



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

One Ashburton Place, Room 2133
Boston, Massachusetts 02108

Tel: (617) 727-7775

TTY Tel: (617) 727-6618

Fax: (617) 727-4764

www.mass.gov/eopss

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

TERRENCE M. REIDY
Secretary

MEETING MINUTES
RESTORATIVE JUSTICE ADVISORY COMMITTEE

Date: February 8, 2022

Time: 11:00AM-1:00PM

Microsoft Teams Virtual Location: [Click here to join the meeting](#)

Or call in (audio only) [857-327-9245](tel:857-327-9245) **Phone Conference ID:** 340 146 417#

Agenda Items:

1. Call to Order

The meeting was called to order by Chairman Andrew Peck at 11:06am.

		<u>Video/Call</u>	<u>Absent</u>
1	Chair -Andrew Peck	X	
2	Scott Taberner	X	
3	Rep. Sean Garballey		X
4	Sen. James Eldridge		X
5	Becky Michaels		X
6	Allison S. Cartwright		X
7	Lorna Spencer	X	
8	Ret. Chief Fred Ryan		X
9	Diane Coffey	X	
10	Jennifer Kakley	X	
11	Judge Rosemary Minehan		X
12	Kara Hayes	X	
13	Carolyn Boyes-Watson		X
14	Erin Freeborn	X	
15	Dennis D. Everett Jr.	X	
16	Susan Jeghelian	X	
17	Strong Oak Lefebvre	X	

EOPSS Staff: Arielle Mullaney and Anjeza Xhemollari

Others in attendance: Over 5+ members of the public attend the open meeting.

2. Welcome

Chairman Andrew Peck welcomed all committee members and attendance was taken. Chairman Peck introduced Lorna Spencer to the Committee as probations new designee.

3. Review and Approval of Meeting Minutes from January 11, 2022

Kara Hayes made a motion to approve the meeting minutes, the motion was second by Scott Taberner. Roll call was taken to approve the draft meeting minutes. Lorna Spencer and Susan Jeghelian abstained. Draft meeting minutes approved.

4. Update from the Questionnaire Subcommittee

I am just here with a quick update from the Survey Subcommittee. We have made a commitment to meet monthly in part because that was about my own need for accountability to go through some of the interviews. We did have our last meeting last week on February 3, 2022, from 10am-11am. Myself, Carolyn and Strong Oak were able to join from the subcommittee itself and we had two public attendees, Branda and Jo-Anne

The issue that came up is one of tabling our work temporarily for some larger conversations in the full committee, something we likely can't get to today because some of the members that might enrich that conversation aren't able to be present. We pressed pause on our inventory, and I think just given we are a small group today, it would be hard to have that conversation without Carolyn joining us as one of the committee members present and having a fuller cohort of our community.

Chairman Peck- Ok. How would that larger conversation impact your work in the subcommittee?

Kara-That is a fair question. I think it's more about wanting to flesh out our previous conversation a little deeper about community and system engaged work. We have a small group today and is that conversation to be held today or continue it to next month?

Susan- I wasn't at the last meeting but I support the Subcommittee if they feel they need to pause before they can continue with the work. It appears from the previous meeting minutes that there as a conversation about conflict of interest with the Ethics Commission, so maybe we can have that conversation before we make any decisions. I don't know. I wasn't there. So that's just my contribution.

Chairman Peck- It's part of it and there's an update in our next agenda item.

Kara- It's an unusual situation and some of the folks that could inform this conversation better are not part of the meeting today. I do think it would be helpful for us to try to get all other members to the table to explore this conversation a little more. Like I can't speak for all voices that were at the table and wanting to have that to be more informed.

Dennis-From my observation, what I see is like there's restorative justice values and guidelines and a process that that is paramount to people that facilitate or deepen their practice and restorative justice. What are our shared guidelines and values that supersede our state mandates and I'm assuming that's kind of part of the discussion that that will have today. But what are we doing here, and what are the anchors sizes that we all agree to before we move forward?

Diane-I felt uncomfortable at our last meeting and I'm leaning towards being uncomfortable again today. So, I'm listening for pause on the subcommittee and that we could lean into that a little bit more as a full committee. I think we talked about some complicated issues, and I have a lot of feelings and a little bit of uncomfortableness. I welcome that opportunity not to slow our process and be a little restorative with each other.

Strong Oak- This is a big conversation that must be done in circle. Just looking at what Diane just shared about why don't we be restorative? I think practicing the circle is best way to be restorative because there's been damage and trust in this community.

Dennis- How do we advance restorative justice in the in the Commonwealth? So that means we're going to have to have a lens to be able to have a case study. Our processes and our procedures. To look back and be like, you

know, well, what could have been done better? How could we support this? As facilitators we understand harm. Not being rushed and being able to pause when there's harm and doing and trying to restore that harm to the best of our ability. If that's not at the forefront of this mandate, then we're not doing restorative justice. Whenever there's harm, no matter how big or small. We have the case study. How do we address it? And with the complexity of understanding that we have a mandate to move this forward.

Susan-I wasn't at the last meeting and there's a new member present. Could somebody please provide contexts exactly what the bigger conversation is going to be just to help us understand.

Chairman Peck- Sure, I could defer to Kara or Strong Oak as they might explain it better.

Dennis- I could do it as the new guy here and navigate this discussion. There was money that was allocated through a very legal process by one of the partners that is part of RJAC. None of the other partners knew about that money to even plan or process it. So, it just hurt. People that are in this work are trying to get funding and to find out that someone else got funding just hurt. I think there's many layers to that and I'm not going to speak for that person, but as someone that works for UTEC, I'm constantly trying to do whatever I can to get resources to my community and young people. I think there's just layers of passion and trying to move something forward as individual organizations versus what is the calling to this committee? So, for me that's my observation, but I'll just open it up.

Strong Oak-I like to speak in plain language, and I brought it up last time and will fill everyone in. I'm just concerned that we have been sitting with each other for three years and now we find out that one program has gone through many police departments and were able to get founding. In fact, I don't know about the ethics of that. I know that I was concerned about conflict of interest and even if it's legal, how real ethical and trust building is that? I'm putting together some other pieces of conversation so new members could have knowledge. There was a question of how long this committee would last if it was going to be renewed after the six-year process. And then I heard that, you know, the Senator can just do what he wants. That we were simply advisory. There was \$600K and even an extra \$100K that was added to one person sitting in this committee to get to their program.

Chairman Peck-Did you say\$600K?

Strong Oak-Yes, \$600K and another \$100k added. I've been following the legislation. How colonizing I think all this is, and one of my concerns is of the colonizing structure itself. The systems put in place, and some can go out the back door behind the scenes and nothing gets brought up in the committee and makes the committee look like window dressing. Seems like the good old boys' network and I got to say marginalized communities don't have that access. My budget is pitiful.

I would have never considered that being a member of this committee, I could go behind closed doors with the legislators and ask for money. I would have felt better if it was up front and open to the public. I asked over a year ago. I was concerned about it. I talked privately. I'm very ethical person. I was asked to not bring it up. I have not been contacted and when I did the interviews it never even came up and that program is blanketing the state.

I don't see how fair that is, and that I wonder about all of it. I'm not the only one, but I really feel the marginalized one talking to you about the colonizing of things that belong to others.

I feel colonized and I'm more than upset, I'm grieving. I have put a lot of work in here and I feel exploited. I'm not going to keep doing this unless this is addressed. Nobody else would tell the truth. Be honest. But you know I, don't belong to anyone. You could hurt me. You could hurt my program if you start thinking about licensing. I will not support that. Indeed, I would let everybody of color of my community know about it. I'm very upset. I don't belong to the Police Department. I don't belong to District Attorney's Office. I'm not part of the judicial system, and so therefore it allows me to be plainly honest.

Chairman Peck-Not sure if this is the road, we want to go down with many people absent, but we have agenda #5 to cover and then certainly have Erin speak.

5. Ethics Commission-Conflict of Interest

Arielle-As requested by you all at the last meeting, I did speak with the Ethics Commission, and I walked through everything with them. From what's been going on to the concerns you all had. We went through all the issues of the ethics statutes in the Commonwealth, and it was ultimately decided that it is possible to do both. It is possible to be a member of RJAC and to work in an organization like C4RJ and advocate on behalf of your organization to the legislature.

In fact, where lines will be blurred is if the two roles were mixed, and if C4RJ was using their position with RJAC to advocate for money to the legislature, that's where things could get blurry.

In the end, it is possible to do both. There's no conflict here. Everything was done legally, and I understand, as Kara mentioned, it would be best to have some other people here on the board speaking to this, but I'm sure the senator and the representative would indicate that everything was done legally.

Everything was done properly, and even as other board members have mentioned here today. You go out and advocate for money on behalf of your own organization, separate from our RJAC. It's possible to do so. There's no ethical issue. There's no legal issue. It can be done. I want to make sure everyone knew that off the bat and was able to have that conversation.

I also want to make sure everyone knew that in addition to my reaching out, I know Erin also did reach out couple of years ago and received that clarification on her own. So, not once, but twice has the Ethics Commission confirmed that for us.

Chairman Peck-To summarize quick. It will be an issue if someone using their position on this board and at the same time using the board and the work we do as a vehicle to receive funding from the legislation.

Arielle-Correct, that will be an issue.

Chairman Peck- any questions for Arielle?

Kara-this is very informative. Thank you.

Susan- I guess I'm not sure. Whose behavior did you run by them? What exactly did you ask?

Arielle-I asked them about C4RJ receiving funding. I referenced the RJAC mandate, I referenced what the organization does, the similarities between the organization and the board members position on RJAC. The mission in their organization, the legislature, I really, I gave them everything.

Susan-Did you talk about the legislators who are also on RJAC?

Arielle- I did not speak about the legislators that are on RJAC. At the last meeting, that was not my understanding it was not what you all were looking for information on. I could go back with additional questions, but I would need their permission, as I had permission to ask about Erin.

Susan- Using ethical standards, is there an appearance of conflict? Did you ask about that?

Arielle- I did. I spoke at length with the Ethics Commission about appearance of a conflict, and they confirmed that there's no conflict. We discussed it at length and like I said, at the end of the day, there's no conflict.

Erin-There's a question in the chat about providing an example of an unethical situation.

Arielle-Sure. I will use Andy's example. If you (Erin) had acted on behalf of RJAC using your status to advocate for money based off the information that you've learned through the Commission and petition the legislature, that would be a conflict. If those relationships and those positions were blurred and were commingled, that's exactly where a conflict would be. If you used your state employment status to help your own organization, that's where we would have an issue. But keeping those positions separate, there's no issue.

Strong Oak- What if the person was involved in the writing of the legislation of the language for RJAC? Drafting of the language.

Arielle-Are you talking about the senator and the representative?

Strong Oak-My understating is that Erin was part of writing the language?

Arielle- Again, carrying out actions in your separate capacity and your separate positions are completely fine.

Strong Oak-I was asking about the drafting of the legislation and language. That's what set all of this up.

Arielle-I don't see that being a conflict. Again, that's not something I discussed with them whether people can assist in drafting legislation. I don't see that as a conflict by any means. Again, I can run that past the Ethics Commission if you would like, but it would be my opinion that that would that is not a conflict.

Strong Oak-How does this not appearance of a conflict. Understanding that there is a drafting legislation and working with legislatures to bring this program proliferation across the state. No matter how you want to pretty this up, this is how I see it. People from the dominant culture do these things all the time and it is not right. Those laws need to change. They need to be changed because this is a hardship and mostly marginalized people are the ones to pay for this kind of thing.

Dennis-I feel unprepared to speak because I'm new. To the depth of which Strong Oak speaks she's got that from experience. I have not. I need to learn from everyone. To meet everyone for who they are. With, this is a people's culture and it's the people's blood lessons learned through. A time deeper than America's existence. If we're going to use that name in that practice, we must be clear to have direct relationships with those people who those practices belong to. The First Nations People, and we need to invest in and studying them.

But I'm new, so I don't know how we get there. There's the need to have a deeper conversation with the bigger group. Restorative practices are deeper than the practices we're going by in the state. These are practices that need to be followed through if we're going to use the name and say that's what we're promoting.

Chairman Peck-So let me ask the group this, how do we go forward with RFP, funding, and next steps if we don't resolve this?

Kara-I have been trained by First Nations People and to have that conversation, the right people need to be at this meeting, and we also have new members on the committee. Members who have not been able to make it today, to be present and not to have the issue linger, but simply that many people who were here last month are not here. I don't think it should be the responsibility of only the people who were able to come today to hold a complex conversation that's larger than today's meeting. We just need the other members to be present.

Chairman Peck- In terms of agenda items #6 and #7 do we go over that today or move it?

Kara-I think Becky was driving the RFP process and she's not here today. Not sure of where we go from here.

Chairman Peck- Erin, do you want to share your thoughts and feeling here?

Erin- I'd like to share some information to clarify the record and I'd also like to share some thoughts and reflections. One thing that I want to clarify is that there have been a couple of different numbers and just to set the record straight and make sure that everybody is on the same page.

C4RJ received \$100K in the FY'22 State budget. That is \$100K. I've heard some people reference \$600K. That is not correct. I do not know where the \$600K number came from.

We were able to get \$100K of State funding by working with Representative Ken Gordon of Bedford. He has been a partner of C4RJ since 2011. We did point to chapter 276B to advocate for the funding. The funding is to help address the increasing number of cases that have been diverted from the legal system. Rep. Gordon and others advocated for C4RJ to be included in the House budget, which then went over to the Senate, and eventually went through the Ways and Means Committee to the Governor.

The funding ended up in the Probation Department's portion of the budget and C4RJ has a Scope of Services with the Probation Department. This Scope of Services outlines that C4RJ's funding is to increase direct services and to invest in returned citizens who have transformed their lives through restorative justice while incarcerated. This funding is because more and more cases are being referred out of the courts and to restorative justice.

If you've sat in a circle with me in the last decade, you've heard me share in the values round that the value I hold most dear is integrity. I strive to live with integrity in my personal and professional life. I aim to be the

same person in circle that you meet on the sidewalk. Therefore, I was perfectly fine when Arielle asked if she could talk to the ethics board about me and my work.

I approached the Ethics Committee myself two years ago before I started doing work with the Northwestern District Attorney's Office. I asked them if there was a conflict and the message that I received was that there wasn't because this committee is not regulatory in nature, we're advisory and we are meant to support restorative justice.

Another value I operate by is transparency. I am happy to talk with people about C4RJ's work and to share the successes and the struggles. We have public annual reports that document our growth over the years and I'm happy to talk with people about our model. However, I don't think that is the point of today's conversation.

Today, I want to take a minute to share some information that will help set the record straight. I'm bothered that the way that people have talked about C4RJ's funding has made it sound like Senator Eldridge made some sort of deal directly with C4RJ in an inappropriate way.

I want to acknowledge each community member who works on the cases and each police officer, defense attorney, and prosecutor who support using restorative justice in lieu of prosecution. The willingness of these stakeholders to move outside of the courtroom setting and into a restorative space is what makes systemic change possible.

That is one reason I was honored to serve on this committee. I think we have a great opportunity to bring practitioners and programs together. As we build a list of people who are interested in working with the legal system and as we invite people to work with us, it will improve and expand the field. These are some of the things that I am excited for us to work on as we set our goals for 2022. I hope we get to move on to that portion of our agenda. Not sure on who needs to be here next month, but I'm ready to move forward.

Strong Oak- It's accurate that you were going to speak with the Ethics Commission and that you were going to raise it here yourself and at some point, you asked me to stand down and not talk about it and you were going to bring it forward. I honored that for over a year, and I never got a response. I feel like there's been a misrepresentation of our conversations. I was waiting for this to come up in this committee. I was waiting for you to bring it up yourself and it just never happened. I feel bad about that, and I don't know what to do because then I don't have an anchor for a conversation. There's no basic common ground. You told me you were going to get it on the agenda, you don't recall those conversations? I don't know what to do.

Erin- I know one thing and I'll share because this is new to me as well. I learned something in this process that they don't issue written findings. That was something I was waiting on and, when Ariel went to them with this matter over this last month, she found the same thing. She was hoping to get a written report, but instead received advisory information. That's informative to me because that is one thing, I was waiting for that I did not receive, so that that's right. I didn't have anything to bring because I was told there was none.

Strong Oak-It's about people who have privilege and access. I see it might be legal, but the system needs to change. There was no competitive process for your program to go over the state. You didn't even have a conversation with the indigenous group here and we don't treat people that way. Secrets are a big deal in my community. 1% of the population is native now. We were 100% then. This colonizing process is racist. All of it. Our stuff is being stolen. Look what has happened to this Committee and RJAC. You are making this part of the problem. I don't think people of color have access to RJ. I feel harmed here and I need to be restored. The public is harmed here.

Erin- Strong Oak I'm sorry that you're still feeling harmed about that because we had a conversation in December of 2020 when I learned that you felt harmed by C4RJ expanding to Western Mass. I approached you and we had one on one conversation where I apologize for that, and I'm sorry to learn that it still is carrying on and I really did mean that apology. I did not mean to offend you and I think that we can continue to find a good way forward as committee members and as practitioners and I just wanted to raise that again because outside public members would not be aware of that conversation.

Kara-It seems that we are going into a circle even though it wasn't planned. I think it's a bigger conversation than the binary here about how do we navigate. It's not just Erin and Strong Oak, it's an important conversation for us all to have. It's our collective responsibility and it puts them under an enormous duress when the issue is deeper than that.

Chairman Peck- I'm at a loss and I don't know what agenda item to cover. How do we move to next month? Can we discuss 2022 Vision when the community/committee relationship is not there?

Susan- Can we revisit the mission/vision that we worked on last month. We have done great work for accountability. Good places to start. Just my thoughts.

Kara-This is hard when we must do things publicly. We are having hard conversation with all these systems and are trying to navigate them. It fits our matrix.

Strong Oak- Maybe this is the time to hear from the public.

Chairman Peck-I think we should table items #6 and #7 and go to public comment since we didn't hear from the public last month.

6. RFP, funding, and next steps

Not enough time to discuss RFP, funding, and next steps. Tabled for now.

7. 2022 RJAC Vision

Not enough time to discuss 2022 RJAC Vision. Tabled for now.

8. Public Comment (10 minutes)

Jo-Anne-This is an important conversation with many layers. It's a bigger ethical issue within RJAC. There's no transparency and I found out through the subcommittee meetings. Nothing wrong to advocate for funding. What's the relationship within the committee? It wasn't transparent and that's the issue. This is restorative justice and ethics and relationships to deal with harm. Erin apologized to Strong Oak, and I think it was genuine. It's important to have Strong Oak here because she brings a different perspective and raise the hard issue. At times she feels isolated, maybe do a circle?

Jill- That was a lot, and it's great that was a lot. I have attended many meetings and I think the subcommittees should pause and the conversations should continue. What box does RJ fall under? Maybe practice conflict resolutions. Do a circle without a timetable cause time causes stress. Maybe a shorter agenda for next month. Thank you all on who has spoken and for your courage.

Brenda-I have attended all the meetings. Painful in the beginning and continues to be painful. Restorative Justice has deep roots and I'm waiting to hear everyone speak next time. Very grateful to Strong Oak for speaking up.

9. Open Session for Topics not Reasonably Anticipated within 48 Hours of the Meeting

Susana-Can we clear the agenda for next month and encourage members to attend the meeting.

Kara-Guidelines matter and we don't have them here. This is not a confidential space. Those are my concerns and I speak for myself.

Dennis-If we do a circle, we should prepare on what we are addressing. It should be thoughtful. Should we meet outside as a group and discuss. Some people are not here.

Chairman Peck-I don't think we could go into an executive session. It would fit.

Arielle- You are right Kara, there is confidentiality issues, and this is open forum. Some conversations are hard to have, and this will not fit into executive session. The public must be part of it.

Susan-Can we plan the circle process together?

Chairman Peck-I suppose, but I will defer to the group. What are we accomplishing?

Kara- Who will facilitate the circle? What guidelines will be put in place. We must have a plan.

Chairman Peck-What's the goal of the circle.

Strong Oak-There's all these issues among us. I'm in circle all the time. I'm accountable for everything I do. I don't need to practice a before a circle.

10. Adjourn

Meeting ended at 1:00pm.