

The Restorative Justice Advisory Committee

2022 Annual Report



Submitted by: The Executive Office of Public Safety and Security

Seat	Member	Appointed By:
Secretary, EOPSS	Undersecretary Andrew Peck	Ex Officio
Secretary, HHS	Scott Taberner	Ex Officio
House of Representatives, Speaker	Representative Sean Garballey	Legislature
Senate, Senate President	Senator Jamie Eldridge	Legislature
President, MA District Attorney's Association	DA Marian Ryan	Ex Officio
Chief Counsel, Committee for Public Counsel Services	Atty. Allison Cartwright	Ex Officio
Commissioner of Probation	Lorna Spencer	Ex Officio
President, MA Chiefs of Police Association	Ret. Chief Fred Ryan	Ex Officio
Executive Director, MOVA	Diane Coffey	Ex Officio
MA Sheriff's Association	Andrea Berte	Ex Officio
Retired Trial Court Judge	Vacant	Governor
Restorative Justice	Samuel Williams	Governor
Restorative Justice	Dennis Everett	Governor
Restorative Justice	Vacant	Governor
Restorative Justice	Susan Jeghelian	Governor
Restorative Justice	Kara Hayes	Governor
Restorative Justice	Vacant	Governor

The Creation and Purpose of the Restorative Justice Advisory Committee:

The Restorative Justice Advisory Committee (hereinafter "RJAC" or "the Committee") was established by Section 202 of Chapter 69 of the Acts of 2018, An Act Relative to Criminal Justice Reform (hereinafter "*The Criminal Justice Reform Act*").

Pursuant to the Criminal Justice Reform Act:

"The advisory committee shall consist of 17 members: 1 of whom shall be: the secretary of public safety and security or a designee who shall serve as chair; 1 of whom shall be the secretary of health and human services or a designee; 1 of whom shall be a member of the house of representatives appointed by the speaker; 1 of whom shall be a member of the senate appointed by the senate president; 1 of whom shall be; the president of the Massachusetts district attorneys association, or a designee; 1 of

whom shall be the chief counsel of the Committee for public counsel services or a designee; 1 of whom shall be the commissioner of probation or a designee; 1 of whom shall be the president of the Massachusetts chiefs of police association, or a designee; 1 of whom shall be the executive director of the Massachusetts office for victim assistance or a designee; 1 of whom shall be the executive director of the Massachusetts sheriff's association, or a designee; and 7 of whom shall be appointed by the governor, 1 of whom shall be a retired trial court judge and 6 of whom shall be representatives of community-based restorative justice programs or a member of the public with expertise in restorative justice. Each member of the advisory committee shall serve a 6-year term."

Section 202 of the Criminal Justice Reform Act charges the RJAC with the following obligations:

The advisory committee may monitor and assist all community-based restorative justice programs to which a juvenile or adult defendant may be diverted pursuant to this chapter."

"The advisory committee shall track the use of community-based restorative justice programs through a partnership with an educational institution and may make legislative, policy and regulatory recommendations to aid in the use of community-based restorative justice programs including, but not limited to: (i) qualitative and quantitative outcomes for participants; (ii) recidivism rates of responsible parties; (iii) criteria for youth involvement and training; (iv) cost savings for the commonwealth; (v) training guidelines for restorative justice facilitators; (vi) data on gender, racial socioeconomic and geographic disparities in the use of community-based restorative justice programs; (vii) guidelines for restorative justice best practices; and (viii) appropriate training for community-based restorative programs."

"The advisory committee shall annually, not later than December 31, submit a report with findings and recommendations to the governor, the clerks of the house of representatives and senate and the house and senate chairs of the joint committees on the judiciary and public safety and homeland security."

Mission

Promote and expand restorative justice education, practices, and programming statewide in collaboration with practitioners, participants, sponsors, stakeholders, and the general public, for the purpose of fostering healing for people and communities impacted by harm and systemic/structural violence and with an aim towards promoting public safety and accountability.

Vision

A Commonwealth where community accountability for harm is based on healing and not on retribution, and where effective restorative practices are embedded within schools, public institutions and communities and supported by public policy, programming, funding, and infrastructure.

Values

- Victim-centered
- Trauma-informed

- Public safety-oriented
- Accountability and healing for all
- Meaningful dialogue

Guiding Principles

Integrate Voices of Community and Victims of Crime into the Legal Process: Support the creation and expansion of restorative practice within the legal system. This requires a deep awareness of the people impacted by the law- not just those charged with a crime but the needs of victims and impacted communities. This is particularly true with criminal law where outcome is often divorced from the “lived experience” of all parties.

Promote Restorative Responses and Diversity of Restorative Justice (RJ) Programming: Recognize that grassroots organizations in Massachusetts should have more capacity to implement responses to conflict that heal, listen to the needs of victims, and create personal growth and accountability for offenders. Provide a mechanism for restorative justice practitioners in the area to connect, collaborate, and share best practices. There should not be a monopoly by any one program in the state and we should commit to developing a robust base of programming that is reflecting of lived experience, language equity and diverse voices.

Facilitate Opportunity for Equitable Training Opportunities: Bridge the socioeconomic and language access gaps in restorative justice practice within Massachusetts. Ensure that training and access to resources is afforded to everyone regardless of ability to pay for training and help to make this modality accessible outside of the suburban/White spaces it has flourished in (due to the expenses of programming and training).

Create Guidelines for Safe and Responsible Restorative Practices: Create guidelines of practice for facilitation of restorative justice programming that support diversity of community-based practice while offering guidelines on participation, impartiality, conflicts of interest, use of victim surrogates, facilitator competence, safety, confidentiality, and quality of the process.

Support a Cultural Shift: Engage in this process in the hopes of generating ideas, collaborations and relationships that can give birth to restorative solutions for our neighbors and for systems. Lean on and learn from each other as people who have a commitment to restorative options for victims and offenders, and community engagement in the aftermath of harm.

RJAC at its Midpoint

As the Restorative Justice Advisory Committee is now more than halfway through the six-year terms reflecting on its work and goals offers an essential theme for this year's annual report. From its

inception, the RJAC has committed to a wide framework of restorative justice, looking at the statutory mandate that created its work as a directive, but not a limit of the Committee's purview.

By statute, the Committee is a diverse group of stakeholders reflective of both community and institutional roles. As such, the Committee wrestles with issues that are part of the larger national conversation on restorative justice, its growth, and practices. Tensions '*scaling up*' the practice of restorative justice into systems is an emergent challenge across the US and Canada and not limited to the RJAC structure¹ These themes include:

- *Addressing issues of Social Justice:*

Does the Committee address the larger societal context of restorative justice at this moment? There is disagreement about whether we adhere to the statutory limits of our mandate or broaden it via the integration of social justice values and anti-oppression (specifically anti-racism) in our work². Diversity of voices and opinions matter in this work. As the Committee holds this tension (as mentioned in other sections of this report, this is a commonplace discussion point in RJ spaces), there is consensus that three main areas of work remain in this first term of service:

1. Completing its inventory of community based restorative justice programs,
2. Raising awareness of RJ practices in the Commonwealth, and
3. Making recommendations to policymakers for establishing and funding a state-level RJ office and other infrastructure in public institutions and communities.

- *Living our Restorative Values:*

The committee must '*practice what we preach*' and espouse restorative justice values both when the Committee convenes and beyond. The first quarter of 2022 was consumed with discussions between committee members that impacted trust and damaged relationships among members. It arguably affected the attendance of members and the work of the Committee's mandate. RJAC is confident we can make substantial progress toward completing our legislative mandate by the end of 2024. We recognize there was, at times, a lack of trust and civility among members that significantly slowed progress on our statutory mission. Given that our RJAC values³ include meaningful dialogue, accountability, and healing for all, we must also practice this with each other.

- *Is Restorative Justice a Program or a Movement?*

For some members, the structure of the statute governs the Committee's mandate⁴. Restorative Justice is a tool to be used. Other members identify RJ as a movement and see anti-oppression work as integral to the framework of the Committee's mission: from naming the structural violence of the last few years, to ensuring that directly impacted people are given

¹ See *the Restorative Justice Listening Project Final Report, 2017* (Zehr Institute for Restorative Justice)

² Integration of social justice values seen as a needed function within restorative justice work, Ibid.

³ End of the Year Report, 2021 p. 12

⁴ The committee voted to expand its work beyond the structure of the statute in 2019.

voice in our work. This issue remains very alive in the national conversation on RJ practices, is an expected tension and enriches our collective work.

In 2021, thirteen members of the Committee worked in an ad hoc subcommittee to identify and codify the parameters of the Committee's identity (including advisory role, education/promotion of RJ, diversifying RJAC members).

These same members of the Committee, informed by a regular cohort of public attendees determined the following framework for its work. These values are listed in the 2021 report, but bear repeating:

A Broad Definition of Restorative Practices:

From our initial discussions as an entity there was consensus that we agreed to take a broad view of Restorative Justice⁵. We would be inclusive of many voices and community practices beyond restorative justice used for adult and juvenile diversion⁶

Education: for the Committee and the Attending Public:

The committee's expansive structure includes many stakeholders in the community across Massachusetts and system-based leadership roles. Starting in 2018, regular presentations, resources, and readings to create a common language and understanding of restorative justice became part of the Committee's practice. These resources built knowledge of RJ programming and practices, diverse presentations.⁷

Funding for Restorative Justice Practices:

The pandemic was disruptive of funding streams that could benefit the growth of this critical work. The committee, its legislative ex officio members, and the Executive Office of Public Safety (EOPSS) were creative in navigating funding complexities during a nationwide public health crisis. Members of the Committee drafted a Request for Proposal (RFP) with higher education institutions to assist in carrying out the tasks that RJAC believes to be the most influential or highly leveraged⁸, funding for the statutory partnership for surveying restorative justice providers across Massachusetts was secured in through the American Rescue Plan Act (ARPA) in late 2021 and funding was appropriated in the FY 2023 state budget for the RJAC for which the Executive Office of Public Safety issued a Notice of Availability of Grant Funds (AGF) in October of this year to award grants in support the work of collaborative, community-based restorative justice programs across the state.⁹

*Adopted RJAC Mission, Vision, Values, and Guiding Principles*¹⁰

⁵ This conversation goes back to the memo of members Carolyn Boyes-Watson and Susan Jeghelian in 2019 ratified by the larger committee

⁶ See RJAC End of the Year Report, 2018

⁷ Listings of trainings and materials are in each annual report filed with the legislature.

⁸ See RJAC End of the Year Report, 2021, this RFP remains in draft form.

⁹ A total of \$380,000 is being made available for this opportunity that will be in FY 2023 please refer to the *Supporting Community-Based Restorative Justice* section of this report for more information.

¹⁰ These identified principles are framed in the 2021 Annual Report

RJAC committed itself to a set of guiding principles for its work by requesting members to formulate a set of guiding principles in much the same way circle processes create values and guidelines. As outlined in last year's report, the guiding principles for the Committee are as follows:

- Integrate Voices of Community and Victims of Crime into the Legal Process
- Promote Restorative Justice Responses and Diversity of RJ Programming
- Facilitate Opportunity for Equitable Training Opportunities
- Create Guidelines for Safe and Responsible Restorative Practices
- Support a Culture Shift

*Commitment to expand RJAC membership to include survivors, returning citizens, and BIPOC People*¹¹

The western paradigm of restorative justice is not rooted in equity and anti-oppression work like many other social justice movements (within court-based diversion and school-based restorative practices. This structural reality may make us question whether restorative justice is a social justice movement.

It leads us to consider the following needs for the RJAC moving forward:

- Increased recognition of the indigenous roots of peacemaking as a form of restorative justice
- Prioritizing membership on the RJAC that reflects practitioners with identities as people of color or marginalized people.
- Social justice values must become embedded at every level of the RJAC's work and the impact of oppression (with society and within restorative justice within Massachusetts must be better understood.

*Commitment to establishing a state office for RJ*¹²

A statewide office of Restorative Justice was framed as a priority in previous drafts of the current statute. The committee believes in such an office (similar in scope to the Massachusetts Office for Victim Assistance). It will guide legislators, system-level stakeholders, and individuals seeking alternatives to resolve harm. An office of Restorative Justice Practices ensures RJ will be foundational in schools, courts, and the community.

Year in Review

The RJAC continued its work virtually this year. The Governor's extension of the state's virtual meeting structure minimized the impact of COVID-19 while giving general public attendees the flexibility of an online meeting platform.

¹¹ Ibid

¹² Ibid

The committee recognizes that this pivot to the online platform was out of necessity during a pandemic. An unexpected benefit is that online meeting has offered greater inclusivity and access for members of the public.

Virtual meetings are more inclusive than physical events in many ways. They do not require travel for the public and offer accessibility for participants with caretaker responsibilities or mobility needs. Online meetings have resulted in higher public participation levels in the RJAC's sessions.

The committee saw transition among its members over the course of the year. Massachusetts District Attorney's Association ex officio member Becky Michaels of the Northwestern County District Attorney's Office left in April of 2022. That seat was filled by Middlesex County District Attorney Marian Ryan in 2022. Dennis Everett, Director of Restorative Justice Practices for the Executive Office for Public Safety joined the Committee in January of 2022. Lorna Spencer was named to the ex officio Commissioner of Probation seat in February of 2022 replacing Joseph Abber. The vacant Governor appointed seat was filled in December of 2022 by Sam Williams, Executive Director of Concord Prison Outreach. There is currently an open Governor appointed seat on RJAC due to the resignation of Erin Freeborn on November 8th, 2022. Appointed member Carolyn Boyes-Watson and Ret. Honorable Rosemary Minehan resigned on December 12, 2022. The seat of Massachusetts Sheriff's Association is currently filled by Andrea Berte, replacing Jennifer Kakley.

Education and Training of Advisory Committee Members:

The committee continued its work to build its knowledge of Restorative Justice by training with practitioners from a variety of Restorative Justice Programs. Recognizing that Restorative Justice is a continuum, the presentations included system, community, and education-based programs. In addition to in-person training opportunities, a significant number of written resources and online learning platforms were shared with the Committee to deepen their work and understanding of Restorative Justice. The Committee's continuing collective education included the following:

RJAC Presentations (via TEAMS):

- **January 11th, 2022**
Presenter: Lisa Millwood, Executive Director: School of Reentry
Title of Presentation: *The Credible Messengers Program*
- **Tuesday May 10th, 2022**
Presenters: Carolyn Boyes-Watson, Kara Hayes, Susan Jeghelian, RJAC members
Title of Presentation: *RJAC Accomplishments and Next Steps 2018-Present*
- **Tuesday May 10th, 2022**
Presenter: Arielle Mullaney, Legal Counsel at Executive Office of Public Safety and Security

Title of Presentation: *Review of Chapter 276B*

- **Tuesday, August 9th, 2022**
Presenter: Kara Hayes
Title of Presentation: *RJAC Survey Process*
- **Tuesday, October 11th, 2022**
Presenters: Jeff Van Dreason, Dean of Liberal Arts and Health Careers, Nunotte Zama, Coordinator of Criminal Justice Department, Marta Rosa Executive Vice President of Roxbury Community College
Title of Presentation: *Roxbury Community College and the Restorative Justice Advisory Committee*
- **Tuesday November 8th, 2022**
Presenters: Kara Hayes
Title of Presentation: *The work of VOEG: How Trauma-informed Restorative Justice practice transforms Incarcerated Communities.*
- **Tuesday, December 13th, 2022**
Presenters: JoHanna “J” Thompson, Aaron Williams, Dan Kahan (FL); Abby Whipple (CO)
Title of Presentation: *Circling Up for the Long Game*

Written Resources:

- *Listening to Victims- A Critique of Restorative Justice Policy and Practice in the United States*, Howard Zehr, et al.
- *The Alberta Restorative Justice Association: Serving Crime Victims Through Restorative Justice: A Resource Guide for Leaders and Practitioners*
- *Turning Tables: Offenders Feel Like “Victims” When Victims Withhold Forgiveness*, Michael Thai, Michael Wenzel, and Tyler G. Okimoto (*Personality and Social Psychology Bulletin*, 2021)
- *The Overlooked Victim Right: According Victim-Survivors a Right of Access to Restorative Justice*, Lynn S. Branaham
- *Can Restorative Practices Address Intimate Partner Violence? Summary of a Roundtable Discussion*, Erika Sasson
- *The State of Restorative Justice in American Criminal Law*, Thalia González, Wisconsin Law Review
- *A National Portrait of Restorative Approaches to Intimate Partner Violence: Pathways to Safety, Accountability, Healing, and Well-Being*, The Center for Court Innovation: Amanda Cissner, Erika Sasson, Rebecca Thomforde Hauser, and Hillary Packer
- *‘I remember feeling incensed’: the Woman who Spent 18 years Learning about Forgiveness in the face of Atrocity*, Zoe Williams

Training Opportunities Shared via Conferences and Remote Learning:

- **April 22, 2022**, Exploring Restorative Justice: State, Federal and Philosophical Perspectives

- **April 12, 2022:** Flaschner Institute, Restorative Justice: Opportunities and Obstacles
- **May 11 & 13, 2022:** Transforming the Culture of Power Conference, Visioning B.E.A.R. Circle Intertribal Coalition

Status of Subcommittees

With the assistance of committee member Senator Jamie Eldridge, the Committee secured \$80,000 in ARPA funds for the restorative justice to conduct our inventory work.

As a result, RJAC suspended its subcommittees (RFP and Survey) in mid-2022. The role and responsibility of the subcommittees will continue via the RJAC's partnership with Roxbury Community College (RCC).

The Executive Office of Public Safety identified Roxbury Community College (RCC) as the RJAC's institutional partner to continue the work of the Survey subcommittee and RFP subcommittee (see below, status of RFP Process/Assessing Statewide Programmatic Capacity).

Process Assessing Statewide Programmatic Capacity

The RJAC is charged with tracking the use of community-based restorative justice programs through a partnership with an educational institution. This survey is a critical function of the Committee as we are amid rising interest in restorative justice in Massachusetts. When funding for an educational partner were suspended due to COVID-19, the Committee took on the work of surveying RJ providers itself. Thankfully, due to the ARPA funds secured by the efforts of Senator Eldridge, the Committee was able to pivot back to an educational institution for this statutorily required work.

This year, EOPSS identified an education partner and was able to secure funding for this previously unavailable process due to COVID-19. The work of surveying the landscape of restorative justice programming will be handled by Roxbury Community College (RCC).

Under the supervision of Dean of Liberal Arts Jeff Van Dreason, RCC will convene a team of students and researchers to complete the inventory research to address the data tracking mandate of the RJAC. The survey will seek from RJ providers the following types of data: contact information, programmatic summary, population geographical area served, and identifying information on race, gender, and socioeconomic background. It is anticipated that the project and its research can be completed in one year.

Importantly, given the RJAC's commitment to inclusion and diversity of voices in restorative justice, RCC is one of the most inclusive college settings in the Commonwealth. Their student population is 88% Black, Latinx, or multi-racial. Their service area includes Roxbury, Dorchester Mattapan, East Boston, and Brockton, Massachusetts. The partnership offers the added benefit of building the college's Community Honors Program and giving students an impactful research project.

Their work will be critical as many academics, practitioners, educators, community activists, and movement organizers across the state are engaging in restorative justice in some way. Similarly, within

the Criminal Legal System, there is a desire for more pre-complaint and diversion programming with a restorative construct.

As in all social movements facing rapid growth, the depth of understanding and coherence of practice still needs to be discovered. With this exceptional growth in restorative justice, our governing statutory mandate to assess and begin tracking the current framework of available programs has urgency.

Per the recommendation within last year's end of the year report,¹³ the Committee exhorts the RCC team to go beyond the scope of the community-based RJ programs and include restorative justice programs within and connected to public institutions in the Commonwealth. This would give the greatest context for the Committee and the public of extent RJ programming.

Supporting Community-Based Restorative Justice

In October 2022, Governor Charles D. Baker, the State Legislature, the Secretary of Public Safety and Security Terrance Reidy and the RJAC announced the FY2023 Commonwealth Restorative Justice Community Grant Program. This AGF is designed, among its priorities for funding, to support community-based restorative justice programs either singularly or in collaborative work. For this funding cycle RJ is defined as:

"A voluntary program established on restorative justice principles that engages parties to a crime or members of the community. In order to develop a plan of repair that addresses the needs of the parties and the community programs may include the parties to a case their supporters and community members or one-on-one dialogues between the victim and an offender¹⁴"

This grant is a non-renewal reimbursement structure that will provide 6 months of funding. Successful applicant will need to provide 2 quarterly expenditure reports due on April 15th and July 15th of 2023. These reports act as requests for reimbursements for the primary applicant and any sub-awardees.

Preference for funding will be given to organizations that have adopted and understand restorative justice. The grant review process will be managed by EOPSS with input from a sitting member of the RJAC. How the RJAC members will be involved with funded programs (presentations from funded agencies for RJAC members, site visits, assessment of whether funded programs met goals and predicted outcomes, etc.) is yet to be determined.

¹³ See 2021 End of the Year Report, p. 3

¹⁴ See Section 202 of the Criminal Justice Reform Act

Recruitment and Retention of Members

Turnover of committee members is a normative part of the more than 700 boards and commissions dealing with the workings of state departments and public policy. For the functioning of the RJAC to be effective, the recruitment of new members and retention of ongoing board members needs consideration.

Recruitment

We have both statutorily required ex officio and appointed seats as part of our committee. As we agreed we determine who will hold those roles for the Committee (and community of practitioners in the Commonwealth), the RJAC could consider several factors including:

- **Pre-existing knowledge of Restorative Justice**, broadly or within a specific context (or the willingness to acquire additional background by connecting to sitting RJAC members, attending relevant training and/or shadowing experienced facilitators)
- **A passion for developing and supporting Restorative Justice** and Restorative Practices throughout the Commonwealth within the statutory parameters that govern the RJAC
- **A balanced representation of skill sets** is needed for the effective administration of the committee and implementation of its mandate
- **Ability to work in a collaborative, consensus-building way** within the RJAC and the diverse programming across Massachusetts
- **An open application process** reviewed and vetted by sitting RJAC members in consultation with the Executive Office of Public Safety (EOPSS)
- **A survivor of crime voice on the RJAC**: Massachusetts sees RJ through the lens of offender needs as most programming is focused on diversion, prison programming, or reentry. Survivors of violence are less present in the conversation on restorative practices unless they forgive their offender(s).¹⁵ A seat held by a survivor of violence could impact this imbalance. We would not necessarily need a statutory amendment for this identified need to be met.

Retention

Retention (and engagement of sitting members) is key to having a fully functioning, effective RJAC.

The challenges of schedules and the pandemic are factors in any committee's function. Things to consider moving forward with the RJAC and its work in 2023 include:

- **Productivity**: Setting expectations based on our survey process and engaging all members of the RJAC in some ongoing subcommittee work to meet our mandate.
- **Disengagement and Absences**: Engaged committee members can suddenly disengage or resign for myriad reasons. It is worthwhile in 2023 to connect to disengaged/absent members to clarify how they are feeling about their service, the amount of time and emotional energy they can dedicate, and how they are feeling about their work and role may assist in addressing this issue. Naming this issue is essential: disengagement can grow when others see a lack of involvement from fellow committee members.

¹⁵ Forgiveness is not a justice need in Indigenous practices or the Western Tradition of RJ practices.

- **Civility:** Everyone deserves respect, and everyone’s voice is worth hearing.

Core Recommendations (Survey Process)

A survey was designed to identify members' priorities for 2023. It was sent to all currently sitting RJAC members (once on October 19th and again on November 8th). At the time of the survey, there were 15 sitting members and two vacancies. As of the report's writing, there were seven completed surveys for a 47% response rate.

The survey asked committee members to answer five questions focused on accomplishments for the year, upcoming priorities, recruiting and retaining committee members, and feedback/recommendations.

The themes identified from the survey process include:

- **TA Statewide RJ Office:** Advocating for a statewide office of Restorative Justice, similar to the Massachusetts Office for Victim Assistance
- **A transparent process for filling vacancies on RJAC**
- **Subcommittee work:** Requiring every committee member to join at least one subcommittee per year
- **Ongoing Training:** Continued training and programming review for committee members
- **Hiring staff for RJAC:** Hiring an ED and support staff for the Committee to better fulfill its mission
- **Meeting in Person:** convening at least once a year as an in-person body.

Funding and Looking Forward

Moving Forward Priorities Identified Include:

1. Secure prior appropriation continued (PAC) to carry over \$80,000 of FY22 ARPA funding into FY23.
2. Draft enabling statute for state office for RJ and seek adoption through outside section to FY24 or FY25 budget.
3. Prepare FY24 and/or FY25 state budget request for funding, based on the draft budget request generated by RJAC Funding subcommittee in fall of 2019
4. Recruit/appoint additional RJAC members who are survivors of violence, returning citizens and/or BIPOC individuals.

The Members on the Annual Report Include:

1. Kara Hayes, Chair
2. Erin Freeborn