusions should be made with caution. Each section of the survey is presented under its relevant subheading.

General perceptions of police

First, we would like to ask some general questions about how you view police officers.

| | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|---|-------------------|----------|---------|-------|----------------|
| People should accept the decisions made by police, even if they think they are wrong. | 8.3% | 8.3% | 38.9% | 33.3% | 11.1% |
| You should do what the police tell you to do even when you do not understand the reasons for their decisions. | 0.0% | 11.1% | 25.0% | 41.7% | 22.2% |
| You should do what the police tell you to do even when you do not like the way that they treat you. | 0.0% | 11.1% | 25.0% | 50.0% | 13.9% |
| There are times when it is ok for you to ignore what the police tell you. | 33.3% | 36.1% | 19.4% | 8.3% | 2.8% |
| Sometimes you have to bend the law for things to come out right. | 19.4% | 41.7% | 25.0% | 5.6% | 8.3% |
| The law represents the values of people in power, rather than the values of people like me. | 16.7% | 16.7% | 41.7% | 19.4% | 5.6% |
| The law does not protect my interests. | 19.4% | 22.2% | 27.8% | 22.2% | 8.3% |
| Overall, the police department is a legitimate authority and people should obey their decisions. | 0.0% | 5.6% | 30.6% | 30.6% | 33.3% |
| I have confidence that the police department can do its job well. | 0.0% | 13.9% | 25.0% | 22.2% | 38.9% |
| I trust the leaders of the police department to make decisions that are good for everyone in the city. | 0.0% | 8.3% | 33.3% | 30.6% | 27.8% |
| People's basic rights are well protected by the police. | 0.0% | 16.7% | 25.0% | 30.6% | 27.8% |
| The police care about the wellbeing of everyone that they deal with. | 2.8% | 16.7% | 38.9% | 19.4% | 22.2% |
| I am proud of the work of the police department. | 11.1% | 0.0% | 38.9% | 33.3% | 16.7% |

First, we would like to ask some general questions about how you view police officers.

| | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|---|-------------------|----------|---------|-------|----------------|
| I agree with many of the values that define what the police department stands for. | 0.0% | 5.6% | 36.1% | 36.1% | 22.2% |
| The police are often dishonest. | 8.3% | 33.3% | 33.3% | 11.1% | 13.9% |
| Some of the things the police do embarrass our city. | 13.9% | 19.4% | 47.2% | 11.1% | 8.3% |
| There are many things about the police department and its policies that need to be changed. | 12.1% | 9.1% | 42.4% | 27.3% | 9.1% |

Specific perceptions of the police

Please think about the interactions that happen ON THE STREET between members of the public and police officers. Please indicate your level of agreement with each of the following statements:

| | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|---|-------------------|----------|---------|-------|----------------|
| Police officers often disrespect and insult the public. | 8.3% | 52.8% | 36.1% | 2.8% | 0.0% |
| Police officers are normally polite when dealing with people. | 0.0% | 11.1% | 30.6% | 47.2% | 11.1% |
| Police officers treat people with dignity. | 0.0% | 8.3% | 38.9% | 41.7% | 11.1% |
| Police officers treat people unfairly. | 8.8% | 26.5% | 58.8% | 2.9% | 2.9% |
| Police officers normally listen to people before jumping to conclusions in incidents. | 16.7% | 16.7% | 33.3% | 33.3% | 0.0% |
| Police officers sometimes ignore people when they try to explain a situation. | 2.8% | 30.6% | 38.9% | 16.7% | 11.1% |

Perceptions of procedural justice

Now, we would like to know how you view the police. Please indicate your level of agreement with the following statements. I believe the police:

| | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|---|-------------------|----------|---------|-------|----------------|
| are usually courteous. | 0.0% | 5.6% | 36.1% | 50.0% | 8.3% |
| are usually honest. | 0.0% | 11.1% | 30.6% | 44.4% | 13.9% |
| make decisions about what to do in fair ways. | 0.0% | 11.8% | 35.3% | 38.2% | 14.7% |

Now, we would like to know how you view the police. Please indicate your level of agreement with the following statements. I believe the police:

| | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|---|-------------------|----------|---------|-------|----------------|
| make sure citizens receive the outcomes they deserve under the law. | 0.0% | 11.1% | 36.1% | 38.9% | 13.9% |
| respect my basic rights. | 0.0% | 0.0% | 47.2% | 33.3% | 19.4% |
| usually treat people with respect. | 5.6% | 0.0% | 38.9% | 33.3% | 22.2% |
| would treat me with respect if I had contact with them. | 2.8% | 2.8% | 38.9% | 36.1% | 19.4% |
| can be trusted. | 8.6% | 2.9% | 40.0% | 37.1% | 11.4% |
| can be trusted to make decisions that are right for my community | 8.3% | 0.0% | 33.3% | 44.4% | 13.9% |
| try to be fair. | 2.8% | 5.6% | 38.9% | 33.3% | 19.4% |

Willingness to cooperate with police

Please indicate how likely you would be to:

| | Strongly Disagree | Disagree | Neutral | Agree | Strongly Agree |
|--|-------------------|----------|---------|-------|----------------|
| Call the police to report a crime occurring in your neighborhood | 5.6% | 8.3% | 13.9% | 41.7% | 30.6% |
| Help the police to find someone suspected of committing a crime by providing them with information | 9.1% | 9.1% | 12.1% | 30.3% | 39.4% |
| Report dangerous or suspicious activities in your neighborhood to the police | 5.6% | 5.6% | 22.2% | 33.3% | 33.3% |

Perceptions of personal and vicarious experiences with police

How often in your lifetime have the police:

| | Never | Once | Twice | 3+ times |
|---|-------|-------|-------|----------|
| Used insulting language toward you? | 50.0% | 33.3% | 8.3% | 8.3% |
| Used insulting language toward your close friends or family members? | 41.9% | 35.5% | 16.1% | 6.5% |
| Stopped you on the street without good reason? | 61.1% | 16.7% | 16.7% | 5.6% |
| Stopped your close friends or family members on the street without good reason? | 54.3% | 14.3% | 20.0% | 11.4% |
| Used excessive force against you? | 44.4% | 44.4% | 8.3% | 2.8% |
| Used excessive force against your close friends or family members? | 52.8% | 19.4% | 13.9% | 13.9% |