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Executive Office of Public Safety and Security

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MEETING MINUTES
RESTORATIVE JUSTICE ADVISORY COMMITTEE

Date: July 13, 2021

Time: 11:00AM-1:00PM

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

Or call in (audio only) 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.

		Video/Call	Absent
1	Chair-Andrew Peck	X	
2	Scott Taberner	X	
3	Peter Rondeau*	X	
4	Sen. James Eldridge		X
5	Becky Michaels		X
6	Allison S. Cartwright	X	
7	Commissioner of Probation-Vacant		X
8	Ret. Chief Fred Ryan	X	
9	Diane Coffey	X	
10	Mary Quinn	X	
11	Judge Rosemary Minehan	X	
12	Kara Hayes		X
13	Carolyn Boyes-Watson	X	
14	Erin Freeborn	X	
15	Cheis Garrus		X
16	Susan Jeghelian	X	
17	Strong Oak Lefebvre		X

*Designee for Rep. Sean Garballey

EOPSS Staff: Kathleen Mullen and Arielle Mullaney.

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.

3. Review and Approval of Meeting Minutes from June 8, 2021

Roll call was taken to approve the meeting minutes. There were four edits to the draft meeting minutes. Motion was allowed and accepted to approve the edits.

4. Full Committee discussion on next phase of the survey and update from the Questionnaire Subcommittee

Chairman Peck opened the conversation of the survey results and inquired about how to strategize on improving responses. He asked the Committee if they had any thoughts/comments on the survey itself.

Carolyn- Questionnaire Subcommittee member expressed her thoughts on why the numbers are low and indicated that the following meeting is scheduled for July 27, 2021 from 11am-12pm. The plan at the next meeting is to go over the surveys and ask follow-up questions. It is a complex landscape in respect to Restorative Justice. It is not as simple as it sounds, in terms of just coming up with a list of programs that who all do more or less the same things. It is a much more complex landscape as the committee understood after these last couple of years hearing different people doing different types of restorative work across the Commonwealth. We should think more deeply about how we want to gather this information, and what the information that would be helpful to us is. That speaks to what we are trying to do together as a committee.

Erin – Echoes what Carolyn said and is not fully surprised with the low numbers of responses especially since the committee has a narrow scope under the legislation. In the planning subcommittee, we did talk about that next layer of conversation that we would like to have with the people who have responded. The next phase should be digging deeper those who had responded, and possible a second round of emails out to people that we have contacted, but have not responded.

Mary – We know that there are many, many restorative justice programs, good restorative justice programs happening in the state. For some reason, some people have not responded to us. Not sure if we have contacted the right people, or asked the right questions, or there is another vehicle.

Dianne – Not surprised by the small response. We just did a survey on another topic where we sent out 1600 – 2000 people and we have received 43 responses, which included us doing some follow up calls to kind of our key stakeholders. Therefore, not surprised, but follow up interviews might help.

Chairman Peck- Could it also be a just in terms of our system partners, that many of them lack the knowledge or education around what they do and how it relates to restorative justice. There are probably many principals tied into their work, they might just not recognize as restorative justice.

Carolyn – Agrees with Dianne. Low response rate is normal for surveys in which people try to increase the amount of response that they get. The survey was narrowly constructed. Many people probably did not resonate with it in terms of describing what they do or even see the

relevance of they do for that survey. Did not send it out to our school people because we would have been inundated with people responding around what they are doing with their schools.

We could gain a lot from the kind of conversations that Diane was describing, where we are on the phone with people talking and really being more thoughtful about what we want to learn from them and then can redesign the survey that we want to send out. Maybe it will be more inviting to more people to respond, I know people who did not respond. They were on my list, they were on several peoples lists and they did not respond. Therefore, I think that they would be willing to talk to us, so I think we want to think more carefully about what we want to ask people when we do talk to them.

Chairman Peck – Carolyn how do we identify the people to call?

Carolyn - To some extent, we are going to start with some of our respondents. Doing it as a follow up, and then it's kind of called the snowball sample; you ask whom else should we talk to? We have those lists and it's a little more qualitative in approach in a way. We are shifting away from having a real inventory stage, we are really more at an exploratory stage into understanding what the landscape is.

Susan – I also think that we need to figure out what we want to do with this information. Why should people give it to us? What it is in it for them? What are we trying to build or construct or are we trying to get state support? Are we trying to promote the practice and support it, are we trying to get funding? Are we trying to get recourses are we trying to build quality practice? I am not sure if we are clear exactly on what we are trying to do with the information we are collecting. Are we going to build a community of practice to help people get together and collaborate? Are we advising state agencies and courts on how to build programming? It just feels like we ourselves need more clarity so we can communicate that to the people that we are engaging.

Carolyn – I strongly agree with what Susan just said.

Erin – Carolyn, can I ask you a question who are the people you know that are doing this work, you know that they received this survey and you know that they did not fill it out. Do you have any guesses or ideas about why they did not fill it out? If you think they fit in the sphere of practitioners or programs that we are trying to inventory, is it just because they are busy, many other things came to the top of their priority list. Alternatively, was there something specific about the questions in this survey, do you have any guesses or ideas about why they didn't?

Carolyn – I have not spoken to them directly, except to note that they did not respond even though several of us reached them out. I think it is a combination of what Susan just said. Why would I fill this out? How is this really going to be relevant to grow restorative justice in this state? The survey itself did not really resonate with what they do, so it was not sort of, you know there was an 'other' box, but that is about all they would fit into. I think that that is not very motivating; people need a motivation to do that. In addition, I think that people are more likely to talk about what they do rather than responding to a survey. Try to go a little more in-depth with the folks we know and try to come up with something that speaks more broadly. Again, going back to Susan's point, we cannot dodge the need to really preface with telling people why we are collecting this information and we are here to promote the work, which I think we have discussed as a committee.

5. Update from the Planning Subcommittee

We acknowledge that this survey response has helped us to see who some of our conversation partners are. As a planning subcommittee, we are saying that we need to determine what we would like to be in conversation with them about and wanted to think about our short-term goals and our longer-term goals and expansion of RJAC membership. This is a two hour long meeting where we include members of the public and everyone has equal speaking opportunities. We really wanted to hear from the members of the public representing some of these groups as well of their ideas, not just committee member ideas.

In the short-term category, we talked about priority areas for information gathering, which included these questions, were we want the survey respondents to elaborate more. We wanted to know what data groups or practitioners are they collecting data, what type of data, is it the same, and are there overlaps. Next, do they have best practices that they try to follow? Do they explicitly have them or do they just sort of list out best practices that we can start to learn from? What are their training levels or guidelines? Do they have frameworks for community outreach and regarding community involvement? These were some ideas about information gathering that we would like to do with these responses to the survey.

One idea of course as we have been discussing, is we could do a follow up survey a follow up phone call. Our committee also talked about the idea of creating some specialized subcommittees that could follow these topics of best practices, training guidelines or community work and/or prevention work. Those could be some specialized subcommittees that we could create from RJAC and then invite the representatives from those survey responders to participate in those subcommittees.

The idea could be that the RJAC could produce some recommendations or some advisory's that were written based of that information that we have collected and gathered and built together though this network of people who were are trying to bring together in conversation.

It could be the gathering point collectively that we then start put out and produce to share across the system or the communities. The voices in that conversation should really be made up of a broader group than just the advisory committee it should pull from the people who are out there doing the work.

As a group, we wanted to explicitly state that each subcommittee should have an emphasis on racial and gender equity and have that lend as they putting together their work, or having their evaluation or having their conversation. Also really important that we want to do the work and be in conversation with people who have been impacted by the system, our incarcerated folks, the guys at Norfolk, who can perhaps support our subcommittees can do our work, come up with our draft.

We want to be informed by practices in the surrounding states, specifically the ones that are close to us like Vermont, New York as we do some of this work. There was an idea there should be a subcommittee, or a part of a one of these subcommittee that could be looking at what is happening in neighboring states.

In long-term goals, we focused towards the legislative recommendations. To improve or strengthen the confidentiality protection, chapter 276B. To protect restorative justice programs

from the expanding mandatory reporting mandates and there was some discussion about a desire to remove some of the exclusion in the bill.

The last thing was the expansion of RJAC membership. There were three categories of people that kept coming up that we wanted representation, people currently incarcerated, people recently experiencing reentry and people who had recently completed a restorative justice process as a responsible or impacted party.

We did ask people to specifically share name of people that they thought should be on this committee, we invited the public to share names and Anjeza collected those, so I do not have the list of names in front of me. We had people put them in the chat so we made sure that we could collect those all later and memorialize those and then hopefully take the next steps to figure out what would need to happen to either invite or appoint more members to the RCAJ.

I think we are still looking for guidance, perhaps from you Chair Peck or from our legislators to what that exactly that process would look like. How do we get more people on this committee and how do we broaden the representation on this committee. That conversation keeps coming up, and is important.

Chairman Peck – Erin, thank you that was very comprehensive, is there a way we can codify all that in a short brief or a memo? Comments/feedback?

Susan – That was very comprehensive and helpful, and the fact that really drew on a lot of public input from people who attended, it is excellent.

Peck – In terms of the expansion, great idea. We are trying to figure out a way that we can invite more people and add more diverse voices to the committee. We will have to do some work around that before we can actually go ahead with that. There might be a couple of work a rounds. There are way that we may be able to bring folks on as non-voting members, without having to change the legislation and things like that. So we are trying to figure that out. Is there any other committee member comments or feedback on the planning subcommittee work?

Susan – Chairman Peck if you find out that it is possible to do the non-voting members invite is your inquiry going to include, potentially how much the expansion could be for example, doubling the community membership or using those community member slots that we already have in the statute and basing it on expanding that? Is that something that you will come back with something that you think is doable for us, then we can adopt it as a committee?

Peck – Certainly. We would come back with potential options, then the decision should be made by the committee, and voted on.

Erin – I have a question, for the questionnaire subcommittee hearing from the planning subcommittee do some of these topics sound like conversations that make sense in the next survey or phone call follow up? For example as a practitioner or a program, do you currently have a written set of best practices, would you share those with us, would you like to be on a subcommittee that is trying to gather recommendations.

Judge Minehan – I think so, I listening to this conversation, I think the breath of this, I know the survey was narrow, but I think the breath of this of this conversation maybe something we can discuss at our next meeting.

Carolyn – I think again that there is still this, we need this a full committee. I am very happy to say the question about who's on the committee and expanding representation on the committee is a foundational point for us that I am very glad the planning committee has raised. But, we do need to have the conversation that Susan and I have been urging as to what our goals are for this committee.

For example, I'm not sure that the questionnaire subcommittee wants to push, say well we want to know what your best practices are, and we want to make recommendations about best practices, until the committee actually says that's what we are going aim to do. I think that these questions are connected and I think we are, one of the goals of the inventory was identifying people. I think we are long overdue as a full committee to have a sustentative conversation of what we really are aiming to accomplish. Chairman Peck your suggestion to take the very rich discussion that the planning subcommittee came up with, and break that down to specific topics that we can really discuss as a full committee.

The expansion, what we want to focus on. I thought the idea of a conference is a great idea. Sponsoring a conference that would showcase without really needing to, before we get to best practices and things like that just to have a conference that we really want to bring people together in this state who identify themselves as doing restorative justice, and they could present their work in some kind of way. Having that gathering would increase the likelihood that people would respond to us. That would be something that I would be interested in, I could learn from other people and share what I'm doing. Sometimes if you say to people what are your best practices, if they are not very formal then that is not a title that will resonate with people. That's why I'm hesitating, sure, let's do that, I think we should have our conversation first. So there is a lot in what you came up with in the planning subcommittee that Andy, we should bring to the whole committee, conversation and decision.

Erin – I would like to respond to some of the things that you brought up Carolyn. Building off of those ideas, some ideas could be that there is a conference sponsored by EOPSS and perhaps every group that has already presented to this committee has a presentation or each category of the system has a space that can feature like, what is happening in DYS. Maybe DYS folks from across the state who don't know what's happening in another location towards restorative justice practices can learn from each other, meet each other. Reversing that a little bit as well, think about the survey respondents and look at that group ask the question, is there anyone in that group who has not yet presented to the RJAC. If not we should invite them to present to us, we could learn from them get to know them, build a relationship. Then recognizing that if we do go towards a subcommittee format that we try and produce recommendations that we would want to be in conversation invite those folks in and there's overlap. There is certainly going to be overlap with the best practices conversations and the training guidelines conversations and some of that may be happening with the same conversation partners. So the suggestion of making those separate subcommittees might not actually be the best idea, but all of these are just ideas that seem a little bit simpler about how we can move forward, and produce something together.

Carolyn - I just want to say that Minnesota has a statewide conference and has had for decades, every year. I think that that has majorly generated a lot of strong restorative justice work inside that state. It's very diverse, it's a lot of different sort of things, but every year they have a statewide conference where people present and come and learn across sectors. The education sector is learning from the criminal -legal sector, all the different sectors. I think that something

like that could be a substantive contribution. We can make it, if we focus as a committee on saying that this is something that we really want to do. I am in favor of us getting concrete at this stage of our process. I think that it is a very important developmental step to take a state to start to solidify their restorative justice work inside the state and it allows people to network and get to know each other and to count on that every year.

6. Review of Mandated Reporting

Arielle –At the last meeting there was some questions about who actually qualified as a mandated reporter. I just wanted to run thought he statute with you. We provided information about the mandated reporting commission, which is tasked with reviewing the statute and making any recommendations. I do have the final report that they have recently issued June of 2021. I do want to provide the caveat that do not actually make any recommendations in this report, but the report does detail all the work they have done. Saying that this is a large task, and this effects a lot pf people and we want to make sure we are doing everything right. It is great report that walks though the statute and the suggested changes and what they have talked about throughout the year. It would be helpful for the members here so I will provided after the meeting.

Sharing the screen

This is the enabling statute for a mandated reporter that requires them to report. A mandated reporter in a professional capacity has reasonable cause to believe that a child is suffering physical or emotional injury resulting from abuse, neglect, physical dependence, being a sexually exploited child, or being a human trafficking victim. This is what the threshold for mandated reporters for their reporting, it requires them to report to child services. The rest of the statute details what need to be in the report that they are providing, and it depends on the type of person they are. Whether they are a medical professional, law enforcement professional, it really depends on who they are. This is something that the mandated reporting commission looked into quite a bit. You'll see in their report, they looked into it on the aspect of the mandated reporter and what they are required to do and how that can be changed and what child services is required to do once they receive a report. Therefore, that is their threshold. I am going to walk you through who is actually a mandated reporter. It is quite a long list; I believe this if from the 70's so a lot of what the mandates reporting committee discussed was bringing it up into the times. They talked about using universal language, using different buckets for individuals, you'll see there are quite a few people on this list, so it includes: A physician, medical intern, hospital personnel engaged in the examination, the care and treatment of person, medical examiner, psychologist, EMT's dentist, nurse, chiropractor, and podiatrist. It gets very specific for each category of individual. In sub-section 2, it's a public or private school teacher, physical education teacher, administrator, guidance or family counselor, child care worker, a person paid to care for a child, department of early education, school attendance officer. Subsection 3, describes a probation officer, clerk magistrate of a district court, parole officer, social worker, foster parent, fire fighter, police office, animal control officer. Subsection 4, deals with priests, rabbis, clergy members, and ordained ministers, leaders of church or religious bodies. Subsection 5, deals with person in charge of a medical or other public or private institutions, school or facility and lastly a person who is a child advocate. It's a 93 page report, really detailed, they go

though each one, it gets very specific in who is a mandated reporter. So this report goes through whether they should make buckets, and they recognize that for some types of professionals it makes sense to do that. For certain medical professionals it might make sense, but for those persons in education it make sense to separate them out. It might be different for a kindergarten teacher vs a fifth grade teacher, they recognize these different aspects of it. It's an excellent report on what they have realized what are the issues throughout the year. I had mentioned at the last meeting there has been no legislation filed, there has been no changes to the legislation at this time so this report is about what the mandated reporter commission has discussed throughout the year and the feedback they have received from the public.

Erin – Arielle, is there anything in here that specifically would tie to restorative justice programs? I'm thinking of volunteers being restorative justice, lots of programs use volunteer structure.

Arielle – I do not see anything specifically for restorative justice, that has not to say that it's not here. I will say that in this report that they do mention volunteers and people in those capacities and how it effects them. It's not mentioned in the statute whether they are obligated to because not a professional capacity, it's a volunteer capacity so it's certainly something people are grappling with.

Mary – Arielle, this may sound rather simplistic but what is the point of doing this, if no recommendations were made?

Arielle- I think that they were statutorily obligated to draft a report. So for their mandate they were required to draft a report and submit it to certain individuals. So rather than provide no report they provided a report that here's everything we are doing, look at how complicated this process is we are working on it. It really is a great report

Mary – Does it surprise you that there are no recommendations?

Arielle – Our EOPSS General Counsel sits on this board, from what I have heard it's not surprising, just a really challenging topic, it's hard to come to a consensus. The board consists of advocates, public safety officials; it is a wide array of people. They are trying to come to a consensus on many difficult topics.

Allison – I did attend the meeting. One of the other members on that board is CBCS General Counsel Lisa Hewett, and they are extremely detailed they were deep in the weed because they were trying to include this report. I am glad that we are now starting to take a look at how this effects what we are trying to do. I keep saying that is my deep concern, people participating in restorative justice and speaking and talking with potential to either incriminate themselves or have things that may be mandated to report to authorities. I am pleased to see that we are starting to look at this. Erin has mentioned it; I wanted to clap when she mentioned that this is something that is coming up in the planning subcommittee. If there is any way, I do not know Arielle, do you think there is some way we can get on their radar to be included or at least have restorative justice somehow be part of their definition, or their consideration on mandated reporters.

Arielle – Absolutely, I will reach out to The Office of Child Advocate who chairs the commission and let them know that this committee has a great interest on what they are doing and would like to be included and involved and make some recommendations.

8. Public Comment

Brenda – Glad that we are looking into this mandated reporting because confidentiality is just so important. Trust with people that are participating in communities and there is a need to protect people, people of color, immigrants, people who do not have recourses. It is just so important that whatever is created, must be respected. I went to the mandated reporter committee meeting and I was sad to hear the Feds are requiring expansion and that funding is attached.

Jill – I love the idea of putting together some kind of conference, I think it would be a great way to set the tone and build a foundation for how we want to empower and build restorative justice in the state. I also think it would give RJAC members a chance to go into that exploratory stage and go into the listening stage so we can hear some of the voices that we are trying to include. I appreciated that I applaud the work of the planning subcommittee

9. Open session for Topics not Reasonably Anticipated within 48 hours of the Meeting.

Erin – asked Susan to learn from what has happened with the field of mediation in this state. The committee could learn a lot if Susan could present to us just from the historical perspectives of mediation. Susan was not on the call.

7. Adjourn

Meeting ended 12:17pm