



Resource

Two-Way Expectations Between CBO and SP



Two-Way Expectations Between Community-Based Organization and Systems Partners

This resource lays out the commitments required by the following partners involved in this restorative justice diversion (RJD) program:

- Restorative Justice Diversion Community-Based Organization
- State's Attorney/District Attorney/Prosecuting Attorney
- Juvenile Division Chief in the District Attorney Office
- Presiding Judge of Juvenile Court
- Public Defender
- Chief of Probation Department
- Chiefs of Police Departments
- County Board of Supervisors
- Victim Advocate in District Attorney Office

RJD Community-Based Organization (CBO) Commits to:

Pre-implementation:

- Present on this model of restorative justice diversion to systems partners from offices of the district attorney, probation, police, public defender, and other juvenile legal system agencies
- Offer experiential trainings on restorative justice circle process to members of referring and systems partner agencies
- Assist in developing memorandum of understanding (MOU) between the district attorney's office (DAO) and community-based organization
- Consult on appropriate case referrals, participant selection criteria, and referral process
- Ensure program meets goal of ending racial and ethnic disparities in the juvenile legal system and consistently serves youth of color in their communities
- Train agencies on case referral process and provide ongoing case referral support as needed

Post-implementation:

- Implement case status reporting process between referring agency and community-based RJD facilitators/program managers
- During program Year 1, hold monthly check-in meetings with referring agency
- Maintain model fidelity, which supports the maintenance of high levels of survivor satisfaction and low rates of recidivism
- Evaluate program outcomes, including incidents of youth's legal involvement after participation in the RJD program and participant satisfaction rates
- Scale program to grow each year; train additional people from referring agencies on the program and process as needed
- Educate other systems partner agencies in restorative justice and RJD
- Connect systems partners from pilot sites with each other to support cross-national dialogue and collaboration

State's Attorney (SA)/District Attorney (DA)/Prosecuting Attorney Commits to:

Pre-implementation:

- Share data with CBO
- Work with CBO and data collecting partners to determine charges and zip codes most likely to result in youth of color being placed on probation or in detention and create diversion criteria based on that data
- Either the DA/SA or the head of the juvenile division at the DAO/state attorney office

(SAO) agrees on what cases and from which zip codes to divert cases

→ Sign an MOU that does the following:

Put in writing that the DAO can refer pre-charge cases of high level misdemeanors and felonies

Create legally binding agreement with the DAO that all information gathered in preparation, during the process, and in process follow up is confidential and can't be used as evidence in criminal court. MOU includes transactional immunity for responsible youth

MOU is co-created by DAO and the CBO

→ Divert pre-charge serious cases involving direct survivors which, if prosecuted, would result in young people being placed on probation or in detention

Post-implementation:

→ Continue to divert pre-charge serious cases involving direct survivors which, if prosecuted, would result in young people being placed on probation or in detention

→ Increase number of case referrals each year, based on capacity of CBO

→ During program Year 1, commit point person(s) to attend monthly check-in meetings

→ Share data with CBO for purposes of measuring recidivism and other indicators of success (if applicable)

→ Select point people from referring and partner agencies to attend trainings

→ Select one person to receive case status updates

→ Show support for the RJD program when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD

→ Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion

Juvenile Division Chief in the DAO Commits to:

Pre-implementation:

→ Thoroughly understand RJD including: RJD-appropriate cases, RJD process, and importance of pre-charge referral

→ Work with CBO and data collecting partners to determine charges and zip codes most likely to result in young people of color being placed on probation or in detention, and create diversion criteria based on that data

→ Agree to parameters of MOU

→ Ensure that all appropriate deputy DAs/SAs are trained in their role in RJD

→ Ensure that RJD-eligible cases are being referred and create an internal DAO process for referring cases to the CBO

Post-implementation:

- Continue to ensure that RJD-eligible cases are being referred and create an internal DAO process for referring cases to the CBO
 - Give regularly scheduled reports on local arrest, probation, and detention data to CBO
 - Share additional data with CBO on quarterly basis
 - Increase number of case referrals each year, based on capacity of CBO
 - Select a point of contact in the DAO/SAO for CBO to communicate with when receiving, reporting on, or returning cases
 - Select point people from referring and partner agencies to attend trainings
 - Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
 - Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion
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Presiding Judge of Juvenile Court Commits to:

Pre-implementation:

- Work with CBO and data collecting partners to determine charges and zip codes most likely to result in young people of color being placed on probation or in detention, and create diversion criteria based on that data
- Sign Standing Order allowing CBO to receive unredacted police reports for diverted cases

Post-implementation:

- Select point people from referring and partner agencies to attend trainings
 - Provide information on RJD youth participant recidivism, as requested by CBO (if applicable)
 - Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
 - Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion
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Public Defender Commits to:

Pre-implementation:

- Work with CBO and data collecting partners to determine charges and zip codes most likely to result in young people of color being placed on probation or in detention, and create diversion criteria based on that data
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Post-implementation:

- Protect confidentiality agreement in court
 - Hold line for referral of pre-charge cases only
 - Select point people from referring and partner agencies to attend trainings
 - Provide information on RJD youth participant recidivism, as requested by CBO (if applicable)
 - Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
 - Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion
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Chief of Probation Department Commits to:

Pre-implementation:

- Work with CBO and data collecting partners to determine charges and zip codes most likely to result in young people of color being placed on probation or in detention, and create diversion criteria based on that data
- Possibly agree to divert cases in accordance with parameters of MOU. If diverting cases, sign MOU referenced above that DAO/SAO signs
- If diverting cases, and doesn't sign the above MOU, sign an MOU that says nothing used in preparation for, during, or in follow-up for RJD process, or fact of participation or non-participation will be used against a youth. If diverting cases, there must be an MOU signed by DAO/SAO that says everything that happens in the restorative justice diversion process is confidential and can't be used as evidence in court
- If diverting cases, demonstrate understanding of RJD and agree to not place diverted youth on probation
- If diverting cases, thoroughly understand this RJD program including:
 - RJD-appropriate cases
 - RJD process
 - Importance of pre-charge referral
- Ensure that RJD-eligible cases are being referred and create an internal process for referring cases to the CBO

Post-implementation:

- Give regularly scheduled reports on local arrest, probation, and detention data to CBO
- Share additional data with CBO for purposes of measuring recidivism and other indicators of success
- Select a point of contact in the office for CBO to communicate with when receiving, reporting on, or returning cases

- Select point people from referring and partner agencies to attend trainings
 - Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
 - Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion
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Chiefs of Police Departments (or other key decision makers within Police Departments) in RJD zip codes Commit to:

Pre-implementation:

- Work with CBO and data collecting partners to determine charges and zip codes most likely to result in young people of color being placed on probation or in detention, and create diversion criteria based on that data
- Possibly agree to divert cases in accordance with parameters of MOU
- If diverting cases, sign MOU referenced above that DAO/SAO signs
- If police department doesn't sign the MOU signed by DAO/SAO, sign an MOU that says nothing used in preparation for, during, or in follow-up for RJD process, or fact of participation or non-participation will be used against a youth. If diverting cases, there must be an MOU signed by DAO/SAO that says everything that happens in restorative justice is confidential and can't be used as evidence in court
- If diverting cases, demonstrate understanding of RJD and agree that diverted youth should not be placed on probation
- If diverting cases, thoroughly understand the RJD program including:
 - RJD-appropriate cases
 - RJD process
 - Importance of pre-charge referral
- Ensure that RJD-eligible cases are being referred and create an internal process for referring cases to the CBO

Post-implementation:

- Give regularly scheduled reports on local arrest, probation, and detention data to CBO
- Share data with CBO for purposes of measuring recidivism and other indicators of success
- Select a point of contact in the office for CBO to communicate with when receiving, reporting on, or returning cases
- Select point people from referring and partner agencies to attend trainings
- Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
- Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion

Note: Police Chiefs may be able to advocate for RJD and raise awareness of RJD in communities

County Board of Supervisors Commits to:

- Oversee budget for DAO/SAO, public defender's office, and department of probation
- Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
- Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion

Note: County Board Member(s) may be advocates for RJD. See in particular, the district representative for district in which RJD program will be located.

Victim Advocate in DAO Commits to:

- Select point people from referring and partner agencies to attend trainings
- Show support for RJD when working with other juvenile legal system agencies and serve as advocacy source for continuation and expansion of RJD
- Demonstrate willingness to speak with juvenile legal system agencies from other jurisdictions and speak on local/national panels about restorative justice diversion

Note: Victim Advocates may be able to be internal (within the DAO) and external advocates (people harmed in the community) for RJD and assist in raising awareness of RJD.